

CALIFORNIA COASTAL COMMISSION

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

Tu 17a

Filed: 7-30-97
 49th Day: 9-17-97
 180th Day: 1-26-98
 Staff: SPF-VNT
 Staff Report: 8-21-97
 Hearing Date: September 9-12, 1997
 Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NO.: 5-90-327-A3

APPLICANT: Diva Partners/Sea Star Estate HOA AGENT: Richard Scott

PROJECT LOCATION: Lots 20 and Lot 21 (Now lots 23 and 24) of Tract 45585; located at Seastar and Morning View Drive, City of Malibu; Los Angeles County.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Subdivision of a 45 acre parcel into 19 residential lots and one open space lot and construction of streets, septic systems, utilities, storm drain improvements and 80,500 cubic yards of grading (41,500 cu. yds. cut, 39,000 cu. yds. fill).

DESCRIPTION OF AMENDMENT: Modify the exhibit on special condition 8 (open space deed restriction) to reduce the size of the open space lot, and approval of an after-the-fact lot-line adjustment between lots 20 (open space lot) and 21 (recreation lot) resulting in two lots of 20.95 acres and 1.46 acres respectively. No other development is proposed.

LOCAL APPROVALS RECEIVED: Certificate of Compliances recorded with Los Angeles County Department of Regional Planning. Approval in concept issued by the City of Malibu.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan. Coastal Development Permits 5-90-327 (Javid), 5-90-327-A (Javid), 4-95-074 (Javid), 4-96-037 (Seastar Estates Homeowners Association) and 4-97-011 (Seastar Estates Homeowners Association).

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

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

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

SUMMARY OF STAFF RECOMMENDATION:

This is an after-the-fact application for a lot line adjustment of two non-residential lots approved as part of a 19 residential lot subdivision by the Commission under coastal development permit 5-90-327 (Javid). The recreational lot was created from area designated for open space; it was approved by the Commission during the public hearing for the underlying subdivision permit. The project does not create any additional lots, result in an increase in density, increase grading on site, or diminish the resources of the open space lot. Staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

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

NOTE: Unless specifically altered by the amendment, all standard and special conditions attached to the previously approved permit remain in effect.

II. Special Conditions

1. Condition Compliance

The applicant shall record the amended open space exhibit (Exhibit 1 of coastal development permit amendment 5-90-327-A3) to special condition 8 of the underlying coastal development permit within 60 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause will terminate this permit amendment approval.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description and Background

The applicant is proposing to modify special condition 8, which required the recordation of an open space easement, to allow for an enlarged recreational lot. The applicant is also proposing a lot-line adjustment between the open

space lot and the recreation lot (lots 20 and 21 of tract 45585) resulting in two lots of 20.95 acres and 1.46 acres respectively (See Exhibits 1 and 2). Lot 20 is deed restricted as an open space lot; lot 21 is deed restricted as a recreational lot for the 19 residential lots approved under coastal development permit 5-90-327 (Javid). Lots 20 and 21 were approved under the original subdivision as a 21.8 acre lot and a .6 acre lot, respectively (See Exhibit 3). The lot-line adjustment does not result in any additional lots; no additional residential lots can be created as a result of the lot-line adjustment. The applicant claims the lot-line adjustment is necessary to construct two tennis courts on the recreational lot.

During the process of recording a future improvements deed restriction on lot 21 for coastal development permit 4-96-037, Commission staff discovered the unpermitted lot-line adjustment. Commission staff can not complete the deed restriction on lot 21 for coastal development permit 4-96-037 until either the lot-line adjustment is approved by the Commission, or in the event it is denied by the Commission, the lots are returned to their original configuration. Upon discovery of this unpermitted lot-line adjustment, Commission staff researched the original approval of the underlying subdivision permit to determine how the size of the open space areas was determined. Staff discovered that the proposal for a recreational lot was made by the applicant's representative at the Commission hearing. The recreation lot was proposed to be created by reducing the size of the open space lot to accommodate this recreational lot. The recreational lot was proposed to allow for a community tennis court or swimming pool for the future residences. This was required due to the restriction by the Commission to prevent future grading on the residential lots for ancillary structures such as tennis courts and swimming pools. A more complete history of the subdivision and subsequent permits is outlined below.

