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Item Th 5A

Staff: CAC-SF
Staff Report: September 30, 2005
Hearing Date: October13, 2005

STAFF REPORT AND FINDINGS FOR CEASE AND DESIST ORDER AND RESTORATION ORDER

CEASE AND DESIST ODER AND RESTORATION ORDER:	CCC-05-CD-07 and CCC-05-RO-04
RELATED VIOLATION FILE:	V-4-94-003
PROPERTY LOCATION:	The property is located on the north side of Mulholland Highway, northwest of the intersection of Mulholland Highway and Decker Canyon Road, within the Santa Monica Mountains National Recreation Area of unincorporated Los Angeles County **(Exhibit 1).**
DESCRIPTION OF PROPERTY:	Five-acre parcel, previously identified by Los Angeles County as APN 4472-008-039, now identified by Los Angeles County as APNs 4472-008-057; -058; -059; -060.
PROPERTY OWNER:	Mulholland Land Company; S.K. Maden, General Partner
VIOLATION DESCRIPTION:	Attempted unpermitted subdivision of five-acre parcel into four parcels.
SUBSTANTIVE FILE DOCUMENTS:	1. Cease and Desist Order and Restoration Order Files No. CCC-05-CD-07 and CCC-05-RO-04;

2. Notice of Violation File No. CCC-05-NOV-07
3. Exhibits 1 through 14.

CEQA STATUS: Exempt (CEQA Guidelines (CG) §§ 15060(c)(2)), and Categorically Exempt (CG §§ 15061(b)(2), 15307, 15308, and 15321).

I. SUMMARY OF STAFF RECOMMENDATION

The property at issue in this enforcement matter is an undeveloped five-acre parcel located on Mulholland Highway, northwest of the intersection of Mulholland Highway and Decker Canyon Road ("property"). Davis Road runs through the property, from the southeastern corner up to the northwestern region. Mulholland Land Company (MLC), a partnership of which S.K. Maden is the General Partner and agent for service of process, owns the property. Unpermitted development on the property consists of the attempted unpermitted subdivision of the five-acre property into four parcels.

Staff recommends that the California Coastal Commission ("the Commission") approve Cease and Desist Order CCC-05-CD-07 and Restoration Order CCC-05-RO-04 (as described below), directing MLC to: 1) cease and desist from conducting or maintaining unpermitted development on the property; 2) cease and desist from any attempt to transfer any of the parcels created through the attempted unpermitted subdivision to separate ownership; and 3) merge the parcels to restore the property to the legal configuration that existed before the Coastal Act violation occurred.

Commission staff became aware of the attempted subdivision of the property on July 12, 1993 and initiated contact with Mission Viejo National Bank, the owner of the property at that time, to inform Mission Viejo National Bank that the attempted subdivision violated the Coastal Act and to attempt to resolve the violation. On April 6, 1994, Commission staff was notified that the property was in the process of being sold to MLC. Commission staff contacted Mr. Maden, in his capacity as General Partner of MLC, on December 7, 1994, and informed him that the unpermitted subdivision of the property constituted a Coastal Act violation, and that, as the new owner of the property, MLC would be responsible for resolving the violation. Commission staff received notification on September 11, 1995 that MLC had purchased the property on January 9, 1995. Commission staff then sent a violation letter to MLC on September 29, 1995.

Commission staff made repeated attempts to resolve the violation, through correspondence on March 26, 1996, October 21, 1997, November 26, 2001, December 10, 2001, January 25, 2002, and February 27, 2002. These letters requested that MLC either remove the unpermitted development by merging the parcels, or submit a Coastal Development Permit (CDP) application to authorize the subdivision. MLC provided no written response to these letters.

On April 3, 2002, after repeated attempts by Commission staff to resolve the violation, MLC finally submitted a CDP application, seeking authorization for the attempted subdivision. The application was incomplete. Commission staff notified MLC of the additional information that was required to process the application; however, the application remained incomplete and, since it had not been completed, was finally returned to MLC on January 16, 2004, almost two years after it was submitted. As of the date of this report, despite further correspondence from Commission staff regarding the unpermitted subdivision, MLC has failed to take any action to correct the violation. Even if MLC did submit an application, Commission staff would not be able to recommend approval of a new CDP application under the provisions of the Coastal Act. The subdivision would triple the development potential of the property and, consequently, the environmental impacts to adjacent ESHA and parkland. Furthermore, the land use designations provided for the property in the 1986 Malibu/Santa Monica Mountains Land Use Plan (LUP) only allow for a single development unit on the five-acre property. Therefore, any subdivision of the property would create at least one non-conforming lot, inconsistent with the LUP.

The attempted subdivision of the property constitutes development, as defined in Coastal Act Section 30106 and was undertaken without a CDP, in violation of Coastal Act Section 30600. Thus, the Commission has the authority, under Coastal Act Section 30810, to issue a Cease and Desist Order in this matter. Furthermore, the attempted unpermitted subdivision of the property is inconsistent with the policies of Chapter 3 of the Coastal Act, including Sections 30231 (biological productivity; water quality), 30240 (environmentally sensitive habitat areas), and 30251 (scenic and visual qualities), and, if unabated, the violation will cause continuing resource damage, as defined in Section 13190 of the Commission's regulations. Consequently, the Commission has the authority, under Coastal Act Section 30811, to issue a Restoration Order in this matter.

The Coastal Commission has jurisdiction to take enforcement action to remedy this violation because the property lies within the Coastal Zone, in an unincorporated area of Los Angeles County. The area is not covered by a certified Local Coastal Program.

II. HEARING PROCEDURES

The procedures for a hearing on a proposed Cease and Desist Order and Restoration Order are set forth in Section 13185 and 13195 of the California Code of Regulations (CCR), Title 14, Division 5.5, Chapter 5, Subchapter 8.

For a Cease and Desist and Restoration Order hearing, the Chair shall announce the matter and request that all alleged violators or their representatives present at the hearing identify themselves for the record, indicate what matters are already part of the record, and announce the rules of the proceeding including time limits for presentations. The Chair shall also announce the right of any speaker to propose to the Commission, before the close of the hearing, any question(s) for any Commissioner, in his or her discretion, to ask of any person, other than the violator or its representative. Commission staff shall then present the report and recommendation to the Commission, after which the alleged violator or his representative may present their position(s) with particular attention to those areas where an actual controversy exists. The Chair

may then recognize other interested persons, after which staff typically responds to the testimony and to any new evidence introduced.

The Commission will receive, consider, and evaluate evidence in accordance with the same standards it uses in its other quasi-judicial proceedings, as specified in CCR Section 13185, 13186, and 13195, incorporating by reference Sections 13185, 13186 and 13065. The Chair will close the public hearing after the presentations are completed. The Commissioners may ask questions to any speaker at any time during the hearing or deliberations, including, if any Commissioner chooses, any questions proposed by any speaker in the manner noted above. Finally, the Commission shall determine, by a majority vote of those present and voting, whether to issue the Cease and Desist and Restoration Orders, either in the form recommended by the Executive Director, or as amended by the Commission. Passage of two separate motions, corresponding to the Cease and Desist Order and the Restoration Order respectively, per staff recommendation or as amended by the Commission, will result in issuance of the Orders.

III. STAFF RECOMMENDATION

A. Cease and Desist Order

1. Motion:

I move that the Commission issue Cease and Desist Order No. CCC-05-CD-07 pursuant to the staff recommendation.

2. Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in the issuance of Cease and Desist Order CCC-05-CD-07. The motion passes only by an affirmative vote of the majority of Commissioners present.

3. Resolution to Issue Cease and Desist Order:

The Commission hereby issues Cease and Desist Order No. CCC-05-CD-07, as set forth below, and adopts the findings set forth below on grounds that MLC is the owner of the property on which development has occurred without a coastal development permit.

B. Restoration Order

1. Motion

I move that the Commission issue Restoration Order No. CCC-05-RO-04, pursuant to the staff recommendation.

2. Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in the issuance of Restoration Order CCC-05-RO-04. The motion passes only by an affirmative vote of a majority of Commissioners present.

3. Resolution to Issue Restoration Order:

The Commission hereby issues Restoration Order No. CCC-05-RO-04, as set forth below, and adopts the findings set forth below on grounds that development has occurred without a CDP, the development is inconsistent with the Coastal Act, and the development is causing continuing resource damage.

IV. FINDINGS FOR CEASE AND DESIST ORDER CCC-05-CD-07 AND RESTORATION ORDER CCC-05-RO-04

A. History of Violation

The attempted unpermitted subdivision of the property occurred sometime during 1991, as evidenced by Assessor's parcel maps from 1990/1991 and 1991/1992 **(Exhibit 2)**. In the 1990/1991 Assessor's map, the property, consisting of approximately five acres, is identified as Assessor's Parcel Number (APN) 4472-008-039. In the 1991/1992 Assessor's map, the property is identified as four separate parcels designated as APNs 4472-008-057, 4472-008-058, 4472-008-059, and 4472-008-060. At the property owner's request, Los Angeles County approved and recorded Conditional Certificates of Compliance ("Certificates") for each of the four parcels in 1990. The Certificates do not state that the subdivision complied with the Coastal Act, nor do they exempt the subdivision from the permitted requirements of the Coastal Act. In fact, the Certificates state that the parcels were "not created in compliance with State or County Subdivision regulations" and that the conditions imposed therein are "in addition to any permit requirements which may be imposed."

Commission staff first became aware of the attempted unpermitted subdivision of the property on July 12, 1993 and sent a violation letter to Mission Viejo National Bank, which owned the property at that time. The Federal Deposit Insurance Corporation (FDIC) acquired the property on February 28, 1992 when the bank failed, and Commission staff sent a notice of violation letter to the FDIC on March 9, 1994. In response to the notice of violation letter, the FDIC notified Commission staff that the property was in the process of being sold to MLC and that the presence of a Coastal Act violation on the property was divulged to MLC in the purchase documents **(Exhibit 3)**. Commission staff contacted Mr. Maden, as General Partner of MLC, so that MLC could make an informed decision as to whether to purchase the property.[1] During a telephone conversation with Mr. Maden on December 7, 1994, Commission staff confirmed that MLC was the prospective buyer and that the property was in escrow. Commission staff informed

[1] Mr. Maden has verified that he is the agent for service for MLC. Consequently, all correspondence with MLC regarding this matter is conducted through Mr. Maden, in his capacity as General Partner of MLC, not as an individual party.

Mr. Maden that the attempted unpermitted subdivision of the property constituted a Coastal Act violation and that purchasing the property would confer responsibility for resolving the violation onto MLC. Commission staff then requested a current address for MLC, which Mr. Maden declined to provide, asserting that the company was in the process of relocating. He stated that he would contact Commission staff with the new address when it was available. He failed to contact Commission staff with that information.

On September 11, 1995, in response to the continued efforts of Commission staff to reach a resolution in this matter, the FDIC notified Commission staff that MLC had purchased the property from the FDIC on January 9, 1995 **(Exhibit 4)**. As of the date of this report, MLC continues to be the owner of record of the property.

Commission staff sent an initial violation letter to MLC on September 29, 1995 **(Exhibit 5)**. Additional letters from Commission staff, expressing a willingness to seek an amicable resolution to this matter, were sent to MLC on March 26, 1996, October 21, 1997, November 26, 2001, December 10, 2001, January 25, 2002, and February 27, 2002. No written responses to any of these letters were received.

Finally, on April 3, 2002, MLC submitted a CDP application, seeking after-the-fact approval for the subdivision. The application was incomplete, and on May 7, 2002, Commission permit staff sent a letter to MLC, listing the materials that MLC needed to submit in order to complete the application **(Exhibit 6)**. The application was finally returned to MLC on January 16, 2004, after MLC failed for almost two years to complete the application per Commission staff's request **(Exhibit 7)**. After searching Commission records, Commission staff has verified that MLC has not submitted a new application with regards to the attempted subdivision of the property.

A final violation letter was sent to MLC on March 28, 2005, requiring MLC to contact Commission staff by April 8, 2005 to discuss resolution of the violation **(Exhibit 8)**. Mr. Maden contacted Commission staff, in response to the letter, on April 6, 2005 and stated that MLC would not voluntarily merge the parcels. Consequently, on May 25, 2005, the Executive Director issued a Notice of Intent to Commence Cease and Desist Order and Restoration Order Proceedings and to Record a Notice of Violation of the Coastal Act (NOI) **(Exhibit 9)**.[2] The NOI included a Statement of Defense (SOD) form, as required by Section 13181(a) of the Commission's regulations.

Section 13181(a) of the Commission's regulations provides a twenty-day deadline for submittal of a completed SOD, affording MLC the opportunity to respond to and present defenses to Commission staff's allegations. Section 13181(b) provides that the Executive Director may

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[2] Commission staff made MLC aware of the potential for recordation of a Notice of Violation in this matter, as required by Coastal Act Section 30812(g), in a letter to MLC dated March 28, 2005. The NOI informed MLC of the Executive Director's intent to record a Notice of Violation. MLC did not submit a written objection to such recordation, as provided for under Coastal Act Section 30812(b). Therefore, on June 17, 2005, pursuant to Section 30812(b), and in an attempt to protect any potential innocent purchasers, the Executive Director recorded a Notice of Violation (Instrument No. 05 1431647) with respect to the cited violation

extend the deadline for submittal of an SOD upon written request by the alleged violator, demonstrating good cause for such an extension. MLC did not request an extension. In fact, MLC has not contacted Commission staff since May 24, 2005, before the NOI was issued. As of the date of this report, MLC has not submitted an SOD, and therefore, has provided no defenses to the Coastal Act violation and no evidence of authority to subdivide the property without a CDP.

The completion of an SOD is mandatory if the Respondent wishes to present any defenses to the issuance of the Orders. The SOD is necessary because it enables the Executive Director to prepare a recommendation to the Commission, as required by Section 13183 of the Commission's Regulations, which includes rebuttal evidence to matters raised in the SOD and summarizes any unresolved issues. The Executive Director was unable to provide such information in this report due to MLC's failure to submit an SOD. By choosing not to submit an SOD, MLC has failed to raise and preserve any defenses that it may have.

Although previous correspondence from Commission staff directed MLC to either recombine the unpermitted parcels or submit a CDP application to authorize the subdivision, since initiating this enforcement action, Commission staff has conducted an investigation and has concluded that the subdivision of the property is not consistent with the resource protection policies of the Coastal Act. Therefore, Commission staff could not recommend approval even if MLC submitted a new and complete CDP application to retain the attempted subdivision.

The eastern boundary of the property is located immediately adjacent to a large, contiguous stand of healthy chaparral, which constitutes environmentally sensitive habitat area (ESHA) **(Exhibit 10)**. An intermittent stream runs adjacent to the eastern property boundary. Additionally, the southern boundary of the property is located immediately adjacent to the northwestern portion of the Zuma/Trancas Canyons area of the Santa Monica Mountains National Recreation Area (SMMNRA)**(Exhibit 11)**. The increase in potential development caused by the attempted subdivision will result in increased impacts to water quality, scenic resources, and adjacent ESHA and parklands, in violation of the resource protection policies of Chapter 3 of the Coastal Act.

B. Description of Unpermitted Development

Unpermitted development located on the property consists of the attempted subdivision of the five-acre property into four parcels measuring 1.89, 1.58, .80, and .73 acres respectively.

C. Basis for Issuance Orders

1. Basis for Issuance of Cease and Desist Order

The statutory authority for issuance of this Cease and Desist Order is provided in Coastal Act Section 30810, which states, in relevant part:

> *(a) If the commission, after public hearing, determines that any person…has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person … to cease and desist.*
>
> *(b) The cease and desist order may be subject to such terms and conditions as the commission may determine are necessary to ensure compliance with this division, including immediate removal of any development or material…*

Development is defined in Coastal Act Section 30106, which states:

> *"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; <u>change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits</u>, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use...* (emphasis added)

The attempted subdivision of the property clearly constitutes development as defined in Coastal Act Section 30106 and, as such, is subject to the following permit requirements provided in Coastal Act Section 30600(a), which states in relevant part:

> *(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone… shall obtain a coastal development permit.*

No CDP was obtained for the development on the property, as required under Coastal Act Section 30600(a). Consequently, the Commission is authorized to issue CCC-05-CD-07 pursuant to Section 30810(a)(1). The proposed Cease and Desist Order will direct MLC to merge the parcels to form the legal configuration that existed prior to the Coastal Act violation.

2. <u>Basis for Issuance of Restoration Order</u>

The statutory authority for issuance of this Restoration Order is provided for in Coastal Act Section 30811, which states, in relevant part:

> *In addition to any other authority to order restoration, the commission… may, after a public hearing, order restoration of a site if it finds that [a.] the development has occurred without a coastal development permit from the commission…, [b.] the development is inconsistent with this division, and [c.] the development is causing continuing resource damage.*

a. Development Has Occurred Without a Coastal Development Permit

As previously presented in Section C.1. of this report, Commission staff has verified, and MLC does not dispute, that the cited development on the property was conducted without a CDP. The following paragraphs provide evidence that the development is inconsistent with the Coastal Act and is causing continuing resource damage.

b. Unpermitted Development is Inconsistent with the Coastal Act

The unpermitted development is inconsistent with the following resource protection policies of the Chapter 3 of the Coastal Act:

i. Section 30240 - Environmentally Sensitive Habitat Areas

Environmentally Sensitive Habitat Areas (ESHA) are defined by Coastal Act Section 30107.5 as:

> *… area[s] in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Coastal Act Section Act Section 30240(a) states:

> *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

The Los Angeles County Fire Department requires fuel modification when residential development is proposed. To ensure adequate fire safety, vegetation must be removed and/or thinned within 200 feet of any habitable structures. Development and the required fuel modification typically require the clearance of approximately three acres of land. Each of the four illegally subdivided parcels contains less than three acres of land. Therefore, the purported subdivision creates a situation where, to allow residential use of four parcels, the Commission would have to approve fuel modification that necessitates extensive removal and/or thinning of ESHA from neighboring parcels. This removal would not constitute a dependent use and would significantly degrade the ESHA, thereby violating Coastal Act Section 30240(a). If the property is not subdivided, then the development potential is limited to one residence on the entire five-acre parcel and the required fuel modification could be fully contained within the property boundaries, avoiding removal of ESHA from adjacent areas.

Coastal Act Section 30240(b) states:

> *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The eastern boundary of the property is located immediately adjacent to a large, contiguous area of healthy chaparral habitat, which extends approximately 670 feet north along the eastern boundary, and then expands to the north and west, eventually connecting to state and federal parklands (see Exhibit 10). This surrounding area's relatively undeveloped and unfragmented Mediterranean Ecosystem has been recognized as rare and especially valuable habitat. The chaparral habitat found in adjacent areas is an essential component of the ecosystem, helping to maintain biological diversity in the area by providing habitat, and improving water quality by reducing erosion. Thus, the adjacent areas constitute ESHA and warrant protection under Section 30240 (See Memorandum from John Dixon, Ph.D., to Commission staff, dated March 25, 2003, labeled as **Exhibit 12**). The property is also immediately adjacent to the Zuma/Trancas Canyons area of the Santa Monica Mountains National Recreation Area (SMMNRA), a federal park and approximately 930 feet southeast of state parklands.

