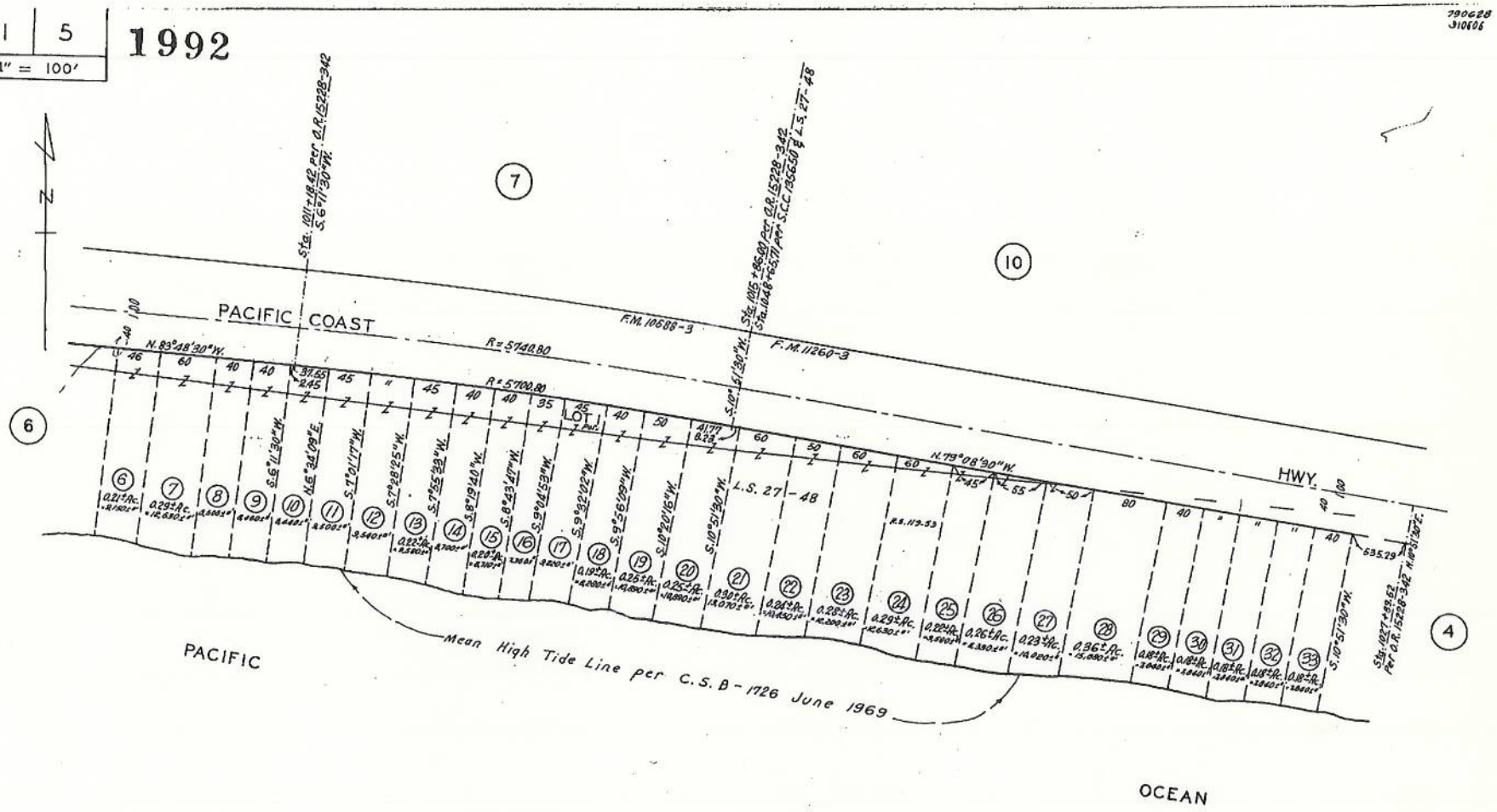
Los Angeles, CA, 1995-96 - 4451-005, Sheet: 1 of 1

4451 | 5

SCALE 1" = 100'

1992



CODE
10865

LAND OF MATTHEW KELLER IN THE RANCHO
TOPANGA MALIBU SEQUIT R. F. 534

FOR PREV. ASSM'T SEE:
4451-41 & 42

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

SUBJECT PROPERTY INFORMATION

1) Property: **22030 PACIFIC COAST HY, MALIBU CA 90265-5025 C016**

APN:	4451-005-017			Use:	SFR
County:	LOS ANGELES, CA	Tax Rate Area:	10865	Total Value:	$1,743,625
Census:	8005.02	Prop Tax:	$18,527.34	Land Value:	$722,243
Map Pg:	114-D4	Delinq Tax Yr:		Imprv Value:	$1,021,382
New Pg:	629-E6	Exemptions:		Assd Yr:	1997
Phone:				% Improved:	58%

Owner: **POZZO LOUIS R & SUZANNE M**

Mail: **333 E GLENOAKS BL #202; GLENDALE CA 91207-2074**

SALES INFORMATION

	LAST SALE		PRIOR SALE	
Transfer Date:	04/30/91		01/19/78	
Sale Price/Type:	$1,000,000	FULL	$275,000	UNKNOWN
Document #:	619278		71576	
Document Type:	QUIT CLAIM DEED			
1st TD/Type:				
Finance:				
Junior TD's:				
Lender:				

Seller: **POZZO LOUIS R**

Title Company:

Transfer Info:

IMPROVEMENTS

Bldg/Liv Area:	3,311	
# Units:		
# Bldgs:		
# Stories:		
$/SF:	$302.02	
Yrblt/Eff:	79	79
Total Rms:		
Bedrms:	1	
Baths(F/H):	4	
Fireplace:		
Pool:		
Bsmt Area:		
Construct:		
Flooring:		
Air Cond:		
Heat Type:	CENTRAL	
Quality:		
Condition:		
Style:		
Other Rooms:		

SITE INFORMATION

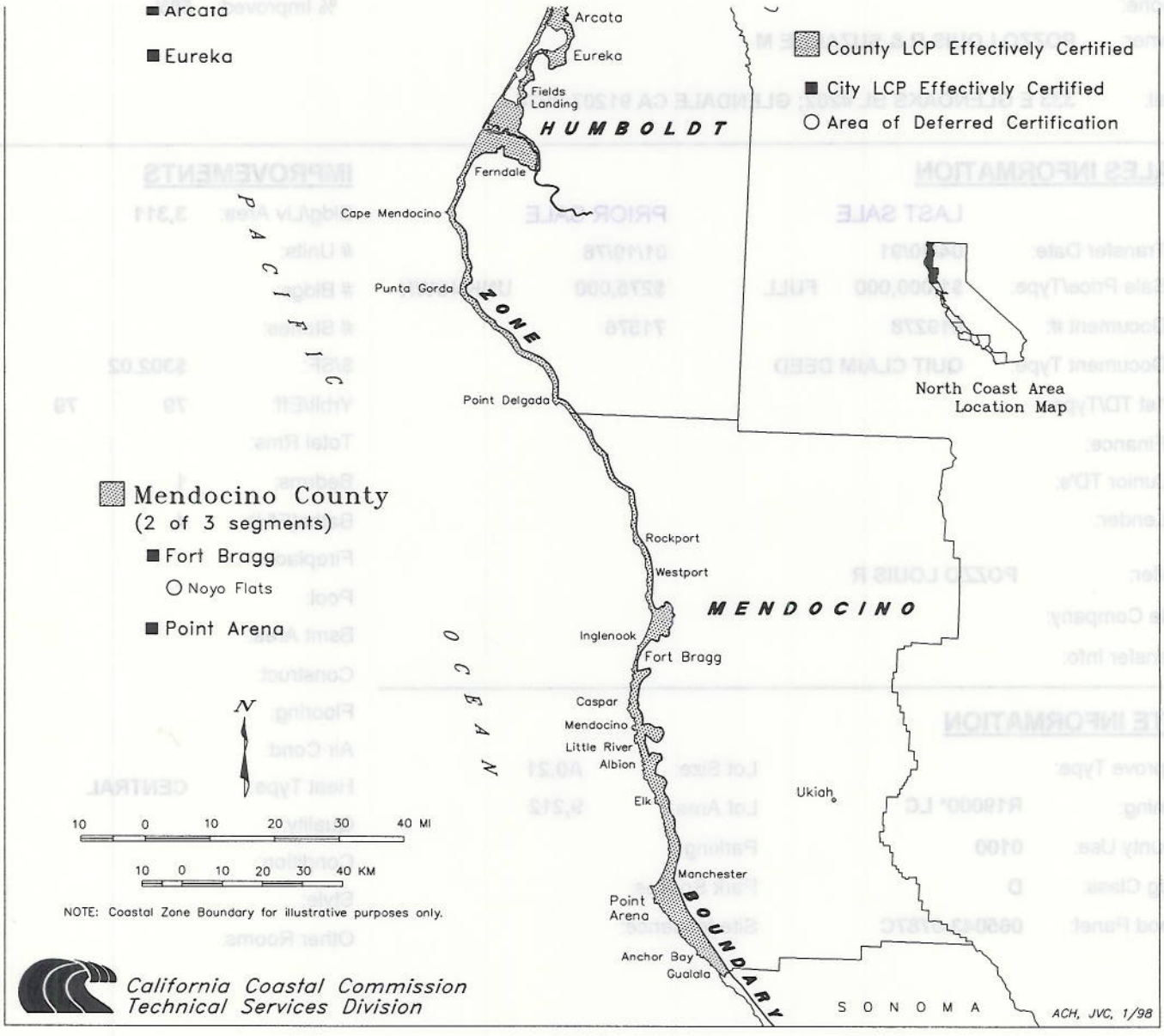
Improve Type:		Lot Size:	A0.21
Zoning:	R19000* LC	Lot Area:	9,212
County Use:	0100	Parking:	
Bldg Class:	D	Park Spaces:	
Flood Panel:	065043-0787C	Site Influence:	

Phys Chars:

