

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Request filed: 9/28/99
Staff: MB-V
Staff report: 12/15/99
Hearing date: 1/11-14, 00

STAFF REPORT: REVOCATION REQUEST

APPLICATION NUMBER: R-4-96-189

APPLICANT REQUESTING REVOCATION: Mike Lane and Peter Douglas,
Executive Director

ORIGINAL APPLICANT: Lewis Flinkman

PROJECT LOCATION: Abadie Lane south of Parkhouse Lane, west of Tuna Canyon
Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Redivision of four (4) lots into four (4) lots and 14,049 cu. yds. of grading (9,276 cu. yds. of cut, 4,773 cu. yds. of fill) for the construction of four residential building pads, driveways and access road (Abadie Lane). Improve existing access road (Parkhouse Lane) including 1544 cu. yds. of grading (772 cu. yds. cut and 772 cu. yds. fill), construction of 1.5 to 2 ft. high, 1700 foot long retaining walls, repair of a washout (1,523 cu. yds. of fill) and construction of a road drain and a rip-rap flow dissipater. Placement of asphalt paving on new access road (Abadie Lane) and a 900 foot long portion of the existing access road (Parkhouse Lane). Offer to dedicate a 20 foot wide public hiking and equestrian trail easement.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission find that grounds exist for revocation under Section 13105(b) and grant the request.

PROCEDURAL NOTE:

The Commission's regulations state the grounds for the revocation of a coastal development permit as follows:

Grounds for revocation of a permit shall be:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information

would have caused the Commission to require additional or different conditions on a permit or deny an application;

(b)) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application. 14 Cal. Code of Regulations, Section 13105.

14 Cal. Code of Regulations, Section 13108 (d) provides:

A permit may be revoked by a majority vote of the members of the Commission present if it finds that any of the grounds specified in Section 13105 exist. If the Commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

CONTENTIONS OF PARTIES REQUESTING REVOCATION:

The Executive Director contends that the grounds for revocation in 14 Cal. Code of Regulations 13105(b) exist because the applicant failed to comply with the notice requirements of Section 13054 where the views of persons not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions or deny the permit.

Mr. Lane contends that the grounds in 14 Cal. Code of Regulations Section 13105(b) exist because they received no notice of the permit proceedings and had no opportunity to participate in the proceedings. Mr. Lane further contends that there is a lack of legal access to the lots created, misrepresentation of the amount of grading, misrepresentation of the access as using the existing Abadie Lane, lack of a grading plan, geology report, and geotechnical report for Parkhouse Lane improvements and for proposed construction of Abadie Lane, creation of lot sizes smaller than the minimum specified in the certified Land Use Plan, creation of lots smaller than the average size of surrounding lots, lack of Fire Department approval, that the easement information to Parkhouse Lane does not apply to subject property but to an adjacent property, and that there is no easement authorizing access to the subject property over Abadie Lane.

RESOLUTION:

The staff recommends that the Commission GRANT Revocation.

MOTION

Staff recommends a YES vote on the following motion:

I move that the Commission grant revocation of Coastal Development Permit 4-96-189 per the staff recommendation as set forth below.

A majority of the Commissioners present is required to pass the motion.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution and findings:

I. Approval

The Commission hereby **grants** the request for revocation on the basis there was failure to comply with the notice provisions of Section 13054 where the views of the persons not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions or deny the application.

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description and Background

On April 15, 1999 the Coastal Commission approved with conditions coastal development permit 4-96-189 (Flinkman), at Abadie Lane and south of Parkhouse Lane, west of Tuna Canyon Road, Malibu for redivision of four lots into four lots, 14,049 cu. yds. of grading (9,276 cu. yds. of cut, 4,773 cu. yds. of fill), construction of four residential building pads, driveways and access road, improvements to an existing access road (Parkhouse Lane), retaining walls, repair of a washout, construction of a road drain and a rip-rap flow dissipater, paving on new access road and existing access road, and an offer to dedicate a 20 foot wide public hiking and equestrian trail easement.

The permit was approved with special conditions relating to plans conforming to geologic recommendations, landscaping plans and monitoring, drainage control plans/interim erosion control, trail dedication, acceptance of previously recorded offer to dedicate scenic easement, removal of excavated material, restriction of future land division of Lot 3, and limitation on entitlement to Lot 3. The conditions of approval have not been met and the permit has not been issued.