The subject site is located north of Pacific Coast Highway and east of Trancas Canyon. The original 45 acre lot is located approximately 1,500 to 2,000 feet above Pacific Coast Highway, west of the intersection of Morningview Drive and Guersney Drive. The northern boundary of the site approximates the break in the slope between the steeper mountain terrain to the north and the moderate gradient of the coastal terrace foothills on the subject site. The mountainous terrain north of the site consists of slopes 1.5:1 or steeper while the on-site topography generally descend gently from approximately 350 feet above sea level to approximately 30 feet above sea level.

Originally, the applicant proposed a 25 lot subdivision on this original 45 acre lot. In this permit application, 5-89-872 (Javid) the applicant proposed 25 residential lots with an original proposal of 345,000 cubic yards of grading. This grading would have resulted in flat pads which ranged in size from 10,000 to 20,000 square feet. The Commission found that the project required excessive grading and landform alteration and did not provide for enough open space area. As such, the Commission denied the proposal.

The applicant later revised the project by reducing the number of residential lots, adding a nearly 22 acre open space lot and reducing the grading to 80,500 cubic yards. At the hearing, the applicant adjusted the open space lot by reducing it in size to almost 21 acres, changing the portions of the 45 acre lot that were in the open space area, and adding a half-acre lot for recreational purposes only. This change, made during the public hearing, was approved by the Commission. At that August 1990 hearing, the Commission approved the subdivision request [5-90-327 (Javid)] of the original 45 acre

site, into 21 lots. Nineteen of these lots were for residential development, one lot was designated a recreational lot and the last lot was designated for open space.

The permit application approving this subdivision, 5-90-327 (Javid), was approved with a total of ten special conditions (See Exhibit 4). These conditions included the requirement for the submittal of landscaping plans and revised grading plans and required the recordation of a deed restriction for future grading. In their review of this project, the Commission was concerned with the amount of grading proposed and as such limited the grading for the creation of the road and driveways to 69,500 cubic yards of grading and would not allow the grading of flat building pads. The future grading deed restriction provided that development of a single family residence on each lot conform to the natural contours and that no grading be done for tennis courts, swimming pools, or other ancillary structures. The only grading allowed on site was for the minimum amount for site preparation and driveway access.

Since the Commission's approval of this subdivision, several subsequent permits have been presented to the Commission. First, in 1991, the applicant applied for an amendment to the original permit for an additional 22,000 cubic yards of grading. This grading occurred without the benefit of a coastal development permit and was not consistent with the Commission's approved grading plan. The Commission denied this proposal finding that it required excessive grading and landform alteration and was inconsistent with the previous Commission decision on the approved permit. The applicant subsequently applied for, and received, coastal development permit 4-95-074 (Javid) to restore the site to the greatest extent feasible and reduce the unpermitted development on site. 4-95-074 (Javid) included both restorative grading on the residential lots and restoration of unpermitted developments on the north and east sides of lot 20 (the open space lot). Restoration of the site, pursuant to this permit, is still on-going.

In 4-96-037 (Seastar Estates Homeowners Association), the HOA received Commission approval for the construction of two tennis courts and an 800 square foot ancillary structure for the recreation lot. The Commission found in approving this permit, that the development proposed was consistent with the Commission's earlier action on the subdivision permit. The permit was subject to five special conditions including identification of the excess cut material disposal site, the submittal of revised landscaping plans to eliminate landscaping of natural areas on the north portion of the lot, the recordation of a future improvements deed restriction, plans certified by the consulting geologist, and a wild fire waiver of liability. This coastal development permit has not been issued as the applicant can not record the deed restriction for future improvements until the lot-line adjustment issued is resolved.

Most recently, in 4-97-011 (Seastar Estates Homeowners Association), the Commission approved the installation of motorized gate, a monument wall, signs, and improvements to a portion of Seastar Road and an existing trail with the placement of concrete and stone on the road and decomposed granite on the trail path. This permit was approved with one condition requiring the applicant to recognize that public rights may exist on the subject trail. This permit has been issued; however, work has not commenced on site.

