LA COUNTY PLANNING 100 EST. 1923

AMY J. BODEK, AICP
Director,
Regional Planning

DENNIS SLAVIN
Chief Deputy Director,
Regional Planning

SUPPLEMENTAL
REPORT TO THE HEARING OFFICER

DATE ISSUED:	December 4, 2023		
HEARING DATE:	December 5, 2023	AGENDA ITEM:	5
PROJECT NUMBER:	PRJ2020-002005-(3)		
PERMIT NUMBER(S):	Minor Coastal Development Permit ("Minor CDP") RPPL2020006315		
SUPERVISORIAL DISTRICT:	3		
PROJECT LOCATION:	25755 Piuma Road, Monte Nido		
OWNER:	Don Reith		
APPLICANT:	Don Reith		
CASE PLANNER:	Tyler Montgomery, Principal Planner TMontgomery@planning.lacounty.gov		

Since the distribution of the previous Supplemental Report dated November 22, 2023, LA County Planning staff ("Staff") has received additional correspondence from the applicant, Don Reith. This letter, dated November 26, 2023, is attached as Exhibit A-2. It includes several documents that purport to provide a timeline of easements and restrictions for the Project Site, as well as correspondence between Mr. Reith and the Monte Nido Community Association, the California Coastal Commission, and Staff.

Staff's recommendation for approval of the Project remains unchanged. For additional information, please contact Tyler Montgomery of the Coastal Development Services section at tmontgomery@planning.lacounty.gov.

Report Reviewed By: _____
Robert Glaser, Supervising Planner

Report Approved By: _____
Mitch Glaser, Assistant Deputy Director

LIST OF ATTACHED EXHIBITS	
EXHIBIT A-2	Letter from Don Reith (November 29, 2023)

NARRATIVE OF DOCUMENTS AND INFORMATION PROVIDED FOR HEARING OFFICER FOR DECEMBER 5th PUBLIC HEARING.

INCLUDED ARE EMAILS, COURT DOCUMENTS AND COASTAL COMMISSION FILES FROM PAST APPROVED PERMITS FOR LOT 7. THESE WERE OBTAINED BY THE REQUEST AND REVIEW OF RECORDS AT THE OFFICE IN THE CITY OF VENTURA

PREPARED ON THE 29TH OF November 29, 2023, BY DONALD REITH OWNER AND APPLICANT OF LOT 7.

25755 PIUMA ROAD

PRJ2020-002005/ RPPL2020006315

FOR REVIEW BY HEARING OFFICER GINA NATOLI FOR THE DECEMBER 5TH 2023 PUBLIC HEARING

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Hermosa Beach Office
Phone: (310) 798-2400
San Diego Office
Phone: (619) 940-4522

CBCM
Chatten-Brown, Carstens & Minteer LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Michelle N. Black
Email Address:
Direct Dial:
310-798-2400 Ext. 5

June 23, 2022

Ms. Nona Green
Ms. Karen Sandvig
Coldwell Banker Realty
833 S. Westlake Blvd.
Westlake Village, CA 91362

Re: 25755 Piuma Road, Monte Nido

Dear Ms. Green and Ms. Sandvig,

It has come to the attention of the Monte Nido Valley Community Association that the property located at 25755 Piuma Road in Monte Nido is for sale. We write to notify you of a cloud on title, specifically an equitable servitude that prevents construction of a home on the property.

Construction of the 2,740-square foot "Contemporary Ranch" home advertised for this property would violate the terms of a Settlement Agreement reached between previous owners of the property and the Monte Nido Valley Community Association, formerly known as the Monte Nido Valley Property Owners Association. The Agreement provides that, while homes may be constructed on Lots 1 through 6 of the "Triangle Property," no home may be constructed on Lot 7, 25755 Piuma Road. (Section 2, pp. 6-7.) Instead, the property owner's "rights associated with Lot 7, to build a home, and to construct a structure which would significantly impair the Viewshed, shall be donated to the Mountains Restoration Trust." (Section 2.1.4, p. 7.) A signed copy of the Agreement is enclosed with this letter.

The acquiring party of Lot 7, West Pointe Homes, was well aware of the provisions of this Settlement Agreement. Pursuant to their legal obligations, and as evidenced by the below-market purchase price of 25755 Piuma Road in 2016, Mr. Rasmussen and West Pointe Homes would have advised the current owner of the existence of this instrument and its implications.

We trust you will bring this issue to the attention of any prospective buyer(s), as required by California's mandatory disclosure requirements. Thank you for your prompt attention to this matter.

Sincerely,

Michelle Black, on behalf of the Monte Nido Valley Community Association

Ms. Nona Green
Ms. Karen Sandvig
Coldwell Banker Realty
June 23, 2022

Enclosures

1. Settlement Agreement Between Monte Nido Property Owners Association, S.P. Land, Inc., S.P. Lodge, and Saddle Peak Associates, dated April 9, 1997

cc: Ms. Elizabeth Watson
Greenberg Glusker
2049 Century Park East, Suite 2600
Los Angeles, CA 90067

Mr. Donald E. Reith
246 Pacific Street
Santa Monica, CA 90405

FIRST COMMUNICATIONS WITH MONTE NIDO HOA REGARDING LOT 7 Michelle Black

This is a supplemental document of information pertaining to documents numbered 74 and 75 which is from Michelle Black of Chatten-Brown Carstens & Minter LLP. She was hired by the Monte Nido Hoa to represent the Hoa regarding the equitable servitude claim she made for Lot 7. She was sent a reply email from Don Reith as shown below and the following email chain.

From: Don Reith
Sent: Monday, June 27, 2022 11:00 PM
To: mnb@cbcearthlaw.com <mnb@cbcearthlaw.com>
Cc: Nona Green <nona4re@gmail.com>; Sandvig, Karen <Karen.Sandvig@camoves.com>
Subject: 25755 Piuma

My name is Donald Reith, and I am the current owner of the property you recently sent a letter addressing the legal ability to construct a home on this property. Please see the letter dated November 9th, 2016, from the California Coastal Commission regarding any restrictions governing the property identified by apn 4456-012-031. The letter states that I made the request when it was actually made by Joshua Huntington, head of LA Dept. of Regional Planning at that time. This was a direct result of someone contacting him regarding my recent purchase and activity on the property. Please also note that a title search was completed while the property was in escrow and no legally recorded document was identified relating to the document you have provided. The agreement you provided states that there are conditions to the closing and closing shall not occur until the conditions listed have been satisfied. Obviously, these conditions have not been met. Thus, this agreement is not in effect. You have provided no supporting documentation mentioned in the agreement to support the basis of your claim. Thus, there is no required mandatory disclosure agreement required.

The Mountains Restoration Trust does not appear anywhere on the title documents. If they or LA County wish to purchase the property from me, they can do so under the guidelines set forth in the Santa Monica Mountains Land Use Handbook. I would be receptive to such a resolution.

Regarding the purchase price I would advise you or your client to do a title search for any recorded documents that would deem the property legally unbuildable. When you do that, you will find a recorded covenant dated 8/30/2006 in place that prohibits the ability to use the lot for any septic system as there was a covenant in place that legally tied lot 7 to lot 3 for such use. You will also find a recorded covenant dated August 16th, 2016 that releases this covenant. I worked with Richard Jefferson of the health dept, and I am responsible for that release taking place. As your letter states due to the legal obligations, as evidenced by the below average market price, this was known and advised by the seller.

I have also provided you the biological information recently completed by LA County biologist Joe Decruyenaere which was presented to the ERB for review, discussion, and approval. It was approved subject to landscaping revisions and that has been completed and submitted.

I trust that you will pass on this information to your client or clients and advise them to not spread information that is not supported by legally recorded documents.

We invite you to come to the public hearing for the property when it takes place in the very near future. If you have any questions please don't hesitate to contact me.

Thank your for your time.

Donald Reith

From: Michelle Black <mnb@cbcearthlaw.com>
Sent: Monday, June 27, 2022 11:00 PM
To: iacowman@hotmail.com <iacowman@hotmail.com>
Subject: Out of the Office Re: 25755 Piuma

Thank you for your email. I am out of the office until Monday, July 11. If you require immediate assistance, please contact Cynthia Kellman at extension 6 or cpk@cbcearthlaw.com.

--
Michelle N. Black
Chatten-Brown, Carstens & Minteer, LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
Phone: (310) 798-2400
Fax: (310) 798-2402
www.cbcearthlaw.com

I forwarded the email to Gary Bardovi, who is an architect I met at a SCANPH conference, and a member of the HOA. I believe he at one time was on the board of the HOA.

Fw: 25755 Piuma

DR
Don Reith

To:gary@bardoviarchitects.com

Mon 6/27/2022 11:26 PM

SCN_0365.pdf
8 MB

My reply to Michelle Black.

Thanks

Don Reith

25755 Piuma Rd septic covenant

iacowman@hotmail.com
To:Michelle Black
Cc:Nona Green;Sandvig, Karen

Mon 7/11/2022 5:44 PM

SCN_0384.pdf
1 MB

SCN_0383.pdf
3 MB

SCN_0385.pdf
4 MB

Miss Black, I failed to send you the recorded covenant on what is commonly called lot 7 back in 2006. This is the reason the value of this property was minimal at the time of the sale and not buildable until the proper paperwork for the release was completed. Nona Green was my realtor at the time I purchased the lot and she is well versed in any and all documents pertaining to that transaction.

I also sent you a copy of a document that I found legally recorded on one of the other lots in that area. The developer has a colorful history to say the least.

A title search was completed and the document you sent to the realtors and me was never recorded. There is no record of the CC&R ever being legally recorded in the Los Angeles County records or the Coastal Commission records.

Again please advise your clients that if they have or willfully do so in any way negatively impact the potential sale and valuation of my property there may be consequences for such actions.

I would encourage you to advise your clients to do proper title search as we did and recently did again regarding any CC&R's filed on the property. There is one dated September 3rd 1998 identified as 98 1586032 (partial scan 385 attached)

Thank you for your time.

Donald Reith

From: Michelle Black <mnb@cbcearthlaw.com>
Sent: Monday, July 11, 2022 5:47 PM
To: Don Reith <iacowman@hotmail.com>
Cc: Nona Green <nona4re@gmail.com>; Sandvig, Karen <Karen.Sandvig@camoves.com>
Subject: Re: 25755 Piuma Rd septic covenant

Thank you, Mr. Reith. I will provide these documents to my clients.