Subdividing the property from one parcel into four parcels increases the development potential, and the environmental impacts to adjacent ESHA and parklands associated with development, three-fold. Runoff from impervious surfaces, and from areas where chaparral has been removed to comply with fuel modification requirements would cause water quality impacts and increased erosion of adjacent land. Moreover, as previously stated, subdivision of the property could result in removal of ESHA in adjacent areas to comply with fuel modification requirements. Furthermore, by delineating four small parcels, MLC has created the potential for development within areas of the property that, assessing the property as a whole, would not be preferred areas of development with the least environmental impact, such as areas that immediately abut ESHA and federal parkland. Thus, subdivision of the property would be inconsistent with Section 30240(b).

MLC has not proposed development sited and designed to prevent impacts to adjacent ESHA and parklands or development compatible with these adjacent areas. In fact, MLC is a land sale company and will presumably sell the parcels. The attempted subdivision created three new parcels for MLC to sell and is, therefore inconsistent with the resource protection policies of Chapter 3 of the Coastal Act, specifically Section 30240.

ii. Section 30231 - Water Quality

Coastal Act Section 30231 states the following:

> *The biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, <u>controlling runoff</u>, <u>preventing depletion of ground water supplies and substantial interference with surface water flow</u>, encouraging waste water reclamation, <u>maintaining natural vegetation buffer areas that protect riparian habitats</u>, and minimizing alteration of natural streams* (emphasis added).

Chaparral has deep root systems and dense foliage. The roots stabilize even steep slopes and prevent erosion of soil into streams in the area. The dense foliage intercepts precipitation and slows surface runoff. The clearance of chaparral from the property for development and to comply with fuel modification requirements will increase erosion and impact the water quality of streams in the area, including the intermittent stream that runs adjacent to the eastern property boundary, and, ultimately, coastal waters. Moreover, removal of vegetation for fuel modification, as explained above, could impact adjacent riparian habitat. A three-fold increase in development would increase these impacts.

Additional impacts to water quality will result from the impervious surfaces created as a result of increased residential development. Increased pollutant and sediment runoff from these surfaces will impact the property as well as adjacent parklands, ESHA, and streams.

iii. Section 30251 - Scenic and Visual Qualities

Coastal Act Section 30251 states the following:

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

The entire property is located within SMMNRA, a popular recreation area. Mulholland Highway, which runs along the southern boundary of the property, is designated a scenic highway in the 1986 Malibu/Santa Monica Land Use Plan, and is a major throughway, bringing visitors to the area to use and enjoy the parklands. The property is immediately adjacent to the Zuma/Trancas Canyons area of SMMNRA and is located approximately 930 feet from state parkland.

The property is also in a highly scenic area due to the rural atmosphere open spaces and vistas, large contiguous areas of native vegetation and an extensive network of publicly owned lands. The unpermitted development would allow for increased residential development that would degrade scenic resources and the community character of the surrounding rural area through the alteration of the natural landform on the site's hillsides and ridge tops. These alterations would be clearly visible form Mulholland Highway.

c. Subdivision is Inconsistent with the LUP

The LUP assigns two land use designations, Rural Land I and Rural Land III, to portions of the property, which provide the minimum lot size required for a development unit. Even a single division of the property would create at least one lot that does not meet the minimum

lot size required under these designations. Therefore, any subdivision of the property, and the resulting non-conforming lots, would violate both the Coastal Act and the LUP.

d. Subdivision is Not Exempt From Coastal Act Permitting Requirements

MLC claims that the County of Los Angeles authorized the subdivision of the property. At the request of the prior property owner, the County of Los Angeles issued Conditional Certificates of Compliance ("Certificates") for each of the four parcels on March 2, 1990 (Instruments No. 90 344505, 90 344506, 90 344507, and 90 344508) (**Exhibit 13)**. In fact, the Certificates state, in relevant part:

> *The above described parcel* ***was not*** *created in compliance with State and County Subdivision regulations. … These conditions are* ***in addition to*** *any permit requirements which may be imposed. … However, the conditions listed below must be fulfilled before issuance of a building permit or other development approval.*(emphasis added)

The Certificates do not state that the subdivision complies with the Coastal Act or that the subdivision is exempt from Coastal Act permitting requirements. Although the Certificates do not mention the need for compliance with the Coastal Act, this fact does not exempt the subdivision from that requirement. Section 30600(a) of the Coastal Act states that, "in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person. . . wishing to perform or undertake any development in the coastal zone. . . shall obtain a coastal development permit." Under California law, the actions of one public agency cannot impair the legal jurisdiction of another public agency. (*California Tahoe Regional Planning Agency v. Day and Night Electric, Inc.* (1985) 163 Cal.App.3d 898.) Thus, MLC remains obligated to comply with applicable Coastal Act requirements. Furthermore, MLC had actual notice of the allegations by Commission staff that the property was subdivided in violation of the Coastal Act before MLC chose to purchase the property. As quoted above, the Certificates clearly state that the parcels were not created in accordance with State and County subdivision regulations in effect at the time of the purported parcel creation. Thus, the Certificates constitute the first subdivision of the property, which is defined as "development" under section 30106 of the Coastal Act and therefore, requires a CDP.

d. Unpermitted Development is Causing Continuing Resource Damage

The unpermitted development is causing continuing resource damage, as defined in Section 13190 of the Commission's regulations, which states:

> *'<u>Continuing'</u>, when used to describe 'resource damage', means such damage which continues to occur as of the date of issuance of the Restoration Order.*
>
> *'<u>Resource'</u> means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, including but not limited to public access, marine and other aquatic resources, environmentally sensitive wildlife habitat, and the visual quality of coastal areas.*

> *'Damage' means any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development.* (emphasis added)

The increased development potential from the subdivision would result in impacts to adjacent ESHA, water quality, and scenic values that are three times more severe than the impacts that would occur from the development of the lot as the single legal parcel, which currently exists. As of the date of this report, the unpermitted development consisting of the illegal subdivision continues to exist at the subject property, and, as described above, continues to cause adverse impacts to resources afforded protection under the policies of Chapter 3 of the Coastal Act. Thus, the resource damage is "continuing" as required by Coastal Act Section 30811, enabling the Commission to issue Restoration Order CCC-05-RO-04.

3. Provisions of CCC-05-CD-07 and CCC-05-RO-04

The attempted subdivision of the property has created four illegal parcels, each with a separate APN. As a result, unless MLC is hereby compelled to merge the parcels and correct the APNs to reflect the legal configuration of the property, MLC could sell each of the four parcels to a separate owner, and four separate development projects could be undertaken. The development potential of the property will increase three-fold, and the associated three-fold increase in impacts to ESHA, water quality, and scenic resources will be inconsistent with the resource policies of Chapter 3 of the Coastal Act. In an effort to adequately address the impacts to the property and to the surrounding Santa Monica Mountains area, the Cease and Desist and Restoration Orders will direct MLC to merge the parcels in order to restore the property, and the potential for development of the property, to the condition that existed prior to the Coastal Act violation. Issuance of the Orders is essential to resolving the violation because MLC will not voluntarily merge the parcels.

D. California Environmental Quality Act (CEQA)

The Commission finds that the issuance of Commission Cease and Desist Order CCC-05-CD-07 and Restoration Order CCC-05-RO-04 to compel removal of the unpermitted development and restoration of the property to the condition that existed prior to the unpermitted development, is exempt from any applicable requirements of the California Environmental Quality Act (CEQA) of 1970 and will not have significant adverse effects on the environment, within the meaning of CEQA. The Cease and Desist Order and Restoration Order are exempt from the requirement of preparation of an Environmental Impact Report, based on Sections 15061(b)(2), 15307, 15308 and 15321 of the CEQA Guidelines.

E. Findings of Fact

1. MLC is the owner of property, previously identified by Los Angeles County as APN 4472-008-039, and now identified as APNs 4472-008-057, 4472-008-058, 4472-008-059, and 4472-008-060. The property is located off of Mulholland Highway, northwest of the intersection of Mulholland Highway and Decker Canyon Road, within the Santa Monica Mountains National

Recreation Area of unincorporated Los Angeles County. The property is located within the Coastal Zone, in an area that is not covered by a certified Local Coastal Program.

2. In 1991, the attempted subdivision of the property was conducted. This activity constitutes development as defined in Coastal Act Section 30106.

3. No CDP was applied for or obtained prior to the undertaking of this development, in violation of Coastal Act Section 30600(a). No exemption from the permit requirements of the Coastal Act applies to the unpermitted development.

4. The attempted unpermitted subdivision is inconsistent with the policies of Coastal Act Sections 30240, 30231, and 30251 and with relevant LUP land use designations.

5. The attempted unpermitted subdivision is causing continuing resource damage.

6. On April 6, 1994, Commission staff became aware that the property was in escrow, and that MLC was the prospective buyer.

7. On December 7, 1994, Commission staff notified MLC that the property was subdivided in violation of the Coastal Act and that, should MLC purchase the property, MLC would be responsible for resolving the violation.

8. MLC purchased the property on January 9, 1995.

9. Commission staff made repeated attempts to resolve this matter administratively, as evidenced by continuous correspondence with MLC, dated September 29, 1995, March 26, 1996, October 21, 1997, November 26, 2001, December 10, 2001, January 25, 2002, February 27, 2002, May 7, 2002, March 28, 2005, April 6, 2005, and May 23, 2005.

10. On April 3, 2002, MLC submitted an incomplete CDP application to authorize the attempted subdivision. Commission staff sent MLC a letter on May 7, 2002, listing the materials MLC was required to submit in order to complete the application. MLC failed to complete the application, and, because the application was incomplete, the application was finally returned to MLC on January 16, 2004.

11. During telephone conversations on April 6, 2005 and May 23, 2005, Commission staff advised MLC that issuance of a Commission-approved order would be sought to obtain the appropriate resolution of the Coastal Act violation, namely merging the parcels to return the property to its legal configuration. MLC stated that it will not voluntarily merge the parcels.

12. On May 25, 2005, the Executive Director issued a Notice of Intent to Commence Cease and Desist Order and Restoration Order Proceedings and to Record a Notice of Violation (NOI), addressing the attempted unpermitted subdivision of the property. Response to the NOI, using the Statement of Defense (SOD) form sent with the Notice of Intent, was due on or before June 15, 2005. No SOD or response of any kind has been received.

13. The unpermitted development listed in the NOI and addressed in this report persists.

14. Coastal Act Section 30810 authorizes the Commission to issue a cease and desist order after holding a public hearing.

15. Coastal Act Section 30811 authorizes the Commission to issue a restoration order after holding a public hearing.

F. <u>MLC Has Failed to Raise Defenses to the Issuance of the Orders</u>

An SOD form was provided to MLC with the March 28, 2005 NOI, in accordance with Section 13181(a) of the Commission's regulations. MLC was provided the opportunity to respond to the allegations made in the NOI and to raise defenses to the issuance of Cease and Desist and Restoration Orders in this matter. MLC has not submitted an SOD. Since the completion of an SOD form is mandatory, MLC has failed to raise and preserve any defenses that it may have, and has waived its right to present defenses for consideration by the Commission.

The SOD requirement serves an important function. (See, e.g., *Horack v. Franchise Tax Board* (1971) 18 Cal.App.3d 363, 368) ("Where administrative machinery exists for resolution of differences, such procedures must be "fully utilized and exhausted"). The Coastal Commission's cease and desist hearings are "quasi-judicial." Thus, if the Coastal Commission is to make findings of fact and conclusions at law in the form of an adopted Staff Report, Respondents must inform the Commission, precisely and in writing, which defenses they wish the Commission to consider. The SOD form has six categories of information that MLC should have provided to the Coastal Commission: (1) facts or allegations contained in the cease and desist order or the notice of intent that are admitted by respondent; (2) facts or allegations contained in the cease and desist order or the notice of intent that are denied by respondent; (3) facts or allegations contained in the cease and desist order or the notice of intent of which the respondent has no personal knowledge; (4) facts and/or a description of any documents, photographs or other physical evidence that may exonerate the respondent; (5) any other information, statement, etc. that respondent desires to make; and (6) a listing of any documents, exhibits, declarations or other materials that are being attached by respondent to the statement of defense form.

The Commission should not be forced to guess which defenses MLC wants the Commission to consider and which defenses it may have raised informally prior to the hearing but now wishes to abandon. Section 13181, subdivision (a) is specifically designed to serve the function of clarifying the issues to be considered and decided by the Commission. (See *Bohn v. Watson* (1954) 130 Cal.App.2d 24, 37 ("It was never contemplated that a party to an administrative hearing should withhold any defense then available to him or make only a perfunctory or 'skeleton' showing in the hearing…The rule compelling a party to present all legitimate issues before the administrative tribunal is required…to preserve the integrity of the proceedings before that body and to endow them with a dignity beyond that of a mere shadow-play").)

Staff recommends that the Commission issue the following Cease and Desist and Restoration Orders to Mulholland Land Company:

CEASE AND DESIST ORDER CCC-05-CD-07, MULHOLLAND LAND COMPANY

Pursuant to its authority under Public Resource Code Section 30810, the California Coastal Commission hereby orders and authorizes Mulholland Land Company (hereinafter referred to as "Respondent") to:

1. Cease and desist from engaging in any further development on the property identified by Los Angeles County as Assessor's Parcel Numbers 4472-008-057, 4472-008-058, 4472-008-059, and 4472-008-060 (hereinafter referred to as "the property") that is not authorized by a coastal development permit.

2. Cease and Desist from maintaining unpermitted development on the property consisting of the attempted unpermitted subdivision of the property.

3. Cease and desist from any attempts to transfer portions of the property into separate ownership.

4. Cease and desist from any attempts to transfer the property in a document that identifies the property as more than one parcel or that identifies any portion of the property as a separate parcel.

5. Submit a complete application to merge the four illegally created parcels on the property to the County of Los Angeles within thirty days of issuance of this Order.

6. Take all actions necessary to effectuate merger of the four illegally created parcels on the property into one parcel pursuant to applicable State and Local statutes within sixty days of the effective issuance of this Order. The merged lot shall be held as one parcel of land for all purposes including, but not limited to, sale, conveyance, development, taxation, and/or encumbrance.

7. Submit all documents that will be recorded to effectuate the merger to the Commission's Executive Director for review and approval prior to recordation.

8. Submit a copy of any document recorded by the County Recorder's Office with regards to this matter to Commission staff, according to Section V of this Order.

9. Within ten days of recordation of the merger by the County Recorder's Office, submit a copy of the document, along with any other form required by the County Assessor's Office, to the County Assessor's Office and request in writing that the Assessor modify its records to reflect that the four illegally created parcels on the property have been merged and constitute only one parcel. The written request shall include: 1) a request that this matter be given top priority by the County Assessor's Office; 2) an explanation of the circumstances warranting a top priority designation; and 3) a request for a certified copy of the modified Assessor's Parcel map. Submit a copy of the written request and

necessary forms and, once received, the certified modified map to Commission staff, at the address provided in Section V of this Order.

I. Persons Subject to the Order

Persons subject to this Cease and Desist Order are Respondent, S.K. Maden as general partner of Respondent, Respondent's agents, contractors and employees, and any persons acting in concert with any of the foregoing.

II. Identification of the Property

The property that is subject to this Order is described as follows:

The property is located on the north side of Mulholland Highway, northwest of the intersection of Mulholland Highway and Decker Canyon Road, within the Santa Monica Mountains National Recreation Area of unincorporated Los Angeles County (APNs 4472-008-057, 4472-008-058, 4472-008-059, 4472-008-060).

III. Description of Unpermitted Development

Unpermitted development located on the property consists of the attempted unpermitted subdivision of the property into four parcels.

IV. Commission Jurisdiction and Authority to Act

The Commission has jurisdiction over this matter, as the property at issue is located within the Coastal Zone and in an area not covered by a certified Local Coastal Plan. The Commission is issuing this Order pursuant to its authority under Coastal Act Section 30810.

V. Submittal of Documents

All documents submitted pursuant to this Order must be sent to:

California Coastal Commission
Attn: Christine Chestnut
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

California Coastal Commission
Attn: Pat Veesart
89 S. California Street, Suite 200
Ventura, CA 93001-2801

VI. Effective Date and Terms of the Order

The effective date of the Order is the date of approval by the Commission. The Order shall remain in effect permanently unless and until modified or rescinded by the Commission.

VII. Findings

The Order is issued on the basis of the findings adopted by the Commission at the October 2005 hearing, as set forth in the attached document entitled "Staff Report and Findings for Notice of Cease and Desist Order and Restoration Order."

VIII. Compliance Obligation

Strict compliance with the Order by all parties subject thereto is required. Failure to comply strictly with any term or condition of the Order including any deadline contained in the Order will constitute a violation of this Order and may result in the imposition of civil penalties, as authorized under Section 30821.6, of up to SIX THOUSAND DOLLARS ($6,000) per day for each day in which such compliance failure persists, in addition to any other penalties authorized under Section 30820.

IX. Extension of Deadlines

The Executive Director may extend deadlines for good cause. Any extension request must be made in writing to the Executive Director and received by Commission staff at least ten days prior to expiration of the subject deadline.

X. Appeal

Pursuant to Public Resources Code Section 30803(b), any person or entity against whom this Order is issued may file a petition with the Superior Court for a stay of this Order.

XI. Modifications and Amendments to this Order

This Order may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) of the Commission's administrative regulations.

XII. Government Liability

The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent in carrying out activities required and authorized under this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

XIII. Successors and Assigns

This Order shall run with the land, binding all successors in interest, future owners of the property, heirs and assigns of Respondent. Notice shall be provided to all successors, heirs and assigns of any remaining obligations under this Order.

XIV. No Limitation on Authority

Except as expressly provided herein, nothing herein shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with this Order.

Executed in _____ on _____, on behalf of the California Coastal Commission.

By:_____ Peter Douglas, Executive Director

RESTORATION ORDER CCC-05-RO-04, MULHOLLAND LAND COMPANY

Pursuant to its authority under Public Resource Code Section 30811, the California Coastal Commission hereby orders and authorizes Mulholland Land Company (hereinafter referred to as "Respondent") to:

1. Submit a complete application to merge the four illegally created parcels on the property identified by the County Assessor as APNs 4472-008-057, 4472-008-058, 4472-008-059, and 4472-008-060 (hereinafter referred to as "the four illegally created parcels") to the County of Los Angeles within thirty days of the issuance of this Order.

2. Take all actions necessary to effectuate merger of the four illegally created parcels within sixty days of the effective date of the issuance of this Order. Any documents that will be recorded to effectuate the merger shall be submitted to the Commission's Executive Director for review and approval prior to recordation.

3. Submit a copy of any document recorded by the County Recorder's Office with regards to this matter to Commission staff, in accordance with Section V of this Order.

