

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
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Hearing Date: December 8, 1998



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STAFF REPORT: REGULAR CALENDAR**APPLICATION NO.:** 4-98-230**APPLICANT:** Matthew and Karen Hannigan**AGENT:** Danna Sigal**PROJECT LOCATION:** 31544 Anacapa Drive, Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a one-story, 1,150 sq. ft., single family residence, attached two car garage, driveway, septic system, landscaping, and a 300 sq. ft. garden shed. The proposed project also includes 600 cu. yds. of grading and asphalt paving of the existing on-site access road. The project also includes widening and paving off-site portions of Anacapa View Drive, a private road, which the applicant has an easement for ingress and egress, to comply with Los Angeles County Fire Department Safety standards.

Lot area:	18.33 acres
Building coverage:	1,350 sq. ft. new proposed
Pavement coverage:	2,650 sq. ft. new proposed
Parking spaces:	2 new proposed
Landscape coverage:	23,000 sq. ft. new proposed

LOCAL APPROVALS RECEIVED: City of Malibu Environmental Review Board Minutes Regarding PPR 97-026 dated 9/24/97; State of California Department of Water Resources Water Well Driller's Reports dated 10/86, 2/89, and 10/93; City of Malibu Geology and Geotechnical Review Sheet dated 1/8/98; City of Malibu Biological Review dated 10/1/97; California Department of Fish and Game Agreement Regarding Proposed Stream or Lake Alteration dated 2/11/98; "Approval-in-Concept" by the City of Malibu Planning Department; and Los Angeles County Fire Department Preliminary "Approval-in-Concept."

SUBSTANTIVE FILE DOCUMENTS: Malibu/ Santa Monica Mountains Land Use Plan; Building and Site Plans prepared by Godfredsen-Sigal, AIA dated 5/14/98; Restoration Grading Plans prepared by Homes Enterprises, Inc. dated 2/19/98; Restoration Revegetation Plan prepared by Steve Hug Landscape Architect dated 2/15/98; "A Phase

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, 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 governments having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. 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 this permit is reported to the Commission. 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.

III. Special Conditions.

1. Landscape, Erosion Control, and Drainage Plans

Prior to the issuance of the coastal development permit, the applicant shall submit landscaping,

2. Future Improvements

Prior to the issuance of a coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in Coastal Commission Permit 4-98-230 and that any additions to permitted or existing structures, future structures, or improvements to the property, including but not limited to clearing of vegetation, grading, or any additional modifications to the revised Fuel Modification and Landscaping Plan, that is required by Special Condition One (1) that might otherwise be exempt, that might otherwise be exempt under Public Resource Code Section 30610 (a), will require a permit from the Coastal Commission or the local government certified to issue such permit. The deed restriction shall specify that clearance of vegetation consistent with the fuel modification plan approved by the Los Angeles County Fire Department on January 30, 1998 is permitted.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Plans Conforming to Geologic Recommendations

Prior to the issuance of coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in "Geologic and Geotechnical Engineering Report" prepared by Gold Coast GeoServices, Inc. dated May 15, 1998, shall be incorporated into all final design and construction including recommendations concerning slope stability, pools, foundations and drainage. All plans must be reviewed and approved by the consultants.

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.

4. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from fire, landslides, and erosion and the applicant assumes the risks from such hazards; and (b) that the applicant unconditionally waives any claim of liability against the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all

containers are to be relocated next to the existing storage building as a means of clustering development together. A total of five water tanks and two water wells (one is to be abandoned) are to remain on site for future development and irrigation for restoration.

Coastal Development Permit 4-97-051 (Hannigan) also included a proposal to perform maintenance work to the existing culverts for erosion control purposes. Restoration of the site included the removal of all exotic plant species including eucalyptus trees and pepper trees and revegetation of species native to the Santa Monica Mountains. The approval and implementation of Coastal Development Permit 4-97-051 (Hannigan), will resolve all alleged violations of the Coastal Act existing on site. As of this date, the seven special conditions attached to Coastal Development Permit 4-97-051 have not been met, and therefore the permit has not been issued (Exhibit 9).