Legal: **L1/LAND OF MATTHEW KELLER IN THE RANCHO**

Comments: **USABLE LOT:9,212**

Copyright © 1996-97 Experian

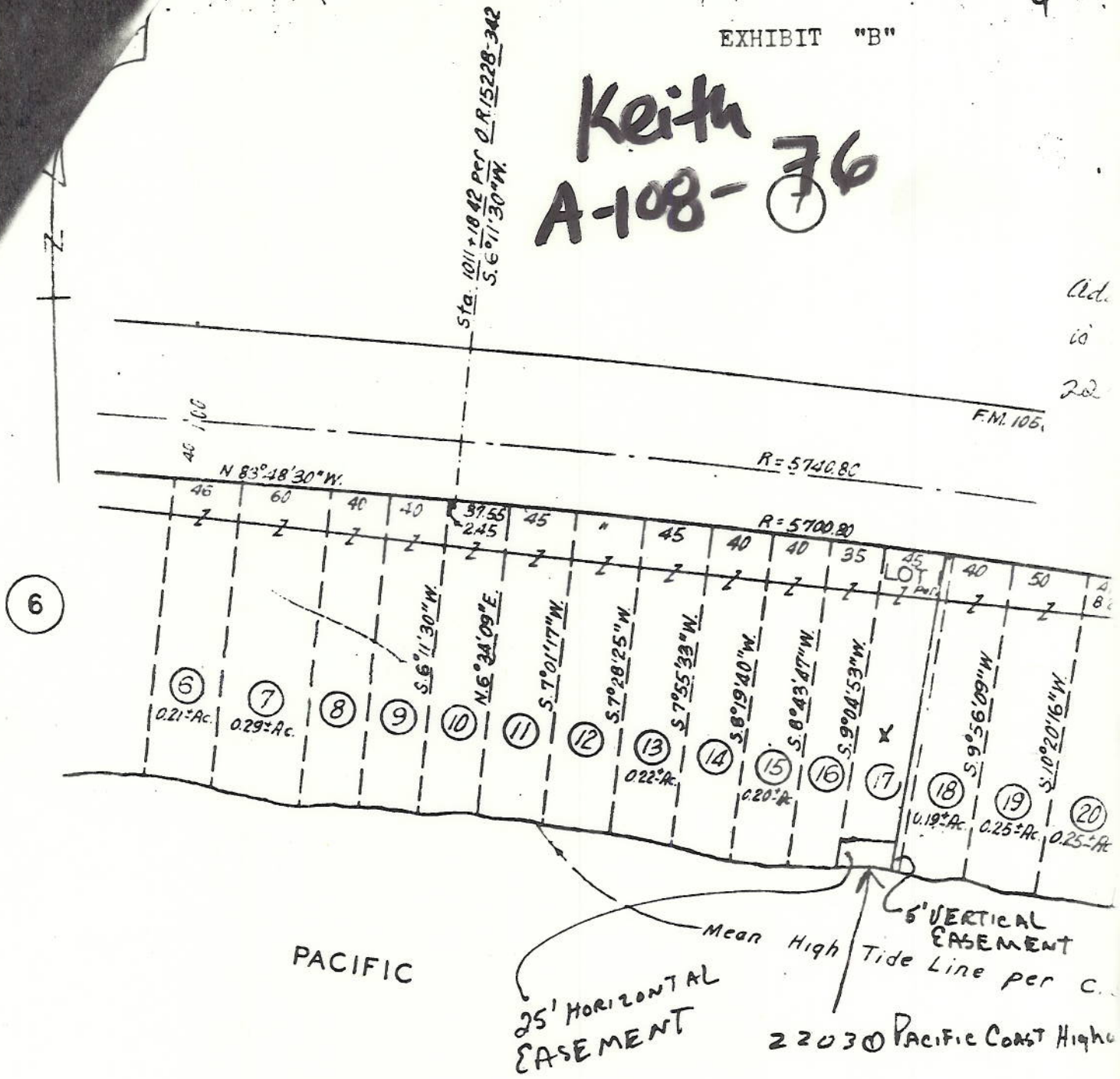

Arcata
Eureka
County LCP Effectively Certified
City LCP Effectively Certified
Area of Deferred Certification
Arcata
Eureka
Fields Landing
HUMBOLDT
Ferndale
Cape Mendocino
Punta Gorda
ZONE
Point Delgada
PACIFIC
North Coast Area Location Map
Mendocino County
(2 of 3 segments)
Fort Bragg
Noyo Flats
Point Arena
Rockport
Westport
MENDOCINO
Inglenook
Fort Bragg
Caspar
Mendocino
Little River
Albion
Elk
Ukiah
OCEAN
Manchester
Point Arena
BOUNDARY
Anchor Bay
Gualala
SONOMA
N
10 0 10 20 30 40 MI
10 0 10 20 30 40 KM
NOTE: Coastal Zone Boundary for illustrative purposes only.
California Coastal Commission
Technical Services Division
ACH, JVC, 1/98

22030 PCH EC

4

EXHIBIT "B"

Keith
A-108-76



78- 118430

CODE
8678

LAND OF MATTHEW KELLER IN THE RANCHO
TOPANGA MALIBU SEQUIT R. F. 534

FOR PREV. ASSM'T SEE
4451-41 & 42

78- 118430 6374

RECORDING REQUESTED BY AND MAIL TO
NAME CCC/SCR
STREET PO Box 1450
CITY Long Beach, CA 90801

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CA.
MIN. 47 PAST 1 P.M. JAN 31 1978
Recorder's Office

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGION
DEED RESTRICTION

RECEIVED
South Coast Regional Commission
FEB 28 1978

22032 PCH

FEE $ 8.00 J 6

This instrument, made this 26 day of January, 1978, by Louis R. Pozzo and Mat-Po Induestries, of the City or Cities of Los Angeles, State of California, hereinafter collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California Coastal Act of 1976, Sections 30000 through 30900 of the California Public Resources Code, the Permittee has made Application No. A108-76 to the California Coastal Commission, South Coast Region, for the issuance of a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Proposed Project)

on certain real property owned/leased/ Owned
(Other - state Permittee's interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Approved Project)

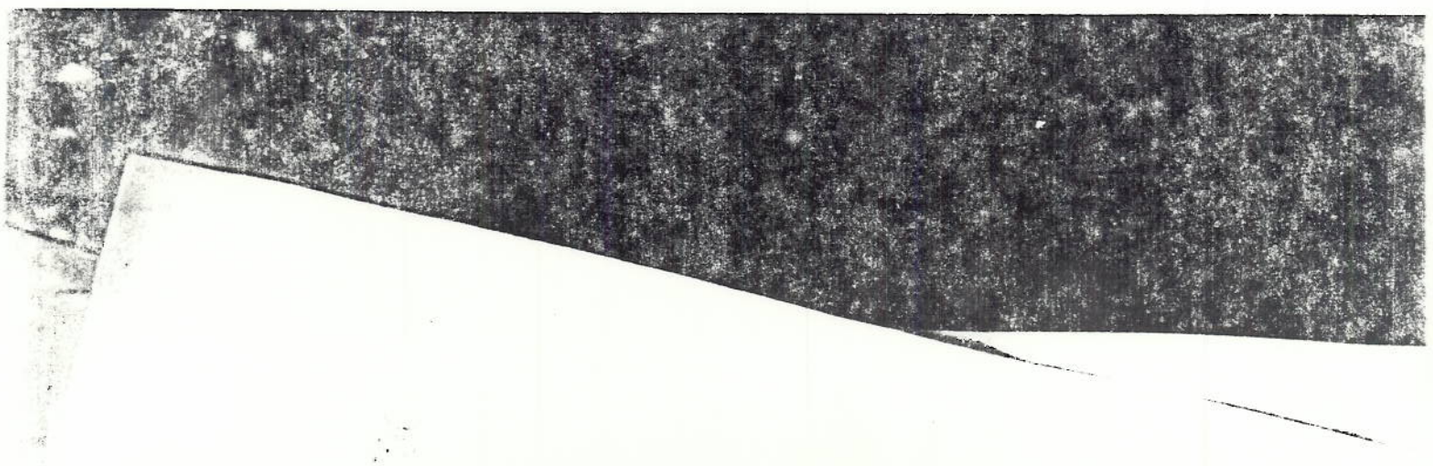
on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

Fill in Conditions See Attached page 1-A

The applicant shall dedicate to the County of Los Angeles the following easement for public access: A Lateral Access Easement consisting of a twenty-five foot (25') strip adjacent to and parallel to the mean high tide line along the entire ocean front of said real property. Said easement shall be subject to the condition set forth below.

The County of Los Angeles or other governmental agency responsible for maintenance of said easement shall indemnify, defend and hold harmless the existing and future owners of the property described on Exhibit "A" from any claim, liability or expense for injury to persons or property arising out of the use or exercise of the easement granted herein.

78- 118430



NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: See page 1-A

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Act of 1976. Said deed restriction shall apply to the Construction of a single-family (Project) dwelling of approximately 3,724 square feet to be constructed/remodeled/ constructed (other) on that certain real property in the City of Malibu, County of Los Angeles, State of California, described as: 22032 Pacific Coast Highway. See Exhibit "B" and Exhibit "B" attached hereto and made a part hereof.

(Legal Description/Address of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

78- 118430

MAT - TO INDUSTRIES

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

Louis R. Pozzo - as partner
Mildred W. Matthews Permittee

On January 26, 1978, before me, the undersigned Notary Public, personally appeared LOUIS R. POZZO and MILDRED W. MATTHEWS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

Patricia L. Johnston
Notary Public, in and for the
County of Los Angeles,
State of California.

TO BE FILLED IN BY COMMISSION

This is to certify that the deed restriction set forth above, dated January 26, 1978, and signed by Louis R. Pozzo and Mildred W. Matthews Permittee, is hereby accepted by order of the California Coastal Commission, South Coast Region, on January 27, 1978 and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date January 30, 1978

By Donald E. Wilson
Chairman, California Coastal
Commission, South Coast Region

STATE OF CALIFORNIA)
) ss.
COUNTY OF Los Angeles)

On this 30th day of January, 1978, before me, the undersigned Notary Public, personally appeared Donald E. Wilson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.

OFFICIAL SEAL
MARILYN L. MAYER
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec. 28, 1980

Marilyn L. Mayer
Notary Public in and for the
County of Los Angeles,
State of California.

78- 118430

EXHIBIT A

LEGAL DESCRIPTION

A portion of the Rancho Topanga Malibu Sequit, in the County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Page 407, et seq., of Patents, Official Records of said County, described as follows:

Beginning at a point in the Southerly line of the 80 foot strip of land described in the deed from T. R. Cadwalader, et al, to the State of California, recorded in Book 15228 Page 342, of Offical Records of said County, said point being distant 131.77 feet westerly along said Southerly line from a point bearing South 10° 51' 30" West 40 feet from Engineer's Centerline Station 1015 plus 86.00 at the Western extremity of that certain course described in said deed as South 79° 08' 30" East 1203.52 feet, said point also being the Northwesterly corner of and described in deed from George E. Leisey and wife to Adolph Schaumer and wife, recorded July 22, 1948, as Instrument No. 1058, in Book 27793, Page 21, Official Records of said County; thence Westerly along said Southerly line of land described in Book 15228, Page 342, of Offical Records, a distance of 45 feet to the Northeast corner of land described in deed from Adolph Schaumer and wife to Vladimir L. Maleev and wife recorded July 22, 1948, as Instrument No. 1059, in Book 27793 Page 23, Offical Records of said County; thence South 9° 04' 53" West to the ordinary high tide line of the Pacific Ocean; thence Easterly along said ordinary high tide line to a point which bears South 9° 32' 02" West from the Point of Beginning; thence North 9° 32' 02" East to the Point of Beginning.

EXCEPTING therefrom the following, as contained in deed from Marblehead Land Company recorded in Book 21996, Page 178, Official Records.

EXCEPT any portion of said land lying outside of the patent lines of the Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

ALSO EXCEPT all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances, riparian rights or rights in and to water contained in, on, within or under said lands but without right of entry.

(C-442 CA (3-73)
(Partnership)

78- 118430

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.

On January 26, 1978

before me, the undersigned, a Notary Public in and for said State, personally appeared Louis R. Pozzo and Mildred W. Matthews

known to me

to be of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature Patricia L. Johnston

PATRICIA L. JOHNSTON
Name (Typed or Printed)

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

(This area for official notarial seal)

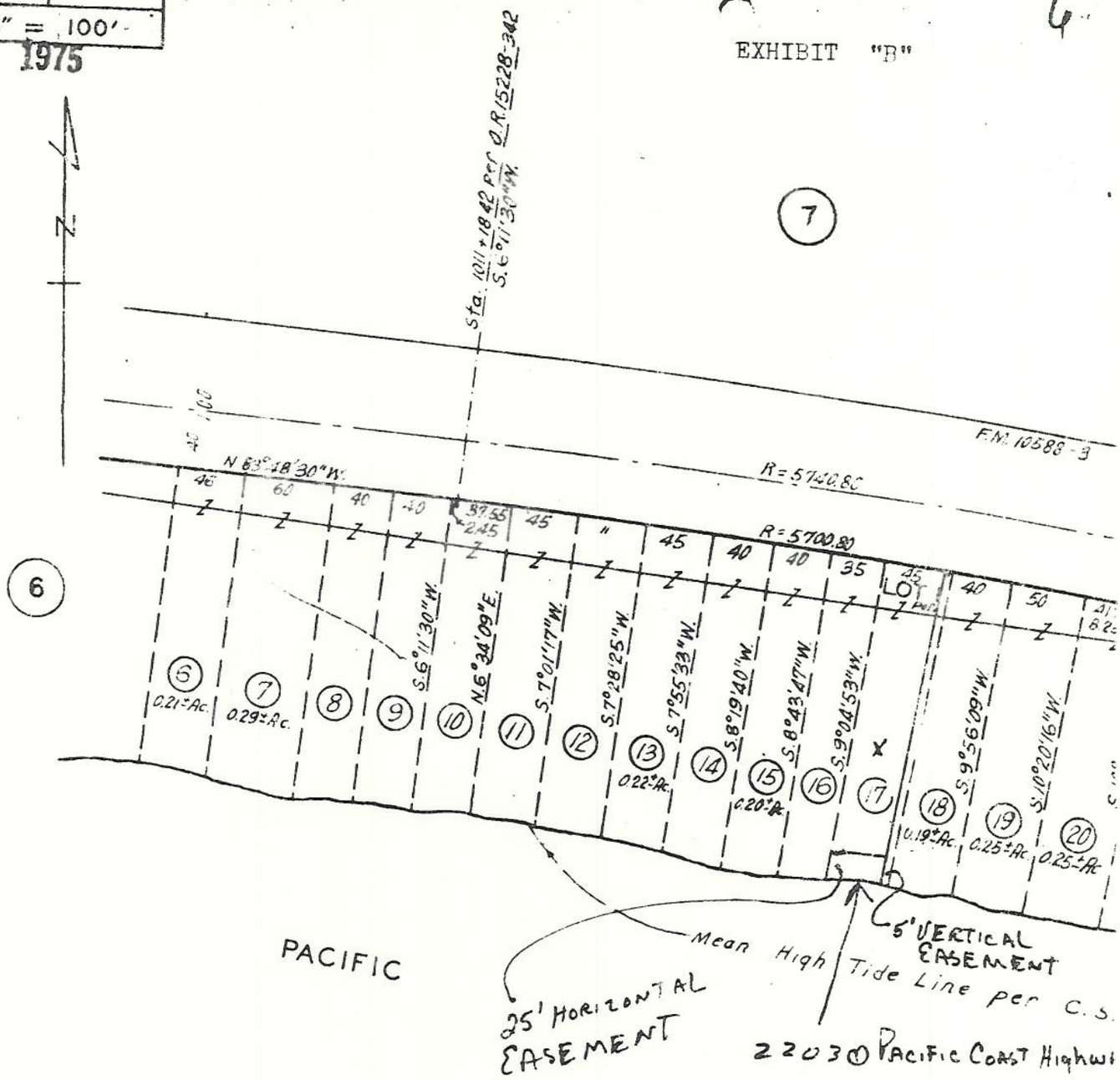
5

1" = 100'