B. Cumulative Impacts of New Development

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

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "Cumulatively," as it is used in Section 30250(a) to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Coastal Act requires that new development, including land divisions, be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu and Santa Monica Mountains area in past permit actions. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of the large number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

In this case, the lot-line adjustment is not between two residential lots. The lot-line adjustment is between two lots that were previously deed restricted for specific purposes, namely open space and recreation. The lot line adjustment will not affect or change the designations of these two lots; it will not provide an opportunity for any future subdivision or the creation of any future residential lots. The lot-line adjustment does increase the recreational lot by one acre, and allow for the construction of two tennis courts. The Commission approved the construction on this recreation lot under coastal development permit 4-96-037 (Seastar Estates HOA) (See Exhibit 5). In this permit, the Commission found that the development of this lot would be consistent with the policies of the Coastal Act so long as the special conditions imposed on the permit were incorporated into the plans. These conditions limited the landscaping area to preserve the native vegetation on the north portion of the lot; required landscaping to minimize the impacts of development as seen from Pacific Coast Highway, and required the recordation of a future improvements deed restriction to ensure that future development on the site was first reviewed by the Commission to ensure that no significant

adverse impacts to coastal resources occurs. The lot line adjustment will not allow for additional development beyond that which was approved in 4-96-037; it will however, allow for the approved development to be built.

The open space lot required under the original coastal development permit was one mitigation measure for reducing the visual impacts and landform alteration of the proposed subdivision. The open space area also included the areas deed restricted for trail use. The recreation lot which was approved in the original permit was located on the lower portion of the lot where the development of the lot would not create significant adverse visual impacts.

The open space lot will decrease the size by approximately one acre as a result of this lot line adjustment. Under the subdivision permit, the applicant originally proposed 17 acres, or 38% of the 45 acre lot as open space. Staff recommended that the Commission also require lot 5 to be included in the open space increasing the size of the open space to 22 acres (49% of the 45 acre lot). At the hearing the applicant proposed to leave in lot 5 (now lots 1 and 6) and instead remove all development from the west side of Seastar Drive, eliminating lots 1 through 4). This would result in 22.5 acres of open space (50% of the original lot). The applicant then requested that half an acre of the open space be designated as a recreational lot and allow for the construction of either a tennis court or swimming pool, since such developments were restricted from the individual residential lots. This would leave 50% of the original 45 acre lot restricted from residential development. The Commission approved the applicant's proposal.

The proposed lot-line adjustment, will merely reduce the size of the open space lot to 21 acres, and increase the size of the recreational lot to 1.5 acres. As a result 50% of the original 45 acre lot is still restricted from residential development; 47% is in open space, the remaining 3% is for the recreational lot. The change in the lot size is not significant and does not result in any adverse impact to coastal resources. The portion of the open space lot added to the recreational to is immediately adjacent to Seastar Drive and was originally proposed as a residential lot. The Commission finds that this proposal will not create adverse significant impacts to coastal resources and is consistent with the Commission original approval of the subdivision permit 5-90-327. The Commission finds that the proposed lot line adjustment does not create and adverse impacts and does not raise any substantial issues regarding future subdivisions or other buildout of the property. The Commission finds that as proposed, the lot line adjustment is consistent with Section 30250(a) of the Coastal Act.

C. Violation

Although development has taken place prior to submission of this permit application on lot 1, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states:

- (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the

commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200 of the division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

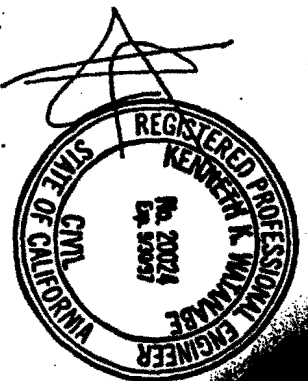
E. CEQA

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

The proposed permit amendment, as conditioned, is consistent with the applicable policies of the Coastal Act, and will not have significant adverse effects on the environment, with the meaning of the Environmental Quality act of 1970. Therefore, the proposed permit amendment, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