Michelle N. Black
Chatten-Brown, Carstens & Minteer, LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
Phone: (310) 798-2400
Fax: (310) 798-2402
www.cbcearthlaw.com

title review for apn 4456-012-031 and disclosure statement from West Point Homes

Don Reith
To:Michelle Black

Thu 7/21/2022 2:28 PM

SCN_0399.pdf
3 MB

Good morning, Miss Black I have recently reached out to the title company whom I used for my property purchase. They completed a second review of all public documents, and their findings

are listed below. I am also providing you with the required disclosures provided by the seller West Point Homes for your review.

Jim Wassenaar <James.Wassenaar@title365.com>

Thu 7/21/2022 12:21 PM
Good morning Mr. Reith!

After a thorough review of the public records, we were unable to locate that Agreement sent in the letter to your realtor. We reviewed the records from the time the agreement was dated through to current date. Since that Agreement does not appear to have been made of record prior to our policy date, and no evidence is in our file that we were given notice of the unrecorded matter, this falls under Item 3 of the Exclusions from Coverage section of your owner's policy

At this time, I am asking you and your clients if you wish to continue with your position in your letter dated June 23rd to my realtor or not. If not, I am requesting a letter to my realtor stating that you wish to rescind that position. Since there is no legally recorded document the basis of the claim is without merit.

I would appreciate prompt attention to this matter. As required by law we are notifying any potential buyers of this letter received. This letter is a slander of title and if your clients wish to continue this claim they are at risk for damage of the title and liability for such damage.

If I am not in receipt of a letter by Aug. 1st rescinding this claim I will be forced to turn this over to my legal team.

Thank you for your time.

Don Reith

Follow up email to email sent on July 21st, 2022

Don Reith
To:Michelle Black
Cc:Nona Green;Sandvig, Karen

Wed 7/27/2022 12:35 PM

Good morning, Miss Black I did not receive a reply to my previous email sent on July 21st, 2022. My realtor has advised me she has two potential buyers for my property at this time. They both are in need of a letter from you and your clients removing the claims in your letter dated June 23rd, 2022. My realtor has advised me that your letter is having a significant negative impact on the ability to market my property. In my previous email I requested a letter removing these claims by August 1st. If we do not receive a reply of you and your client's current position and a letter removing your claim by the August 1st timeline, I will be forced to seek legal remedies for slander of title on my property. This will also include the cost of the action as allowed under California law.

We would appreciate prompt attention to this matter.

Thank you for your time.

Sincerely,

Don Reith

From: Michelle Black <mnb@cbcearthlaw.com>
Sent: Wednesday, July 27, 2022 2:47 PM
To: Don Reith <iacowman@hotmail.com>
Cc: Nona Green <nona4re@gmail.com>; Sandvig, Karen <Karen.Sandvig@camoves.com>
Subject: Re: Follow up email to email sent on July 21st, 2022

Good morning, Mr. Reith,

I no longer represent the Monte Nido Community Association in this matter, but I have forwarded this communication to the group.

Michelle N. Black
Chatten-Brown, Carstens & Minteer, LLP
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
Phone: (310) 798-2400
Fax: (310) 798-2402
www.cbcearthlaw.com

Re: Follow up email to email sent on July 21st, 2022

Don Reith
Cc:Nona Green;Sandvig, Karen

Wed 7/27/2022 6:28 PM

While you say you no longer represent the Monte Nido Community Association the reality is you and your firm generated a letter that has had a negative impact on the value of my property for the association. In reality until I can get this legally resolved my lot is unmarketable. My realtor and I are legally obligated to disclose this letter until the matter is resolved. My attorney is in court this week and he and I will be sitting down to address this from a damage's standpoint next week. There will be consequences for such actions and a formal demand letter will be forthcoming.

Since this letter came from you and your firm on behalf of the association you all bear the responsibility for the document. My attorney, my realtor and I are still flabbergasted that a simple record search was not done before this letter was drafted and sent. Also, no supporting exhibits have been provided. We are aware that the owner of West Point Homes has a colorful history. **If the association can provide us with any documents that can verify that West Point Homes was aware of the document supplied, we will address them with Mr. Rasmussen. He was required to disclose them and as you can see from the disclosure statement provided, nothing was disclosed.**

Again, at this time we are wanting to start with a document that rescinds your previous document. If you, your firm and the association want to address and offer any monetary damages at this time we will certainly consider that offer. I always prefer a resolution without involving the time and expense of the legal process.

A short reply that you no longer represent the association is not a sufficient resolution to this situation.

Thank you for your time.

Sincerely,

Don Reith

Monte Nido contact person

Don Reith
To:Michelle Black
Cc:Nona Green;Sandvig, Karen

Sat 7/30/2022 2:19 PM

Miss Black can you please provide me with the contact information for the HOA representative for the Monte Nido HOA?

Thanks

Don Reith

That was the last communication I had with Michelle Black until I received an email from Scott Brown who was recently hired as the attorney for the Hoa

Some highlights from this chain of emails, the letter from Michelle Black and the information provided to her and the HOA. Documents MB 4- MB 21 are all available to the public. **They do take some time and effort to obtain but the one that shows the lot being not buildable is a simple title search**. MB 22-25 are related to when I had the property listed for sale. MB 1-3 are the ones that are worthy of more discussion. As you can see MB-1 is an email from Joshua Huntington dated 10/5/2016. As it states in the email Don Reith. **"Please be aware that the property at APN 4456-012-031 <u>may</u> have been reserved as an open space through the approval of an amendment to the Coastal Development Permit for the subdivision. (See attached Deputy Directors Report). In this case, Los Angeles County would not be able to approve a permit for a house on this property. The Coastal Commission retains jurisdiction over the amendment in question as well as the initial Coastal Development Permit. Therefore, for more information, please contact the coastal commission office in Ventura."**

Of the 21 documents I supplied to Miss Black and the HOA not one question was asked about them. Even more bizarre is MB-2, which is dated November 9th and sent to Mr. Bruckner of the County of Los Angeles Regional Planning, is now being manipulated by both the HOA and West Pointe Homes in a manner totally misleading to the court. We know that West Pointe Homes received MB-1 as it was emailed to him, and I have a record of it. They intentionally did not submit MB-1 and MB-3 as it would not support their allegations. They used this document as the basis for their demurrers and lied about the true intent of the letter and how and why it was created. Please note that MB-3 is from Joshua Huntington and he states "The **letter allows you to proceed with your application for a Coastal Development Permit with Los Angeles County." How would such a statement as that put one on notice of a potential open lot restriction when it is doing just the opposite? The claim by both West Pointe Homes is that letter MB-2 does just that. Why didn't they submit the entire info provided to them to the court as in reality they are lying and since these are verified complaints, they are committing perjury.**

My only conclusion is my crystal ball is broken as that is the only way I would ever know about a 26 year old unrecorded document that no one ever told me about until June of 2022.

On August 1st 2022 I received an email from Scott Brown and the following letter attached along with the full 157 page HOA document again with only 3 signatures and all required documents in the 157 pages that were supposed to be signed, notarized and recorded blank. I also received a copy of the email request I sent to Miss Black marked as exhibit 1 in which I ask for a letter removing these claims.

Please note in the body of the letter it states " We anticipate having a more definitive response to your June 27 email within 30 days." We are still waiting for that response.

Monte Nido Hoa has received actual notice of the issues related to the selling price of the property and failed to act upon that information. Mr. Rasmussen already knew about the septic covenant and so he did not need notice of a document he himself created and signed.

I respectfully request the approval of my project by the hearing officer. Monte Nido HOA and West Point Homes have left me with no options but to file a legal complaint to protect my rights and collect damages for their actions.

I swear that all of the information in this document is the truth.

Don Reith

Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031
Joshua Huntington <jhuntington@planning.lacounty.gov>
Wed 10/5/2016 7:28 PM
To:

- iacowman@hotmail.com <iacowman@hotmail.com>

Cc:

- Mi Kim <mkim@planning.lacounty.gov>

1 attachments (154 KB)
Deputy Directors Report June 2005.pdf;
Dear Mr. Reith,

Please be aware that the property at APN 4456-012-031 may have been reserved as an open space lot through the approval of an amendment to the Coastal Development Permit for the subdivision (see attached Deputy Director's Report from 2005). If this is the case, Los Angeles County would not be able to approve a permit for a house on this property. The Coastal Commission retains jurisdiction over the amendment in question, as well as the initial Coastal Development Permit. Therefore, for more information, please contact the Coastal Commission office in Ventura. That office is located at 89 South California Street, Ventura, CA 93001, and their phone number is (805) 585-1800.

Sincerely,

Joshua Huntington, AICP
Principal Planner
Zoning Permits West Section
Department of Regional Planning
320 W. Temple Street
Los Angeles CA 90012
213-974-6462
http://planning.lacounty.gov

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MBI

STATE OF CALIFORNIA - THE RESOURCES AGENCY

EDMUND G. BROWN, JR., *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST. SUITE 200
VENTURA, CA 93001
(805) 585-1800

November 9, 2016

County of Los Angeles Department of Regional Planning
Attn: Richard Bruckner, Regional Planning Director
320 W. Temple Street
Los Angeles, CA 90012

Re: Coastal Development Permit for Tract No. 45168, Lot 7 (APN No, 4456-012-031, 25755 Piuma Road, Santa Monica Mountains)

Dear Mr. Bruckner:

We have been contacted by Donald Reith, the current owner of the subject property. We were asked to give our opinion on the existence of any open space or other restrictions applied to the property through past Coastal Development Permits (CDP) approved by the Commission. We have reviewed the permit history of the subject lot and found the following information.

The Commission originally issued CDP 5-87-984 for the subdivision of a single 8.1 acre parcel into seven lots, of which the subject lot is one. The Commission later granted CDP 4-95-035 for the construction of a single family residence (SFR) on Tract No. 45168, Lot 7 of the aforementioned subdivision. Later, Amendment 4-95-035-A1 was approved to change the approved project description to delete the construction of a SFR, and to add the restoration and revegetation of the previously graded pad. A review of the project casefiles and all other available information indicates that the Commission's approval of amendment 4-95-035-A1 did not require the recordation of any restriction or easement to maintain the subject lot as open space in perpetuity.

The owner of the property has elected to abandon CDP 4-95-035 and CDP Amendment 4-95-035-A1 in order to pursue a new CDP for development of the subject lot. Because our review showed no restrictions prohibiting the development of Lot 7, it is our opinion that it is appropriate for the applicant to pursue a new CDP with the County.

Thank you for your consideration of this matter. Please call me at (805) 585-1800 if you have any questions.