1975

EXHIBIT "B"

4

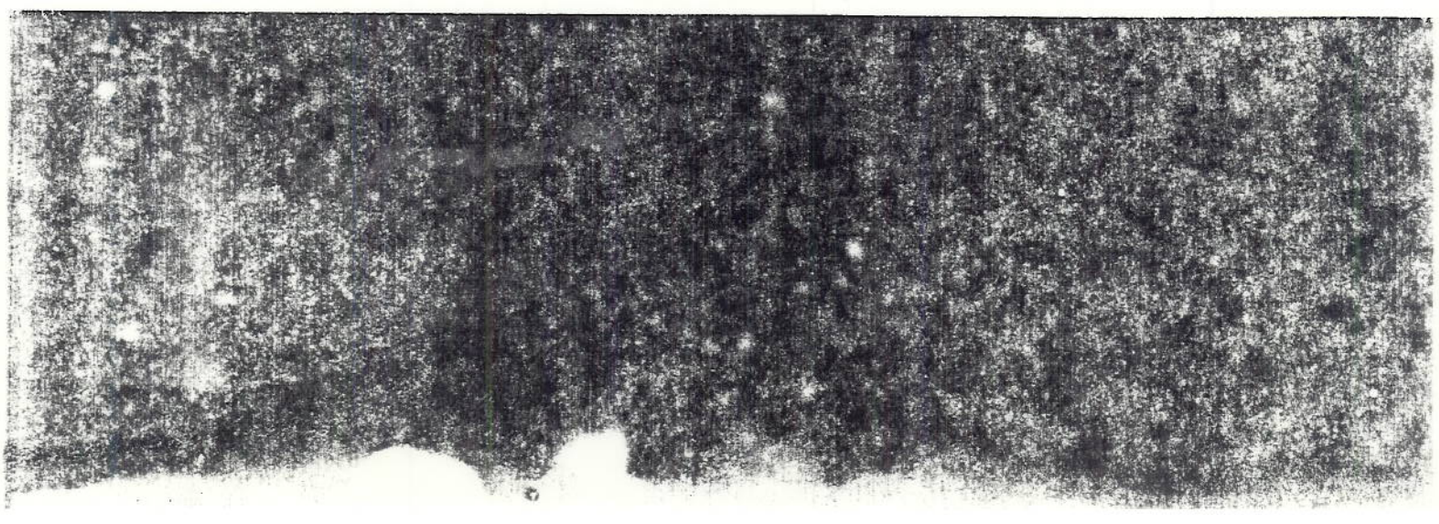


78- 118430

CODE
8678

LAND OF MATTHEW KELLER IN THE RANCHO
TOPANGA MALIBU SEQUIT R. F. 534

FOR PREV. ASSM'T SEE
4451-41 & 42



RECORDING REQUESTED BY AND MAIL TO

NAME CCC/SCR

STREET PO Box 1450

CITY Long Beach, CA 90801

COPY of Document Recorded
78- 118429
Has not been compared with original. Original will be returned when processing has been completed.
LOS ANGELES COUNTY REGISTRAR-RECORDER

P-6376

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGION

DEED RESTRICTION

This instrument, made this 26 day of January, 1978, by Louis R. Pozzo and Mat-Po Industries, of the City or Cities of Los Angeles, State of California, hereinafter collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California Coastal Act of 1976, Sections 30000 through 30900 of the California Public Resources Code, the Permittee has made Application No. A108-76 to the California Coastal Commission, South Coast Region, for the issuance of a permit for the construction of A single-family dwelling approximately 3,724 square feet.

(Describe Proposed Project)

on certain real property owned/leased/ Owned (Other - state Permittee's interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Approved Project)

on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

Fill in Conditions: See attached page 1-A

The applicant shall dedicate to the County of Los Angeles the following easement for public access: 'A Vertical Access Easement consisting of a five foot (5') strip running from Pacific Coast Highway to the mean high tide line, said five foot (5') strip to be parallel to the eastern boundary of said property as such boundary is described on Exhibit "A", the choice of the location of said five foot (5') strip to be made by Permittee. Said easement shall be subject to the right of reverter and conditions set forth below.

In the event the County of Los Angeles (Department of Beaches) or other governmental agency obtains a wider Vertical Access Easement within two-tenths (2/10) of a mile to the west of the property described on Exhibit "A", said Vertical Access Easement shall revert to the then owner of the property described on Exhibit "A".

Said Vertical Access Easement shall not be considered open to the public unless and until it is improved and maintained, including a gate which shall be locked at night, by the County of Los Angeles or other governmental agency.

The County of Los Angeles or other governmental agency responsible for maintenance of said easement shall indemnify, defend and hold harmless the existing and future owners of the property described on Exhibit "A" from any claim, liability or expense for injury to persons or property arising out of the use or exercise of the easement granted herein.

NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: See page 1-A

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Act of 1976. Said deed restriction shall apply to the Construction of a single-family (Project) dwelling of approximately 3,724 square feet.

to be constructed/remodeled/ (other)

on that certain real property in the City of Malibu, County of Los Angeles, State of California, described as: 22032 Pacific Coast Highway, See Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

(Legal Description/Address of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

Louis R. Pozzo

Louis R. Pozzo

Mildred W. Matthews

Mildred W. Matthews Permittee

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

On January 26, 1978, before me, the undersigned Notary Public, personally appeared LOUIS R. POZZO and MILDRED W. MATTHEWS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

Patricia L. Johnston
Notary Public, in and for the
County of Los Angeles,
State of California.

TO BE FILLED IN BY COMMISSION

This is to certify that the deed restriction set forth above, dated January 26, 1978, and signed by Louis R. Pozzo and Mildred W. Matthews Permittee, is hereby accepted by order of the California Coastal Commission, South Coast Region, on January 27, 1978 and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date January 30, 1978

By Donald C. Nelson
Chairman, California Coastal
Commission, South Coast Region

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss.

On this 30th day of January, 1978, before me, the undersigned Notary Public, personally appeared Donald C. Nelson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.

OFFICIAL SEAL
MARILYN L. MAYER
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec. 28, 1980

Marilyn L. Mayer
Notary Public in and for the
County of Los Angeles,
State of California.

EXHIBIT A

LEGAL DESCRIPTION

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ALSO EXCEPT all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances, riparian rights or rights in and to water contained in, on, within or under said lands but without right of entry.

TO 442 CA (3-73)
(Partnership)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA } ss.
COUNTY OF LOS ANGELES

On January 26, 1978

before me, the undersigned, a Notary Public in and for said State, personally appeared Louis R. Pozzo and Mildred W. Matthews

known to me

to be of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature Patricia L. Johnston

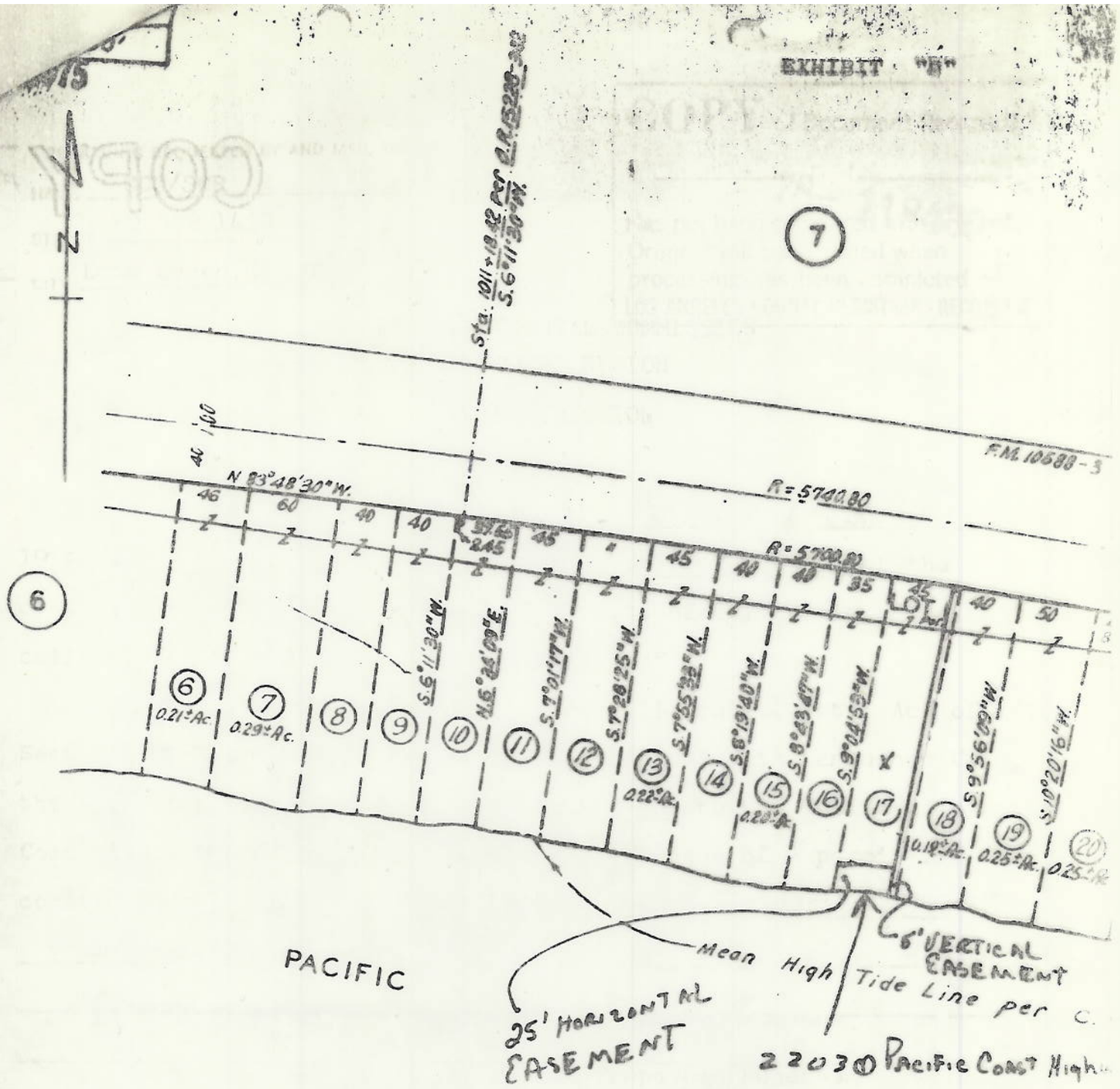
PATRICIA L. JOHNSTON
Name (Typed or Printed)

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

(This area for official notarial seal)

STAPLE HERE

EXHIBIT "B"



CODE
8678

LAND OF MATTHEW KELLER IN THE RANCHO
TOPANGA MALIBU SEQUIT R. F. 534

FOR PREV. ASSM'T SEE
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RECORDING REQUESTED BY AND MAIL TO
NAME CCC/SCR
STREET PO Box 1450
CITY Long Beach, CA 90801

COPY of Document Recorded
78- 118425
Has not been compared with original.
Original will be returned when
processing has been completed.
LOS ANGELES COUNTY REGISTRAR-RECORDER

P-6376

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGION

DEED RESTRICTION

This instrument, made this 26 day of January, 1978, by Louis R. Pozzo and Mat-Po Industries, of the City or Cities of Los Angeles, State of California, hereinafter collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California Coastal Act of 1976, Sections 30000 through 30900 of the California Public Resources Code, the Permittee has made Application No. A108-76 to the California Coastal Commission, South Coast Region, for the issuance of a permit for the construction of A single-family dwelling approximately 3,724 square feet.

(Describe Proposed Project)

on certain real property owned/leased/ Owned
(Other - state Permittee's interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Approved Project)

on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

Fill in Conditions: See attached page 1-A

RECEIVED

The applicant shall dedicate to the County of Los Angeles the following easement for public access: 'A Vertical Access Easement consisting of a five foot (5') strip running from Pacific Coast Highway to the mean high tide line, said five foot (5') strip to be parallel to the eastern boundary of said property as such boundary is described on Exhibit "A", the choice of the location of said five foot (5') strip to be made by Permittee. Said easement shall be subject to the right of reverter and conditions set forth below.