B. Grounds for Revocation

1. Executive Director's Request for Revocation Under Section 13105(b)

The Executive Director has initiated proceedings for revocation of Permit 4-99-189 pursuant to 14 California Code of Regulations, Section 13106. The request for revocation is based on Section 13105(b), which provides for revocation where the applicant failed to comply with the notice provisions of Section 13054 and the views of the persons who did not receive notice were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions or deny the application.

In relevant part, Section 13054 requires the applicant to provide the Commission with a list of: "(1) the addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based on the most recent equalized assessment roll" The applicant failed to comply with this requirement. The list of persons within 100 feet of the proposed development that the applicant provided to the Commission failed to include the owners of four parcels within 100 feet of the proposed improvements to Parkhouse Lane (a private road) and/or proposed construction of Abadie Lane. The list provided by the applicant is attached as **Exhibit I**. The owners of parcels APN 4448-023-017, APN 4448-023-018, APN 4448-023-019 and APN 4448-023-026 were omitted from the list. The application proposes improvements on Parkhouse Lane where it crosses each of these parcels. Parkhouse Lane is the route of access to the four residential lots proposed in the permit application and improvements to Parkhouse Lane (including paving) are proposed to facilitate access to the four lots. As a result of the applicant's failure to provide the Commission with the names and addresses of these property owners, the Commission could not send them notice of the hearing on the application and they did not present any testimony at the hearing. [These property owners were also not invited to join the application as coapplicants, as required by Section 30601.5 of the Coastal Act; however, failure to comply with this provision is not one of the grounds for revocation of a permit].

Because the owners of these parcels did not receive notice of the application, they were unable to present to the Commission the view that the permit should not be approved because there are no easements granting the right to use Parkhouse Lane to access the parcels that are the site of the development proposed in Permit No. 4-96-189. Accordingly, the Commission was not informed that there is currently no legal right of access over Parkhouse Lane to reach the parcels that are the subject of the proposed development. In an attempt to demonstrate access, in connection with the application, the applicant provided evidence of easements that grant access over Parkhouse Road to a different parcel owned by the applicant's parents, Stan and Ruth Flinkman (either individually or as trustees). This parcel is located near the project site (the corner of the parcel that these easements grant access to touches the project site). However, these easements do not grant access over Parkhouse Lane to the project site. Following receipt of Mr. Lane's request for revocation, the applicant attempted to demonstrate

access to the project site by providing copies of easements granting access to the parcel directly adjacent to the project site (APN 4448-023-022) where construction of Abadie Road is proposed and which is also owned by his parents, Stan and Ruth Flinkman. Similarly, these easements granting access to the adjacent parcel do not constitute evidence of a legal right to access over Parkhouse Lane to the project site.

The information regarding the lack of a legal right to access the subject parcels over Parkhouse Lane was not otherwise provided to the Commission. If this information had been provided, it could have caused the Commission to deny the application. The Commission could have determined that the proposed development did not comply with Section 30250(a) of the Coastal Act, which states:

"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."

Alternatively, the information regarding the lack of a right to access could have caused the Commission to impose additional or different conditions on the permit to insure that the development would not proceed unless and until the applicant has demonstrated a legal right to use Parkhouse Lane to access the subject parcels.

For the above reasons, grounds for revocation of the permit under Section 13105(b) have been established.

2. Mr. Lane's Request for Revocation Under Section 13105 (a)

The request for revocation originally received from Mr. Lane on October 4, 1999 requested revocation of the subject permit based on the alleged failure to provide proper notice and lack of conformance to the minimum parcel size specified in the certified Land Use Plan (LUP) for the Santa Monica Mountains. The request was amended by a letter received on October 27, 1999 which cited, in addition to the first request, alleged misrepresentation of the amount of grading, misrepresentation of the right to access using the existing Parkhouse Lane and the proposed new route for Abadie Lane, lack of a grading plan, geology report, and geotechnical report for Parkhouse Lane improvements and proposed Abadie Lane, creation of lots smaller than the average size of surrounding lots, and lack of Fire Department approval. The request was further supplemented by a letter received on November 1, 1999 which asserts that the documentation provided by the applicant to show an easement to use Parkhouse Lane does not grant rights to access the subject property, but rather grants rights to access a different, nearby parcel. The request was again supplemented by a letter received on December 9, 1999 which asserts that Mr. Flinkman sought an easement on Parkhouse Lane to access the project site in 1992 and was unsuccessful.