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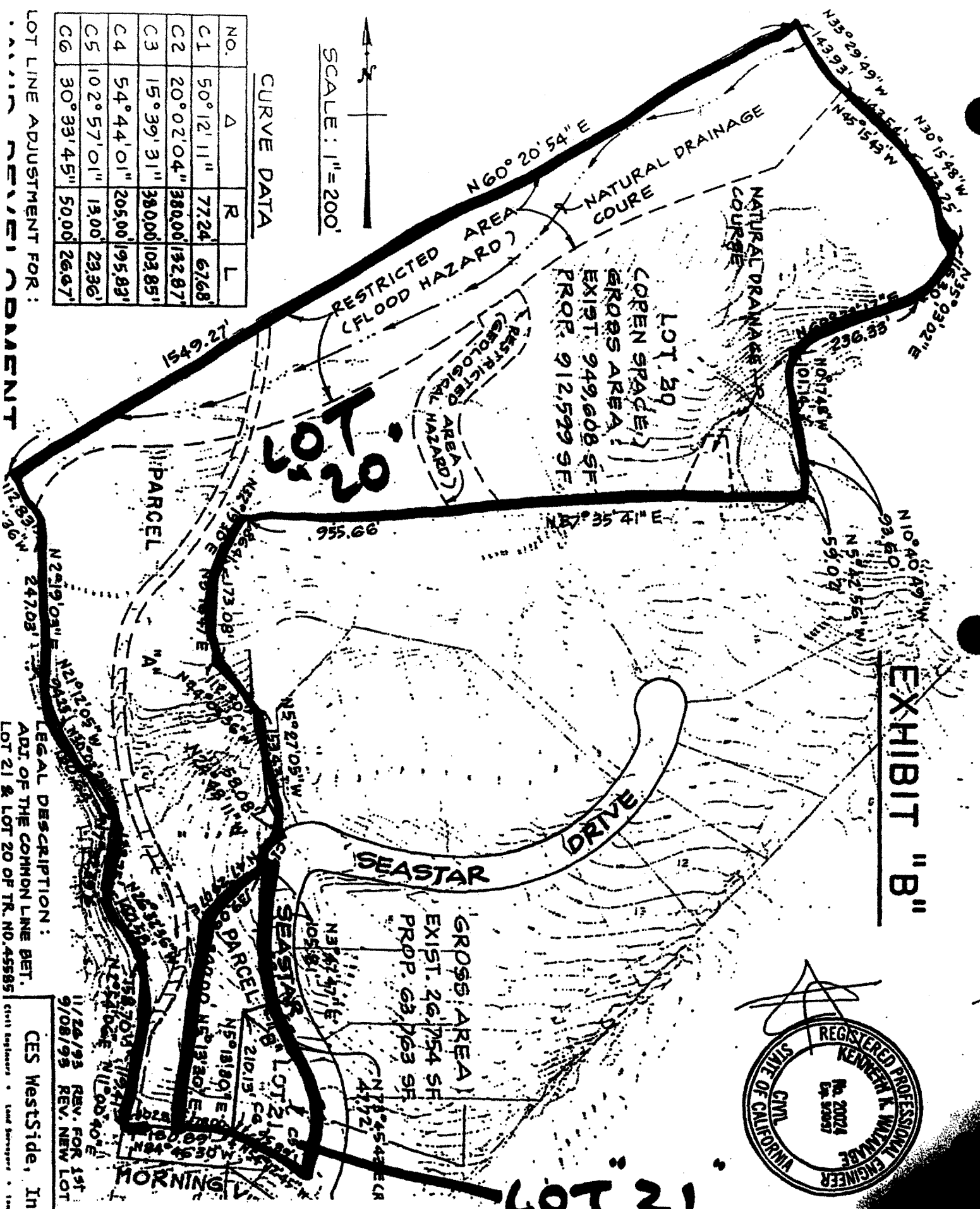
EXHIBIT "B"



NO.	Δ	R	L
C1	50°12'11"	77.24	6768'
C2	20°02'04"	380.00	132.87'
C3	15°39'31"	380.00	103.85'
C4	54°44'01"	205.00	195.83'
C5	102°57'01"	13.00	23.36'
C6	30°33'45"	50.00	26.67'

CURVE DATA

SCALE: 1"=200'



LOT LINE ADJUSTMENT FOR:

LEGAL DESCRIPTION:

CES WestSide, Inc.
11/26/93 REV. FOR 1ST
9/08/95 REV. NEW LOT

Exhibit 1: Open Space and Recreation Lots
5-90-327-A3

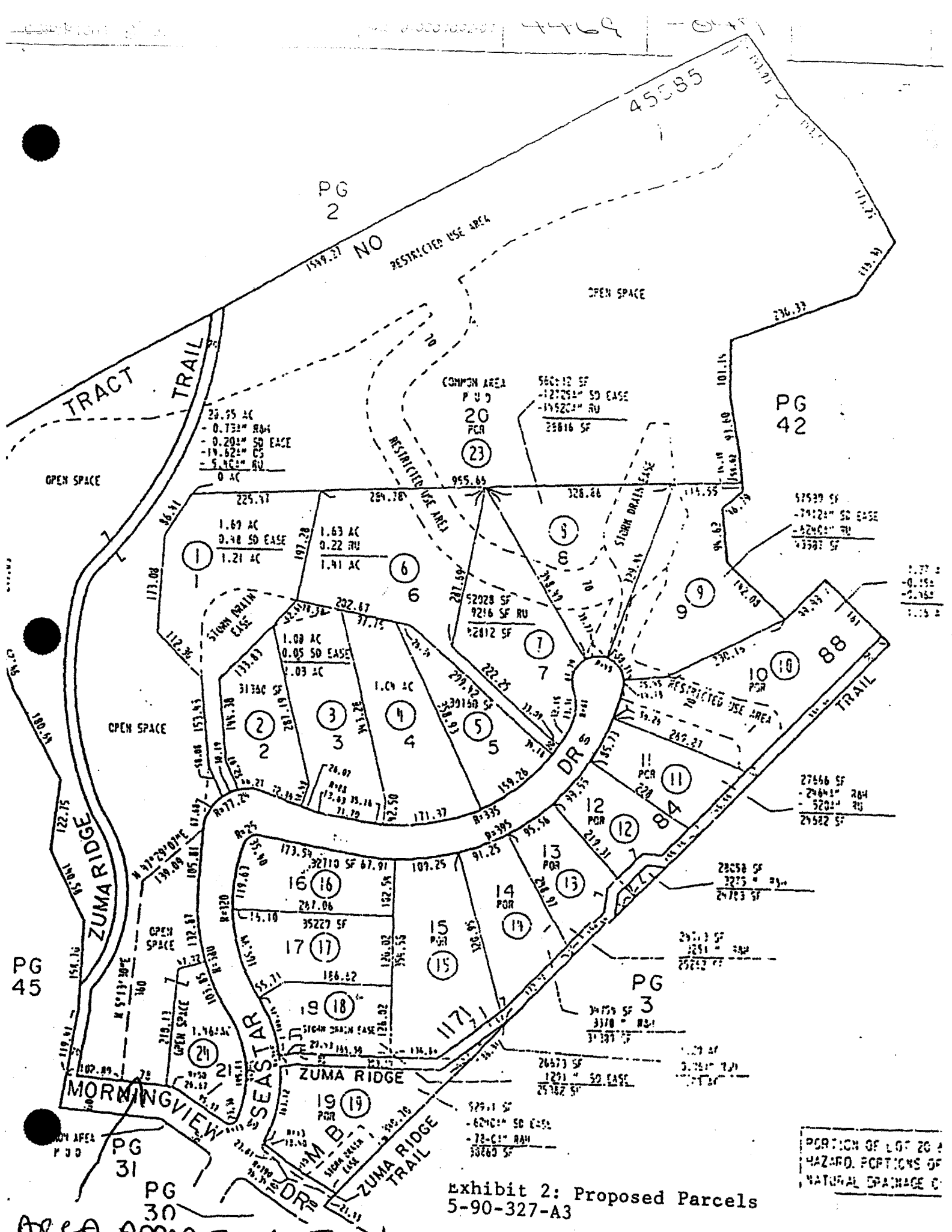


Exhibit 2: Proposed Parcels
5-90-327-A3

PORTION OF LOT 20 A
HAZARDOUS PORTIONS OF
NATURAL SPACED C.