4. Within ten days of recordation of the merger by the County Recorder's Office, submit a copy of the document, along with any other form required by the County Assessor's Office, to the County Assessor's Office and request in writing that the Assessor modify its records to reflect that the four illegally created parcels have been merged and constitute only one parcel. The written request shall include: 1) a request that this matter be given top priority by the County Assessor's Office; 2) an explanation of the circumstances warranting a top priority designation; and 3) a request for a certified copy of the modified Assessor's Parcel map. Submit a copy of the written request and necessary forms and, once received, the certified modified map to Commission staff, in accordance with Section V of this Order.

I. Persons Subject to the Order

Persons subject to this Restoration Order are Respondent, S.K. Maden as general partner of Respondent, Respondent's agents, contractors and employees, and any persons acting in concert with any of the foregoing.

II. Identification of the Property

The property that is subject to this Order is described as follows:

The property is located on the north side of Mulholland Highway, northwest of the intersection of Mulholland Highway and Decker Canyon Road, within the Santa Monica Mountains National Recreation Area of unincorporated Los Angeles County (APNs 4472-008-057, 4472-008-058, 4472-008-059, 4472-008-060).

III. Description of Unpermitted Development

Unpermitted development located on the property consists of the attempted unpermitted subdivision of the property into four parcels.

IV. Commission Jurisdiction and Authority to Act

The Commission has jurisdiction over this matter, as the property at issue is located within the Coastal Zone and in an area not covered by a certified Local Coastal Plan. The Commission is issuing this Order pursuant to its authority under Coastal Act Section 30811.

V. Submittal of Documents

All documents submitted pursuant to this Order must be sent to:

California Coastal Commission
Attn: Christine Chestnut
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

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VI. Effective Date and Terms of the Order

The effective date of the Order is the date of approval by the Commission. The Order shall remain in effect permanently unless and until modified or rescinded by the Commission.

VII. Findings

The Order is issued on the basis of the findings adopted by the Commission at the October 2005 hearing, as set forth in the attached document entitled "Staff Report and Findings for Notice of Cease and Desist Order and Restoration Order.

VIII. Compliance Obligation

Strict compliance with the Order by all parties subject thereto is required. Failure to comply strictly with any term or condition of the Order including any deadline contained in the Order will constitute a violation of this Order and may result in the imposition of civil penalties, as authorized under Section 30821.6, of up to SIX THOUSAND DOLLARS ($6,000) per day for each day in which such compliance failure persists, in addition to any other penalties authorized under Section 30820.

IX. Extension of Deadlines

The Executive Director may extend deadlines for good cause. Any extension request must be made in writing to the Executive Director and received by Commission staff at least ten days prior to expiration of the subject deadline.

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Pursuant to Public Resources Code Section 30803(b), any person or entity against whom this Order is issued may file a petition with the Superior Court for a stay of this Order.

XI. Modifications and Amendments to this Order

This Order may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) of the Commission's administrative regulations.

XII. Government Liability

The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent in carrying out activities required and authorized under this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

XIII. Successors and Assigns

This Order shall run with the land, binding all successors in interest, future owners of the property, heirs and assigns of Respondent. Notice shall be provided to all successors, heirs and assigns of any remaining obligations under this Order.

XIV. No Limitation on Authority

Except as expressly provided herein, nothing herein shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with this Order.

Executed in _____ on _____, on behalf of the California Coastal Commission.

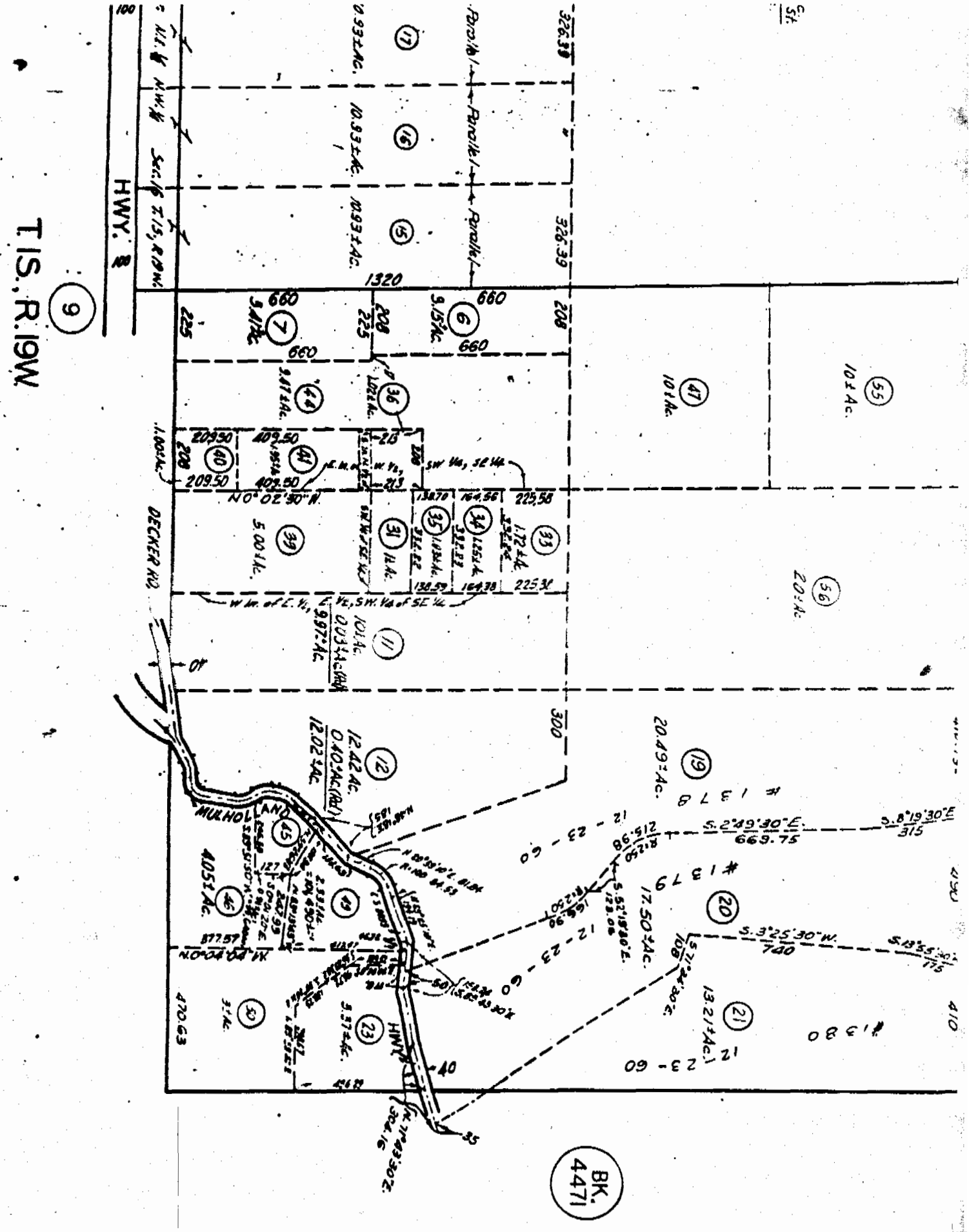
By:_____ Peter Douglas, Executive Director

CCC-05-CD-07 and CCC-05-RO-04
Exhibit List

Exhibit Number	Description
1.	Site map.
2.	Los Angeles County Assessor's Parcel maps from 1990/1991 and 1991/1992.
3.	Letter from the FDIC to Commission staff, dated April 6, 1994.
4.	Letter from the FDIC to Commission staff, dated September 11, 1995.
5.	Letter from Commission staff to MLC, dated September 29, 1995.
6.	Letter from Commission staff to MLC, dated May 7, 2002.
7.	Letter from Commission staff to MLC, dated January 16, 2004.
8.	Letter from Commission staff to MLC, dated March 28, 2005.
9.	Notice of Intent to Commence Cease and Desist Order and Restoration Order Proceedings and to Record a Notice of Violation of the Coastal Act, dated May 25, 2005.
10.	2001 aerial photograph of property and surrounding areas; red lines represent property boundaries.
11.	Map showing location of adjacent and nearby parklands.
12.	Memorandum from John Dixon, Ph.D., to Commission staff, dated March 23, 2003.
13.	Conditional Certificates of Compliance, issued by the County of Los Angeles on March 2, 1990.

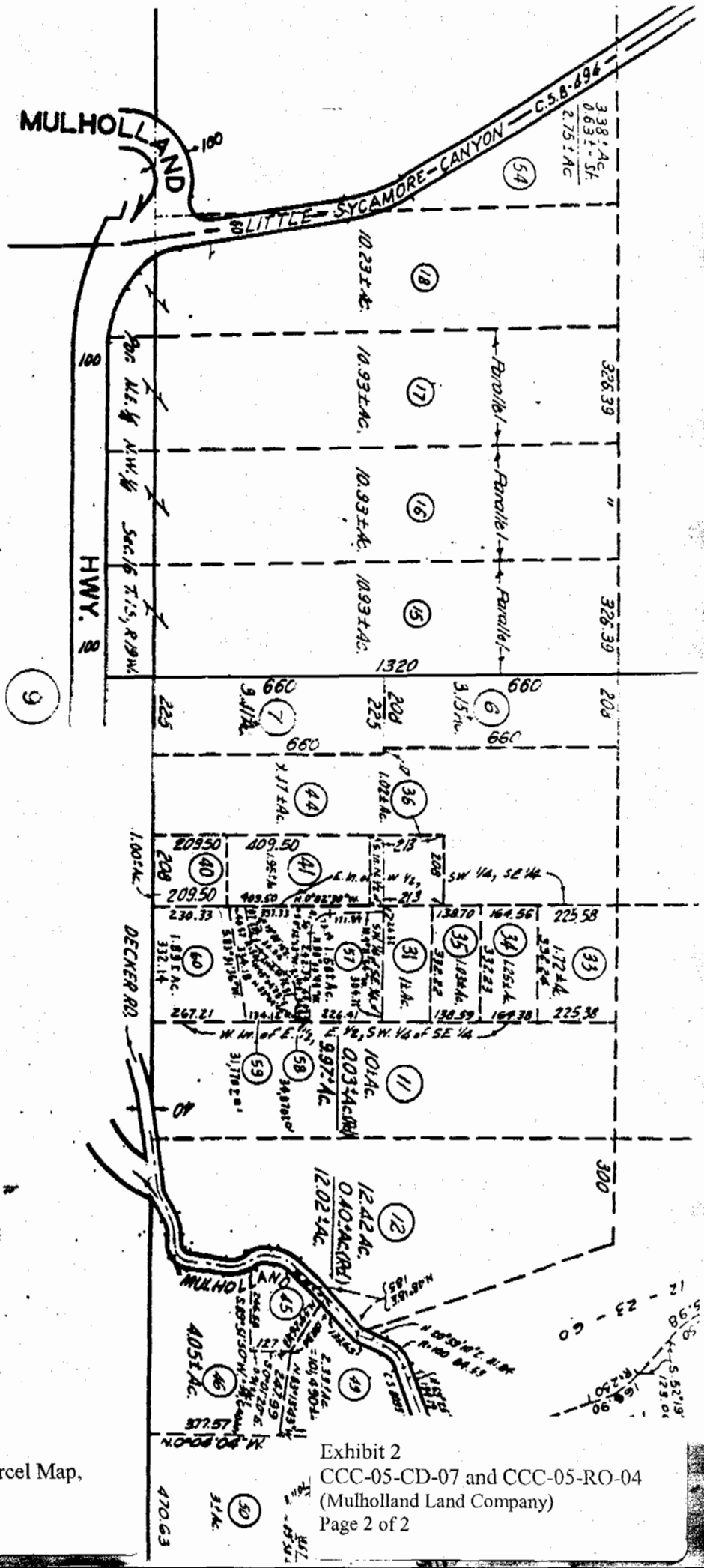
Exhibit 1: Site Location

Exhibit 1
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)



1990/1991 Assessor's Parcel Map,
Los Angeles County

Exhibit 2
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 1 of 2



1991/1992 Assessor's Parcel Map,
Los Angeles County

Exhibit 2
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 2 of 2

FDIC
FEDERAL DEPOSIT INSURANCE CORPORATION
P.O. BOX 7549, NEWPORT BEACH, CALIFORNIA 92658-7549 (714) 263-7719 FAX (714) 263-7699

April 6, 1994

CERTIFIED MAIL

RECEIVED
APR 08 1994
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mr. John Ainsworth, Enforcement Supervisor
CALIFORNIA COASTAL COMMISSION
South Central Coast Area
89 S. California St., 2nd Floor
Ventura, California 93001

Re: Vacant Parcel
33391 Mulholland
Malibu, CA
UNPERMITTED SUBDIVISION OF LAND

Dear Mr. Ainsworth:

This letter is in reply to your March 9, 1994 letter advising of your finding that unpermitted subdivision activities had occurred on the subject property.

The FDIC acquired this property as receiver of Mission Viejo National Bank when that institution closed. The FDIC had no knowledge that the above activities had occurred on the property prior to the receipt of your letter.

The FDIC does not intend to do any development of the property. The FDIC is in the process of selling the property "as is", has provided a copy of your letter to the prospective buyer, and has disclosed to the prospective buyer in the purchase documents that buyer must comply with the permitting procedures of the Coastal Commission, if the buyer intends to develop the property. Escrow is expected to close by May 9, 1994.

The FDIC requests by this letter that the Coastal Commission suspend its threatened enforcement action on this file until title passes to the buyer and the buyer has an opportunity to submit a permit application to the Coastal Commission.

Please advise if the above request is acceptable to the Coastal Commission.

Very truly yours,

M. Gerum

Mary Gerum
ORE Specialist

cc: Hassen Masri

f:\real\reo\mulholln.skh

Exhibit 3
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)

FDIC
Federal Deposit Insurance Co ration
P.O. Box 7549, Newport Beach, C .ornia 92658-7549*(714) 263-7700*OUTSIDE CA ORNIA ONLY 1-800-234-0867

RECEIVED
SEP 14 1995
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

September 11, 1995

Mr. John Ainsworth
Enforcement Supervisor
California Costal Commission
89 South California St., Suite 200
Ventura, Ca. 93001

Subject: File No. V-4-MAL-94-003
4 vacant lots locatd on Mulholland Highway, Malibu, Ca.

Dear Mr. Airsworth:

We are in receipt of your letter dated August 23, 1995 regarding the subject.

Please be aware that we sold these four lots on January 9, 1995 to a S. K. Madan, P. O. Box 70917, Pasadena, Calif. 91117.

Sincerely,

Mary Gerum
Account Officer

Exhibit 4
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

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

CERTIFIED MAIL

September 29, 1995

S.K. Maden
P.O. Box 70917
Pasadena, CA. 91117

Violation File Number: V-4-MAL-94-003

Property Address: Four vacant parcels at APN: 4472-008-057, -058, -059 and -060, located on Mulholland Highway, Malibu; Los Angeles County

Unpermitted Development: Subdivision of one lot into four lots, grading and vegetation removal

Dear Mr. Maden:

If you will recall, Susan Friend of our enforcement staff spoke with you on December 7, 1994 regarding the above noted property. During that conversation you stated that you were in escrow to buy the subject lots noted above. Ms. Friend informed you that there is an outstanding violation on these lots for the unpermitted subdivision of these lots from one lot and grading and vegetation clearance on these lots. Ms. Friend also informed you that if you purchased the property, that as the new property owner you would responsible for obtaining a coastal development permit to either retain or remove the unpermitted developments, regardless of whether you performed the work. Ms. Friend asked for a mailing address, and you responded that you were moving and did not have a current address. You stated that you would contact our office by mid-January. However, you never did contact our office.

As the new property owner you are responsible for the resolution of the above noted violation. Please note that the above activity on your property requires a Coastal Development Permit. Section 30600(a) of the Coastal Act states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a coastal development permit.

Please note that any development activity performed without a coastal development permit constitutes a violation of the California Coastal Act's permitting requirements. Coastal Act sections 30803 and 30805 authorize the Coastal Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Coastal

Act section 30820(a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty not to exceed $30,000. Further, section 30820(b) states that, in addition to any other penalties, any person who "intentionally and knowingly" performs any development in violation of the Coastal Act can be subject to a civil penalty of not less than $1000 nor more than $15,000 for each day in which the violation persists.

Stop all unpermitted work on the property. Any additional work will be considered a knowing and intentional violation of the Coastal Act. To begin steps in resolving this violation please sign and return the enclosed waiver of legal argument and submit a completed Coastal Permit Application by October 27, 1995. If we do not receive both items by this date, we will refer this violation file to our Statewide Enforcement Unit in San Francisco for further enforcement action.

Please contact Susan Friend at our office if you have any questions regarding this matter. Please refer to your file number when communicating with this office.

Sincerely,

John Ainsworth
Enforcement Supervisor

Susan Friend
Enforcement Officer

encl: CDP Application, Waiver of Legal Argument

SPF:JLA
0837V

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

DATE: May 7, 2002

C/O S.K Madan
Mulholland Land Co.
P.O. Box 24066
Los Angeles, CA 90024

RE: **Application No. 4-02-077**

Dear C/O Madan:

Your Coastal Commission application is incomplete and cannot be filed or processed until the following items have been received. These items must be received in our office by August 7, 2002.

PLEASE SEE ATTACHED CORRESPONDENCE

If you have any questions regarding your application, please contact me at the address and phone number listed above.

Sincerely,

JULIE REVELES
Office Technician

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

4-02-077
(File No.)

Mulholland Land Company
(Applicant)

(Agent)

33391 Mulholland Highway and Davis Road, Los Angeles County
(Project Street and City)

Your coastal permit application has been reviewed and is incomplete. Before it can be accepted for filing, the information indicated below must be submitted.

X 1. Filing fee is **$1200.00**. Payable by check or money order to the California Coastal Commission. Amount due **$1200.00.** ***Doubled After The Fact application fee for unpermitted development.***

X 2. Proof of the applicant's legal interest in the property. (A copy of any of the following will be acceptable: current tax bill, recorded deed, signed Offer- to-Purchase along with a receipt of deposit, signed final escrow document, or current policy of title insurance. Preliminary title reports will not be accepted.) ***Please provide Complete Chain of Title. See Staff Comments.***

__3. Assessor's parcel number as indicated on a property tax statement. The property legal description as contained in a Grant Deed is not the assessor's parcel number. See page 2, item 1 of the application packet.

X 4. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor). Drawings or facsimiles are not acceptable.

X 5. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9 1/2 x 4 1/8"). Include a first class postage stamp on each one. Metered envelopes are not acceptable. Mailing list must be on the format shown on page C-1 of the application packet.

__6. Enclose appropriate map(s) indicating location of property in relation to the coastline. Thomas Brothers map, road map or area maps prepared by local governments may provide a suitable base map.

__7. Cost valuation by city/county or contractor for the development.

X 8. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc. Include minutes of any public hearing.