This letter further asserts that there is no easement for access to the project site through parcel APN # 4448-23-22, where Abadie Lane is proposed. This parcel is owned by the applicant's parents, Stan and Ruth Flinkman (either individually or as trustees). Mr. Lane asserts that an easement authorizing access to the project site on the proposed Abadie Lane should be required before approval of the permit.

Part of Mr. Lane's request for revocation is based on the grounds that the applicant submitted inaccurate, erroneous, or incomplete information. This ground for revocation consists of three essential elements or tests that the Commission must consider:

- a. Did the application include inaccurate, erroneous or incomplete information relative to the coastal development permit?
- b. If the application included inaccurate, erroneous or incomplete information, was the inclusion intentional?
- c. If the answer to a and b is yes, would accurate and complete information have caused the Commission to require additional or different conditions or deny the application?

The individual grounds for revocation based on the contentions of Mr. Lane's request for revocation are discussed below.

(1) Lack of Legal Access

Easements For Access On Parkhouse Lane:

The first assertion is that there is lack of legal access to the lots created by the proposed redivision in violation of Section 30250 of the Public Resources Code. Section 30250 specifies that (1) new development be located within or in close proximity to existing developed areas, or in other areas with adequate public services and with no significant adverse effects on coastal resources. The revocation request includes the assertion is that the applicant has intentionally submitted inaccurate and erroneous information relative to the legal access to subject property and that the applicant has not shown a legal right to use the access proposed to the project site.

In reviewing the application material, staff was aware that the applicant (Mr. Flinkman) had provided Title Report information (document Y 561799 dated December 16, 1977) that demonstrated easements for access on Parkhouse Lane to a different, nearby parcel owned by Flinkman or his parents. (The corner of this parcel touches the project site). Staff determined that this information was adequate to establish access to the project site because it demonstrated access to adjacent land that was understood to also be under Flinkman's ownership. Flinkman made no assertion that the easements identified in the Title Report apply directly to the property subject to the redivision. Therefore, the information provided by the applicant was not inaccurate or erroneous. The staff now understands, however, that the evidence of easements that Flinkman provided at that time does not establish that there is a legal right of access over

Parkhouse Lane to the project site. While there was an error by the Commission staff regarding the complicated issue concerning evidence of easements, there is no indication that this error resulted from inaccurate or erroneous information that was provided by the applicant.

If, however, the information was inaccurate or erroneous, the next issue is whether inclusion of the information was intentional. The applicant provided a Title Report identifying easements to a parcel that is different from the project site. The applicant knew that the easements identified in the Title Report did not grant access to the project site. The applicant intentionally provided the Title Report to the Commission staff and therefore, the applicant intentionally provided the inaccurate, erroneous information in connection with the application. Finally, with respect to the last part of the test, if accurate information had been provided, the Commission would have required different or additional conditions or denied the permit, for the reasons discussed above in Section B.1. The Commission would have denied the application or would have imposed a condition to insure that the development would not proceed unless and until the legal right of access to the project site over Parkhouse Lane had been demonstrated.

Nevertheless, the grounds for revocation are not met because the evidence does not establish that the applicant intentionally provided inaccurate, erroneous or incomplete information regarding this issue.

Location of Abadie Lane:

The applicant for revocation further contends that the permit applicant has misrepresented the access from Parkhouse Lane as from Abadie Lane and not as a totally new road in violation of PRC Section 30250. The application as mapped in the application materials and as noted in the staff report (p. 8) and Exhibits 2, 3 and 4 indicates that the "Abadie Lane" proposed is a new location as specified. This is not the mapped Abadie Lane location further to the west, which is represented, for example, on a County-prepared 1" = 400' map in the District Office. Staff has reviewed the application materials and has found that there is no representation of the proposed "Abadie Lane" as other than a new road in the location proposed in the file. Consequently, there was no inaccurate, erroneous, or incomplete information provided relative to the location of Abadie Lane.