AREA ADDED TO LOT 21

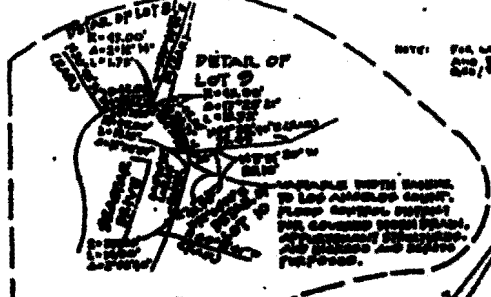
SCALE: 1" = 100'

SHEET 3 OF 5 SHEETS

TRACT NO. 45585

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

NOTE: FOR MEASUREMENTS AND CORRECTIONS SEE SHEET NO. 1171186 AND SHEET NO. 1171187 OF CALIFORNIA BOOK 1121, PAGE 86 AND 87, RESPECTIVELY.



RESTRICTED USE AREA
SEE SHEET 4 FOR DIMENSIONS

VARIABLE WIDTH SUBJECT TO LOS ANGELES COUNTY PLANNING DEPARTMENT FOR FLOOD CONTROL PURPOSES. SEE SHEET 4 FOR DIMENSIONS.

BY AND VARIABLE WIDTH SUBJECT TO LOS ANGELES COUNTY PLANNING DEPARTMENT FOR FLOOD CONTROL PURPOSES. SEE SHEET 4 FOR DIMENSIONS.

VARIABLE WIDTH SUBJECT TO LOS ANGELES COUNTY PLANNING DEPARTMENT FOR FLOOD CONTROL PURPOSES. SEE SHEET 4 FOR DIMENSIONS.

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TRAIL

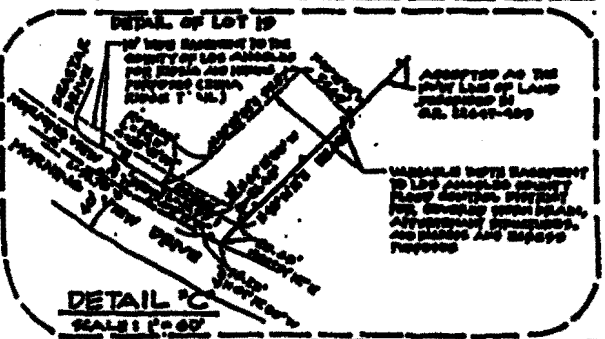
STU

STU

RAIL

SEE DETAIL 'C' ON THIS SHEET

DETAIL 'B'
SCALE 1" = 60'



LEGEND:

- ① INDICATES 2" I.P. FOR TRACT NO. 33028 MAP 1100-40-48
- INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

Exhibit 3: Original Parcel Map 5-90-327-A3

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LOS ANGELES, CA 90802
(213) 570-5071



Page 1 of
Date: March 11, 1991
Permit No. 5-90-327

COASTAL DEVELOPMENT PERMIT

On May 10, 1990, the California Coastal Commission granted to

JAVID DEVELOPMENT

this permit subject to the attached Standard and Special conditions, for development consisting of:

Subdivision of a 45 acre parcel into 19 residential lots and one open space lot and construction of streets, septic systems, utilities, storm drain improvements and 80,500 cubic yards of grading (41,500 cut and 39,000 fill).

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 30631 Morning View Drive, Malibu.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: [Signature]

Title: Staff Analyst

ACKNOWLEDGMENT

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

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

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

Date _____

Signature of Permittee _____



COASTAL DEVELOPMENT PERMIT

Page 2 of 6
Permit No. 5-90-327

STANDARD CONDITIONS:

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

EXHIBIT - 1

II. Special Conditions.

1. Cumulative Impact Mitigation.

Prior to the issuance of the Coastal Development Permit, the applicants shall submit evidence, subject to the review and approval of the Executive Director, that the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains are adequately mitigated. Prior to issuance of this permit, the applicants shall provide evidence to the Executive Director that development rights for residential use have been extinguished on eighteen (18) building sites in the Santa Monica Mountains Coastal Zone. The method used to extinguish the development rights shall be either:

- a) one of the five lot retirement or lot purchase programs contained in the Malibu/Santa Monica Mountains Land Use Plan (Policy 272, 2-6);
- b) a TDC-type transaction, consistent with past Commission actions;
- c) participation along with a public agency or private nonprofit corporation to retire habitat or watershed land in amounts that the Executive Director determines will retire the equivalent number of potential building sites. Retirement of a site that is unable to meet the County's health and safety standards, and therefore unbuildable under the Land Use Plan, shall not satisfy this condition.