__ 9. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).

X10. Where septic systems are proposed, percolation test prepared by a qualified sanitarian or soils engineer. ***See page 4.***

__11. County or City Health Department review of septic system.

__12. Where water wells are proposed, evidence of County or City review and approval.

__13. __ set(s) of project drawings including site plans, floor plans, and all elevations. Drawing must be to scale with dimensions shown. Trees to be removed must be marked on the site plan. All oak trees and riparian vegetation (canopy), streams and drainages, wetlands, easements, and public hiking and equestrian trails (including existing offers to dedicate trails) must be identified on the site plan. Plans must be approved by the planning department and stamped "Approval-in-Concept." We need __ more set(s).

X14. 2 set(s) of detailed grading and drainage plans with cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). Plans must be to scale and prepared by a registered engineer. ***See page 4.***

X15. Two copies of a comprehensive, current (not more than 1 year old), site-specific geology and soils report (including maps) prepared in accordance with the Guidelines for Engineering Geologic Reports, prepared by the State Board of Registration for Geologists & Geophysicists (11/93). Copies of the guidelines are available from the Coastal Commission District Office. ***See page 4.***

__16. A current (not more than 1 year old) City or County "Approved" Geologic Review Sheet.

X 17. "Approval-in-Concept" form completed by the planning department or other responsible department.

X 18. Current zoning for project site. Include certified land use designation and density requirements.

X 19. A reduced set of legible drawings to 8 1/2 x 11" in size. The reduced set shall include a site plan, grading plan, elevations and topography if required for submittal.

__20. For projects which include demolition, two copies of a site plan and elevations or photographs of the structure to be demolished. Demolition must be included in the "Approval-in-Concept" project description.

__21. Remodel projects must include percent of walls to be demolished (interior and exterior), and indicate walls to be demolished and retained on-site plans.

__22. City or County Environmental Review Board Approval.

__23. A copy of any Final Negative Declaration, Draft of Final Environmental Impact Report (FIR) or Final Environmental Impact Statement (FEES) prepared, for the project. Comments of all reviewing agencies and responses to comments must be included.

__24. All projects in or adjacent to a Stream, Wetland , or possible Wetland - California Department of Fish and Game and U.S. Fish and Wildlife Service approvals.

__25. Fire Department approved fuel (vegetation) modification plans.

__26. Driveways, access roads, and turn-around areas - preliminary Fire Department Approval.

__27. Preliminary approval from the Regional Water Quality Control Board. Single family dwellings and additions to existing structures are excluded.

__28. An archaeological report developed by a qualified archaeologist regarding the presence and significance of archaeological and cultural resources.

THE APPLICATION FORM

__1. The application must be signed by the applicant (original signature) and the applicant's representative. if representative is authorized to represent applicant.

__2. If application is not signed by the applicant(s), a letter executed by the applicant(s) which authorizes the representative to act in his /her behalf and to bind the applicant(s) in all matters concerning his/her application or the authorization page of the application form must be completed by the applicant.

__3. Number __ page __ of the application must be completed.

DEVELOPMENT ON A BEACH OR BLUFF

__1. All projects on a beach require State Lands Commission determination of location of most landward property line. (State Lands Commission, 100 Howe Street, Suite 100, Sacramento, CA 95825-8202, phone (916) 574-1800. Please make reference to your Coastal Development Permit file number when contacting the State Lands Commission.

__2. For projects on a coastal bluff or shoreline - a stringline map showing the existing, adjacent structures, decks and bulkheads in relation to the proposed development. The stringline is to be prepared in accordance with the Coastal Commission's Interpretive Guidelines.

__3. For shoreline development and/or protective devices (seawalls, bulkheads, groins & rock blankets) - project plans with cross-sections prepared by a registered engineer. The project plans must show the project foot-print in relation to the applicant's property boundaries (include surveyed benchmarks), septic system, Mean High Tide Line (winter and summer), and the Wave Uprush Limit Line.

__4. For shoreline protective devices a geotechnical report and wave uprush study prepared in accordance with the Commission guidelines. Copies of guidelines are available from the District Office.

SUBDIVISION OF PROPERTY

X 1. Approved tentative tract/parcel maps with list of conditions and minutes for subdivisions and condominium projects. Maps must include location of proposed building sites (2 copies).

X 2. Comprehensive site specific geologic/soils report indicating that all lots are buildable. For Malibu/Santa Monica Mountains, must have a current (not more than one year old) Geologic Review Sheet from the city or county and two copies of a geologic and/or soils report.

X 3. Detailed grading and drainage plans with cross-sections showing all roads, building pads, and remedial grading with a quantitative break down of grading amounts.

X 4. Map showing all parcels and their sizes within a 1/4 mile radius of the property.

X 5. Percolation test results indicating lots are capable of accommodating a septic system.

DEVELOPMENT IN SMALL LOT SUBDIVISIONS

__1. Surveyed topography map and gross structural area calculations for Malibu/Santa Monica Mountains small lot subdivisions. See Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan-copies available from district office.

__2. Statement of Water Service and Access Certificate for Building Permit signed by Los Angeles County Fire Department. If Fire Department requirements include road or water installation or modifications, submit plans stamped and approved by Los Angeles County Fire Department (not required for minor additions to single family dwellings).

STAFF COMMENTS

Under certain circumstances, additional material, not previously indicated, may be required before an application can be deemed complete. The following additional material is required for the completion of this application:

1. *Sensitive Resource Survey*

- *Please indicate whether any significant and/or sensitive resources exist on or adjacent to project site (particularly on adjacent Parkland) and submit a vegetation survey with an inventory of biological resources, both existing on the site and potential or expected resources, accounting for seasonal variations, including maps & photographs depicting the location of any biological resources. Survey should also include a discussion of the physical characteristics of the site, including, but not limited to, topography, soil types, microclimate, and wildlife migration corridors, and an identification of rare, threatened, or endangered species, as designated under State or Federal Law, and identification of rare plants designated "1B" by the California Native Plant Society that are present or expected on the project site.*
- *Please provide an analysis of the potential impacts of the proposed development on the identified habitat or species.*

2. *Evidence of lot legality and/or proposed subdivision. Please provide all Certificates of Compliance issued for subject sites and a complete Chain of Title for parcel creations with surveyed maps illustrating each parcel creation (including the underlying parcel and any other parcels created), and any transaction documents related to the parcel creation. Also, please provide date and purchase price of subject property.*

FAILURE TO PROMPTLY SUBMIT THE INFORMATION REQUESTED ABOVE WILL RESULT IN THE DELAY OF YOUR PROJECT. PLEASE ADD ANY COMMENTS TO THE BACK OF THIS SHEET.

Thank you: April Verbanac
Date: 05/06/02

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

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

Date: January 16, 2004

INCOMPLETE APPLICATION

Mullholland Land Company
c/o S. K. Madan
P.O. Box 24066
Los Angeles, CA 90024

SUBJECT: **Coastal Development Permit Application No. 4-02-077**
Project location: 33391 Mullholland Highway

Dear Mr. Madan,

We are returning herewith referenced application for reason of incompleteness.

The application was received at this office on April 8, 2002.

On May 7, 2002, you were notified of items missing from the application to complete it.

Having received no response, we are returning the application. You may re-submit the application when it is completed.

Sincerely,

Barbara Rodriguez

Barbara Rodriguez
Office Assistant

Exhibit 7
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)

STATE OF CALIFORNIA – THE RESOURCES NCY ARNOLD SCHWARZENEGGER, GOVERNOR

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

VIA REGULAR AND CERTIFIED MAIL
(Article No. 7001 0320 0004 6449 4338)

March 28, 2005

Mulholland Land Co.
S.K. Maden
P.O. Box 24066
Los Angeles, CA 90024

Re: Violation File Number: V-4-94-003; Unpermitted subdivision

Dear Mr. Maden,

I am writing to address the unpermitted subdivision that occurred on your property located on Mulholland Highway in Los Angeles County. In 1990, a 5-acre lot (APN 4472-008-039) was subdivided into four lots (APNs 4472-008-057; -058; -059; -060) without a Coastal Development Permit. On April 3, 2002, Commission staff ("staff") received a Coastal Development Permit application from you for after-the-fact approval of the unpermitted subdivision. Staff notified you in writing on May 7, 2002 that this application was incomplete and included a list of all additional materials that were required to complete the application. You failed to submit the required materials and, consequently, the application was returned to you on January 16, 2004. We have searched our permit records and conclude that no subsequent application was filed for this unpermitted subdivision and no Coastal Development Permit has been issued. Moreover, even if you had submitted a complete permit application, staff could not have recommended approval of the subdivision because the subdivision is inconsistent with the policies of Chapter 3 of the Coastal Act.

The subject property is located within a Wildlife Corridor, as designated in the Malibu/Santa Monica Mountains Land Use Plan, and contains large areas of both healthy and disturbed chaparral vegetation. This vegetation is part of a larger, contiguous area of chaparral that extends east and north from the subject property. Accordingly, the entire property constitutes "environmentally sensitive habitat area" ("ESHA") as defined in Section 30107.5, and must be protected pursuant to Coastal Act Section 30240. Division of the property into additional parcels would increase the development potential of the subject property. Any increase in development would impact a larger portion of ESHA, disturbing the healthy vegetation and impeding or

preventing the recovery of the already-disturbed vegetation, and would therefore be inconsistent with the Coastal Act provisions enacted to protect these areas.

Increased development on the subject property as a result of this subdivision would also result in increased runoff, erosion, and sedimentation. The resulting impacts on water quality and biological productivity would be inconsistent with Coastal Act Section 30231.

The above-mentioned subdivision specifically constitutes development as defined in Coastal Act Section 30106, which states:

> *Development means... change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with section 66410 of the Government Code) and any other division of land, including lot splits ...*

Coastal Act Section 30600(a) states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the Coastal Zone must obtain a coastal development permit. Development performed without a coastal development permit constitutes a violation of the Coastal Act. The subdivision of your property constitutes development under the Coastal Act and was undertaken without a Coastal Development Permit. Therefore, the subdivision violates the Coastal Act.

As we have informed you in our previous letters dated September 29, 1995, March 26, 1996, October 21, 1997, November 26, 2001, and December 10, 2001, as the current owner of the subject property you are responsible for resolving issues of unpermitted development on the subject property, even if a previous owner performed the unpermitted development. You were also made aware of this fact during a telephone conversation with staff that occurred on December 7, 1994, prior to your acquisition of the subject property.

Coastal Act Sections 30809 and 30810 state that if the Executive Director or the Commission determine that any person has undertaken development activity that requires a permit from the Commission without securing a permit, either can issue an order directing that person to cease and desist. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to $6,000 for each day in which the violation persists.

In addition to issuing enforcement orders, the Executive Director of the Commission is authorized under Coastal Act Section 30812 to record a Notice of Violation of the Coastal Act against your property. You will receive a subsequent notice if the Executive Director intends to proceed with recordation of a Notice of Violation in this matter, and an opportunity for a hearing will be provided pursuant to Section 30812.

Although we would still prefer to resolve this matter administratively, please be aware that if such resolution is not reached in a timely manner, Coastal Act sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and civil penalties in

response to any violation of the Coastal Act. Section 30820(a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount not to exceed $30,000. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs any development in violation of the Coastal Act could be subject to a civil penalty of not less than $1,000 nor more than $15,000 for each day in which the violation persists.

We hope that you will choose to resolve this matter amicably. However, if we do not hear from you by April 8, 2005, the Commission will be forced to take enforcement action against you. If you have any questions regarding this letter, please call Christine Chestnut at (415) 904-5294 or send correspondence to her attention using the address provided on the letterhead.

Sincerely,

Christine Chestnut
Headquarters Enforcement Analyst

cc: Lisa Haage, Chief of Enforcement
Steve Hudson, Southern California Enforcement Supervisor
John Ainsworth, Deputy Director for South Central Division

STATE OF CALIFORNIA—THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

VIA CERTIFIED and REGULAR MAIL
(Article No. 7002 3150 0004 3501 9433)

May 25, 2005

Mulholland Land Co.
S.K. Maden, General Partner
P.O. Box 24066
Los Angeles, CA 90024

Subject: **Notification of Intent to Commence Cease and Desist Order and Restoration Order Proceedings and to Record a Notice of Violation of the Coastal Act**

Violation No.: V-4-94-003

Location: Four unpermitted parcels totaling approximately five-acres, located on on Mulholland Highway near its intersection with Decker Canyon Road, Los Angeles County.

Violation Description: Unpermitted subdivision of APN 4472-008-039 into four parcels (APNs 4472-008-057; -058; -059; -60).

Dear Mr. Maden:

The purpose of this letter is to notify you of my intent, as the Executive Director of the California Coastal Commission ("Commission"), to record a Notice of Violation of the Coastal Act and to commence proceedings for issuance of a Cease and Desist Order and Restoration Order for unpermitted development consisting of the subdivision of the approximately 5-acre property, owned by Mulholland Land Company, a partnership and located on Mulholland Highway near its intersection with Decker Canyon Road in the Santa Monica Mountains Area of Los Angeles County ("the property"). We have been informed that you are the General Partner and agent for service of Mulholland Land Company.

The property consists of a single parcel (Assessor's Parcel Number ["APN"] 4472-008-039), which was the subject of an unpermitted subdivision attempt. A current assessor's parcel map shows the property is now identified by Los Angeles County with four APNs (APNs 4472-008-057; -058; -059; -060), but no division of the property received Commission approval, as required in under the Coastal Act. The attempted subdivision occurred before you purchased the property on January 6, 1995. Commission staff had notified you on December 7, 1994 that a Coastal Act violation existed on the property and that, if you purchased the property, you would be responsible for resolving the violation.

"Development" is defined in section 30106 of the Coastal Act as follows:

> *"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations... (emphasis added)*

The unpermitted subdivision of the property clearly constitutes development under the Coastal Act, and is therefore subject to Coastal Act permit requirements.

The purpose of these enforcement proceedings is to address the unpermitted development on the property. Collectively, the Cease and Desist Order and Restoration Order will direct you to: 1) cease and desist from conducting or maintaining any unpermitted development on the property, and 2) recombine the illegally subdivided parcels, thereby restoring the property to the condition that it was in prior to the Coastal Act violation. In addition, the Notice of Violation may be recorded. The Notice of Violation, Cease and Desist Order, and Restoration Order are discussed in greater detail below.

Notice of Violation

The Commission's authority to record a Notice of Violation is set forth in Coastal Act Section 30812, which states:

> *Whenever the executive director of the commission has determined, based on substantial evidence, that real property has been developed in violation of this division, the executive director may cause a notification of intention to record a notice of violation to be mailed by regular and certified mail to the owner of the real property at issue, describing the real property, identifying the nature of the violation, naming the owners thereof, and stating that if the owner objects to the filing of a notice of violation, an opportunity will*

be given to the owner to present evidence on the issue of whether a violation has occurred.

I am issuing this Notice of Intent to record a Notice of Violation because, as discussed above, unpermitted development has occurred at the subject property, in violation of the Coastal Act. If you object to the recordation of a Notice of Violation in this matter and wish to present evidence on the issue of whether a violation has occurred, you must respond in writing, identifying documents and issues that you would like the Commission to consider, within 20 days of the postmarked mailing of the notification. If, within this 20-day period, you fail to object, I shall record the Notice of Violation in the Los Angeles County recorder's office as provided for under Coastal Act Section 30812.

We first contacted you on December 7, 1994, before you purchased the property, and informed you of the unpermitted attempted subdivision. Additional letters from the enforcement staff, expressing willingness to seek an amicable resolution to this matter, were sent on September 25, 1995, March 26, 1996, October 21, 1997, November 26, 2001, December 10, 2001, January 25, 2002, February 27, 2002. Finally, on April 3, 2002, you submitted a Coastal Development Permit application. Commission staff made repeated attempts to compel completion of the application, and ultimately returned the application to you on January 16, 2004. After returning the application, staff once again notified you of your obligation to resolve the violation on your property. We have reviewed our records and conclude that no new application was filed and no permit was issued authorizing the subdivision. Therefore, the subdivision constitutes a violation of the Coastal Act.

Furthermore, Commission staff has concluded that even if you had submitted a complete application, it appears that the application would not be consistent with the resource protection policies of the Coastal Act, and staff could not recommend approval of the subdivision. This conclusion was reached after staff examined the significant and/or sensitive resources on the property and the potential impacts of the subdivision on these resources. Staff had requested this information from you, as part of your permit application, and it was never provided. It appears that large portions of the property constitute environmentally sensitive habitat area (ESHA) that must be protected under Coastal Act Section 30240. A subdivision would greatly increase the potential for more dense and intense development of the property, which will have a greater impact on ESHA, in violation of Coastal Act Section 30240. Additionally, increased impacts to water quality and biological productivity could occur if the property was subdivided, in violation of the Coastal Act Section 30231. In any event, as noted above, any division of land constitutes development under the Coastal Act and requires a Coastal Development Permit. The failure to obtain such a permit is a violation of the Coastal Act, whether or not the property is ESHA.

Cease and Desist Order

The Commission's authority to issue Cease and Desist Orders is set forth in Coastal Act Section 30810(a), which states:

If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any

permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist.

As noted above, the attempted subdivision constitutes development under the Coastal Act and was undertaken without a Coastal Development Permit. Therefore, I am issuing this Notice of Intent to commence Cease and Desist Order proceedings before the Commission under Coastal Act Section 30810.

Pursuant to Coastal Act Section 30810(b), any Cease and Desist Order issued by the Commission in this matter may be subject to such terms and conditions as the Commission determines are necessary to ensure compliance with the Coastal Act.

Restoration Order

Coastal Act Section 30811 authorizes the Commission to order restoration of a site according to the following terms:

In addition to any other authority to order restoration, the commission...may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission... the development is inconsistent with this division, and the development is causing continuing resource damage.

Commission staff has determined that the unpermitted subdivision on the property meets the criteria of Coastal Act Section 30811 as follows:

1) The attempted subdivision of the property constitutes development and was conducted without a Coastal Development Permit.

2) This unpermitted development is inconsistent with the resource protection policies of Chapter 3 of the Coastal Act, including the following: Sections 30231 (biological productivity and water quality), 30240 (environmentally sensitive habitat). The attempted subdivision of one parcel into four parcels increases the potential for development and associated resource impacts four-fold. Increased intensity or density of use resulting from the attempted subdivision will greatly impact ESHA and water quality.

3) The unpermitted development is causing continuing damage, as defined by Section 13190 of the Commission's regulations, to the resources mentioned in item number 2 above. The attempted subdivision and associated impacts remain on the property; therefore the damage to the resources protected by the Coastal Act is continuing.

For the reasons stated above, I intend to commence Cease and Desist Order and Restoration Order proceedings before the Commission in order to address the unpermitted development that has occurred on the subject property.

Response to this Notice of Intent

Response to this Notice of Intent

In accordance with Sections 13181(a) and 13191(a) of the Commission's regulations, you have the opportunity to respond to the allegations set forth in the enclosed Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings, and to identify any issues or materials you wish the Commission to consider, by completing the enclosed Statement of Defense form.