Sincerely,

Barbara Carey
District Manager

cc: Josh Huntington, Los Angeles County DRP, Maya Saraf, Los Angeles DRP
Steve Hudson, CCC Deputy Director; Deanna Christensen, CCC Planning Supervisor; Wesley Horn, CCC Analyst, Donald Reith

MB 2

Re: Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031
Joshua Huntington <jhuntington@planning.lacounty.gov>
Mon 11/14/2016 8:50 PM
To:

- Don Reith <iacowman@hotmail.com>

Dear Mr. Reith,

The letter from Coastal allows you to proceed with your application for a Coastal Development Permit with Los Angeles County. Please be aware that any development, including exploratory testing and/or drilling does require a permit within the Santa Monica Mountains Coastal Zone. Application materials can be found here: http://planning.lacounty.gov/apps under the heading "Santa Monica Mountains LCP." Please apply for a Coastal Development Permit before doing any more work on the property.

Furthermore, this permit process will include a public hearing. As such, it is in your best interest to start doing outreach to the neighbors now. See what their concerns are and see if you can address these concerns in your project proposal. The hearings are often contentious and it would help your project have a positive outcome if you can gain the support of the people who live in the vicinity of the property.

Sincerely,

Josh

Applications & Forms | DRP
planning.lacounty.gov

Department of Regional Planning 320 West Temple Street Los Angeles CA 90012 T: (213) 974-6411 F: (213) 626-0434 TDD: (213) 617-2292

MB 3

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

Filed: 3/6/95
49th Day: 4/24/95
180th Day: 9/2/95
Staff: CAREY
Staff Report: 3/23/95
Hearing Date: 4/11-14/95
Commission Action:

PETE WILSON, Governor

T13j-m

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-95-034, 4-95-035, 4-95-036 and 4-95-037

APPLICANT: Saddle Peak and Associates AGENT: Grand American, Inc.

PROJECT LOCATION: 462 Cold Canyon Road, 25755 Piuma Road, 423 Woodbluff Road, and 25729 Piuma Road, Malibu, Los Angeles County

PROJECT DESCRIPTION:

4-95-034: Construction of a 4,520 sq. ft., 35 ft. high from existing grade single family residence with 5 covered parking spaces, pool, septic system and 6,721 cu. yds. of grading (4,404 cu. yds. cut and 2,317 cu. yds. fill).

4-95-035: Construction of a 4,520 sq. ft., 35 ft. high from existing grade single family residence with 5 covered parking spaces, pool, septic system and 4,223 cu. yds. of grading (2,806 cu. yds. cut and 2,417 cu. yds. fill).

4-95-036: Construction of a 4,520 sq. ft., 35 ft. high from existing grade single family residence with 6 covered parking spaces, pool, septic system and 6,141 cu. yds. of grading (5,036 cu. yds. cut and 1,105 cu. yds. fill).

4-95-037: Construction of a 4,520 sq. ft., 35 ft. high from existing grade single family residence with 5 covered parking spaces, pool, septic system and 3,938 cu. yds. of grading (29 cu. yds. cut and 3,909 cu. yds. fill).

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains, 5-87-974 (Saddle Peak Associates), 5-91-133, 5-91-135, 5-91-136, 5-91-137, 5-91-138, and 5-91-139 (Saddle Peak Associates), Geologic Investigation and Soils Engineering Report, dated 9/28/89, and 12/12/90, prepared by Kovacs-Byer and Associates, Update Report, dated 12/13/94, prepared by Parmelee-Schick and Associates.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed projects with Special Conditions regarding geology, landscaping, future improvements, color restriction, and wildfire waiver of liability. The Commission previously approved permits for a

MB 4

08/23/2016

20160998538

Recorded at the request of:

And mailed to:

Los Angeles County

Department of Public Health

Environmental Health

Land Use Program

5050 Commerce Drive

Baldwin Park, CA 91706

SPACE ABOVE THIS LINE FOR RECORDERS USE

RELEASE OF COVENANT AND AGREEMENT DOCUMENT NO. 06 1933487

I, Vicente Banada, authorized agent of the County of Los Angeles, Department of Public Health, Division of Environmental Health, do hereby release and forever discharge West Pointe Inc., owners of property located at 423 N. Woodbluff Road, Calabasas, CA 91302, APN: 4456-012-027 (Original Building Site) and 25755 W. Piuma Road , Calabasas, CA 91302, APN: 4456-012-031 (Annexed Property) of the covenant and agreement recorded by document No. 06 1933488 on 08/30/2006 in the Registrar-Recorder's Office, Los Angeles County, California on the expressed condition provided below.

The aforementioned covenant and agreement permitted the use of the annexed property for the purpose of providing additional space for a private sewage disposal system for which there was inadequate space on the ORIGINAL BUILDING SITE. This release of covenant and agreement shall run with the land and shall be binding upon all future owners, heirs, successors, and assigns of the property and the appurtenant easement.

It has been verified that the property at said address 423 N Woodbluff Road, Calabasas, CA 91302, APN: 4456-012-027 (Original Building Site) contained all required components of the private sewage disposal system including both present and future seepage pits as required by the County of Los Angeles, Department of Public Health-Division of Environmental Health.

Dated this 16th day of August year of 2016

X VICENTE C. BANADA
ENVIRONMENTAL HEALTH SPECIALIST IV
Print Name and Title

X Vicente C. Banada
Signature

HOA.1184183.1

MB5

SUBJECT: **Biological Resources Description and Recommendations, Reith Single-family Residence, 2020-002005-(3)**

FROM: **Joe Decruyenaere, Senior Biologist, Department of Regional Planning**

Location:	**25755 Piuma Road, Calabasas, CA 91302 (Cold Creek / Malibu Canyon watershed)**
Project No.	**2020-002005-(3)**
Permit No.	**Minor CDP RPPL2020006315**
APN:	**4456-012-031**
USGS Quad:	**Malibu Beach**
Applicant:	**Don Reith**
Biologist:	**Daryl Koutnik, Environmental Science Associates**
Planner:	**Tyler Montgomery**

Project Description with respect to Impacts to Biological Resources: The project parcel is mapped in the LCP entirely as H3. H1 is mapped on neighboring properties to the south of the subject property, within 200 ft but more than 100 ft of the proposed residence. All such mapped H1 is within 200 ft of existing residences and therefore is subject to some degree of existing brush thinning. Two oak trees on the project site (numbered 4 and 5 in the project tree report) are presumed to have been planted as mitigation trees for the development of TR45168 and are therefore considered protected trees. These trees are within 200 ft of the proposed residence; however, they are specifically called out in the project biological assessment as being avoided by pruning and irrigation in the project landscaping and fuel-modification plans.

State-owned open space parcels are located south of Piuma Road within 1000 ft but more than 200 ft from the subject property

The project property, including the existing residential pad, was previously graded as part of Tract 45168. New grading for the present proposed residence would amount to 1,400 cy cut, 500 cy fill, and 900 cy export.

No changes to habitat category mapping are proposed.

Landscape and Fuel Modification: Landscaping is proposed, with no native species included other than the coast live oak trees that are to be retained. The LIP requires that landscaping emphasize native species and that any non-native species are both non-invasive and confined to fuel-modification Zone A. Substantial revision of the landscaping / fuel-modification plan is therefore required. It is noted that the graded slopes along Cold Canyon and Piuma Roads support primarily native species that are presumed by Staff to have been installed as a Tract condition. These are almost entirely within proposed fuel-modification Zone B and many could be retained and maintained per Fire Department-approved specifications.

ERB PROJECT GENERAL RECOMMENDATIONS

1. **Fuel Modification**
   a. Retain as many non-sprouting species as possible. These usually have a single trunk. Do not cut off the trunk in pruning, as this kills the plant.
   b. Choose multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2 – 3 years between prunings for any one clump. Re-sprouting species can be pruned to near ground level.
   c. It is recommended that locally-indigenous plants thinned for fuel modification be chipped and used as native plant mulch. SMM native plant mulch is not widely available in stores, but is an excellent addition to the landscape to retain soil moisture and reduce growth of invasive weeds.
   d. Disking and indiscriminate clearing is not allowed in any Fuel Modification Zone.

MB 6

e. For trees to have fuel ladders removed: prune lower branches up to 1/3 of tree height or up to 6 ft. maximum for trees 18 ft. and taller, per County fire requirements. Consult with County DRP or Foresters before pruning protected oaks or native trees.

f. Include provisions for irrigation, both permanent for Zones A and B, and temporary for establishment of native plants in Zone C and outside of Fuel Modification Zones.

2. **Permanent Runoff Control/Drainage Plan**—The Applicant shall provide a grading plan and drainage report, including proposed site design and source control best management practices to minimize post-construction runoff and infiltrate at minimum the first 0.75-inches of stormwater. This plan should show all proposed drainage improvements, such as locations of infiltration basins, measures to convey runoff from impervious surfaces into permeable areas of the property (i.e. raingardens or bioswales) in a non-erosive manner, measures to maximize the ability of native substrates to retain and infiltrate runoff, and placement of cisterns or rain barrels for stormwater capture.

3. **Glass** should be least reflective or have frit patterns that will promote energy conservation and prevent bird strikes caused by the bird mistaking a reflection of habitat for available flight space, per §22.44.1320.

4. **Lighting** should carefully follow provisions of §22.44.1270 for exterior lighting. Avoid trespass of light into the night sky and onto natural areas both on and off the project parcels.

5. **Biological Monitor**—Prior to the issuance of a grading permit, a qualified biologist shall be retained by the Applicant as the lead biological monitor subject to the approval of DRP. That person shall ensure that impacts to all biological resources are minimized or avoided, and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g. avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially-occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to DRP and CDFW at their request.

6. **Staking of Grading Limits**—The Applicant's contractor shall delineate the proposed grading limits of the building site or the extents of the proposed development area, whichever is greater, the driveway, and the extents of the fuel modification zones before any of the measures outlined below are implemented. The contractor shall not remove any native vegetation during staking and shall set the stakes so that they are clearly visible. The locations of the stakes within the fuel modification zones shall be recorded using GPS and provided to the project biologist.