B. Environmentally Sensitive Resource Area

Section 30107.5 of the Coastal Act defines an 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 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the 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, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

(a) 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 subject parcel descends southwest into the Steep Hill Canyon, which is an undisturbed steep sloping canyon. At the bottom of the ravine flows a blueline stream, which runs intermittently across the southwest portion of the property. The stream channel and riparian corridor for Steep Hill Canyon is primarily narrow in width with steep sloping banks. The steep banks are dominated by oak woodland type vegetation including a dense amount of native grasses, shrubs, and trees. The canyon has a thick oak woodland cover, which shades a large portion of the stream.

The proposed building site located at the northeast side of the property and is situated atop a spur ridge on the eastern side of Steep Hill Canyon. Slopes descend from the ridge at a ratio of 1.2:1 to 2:1. The applicant is proposing to plant a garden with a 300 square foot shed adjacent to the entrance gate to the site.

The site consists mostly of native savanna vegetation, primarily native grasses and shrubs. The site also contains several California sycamore (Platanus racemora) and Quercus species, more commonly known as oak trees. The Commission notes that oaks are easily damaged and are very sensitive to disturbances that occur to the tree or the surrounding environment. Their root system is extensive, but shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains much of its surface water and nutrients here, as well as conducts an important exchange of air and other gases (Los Angeles County Regional Planning Oak Tree Ordinance). In past permit actions, the Commission has recognized the importance of the habitat area provided by riparian areas. Natural streams and associated riparian areas have been identified as extremely important to the wildlife resources of California.

The City of Malibu Environmental Review Board has reviewed and approved the proposed project on October 1, 1997. The ERB has recommended that the applicant incorporate the following in all final plans: remove all existing Eucalyptus and Pepper trees from the site and use only native species for slope stabilization and habitat restoration areas. In addition, the ERB prohibits any development, including landscaping, within 5 feet of the canopy of the oak trees and prohibits removal of native vegetation on the canyon slopes of the Steep Hill Canyon drainage (Exhibit 7).

The Commission through past permitting actions has required that all development be located a minimum of 50 feet from the riparian corridor surrounding streams to maintain the natural vegetation buffer areas that protect riparian habitat and minimize the adverse effect of water runoff and control erosion as required by Section 30231 of the Coastal Act. In addition, Policy P79 of the Malibu/ Santa Monica Mountains LUP requires all development other than driveways and walkways to be set at least 50 feet from the outer limit of the designated environmentally sensitive riparian vegetation.

The proposed project will be located approximately 120 feet away from the stream and approximately 100 feet from the surrounding riparian corridor area and is therefore found to reduce the likelihood of adverse erosional effects and be consistent with past Commission permitting actions. However, in reviewing the proposed project the Commission must also consider the effects to the blue line stream caused by drainage and brush clearance. The proposed project will increase the amount of impervious surfaces on the subject site. The impervious surfaces on site will increase both the volume and velocity of storm water runoff from the site, and could lead to further erosion

- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

1. Geology

Section 30253 of the Coastal Act requires that new development minimizes risk to life and property in areas of high geologic, flood and fire hazard, and assures stability and structural integrity. The applicant is proposing the construction of an 18 ft. high, 1,150 sq. ft. single family residence, two-car attached garage, driveway, septic system, landscaping, and a 300 sq. ft. garden shed. The proposed project also includes 600 cu. yds. of grading to recontour the existing on site access road leading from the entrance gate to the proposed location of the resident to meet current geological standards. Furthermore, the applicant is proposing to widen portions of the private street, Anacapa View Drive, which provides access to the subject site.

The subject site has had prior grading activities on the site, which include light earthwork to create access roads through the property and terraces for agricultural purposes. According to a 1971 map produced by the U.S.G.S., the proposed building site is located north of a queried landslide. In addition, a previous investigation of the sites geological stability recommended that the building site is not located within the "possible landslide" area located on the east side of Steep Hill Canyon. Instead they recommended that all future building sites be located on the western portion of the property, on the other side of the creek. However, the applicant has submitted a new Geologic and Geotechnical Engineering Report performed by Gold Coast GeoServices, Inc. who has conducted both visual inspections and performed subsurface testing on the site. The tests have indicated that:

"No indications present on site of any active or recent movement of the hillside property, except for an isolated area of shallow slippage in spill fill material on slopes descending to Steep Hill Canyon at the southwest side of the property (far removed and of no impact to the planned building site)."