The completed Statement of Defense form and any objection to the Notice of Intent to Record a Notice of Violation, including identification of issues and materials for Commission consideration, must be returned to the Commission's San Francisco Office, to the attention of Christine Chestnut, no later than June 15, 2005.

Commission staff has tentatively scheduled the hearing for the proposed Cease and Desist Order and Restoration Order (and for the proposed Notice of Violation, should you additionally request **in writing** a hearing on this issue) during the July 13-15, 2005 Commission meeting in San Diego.

Additional Procedures

Please be aware that Section 30820(a) provides for civil liability to be imposed on any person who performs or undertakes development without a coastal development permit and/or that is inconsistent with any coastal development permit previously issued by the Commission in an amount that shall not exceed $30,000 and shall not be less than $500. Section 30820(b) provides that additional civil liability may be imposed on any person who performs or undertakes development without a coastal development permit previously issued by the Commission when the person intentionally and knowingly performs or undertakes such development, in an amount not less than $1,000 and not more than $15,000 per day for each day in which the violation persists. Section 30821.6 provides that a violation of a cease and desist order, including an EDCDO, or a restoration order can result in civil fines of up to $6,000 for each day in which the violation persists.

If you have any questions regarding the contents of this letter or this enforcement case, please call Christine Chestnut at (415) 904-5294 or send correspondence to her attention using the address provided on the letterhead.

Sincerely,

Peter Douglas
Executive Director

cc: Lisa Haage, Chief of Enforcement
Sandy Goldberg, Staff Counsel
Pat Veesart, Southern California Enforcement Team Leader
Steve Hudson, Southern California Enforcement Supervisor

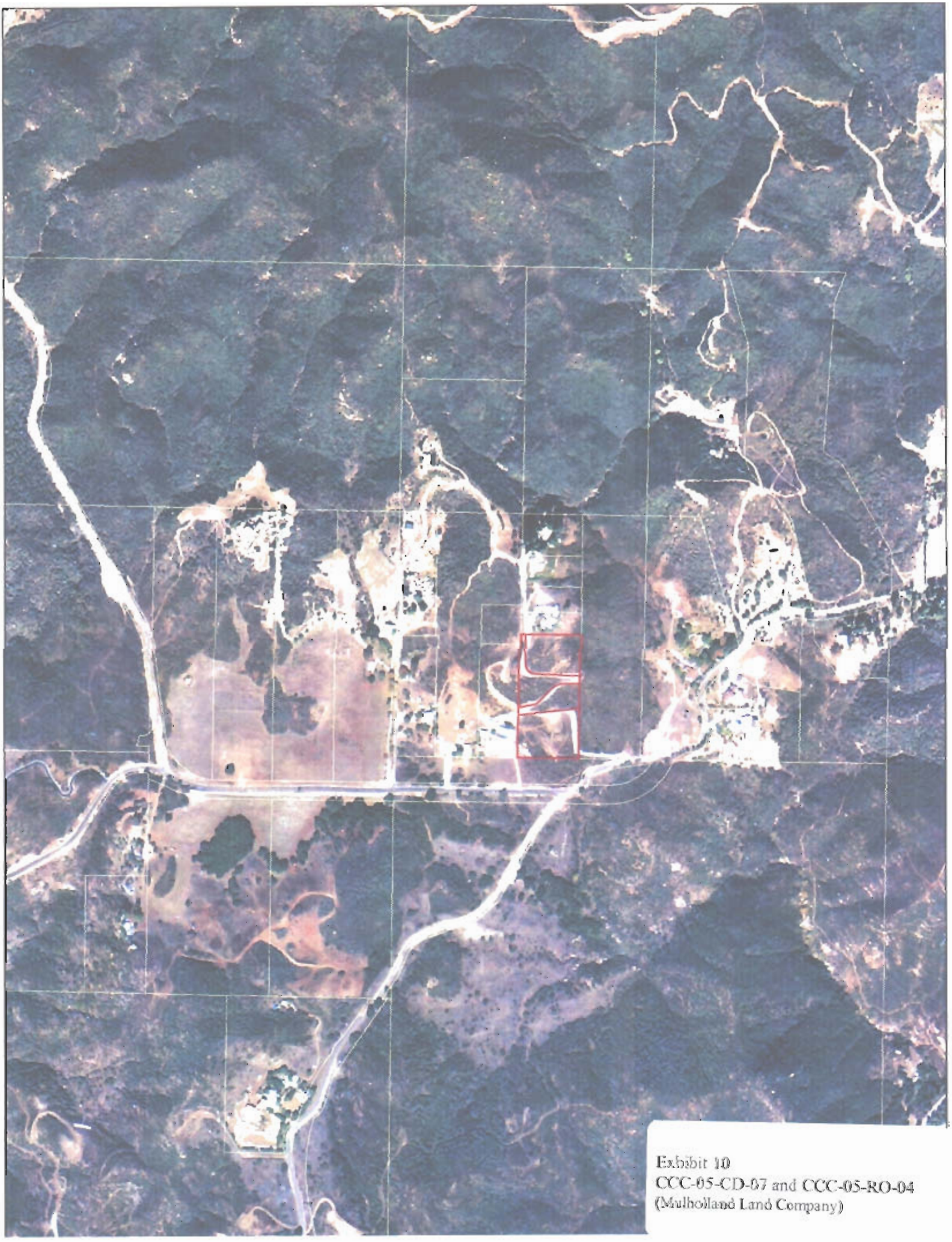
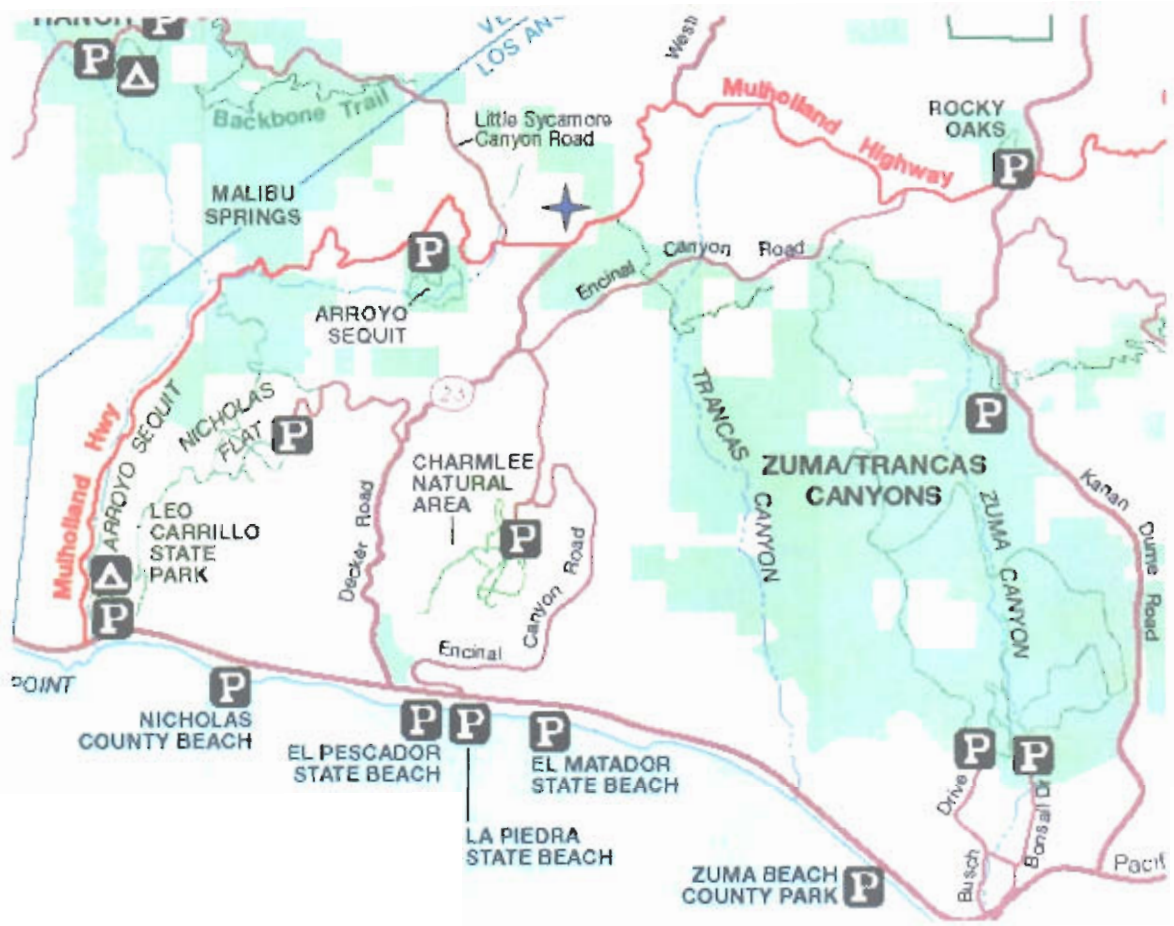


Exhibit 10
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)



: Mulholland Land Company Property

: National Park Service Land

: State Parkland

Exhibit 11
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Ventura Staff

SUBJECT: Designation of ESHA in the Santa Monica Mountains

DATE: March 25, 2003

In the context of the Malibu LCP, the Commission found that the Mediterranean Ecosystem in the Santa Mountains is rare, and especially valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, areas of undeveloped native habitat in the Santa Monica Mountains that are large and relatively unfragmented may meet the definition of ESHA by virtue of their valuable roles in that ecosystem, regardless of their relative rarity throughout the state. This is the only place in the coastal zone where the Commission has recognized chaparral as meeting the definition of ESHA. The scientific background presented herein for ESHA analysis in the Santa Monica Mountains is adapted from the Revised Findings for the Malibu LCP that the Commission adopted on February 6, 2003.

For habitats in the Santa Monica Mountains, particularly coastal sage scrub and chaparral, there are three site-specific tests to determine whether an area is ESHA because of its especially valuable role in the ecosystem. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? The requisite information for this test generally should be provided by a site-specific biological assessment. Second, is the habitat largely undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation? This should be documented with an aerial photograph from our mapping unit (with the site delineated) and should be attached as an exhibit to the staff report. For those habitats that are absolutely rare or that support individual rare species, it is not necessary to find that they are relatively pristine, and are neither isolated nor fragmented.

Designation of Environmentally Sensitive Habitat in the Santa Monica Mountains

The Coastal Act provides a definition of "environmentally sensitive area" as: "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Section 30107.5).

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Within the Santa Monica Mountains, rare species and habitats often fall within one of two common categories. Many rare species or habitats are globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California's native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. For example, reproducing populations of valley oaks are not only increasingly rare, but their southernmost occurrence is in the Santa Monica Mountains. Generally, however, habitats or species are considered valuable because of their special "role in the ecosystem." For example, many areas within the Santa Monica Mountains may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably "special." However, the Coastal Act requires that this role be "especially valuable." This test is met for relatively pristine areas that are integral parts of the Santa Monica Mountains Mediterranean ecosystem because of the demonstrably rare and extraordinarily special nature of that ecosystem as detailed below.

Finally, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. Within the Santa Monica Mountains, as in most areas of southern California affected by urbanization, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

Ecosystem Context of the Habitats of the Santa Monica Mountains

The Santa Monica Mountains comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California. California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Mediterranean ecosystems with their wet winters and warm dry summers are only found in five localities (the Mediterranean coast, California, Chile, South Africa, and south and southwest Australia). Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed[1]. However, within the Santa Monica Mountains, this ecosystem is remarkably intact despite the fact that it is closely surrounded by some 17 million people. For example, the 150,000 acres of the Santa Monica Mountains National Recreation Area, which encompasses most of the Santa Monica Mountains, was estimated to be 90 percent free of development in 2000[2]. Therefore, this relatively pristine area is both large and mostly unfragmented, which fulfills a fundamental tenet of conservation biology[3]. The need for large contiguous areas of natural habitat in order to maintain critical ecological processes has been emphasized by many conservation biologists[4].

In addition to being a large single expanse of land, the Santa Monica Mountains ecosystem is still connected, albeit somewhat tenuously, to adjacent, more inland ecosystems[5]. Connectivity among habitats within an ecosystem and connectivity among ecosystems is very important for the preservation of species and ecosystem

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[1] National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

[2] Ibid.

[3] Harris, L. D. 1988. Edge effects and conservation of biotic diversity. Conserv. Biol. 330-332. Soule, M. E, D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. Conserv. Biol. 2: 75-92. Yahner, R. H. 1988. Changes in wildlife communities near edges. Conserv. Biol. 2:333-339. Murphy, D. D. 1989. Conservation and confusion: Wrong species, wrong scale, wrong conclusions. Conservation Biol. 3:82-84.

[4] Crooks, K. 2000. Mammalian carnivores as target species for conservation in Southern California. p. 105-112 *in*: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 *in*: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. and R. F. Noss. 1998. Do habitat corridors provide connectivity? Conserv. Biol. 12:1241-1252. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. *In*: Metapopulations and Wildlife Conservation, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

[5] The SMM area is linked to larger natural inland areas to the north through two narrow corridors: 1) the Conejo Grade connection at the west end of the Mountains and 2) the Simi Hills connection in the central region of the SMM (from Malibu Creek State Park to the Santa Susanna Mountains).

integrity. In a recent statewide report, the California Resources Agency[6] identified wildlife corridors and habitat connectivity as the top conservation priority. In a letter to governor Gray Davis, sixty leading environmental scientists have endorsed the conclusions of that report[7]. The chief of natural resources at the California Department of Parks and Recreation has identified the Santa Monica Mountains as an area where maintaining connectivity is particularly important[8].

The species most directly affected by large scale connectivity are those that require large areas or a variety of habitats, e.g., gray fox, cougar, bobcat, badger, steelhead trout, and mule deer[9]. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem[10]. Recent studies show that the mountain lion, or cougar, is the most sensitive indicator species of habitat fragmentation, followed by the spotted skunk and the bobcat[11]. Sightings of cougars in both inland and coastal areas of the Santa Monica Mountains[12] demonstrate their continued presence. Like the "canary in the mineshaft," an indicator species like this is good evidence that habitat connectivity and large scale ecological function remains in the Santa Monica Mountains ecosystem.

The habitat integrity and connectivity that is still evident within the Santa Monica Mountains is extremely important to maintain, because both theory and experiments over 75 years in ecology confirm that large spatially connected habitats tend to be more stable and have less frequent extinctions than habitats without extended spatial structure[13]. Beyond simply destabilizing the ecosystem, fragmentation and disturbance

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[6] California Resources Agency. 2001. Missing Linkages: Restoring Connectivity to the California Landscape. California Wilderness Coalition, Calif. Dept of Parks & Recreation, USGS, San Diego Zoo and The Nature Conservancy. Available at: http://www.calwild.org/pubs/reports/linkages/index.htm

[7] Letters received and included in the September 2002 staff report for the Malibu LCP.

[8] Schoch, D. 2001. Survey lists 300 pathways as vital to state wildlife. Los Angeles Times. August 7, 2001.

[9] Martin, G. 2001. Linking habitat areas called vital for survival of state's wildlife Scientists map main migration corridors. San Francisco Chronicle, August 7, 2001.

[10] Noss, R. F., H. B. Quigley, M. G. Hornocker, T. Merrill and P. C. Paquet. 1996. Conservation biology and carnivore conservation in the Rocky Mountains. Conerv. Biol. 10: 949-963. Noss, R. F. 1995. Maintaining ecological integrity in representative reserve networks. World Wildlife Fund Canada.

[11] Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. In: Metapopulations and Wildlife Conservation, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

[12] Recent sightings of mountain lions include: Temescal Canyon (pers. com., Peter Brown, Facilities Manager, Calvary Church), Topanga Canyon (pers. com., Marti Witter, NPS), Encinal and Trancas Canyons (pers. com., Pat Healy), Stump Ranch Research Center (pers. com., Dr. Robert Wayne, Dept. o Biology, UCLA). In May of 2002, the NPS *photographed* a mountain lion at a trip camera on the Back Bone Trail near Castro Crest – Seth Riley, Eric York and Dr. Ray Sauvajot, National Park Service, SMMNRA.

[13] Gause, G. F. 1934. The struggle for existence. Balitmore, William and Wilkins 163 p. (also reprinted by Hafner, N.Y. 1964). Gause, G. F., N. P. Smaragdova and A. A. Witt. 1936. Further studies of interaction between predators and their prey. J. Anim. Ecol. 5:1-18. Huffaker, C. B. 1958. Experimental studies on

can even cause unexpected and irreversible changes to new and completely different kinds of ecosystems (habitat conversion)[14].

As a result of the pristine nature of large areas of the Santa Monica Mountains and the existence of large, unfragmented and interconnected blocks of habitat, this ecosystem continues to support an extremely diverse flora and fauna. The observed diversity is probably a function of the diversity of physical habitats. The Santa Monica Mountains have the greatest geological diversity of all major mountain ranges within the transverse range province. According to the National Park Service, the Santa Monica Mountains contain 40 separate watersheds and over 170 major streams with 49 coastal outlets[15]. These streams are somewhat unique along the California coast because of their topographic setting. As a "transverse" range, the Santa Monica Mountains are oriented in an east-west direction. As a result, the south-facing riparian habitats have more variable sun exposure than the east-west riparian corridors of other sections of the coast. This creates a more diverse moisture environment and contributes to the higher biodiversity of the region. The many different physical habitats of the Santa Monica Mountains support at least 17 native vegetation types[16] including the following habitats considered sensitive by the California Department of Fish and Game: native perennial grassland, coastal sage scrub, red-shank chaparral, valley oak woodland, walnut woodland, southern willow scrub, southern cottonwood-willow riparian forest, sycamore-alder woodland, oak riparian forest, coastal salt marsh, and freshwater marsh. Over 400 species of birds, 35 species of reptiles and amphibians, and more than 40 species of mammals have been documented in this diverse ecosystem. More than 80 sensitive species of plants and animals (listed, proposed for listing, or species of concern) are known to occur or have the potential to occur within the Santa Monica Mountains Mediterranean ecosystem.

The Santa Monica Mountains are also important in a larger regional context. Several recent studies have concluded that the area of southern California that includes the Santa Monica Mountains is among the most sensitive in the world in terms of the number of rare endemic species, endangered species and habitat loss. These studies have designated the area to be a local hot-spot of endangerment in need of special protection[17].

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predation: dispersion factors and predator-prey oscillations. Hilgardia 27:343-383. Luckinbill, L. S. 1973. Coexistence in laboratory populations of *Paramecium aurelia* and its predator *Didinium nasutum*. Ecology 54:1320-1327. Allen, J. C., C. C. Brewster and D. H. Slone. 2001. Spatially explicit ecological models: A spatial convolution approach. Chaos, Solitons and Fractals. 12:333-347.

[14] Scheffer, M., S. Carpenter, J. A. Foley, C. Folke and B. Walker. 2001. Catastrophic shifts in ecosystems. Nature 413:591-596.