7. **Nesting Bird Survey & Protection Plan**—Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds as defined by the CDFW, if feasible. Regardless of timing, breeding bird surveys shall be conducted before any activities are scheduled to occur and before installation of any protective fencing (see below), as follows:

   a. If initial grubbing, grading, and construction activities are scheduled to occur outside CDFW defined nesting season (generally February 1 – August 31), a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within 7 days prior to and again within 3 days of the date that activities are scheduled to begin. The biologist should focus efforts within the grading area, development area, the fuel modification zones, the driveway area, and areas within 50 ft. of them. The biologist should also survey 300 ft. beyond these areas, as access allows.

   b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys beginning thirty days prior to the initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 ft. of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If a protected native bird is found in suitable nesting habitat, all project activities within 300 ft. of on- and off-site suitable nesting habitat (within 500 ft. for suitable raptor nesting habitat) may be delayed until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any active nests. If the biologist determines that there are active nests within or adjacent these areas, they should establish appropriate buffer zones, as defined in "c" below.

   c. If an active nest is found, regardless of time of year, project activities within 300 ft. of the nest (within 500 ft. for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction

fencing shall be used to demarcate the inside boundary of the buffer of 300 ft. (or 500 ft.) between the project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area.

d. The qualified biologist shall provide DRP with a brief report summarizing the results of the surveys, as well as a description and assessment of implemented protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

e. If the qualified biologist determines that a narrower buffer between the project activities and observed active nests is warranted, he/she shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to DRP and CDFW. Based on the submitted information, DRP (in consultation with CDFW) will determine whether to allow a narrower buffer.

   i. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, a qualified biologist should monitor the nest before, during, and after the activities, to determine if it is being affected.

   ii. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The biologist shall record noise levels every hour and must have the authority to stop any activities that exceed 60 dBA if they determine that it is affecting, or has the potential to affect the outcome of a nest.

   iii. The biologist shall send weekly monitoring reports to DRP and, upon request, to CDFW, documenting the status of monitored nests, and shall notify DRP immediately if project activities damage active avian nests.

8. **Temporary wildlife fencing** shall be utilized to reduce the potential for wildlife being harmed by or moving into the work site. The project proponent's contractor shall delineate the grading limits/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:

   a. To install the screen, laborers will remove a 5-foot strip of vegetation at the limits of the grading limits/development area using hand-held tools to allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.

   b. The green screen shall be partially buried, or fitted with silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in.

   c. Laborers installing the fence shall remain within the cut areas and any paths leading to it.

   d. A biologist shall monitor fence installation so that they can capture and relocate wildlife as necessary, and to ensure that no protected trees or special status plants are impacted during installation.

   e. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.

   f. A gated entrance shall allow ingress and egress. The gates shall remain open until after the project biologist conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).

9. **Pre-Construction Biological Resources Survey & Site Clearance**—A pre-construction biological resources survey shall be conducted within the area that is screened and within areas adjacent the driveway the day after screening.

   a. The project proponent's contractor shall plan to remove vegetation from within the screened area no more than 1 day after completion of the Pre-Construction Biological Resources Survey.

   b. Laborers shall use hand held tools to remove the vegetation. Using hand-held tools will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.

   c. A biologist shall monitor vegetation removal so that they can capture and relocate wildlife as necessary.

   d. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.

10. **Initial Grubbing & Grading**—Initial grubbing and grading shall occur 3 to 7 days after vegetation has been cleared from the proposed development area/grading limits. The delay between vegetation clearance and the grubbing and grading activities will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.

MB 8

a. A biologist shall monitor initial grading and grubbing so that they can capture and relocate wildlife as necessary.

b. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.

11. **Initial Fuel Modification**—The site shall only be fuel-modified after the construction phase of the proposed project has been completed or as otherwise directed by the Fire Department.

    a. A qualified biologist shall implement the Nesting Bird Survey & Protection Plan before fuel modification occurs.

    b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modifications.

    c. The stakes shall remain in place until after fuel modification activities have been completed.

    d. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.

ADEQUACY OF THE BIOLOGICAL REPORT

The biological assessment is correct and complete.

CONSISTENCY

Staff recommends a determination that the project is consistent with the provisions of the LIP provided the landscaping / fuel-modification plan is revised to emphasize the use of native species and restrict any non-natives to fuel-modification Zone A.

ERB Meeting Date: **March 21, 2022**

Staff Recommendation: __ **Consistent** _X_ **Consistent after Modifications & Bio Report Completion**
__ **Inconsistent** __ **No decision**

This document is filed for record by Lawyers Title Company as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT AND AGREEMENT REGARDING INSTALLATION OF SEWAGE FACILITIES AND THE USE AND TRANSFER OF OWNERSHIP OF PROPERTIES

WHEREAS, the undersigned property owner(s) (hereinafter referred to as OWNER I) owns real property (hereinafter referred to as the ORIGINAL BUILDING SITE) which does not have sufficient area for an adequate private sewage disposal system; and

WHEREAS, the undersigned property owner(s) (hereinafter referred to as OWNER II) owns abutting real property (hereinafter referred to as the ANNEXED PROPERTY) which owner proposes to annex to the original building site for the purpose of providing additional space for a private sewage disposal system; and

WHEREAS, OWNER I and OWNER II represent that he/they are the sole owners of the ORIGINAL BUILDING SITE and the ANNEXED PROPERTY respectively, said real properties being situated in the County of Los Angeles, State of California, and described as follows:

Legal Description of ORIGINAL BUILDING SITE:
APN: 4456-012-027
(If lengthy, include as Attachment A)

Street Address/Location of ORIGINAL BUILDING SITE:
423 N. Woodbluff Road, Calabasas, CA 91302

Legal Description of ANNEXED PROPERTY:
APN: 4456-012-031
(If lengthy, include as Attachment B)

Street Address/Location of ANNEXED PROPERTY:
25755 W. Piuma Road, Calabasas, CA 91302

NOW THEREFORE, the undersigned, in consideration of the benefits accruing because of being permitted to use the annexed property for the purpose of providing additional space for a private sewage disposal system for which there is inadequate space on the ORIGINAL BUILDING SITE, does hereby promise, covenant and agree to and with the County of Los Angeles that both the ORIGINAL BUILDING SITE and the ANNEXED PROPERTY will be maintained as one unit until such time as sewage disposal from said property(ies) can be otherwise accomplished in conformity with the requirements of the Los Angeles County Plumbing Code or any other law or regulation which in the future shall apply.

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This COVENANT AND AGREEMENT shall run with the land and shall be binding upon all future owners, heirs, successors and assigns of the parties hereto.

This COVENANT AND AGREEMENT shall only be terminated by a RELEASE OF COVENANT AND AGREEMENT duly executed by the director of the County of Los Angeles Department of Health Services or its successor agency; said RELEASE shall not be effective until recorded in the County of Los Angeles Recorder's Office.

Dated this 25 day of August, 2006

West Pointe Homes Inc.	James S Rasmussen President
Print Name - Owner of Original Site	Signature
Print Name - Owner of Original Site	Signature
West Pointe Homes Inc.	James S Rasmussen President
Print Name - Owner of Annexed Property	Signature
Print Name - Owner of Annexed Property	Signature

NOTARIAL ACKNOWLEDGMENT

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

On this 28th day of August, in the year 2006, before me Diane L. McFarlane Notary Public
(here insert name and quality of the officer)

personally appeared James S. Rasmussen & Jeanne T. Rasmussen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose name is are subscribed to this instrument, and acknowledged that he (she or they) executed it.

Diane L. McFarlane
Notary Public in and for the County of Los Angeles, State of California

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08/30/06

MB 11

9/22/05

LAWYERS TITLE COMPANY-81

DEPARTMENT OF REGIONAL PLANNING
320 West Temple Street
Room 1360, Hall of Records
Los Angeles, California 90012

05 2285675

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:

Name: West Pointe Homes, Inc.
Street: 26500 W. Agoura Rd.
PMB 652
City: Calabasas, CA 91302

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT and AGREEMENT to HOLD PROPERTY as ONE PARCEL

The undersigned hereby certify that we are the owners of real property located in the County of Los Angeles, State of California that is legally described as follows:

Lots 3 & 4 of Tract 45168

also known as APN 4456-012-027 and APN 4456-012-028
(legal description)

as recorded in Book 1166, Page 97-99, Records of Los Angeles County. This property is located at and is known by the following address:

423 N. Woodbluff Road and 25715 W. Piuma Road, Calabasas, CA 91302
(street address)

We hereby agree and covenant with the County of Los Angeles that the above legally described real property shall be held as one parcel and no portion shall be sold separately.

This covenant and agreement is executed for the purpose of

Placing seepage pits on Lot 3 for the residence located on Lot 4.
as regulated by Title 22 (Zoning Ordinance) of the Los Angeles County Code.

This covenant and agreement shall run with all of the above described land and shall be binding upon ourselves, and future owners, encumbrancers, their successors, heirs or assignees and shall continue in effect until released by the authority of the Director of Planning of the County of Los Angeles upon submittal of request, applicable fees and evidence that the Covenant and Agreement is no longer required by law.

County Project No. CUP 87-160

Owner's Name West Pointe Homes, Inc.

Signature of owner [signature] President

{ Two Officer's Signatures Required for Corporations [signature] Sec.

Name of Corporation West Pointe Homes, Inc.

Dated this 20th, day of September, 2005

(All signatures must be notarized.)

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Ventura } ss.

On 9/20/2005 (Date), before me, Diane L. McFarlane (Notary Public) (Name and Title of Officer (e.g., "Jane Doe, Notary Public"))

personally appeared James Rasmussen and Jeanne Rasmussen (Name(s) of Signer(s)),

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

DIANE L. MCFARLANE
Commission # 1390937
Notary Public - California
Ventura County
My Comm. Expires Dec 19, 2006

WITNESS my hand and official seal.

Diane L. McFarlane
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer
Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

© 1997 National Notary Association • 9350 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91313-2402 Prod. No. 5907 Reorder: Call Toll-Free 1-800-876-6827

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3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT AND AGREEMENT REGARDING INSTALLATION OF SEWAGE FACILITIES AND THE USE AND TRANSFER OF OWNERSHIP OF PROPERTIES

WHEREAS, the undersigned property owner(s) (hereinafter referred to as OWNER I) owns real property (hereinafter referred to as the ORIGINAL BUILDING SITE) which does not have sufficient area for an adequate private sewage disposal system; and

WHEREAS, the undersigned property owner(s) (hereinafter referred to as OWNER II) owns abutting real property (hereinafter referred to as the ANNEXED PROPERTY) which owner proposes to annex to the original building site for the purpose of providing additional space for a private sewage disposal system; and

WHEREAS, OWNER I and OWNER II represent that he/they are the sole owners of the ORIGINAL BUILDING SITE and the ANNEXED PROPERTY respectively, said real properties being situated in the County of Los Angeles, State of California, and described as follows:

Legal Description of ORIGINAL BUILDING SITE:
APN: 4456-012-028
(If lengthy, include as Attachment A)

Street Address/Location of ORIGINAL BUILDING SITE:
25715 W. Piuma Road, Calabasas, CA 91302

Legal Description of ANNEXED PROPERTY:
APN: 4456-012-027
(If lengthy, include as Attachment B)

Street Address/Location of ANNEXED PROPERTY:
423 N. Woodbluff Road, Calabasas, CA 91302

NOW THEREFORE, the undersigned, in consideration of the benefits accruing because of being permitted to use the annexed property for the purpose of providing additional space for a private sewage disposal system for which there is inadequate space on the ORIGINAL BUILDING SITE, does hereby promise, covenant and agree to and with the County of Los Angeles that both the ORIGINAL BUILDING SITE and the ANNEXED PROPERTY will be maintained as one unit until such time as sewage disposal from said property(ies) can be otherwise accomplished in conformity with the requirements of the Los Angeles County Plumbing Code or any other law or regulation which in the future shall apply.