In the event the County of Los Angeles (Department of Beaches) or other governmental agency obtains a wider Vertical Access Easement within two-tenths (2/10) of a mile to the west of the property described on Exhibit "A", said Vertical Access Easement shall revert to the then owner of the property described on Exhibit "A".

Said Vertical Access Easement shall not be considered open to the public unless and until it is improved and maintained, including a gate which shall be locked at night, by the County of Los Angeles or other governmental agency.

The County of Los Angeles or other governmental agency responsible for mairtenance of said easement shall indemnify, defend and hold harmless the existing and future owners of the property described on Exhibit "A" from any claim, liability or expense for injury to persons or property arising out of the use or exercise of the easement granted herein.

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(Project)

to be constructed/remodeled/

(other)

on that certain real property in the City of Malibu, County of Los Angeles, State of California, described as: 22032 Pacific Coast Highway, See Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

(Legal Description/Address of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

Louis R. Pozzo

Louis R. Pozzo

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

Mildred W. Matthews

Mildred W. Matthews Permittee

On January 26, 1978, before me, the undersigned Notary Public, personally appeared LOUIS R. POZZO and MILDRED W. MATTHEWS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

Patricia L. Johnston
Notary Public, in and for the
County of Los Angeles,
State of California.

TO BE FILLED IN BY COMMISSION

This is to certify that the deed restriction set forth above, dated January 26, 1978, and signed by Louis R. Pozzo and Mildred W. Matthews Permittee, is hereby accepted by order of the California Coastal Commission, South Coast Region, on January 27, 1978 and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date January 30, 1978

By Donald C. Nelson
Chairman, California Coastal
Commission, South Coast Region

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss.

On this 30th day of January, 1978, before me, the undersigned Notary Public, personally appeared Donald C. Nelson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.

OFFICIAL SEAL
MARILYN L. MAYER
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec. 28, 1980

Marilyn L. Mayer
Notary Public in and for the
County of Los Angeles,
State of California.

EXHIBIT A

LEGAL DESCRIPTION

A portion of the Rancho Topanga Malibu Sequit, in the County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Page 407, et seq., of Patents, Official Records of said County, described as follows:

Beginning at a point in the Southerly line of the 80 foot strip of land described in the deed from T. R. Cadwalader, et al, to the State of California, recorded in Book 15228 Page 342, of Offical Records of said County, said point being distant 131.77 feet westerly along said Southerly line from a point bearing South 10° 51' 30" West 40 feet from Engineer's Centerline Station 1015 plus 86.00 at the Western extremity of that certain course described in said deed as South 79° 08' 30" East 1203.52 feet, said point also being the Northwesterly corner of and described in deed from George E. Leisey and wife to Adolph Schaumer and wife, recorded July 22, 1948, as Instrument No. 1058, in Book 27793, Page 21, Official Records of said County; thence Westerly along said Southerly line of land described in Book 15228, Page 342, of Offical Records, a distance of 45 feet to the Northeast corner of land described in deed from Adolph Schaumer and wife to Vladimir L. Maleev and wife recorded July 22, 1948, as Instrument No. 1059, in Book 27793 Page 23, Offical Records of said County; thence South 9° 04' 53" West to the ordinary high tide line of the Pacific Ocean; thence Easterly along said ordinary high tide line to a point which bears South 9° 32' 02" West from the Point of Beginning; thence North 9° 32' 02" East to the Point of Beginning.

EXCEPTING therefrom the following, as contained in deed from Marblehead Land Company recorded in Book 21996, Page 178, Official Records.

EXCEPT any portion of said land lying outside of the patent lines of the Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

ALSO EXCEPT all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances, riparian rights or rights in and to water contained in, on, within or under said lands but without right of entry.

TO 442 CA (3-73)
(Partnership)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA } SS.
COUNTY OF LOS ANGELES

On January 26, 1978,
before me, the undersigned, a Notary Public in and for said State, personally appeared
Louis R. Pozzo and Mildred W. Matthews

known to me
to be ____ of the partners of the partnership
that executed the within instrument, and acknowledged to me
that such partnership executed the same.

WITNESS my hand and official seal.

Signature Patricia L. Johnston

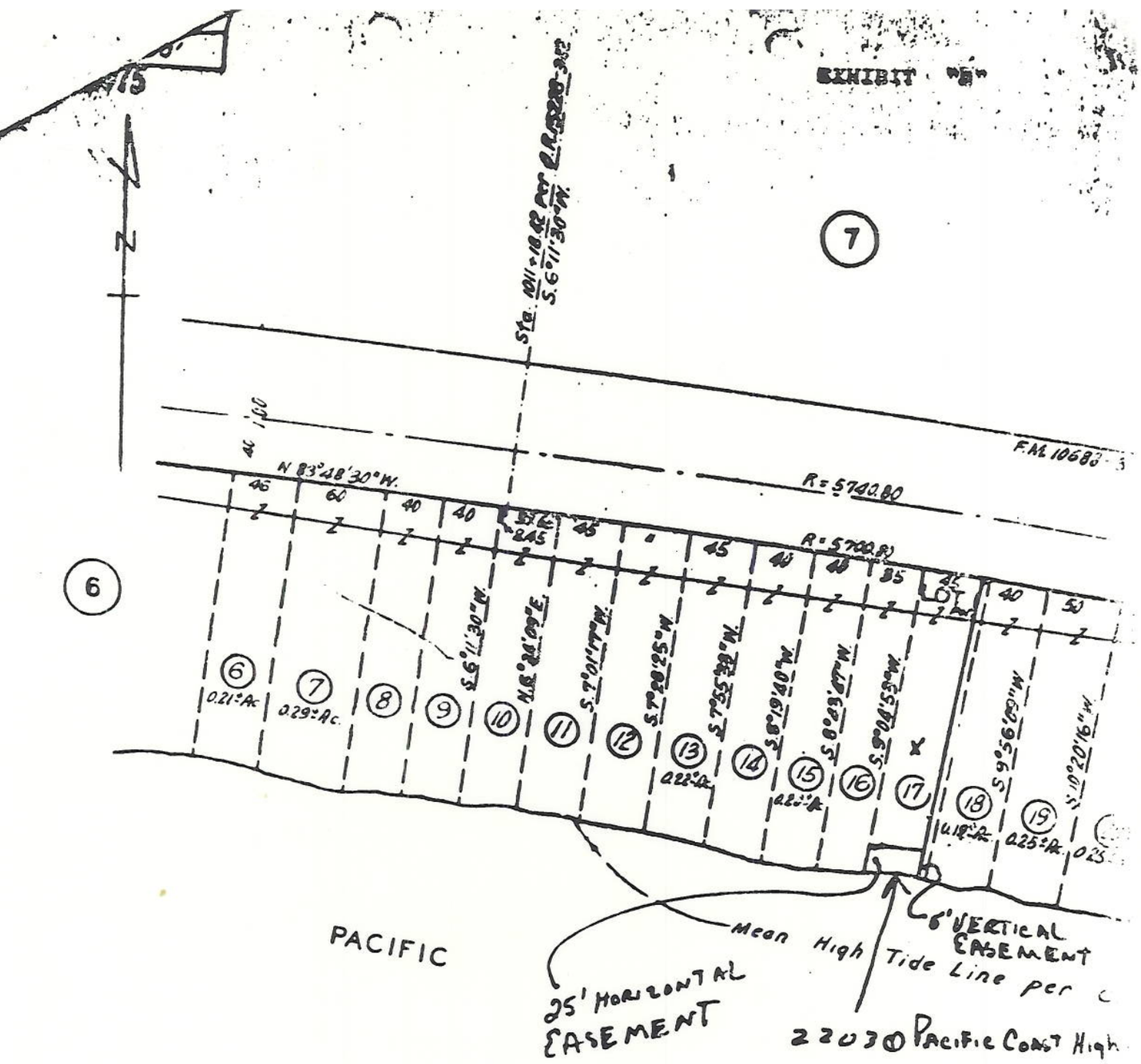
PATRICIA L. JOHNSTON
Name (Typed or Printed)

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

(This area for official notarial seal)

STAPLE HERE

EXHIBIT "B"



CODE
8678

LAND OF MATTHEW KELLER IN THE RANCHO
TOPANGA MALIBU SEQUIT R. F. 534

FOR PREV. ASSM'T SEE
4451-41 & 42

Commisioner Osenbaugh said the only issue that caused him problems is the water problem. He said he could understand Summerland not wanting expansion of residents for a lot of reasons, some valid from a coastal standpoint and some not, but he said water was the only problem he could see.

Commissioner Andresen said the subject of greenhouses came up in her area and it appears they are not coastally dependent.

Commissioner Wilson asked Commissioner Blake to discuss the Regional Commission's position on the issue of water.

Commissioner Blake said the Regional Commission has been satisfactorily assured that there is sufficient water for this project and it is not as intensive a use as single-family residential use.

Ms. Edwards said the 48 acres immediately to the north of this property is to go into avocados as soon as there is water.

MOTION: Commissioner Fay moved the Commission vote on the application, with a condition that landscaping be restricted to native vegetation not requiring irrigation in the long-term, with the option of putting in vegetable and fruit gardens for the use of the residents, to be approved by the Executive Director of the Regional Commission as to conformity with the condition; seconded by Commissioner Osenbaugh. The roll call vote on the application, with a yes vote to approve with the conditions suggested by Commissioner Fay, and a no vote to deny for the reasons in the staff recommendation was as follows: Yes: Commissioners Blake, Fay, Osenbaugh, and Peterson. No: Commissioners Andresen, Farr, Frautschy, Harris, Wilson, and Chairman Lane. The application was thus denied by a vote of 4 in favor, 6 against.

c. Appeal No. 108-76. Appeal of Alexander Keith from decision of South Coast Regional Commission denying permit for single-family home at 22032 Pacific Coast Highway, Malibu, Los Angeles County.

Mr. Bodovitz presented the staff recommendation, a copy of which is attached to the official copy of these minutes on file in the Commission's office. He said the staff recommended approval subject to the following conditions

1. Beach Access. The applicant shall dedicate to the County of Los Angeles the following easements for public access:

a. Vertical Access. A 5' strip running from Pacific Coast Highway to the mean high tide line.

b. Lateral Access. A 25' strip adjacent and parallel to the mean high tide line along the entire oceanfront of the lot.

Prior to commencement of construction the applicant shall: (a) obtain the approval of the Executive Director of the South Coast Regional Commission as to the form and content of the grant of easement and (b) record them as approved. If the County of Los Angeles does not immediately accept the dedications, the applicant shall record an irrevocable offer of dedication approved as provided above prior to the commencement of construction.

The vertical access easement shall not be open to the public unless it is improved and maintained, with a gate locked at night, by the County of Los Angeles or another governmental agency.

2. Revised Plans. No part of the proposed structure shall be built out beyond to a point seaward of a straight line drawn between the nearest seaward corners of adjoining structures. A similar string line shall be used to limit the seaward extension of any decks. Five-ft. sideyard setbacks shall be observed. Revised plans incorporating these restrictions shall be submitted to the South Coast Regional Commission and construction shall not commence until the Executive Director of the South Coast Regional Commission has certified that the plans comply with this condition. Construction shall occur in compliance with the approved plans.

Alexander Keith, the applicant, said he did not want to build out farther than other houses. He said he was a psychologist with the Los Angeles City Schools, and on weekends brings kids down to his house; the house was designed, especially the upstairs, as a large rumpus room. He understood the Anait Stephens lot is presently up for sale and the owner is presently appealing the access condition to the Superior Court. He said hers was an 80' lot and there is an existing easement of 9', which is a public ingress for emergency purposes. He said there have been 4 or 5 permits given since January and none has been required to give an access easement. He said he had no objection to the lateral access.

Mr. Bodovitz said this parcel of land was before the Commission in Appeal No. 21-75, and at that time the Commission granted approval for a house subject to the 5' access strip. He said that the applicant has subsequently sold the land to Mr. Keith and Mr. Keith should certainly have been aware that when the previous application came before the Commission, the 5' accessway was required. He said one factor here is whether the easement on the Anait Stephens property will ever actually be open to the public; clearly, public access on that strip would be less burdensome to everybody. He said the staff would propose, in light of the history of this project, that approval of the house be conditioned on the 5' easement, but with a further provision that if, in fact, on the Anait Stephens property, either with Ms. Stephens or a subsequent owner, the access easement on the Stephens property is actually open to the public, then access need no longer be required on this property.

Mr. Keith said his next door neighbor with a 40' lot is now building without any access requirements.