[15] NPS. 2000. op.cit.

[16] From the NPS report (2000 op. cit.) that is based on the older Holland system of subjective classification. The data-driven system of Sawyer and Keeler-Wolf results in a much larger number of distinct "alliances" or vegetation types.

[17] Myers, N. 1990. The biodiversity challenge: Expanded hot-spots analysis. Environmentalist 10:243-256. Myers, N., R. A. Mittermeier, C. G. Mittermeier, G. A. B. da Fonseca and J. A. Kent. 2000. Biodiversity hot-spots for conservation priorities. Nature 403:853-858. Dobson, A. P., J. P. Rodriguez, W. M. Roberts and D. S. Wilcove. 1997. Geographic distribution of endangered species in the United States. Science 275:550-553.

Therefore, the Commission finds that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission further finds that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities discussed below are "especially valuable" under the Coastal Act.

Major Habitats within the Santa Monica Mountains

The most recent vegetation map that is available for the Santa Monica Mountains is the map that was produced for the National Park Service in the mid-1990s using 1993 satellite imagery supplemented with color and color infrared aerial imagery from 1984, 1988, and 1994 and field review[18]. The minimum mapping unit was 5 acres. For that map, the vegetation was mapped in very broad categories, generally following a vegetation classification scheme developed by Holland[19]. Because of the mapping methods used the degree of plant community complexity in the landscape is not represented. For example, the various types of "ceanothus chaparral" that have been documented were lumped under one vegetation type referred to as "northern mixed chaparral." Dr. Todd Keeler-Wolf of the California Department of Fish and Game is currently conducting a more detailed, quantitative vegetation survey of the Santa Monica Mountains.

The National Park Service map can be used to characterize broadly the types of plant communities present. The main generic plant communities present in the Santa Monica Mountains[20] are: coastal sage scrub, chaparral, riparian woodland, coast live oak woodland, and grasslands.

Riparian Woodland

Some 49 streams connect inland areas with the coast, and there are many smaller drainages as well, many of which are "blue line." Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of

[18] Franklin, J. 1997. Forest Service Southern California Mapping Project, Santa Monica Mountains National Recreation Area, Task 11 Description and Results, Final Report. June 13, 1997, Dept. of Geography, San Diego State University, USFS Contract No. 53-91S8-3-TM45.
[19] Holland R. F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, The Resources Agency, Dept. of Fish and Game, Natural Heritage Division, Sacramento, CA. 95814.
[20] National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000. (Fig. 11 in this document.)

all the plant communities in the area[21]. At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles[22]. During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

Riparian habitats and their associated streams form important connecting links in the Santa Monica Mountains. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way.

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing[23], and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during

[21] Ibid.
[22] Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.
[23] USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.

the wet season. However, recent radio tracking work[24] has found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat[25]. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed[26]. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost[27]. Writing at the same time as Faber, Bowler asserted that, *"[t]here is no question that riparian habitat in southern California is endangered."*[28] In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances[29]. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.[30] In addition impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range

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[24] Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. Southwestern Naturalist. (*in Press*).

[25] Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.

[26] Dr, Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

[27] Faber, P.A., E, Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

[28] Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 *in* Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.

[29] Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. Conservation Biology 11(3):793-796.

[30] Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. Ecology 79(2):740-745.

newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish[31]. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

Coastal Sage Scrub and Chaparral

Coastal sage scrub and chaparral are often lumped together as "shrublands" because of their roughly similar appearance and occurrence in similar and often adjacent physical habitats. In earlier literature, these vegetation associations were often called soft chaparral and hard chaparral, respectively. "Soft" and "hard" refers to differences in their foliage associated with different adaptations to summer drought. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs that die back and drop their leaves in response to drought. Chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves that minimize water loss during drought.

The two vegetation types are often found interspersed with each other. Under some circumstances, coastal sage scrub may even be successional to chaparral, meaning that after disturbance, a site may first be covered by coastal sage scrub, which is then replaced with chaparral over long periods of time.[32] The existing mosaic of coastal sage scrub and chaparral is the result of a dynamic process that is a function of fire history, recent climatic conditions, soil differences, slope, aspect and moisture regime, and the two habitats should not be thought of as completely separate and unrelated entities but as different phases of the same process[33]. The spatial pattern of these vegetation stands at any given time thus depends on both local site conditions and on history (e.g., fire), and is influenced by both natural and human factors.

In lower elevation areas with high fire frequency, chaparral and coastal sage scrub may be in a state of flux, leading one researcher to describe the mix as a "coastal sage-chaparral subclimax."[34] Several other researchers have noted the replacement of chaparral by coastal sage scrub, or coastal sage scrub by chaparral depending on fire

[31] Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. Conservation Biology 10(4):1155-1162.
[32] Cooper, W.S. 1922. The broad-sclerophyll vegetation of California. Carnegie Institution of Washington Publication 319. 124 pp.
[33] Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. (See attached comment document in Appendix).
[34] Hanes, T.L. 1965. Ecological studies on two closely related chaparral shrubs in southern California. Ecological Monographs 41:27-52.

history.[35] In transitional and other settings, the mosaic of chaparral and coastal sage scrub enriches the seasonal plant resource base and provides additional habitat variability and seasonality for the many species that inhabit the area.

Relationships Among Coastal Sage Scrub, Chaparral and Riparian Communities

Although the constituent communities of the Santa Monica Mountains Mediterranean ecosystem can be defined and distinguished based on species composition, growth habits, and the physical habitats they characteristically occupy, they are not independent entities ecologically. Many species of plants, such as black sage, and laurel sumac, occur in more than one plant community and many animals rely on the predictable mix of communities found in undisturbed Mediterranean ecosystems to sustain them through the seasons and during different portions of their life histories.

Strong evidence for the interconnectedness between chaparral, coastal scrub and other habitats is provided by "opportunistic foragers" (animals that follow the growth and flowering cycles across these habitats). Coastal scrub and chaparral flowering and growth cycles differ in a complimentary and sequential way that many animals have evolved to exploit. Whereas coastal sage scrub is shallow-rooted and responds quickly to seasonal rains, chaparral plants are typically deep-rooted having most of their flowering and growth later in the rainy season after the deeper soil layers have been saturated[36]. New growth of chaparral evergreen shrubs takes place about four months later than coastal sage scrub plants and it continues later into the summer[37]. For example, in coastal sage scrub, California sagebrush flowers and grows from August to February and coyote bush flowers from August to November[38]. In contrast, chamise chaparral and bigpod ceanothus flower from April to June, buck brush ceanothus flowers from February to April, and hoaryleaf ceanothus flowers from March to April.

Many groups of animals exploit these seasonal differences in growth and blooming period. The opportunistic foraging insect community (e.g., honeybees, butterflies and moths) tends to follow these cycles of flowering and new growth, moving from coastal sage scrub in the early rainy season to chaparral in the spring[39]. The insects in turn are followed by insectivorous birds such as the blue-gray gnatcatcher[40], bushtit, cactus wren, Bewick's wren and California towhee. At night bats take over the role of daytime insectivores. At least 12 species of bats (all of which are considered sensitive) occur in

[35] Gray, K.L. 1983. Competition for light and dynamic boundary between chaparral and coastal sage scrub. Madrono 30(1):43-49. Zedler, P.H., C.R. Gautier and G.S. McMaster. 1983. Vegetation change in response to extreme events: The effect of a short interval between fires in California chaparral and coastal sage scrub. Ecology 64(4): 809-818.
[36] DeSimone, S. 2000. California's coastal sage scrub. Fremontia 23(4):3-8. Mooney, H.A. 1988. Southern coastal scrub. Chap. 13 *in* Barbour, M.G. and J. Majors; Eds. 1988. Terrestrial vegetation of California, 2nd Edition. Calif. Native Plant Soc. Spec. Publ. #9.
[37] Schoenherr, A. A. 1992. A natural history of California. University of California Press, Berkeley. 772p.
[38] Dale, N. 2000. Flowering plants of the Santa Monica Mountains. California Native Plant Society, 1722 J Street, Suite 17, Sacramento, CA 95814.
[39] Ballmer, G. R. 1995. What's bugging coastal sage scrub. Fremontia 23(4):17-26.
[40] Root, R. B. 1967. The niche exploitation pattern of the blue-gray gnatcatch

the Santa Monica Mountains[41]. Five species of hummingbirds also follow the flowering cycle[42].

Many species of 'opportunistic foragers', which utilize several different community types, perform important ecological roles during their seasonal movements. The scrub jay is a good example of such a species. The scrub jay is an omnivore and forages in coastal sage scrub, chaparral, and oak woodlands for insects, berries and notably acorns. Its foraging behavior includes the habit of burying acorns, usually at sites away from the parent tree canopy. Buried acorns have a much better chance of successful germination (about two-fold) than exposed acorns because they are protected from desiccation and predators. One scrub jay will bury approximately 5000 acorns in a year. The scrub jay therefore performs the function of greatly increasing recruitment and regeneration of oak woodland, a valuable and sensitive habitat type[43].

Like the scrub jay, most of the species of birds that inhabit the Mediterranean ecosystem in the Santa Monica Mountains require more than one community type in order to flourish. Many species include several community types in their daily activities. Other species tend to move from one community to another seasonally. The importance of maintaining the integrity of the multi-community ecosystem is clear in the following observations of Dr. Hartmut Walter of the University of California at Los Angeles:

> "Bird diversity is directly related to the habitat mosaic and topographic diversity of the Santa Monicas. Most bird species in this bio-landscape require more than one habitat for survival and reproduction." "A significant proportion of the avifauna breeds in the wooded canyons of the Santa Monicas. Most of the canyon breeders forage every day in the brush- and grass-covered slopes, ridges and mesas. They would not breed in the canyons in the absence of the surrounding shrublands. Hawks, owls, falcons, orioles, flycatchers, woodpeckers, warblers, hummingbirds, etc. belong to this group. Conversely, some of the characteristic chaparral birds such as thrashers, quails, and wrentits need the canyons for access to shelter, protection from fire, and water. The regular and massive movement of birds between riparian corridors and adjacent shrublands has been demonstrated by qualitative and quantitative observations by several UCLA students[44]."

Thus, the Mediterranean ecosystem of the Santa Monica Mountains is a mosaic of vegetation types linked together ecologically. The high biodiversity of the area results

[41] Letter from Dr. Marti Witter, NPS, dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.
[42] National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701
[43] Borchert, M. I., F. W. Davis, J. Michaelsen and L. D. Oyler. 1989. Interactions of factors affecting seedling recruitment of blue oak (*Quercus douglasii*) in California. Ecology 70:389-404. Bossema, I. 1979. Jays and oaks: An eco-ethological study of a symbiosis. Behavior 70:1-118. Schoenherr, A. A. 1992. A natural history of California. University of California Press, Berkeley. 772p.
[44] Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

from both the diversity and the interconnected nature of this mosaic. Most raptor species, for example, require large areas and will often require different habitats for perching, nesting and foraging. Fourteen species of raptors (13 of which are considered sensitive) are reported from the Santa Monica Mountains. These species utilize a variety of habitats including rock outcrops, oak woodlands, riparian areas, grasslands, chaparral, coastal sage scrub, estuaries and freshwater lakes[45].

When the community mosaic is disrupted and fragmented by development, many chaparral-associated native bird species are impacted. In a study of landscape-level fragmentation in the Santa Monica Mountains, Stralberg[46] found that the ash-throated flycatcher, Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, and California towhee all decreased in numbers as a result of urbanization. Soule[47] observed similar effects of fragmentation on chaparral and coastal sage scrub birds in the San Diego area.

In summary, all of the vegetation types in this ecosystem are strongly linked by animal movement and foraging. Whereas classification and mapping of vegetation types may suggest a snapshot view of the system, the seasonal movements and foraging of animals across these habitats illustrates the dynamic nature and vital connections that are crucial to the survival of this ecosystem.

Coastal Sage Scrub

"Coastal sage scrub" is a generic vegetation type that is inclusive of several subtypes[48]. In the Santa Monica Mountains, coastal sage scrub is mostly of the type termed "Venturan Coastal Sage Scrub." In general, coastal sage scrub is comprised of dominant species that are semi-woody and low-growing, with shallow, dense roots that enable them to respond quickly to rainfall. Under the moist conditions of winter and spring, they grow quickly, flower, and produce light, wind-dispersed seeds, making them good colonizers following disturbance. These species cope with summer drought by dying back, dropping their leaves or producing a smaller summer leaf in order to reduce water loss. Stands of coastal sage scrub are much more open than chaparral and contain a greater admixture of herbaceous species. Coastal sage scrub is generally restricted to drier sites, such as low foothills, south-facing slopes, and shallow soils at higher elevations.

[45] National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701. *and* Letter from Dr. Marti Witter, NPS, Dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

[46] Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: A Santa Monica Mountains case study. p 125-136 *in*: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62.

[47] Soule, M. E, D. T. Bolger, A. C. Alberts, J. Wright, M. Sorice and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. Conserv. Biol. 2: 75-92.

[48] Kirkpatrick, J.B. and C.F. Hutchinson. 1977. The community composition of Californian coastal sage scrub. Vegetatio 35:21-33; Holland, 1986. op.cit.; Sawyer and Keeler-Wolf, 1995, op.cit.

The species composition and structure of individual stands of coastal sage scrub depend on moisture conditions that derive from slope, aspect, elevation and soil type. Drier sites are dominated by more drought-resistant species (e.g., California sagebrush, coast buckwheat, and *Opuntia* cactus). Where more moisture is available (e.g., north-facing slopes), larger evergreen species such as toyon, laurel sumac, lemonade berry, and sugar bush are common. As a result, there is more cover for wildlife, and movement of large animals from chaparral into coastal sage scrub is facilitated in these areas. Characteristic wildlife in this community includes Anna's hummingbirds, rufous-sided towhees, California quail, greater roadrunners, Bewick's wrens, coyotes, and coast horned lizards[49], but most of these species move between coastal sage scrub and chaparral during their daily activities or on a seasonal basis.

Of the many important ecosystem roles performed by the coastal sage scrub community, five are particularly important in the Santa Monica Mountains. Coastal sage scrub provides critical linkages between riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for local endemics, supports rare species that are in danger of extinction, and reduces erosion, thereby protecting the water quality of coastal streams.

Riparian woodlands are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams, but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat. In the Santa Monica Mountains, coastal sage scrub and chaparral provide that function. Significant development in coastal sage scrub would reduce the riparian corridors to linear islands of habitat with severe edge effects[50], reduced diversity, and lower productivity.

Most wildlife species and many species of plants utilize several types of habitat. Many species of animals endemic to Mediterranean habitats move among several plant communities during their daily activities and many are reliant on different communities either seasonally or during different stages of the their life cycle. Without an intact mosaic of coastal sage scrub, chaparral, and riparian community types, many species will not thrive. Specific examples of the importance of interconnected communities, or habitats, were provided in the discussion above. This is an essential ecosystem role of coastal sage scrub.

A characteristic of the coastal sage scrub vegetation type is a high degree of endemism. This is consonant with Westman's observation that 44 percent of the species he sampled in coastal sage scrub occurred at only one of his 67 sites, which were

[49] National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

[50] Environmental impacts are particularly severe at the interface between development and natural habitats. The greater the amount of this "edge" relative to the area of natural habitat, the worse the impact.

distributed from the San Francisco Bay area to Mexico[51]. Species with restricted distributions are by nature more susceptible to loss or degradation of their habitat. Westman said of this unique and local aspect of coastal sage scrub species in California:

> "While there are about 50 widespread sage scrub species, more than half of the 375 species encountered in the present study of the sage scrub flora are rare in occurrence within the habitat range. In view of the reduction of the area of coastal sage scrub in California to 10-15% of its former extent and the limited extent of preserves, measures to conserve the diversity of the flora are needed."[52]

Coastal sage scrub in southern California provides habitat for about 100 rare species[53], many of which are also endemic to limited geographic regions[54]. In the Santa Monica Mountains, rare animals that inhabit coastal sage scrub[55] include the Santa Monica shieldback katydid, silvery legless lizard, coastal cactus wren, Bell's sparrow, San Diego desert woodrat, southern California rufous-crowned sparrow, coastal western whiptail, and San Diego horned lizard. Some of these species are also found in chaparral[56]. Rare plants found in coastal sage scrub in the Santa Monica Mountains include Santa Susana tarplant, Coulter's saltbush, Blockman's dudleya, Braunton's milkvetch, Parry's spineflower, and Plummer's mariposa lily[57]. A total of 32 sensitive species of reptiles, birds and mammals have been identified in this community by the National Park Service.[58]

One of the most important ecological functions of coastal sage scrub in the Santa Monica Mountains is to protect water quality in coastal streams by reducing erosion in the watershed. Although shallow rooted, the shrubs that define coastal sage scrub have dense root masses that hold the surface soils much more effectively than the exotic annual grasses and forbs that tend to dominate in disturbed areas. The native shrubs of this community are resistant not only to drought, as discussed above, but well adapted to fire. Most of the semi-woody shrubs have some ability to crown sprout after

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[51] Westman, W.E. 1981. Diversity relations and succession in Californian coastal sage scrub. Ecology 62:170-184.

[52] Ibid.

[53] Atwood, J. L. 1993. California gnatcatchers and coastal sage scrub: The biological basis for endangered species listing. pp.149-166 *In*: Interface Between Ecology and Land Development in California. Ed. J. E. Keeley, So. Calif. Acad. of Sci., Los Angeles. California Department of Fish and Game (CDFG). 1993. The Southern California Coastal Sage Scrub (CSS) Natural Communities Conservation Plan (NCCP). CDFG and Calif. Resources Agency, 1416 9th St., Sacramento, CA 95814.

[54] Westman, W.E. 1981. op. cit.

[55] Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

[56] O'Leary J.F., S.A. DeSimone, D.D. Murphy, P.F. Brussard, M.S. Gilpin, and R.F. Noss. 1994. Bibliographies on coastal sage scrub and related malacophyllous shrublands of other Mediterranean-type climates. *California Wildlife Conservation Bulletin* 10:1–51.

[57] Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

[58] NPS, 2000, op cit.

fire. Several CSS species (e.g., *Eriogonum cinereum*) in the Santa Monica Mountains and adjacent areas resprout vigorously and other species growing near the coast demonstrate this characteristic more strongly than do individuals of the same species growing at inland sites in Riverside County.[59] These shrub species also tend to recolonize rapidly from seed following fire. As a result they provide persistent cover that reduces erosion.

In addition to performing extremely important roles in the Mediterranean ecosystem, the coastal sage scrub community type has been drastically reduced in area by habitat loss to development. In the early 1980's it was estimated that 85 to 90 percent of the original extent of coastal sage scrub in California had already been destroyed.[60] Losses since that time have been significant and particularly severe in the coastal zone.