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This COVENANT AND AGREEMENT shall run with the land and shall be binding upon all future owners, heirs, successors and assigns of the parties hereto.

This COVENANT AND AGREEMENT shall only be terminated by a RELEASE OF COVENANT AND AGREEMENT duly executed by the director of the County of Los Angeles Department of Health Services or its successor agency; said RELEASE shall not be effective until recorded in the County of Los Angeles Recorder's Office.

Dated this 25th day of August, 2006

West Pointe Homes Inc.	James S Rasmussen
Print Name - Owner of Original Site	Signature President
Print Name - Owner of Original Site	Signature
West Pointe Homes Inc	James S Rasmussen
Print Name - Owner of Annexed Property	Signature President
Print Name - Owner of Annexed Property	Signature

NOTARIAL ACKNOWLEDGMENT

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

On this 28th day of August, in the year 2006 before me Diane L. McFarlane Notary Public,
(here insert name and quality of the officer)

personally appeared James S Rasmussen & Jeannet Rasmussen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose name ~~is~~ are subscribed to this instrument, and acknowledged that ~~he~~ (~~she~~ or they) executed it.

DIANE L. MCFARLANE
Commission # 1390937
Notary Public - California
Ventura County
My Comm Expires Dec 19, 2006

Diane L. McFarlane

Notary Public in and for the County of Los Angeles State of California

06 1933487

MB 15

08/30/06

98 1586032

RECORDING REQUESTED BY AND
RETURN TO:
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco CA 94105-2219
Attn: Legal Division

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
1:01 PM SEP 03 1998

DEED RESTRICTION

D.A FEE Code 20 $ 2.00

FEE $ 10.00 1

I. WHEREAS, West Pointe Homes, Inc. 19

, hereinafter referred to as the "Owner(s)," is/are the record owner(s) of the following real property:

Lot 7 of Tract No. 45198, in the County of Los Angeles, State of California, as per map recorded in Book 1165, Page(s) 97, 98 and 99 of Maps, in the office of the County Recorder of said County,

hereinafter referred to as the "Property;" and

II. WHEREAS, the California Coastal Commission, hereinafter referred to as the "Commission," is acting on behalf of the People of the State of California; and

III. WHEREAS, the subject property is located within the coastal zone as defined in §30103 of Division 20 of the California Public Resources Code, hereinafter referred to as the "California Coastal Act of 1976," (the Act); and

IV. WHEREAS, pursuant to the Act, the Owner applied to the Commission for a coastal development permit on the Property described above; and

V. WHEREAS, coastal development permit number 4-95-045, hereinafter referred to as the "Permit," was granted on April 13, 19 95, by the Commission in accordance with the provision of the Staff Recommendation and Findings, attached hereto as EXHIBIT A and herein incorporated by

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reference; and

VI. WHEREAS, the Permit was subject to the terms and conditions including, but not limited to, the following condition(s):

Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 4-95-035, is only for the proposed development and that any future additions, or improvements to the property, including but not limited to, clearing of vegetation, structural additions, and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation consistent with condition 1 above for fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

Structure and Roof Color Restriction.

Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which restricts the color of the subject structure to natural earth tones, compatible with the surrounding environment. White tones will not be acceptable. In addition, the deed restriction shall also specify that only non-glare glass shall be installed in the residential structure. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

VII. WHEREAS, the Commission found that but for the imposition of the above condition(s) the proposed development could not be found consistent with the provisions of the California Coastal Act of 1976 and that a permit could therefore not have been granted; and

VIII. WHEREAS, Owner has elected to comply with the condition(s) imposed by the Permit and execute this Deed Restriction so as to enable Owner to undertake the development authorized by the Permit.

//

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ATE OF CALIFORNIA
D 113 (REV. 6-72)

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MB 17

NOW, THEREFORE, in co ·ideration of the granting of the Permit to the Owner by the Commission, the Owner hereby irrevocably covenants with the Commission that there be and hereby is created the following restrictions on the use and enjoyment of said Property, to be attached to and become a part of the deed to the property.

1. COVENANT, CONDITION AND RESTRICTION. The undersigned Owner, for himself/herself and for his/her heirs, assigns, and successors in interest, covenants and agrees that:

a) The CoastalCommission permit 4-95-035 is only for the proposed development;

b) Any future additions or improvements to the property, including but not limited to clearing of vegetation (except for clearing of vegetation consistent with the Lanscaping and Erosion Control Plan approved pursuant to special condition 1 of the Permit, on file and available for inspection at the Commission's South Centra Coast office), structural addtions and grading, will require a permit from the Coastal Commission or its successor agency;

c) The color of the subject structure is restricted to natural earth tones compatible with the surrounding environment. White tones are not acceptable; and

d) Only non-glare glass shall be installed in the residential structure.

2. DURATION. 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 the Permit or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the Property described herein, and shall bind Owner and all his/her assigns or successors in interest.

3. TAXES AND ASSESSMENTS. It is intended that this Deed Restriction is irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, §8, of the California Constitution;

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E OF CALIFORNIA
113 (REV 8 72)

MB 18

and b) §402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, this Deed Restriction shall be deemed to constitute a servitude upon and burden to the Property within the meaning of §3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

4. RIGHT OF ENTRY. The Commission or its agent may enter onto the Property at times reasonably acceptable to the Owner to ascertain whether the use restrictions set forth above are being observed.

5. REMEDIES. Any act, conveyance, contract, or authorization by the Owner whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of this Deed Restriction will be deemed a violation and a breach hereof. The Commission and the Owner may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of this Deed Restriction. In the event of a breach, any forbearance on the part of either party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. SEVERABILITY. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Dated: 1/17, 1998

WEST POINTE HOMES, INC.

SIGNED: James S Rasmussen — SIGNED: _____

James S. Rasmussen, President — PRINT OR TYPE NAME OF ABOVE

PRINT OR TYPE NAME OF ABOVE

* * NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE * *

URT PAPER
TE OF CALIFORNIA
D 113 (REV 8-72)

98 1586032

MB 19

STATE OF CALIFORNIA
COUNTY OF Ventura

On July 28, 1998 before me, Diane L. McFarlane, A Notary Public personally appeared James S. Rasmussen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Diane L. McFarlane

DIANE L. MC FARLANE
COMM. # 1045752
Notary Public — California
VENTURA COUNTY
My Comm. Expires NOV 27, 1998

STATE OF CALIFORNIA
COUNTY OF _____

On _____ before me, _____, A Notary Public personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

KURT PAPER
ARE OF CALIFORNIA
D 113 (REV 8-72)

98 1586032

MB 20

This is to certify that the deed restriction set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 4-95-035 on April 13, 1995 and the California Coastal Commission consents to recordation therof by its duly authorized officer.

Dated: August 28, 1998

John Bowers

John Bowers, Staff Counsel

California Coastal Commission

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On _____ before me, Deborah L. Bove, A Notary Public personally appeared Jphn Bowers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

DEBORAH L. BOVE

Signature Deborah L. Bove

98 1586032

MB 21

CALIFORNIA ASSOCIATION OF REALTORS

SELLER VACANT LAND QUESTIONNAIRE

(C.A.R. Form VLQ, 11/12)

COLDWELL BANKER RESIDENTIAL BROKERAGE

Seller makes the following disclosures with regard to the real property described as *Vacant Land APN 4456-021-031* Assessor's Parcel No *4456-012-031*, situated in *Calabasas*, County of *Los Angeles*, California ("Property").

II. **The following are representations made by the Seller. Unless otherwise specified in writing, Broker and any real estate licensee or other person working with or through Broker have not verified information provided by Seller. A real estate broker is qualified to advise on real estate transactions. If Seller or Buyer desire legal advice, they should consult an attorney.**

III. **Note to Seller:** PURPOSE. To tell the Buyer about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.

- Answer based on actual knowledge and recollection at this time
- Something that you do not consider material or significant may be perceived differently by a Buyer
- Think about what you would want to know if you were buying the Property today
- Read the questions carefully and take your time

IV. **Note to Buyer:** PURPOSE. To give you more information about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.

- Something that may be material or significant to you may not be perceived the same way by the Seller
- If something is important to you, be sure to put your concerns and questions in writing (C.A.R. Form BMI)
- Sellers can only disclose what they actually know. Seller may not know about all material or significant items
- Seller's disclosures are not a substitute for your own investigations, personal judgments or common sense

V. **SELLER AWARENESS: For each statement below, answer the question "Are you (Seller) aware of..." by checking either "Yes" or "No." Provide explanations to answers in the space provided or attach additional comments and check section VI.**

BOUNDARIES, ACCESS AND PROPERTY USE BY OTHERS: — **ARE YOU (SELLER) AWARE OF...**

1. Surveys, markers, stakes, pins or maps showing the location of the Property ☐ Yes ☐ No
2. Any unrecorded easement, encroachment or other dispute, maintenance or use agreement affecting access to, or the boundaries of, the Property ☐ Yes ☑ No
3. Use of the Property, or any part of it, by anyone other than you, with or without permission, for any purpose, including but not limited to, using or maintaining roads, driveways or other forms of ingress or egress, or other travel or drainage ☐ Yes ☑ No
4. Leases, rental agreements, service contracts, licenses, permits or related agreements regarding use of the Property by others ☐ Yes ☑ No
5. Use of any neighboring property by you ☐ Yes ☑ No
6. The absence or limitation of legal or physical access to the Property ☐ Yes ☑ No

Explanation: Topographic survey done 2017

GEOLOGIC CONDITIONS AND ENVIRONMENTAL HAZARDS: — **ARE YOU (SELLER) AWARE OF...**

7. Fill (compacted or otherwise), soil instability, caves, mines, caverns, or slippage on the Property ☐ Yes ☑ No
8. Radon, methane or other gases, contaminated soil or water, hazardous waste, or waste disposal sites on the Property ☐ Yes ☑ No
9. Fuel, oil or chemical storage tanks above or underground ☐ Yes ☑ No
10. Past or present treatment or eradication of pests or odors ☐ Yes ☑ No