In addition the geologic report concludes:

It is our finding from our review of all of the available geologic data, and primarily from our downhole subsurface geologic mapping, that the property is suitable for the planned construction of a custom-built single family residence. The slopes adjacent to the building site are found from our downhole geologic

"Final grading shall provide positive drainage away from the footings and from the lot. All pad and roof drainage shall be directed away from the building via non-erosive devices to an approved drainage site."

In order to ensure that the site has proper drainage and erosion control, the Commission finds it necessary to require the applicant to submit landscape, drainage, and erosion control plans that have been reviewed and approved by the consulting engineer as stated in Special Condition One (1).

The Commission finds that the project, with the inclusion of Special Condition One (1), is consistent with section 30253 of the Coastal Act.

3. Wildfire Hazard

The Coastal Act requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. The applicant may decide that the economic benefits of development outweigh the risk of harm that may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held responsible for the applicant's decision to develop.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combined with the natural characteristics of the native vegetation pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges and appreciates the nature of the fire, landslide, and erosion hazards which exist on the site and which may affect the safety of the proposed development, as required by Special Condition Two (2), and agrees to indemnify the Commission against any claim of liability against it arising from such risks.

The Commission finds that, only as conditioned to landscape graded and disturbed area to incorporate geologic recommendations and to waive liability arising from the risk of wildlife, is the proposed project consistent with Sections 30253 of the Coastal Act.

will and mitigate the visual impacts of the proposed development resulting from grading and site disturbance as seen from Pacific Coast Highway. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The applicant has submitted preliminary fuel modification and landscaping plans. However, the Commission finds it necessary to require the applicant to submit final landscaping plans that describe the types of plant species to be used for erosion control on the graded slopes and as landscaping in Zones 1 and 2 of the Fuel Modification Plan to ensure that all specifications described in Special Condition One (1) are incorporated.

The Commission finds that the proposed development will be sited and designed to protect the public view along the scenic coastal area and will be visibly compatible with the surrounding area. Therefore, the Commission finds only as conditioned is the proposed project consistent with Section 30251 of the Coastal Act.

E. Septic System

Section 30231 of the Coastal Act states that:

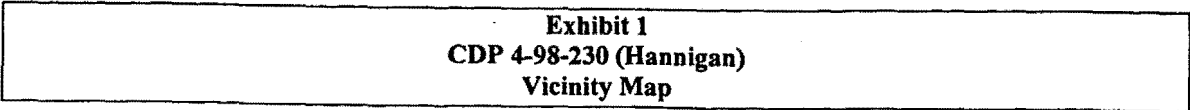
The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse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