Therefore, because of its increasing rarity, its important role in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, coastal sage scrub within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

Chaparral

Another shrub community in the Santa Monica Mountain Mediterranean ecosystem is chaparral. Like "coastal sage scrub," this is a generic category of vegetation. Chaparral species have deep roots (10s of ft) and hard waxy leaves, adaptations to drought that increase water supply and decrease water loss at the leaf surface. Some chaparral species cope more effectively with drought conditions than do desert plants[61]. Chaparral plants vary from about one to four meters tall and form dense, intertwining stands with nearly 100 percent ground cover. As a result, there are few herbaceous species present in mature stands. Chaparral is well adapted to fire. Many species regenerate mainly by crown sprouting; others rely on seeds which are stimulated to germinate by the heat and ash from fires. Over 100 evergreen shrubs may be found in chaparral[62]. On average, chaparral is found in wetter habitats than coastal sage scrub, being more common at higher elevations and on north facing slopes.

The broad category "northern mixed chaparral" is the major type of chaparral shown in the National Park Service map of the Santa Monica Mountains. However, northern mixed chaparral can be variously dominated by chamise, scrub oak or one of several species of manzanita or by ceanothus. In addition, it commonly contains woody vines and large shrubs such as mountain mahogany, toyon, hollyleaf redberry, and sugarbush[63]. The rare red shank chaparral plant community also occurs in the Santa Monica Mountains. Although included within the category "northern mixed chaparral" in

[59] Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002
[60] Westman, W.E. 1981. op. cit.
[61] Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.
[62] Keely, J.E. and S.C. Keeley. Chaparral. Pages 166-207 in M.G. Barbour and W.D. Billings, eds. North American Terrestrial Vegetation. New York, Cambridge University Press.
[63] Ibid.

the vegetation map, several types of ceanothus chaparral are reported in the Santa Monica Mountains. Ceanothus chaparral occurs on stable slopes and ridges, and may be dominated by bigpod ceanothus, buck brush ceanothus, hoaryleaf ceanothus, or greenbark ceanothus. In addition to ceanothus, other species that are usually present in varying amounts are chamise, black sage, holly-leaf redberry, sugarbush, and coast golden bush[64].

Several sensitive plant species that occur in the chaparral of the Santa Monica Mountains area are: Santa Susana tarplant, Lyon's pentachaeta, marcescent dudleya, Santa Monica Mountains dudleya, Braunton's milk vetch and salt spring checkerbloom[65]. Several occurring or potentially occurring sensitive animal species in chaparral from the area are: Santa Monica shieldback katydid, western spadefoot toad, silvery legless lizard, San Bernardino ring-neck snake, San Diego mountain kingsnake, coast patch-nosed snake, sharp-shinned hawk, southern California rufous-crowned sparrow, Bell's sparrow, yellow warbler, pallid bat, long-legged myotis bat, western mastiff bat, and San Diego desert woodrat.[66]

Coastal sage scrub and chaparral are the predominant generic community types of the Santa Monica Mountains and provide the living matrix within which rarer habitats like riparian woodlands exist. These two shrub communities share many important ecosystem roles. Like coastal sage scrub, chaparral within the Santa Monica Mountains provides critical linkages among riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for sensitive species, and stabilizes steep slopes and reduces erosion, thereby protecting the water quality of coastal streams.

Many species of animals in Mediterranean habitats characteristically move among several plant communities during their daily activities, and many are reliant on different communities either seasonally or during different stages of their life cycle. The importance of an intact mosaic of coastal sage scrub, chaparral, and riparian community types is perhaps most critical for birds. However, the same principles apply to other taxonomic groups. For example, whereas coastal sage scrub supports a higher diversity of native ant species than chaparral, chaparral habitat is necessary for the coast horned lizard, an ant specialist[67]. Additional examples of the importance of an interconnected communities, or habitats, were provided in the discussion of coastal sage scrub above. This is an extremely important ecosystem role of chaparral in the Santa Monica Mountains.

Chaparral is also remarkably adapted to control erosion, especially on steep slopes. The root systems of chaparral plants are very deep, extending far below the surface an

[64] Ibid.
[65] Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.
[66] Ibid.
[67] A.V. Suarez. Ants and lizards in coastal sage scrub and chaparral. A presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

penetrating the bedrock below[68], so chaparral literally holds the hillsides together and prevents slippage.[69] In addition, the direct soil erosion from precipitation is also greatly reduced by 1) water interception on the leaves and above ground foliage and plant structures, and 2) slowing the runoff of water across the soil surface and providing greater soil infiltration. Chaparral plants are extremely resistant to drought, which enables them to persist on steep slopes even during long periods of adverse conditions. Many other species die under such conditions, leaving the slopes unprotected when rains return. Since chaparral plants recover rapidly from fire, they quickly re-exert their ground stabilizing influence following burns. The effectiveness of chaparral for erosion control after fire increases rapidly with time[70]. Thus, the erosion from a 2-inch rain-day event drops from 5 yd^3/acre of soil one year after a fire to 1 yd^3/acre after 4 years.[71] The following table illustrates the strong protective effect of chaparral in preventing erosion.

Soil erosion as a function of 24-hour precipitation and chaparral age.

Years Since Fire	Erosion (yd^3/acre) at Maximum 24-hr Precipitation of:		
	2 inches	5 inches	11 inches
1	5	20	180
4	1	12	140
17	0	1	28
50+	0	0	3

Therefore, because of its important roles in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, chaparral within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

Oak Woodland and Savanna

Coast live oak woodland occurs mostly on north slopes, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry, California bay laurel, coffeeberry, and poison oak. Coast live oak woodland is more

[68] Helmers, H., J.S. Horton, G. Juhren and J. O'Keefe. 1955. Root systems of some chaparral plants in southern California. Ecology 36(4):667-678. Kummerow, J. and W. Jow. 1977. Root systems of chaparral shrubs. Oecologia 29:163-177.

[69] Radtke, K. 1983. *Living more safely in the chaparral-urban interface*. General Technical Report PSW-67. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, Berkeley, California. 51 pp.

[70] Kittredge, J. 1973. Forest influences — the effects of woody vegetation on climate, water, and soil. Dover Publications, New York. 394 pp. Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. (Table 1). The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. FireSmart: protecting your community from wildfire. Partners in Protection, Edmonton, Alberta.

[71] Ibid.

tolerant of salt-laden fog than other oaks and is generally found nearer the coast[72]. Coast live oak also occurs as a riparian corridor species within the Santa Monica Mountains.

Valley oaks are endemic to California and reach their southern most extent in the Santa Monica Mountains. Valley oaks were once widely distributed throughout California's perennial grasslands in central and coastal valleys. Individuals of this species may survive 400-600 years. Over the past 150 years, valley oak savanna habitat has been drastically reduced and altered due to agricultural and residential development. The understory is now dominated by annual grasses and recruitment of seedlings is generally poor. This is a very threatened habitat.

The important ecosystem functions of oak woodlands and savanna are widely recognized[73]. These habitats support a high diversity of birds[74], and provide refuge for many species of sensitive bats[75]. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats.

Therefore, because of their important ecosystem functions and vulnerability to development, oak woodlands and savanna within the Santa Monica Mountains met the definition of ESHA under the Coastal Act.

Grasslands

Grasslands consist of low herbaceous vegetation that is dominated by grass species but may also harbor native or non-native forbs.

California Perennial Grassland

Native grassland within the Santa Monica Mountains consists of perennial native needlegrasses: purple needlegrass, (Nassella pulchra), foothills needlegrass, (Nassella lepida) and nodding needlegrass (Nassella cernua). These grasses may occur in the same general area but they do not typically mix, tending to segregate based on slope

[72] NPS 2000. op. cit.
[73] Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72–76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos, California. 184 pp.
[74] Cody, M.L. 1977. Birds. Pp. 223–231 *in* Thrower, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas*. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701
[75] Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

and substrate factors[76]. Mixed with these native needlegrasses are many non-native annual species that are characteristic of California annual grassland[77]. Native perennial grasslands are now exceedingly rare[78]. In California, native grasslands once covered nearly 20 percent of the land area, but today are reduced to less than 0.1 percent[79]. The California Natural Diversity Database (CNDDB) lists purple needlegrass habitat as a community needing priority monitoring and restoration. The CNDDB considers grasslands with 10 percent or more cover by purple needlegrass to be significant, and recommends that these be protected as remnants of original California prairie. Patches of this sensitive habitat occur throughout the Santa Monica Mountains where they are intermingled with coastal sage scrub, chaparral and oak woodlands.

Many of the raptors that inhabit the Santa Monica Mountains make use of grasslands for foraging because they provide essential habitat for small mammals and other prey. Grasslands adjacent to woodlands are particularly attractive to these birds of prey since they simultaneously offer perching and foraging habitat. Particularly noteworthy in this regard are the white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, red-shouldered hawk, red-tailed hawk, golden eagle, American kestrel, merlin, and prairie falcon[80].

Therefore, because of their extreme rarity, important ecosystem functions, and vulnerability to development, California native perennial grasslands within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

California Annual Grassland

The term "California annual grassland" has been proposed to recognize the fact that non-native annual grasses should now be considered naturalized and a permanent feature of the California landscape and should be acknowledged as providing important ecological functions. These habitats support large populations of small mammals and provide essential foraging habitat for many species of birds of prey. California annual grassland generally consists of dominant invasive annual grasses that are primarily of Mediterranean origin. The dominant species in this community include common wild oats (Avena fatua), slender oat (Avena barbata), red brome (Bromus madritensis ssp. Rubens), ripgut brome, (Bromus diandrus), and herbs such as black mustard (Brassica nigra), wild radish (Raphanus sativus) and sweet fennel (Foeniculum vulgare). Annual grasslands are located in patches throughout the Santa Monica Mountains in previously disturbed areas, cattle pastures, valley bottoms and along roadsides. While many of

[76] Sawyer, J. O. and T. Keeler-Wolf. 1995. A manual of California vegetation. California Native Plant Society, 1722 J St., Suite 17, Sacramento, CA 95814.
[77] Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.
[78] Noss, R.F., E.T. LaRoe III and J.M. Scott. 1995. Endangered ecosystems of the United States: a preliminary assessment of loss and degradation. Biological Report 28. National Biological Service, U.S. Dept. of Interior.
[79] NPS 2000. op. cit.
[80] NPS 2000. op. cit.

these patches are dominated by invasive non-native species, it would be premature to say that they are never sensitive or do not harbor valuable annual native species. A large number of native forbs also may be present in these habitats[81], and many native wildflowers occur primarily in annual grasslands. In addition, annual grasslands are primary foraging areas for many sensitive raptor species in the area.

Inspection of California annual grasslands should be done prior to any impacts to determine if any rare native species are present or if any rare wildlife rely on the habitat and to determine if the site meets the Coastal Act ESHA criteria.

Effects of Human Activities and Development on Habitats within the Santa Monica Mountains

The natural habitats of the Santa Monica Mountains are highly threatened by current development pressure, fragmentation and impacts from the surrounding megalopolis. The developed portions of the Santa Monica Mountains represents the extension of this urbanization into natural areas. About 54% of the undeveloped Santa Monica Mountains are in private ownership[82], and computer simulation studies of the development patterns over the next 25 years predict a serious increase in habitat fragmentation[83]. Development and associated human activities have many well-documented deleterious effects on natural communities. These environmental impacts may be both direct and indirect and include the effects of increased fire frequency, of fire clearance, of introduction of exotic species, and of night lighting.

Increased Fire Frequency

Since 1925, all the major fires in the Santa Monica Mountains have been caused by human activities[84]. Increased fire frequency alters plant communities by creating conditions that select for some species over others. Strong resprouting plant species such as laurel sumac, are favored while non-sprouters like bigpod ceanothus, are at a disadvantage. Frequent fire recurrence before the non-sprouters can develop and reestablish a seed bank is detrimental, so that with each fire their chances for propagation are further reduced. Resprouters can be sending up new shoots quickly, and so they are favored in an increased fire frequency regime. Also favored are weedy and invasive species. Dr. Steven Davis in his abstract for a Coastal Commission

[81] Holstein, G. 2001. Pre-agricultural grassland in Central California. Madrono 48(4):253-264. Stromberg, M.R., P. Kephart and V. Yadon. 2001. Composition, invasibility and diversity of coastal California grasslands. Madrono 48(4):236-252.
[82] National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.
[83] Swenson, J. J., and J. Franklin. 2000. The effects of future urban development on habitat fragmentation in the Santa Monica Mountains. Landscape Ecol. 15:713-730.
[84] NPS, 2000, op. cit.

Workshop stated[85] "*We have evidence that recent increases in fire frequency has eliminated drought-hardy non-sprouters from chaparral communities near Malibu, facilitating the invasion of exotic grasses and forbs that further exacerbate fire frequency.*" Thus, simply increasing fire frequency from about once every 22 years (the historical frequency) to about once every 12 years (the current frequency) can completely change the vegetation community. This has cascading effects throughout the ecosystem.

Fuel Clearance

The removal of vegetation for fire protection in the Santa Monica Mountains is required by law in "Very High Fire Hazard Severity Zones"[86]. Fuel removal is reinforced by insurance carriers[87]. Generally, the Santa Monica Mountains are considered to be a high fire hazard severity zone. In such high fire hazard areas, homeowners must often resort to the California FAIR Plan to obtain insurance. Because of the high risk, all homes in "brush areas" are assessed an insurance surcharge if they have less than the recommended 200-foot fuel modification zone[88] around the home. The combination of insurance incentives and regulation assures that the 200-foot clearance zone will be applied universally[89]. While it is not required that all of this zone be cleared of vegetation, the common practice is simply to disk this zone, essentially removing or highly modifying all native vegetation. For a new structure not adjacent to existing structures, this results in the removal or modification of a minimum of three acres of vegetation[90]. While the directly impacted area is large, the effects of fuel modification extend beyond the 200-foot clearance area.

Effects of Fuel Clearance on Bird Communities

The impacts of fuel clearance on bird communities was studied by Stralberg who identified three ecological categories of birds in the Santa Monica Mountains: 1) local and long distance migrators (ash-throated flycatcher, Pacific-slope flycatcher, phainopepla, black-headed grosbeak), 2) chaparral-associated species (Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, California towhee) and 3) urban-associated species

[85] Davis, Steven. Effects of fire and other factors on patterns of chaparral in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.
[86] 1996 Los Angeles County Fire Code Section 1117.2.1
[87] Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. FireSmart: protecting your community from wildfire. Partners in Protection, Edmonton, Alberta.
[88] Fuel Modification Plan Guidelines. Co. of Los Angeles Fire Department, Fuel Modification Unit, Prevention Bureau, Forestry Division, Brush Clearance Section, January 1998.
[89] Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.
[90] Ibid.

(mourning dove, American crow, Western scrub-jay, Northern mockingbird)[91]. It was found in this study that the number of migrators and chaparral-associated species decreased due to habitat fragmentation while the abundance of urban-associated species increased. The impact of fuel clearance is to greatly increase this edge-effect of fragmentation by expanding the amount of cleared area and "edge" many-fold. Similar results of decreases in fragmentation-sensitive bird species are reported from the work of Bolger et al. in southern California chaparral[92].

Effects of Fuel Clearance on Arthropod Communities

Fuel clearance and habitat modification may also disrupt native arthropod communities, and this can have surprising effects far beyond the cleared area on species seemingly unrelated to the direct impacts. A particularly interesting and well-documented example with ants and lizards illustrates this point. When non-native landscaping with intensive irrigation is introduced, the area becomes favorable for the invasive and non-native Argentine ant. This ant forms "super colonies" that can forage more than 650 feet out into the surrounding native chaparral or coastal sage scrub around the landscaped area[93]. The Argentine ant competes with native harvester ants and carpenter ants displacing them from the habitat[94]. These native ants are the primary food resource for the native coast horned lizard, a California "Species of Special Concern." As a result of Argentine ant invasion, the coast horned lizard and its native ant food resources are diminished in areas near landscaped and irrigated developments[95]. In addition to specific effects on the coast horned lizard, there are other Mediterranean habitat ecosystem processes that are impacted by Argentine ant invasion through impacts on long-evolved native ant-plant mutualisms[96]. The composition of the whole arthropod community changes and biodiversity decreases when habitats are subjected to fuel modification. In coastal sage scrub disturbed by fuel modification, fewer arthropod

[91] Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: a Santa Monica Mountains case study. Pp. 125–136 *in* Keeley, J.E., M. Baer-Keeley, and C.J. Fotheringham (eds.). *2nd interface between ecology and land development in California*. U.S. Geological Survey, Sacramento, California.
[92] Bolger, D. T., T. A. Scott and J. T. Rotenberry. 1997. Breeding bird abundance in an urbanizing landscape in coastal Southern California. Conserv. Biol. 11:406-421.
[93] Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. Ecology 79(6):2041-2056.
[94] Holway, D.A. 1995. The distribution of the Argentine ant (*Linepithema humile*) in central California: a twenty-year record of invasion. Conservation Biology 9:1634-1637. Human, K.G. and D.M. Gordon. 1996. Exploitation and interference competition between the invasive Argentine ant, (*Linepithema humile*), and native ant species. Oecologia 105:405-412.
[95] Fisher, R.N., A.V. Suarez and T.J. Case. 2002. Spatial patterns in the abundance of the coastal horned lizard. Conservation Biology 16(1):205-215. Suarez, A.V. J.Q. Richmond and T.J. Case. 2000. Prey selection in horned lizards following the invasion of Argentine ants in southern California. Ecological Applications 10(3):711-725.
[96] Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. Ecology 79(6):2041-2056. Bond, W. and P. Slingsby. Collapse of an Ant-Plant Mutualism: The Argentine Ant (*Iridomyrmex humilis*) and Myrmecochorous Proteaceae. Ecology 65(4):1031-1037.

predator species are seen and more exotic arthropod species are present than in undisturbed habitats[97].

Studies in the Mediterranean vegetation of South Africa (equivalent to California shrubland with similar plant species) have shown how the invasive Argentine ant can disrupt the whole ecosystem.[98] In South Africa the Argentine ant displaces native ants as they do in California. Because the native ants are no longer present to collect and bury seeds, the seeds of the native plants are exposed to predation, and consumed by seed eating insects, birds and mammals. When this habitat burns after Argentine ant invasion the large-seeded plants that were protected by the native ants all but disappear. So the invasion of a non-native ant species drives out native ants, and this can cause a dramatic change in the species composition of the plant community by disrupting long-established seed dispersal mutualisms. In California, some insect eggs are adapted to being buried by native ants in a manner similar to plant seeds[99].

Artificial Night Lighting

One of the more recently recognized human impacts on ecosystem function is that of artificial night lighting as it effects the behavior and function of many different types of organisms[100]. For literally billions of years the only nighttime sources of light were the moon and stars, and living things have adapted to this previously immutable standard and often depend upon it for their survival. A review of lighting impacts suggests that whereas some species are unaffected by artificial night lighting, many others are severely impacted. Overall, most impacts are negative ones or ones whose outcome is unknown. Research to date has found negative impacts to plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals, and a detailed literature review can be found in the report by Longcore and Rich[101].