Explanation:

Buyer's Initials ( ) ( )

Seller's Initials ( ) ( )

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Reviewed by Date

Coldwell Banker Westlake Village, 880 S Westlake Blvd Westlake Village, CA 91361 Phone (805)495-1048 Fax (805)495-2218 Vacant Land
NONA GREEN

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

MB 22

Property Address: Vacant Land APN 4456-021-031, Calabasas, CA 91302 Date

GOVERNMENTAL: **ARE YOU (SELLER) AWARE OF...**

11. Agricultural use restrictions pursuant to the Williamson Act or other law . . . Yes No
12. Whether the Property is in or adjacent to an area with Right to Farm rights . . . Yes No
13. Presence of any endangered, threatened "candidate" species, wetlands, historic artifacts or human remains on the Property . . . Yes No
14. Any protected habitat for plants, trees, animals or insects that apply to or could affect the Property . . . Yes No
15. Conditions or laws that may affect the ability to place and/or use a manufactured home on the Property . . . Yes No
16. Special taxes pursuant to the Mello-Roos Community Facilities Act, Improvement Bond Act of 1915 or other law . . . Yes No
17. Ongoing or contemplated eminent domain, condemnation, annexation or change in zoning or general plan that apply to or could affect the Property . . . Yes No
18. Existence or pendency of any rent control, occupancy restrictions or retrofit requirements that apply to or could affect the Property . . . Yes No
19. Existing or contemplated building or use moratorium that apply to or could affect the Property . . . Yes No
20. Current or proposed bonds, assessments, or fees that do not appear on the Property tax bill that apply to or could affect the Property . . . Yes No
21. Proposed construction, reconfiguration, or closure of nearby government facilities or amenities such as schools, parks, roadways and traffic signals . . . Yes No
22. Existing or proposed government requirements affecting the Property **(i)** that tall grass, brush or other vegetation be cleared, **(ii)** that restrict tree (or other landscaping) planting, removal or cutting, or **(iii)** that flammable materials be removed . . . Yes No

Explanation: Oak trees on property; Standard brush and weed control

WATER-RELATED ISSUES: **ARE YOU (SELLER) AWARE OF...**

23. Standing water, flooding, pumps, underground water, or water-related soil settling or slippage on or affecting the Property . . . Yes No
24. Rivers, streams, flood channels, underground springs, high water table, floods or tides on or affecting the Property . . . Yes No

Explanation

UTILITIES AND SERVICES: **ARE YOU (SELLER) AWARE OF...**

25. Whether any of the following utilities or services are available **ON** the Property . . . Yes No
    If yes, check which ones: wells, sewer, septic, sanitation, leach lines, water, gas, electric, telephone, cable, other
    If no, are you aware of the distance such utilities or services are from the Property? . . . Yes No

Explanation: County water - stub and valve in the area

LANDSCAPING, AGRICULTURE, STRUCTURES OR OTHER IMPROVEMENTS: **ARE YOU (SELLER) AWARE OF...**

26. Diseases or infestations affecting trees, plants or vegetation on or near the Property . . . Yes No
27. Diseases, infestation or other reason affecting the production of any agricultural trees or crops on the Property . . . Yes No
28. Operational sprinklers or irrigation systems on the Property . . . Yes No
    If yes, are they: automatic or manually operated
29. Any structures or improvements (such as pad, foundations, or shelter) . . . Yes No

Explanation

NEIGHBORHOOD: **ARE YOU (SELLER) AWARE OF...**

30. Neighborhood noise, nuisance or other problems from sources such as, but not limited to, the following: neighbors, livestock, wildlife, insects or pests, traffic, parking congestion, airplanes, trains, light rail, subway, trucks, freeways, buses, schools, parks, refuse storage or landfill, processing, agricultural operations, business, odor, recreational facilities, restaurants, entertainment complexes or facilities, parades, sporting events, fairs, neighborhood parties, litter, construction, air conditioning equipment, air compressors, generators, pool equipment or appliances, or wildlife . . . Yes No

Explanation: Saddle Peak Lodge (Restaurant) across the street. All assumed adv. risks

Buyer's Initials ( ) ( ) Seller's Initials (DR) ( )

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Reviewed by Date

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Vacant Land

MB 23

Property Address: Vacant Land APN 4456-021-031, Calabasas, CA 91302 Date

COMMON INTEREST CONDOMINIUMS AND DEVELOPMENTS: **ARE YOU (SELLER) AWARE OF...**

31. Any Homeowner or Property Owner Association (OA) governing the Property, or any pending or proposed dues increases, special assessments, rules changes, insurance, availability issues or threatened or pending litigation by or against the OA affecting the Property ☐ Yes ☐ No

Explanation:

TITLE, OWNERSHIP AND LEGAL CLAIMS: **ARE YOU (SELLER) AWARE OF...**

32. Any other person or entity on title other than Seller(s) signing this form ☐ Yes ☐ No
33. Leases, options or claims affecting or relating to title or use of the Property ☐ Yes ☐ No
34. Any other person or entity other than Seller(s) signing this form with a legal claim to oil, mineral, gas or water rights ☐ Yes ☐ No
35. Past, present, pending or threatened lawsuits, mediations, arbitrations, tax liens, abatement liens, mechanics' liens, notice of default, bankruptcy or other court filings, or government hearings affecting or relating to the Property, OA or neighborhood ☐ Yes ☐ No

Explanation:

DISASTER RELIEF, INSURANCE OR CIVIL SETTLEMENT: **ARE YOU (SELLER) AWARE OF...**

36. Financial relief or assistance, insurance or settlement, sought or received, from any federal, state, local or private agency, insurer or private party, by past or present owners of the Property, due to any actual or alleged damage to the Property arising from a flood, earthquake, fire, other disaster, or occurrence or defect, whether or not any money received was actually used to correct damage ☐ Yes ☐ No

Explanation:

OTHER: **ARE YOU (SELLER) AWARE OF...**

37. Reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents pertaining to the condition of the Property or easements, encroachments, boundary disputes or environmental conditions affecting the Property ☑ Yes ☐ No
    (If yes, provide any such documents in your possession to Buyer)
38. Department of Real Estate Public Report or subdivision map ☐ Yes ☑ No
39. An Order from a government health official identifying the Property as being contaminated by methamphetamine. (If yes, attach a copy of the Order.) ☐ Yes ☑ No
40. The release of an illegal controlled substance on or beneath the Property ☐ Yes ☑ No
41. Whether the Property is located in or adjacent to an "industrial use" zone ☐ Yes ☑ No
    (In general, a zone or district allowing manufacturing, commercial or airport uses.)
42. Whether the Property is affected by a nuisance created by an "industrial use" zone ☐ Yes ☑ No
43. Whether the Property is located within 1 mile of a former federal or state ordnance location ☐ Yes ☑ No
    (In general, an area once used for military training purposes that may contain potentially explosive munitions.)
44. Whether the Property is a condominium or located in a planned unit development or other common interest subdivision ☐ Yes ☑ No
45. Insurance claims affecting the Property within the past 5 years ☐ Yes ☑ No
46. Matters affecting title of the Property ☐ Yes ☑ No
47. Any past or present known material facts or other significant items affecting the value or desirability of the Property not otherwise disclosed to Buyer ☐ Yes ☑ No

Explanation: Survey, easement, encroachment, neighbor's fence on property. Neither notified of survey and need to modify agreements

VI. ☐ **(IF CHECKED) ADDITIONAL COMMENTS:** The attached addendum contains an explanation or additional comments in response to specific questions answered "yes" above. Refer to line and question number in explanation.

Buyer's Initials ( ) ( ) Seller's Initials (AR) ( )

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Vacant Land

MB 24

CLOSE

Agreement Summarization

Get the highlights with an AI-generated summary of this document.

TRY IT

DocuSign Envelope ID: FE692796-FDA4-4799-A6C9-9220F22A4BEF

CALIFORNIA ASSOCIATION OF REALTORS®

BUYER COUNTER OFFER No. 1

(C.A.R. Form BCO, 11/14)

Date *January 15, 2018*

This is a counter offer to the: [X] Seller Counter Offer No *1*, [ ] Seller Multiple Counter Offer No. ___, [ ] or Other _____ ("Offer"), dated *January 15, 2018*, on property known as *25755 Piuma Rd, Calabasas, CA 91302* ("Property"), between *Sara Afghani* ("Buyer") and *Donald Reith* ("Seller").

1. **TERMS:** The terms and conditions of the above referenced document are accepted subject to the following:
   A. **Paragraphs in the Offer that require initials by all parties, but are not initialed by all parties, are excluded from the final agreement unless specifically referenced for inclusion in paragraph 1C of this or another Counter Offer or an addendum.**
   B. **Unless otherwise agreed in writing, down payment and loan amount(s) will be adjusted in the same proportion as in the original Offer.**
   C. **OTHER TERMS:** *1. Purchase price to be $275,000.*
   2. Close of escrow to be 60 days from acceptance.
   D. **The following attached addenda are incorporated into this Buyer Counter offer:** [ ] Addendum No. _____
   [ ] _____ [ ] _____

2. **EXPIRATION:** This Buyer Counter Offer shall be deemed revoked and the deposits, if any, shall be returned:
   A. Unless by 5:00pm on the third Day After the date it is signed in paragraph 3 (if more than one signature then, the last signature date)(or by _____ [ ] AM [ ] PM on _____ (date)) (i) it is signed in paragraph 4 by Seller and (ii) a copy of the signed Buyer Counter Offer is personally received by Buyer or _____, who is authorized to receive it.

OR B. If Buyer withdraws it in writing (CAR Form WOO) anytime prior to Acceptance.