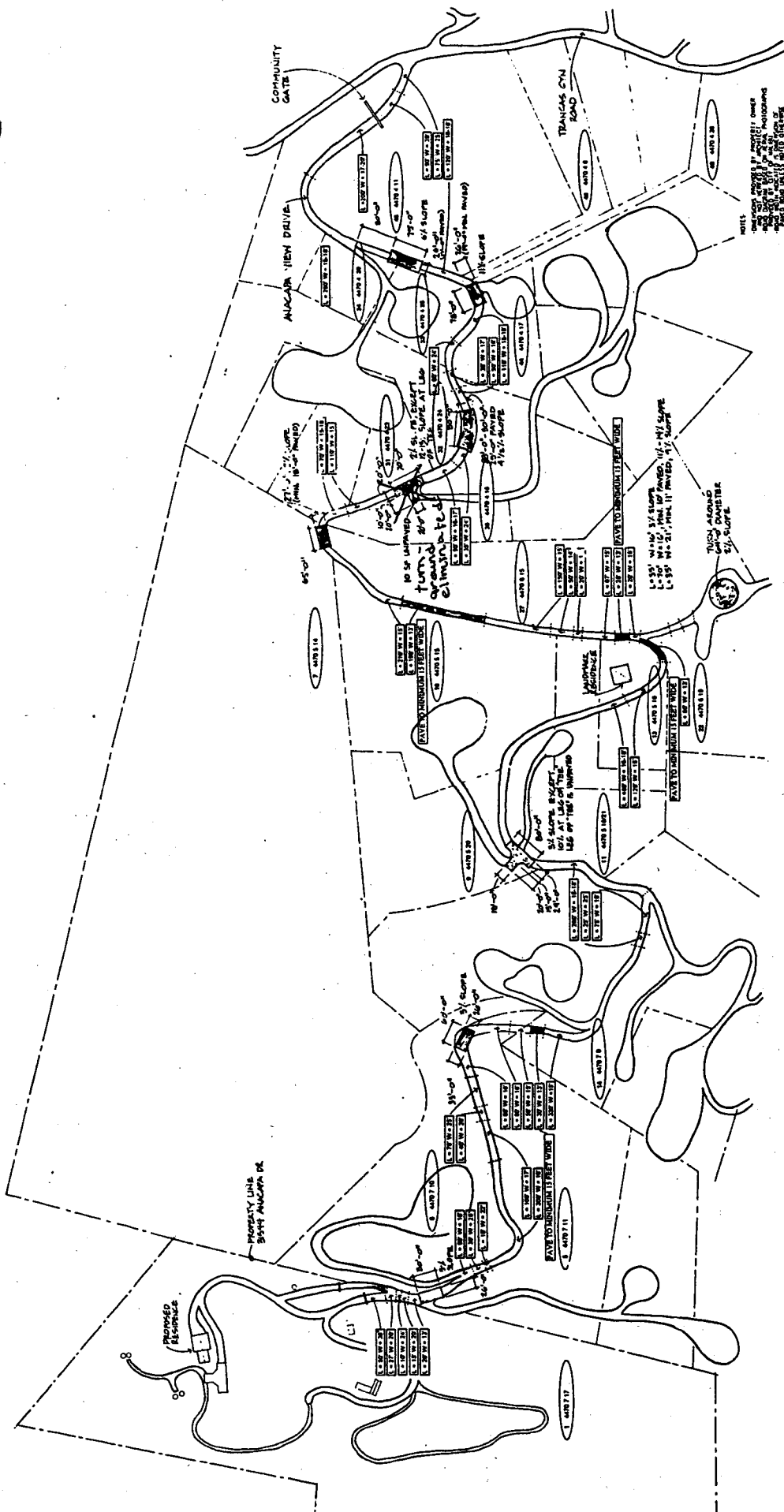
Also, the policies of the Malibu/ Santa Monica Mountains Land Use Plan that can be used as guidance in evaluating this project include the following:

Policy 80 *The following setback requirements shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leach fields, and (b) at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits. A larger setback shall be required if necessary to prevent lateral seepage from the disposal beds into stream waters.*

The proposed project includes the installation of a 1,200 gallon on-site septic system to serve the residence. A favorable percolation test was performed on the property, which indicates that the percolation rate is sufficient to serve the proposed project on the subject site. The applicant proposes to locate the new leach field approximately 80 feet from an existing water well and approximately 100 feet from riparian corridor of the blueline stream.

Section 30231 of the Coastal Act requires the biological productivity and the quality of streams be maintained and restored through maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. Furthermore, the Malibu/ Santa Monica Land Use Plan P80 used by the Commission as guidance, requires that leach fields be located at least 50 feet from the outer edge of the existing





NOTE:
 SHOWN AREAS REPRESENT PROPOSED IMPROVEMENTS
 TO SATISFY A LINE EXISTING ROAD
 TO BE IMPROVED
 TO BE IMPROVED
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NOTES:
 - ALL PROPOSED IMPROVEMENTS BY ARCHITECT'S ORDER
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COOPRESEN: SICAL ARCHITECTS	
2345 W. 5th Ave. Venice CA 90291	
1301 5th Ave. Venice CA 90291	
3544 AUKAPA VIEW ROAD	
MALIBU CALIFORNIA	
DATE: 10/2/78	SCALE: 1"=80'
AUKAPA VIEW ROAD IMPROVEMENTS	
AND THE TRUCK ACCESS ROAD	
F-1	