Ed Coe, representing the Carbon Beach Homeowners Association, said there was a petition sent by almost 100 people. He said they strongly protest against the ' vertical access easement. He said the staff report states that Carbon Beach is he least accessible beach in Malibu; this is absolutely false. He said on the ntire west end the public has been getting on the beach for years.

Chairman Lane asked to hear from the opponents of the project, and there was o response.

Commissioner Osenbaugh said he sympathizes with the applicant about the 5' asement on a 45' lot; this problem should have been addressed years before roposition 20. He said the Malibu area is frequently cited by many people as to y there needs to be a Coastal Commission, because of the difficulty in getting the beach there. He said the Commission must make the best of a bad situaon and must seek to have reasonable public access.

MOTION: Commissioner Osenbaugh moved the Commission vote on the application th the following added condition: "In the event the County Dept. of Beaches tains a wider vertical access easement within .2 miles to the west of the projsite, the vertical access easement required above shall revert to the owner of subject lot." The motion was seconded by Commissioner Peterson.

Commissioner Farr suggested the applicant drive along the oceanfront street in Carmel, and observe how every lot has a 5' accessway to the beach that has been a requirement there for years, and the lots are all 40' lots.

AMENDING MOTION: Commissioner Peterson moved the Commission delete condition II, 1 (a), (vertical access), seconded by Commissioner Blake, and the hand vote was 2 in favor and 8 against so the motion was defeated.

Chairman Lane said the staff proposed that a 2/3 vote is needed for approval on grounds that this is 1) a development that would reduce the size of any beach and 2) a development which would substantially interfere with or detract from the line of sight toward the sea from the State highway nearest the coast.

MOTION: Vice Chairman Harris moved the Commission require a 2/3 vote for the reasons stated by staff, seconded by Commissioner Peterson. The hand vote was 8 in favor and 2 against.

The roll call vote on the application, with a yes vote to approve with the conditions in the staff recommendation and as just added, and a no vote to deny, was as follows: Yes: Commissioners Andresen, Blake, Farr, Fay, Frautschy, Harris, Osenbaugh, Peterson, Wilson, and Chairman Lane. No: none. The application was thsu approved as conditioned by a vote of 10 in favor, none against.

11. Lunch Recess. The Commission recessed for lunch at 1:05 p.m. and reconvened at 1:40 p.m.

12. Public Hearings on Appeals from Regional Commission Decisions.

a. Appeal No. 110-76. Appeal of City of Monterey, et al., from decision of Central Coast Regional Commission denying permit to create assessment district and construct utility and road services for undeveloped portion of Del Monte Beach Tract #2 between Monterey Bay and Southern Pacific Railroad adjacent to Municipal Sewage Plant, City of Monterey, Monterey County.

Mr. Broadhead said these utility services were denied a permit to develop a 7½-acre tract, which they are appealing. He said the project would provide utilities for single-family homes and some light industrial development in this area. He said the site is proposed for acquisition and the sand dunes on the site are not only environmentally sensitive, but also present geological problems for building. He said staff believes the Regional Commission denial is amply justified by the record, and there are no procedural errors warranting a different outcome. He said because staff believes it is consistent with the past decisions of the Commission, they feel there is no substantial issue.

Robert H. Morris, representing the appellants, said neither the text nor maps in the Coastal Plan identifies this area as on the acquisition list. He said the only disposition of this appeal would be that there be a finding from the State Commission that the entire project area is priority 1 A of the acquisition list.

Mr. Broadhead said the Regional Commission's decision is that it is part of the acquisition proposal, but that was not the sole reason for denying the project.

Mr. Morris said they would like a finding, for the Legislature, that this project site is on the acquisition list.

State of California

Memorandum

3 February 1978

File P-6376 SS

To: Stephanie Hoppe, State Commission

From: M. J. Carpenter, Executive Director, South Coast

Subject: Permit A-108-76

The deed restrictions submitted in accordance with conditions on subject permit are acceptable and constitute fulfillment of the conditions.

MJC:dn
Encls.

cc: L. R. Pozzo, Applicant

22032 PCH
Malibu

COPY

RECORDING REQUESTED BY AND MAIL TO
NAME CCC/SCR
STREET PO Box 1450
CITY Long Beach, CA 90801

COPY of Document Recorded
78- 118436
Has not been compared with original. Original will be returned when processing has been completed.
LOS ANGELES COUNTY REGISTRAR - RECORDER

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGION

DEED RESTRICTION

This instrument, made this 26 day of January, 1978, by Louis R. Pozzo and Mat-Po Industries, of the City or Cities of Los Angeles, State of California, hereinafter collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California Coastal Act of 1976, Sections 30000 through 30900 of the California Public Resources Code, the Permittee has made Application No. A108-76 to the California Coastal Commission, South Coast Region, for the issuance of a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Proposed Project)

on certain real property owned/leased/ Owned (Other - state Permittee's interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Approved Project)

on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

Fill in Conditions: See Attached page 1-A

EXHIBIT A

LEGAL DESCRIPTION

A portion of the Rancho Topanga Malibu Sequit, in the County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Page 407, et seq., of Patents, Official Records of said County, described as follows:

Beginning at a point in the Southerly line of the 80 foot strip of land described in the deed from T. R. Cadwalader, et al, to the State of California, recorded in Book 15228 Page 342, of Offical Records of said County, said point being distant 131.77 feet westerly along said Southerly line from a point bearing South 10° 51' 30" West 40 feet from Engineer's Centerline Station 1015 plus 86.00 at the Western extremity of that certain course described in said deed as South 79° 08' 30" East 1203.52 feet, said point also being the Northwesterly corner of and described in deed from George E. Leisey and wife to Adolph Schaumer and wife, recorded July 22, 1948, as Instrument No. 1058, in Book 27793, Page 21, Official Records of said County; thence Westerly along said Southerly line of land described in Book 15228, Page 342, of Offical Records, a distance of 45 feet to the Northeast corner of land described in deed from Adolph Schaumer and wife to Vladimir L. Maleev and wife recorded July 22, 1948, as Instrument No. 1059, in Book 27793 Page 23, Offical Records of said County; thence South 9° 04' 53" West to the ordinary high tide line of the Pacific Ocean; thence Easterly along said ordinary high tide line to a point which bears South 9° 32' 02" West from the Point of Beginning; thence North 9° 32' 02" East to the Point of Beginning.

EXCEPTING therefrom the following, as contained in deed from Marblehead Land Company recorded in Book 21996, Page 178, Official Records.

EXCEPT any portion of said land lying outside of the patent lines of the Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

ALSO EXCEPT all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances, riparian rights or rights in and to water contained in, on, within or under said lands but without right of entry.

TO 442 CA (3-73)
(Partnership)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA } SS.
COUNTY OF LOS ANGELES }

On January 26, 1978

before me, the undersigned, a Notary Public in and for said State, personally appeared Louis R. Pozzo and Mildred W. Matthews

known to me

to be _____ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature Patricia L. Johnston

PATRICIA L. JOHNSTON
Name (Typed or Printed)

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

(This area for official notarial seal)

STAPLE HERE

Louis R Pozzo
Louis R. Pozzo

OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

Mildred W Matthews
Mildred W. Matthews Permittee

On January 26, 1978, before me, the undersigned Notary Public, personally appeared LOUIS R. POZZO and MILDRED W. MATTHEWS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

Patricia L. Johnston
Notary Public, in and for the
County of Los Angeles,
State of California.

TO BE FILLED IN BY COMMISSION

This is to certify that the deed restriction set forth above, dated January 26, 1978, and signed by Louis R. Pozzo and Mildred W. Matthews Permittee, is hereby accepted by order of the California Coastal Commission, South Coast Region, on January 27, 1978 and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date January 30, 1978

By Donald E. Nelson
Chairman, California Coastal
Commission, South Coast Region

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss.

On this 30th day of January, 1978, before me, the undersigned Notary Public, personally appeared Donald E. Nelson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.

OFFICIAL SEAL
MARILYN L. MAYER
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec. 28, 1980

Marilyn L. Mayer
Notary Public in and for the
County of Los Angeles,
State of California.

NOW, THEREFORE, in consideration of the issuance of [illegible]velopment permit, and of the benefit conferred thereby on the [illegible]ct property, Permittee agrees that there shall be, and hereby [illegible] created the following restriction on the use and enjoyment of [illegible]aid property, to be attached to and become a part of the deed to the property: See page 1-A

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Act of 1976. Said deed restriction shall apply to the Construction of a single-family dwelling of approximately 3,724 square feet.
(Project)

to be constructed/remodeled/
(other)

on that certain real property in the City of Malibu, County of Los Angeles, State of California, described as: 22032 Pacific Coast Highway, See Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

(Legal Description/Address of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

The applicant shall dedicate to the County of Los Angeles the following easement for public access: A Vertical Access Easement consisting of a five foot (5') strip running from Pacific Coast Highway to the mean high tide line, said five foot (5') strip to be parallel to the eastern boundary of said property as such boundary is described on Exhibit "A", the choice of the location of said five foot (5') strip to be made by Permittee. Said easement shall be subject to the right of reverter and conditions set forth below.

In the event the County of Los Angeles (Department of Beaches) or other governmental agency obtains a wider Vertical Access Easement within two-tenths (2/10) of a mile to the west of the property described on Exhibit "A", said Vertical Access Easement shall revert to the then owner of the property described on Exhibit "A".

Said Vertical Access Easement shall not be considered open to the public unless and until it is improved and maintained, including a gate which shall be locked at night, by the County of Los Angeles or other governmental agency.

The County of Los Angeles or other governmental agency responsible for maintenance of said easement shall indemnify, defend and hold harmless the existing and future owners of the property described on Exhibit "A" from any claim, liability or expense for injury to persons or property arising out of the use or exercise of the easement granted herein.

COPY

RECORDING REQUESTED BY AND MAIL TO
NAME CCC/SCR
STREET PO Box 1450
CITY Long Beach, CA 90801

COPY of Document Recorded
78- 118439
Has not been compared with original.
Original will be returned when processing has been completed.
LOS ANGELES COUNTY REGISTRAR - RECORDER

CALIFORNIA COASTAL ~~COMMISSION~~
SOUTH COAST REGION

DEED RESTRICTION

This instrument, made this 26 day of January, 1978, by Louis R. Pozzo and Mat-Po Industries, of the City or Cities of Los Angeles, State of California, hereinafter collectively referred to as "the Permittee;"

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(Describe Proposed Project)

on certain real property owned/leased/ Owned (Other - state Permittee's interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Approved Project)

on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

Fill in Conditions See Attached page 1-A

NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: See page 1-A

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Act of 1976. Said deed restriction shall apply to the Construction of a single-family (Project) dwelling of approximately 3,724 square feet

to be constructed/remodeled/ constructed (other)

on that certain real property in the City of Malibu, County of Los Angeles, State of California, described as: 22032 Pacific Coast Highway. See Exhibit "B" and Exhibit "B" attached hereto and made a part hereof.

(Legal Description/Address of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

Louis R. Pozzo

Louis R. Pozzo

Mildred W. Matthews

Mildred W. Matthews, Permittee

OF CALIFORNIA)
NTY OF LOS ANGELES) ss.

On January 26, 1978, before me, the undersigned Notary Public, personally appeared LOUIS R. POZZO and MILDRED W. MATTHEWS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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By
Chairman, California Coastal
Commission, South Coast Region

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss.

On this 30th day of January, 1978, before me, the undersigned Notary Public, personally appeared Donald E. Wilson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

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MARILYN L. MAYER
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec 28, 1980

Marilyn L. Mayer
Notary Public in and for the
County of Los Angeles,
State of California.

The applicant shall dedicate to the County of Los Angeles the following easement for public access: A Lateral Access Easement consisting of a twenty-five foot (25') strip adjacent to and parallel to the mean high tide line along the entire ocean front of said real property. Said easement shall be subject to the condition set forth below.

The County of Los Angeles or other governmental agency responsible for maintenance of said easement shall indemnify, defend and hold harmless the existing and future owners of the property described on Exhibit "A" from any claim, liability or expense for injury to persons or property arising out of the use or exercise of the easement granted herein.

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ALSO EXCEPT all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances, riparian rights or rights in and to water contained in, on, within or under said lands but without right of entry.

TO 442 CA (3-73)
(Partnership)

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A TICOR COMPANY

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS.

On January 26, 1978

before me, the undersigned, a Notary Public in and for said State, personally appeared Louis R. Pozzo and Mildred W. Matthews

known to me to be _____ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature Patricia L. Johnston

PATRICIA L. JOHNSTON
Name (Typed or Printed)

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

(This area for official notarial seal)

STAPLE HERE

CALIFORNIA COASTAL COMMISSION
1540 Market Street, San Francisco 94102 – (415) 557-1001

5/17/77 cont. mtg 85

P-6376 49

May 13, 1977

To: State Commission

From: Joseph E. Bodovitz, Executive Director

Subject: Request for Extension to Permit A-108-76 (Keith/Malibu West Development Co.)