3. **OFFER: BUYER MAKES THIS COUNTER OFFER ON THE TERMS ABOVE AND ACKNOWLEDGES RECEIPT OF A COPY.**
   Buyer Sara Afghani 1/15/2018 *Sara Afghani* Date *01/15/2018*
   Buyer _____ Date _____

4. **ACCEPTANCE: I/WE** accept the above Buyer Counter Offer **(If checked [ ] SUBJECT TO THE ATTACHED COUNTER OFFER)** and acknowledge receipt of a Copy.
   Seller Don Reith *Donald Reith* Date 1/16/2018 Time _____ [ ] AM/ [ ] PM
   Seller _____ Date _____ Time _____ [ ] AM/ [ ] PM

CONFIRMATION OF ACCEPTANCE:

(_____ / _____) (Initials) **Confirmation of Acceptance:** A Copy of Signed Acceptance was personally received by Buyer or Buyer's authorized agent as specified in paragraph 2A on (date) _____ at _____ [ ] AM/ [ ] PM **A binding Agreement is created when a Copy of Signed Acceptance is personally received by Buyer or Buyer's authorized agent whether or not confirmed in this document.**

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Reviewed by _____ Date _____

Nelson Shelton & Associates 355 N Canon Drive Beverly Hills CA 90210 Phone: (310)271-2229 Fax: 25755 Piuma

MB 25

ASB LAW

CLIENTS FIRST

Law Offices of A. Scott Brown
21700 Oxnard St., Suite 1770
Woodland Hills, CA 91367
Tel: (805) 465-6410
Fax: (805) 267-1101
Mobile: (818) 489-6530

August 1, 2022

Don Reith
Via Email: iacowman@hotmail.com

Re: Monte Nido Valley Property Owners Association

Dear Reith:

Please be advised that this office has been retained to represent the Monte Nido Valley Community Association, formally known as the Monte Nido Valley Property Owners Association (hereinafter "the Association") as it relates to the property currently listed for sale located at the street address commonly known as 25755 Piuma Rd, Calabasas, CA 91302 (hereinafter "the Property"). Please address any and all future communications regarding this matter to our attention unless otherwise directed. As of the time of sending this communication, we have not been informed that you are currently represented by counsel. If you currently have a lawyer, please forward their contact information so that we can address any and all future communications regarding this matter to their attention.

We are in receipt of your email of June 27, 2022 to our client's former counsel, Michelle Black, Esq., (attached as Exhibit "1" for your reference) in which you request a letter withdrawing the claims asserted in Ms. Black's communication of June 23, 2022. This office is still in the process of taking over this matter and compiling the applicable documentation necessary to fully analyze and evaluate the evidence and legal authority relating to the ostensible equitable servitude conveyed in favor of the Association under the April 9, 1997 Settlement Agreement ("the Settlement Agreement")(attached as Exhibit "2" for your reference). We anticipate having a more definitive response to your June 27 email within thirty (30) days. However, in the meantime, based upon our preliminary assessment, it appears clear that the Settlement Agreement expressly prohibits construction of any home on the Property (see Section 2). It is submitted that any prospective buyer of same must be made aware of such ostensible equitable servitude under your mandatory statutory disclosure obligations.

This letter does not purport to set forth all of the facts surrounding this dispute, or the entirety of the claims, causes of action, and/or rights and remedies that our client may have against you and/or others, all of which are hereby reserved and not waived including, without limiting the generality of the foregoing, the right to commence legal proceedings against you and others without further notice.

If you have any questions or concerns relating to the above, please contact the undersigned.

Very Truly Yours,
A. Scott Brown
A. Scott Brown

MB-26

EXHIBIT "1"

MB-27

---------- Forwarded message ---------
From: **Don Reith** <jacowman@hotmail.com>
Date: Wed, Jul 27, 2022 at 9:35 AM
Subject: Follow up email to email sent on July 21st, 2022
To: Michelle Black <mnb@cbcearthlaw.com>
Cc: Nona Green <nona4re@gmail.com>, Sandvig, Karen <Karen.Sandvig@camoves.com>

Good morning, Miss Black I did not receive a reply to my previous email sent on July 21st, 2022. My realtor has advised me she has two potential buyers for my property at this time. They both are in need of a letter from you and your clients removing the claims in your letter dated June 23rd, 2022. My realtor has advised me that your letter is having a significant negative impact on the ability to market my property. In my previous email I requested a letter removing these claims by August 1st. If we do not receive a reply of you and your client's current position and a letter removing your claim by the August 1st timeline, I will be forced to seek legal remedies for slander of title on my property. This will also include the cost of the action as allowed under California law.

We would appreciate prompt attention to this matter.

Thank you for your time.

Sincerely,

Don Reith

MB-28

EXHIBIT "2"

MB 29

SADDLE PEAK/MONTE NIDO SETTLEMENT AND COOPERATION AGREEMENT

AND

JOINT ESCROW INSTRUCTIONS

by and among

S. P. LAND, INC.,
a California corporation

and

S. P. LODGE, INC.,
a California corporation

and

SADDLE PEAK ASSOCIATES,
a California limited partnership

and

MONTE NIDO VALLEY PROPERTY OWNERS ASSOCIATION,
a California nonprofit mutual benefit corporation

MB-30

November 9th 2016 Coastal Letter History of Emails With Wesley Horn and Joshua Huntington.

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Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031
Joshua Huntington <jhuntington@planning.lacounty.gov>
Wed 10/5/2016 7:28 PM
To:

- iacowman@hotmail.com <iacowman@hotmail.com>

Cc:

- Mi Kim <mkim@planning.lacounty.gov>

1 attachments (154 KB)
Deputy Directors Report June 2005.pdf;
Dear Mr. Reith,

Please be aware that the property at APN 4456-012-031 may have been reserved as an open space lot through the approval of an amendment to the Coastal Development Permit for the subdivision (see attached Deputy Director's Report from 2005). If this is the case, Los Angeles County would not be able to approve a permit for a house on this property. The Coastal Commission retains jurisdiction over the amendment in question, as well as the initial Coastal Development Permit. Therefore, for more information, please contact the Coastal Commission office in Ventura. That office is located at 89 South California Street, Ventura, CA 93001, and their phone number is (805) 585-1800.

Sincerely,

Joshua Huntington, AICP
Principal Planner
Zoning Permits West Section
Department of Regional Planning
320 W. Temple Street
Los Angeles CA 90012
213-974-6462
http://planning.lacounty.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, from the Department of Regional Planning is intended for the official and confidential use of the recipients to whom it is addressed. It contains information that may be confidential, privileged, work product, or otherwise exempted from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately by reply e-mail that you have received this message in error, and destroy this message, including any attachments.

The email received on 10/5/2016 728 pm initiated Don Reith going back to Barbara Rodriguez regarding the email received from Joshua Huntington. Please see that email below to verify that timeline and chain of events. This went back and forth while we waited for the files to come back in and on October 24th 2016 Don Reith received an email from Wesley Horn of the Coastal Commission. Please note while the letter dated November 9th is signed by Barbara Carey no emails, phone calls or communication of any kind ever took place between Don Reith and Barbara Carey. The same with Mr. Bruckner of LA Dept. of Regional Planning. All communication was with Wesley Horn and Joshua Huntington as verified in the email chain provided regarding the verification of no open lot restrictions on Lot 7 as evidenced by Mr. Huntington's statement in his email dated 11/14/2016 850 pm.

Fw: Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031

Don Reith
To:Rodriguez, Barbara@Coastal

Wed 10/5/2016 7:39 PM

Deputy Directors Report June 2005.pdf
154 KB

Barbara I received this today and we discussed this already but I need a clarification as you can see as no research that I did showed to be a open lot.

Please clarify.

Thanks

Don Reith

From: Joshua Huntington <jhuntington@planning.lacounty.gov>
Sent: Wednesday, October 5, 2016 7:28 PM
To: iacowman@hotmail.com
Cc: Mi Kim
Subject: Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031

Dear Mr. Reith,

Please be aware that the property at APN 4456-012-031 may have been reserved as an open space lot through the approval of an amendment to the Coastal Development Permit for the subdivision (see attached Deputy Director's Report from 2005). If this is the case, Los Angeles County would not be able to approve a permit for a house on this property. The Coastal Commission retains jurisdiction over the amendment in question, as well as the initial Coastal Development Permit. Therefore, for more information, please contact the Coastal Commission office in Ventura. That office is located at 89 South California Street, Ventura, CA 93001, and their phone number is (805) 585-1800.

Sincerely,

Joshua Huntington, AICP
Principal Planner
Zoning Permits West Section
Department of Regional Planning
320 W. Temple Street
Los Angeles CA 90012
213-974-6462

Email chain with Josh Huntington and Wesley Horn about November 9th letter

In file 4-95-035 is a copy of the email conversation with Wesley Horn about Lot 7. If anyone had done any research, they would be able to find this information. It is part of the official records at the Coastal Commission. Please note not all these emails are in the Coastal Commission files.

From: Horn, Wesley@Coastal <Wesley.Horn@coastal.ca.gov>
Sent: Monday, October 24, 2016 3:16 PM
To: iacowman@hotmail.com
Subject: 25755 Piuma Road (lot 7)

Dear Mr. Reith,

Our clerical staff informed me that you left a message for our office concerning the lot at 25755 Piuma Road and that you would like to schedule a meeting to review some of the project materials. I'm available Thursday or Friday afternoon to meet, and Thursday afternoon would be best if that works with your schedule. Does 2 p.m. on Thursday work for you?

Thank you for your time and please let me know if you have any questions,

Wesley Horn
Coastal Program Analyst | California Coastal Commission
89 South California Street, Ventura, CA 93001
Wesley.Horn@coastal.ca.gov| (805) 585-1800

Re: 25755 Piuma Road (lot 7)

Don Reith
To:Horn, Wesley@Coastal

Wed 10/26/2016 6:52 PM

This went to my spam folder and I just found it. I will email you the info I mentioned today along with other pertinent info and then we can talk and if we need to meet then we can do so.

Thanks

Don Reith
310-968-4078

Re: Covenant for Lot 7

Don Reith
To:Horn, Wesley@Coastal

Wed 10/26/2016 11:38 PM

SCN_0020.pdf
4 MB

SCN_0021.pdf
4 MB

2 attachments (8 MB)Save all to OneDriveDownload all

Here is the information I referred to in my discussions with you today. The first scan is of the covenant and agreement for the use of lot 7 for lot 3 to meet the needs of lot 3 in regards to its waste disposal system needs. I first discussed this document with Richard Jefferson of LA County in Calabasas and he told me that with this in place I would not be able to get a permit for lot 7. We then looked thru the file for lot 3 and verified that lot 3 had since met the requirements for its waste system design needs and so I was able to get this released and I have sent you a copy of that released that was filed on 8/23/16. I have also sent you a document that is titled Agreement For License of Maintenance of Real Property dated July 27th 2005. I have no clue why this was done or why anyone would agree to such a poorly written document but it is what it is. I have discussed this document twice with Mr. Clark and I will be revoking this agreement under the terms agreed to and stated in the document. He has yet to return my calls or meet with me as requested to discuss. He is not happy to say the least.