Summary

In a past action, the Coastal Commission found[102] that the Santa Monica Mountains Mediterranean Ecosystem, which includes the undeveloped native habitats of the Santa Monica Mountains, is rare and especially valuable because of its relatively pristine

[97] Longcore, T.R. 1999. Terrestrial arthropods as indicators of restoration success in coastal sage scrub. Ph.D. Dissertation, University of California, Los Angeles.
[98] Christian, C. 2001. Consequences of a biological invasion reveal the importance of mutualism for plant communities. Nature 413:635-639.
[99] Hughes, L. and M. Westoby. 1992. Capitula on stick insect eggs and elaiosomes on seeds: convergent adaptations for burial by ants. Functional Ecology 6:642-648.
[100] . Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.
[101] Ibid, and Ecological Consequences of Artificial Night Lighting, Conference, February 23-24, 2002, UCLA Los Angeles, California.
[102] Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

character, physical complexity, and resultant biological diversity. The undeveloped native habitats within the Santa Monica Mountains that are discussed above are ESHA because of their valuable roles in that ecosystem, including providing a critical mosaic of habitats required by many species of birds, mammals and other groups of wildlife, providing the opportunity for unrestricted wildlife movement among habitats, supporting populations of rare species, and preventing the erosion of steep slopes and thereby protecting riparian corridors, streams and, ultimately, shallow marine waters.

The importance the native habitats in the Santa Monica Mountains was emphasized nearly 20 years ago by the California Department of Fish and Game[103]. Commenting on a Draft Land Use Plan for the City of Malibu, the Regional Manager wrote that, "It is essential that large areas of land be reclassified to reflect their true status as ESHAs. One of the major needs of the Malibu LUP is that it should provide protection for entire drainages and not just stream bottoms." These conclusions were supported by the following observations:

> "It is a fact that many of the wildlife species of the Santa Monica Mountains, such as mountain lion, deer, and raccoon, have established access routes through the mountains. They often travel to and from riparian zones and development such as high density residential may adversely affect a wildlife corridor.
>
> Most animal species that exist in riparian areas will, as part of their life histories, also be found in other habitat types, including chapparal (sic) or grassland. For example, hawks nest and roost in riparian areas, but are dependent on large open areas for foraging. For the survival of many species, particularly those high on the food chain, survival will depend upon the presence of such areas. Such areas in the Santa Monica Mountains include grassland and coastal sage scrub communities, which have been documented in the SEA studies as supporting a wide diversity of plant and animal life."

This analysis by the Department of Fish and Game is consonant with the findings of the Commission in the case of the Malibu LCP, and with the conclusion that large contiguous areas of relatively pristine native habitat in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

[103] Letter from F. A. Worthley, Jr. (CDFG) to N. Lucast (CCC) re Land Use Plan for Malibu dated March 22, 1983.

MAR 02 1990

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1195, Hall of Records
Los Angeles California 90012

AND WHEN RECORDED MAIL TO

Name JACK HOFFMAN
Street 26020 ALIZIA CYN DR.
CALABASAS, CA. 91302

90- 344505

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LOS ANGELES COUNTY
CALIFORNIA
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CERTIFICATE OF COMPLIANCE

REQUEST FOR CERTIFICATE OF COMPLIANCE

I/We the undersigned owner(s) of record land in fee simple of the real property [illegible] property within the unincorporated territory of the County of Los Angeles hereby REQUEST the County of Los Angeles to determine if said property described below complies with the provisions of the Subdivision Map Act (Sec. 66410 et seq. Government Code State of California) and the Los Angeles Code Title 21 (Subdivisions).

JACK HOFFMAN — VALAINE E. HOFFMANN

12/21/89

LEGAL DESCRIPTION
(TYPED)

PARCEL 1

THAT PORTION OF THE SOUTH HALF OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP [illegible] RANGE 19 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT [illegible] DISTRICT LAND OFFICE ON APRIL [illegible] 1880, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF; THENCE NORTH [illegible] 16" EAST ALONG THE EASTERLY LINE OF SAID SOUTH HALF 441.[illegible] FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89° [illegible] 49" WEST 142.34 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 83° 42' 55" A DISTANCE OF [illegible].14 FEET; THENCE NORTH [illegible] DISTANCE OF 171.[illegible]4 FEET TO THE NORTHERLY LINE OF SAID SOUTH HALF; THENCE NORTH 89° 56' 27" EAST ALONG SAID NORTHERLY LINE [illegible] NORTHEAST CORNER OF SAID SOUTH HALF; THENCE [illegible] SAID EASTERLY LINE 226.41 FEET [illegible]

#4

A.M.D. 4472:Rupor [illegible]

57 01 10-78 Revision 6 85

Exhibit 13
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 1 of 8

CONDITIONAL CERTIFICATE OF COMPLIANCE

CONTINUATION CC-89-1760

DETERMINATION OF CONDITIONAL COMPLIANCE

The above described parcel was not created in compliance with State and County Subdivision regulations. Under current State law, THE PROPERTY MAY BE SOLD, LEASED, FINANCED OR OTHERWISE CONVEYED WITHOUT RESTRICTION. HOWEVER, THE CONDITIONS LISTED BELOW MUST BE FULFILLED BEFORE ISSUANCE OF A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL. These conditions are in addition to any permit requirements which may be imposed.

CONDITION(S):

1. OFFER for Road-Right-of-Way any portion of the subject property within 30 feet of the center-line(s) for Davis Road and the radius at the intersection(s) of said Rights-of-Way.

2. OFFER said Right(s)-of-Way as EASEMENT to other properties in Section 9, Township 1 South, Range 19 West and the General Public.

3. OFFER Right-of-Way for a Drainage Channel as permit to the APPROVAL of County Public Works Officials.

NOTES:

Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

Prior to authorization to build on this property, the applicant will be required to conform to County Building Code regulations. Such regulations include, but are not limited to, appropriate Sanitary Sewage Disposal, Water Supply for Domestic Use and Fire Suppression and Vehicular Access to a Public Street.

GEOLOGICAL, soil and/or Drainage [illegible] as may exist on the subject property which could limit development or necessitate that remedial measures be taken in order to obtain a Building Permit.

Projects which may affect an [illegible], wetlands, streambed or other waters of the United States, will require a Permit from the Department of the Army, Corps of Engineers.

AMB 447/[illegible]

DEPARTMENT OF REGIONAL PLANNING

By

Title Administrator, Subdivision Admin. Div.

Date

DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles, State of California
James E. Ha[illegible], AICP
Planning Director

am

90- 344505

Exhibit 13
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 2 of 8

90- 344506

MAR 02 1990

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1195, Hall of Records
Los Angeles, California 90012

AND WHEN RECORDED MAIL TO

Name JACK HOFFMANN
Street 26020 ALIZIA CYN. DR.
CALABASAS, CA. 91302
City

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST. 10 A.M. MAR 2 1990

FEE $7 G
2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

CC-89-1761

REQUEST FOR CERTIFICATE OF COMPLIANCE

I/We the undersigned owner(s) of record (and or vendee(s) pursuant to a contract of sale) of the following described property within the unincorporated territory of the County of Los Angeles hereby REQUEST the County of Los Angeles to determine if said property described below complies with the provisions of the Subdivision Map Act (Sec. 66410 et seq., Government Code State of California) and the Los Angeles Code, Title 21, Subdivisions

Signature | Signature | Signature

JACK HOFFMANN | VALAINE E. HOFFMANN | Name (typed or printed)

Name (typed or printed) | Name (typed or printed) | Name (typed or printed)

12/20/89 | 12/20/89 | Date

Date | Date | Date

LEGAL DESCRIPTION (TYPED)

PARCEL 1

THAT PORTION OF THE SOUTH-HALF OF THE WEST-HALF OF THE EAST-HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 19 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 10, 1860, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTH-HALF; THENCE NORTH 0° 27' 16" EAST ALONG THE EASTERLY LINE OF SAID SOUTH-HALF 267.21 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 83° 31' 36" WEST 134.18 FEET TO THE WESTERLY LINE OF SAID SOUTH-HALF; THENCE NORTH 0° 32' 58" EAST ALONG SAID WESTERLY LINE 40.57 FEET; THENCE NORTH 75° 29' 16" EAST 87.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34° 25' 08" A DISTANCE OF 30.04 FEET; THENCE NORTH 45° 04' 08" EAST 100.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44° 00' 38" A DISTANCE OF 76.81 FEET; THENCE NORTH 89° 04' 46" EAST 80.48 FEET TO THE EASTERLY LINE OF SAID SOUTH-HALF; THENCE SOUTH 0° 27' 17" WEST 134.12 FEET TO THE TRUE POINT OF BEGINNING.

A.M.R. [illegible]

12-01-10 76 Revised [illegible]

Parcel 1

Exhibit 13
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 3 of 8

CONDITIONAL CERTIFICATE OF COMPLIANCE

CONTINUATION

CC-89-1761

DETERMINATION OF CONDITIONAL COMPLIANCE

The above described parcel was not created in compliance with State and County Subdivision regulations. Under current State law, THE PROPERTY MAY BE SOLD, LEASED, FINANCED OR OTHERWISE CONVEYED WITHOUT RESTRICTION. HOWEVER, THE CONDITIONS LISTED BELOW MUST BE FULFILLED BEFORE ISSUANCE OF A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL. These conditions are in addition to any permit requirements which may be imposed.

CONDITION(S):

1. OFFER for Road-Right-of-Way any portion of the subject property within 30 feet of the center-line(s) for Davis Road and the radius at the intersection(s) of said Right(s)-of-Way.

2. OFFER said Right(s)-of-Way as EASEMENT(s) to other properties in Section 9, Township 1 South, Range 19 West and the General Public.

3. OFFER Right-of-Way for a Drainage Channel or Conduit to the APPROVAL of County Public Works Official.

NOTES:

Prospective purchasers should check the conditions and applicable development [illegible] to determine whether the property is suitable for their intended use.

Prior to authorization to build on this property, the applicant will be required to conform to County Building Code regulations. Such regulations include, but are not limited to, appropriate Sanitary Sewage Disposal, Water Supply for Domestic Use and Fire Suppression and Vehicular Access to a Public Street.

GEOLOGICAL, soil and/or Drainage conditions may exist on the subject property which could limit development or necessitate that remedial measures be taken in order to obtain a Building Permit.

Projects which may affect an endangered species, wetlands, a stream bed or other waters of the United States, will require a Permit from the Department of the Army, Corps of Engineers.

AMB 4472:8(por 29)

DEPARTMENT OF REGIONAL PLANNING

By _____

Title Administrator, Subdivision Admin. Div.

Date _____

DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles, State of California
Darryl E. Hartl, AICP
Planning Director

90- 34450

Exhibit 13
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 4 of 8

90- 344507

MAR 02 1990

6

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1195 Hall of Records
Los Angeles, California 90012

AND WHEN RECORDED MAIL TO

Name JACK HOFFMANN
Street 26020 ALIZIA CYN. DR.
CALABASAS, CA. 91302
City

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST 10 A.M. MAR 2 1990

FEE $7 G
2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

[illegible]-89-1762

REQUEST FOR CERTIFICATE OF COMPLIANCE

I/We the undersigned owner(s) of record (and or vendee(s) pursuant to a contract of sale) of the [illegible] land property within the unincorporated territory of the County of Los Angeles [illegible] REQUEST the [illegible] Angeles to determine if said property described below complies with the provisions of the Subdivision Map Act (Sec. 66410 et seq. of the Government Code, State of California) and the Los Angeles County [illegible]

Signature: Jack Hoffman Signature: Valaine S. Hoffmann Signature

JACK HOFFMANN VALAINE S. HOFFMANN Name (typed or printed)

Date: 12/2/89 Date: Date

LEGAL DESCRIPTION
(TYPED)

PARCEL 1:

THAT PORTION OF THE SOUTH-HALF OF THE [illegible] OF THE EAST-HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION [illegible], TOWNSHIP [illegible] SOUTH, RANGE 19, WEST SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL [illegible], 18[illegible], WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTH-HALF; THENCE NORTH [illegible] 16" EAST ALONG THE EASTERLY LINE OF SAID SOUTH-HALF 867.21 FEET; THENCE SOUTH 83° 41' 36" WEST 334.18 FEET TO THE WESTERLY LINE OF SAID SOUTH-HALF; THENCE NORTH 60° 32' 58" EAST ALONG SAID WESTERLY LINE [illegible] FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 29° 29' 16" EAST [illegible] FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF [illegible] FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF [illegible] A DISTANCE OF 30.04 FEET; THENCE NORTH [illegible] EAST [illegible] FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF [illegible] THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE [illegible] A DISTANCE OF 76.81 FEET; THENCE NORTH 89° 54' 46" EAST [illegible] FEET TO THE EASTERLY LINE OF SAID SOUTH-HALF; THENCE NORTH [illegible] EAST [illegible] FEET TO A POINT ON SAID EASTERLY LINE DISTANT THEREON NORTH [illegible] FEET FROM SAID SOUTHEAST CORNER; THENCE NORTH [illegible] WEST [illegible] FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 83° 45' [illegible] A DISTANCE OF [illegible] FEET; THENCE [illegible] A DISTANCE OF 171.44 FEET TO THE [illegible] 50.[illegible] 89° [illegible] 27" WEST ALONG [illegible] CORNER OF [illegible] LINE [illegible] FEET TO THE [illegible]

#2

Exhibit 13
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 5 of 8

CONDITIONAL CERTIFICATE OF COMPLIANCE

CONTINUATION

CC-89-1762

DETERMINATION OF CONDITIONAL COMPLIANCE

The above described parcel was not created in compliance with State and County Subdivision regulations. Under current State law, THE PROPERTY MAY BE SOLD, LEASED, FINANCED OR OTHERWISE CONVEYED WITHOUT RESTRICTION. HOWEVER, THE CONDITIONS LISTED BELOW MUST BE FULFILLED BEFORE ISSUANCE OF A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL. These conditions are in addition to any permit requirements which may be imposed.

CONDITION(S):

1. OFFER for Road-Right-of-Way any portion of the subject property within 30 feet of the center-line(s) for Davis Road and the radius at the intersection(s) of said Rights-of-Way.

2. OFFER said Right(s)-of-Way as EASEMENT(s) to other properties in Section 9, Township 1 South, Range 19 West and the General Public.

3. OFFER Right-of-Way for a Drainage Channel or Conduit to the APPROVAL of County Public Works Officials.

NOTES:

Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

Prior to authorization to build on this property, the applicant will be required to conform to County Building Code regulations. Such regulations include, but are not limited to, appropriate Sanitary Sewage Disposal, Water Supply for Domestic Use and Fire Suppression and Vehicular Access to a Public Street.

GEOLOGICAL, soil and/or Drainage Conditions may exist on the subject property which could limit development or necessitate that remedial measures be taken in order to obtain a Building Permit.

Projects which may affect an unnumbered spring, well, lake, stream bed or other waters of the United States, will require a Permit from the Department of the Army, Corps of Engineers.

AMB 4471 pr r 19

DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles State of California
James E. Hartl, AI
Planning Director

DEPARTMENT OF REGIONAL PLANNING

By

Title Administrator, Subdivision Admin. Div.

Date

90- 344507

Exhibit 13
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 6 of 8

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1195, Hall of Records
Los Angeles, California 90012

AND WHEN RECORDED MAIL TO

Name JACK HOFFMANN
Street 26020 ALIZIA CYN. DR.
CALABASAS, CA. 91302
City

MAR 02 1990

90- 344508

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST. 10 A.M. MAR 2 1990

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FEE $7 G 2

CERTIFICATE OF COMPLIANCE

REQUEST FOR CERTIFICATE OF COMPLIANCE CC-89-1763

I/We the undersigned owner(s) of record (and or vendee(s) pursuant to an agreement of sale) in the following described property within the unincorporated territory of the County of Los Angeles, hereby REQUEST the County of Los Angeles to determine if said property described below complies with the provisions of the Subdivision Map Act (Sec. 66410 et seq. Government Code State of California) and the Los Angeles Code Title 21 (Subdivisions).

Signature: Jack Hoffmann
Signature: Valaine Hoffmann
Signature:

Name (typed or printed): JACK HOFFMANN
Name (typed or printed): VALAINE E. HOFFMANN
Name (typed or printed):

Date: 12/20/89
Date: 12/20/89
Date:

LEGAL DESCRIPTION
(TYPED)

PARCEL 1

THAT PORTION OF THE SOUTH-HALF OF THE WEST-HALF OF THE EAST-HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 19 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON APRIL 10, 1900, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTH-HALF; THENCE NORTH 00° 27' 16" EAST ALONG THE EASTERLY LINE OF SAID SOUTH-HALF 267.21 FEET; THENCE SOUTH 83° 31' 36" WEST 334.18 FEET TO THE WESTERLY LINE OF SAID SOUTH-HALF; THENCE SOUTH 00° 32' 50" WEST ALONG SAID WESTERLY LINE 230.33 FEET TO THE SOUTHWESTERLY CORNER OF SAID SOUTH-HALF; THENCE NORTH 89° 51' 50" EAST 322.14 FEET TO THE POINT OF BEGINNING.

A.M.M. [illegible]

#3

5201 10 76 Revised 6/85

Exhibit 13
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 7 of 8

CONDITIONAL CERTIFICATE OF COMPLIANCE

CONTINUATION CC-89-176

DETERMINATION OF CONDITIONAL COMPLIANCE

The above described parcel was not created in compliance with State and County Subdivision regulations. Under current State law, THE PROPERTY MAY BE SOLD, LEASED, FINANCED OR OTHERWISE CONVEYED WITHOUT RESTRICTION HOWEVER, THE CONDITIONS LISTED BELOW MUST BE FULFILLED BEFORE ISSUANCE OF A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL. These conditions are in addition to any permit requirements which may be imposed.

CONDITION(S):

1. OFFER for Road-Right-of-Way any portion of the subject property within 30 feet of the center-line(s) for Davis Road and the radius at the intersection(s) of said Rights-of-Way.

2. OFFER said Right(s)-of-Way as EASEMENT(s) to other properties in Section 9, Township 1 South, Range 19 West and the general Public.

3. OFFER Right-of-Way for a Drainage Channel or Conduit to the APPROVAL of County Public Works Officials.

NOTES:

Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

Prior to authorization to build on this property, the applicant will be required to conform to County Building Code regulations. Such regulations include, but are not limited to, appropriate Sanitary Sewage Disposal, Water supply for Dometic Use and Fire Suppression and Vehicular Access to a Public Street.

GEOLOGICAL, soil and/or Drainage Conditions may exist on the subject property which could limit development or obtain a Building Permit.

Projects which may affect an endangered species, wetlands, a stream bed or other waters of the United States, will require a Permit from the Department of the Army, Corps of Engineers.

AMB 4472:8(p r ...

DEPARTMENT OF REGIONAL PLANNING

By

Title Administrator, Subdivision Admin. Div

Date

DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles, State of California
James E. Hartl, AICP
Planning Director

90- 344508

Exhibit 13
CCC-05-CD-07 and CCC-05-RO-04
(Mulholland Land Company)
Page 8 of 8