2. Trail Dedication.

Prior to issuance of permit, the applicant shall submit an irrevocable offer to dedicate a twenty-foot wide public access trail easements along the eastern portion of the site along the back portions of lot 10 thru 15 then along the northern portion of lot 19 to Street "A" (Zuma Canyon trail), a ten-foot wide easement south along Street "A" to Morning View Drive and then west along Morning View Drive, a twenty-foot wide easement north along the western boundary of the site and then along a portion of the northern boundary of the site (Chumash trail). The irrevocable offer shall be of a form and content approved by the Executive Director, free of prior encumbrances except for tax liens, providing the public the right to pass and repass over the noted route limited to hiking and equestrian uses only. The present public use of the existing trails shall not be interfered with until the trails have been relocated and improved. The dedicated trail easement shall not be open for public hiking and equestrian usage until a public agency or private association approved by the Executive Director agrees to accept responsibility for maintenance and liability associated with the trail easement. The offer shall run with the land in favor of the State of California binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

EXHIBIT-111

3. Easement for Locating Drain on Adjacent Property

Prior to issuance the applicant shall submit a recorded agreement (drainage easement) from the adjacent property owner showing that an easement has been granted to the applicant for the purpose of extending the subsurface drain and energy dissipator onto the property.

4. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads;
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

5. Plans Conforming to Geologic Recommendation

All recommendations contained in the Engineering Geologic Report prepared by California Geo/Systems, INC. (8/17/87) regarding the proposed development shall be incorporated into all final design and construction in

EXHIBIT

grading, sewage disposal, and drainage. All plans must be reviewed and approved by the consultant. Prior to transmittal of the permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans. The geologic restricted use area shall be delineated and recorded on the final parcel map.

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

6. Archeological Resources.

Prior to issuance of the permit, the applicant shall agree in writing that a qualified archaeologist and an authorized representative of the Native American Heritage Commission shall be present on-site during all grading and that should archaeological (or paleontological) resources be discovered, all activity which could damage or destroy these resources shall be temporarily suspended until the site has been examined by a qualified archaeologist (or paleontologist) and mitigation measures have been developed and implemented to address the impacts of the project on archaeological (or paleontological) resources. Such mitigation measures shall be reviewed and approved by the State Office of Historic Preservation prior to implementation and resumption of development. Any change to the proposed project required by the mitigation measures shall be reported in writing to the Executive Director to determine whether an amendment to the permit is required.

Revised Grading Plans

Prior to issuance of permit the applicant shall submit a revised Tract Map and grading plan approved by the County of Los Angeles consistent with the final proposed grading (as shown in the revised grading plan submitted to this office on 4/19/90) indicating no more than 69,500 cubic yards of total grading and no graded building pads.

8. Open Space Dedication

Prior to transmittal of the coastal development permit, the applicant as landowner shall execute and record a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for open space, view preservation and habitat protection. Such easement shall be located on the northern and western portions of the subdivision and include all of lot 20 including the "Restricted Use Area", (see Exhibit). The easement shall restrict the applicant from grading, landscaping (other than required by this permit), vegetation removal or placement of structures within the easement area. The easement shall not restrict the future development of a trail for hiking and equestrian use. The offer shall be recorded free of prior liens and encumbrances except for tax liens which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of twenty one (21) years, such period running from the date of recording.

EXHIBIT # 1

9. Future Grading for Single-family Development

Prior to issuance of the permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that the development of single-family residences shall conform to the natural contours of the site and grading for the development of the single-family residences shall be limited to the minimum amount necessary for driveway access. The document shall further stipulate that no grading for tennis courts, pools or other ancillary uses which require level pads shall be permitted.