I have also sent you a couple more covenants done on other lots in this development. The paperwork is a bit of a mess for sure to say the least but that is not my problem. There are also a couple easements filed on lots to get from one lot to another since they are not adjoining as required per the agreement. It appears the previous owner and developer was a bit creative in how he went about his paperwork. Lot 7 is now clear of any and all covenants and restrictions.

I have now cleaned up all the issues that prevented anyone from being able to build on this lot. It appears no one spent the time and energy to do the research needed to clarify the situation at hand on lot 7. I have had numerous people stop and tell me what I can and can't do with this lot. What has been going on is numerous people have been using the lot for exercising their dogs as there are tennis balls all over the place.

Please review the info and then give me a call. I spent a whole day at the county office reviewing the files on this development. They are interesting to say the least. I am sure you have discussed with Jackie by now the conversation she and I had and her checking with the legal dept. in Sacramento and that they called her back verify that there were no building restrictions. She called me and left me a voice message stating such and I met with my realtors to play back that message for them and to show them I had cleaned up the septic system issues.

I intend to comply with all the rules and regulations in place. I appreciate your time and would simply like to move forward on my project. I would appreciate getting the document from you stating there are no restrictions in place so I can move forward with LA County and get the neighbors to mind their own affairs.

Thanks

Don Reith
310-968-4078

------- Original message --------
From: "Horn, Wesley@Coastal" <Wesley.Horn@coastal.ca.gov>
Date: 10/28/16 8:19 AM (GMT-08:00)
To: Don Reith <iacowman@hotmail.com>
Subject: RE: Covenant for Lot 7

Good Morning Don,

I apologize for just now getting back to your message, I was out of the office most of yesterday. I've had a chance to review the information you provided and I will follow up with my manager on Monday regarding next steps. I'll keep you updated on our progress, but please let me know if you have any questions.

Thank you again for your time,

Wes

RE: Covenant for Lot 7

Don Reith
To:Horn, Wesley@Coastal

Fri 10/28/2016 11:38 AM

Thank you for the reply. There is a lot of information that to me makes little logical sense. All I do know is there is no doubt lot 7 is now free of any restrictions. if you need anything else from me let me know. I simply want to build me a house.

Have a great weekend .

Don

Re: Covenant for Lot 7

Don Reith
To:Horn, Wesley@Coastal

Thu 11/3/2016 1:01 AM

Mr. Horn I realize you have a lot going on with work. At this time I am hoping for a document from your office to verify that which we already discussed in regards to the lot I recently purchased. I just finished the percolation tests and I thought best to wait until after this issue was put to rest before I do anymore development work. Is there anything else you need from me and if you wanted to meet to discuss any matter I am available mid day on Friday. I would really like to get moving forward as the process takes a while as you are well aware. I really don't understand why the neighbors are having issues as they all have build magnificent homes and I have the right to do so as long as I follow the rules.

Thank you for your time.

Don Reith

Original message --------
From: "Horn, Wesley@Coastal" <Wesley.Horn@coastal.ca.gov>
Date: 11/3/16 1:27 PM (GMT-08:00)
To: Don Reith <iacowman@hotmail.com>
Subject: RE: Covenant for Lot 7

Hello Mr. Reith,

Unfortunately I will be out of the office on Friday, but I wanted to quickly follow up with you on the project as I have plans to discuss the situation with my supervisors on Monday and determine next steps. **How we process the project will depend upon what you intend to do with the property**.

Commission CDP 4-95-035 granted construction of a single family residence (SFR) with a specific design, area, and layout. Commission CDP 4-95-035-A1 deleted the SFR and restored the graded pad. Do you intend to develop the parcel with a SFR consistent with a design and layout specified in the original CDP 4-95-035 or are you planning on constructing a completely new house based on your own design and layout?

Thank you again for your time. I appreciate your help and patience and I should have a much better idea of how to proceed following my meeting on Monday. I will follow up with you then to discuss next steps.

-Wes

From: Don Reith [mailto:iacowman@hotmail.com]
Sent: Thursday, November 03, 2016 1:54 PM
To: Horn, Wesley@Coastal
Subject: RE: Covenant for Lot 7

Any design or layout must now meet current rules and regs. I am told that in order to do the previous design would require a request and approval of a variance due to new height restrictions now in place for that area.

The previous house was deleted due to the problem with the lots in the area not having adequate waste removal plans in place. That is no longer an issue. **As discussed there are no restrictions in place to prohibit building an approved home.**

I bought the property after verifying that there were no restrictions to prevent me from building on that lot. If there are issues we need to address let me know. I simply want to move forward.

Thank you for your time and assistance .

Don Reith

From: Horn, Wesley@Coastal <Wesley.Horn@coastal.ca.gov>
Sent: Monday, November 7, 2016 6:56 PM
To: Don Reith
Subject: RE: Covenant for Lot 7

Hello Mr. Reith,

I had an opportunity to touch base with my supervisors earlier this afternoon. Are you available for a phone call tomorrow to review what we discussed and determine the next steps? I have a meeting from 3-5, but would 12 pm work with your schedule?

Thanks,
Wes

Re: Covenant for Lot 7

Don Reith

To:Horn, Wesley@Coastal

Tue 11/8/2016 7:16 PM

This email per request of Wesley Horn of the California Coastal Commission is to verify that I am not going to exercise permit number 4-95-035-A1 on APN 4456-012-031.

Thanks for your help in this matter.

Sincerely

Donald Reith

Re: Covenant for Lot 7

Don Reith
To:Horn, Wesley@Coastal

Tue 11/8/2016 7:19 PM

Wes please review my previous email and I would really like an email or document sent to myself and to LA County to verify that there are no restrictions on APN 4456-012-031. This will save all of us headaches in the future with those who have raised issues with developing the lot to current rules and regulations. I just want to move forward on my project.

Thanks

Don Reith

Re: Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031

Don Reith
To:Joshua Huntington

Wed 11/9/2016 5:23 PM

Mr. Huntington has Wesley Horn of the Coastal Commission updated you on his findings on APN 4456-031-012 ?

Thanks

Don Reith

RE: Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031

Joshua Huntington <jhuntington@planning.lacounty.gov>
To:You

Wed 11/9/2016 5:37 PM

Dear Mr. Reith,

I have spoken with Wesley Horn. As of my most recent conversation with him, his findings regarding the subject property had not been finalized. I expect to hear from him soon regarding the status of the property in question.

Sincerely,

Josh

Joshua Huntington, AICP
Principal Planner
Zoning Permits West Section
Department of Regional Planning
320 W. Temple Street
Los Angeles CA 90012
213-974-6462
http://planning.lacounty.go

RE: Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031

Don Reith
To:Joshua Huntington

Wed 11/9/2016 5:45 PM

We spoke yesterday in regards to this matter. I would like a document in writing from Coastal commission so we can both put this issue to rest and move forward

Lot 7 CDP

Horn, Wesley@Coastal <Wesley.Horn@coastal.ca.gov>
To:You

Thu 11/10/2016 5:11 PM

CCC Letter for Lot 7 CDP.pdf
29 KB

Mr. Reith,

Please find the attached letter summarizing the Commission's determination regarding Lot 7. I have also sent a copy of the letter to the Los Angeles County Department of Regional Planning. Thank you for your time and please let me know if you have any questions.

Sincerely,

Wesley Horn
Coastal Program Analyst | California Coastal Commission
89 South California Street, Ventura, CA 93001
Wesley.Horn@coastal.ca.gov | (805) 585-1800

Re: Parcel at the corner of Cold Cyn. and Piuma apn: 4456_012_031

Joshua Huntington <jhuntington@planning.lacounty.gov>
To:You

Mon 11/14/2016 8:50 PM

Dear Mr. Reith,

The letter from Coastal allows you to proceed with your application for a Coastal Development Permit with Los Angeles County. Please be aware that any development, including exploratory testing and/or drilling does require a permit within the Santa Monica Mountains Coastal Zone. Application materials can be found here: http://planning.lacounty.gov/apps under the heading "Santa Monica Mountains LCP." Please apply for a Coastal Development Permit before doing any more work on the property.

Furthermore, this permit process will include a public hearing. As such, it is in your best interest to start doing outreach to the neighbors now. See what their concerns are and see if you can address these concerns in your project proposal. The hearings are often contentious and it would help your project have a positive outcome if you can gain the support of the people who live in the vicinity of the property.

Sincerely,

Josh

I swear that all the information contained in this document is the truth.

Don Reith

The Hoa is totally reliant upon West Pointe Homes and James Rasmussen to support their position. I would advise the HOA to change their position and amend their cross complaint by removing Don Reith and adding West Points Homes to the complaint.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

EDMUND G. BROWN, JR., *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST, SUITE 200
VENTURA, CA 93001
(805) 585-1800

November 9, 2016

County of Los Angeles Department of Regional Planning
Attn: Richard Bruckner, Regional Planning Director
320 W. Temple Street
Los Angeles, CA 90012

Re: Coastal Development Permit for Tract No. 45168, Lot 7 (APN No, 4456-012-031, 25755 Piuma Road, Santa Monica Mountains)

Dear Mr. Bruckner:

We have been contacted by Donald Reith, the current owner of the subject property. We were asked to give our opinion on the existence of any open space or other restrictions applied to the property through past Coastal Development Permits (CDP) approved by the Commission. We have reviewed the permit history of the subject lot and found the following information.

The Commission originally issued CDP 5-87-984 for the subdivision of a single 8.1 acre parcel into seven lots, of which the subject lot is one. The Commission later granted CDP 4-95-035 for the construction of a single family residence (SFR) on Tract No. 45168, Lot 7 of the aforementioned subdivision. Later, Amendment 4-95-035-A1 was approved to change the approved project description to delete the construction of a SFR, and to add the restoration and revegetation of the previously graded pad. A review of the project casefiles and all other available information indicates that the Commission's approval of amendment 4-95-035-A1 did not require the recordation of any restriction or easement to maintain the subject lot as open space in perpetuity.

The owner of the property has elected to abandon CDP 4-95-035 and CDP Amendment 4-95-035-A1 in order to pursue a new CDP for development of the subject lot. Because our review showed no restrictions prohibiting the development of Lot 7, it is our opinion that it is appropriate for the applicant to pursue a new CDP with the County.

Thank you for your consideration of this matter. Please call me at (805) 585-1800 if you have any questions.

Sincerely,

Barbara Carey
District Manager

cc: Josh Huntington, Los Angeles County DRP, Maya Saraf, Los Angeles DRP
Steve Hudson, CCC Deputy Director; Deanna Christensen, CCC Planning Supervisor; Wesley Horn, CCC Analyst, Donald Reith

CCC Letter for Lot 7 CDP. Pdf 11/10/2016 5:11 pm
from Wesley Horn