1. Background. The previous Commission approved this application for a single-family house between Pacific Coast Highway and the shoreline, subject to lateral and vertical access easements. The details of the proposal are set forth in the attached staff recommendation, which was adopted by the Commission. The applicant subsequently filed suit against the Commission, objecting to the vertical access easement, and then assigned the permit to the present applicant, Malibu West Development Co. The present applicant consents to all the conditions, including the vertical access condition, but requests an extension to the permit as it will soon expire.

2. Procedure. As this permit was initially granted under Proposition 20, the Commission must hold a public hearing and find the application consistent with the new Coastal Act to approve the extension.

3. Staff Recommendation. The staff recommends that the Commission adopt the following resolution, and incorporate into it, by reference, the previous approval (attached):

I. Approval.

The Commission hereby approves an extension to permit A-108-76, subject to the conditions set forth in the original permit, to run through May 18, 1978, on the grounds that the development is 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, is located between the sea and the public road nearest the sea and is in conformity with the public access and public recreation policies 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. Findings and Declarations.

1. Public Access and Recreation. In addition to the findings made under Proposition 20, and hereby incorporated herein, the location of the project site between the sea and the public road nearest the sea triggers the requirement of specific findings of consistency with the public access and public recreation policies of the new Coastal Act. The vertical and lateral access easements required as conditions to the permit are necessary to make those findings: without the conditions, the Commission could not approve the extension to the permit.

EDMUND G. BROWN JR., Governor

COASTAL ZONE CONSERVATION COMMISSION
STREET, 2nd FLOOR
FRANCISCO, CALIFORNIA 94102
(415) 557-1001

July 23, 1976

Alexander C. Keith
20475 Roca Chica
Malibu, CA 90265

Re: Permit A-108-76

Dear Mr. Keith:

On June 16, 1976 by a vote of 10 in favor, none opposed, the California Coastal Zone Conservation Commission granted your application for a permit to undertake the development described in the attached staff recommendation with the following added condition:

"In the event the County Dept. of Beaches obtains a wider vertical access easement within .2 miles to the west of the project site, the vertical access easement required above shall revert to the owner of the subject lot."

This permit is limited to the above-described development and is subject to the terms and conditions contained therein. A copy of the minutes is also attached.

Please return to this office and to the South Coast Regional Commission office copies of this statement with your signature acknowledging that you have received it and understood its contents.

Very truly yours,

JOSEPH E. BODOVITZ
Executive Director

Attachment

cc: South Coast Regional Commission
L. A. Co. Assessor's Office

The undersigned permittee acknowledges receipt of the California Coastal Zone Conservation Commission Permit No. A-108-76, and fully understands its contents, including all conditions imposed.

CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION
1540 Market Street, San Francisco 94102 -- (415) 557-1001

STAFF RECOMMENDATION

Appeal No. 108-76
(Keith)
60th Day: 7/8/76

DECISION OF REGIONAL COMMISSION: Permit denied by South Coast Regional Commission

PERMIT APPLICANT: Alexander C. Keith

APPELLANT: Alexander C. Keith

DEVELOPMENT LOCATION: 22032 Pacific Coast Highway, Malibu, Los Angeles County (Exhibit 1)

DEVELOPMENT DESCRIPTION: Single-family house (Exhibit 2)

PUBLIC HEARING: Held on June 2, 1976 in Los Angeles

2/3 VOTE REQUIREMENT:

The staff recommends that a 2/3 vote is required under Public Resources Code Section 27401(b) for "any development which would reduce the size of any beach" and (d) for "any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast."

STAFF NOTE:

Perhaps more than any other single situation the private enclaves of beaches in Malibu illustrates the motivation of the people of California in approving Proposition 20. Virtually all of the 27 miles of beach close to the large urban population of the Los Angeles area is in private ownership with private development blocking access to the publicly owned tidelands. Development of the remaining vacant lots between Pacific Coast Highway and the ocean would permanently preempt any possibility of providing visual as well as physical access of the public to the ocean. The Regional Commission has consistently required dedications of lateral access along the waterfront as a condition of approving permits for continued development and has evolved a policy of requiring vertical access easements every one-half mile to provide for public access to and from the tidelands and the beach. Additionally in areas where blocks of undeveloped parcels remain, the Commission has recommended public acquisition to provide beach support facilities as well as additional access points. In many areas, however, only single 40-ft. to 80-ft. wide lots remain undeveloped and are impracticably small for public facilities such as parking. Such lots are sufficient for public access paths, however, and the County of Los Angeles has an active program of improving and maintaining such accessways.

The present appeal concerns a lot on one of the least accessible beaches, Carbon Beach. The nearest presently available public accessways are .61 mile to the west and 2 miles to the east (See Exhibit 1 for existing accessways). In Appeal No. 299-75 (Stephens) the Commission required a vertical access easement over an existing 9 ft. wide highway maintenance easement as a condition of approving a single-family house .12 mile to the west of the present project. The applicant has filed suit against the Commission, but although the complaint has been filed, the applicant has not yet ordered an administrative record or otherwise prosecuted the litigation. While the Stephens easement would be preferable to one on the present project, it is certainly not clear that it will actually be built. The staff has every expectation of the court upholding the condition--such conditions have been upheld in other cases--but the applicant may chose to abandon the project rather than accept the permit with the condition.

To the ease the closest developed access is 2 miles distant. In application P-7255 the Regional Commission approved a permit on June 7, 1976, for a single-family house on a 40-ft. wide lot with a 6 ft. vertical access easement over an existing highway maintenance easement .58 mile to the east of the project site; it is not yet known whether the applicant in that case will accept the permit. A Commission proposed acquisition, La Costa Beach, is located .33 mile to the east of the project site, but its acquisition will depend upon future funding.

Thus it appears to staff that a vertical access easement is needed in the vicinity of the applicant's site or the Stephens project to assure adequate access along this stretch of Malibu. The County Dept. of Beaches has informed the staff that a 5-ft. easement would be sufficiently wide and would be accepted, improved and maintained by the County. Such an easement would leave the applicant 40 ft. width of lot for building, comparable to many other lots in Malibu. As the Stephens easement would be wider and covers an area already burdened by a highway easement, it seems to be preferable and the Dept. of Beaches stated that if the Commission wished to condition an easement on the present site so that it would revert to the owner if the Stephens easement is ever obtained, the Dept. of Beaches would abide by this arrangement and maintain the present easement in the interim. However, the Department would prefer that the Commission left it some flexibility to determine itself whether it wished to abandon the present easement and improve the Stephens easement if the possibility ever arises. The staff recommends that the concerns of the Dept. of Beaches be respected, but if the Commission wishes to ease the burden on the present applicant, the following language would accomplish that purpose:

> Addition to Condition 1 (not recommended by staff):
> In the event the County Dept. of Beaches obtains a wider vertical access easement within .2 miles to the west of the project site, the vertical access easement required above shall revert to the owner of the subject lot.

The situation with regard to public access to the beach access easement is the same in this area as in other parts of Malibu where the Commission has required vertical access easements. A single row of parking is available along the shoulders on each side of Pacific Coast Highway.

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The applicant's representative has stated that the applicant will agree to all conditions recommended by staff except the vertical access condition. A number of neighbors have supported this objection to vertical access. One objection to the vertical access easement raised by the applicant at the public hearing concerns the interference of the public with ocean winds to the west windows of the house. The wording of Condition 1 would permit location of the easement on the east side of the property.

STAFF RECOMMENDATION: The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development subject to the conditions below on the grounds that, as conditioned, the development will not have any adverse environmental or ecological effects and will be consistent with the findings, declarations and objectives of the California Coastal Zone Conservation Act of 1972.

II. Conditions

The permit is subject to the following conditions:

1. Beach Access. The applicant shall dedicate to the County of Los Angeles the following easements for public access:

a. Vertical Access. A 5-ft. strip running from Pacific Coast Highway to the mean high tide line.

b. Lateral Access. A 25-ft. strip adjacent and parallel to the mean high tide line along the entire oceanfront of the lot.

Prior to commencement of construction the applicant shall: (a) obtain the approval of the Executive Director of the South Coast Regional Commission as to the form and content of the grant of easement and (b) record them as approved. If the County of Los Angeles does not immediately accept the dedications, the applicant shall record an irrevocable offer of dedication approved as provided above prior to the commencement of construction.

The vertical access easement shall not be open to the public unless it is improved and maintained, with a gate locked at night, by the County of Los Angeles or another government agency.

2. Revised Plans. No part of the proposed structure shall be built out beyond to a point seaward of a straight line drawn between the nearest seaward corners of adjoining structures. A similar string line shall be used to limit the seaward extension of any decks. Five-ft. sideyard setbacks shall be observed. Revised plans incorporating these restrictions shall be submitted to the South Coast Regional Commission and construction shall not commence until the Executive Director of the South Coast Regional Commission has certified that the plans comply with this condition. Construction shall occur in compliance with the approved plans.

III. Findings and Declarations

The Commission finds and declares as follows:

1. Intrusion Onto Beach. The applicant proposes to build a 2-story, 3,724 sq. ft. house including: 2 bedrooms; 3 baths and sauna; game room; family

room; living room; dining room; kitchen; day maid room and attached 2-car gara on a 45-ft. wide lot on Carbon Beach in Malibu (Exhibit 2). The Regional Commi staff measurements of existing houses shows that the house to the west extends 7 from the inland property line with a deck to 91 ft. A proposed house to the east, approved by the Regional Commission but not yet built, would extend 81 ft. seaward with a deck to 93 ft. An existing house the next lot to the east extends 73.5 ft. with deck to 85 ft. The applicant's proposal extends further seaward, the house to 92 ft. and the deck to 96 ft. Condition 2 will limit the seaward extension of the applicant's house to an imaginary string line measurement between the adjacent houses. This condition will not only protect the views and amenities of neighboring houses, but will also keep the bulky building well back from the public tidelands seaward of the private beach.

2. Public Access to Tidelands. Both the South Coast Regional Commissio and the State Commission have long been concerned about the restrictions on public access to the state tidelands along the 27 miles of coast in Malibu. The area was subdivided many years ago without provision for public access into primarily single-family lots, resulting in the continuing preemption of public tidelands for private use in this critical area close to the large urban population of Los Angeles. The Regional Commisison has generally followed a policy, supported by this Commission, of requiring public access easements as conditions of permitting further development of the area. The Los Angeles County Dept. of Beaches accepts and maintains these dedications, installing gates which are opened only during daylight hours. As the lots extend to the mean high tide line, lateral dedications varying from 5 ft. to 25 ft. in width depending on the individual site, have uniformly been required. Additionally, the planning experience of the South Coast Regional Commission has resulted in a determination that vertical accessways from Pacific Coast Highway to the ocean should be located no more than .5 mile apart, permitting multiple accessways to the beach from the highway and reasonably frequent opportunities for leaving the beach for the convenience of the public as well as for emergency needs.

In the present case, the proposed development is located on Carbon Beach, one of the least accessible beaches in Malibu. The closest vertical access to the west is .61 mile distant; the closest developed access to the east is 2 miles (Exhibit 1). A condition of a recent Regional Commission permit established an access easement .58 mile to the east. The Commission considered another application from a different applicant for this same site in Appeal No. 21-75 (Feldman & Schaume approving a smaller house with conditions requiring a 25-ft. lateral access and 5-ft vertical access easements. That applicant abandoned the proposal and the present applicant has taken over the property and now proposes to develop it. In the interi the Commission granted a permit in Appeal No. 299-75 (Stephens) for a house on a lot .12 mile to the west with comparable conditions. However, the applicant in that case has filed suit against the Commission and there is no assurance that the permit will be exercised or the access easement provided.

The Commission finds that the coastal access dedication conditions set forth in Section 27403 of the Coastal Act are clearly invoked by this application and thus a permit cannot be approved without the vertical and lateral access conditions hereby imposed. The Los Angeles County Dept. of Beaches has stated that it will accept, improve and maintain the 5-ft. access easement. A single line of parking is available along the shoulders of Pacific Coast Highway. An existing public bus line provides additional transportation to the public seeking to use the public tidelands.

The continued development of the Malibu area limits views of the coast from

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acific Coast Highway as well as physical access to the tidelands. Larger and larger houses are proposed for the 40-to 50-ft. lots, with high fences obscuring the minimal sideyards which would otherwise provide glimpses of the sea. The applicant in Appeal No. 21-75 proposed a 3,185 sq. ft. house; the present applicant is proposing a 3,724 sq. ft. house. Thus only the assurence of physical access for the public to the tidelands can mitigate this continual loss of coastal views. The Commission therefore finds that as conditioned the application is consistent with the objectives of the Coastal Act and can be approved. The only alternative to approval with conditions is denial until other methods are found for providing adequate vertical access, for without the conditions the application is not consistent with the requirements of the Coastal Act.