Therefore, there is also no evidence of intentional inclusion of inaccurate, erroneous or incomplete information on this topic. Furthermore, no evidence has been submitted by Mr. Lane indicating that the inclusion of additional information would have resulted in the Commission requiring different conditions or denial of the permit.

Easement For Access On Abadie Lane:

Mr. Lane asserts that there is no easement granting the right to use the proposed Abadie Lane to access the project site from Parkhouse Lane and this should have been required prior to approval of the permit. The proposed Abadie Lane is located on parcel APN 4448-023-022, which is adjacent to the project site and which is owned by the applicant's parents, Stan and Ruth Flinkman.

The Commission staff did not request that the applicant provide evidence of an easement authorizing use of Abadie Lane to access the project site as part of the permit application. The Commission also did not require this as a condition of approval of the permit. It appears that the applicant did provide incomplete and/or misleading information about ownership of the parcel where Abadie Lane was located. It appears that, at times, in discussions with Commission staff, the applicant represented that he owned the parcel where Abadie Lane was proposed. A recent letter to the Commission staff dated November 24, 1999, from the applicant's attorney, indicates that the applicant owns this parcel and expressly states that the applicant owns the easements granting access to this parcel. However, the easements referred to were granted to Stan and Ruth Flinkman and not the applicant, Lewis Flinkman. A letter to the Commission staff from the applicant, Lewis Flinkman, dated December 2, 1999, correctly states that the parcel where Abadie Lane is located is owned by his parents, Stan and Ruth Flinkman. The list of parties within 100 feet of the project site that was provided to the Commission staff by the applicant also correctly identified Stan and Ruth Flinkman as the owner of this parcel. Although the applicant may have generalized during discussions with staff by stating that he owned the property, because he equated his parents' ownership with his ownership, the evidence does not establish that the applicant *intentionally* provided incorrect or incomplete information on this topic.

With respect to the last part of the test, however, if the applicant had provided additional information clarifying that the applicant did not own the parcel where Abadie Lane was proposed and that the owners of that parcel (his parents) had not granted any rights to access the project site over the proposed Abadie Lane, the Commission would have required different or additional conditions or denied the permit, for the same reasons discussed above in Section B.1. The Commission would have denied the application or would have imposed a condition to insure that the development would not proceed unless and until the legal right of access to the project site over the proposed Abadie Lane had been demonstrated.

Nevertheless, the grounds for revocation are not met because the evidence does not establish that the applicant intentionally provided inaccurate, erroneous or incomplete information regarding this issue.

(2) Misrepresentation of Amount of Grading

The second assertion is that the amount of grading and paving required on Parkhouse Lane is in violation of Section 7005(b) of the LA County U.B.C.[Universal Building Code]. The application for revocation makes no assertion as to the manner that the applicant has misrepresented grading. The Commission found that the amount of

grading that was applied for was consistent with the Coastal Act. The standard of review for the coastal development permit is the Chapter 3 policies of the Coastal Act. No communication has been received from the County of Los Angeles concerning any violation of proposed grading and paving relative to their requirements. Consequently, there was no inaccurate, erroneous, or incomplete information provided relative to the amount of grading.

Therefore, there is also no evidence of intentional inclusion of inaccurate, erroneous or incomplete information on this topic. Furthermore, no evidence has been submitted by Mr. Lane indicating that the inclusion of additional information would have resulted in the Commission requiring different conditions or denial of the permit.

(3) Parkhouse Lane: Lack of Grading Plan, Geology Report, and Geotechnical Report

The third assertion is that there is a lack of a grading plan, geology report, and geotechnical report for the Parkhouse Lane improvements and for construction of Abadie Lane, the 800 feet of new road between the proposed project and Parkhouse Lane, both allegedly in violation of Section 7005(b) of the LA County U.B.C. and PRC Section 30250.

The assertion relative to the grading plan is incorrect because there is a grading plan in the application file for the proposed Parkhouse Lane improvements and for construction of Abadie Lane between the proposed project and Parkhouse Lane. There are plans for Parkhouse Lane improvements and improvements to the new proposed route of Abadie Lane in the application file.