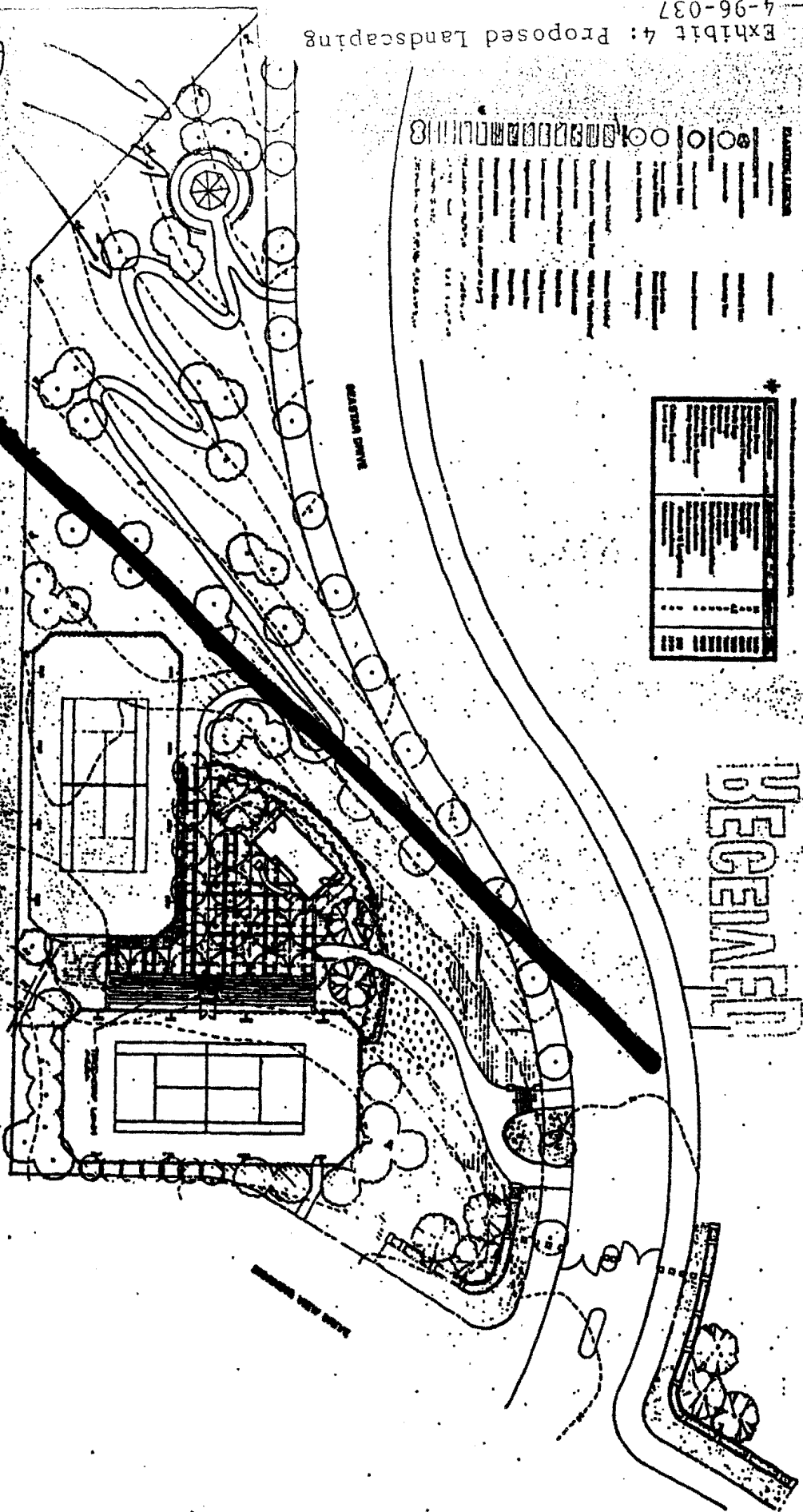
10. Recreational Lot

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director a deed restriction for recording free of prior liens, except for tax liens, and free of prior encumbrances, that binds the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director. The deed restriction shall provide that lot 20, as shown on the Tentative Tract Map No. 45585, shall be restricted for use as a low intensity community center/recreational lot, which minimizes grading and landform alteration, for use by members of the homeowners' association. Such uses include, but are not limited to, swimming pool and tennis court.

AP:tn
6030D

EXHIBIT 11-1

DEVELOPMENT
TO BE
REMOVED FROM
PLANS



FOURTH-EMERY COUNTY DISTRICT
COVERED COMMISSION
ATTEMPTING
FEB 23 1988

RECEIVED