3. Fire Hazard. A recent report by the County Fire Dept. designated the residentially developed areas of Malibu as "Serious Fire Hazardous" areas because of limited water supplies, distance from fire stations, and the proximity of the houses to each other. The Fire Dept. recommended that a minimum of 5-ft. sideyards be required. The applicant proposed 4½-ft. sideyards consistent with County Building Code requirements, but condition 2 assures that 5-ft. sideyards will be observed consistent with the concern for public health and safety expressed in the Coastal Act.

State of California

Memorandum

3 February 1978

File P-6376

To: Stephanie Hoppe, State Commission

From: M. J. Carpenter, Executive Director, South Coast

Subject: Permit A-108-76 / P-10-24-75-6376

The deed restrictions submitted in accordance with conditions on subject permit are acceptable and constitute fulfillment of the conditions.

MJC:dn
Encls.

cc: L. R. Pozzo, Applicant

RECORDING REQUESTED BY AND MAIL TO

NAME CCC/SCR

STREET PO Box 1450

CITY Long Beach, CA 90801

COPY of Document Recorded

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Original will be returned when
processing has been completed.
LOS ANGELES COUNTY REGISTRAR - RECORDER

CALIFORNIA COASTAL ~~COMMISSION~~

SOUTH COAST REGION

DEED RESTRICTION

This instrument, made this 26 day of January, 1978, by Louis R. Pozzo and Mat-Po Industries, of the City or Cities of Los Angeles, State of California, hereinafter collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California Coastal Act of 1976, Sections 30000 through 30900 of the California Public Resources Code, the Permittee has made Application No. A108-76 to the California Coastal Commission, South Coast Region, for the issuance of a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Proposed Project)

on certain real property owned/leased/ Owned (Other - state Permittee's interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Approved Project)

on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

Fill in Conditions: See Attached page 1-A

EXHIBIT A

LEGAL DESCRIPTION

A portion of the Rancho Topanga Malibu Sequit, in the County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Page 407, et seq., of Patents, Official Records of said County, described as follows:

Beginning at a point in the Southerly line of the 80 foot strip of land described in the deed from T. R. Cadwalader, et al, to the State of California, recorded in Book 15228 Page 342, of Offical Records of said County, said point being distant 131.77 feet westerly along said Southerly line from a point bearing South 10° 51' 30" West 40 feet from Engineer's Centerline Station 1015 plus 86.00 at the Western extremity of that certain course described in said deed as South 79° 08' 30" East 1203.52 feet, said point also being the Northwesterly corner of and described in deed from George E. Leisey and wife to Adolph Schaumer and wife, recorded July 22, 1948, as Instrument No. 1058, in Book 27793, Page 21, Official Records of said County; thence Westerly along said Southerly line of land described in Book 15228, Page 342, of Offical Records, a distance of 45 feet to the Northeast corner of land described in deed from Adolph Schaumer and wife to Vladimir L. Maleev and wife recorded July 22, 1948, as Instrument No. 1059, in Book 27793 Page 23, Offical Records of said County; thence South 9° 04' 53" West to the ordinary high tide line of the Pacific Ocean; thence Easterly along said ordinary high tide line to a point which bears South 9° 32' 02" West from the Point of Beginning; thence North 9° 32' 02" East to the Point of Beginning.

EXCEPTING therefrom the following, as contained in deed from Marblehead Land Company recorded in Book 21996, Page 178, Official Records.

EXCEPT any portion of said land lying outside of the patent lines of the Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

ALSO EXCEPT all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances, riparian rights or rights in and to water contained in, on, within or under said lands but without right of entry.

TO 442 CA (3-73)
(Partnership)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA } ss.
COUNTY OF LOS ANGELES

On January 26, 1978

before me, the undersigned, a Notary Public in and for said State, personally appeared Louis R. Pozzo and Mildred W. Matthews

known to me to be ____ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature Patricia L. Johnston

PATRICIA L. JOHNSTON
Name (Typed or Printed)

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

(This area for official notarial seal)

STAPLE HERE

Louis R. Pozzo

Louis R. Pozzo

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

Mildred W. Matthews

Mildred W. Matthews Permittee

On January 26, 1978, before me, the undersigned Notary Public, personally appeared LOUIS R. POZZO and MILDRED W. MATTHEWS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

Patricia L. Johnston
Notary Public, in and for the
County of Los Angeles,
State of California.

TO BE FILLED IN BY COMMISSION

This is to certify that the deed restriction set forth above, dated January 26, 1978, and signed by Louis R. Pozzo and Mildred W. Matthews Permittee, is hereby accepted by order of the California Coastal Commission, South Coast Region, on January 27, 1978 and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date January 30, 1978

By Donald E. Wilson
Chairman, California Coastal
Commission, South Coast Region

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss.

On this 30th day of January, 1978, before me, the undersigned Notary Public, personally appeared Donald E. Wilson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.

OFFICIAL SEAL
MARILYN L. MAYER
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec. 28, 1980

Marilyn L. Mayer
Notary Public in and for the
County of Los Angeles,
State of California.

NOW, THEREFORE, in consideration of the issuance of the development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: See page 1-A

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Act of 1976. Said deed restriction shall apply to the Construction of a single-family (Project) dwelling of approximately 3,724 square feet.

to be constructed/remodeled/ (other)

on that certain real property in the City of Malibu, County of Los Angeles, State of California, described as: 22032 Pacific Coast Highway, See Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

(Legal Description/Address of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

The applicant shall dedicate to the County of Los Angeles the following easement for public access: A Vertical Access Easement consisting of a five foot (5') strip running from Pacific Coast Highway to the mean high tide line, said five foot (5') strip to be parallel to the eastern boundary of said property as such boundary is described on Exhibit "A", the choice of the location of said five foot (5') strip to be made by Permittee. Said easement shall be subject to the right of reverter and conditions set forth below.

In the event the County of Los Angeles (Department of Beaches) or other governmental agency obtains a wider Vertical Access Easement within two-tenths (2/10) of a mile to the west of the property described on Exhibit "A", said Vertical Access Easement shall revert to the then owner of the property described on Exhibit "A".

Said Vertical Access Easement shall not be considered open to the public unless and until it is improved and maintained, including a gate which shall be locked at night, by the County of Los Angeles or other governmental agency.

The County of Los Angeles or other governmental agency responsible for maintenance of said easement shall indemnify, defend and hold harmless the existing and future owners of the property described on Exhibit "A" from any claim, liability or expense for injury to persons or property arising out of the use or exercise of the easement granted herein.

COPY

RECORDING REQUESTED BY AND MAIL TO
NAME CCC/SCR
STREET PO Box 1450
CITY Long Beach, CA 90801

COPY of Document Recorded
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processing has been completed.
LOS ANGELES COUNTY REGISTRAR - RECORDER

CALIFORNIA COASTAL ~~COMMISSION~~
SOUTH COAST REGION

DEED RESTRICTION

This instrument, made this 26 day of January, 1978, by Louis R. Pozzo and Mat-Po Industries, of the City or Cities of Los Angeles, State of California, hereinafter collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California Coastal Act of 1976, Sections 30000 through 30900 of the California Public Resources Code, the Permittee has made Application No. A108-76 to the California Coastal Commission, South Coast Region, for the issuance of a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Proposed Project)

on certain real property owned/leased/ Owned
(Other - state Permittee's interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of A single-family dwelling of approximately 3,724 square feet.

(Describe Approved Project)

on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

Fill in Conditions See Attached page 1-A

NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: See page 1-A

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Act of 1976. Said deed restriction shall apply to the Construction of a single-family (Project) dwelling of approximately 3,724 square feet

to be constructed/remodeled/ constructed (other)

on that certain real property in the City of Malibu, County of Los Angeles, State of California, described as: 22032 Pacific Coast Highway. See Exhibit "B" and Exhibit "B" attached hereto and made a part hereof.

(Legal Description/Address of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

MAT. TO Industries

Louis R. Pozzo

Louis R. Pozzo

OF CALIFORNIA)
NTY OF LOS ANGELES) ss.

J. Mildred W. Matthews

Mildred W. Matthews Permittee

On January 26, 1978, before me, the undersigned Notary Public, personally appeared LOUIS R. POZZO and MILDRED W. MATTHEWS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

Patricia L. Johnston
Notary Public, in and for the
County of Los Angeles,
State of California.

TO BE FILLED IN BY COMMISSION

This is to certify that the deed restriction set forth above, dated January 26, 1978, and signed by Louis R. Pozzo and Mildred W. Matthews Permittee, is hereby accepted by order of the California Coastal Commission, South Coast Region, on January 27, 1978 and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date January 30, 1978

By Donald E. Wilson
Chairman, California Coastal
Commission, South Coast Region

STATE OF CALIFORNIA
COUNTY OF Los Angeles } ss.

On this 30th day of January, 1978, before me, the undersigned Notary Public, personally appeared Donald E. Wilson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.

OFFICIAL SEAL
MARILYN L. MAYER
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Dec 28, 1980

Marilyn L. Mayer
Notary Public in and for the
County of Los Angeles,
State of California.

The applicant shall dedicate to the County of Los Angeles the following easement for public access: A Lateral Access Easement consisting of a twenty-five foot (25') strip adjacent to and parallel to the mean high tide line along the entire ocean front of said real property. Said easement shall be subject to the condition set forth below.

The County of Los Angeles or other governmental agency responsible for maintenance of said easement shall indemnify, defend and hold harmless the existing and future owners of the property described on Exhibit "A" from any claim, liability or expense for injury to persons or property arising out of the use or exercise of the easement granted herein.

EXHIBIT A

LEGAL DESCRIPTION

A portion of the Rancho Topanga Malibu Sequit, in the County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Page 407, et seq., of Patents, Official Records of said County, described as follows:

Beginning at a point in the Southerly line of the 80 foot strip of land described in the deed from T. R. Cadwalader, et al, to the State of California, recorded in Book 15228 Page 342, of Offical Records of said County, said point being distant 131.77 feet westerly along said Southerly line from a point bearing South 10° 51' 30" West 40 feet from Engineer's Centerline Station 1015 plus 86.00 at the Western extremity of that certain course described in said deed as South 79° 08' 30" East 1203.52 feet, said point also being the Northwesterly corner of and described in deed from George E. Leisey and wife to Adolph Schaumer and wife, recorded July 22, 1948, as Instrument No. 1058, in Book 27793, Page 21, Official Records of said County; thence Westerly along said Southerly line of land described in Book 15228, Page 342, of Offical Records, a distance of 45 feet to the Northeast corner of land described in deed from Adolph Schaumer and wife to Vladimir L. Maleev and wife recorded July 22, 1948, as Instrument No. 1059, in Book 27793 Page 23, Offical Records of said County; thence South 9° 04' 53" West to the ordinary high tide line of the Pacific Ocean; thence Easterly along said ordinary high tide line to a point which bears South 9° 32' 02" West from the Point of Beginning; thence North 9° 32' 02" East to the Point of Beginning.

EXCEPTING therefrom the following, as contained in deed from Marblehead Land Company recorded in Book 21996, Page 178, Official Records.

EXCEPT any portion of said land lying outside of the patent lines of the Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

ALSO EXCEPT all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances, riparian rights or rights in and to water contained in, on, within or under said lands but without right of entry.

TO 442 CA (3-73)
(Partnership)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS.

On January 26, 1978

before me, the undersigned, a Notary Public in and for said State, personally appeared Louis R. Pozzo and Mildred W. Matthews

known to me to be _____ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature Patricia L. Johnston

PATRICIA L. JOHNSTON
Name (Typed or Printed)

OFFICIAL SEAL
PATRICIA L. JOHNSTON
Notary Public - California
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
MY COMMISSION EXPIRES NOV. 17, 1978

(This area for official notarial seal)

STAPLE HERE

CALIFORNIA COASTAL COMMISSION
1540 Market Street, San Francisco 94102 – (415) 557-1001

5/17/77 Continued

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P-6376 V9

May 13, 1977

See State Public Access file for copy of deed restriction

To: State Commission

From: Joseph E. Bodovitz, Executive Director

Subject: Request for Extension to Permit A-108-76 (Keith/Malibu West Development Co.)

1. Background. The previous Commission approved this application for a single-family house between Pacific Coast Highway and the shoreline, subject to lateral and vertical access easements. The details of the proposal are set forth in the attached staff recommendation, which was adopted by the Commission. The applicant subsequently filed suit against the Commission, objecting to the vertical access easement, and then assigned the permit to the present applicant, Malibu West Development Co. The present applicant consents to all the conditions, including the vertical access condition, but requests an extension to the permit as it will soon expire.