Exhibit 5
 CDP 4-98-230 (Hannigan)
 Proposed Road Improvements

Biological review, 10/1/97

City of Malibu

23555 Civic Center Drive, Malibu, California 90265
(310) 456-CITY Fax (310) 456-3356

Planning

BIOLOGICAL REVIEW

RECEIVED

FEB 25 1998

Site Address: 31544 Anacapa View Drive

Lot/Tract/PM #: n/a

Applicant/Phone: Hannigan

Agent: Godfredson-Sigal Architects/Danna Sigal/578-6802

Project Type: SFR with attached garage and storage structures

Project Number: PPR 97-026

Planner: Art Bashmakian

ERB Review: YES, 9/24/97 - ERB Resolution 97-05

Previous Biological Review: Site visit re: code violations 8/17/94; Miscellaneous Review 6/7/96; 3/19/97, 7/22/97

COASTAL COMMISSION
WITH CENTRAL COAST DISTRICT

RECOMMENDATION:

1. Based on the findings and recommendations in ERB Resolution No. 97-05 it is recommended that the Planning Director approve PPR No. 97-026 with the following conditions of approval:
 - A. Provide a landscape, fuel modification and vegetation management plan, to be approved by the Planning Department that:
 - i. Complies with the guidelines of the Los Angeles County Fire Department for high fire hazard areas
 - ii. Localizes ornamental landscaping in proximity to residential structures.
 - iii. Utilizes native plants of the Santa Monica Mountains for slope stabilization and habitat restoration areas
 - iv. Describes a plan for the removal of the invasive species on the site including the acacias, Eucalyptus and Pepper trees and their replacement with species compatible with the resource area.
 - v. Prohibits new development, including landscaping, within 5' of the canopy of any oak trees.
 - vi. Prohibits removal of native vegetation on the canyon slopes of the Steep Hill Canyon drainage.

NOTICE OF INTENT TO ISSUE PERMIT

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STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

1. Implementation of the Restoration Grading and Revegetation Plan

The applicant shall implement the restoration and revegetation measures of the Restoration Grading Plan prepared by Holmes Enterprises, Inc. dated February 19, 1998 (Exhibit 5) and the Restoration Revegetation Plan prepared by Steve Hug Landscape Architect dated February 15, 1998 (Exhibit 6) in accordance with such plans. The applicant shall remove the unpermitted development described in Coastal Development Permit 4-97-051 and as shown in the Godfredsen-Sigal Architects Site Plan (Exhibit 4), and complete implementation of the proposed Restoration Grading Plan and Restoration Revegetation Plan within 60 days of the issuance of the coastal development permit. The Executive Director may grant additional time for good cause. Grading shall not take place during the rainy season (November 1 to March 1).

NOTICE OF INTENT TO ISSUE PERMIT

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sensitive habitat areas shown on exhibit 9 including the removal of the three (3) Arizona crossings, asphalt removal, and restorative grading. Protective fencing shall be used around all oak trees, that could potentially be disturbed during the removal of the Arizona crossings.

5. Open Space Deed Restriction

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which provides that the area of the project site generally depicted on Exhibit 7 is precluded from future development and preserved for open space and habitat protection. The restriction shall prohibit the applicant or its successor in interest from construction, grading, landscaping, and vegetation removal in the restricted area, except for those activities permitted under Coastal Development Permit 4-97-051 and as may be required by the Los Angeles County Fire Department for fuel modification. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances, which may affect said interest. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Assumption of Risk

Prior to the issuance of the permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landslides, erosion or flooding and the applicant assumes the risks from such hazards; and that (b) the applicant unconditionally waives any claim of liability against the California Coastal Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the interest conveyed and any other encumbrances which may affect said interest.

7. Condition Compliance

Within 90 days from the date of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.