2. Procedure. As this permit was initially granted under Proposition 20, the Commission must hold a public hearing and find the application consistent with the new Coastal Act to approve the extension.

3. Staff Recommendation. The staff recommends that the Commission adopt the following resolution, and incorporate into it, by reference, the previous approval (attached):

I. Approval.

The Commission hereby approves an extension to permit A-108-76, subject to the conditions set forth in the original permit, to run through May 18, 1978, on the grounds that the development is 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, is located between the sea and the public road nearest the sea and is in conformity with the public access and public recreation policies 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. Findings and Declarations.

1. Public Access and Recreation. In addition to the findings made under Proposition 20, and hereby incorporated herein, the location of the project site between the sea and the public road nearest the sea triggers the requirement of specific findings of consistency with the public access and public recreation policies of the new Coastal Act. The vertical and lateral access easements required as conditions to the permit are necessary to make those findings: without the conditions, the Commission could not approve the extension to the permit.

EDMUND G. BROWN JR., Governor

A COASTAL ZONE CONSERVATION COMMISSION
...STREET, 2nd FLOOR
...SCO, CALIFORNIA 94102
...) 557-1001

July 23, 1976

Alexander C. Keith
20475 Roca Chica
Malibu, CA 90265

Re: Permit A-108-76

Dear Mr. Keith:

On June 16, 1976 by a vote of 10 in favor, none opposed, the California Coastal Zone Conservation Commission granted your application for a permit to undertake the development described in the attached staff recommendation with the following added condition:

"In the event the County Dept. of Beaches obtains a wider vertical access easement within .2 miles to the west of the project site, the vertical access easement required above shall revert to the owner of the subject lot."

This permit is limited to the above-described development and is subject to the terms and conditions contained therein. A copy of the minutes is also attached.

Please return to this office and to the South Coast Regional Commission office copies of this statement with your signature acknowledging that you have received it and understood its contents.

Very truly yours,

JOSEPH E. BODOVITZ
Executive Director

Attachment

cc: South Coast Regional Commission
L. A. Co. Assessor's Office

The undersigned permittee acknowledges receipt of the California Coastal Zone Conservation Commission Permit No. A-108-76, and fully understands its contents, including all conditions imposed.

STAFF RECOMMENDATION

Appeal No. 108-76
(Keith)
60th Day: 7/8/76

DECISION OF REGIONAL COMMISSION: Permit denied by South Coast Regional Commission

PERMIT APPLICANT: Alexander C. Keith

APPELLANT: Alexander C. Keith

DEVELOPMENT LOCATION: 22032 Pacific Coast Highway, Malibu, Los Angeles County (Exhibit 1)

DEVELOPMENT DESCRIPTION: Single-family house (Exhibit 2)

PUBLIC HEARING: Held on June 2, 1976 in Los Angeles

2/3 VOTE REQUIREMENT:

The staff recommends that a 2/3 vote is required under Public Resources Code Section 27401(b) for "any development which would reduce the size of any beach" and (d) for "any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast."

STAFF NOTE:

Perhaps more than any other single situation the private enclaves of beaches in Malibu illustrates the motivation of the people of California in approving Proposition 20. Virtually all of the 27 miles of beach close to the large urban population of the Los Agneles area is in private ownership with private development blocking access to the publicly owned tidelands. Development of the remaining vacant lots between Pacific Coast Highway and the ocean would permanently preempt any possibility of providing visual as well as physical access of the public to the ocean. The Regional Commission has consistently required dedications of lateral access along the waterfront as a condition of approving permits for continued development and has evolved a policy of requiring vertical access easements every one-half mile to provide for public access to and from the tidelands and the beach. Additionally in areas where blocks of undeveloped parcels remain, the Commission has recommended public acquisition to provide beach support facilities as well as additional access points. In many areas, however, only single 40-ft. to 80-ft. wide lots remain undeveloped and are impracticably small for public facilities such as parking. Such lots are sufficient for public access paths, however, and the County of Los Angeles has an active program of improving and maintaining such accessways.

The present appeal concerns a lot on one of the least accessible beaches, Carbon Beach. The nearest presently available public accessways are .61 mile to the west and 2 miles to the east (See Exhibit 1 for existing accessways). In Appeal No. 299-75 (Stephens) the Commission required a vertical access easement over an existing 9 ft. wide highway maintenance easement as a condition of approving a single-family house .12 mile to the west of the present project. The applicant has filed suit against the Commission, but although the complaint has been filed, the applicant has not yet ordered an administrative record or otherwise prosecuted the litigation. While the Stephens easement would be preferable to one on the present project, it is certainly not clear that it will actually be built. The staff has every expectation of the court upholding the condition—such conditions have been upheld in other cases—but the applicant may chose to abandon the project rather than accept the permit with the condition.

To the east the closest developed access is 2 miles distant. In application P-7255 the Regional Commission approved a permit on June 7, 1976, for a single-family house on a 40-ft. wide lot with a 6 ft. vertical access easement over an existing highway maintenance easement .58 mile to the east of the project site; it is not yet known whether the applicant in that case will accept the permit. A Commission proposed acquisition, La Costa Beach, is located .33 mile to the east of the project site, but its acquisition will depend upon future funding.

Thus it appears to staff that a vertical access easement is needed in the vicinity of the applicant's site or the Stephens project to assure adequate access along this stretch of Malibu. The County Dept. of Beaches has informed the staff that a 5-ft. easement would be sufficiently wide and would be accepted, improved and maintained by the County. Such an easement would leave the applicant 40 ft. width of lot for building, comparable to many other lots in Malibu. As the Stephens easement would be wider and covers an area already burdened by a highway easement, it seems to be preferable and the Dept. of Beaches stated that if the Commission wished to condition an easement on the present site so that it would revert to the owner if the Stephens easement is ever obtained, the Dept. of Beaches would abide by this arrangement and maintain the present easement in the interim. However, the Department would prefer that the Commission left it some flexibility to determine itself whether it wished to abandon the present easement and improve the Stephens easement if the possibility ever arises. The staff recommends that the concerns of the Dept. of Beaches be respected, but if the Commission wishes to ease the burden on the present applicant, the following language would accomplish that purpose:

> Addition to Condition 1 (not recommended by staff):
> In the event the County Dept. of Beaches obtains a wider vertical access easement within .2 miles to the west of the project site, the vertical access easement required above shall revert to the owner of the subject lot.

The situation with regard to public access to the beach access easement is the same in this area as in other parts of Malibu where the Commission has required vertical access easements. A single row of parking is available along the shoulders on each side of Pacific Coast Highway.

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The applicant's representative has stated that the applicant will agree to all conditions recommended by staff except the vertical access condition. A number of neighbors have supported this objection to vertical access. One objection to the vertical access easement raised by the applicant at the public hearing concerns the interference of the public with ocean winds to the west windows of the house. The wording of Condition 1 would permit location of the easement on the east side of the property.

STAFF RECOMMENDATION: The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development subject to the conditions below on the grounds that, as conditioned, the development will not have any adverse environmental or ecological effects and will be consistent with the findings, declarations and objectives of the California Coastal Zone Conservation Act of 1972.

II. Conditions

The permit is subject to the following conditions:

1. Beach Access. The applicant shall dedicate to the County of Los Angeles the following easements for public access:

a. Vertical Access. A 5-ft. strip running from Pacific Coast Highway to the mean high tide line.

b. Lateral Access. A 25-ft. strip adjacent and parallel to the mean high tide line along the entire oceanfront of the lot.

Prior to commencement of construction the applicant shall: (a) obtain the approval of the Executive Director of the South Coast Regional Commission as to the form and content of the grant of easement and (b) record them as approved. If the County of Los Angeles does not immediately accept the dedications, the applicant shall record an irrevocable offer of dedication approved as provided above prior to the commencement of construction.

The vertical access easement shall not be open to the public unless it is improved and maintained, with a gate locked at night, by the County of Los Angeles or another government agency.

2. Revised Plans. No part of the proposed structure shall be built out beyond to a point seaward of a straight line drawn between the nearest seaward corners of adjoining structures. A similar string line shall be used to limit the seaward extension of any decks. Five-ft. sideyard setbacks shall be observed. Revised plans incorporating these restrictions shall be submitted to the South Coast Regional Commission and construction shall not commence until the Executive Director of the South Coast Regional Commission has certified that the plans comply with this condition. Construction shall occur in compliance with the approved plans.

III. Findings and Declarations

The Commission finds and declares as follows:

1. Intrusion Onto Beach. The applicant proposes to build a 2-story, 3,724 sq. ft. house including: 2 bedrooms; 3 baths and sauna; game room; family

room; living room; dining room; kitchen; day maid room and attached 2-car gara on a 45-ft. wide lot on Carbon Beach in Malibu (Exhibit 2). The Regional Commi staff measurements of existing houses shows that the house to the west extends 7 from the inland property line with a deck to 91 ft. A proposed house to the east approved by the Regional Commission but not yet built, would extend 81 ft. seaward with a deck to 93 ft. An existing house the next lot to the east extends 73.5 ft. with deck to 85 ft. The applicant's proposal extends further seaward, the house to 92 ft. and the deck to 96 ft. Condition 2 will limit the seaward extension of the applicant's house to an imaginary string line measurement between the adjacent houses. This condition will not only protect the views and amenities of neighboring houses, but will also keep the bulky building well back from the publi tidelands seaward of the private beach.

2. Public Access to Tidelands. Both the South Coast Regional Commissi and the State Commission have long been concerned about the restrictions on public access to the state tidelands along the 27 miles of coast in Malibu. The area was subdivided many years ago without provision for public access into primarily single-family lots, resulting in the continuing preemption of public tidelands for private use in this critical area close to the large urban population of Los Angeles. The Regional Commisison has generally followed a policy, supported by this Commission, of requiring public access easements as conditions of permitting further development of the area. The Los Angeles County Dept. of Beaches accepts and maintains these dedications, installing gates which are opened only during daylight hours. As the lots extend to the mean high tide line, lateral dedication varying from 5 ft. to 25 ft. in width depending on the individual site, have uniformly been required. Additionally, the planning experience of the South Coast Regional Commission has resulted in a determination that vertical accessways from Pacific Coast Highway to the ocean should be located no more than .5 mile apart, permitting multiple accessways to the beach from the highway and reasonably freque opportunities for leaving the beach for the convenience of the public as well as for emergency needs.

In the present case, the proposed development is located on Carbon Beach, one of the least accessible beaches in Malibu. The closest vertical access to the west is .61 mile distant; the closest developed access to the east is 2 miles (Exhibit 1). A condition of a recent Regional Commission permit established an access easement .58 mile to the east. The Commission considered another applicati from a different applicant for this same site in Appeal No. 21-75 (Feldman & Schau approving a smaller house with conditions requiring a 25-ft. lateral access and 5- vertical access easements. That applicant abandoned the proposal and the present applicant has taken over the property and now proposes to develop it. In the inte the Commission granted a permit in Appeal No. 299-75 (Stephens) for a house on a l .12 mile to the west with comparable conditions. However, the applicant in that case has filed suit against the Commission and there is no assurance that the perm will be exercised or the access easement provided.

The Commission finds that the coastal access dedication conditions set forth in Section 27403 of the Coastal Act are clearly invoked by this application and thus a permit cannot be approved without the vertical and lateral access conditions hereby imposed. The Los Angeles County Dept. of Beaches has stated that it will accept, improve and maintain the 5-ft. access easement. A single line of parking is available along the shoulders of Pacific Coast Highway. An existing public bus line provides additional transportation to the public seeking to use the public tidelands.

The continued development of the Malibu area limits views of the coast from

Pacific Coast Highway as well as physical access to the tidelands. Larger and larger houses are proposed for the 40-to 50-ft. lots, with high fences obscuring the minimal sideyards which would otherwise provide glimpses of the sea. The applicant in Appeal No. 21-75 proposed a 3,185 sq. ft. house; the present applicant is proposing a 3,724 sq. ft. house. Thus only the assurence of physical access for the public to the tidelands can mitigate this continual loss of coastal views. The Commission therefore finds that as conditioned the application is consistent with the objectives of the Coastal Act and can be approved. The only alternative to approval with conditions is denial until other methods are found for providing adequate vertical access, for without the conditions the application is not consistent with the requirements of the Coastal Act.

3. Fire Hazard. A recent report by the County Fire Dept. designated the residentially developed areas of Malibu as "Serious Fire Hazardous" areas because of limited water supplies, distance from fire stations, and the proximity of the houses to each other. The Fire Dept. recommended that a minimum of 5-ft. sideyards be required. The applicant proposed 4½-ft. sideyards consistent with County Building Code requirements, but condition 2 assures that 5-ft. sideyards will be observed consistent with the concern for public health and safety expressed in the Coastal Act.