The second and third assertions are true to the extent that no geology report or geotechnical report for the Parkhouse Lane improvements or construction of Abadie Lane is included in the application. The application for revocation makes no assertion as to the manner that the lack of such information raises an issue relative the application for a coastal development permit. Staff determined during the filing process that such information was not required. Parkhouse Lane is an existing road that provides access to the main collector road in the area which is Tuna Canyon Road. The applicant provided all information regarding construction of the access road (Abadie Lane) and improvement of Parkhouse Lane that staff requested. In summary, for these reasons, there is no basis for finding that the applicant submitted inaccurate, erroneous, or incomplete information regarding grading or geologic hazards. Therefore, there is also no evidence of intentional inclusion of inaccurate, erroneous or incomplete information on this topic. Furthermore, no evidence has been submitted by Mr. Lane indicating that the inclusion of additional information would have resulted in the Commission requiring different conditions or denial of the permit.

(4) Creation of Smaller Lot Sizes/Land Use Plan

The request for revocation includes an assertion is that the proposed project will result in lot sizes smaller than allowed in the LUP in violation of Coastal Development Regulation [sic]. No representation that the proposed lot sizes were in conformance with the LUP was made by the applicant or in the permit findings. As noted in the permit findings on pp. 32 and 33, the proposed project creates a lot (Lot 1) is smaller than the minimum size specified in the certified LCP, but is more in conformance with the designation than the existing smaller lot configuration, results in larger lot configurations overall, and clusters development in a more appropriate area suitable for development. Further, there is no specification of minimum lot sizes in the Coastal Commission's regulations as cited by the applicant for revocation. Consequently, there was no inaccurate, erroneous, or incomplete information provided by the applicant relative to use of the size of the proposed lots or the provisions of the LUP.

Therefore, there is also no evidence of intentional inclusion of inaccurate, erroneous or incomplete information on this topic. Furthermore, no evidence has been submitted by Mr. Lane indicating that the inclusion of additional information would have resulted in the Commission requiring different conditions or denial of the permit.

(5) Creation of Smaller Lot Sizes/ Average Size of Surrounding Lots

An additional assertion is that the proposed project will result in lot sizes significantly smaller than the average size of the surrounding lots. No representation that the proposed lot sizes were in conformance with the average size of the surrounding lots was made by the applicant or in the permit findings. As noted on p. 33 in the permit findings, the Commission has determined in past actions that a better indicator than average size of surrounding lots is the median lot size of surrounding lots. All of the lots except for proposed Lot 1 were above the median of the surrounding lots which was 1.6 acres. Further, the reconfigured size of Lot 1 was more conforming to the median than the previous configuration. In addition, the Commission found that the reconfiguration increased the size of the parcels overall and avoided or decreased cumulative impacts. Consequently, there was no inaccurate, erroneous, or incomplete information provided by the applicant relative to the size of the proposed lots in light of the average size of surrounding lots.

Therefore, there is also no evidence of intentional inclusion of inaccurate, erroneous or incomplete information on this topic. Furthermore, no evidence has been submitted by Mr. Lane indicating that the inclusion of additional information would have resulted in the Commission requiring different conditions or denial of the permit.

(6) Lack of Fire Department Approval

The sixth assertion is that there is a lack of Fire Department approval. It is incorrect that the application for coastal development permit lacks Fire Department approval. The application material contains several approvals by the Los Angeles County Fire Department as noted on p. 1 of the findings and conditions and discussed on pages 17 through 20 and pages 37 and 38. As noted, the project received such reviews in the form of a Tentative Map Approval dated July 16, 1991 and June 26, 1994 and a Fire Prevention Division review letter dated August 6, 1997. Consequently, there was no inaccurate, erroneous, or incomplete information provided by the applicant relative to Fire Department approval. Therefore, there is also no evidence of intentional inclusion of inaccurate, erroneous or incomplete information on this topic. Furthermore, no evidence has been submitted by Mr. Lane indicating that the inclusion of additional information would have resulted in the Commission requiring different conditions or denial of the permit.

3. Mr. Lane's Request for Revocation Under Section 13105 (b)

Pursuant to Section 13108 (d) of 14 California Code of Regulations, the Commission may grant a request for revocation of a coastal development permit if it finds that grounds specified in Section 13105 (b) exist. Under this 13105(b), revocation is authorized when there was a "failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application."

The first part of the question is whether or not the applicant complied with the notice provisions of Section 13054. The applicants for revocation assert that they did not receive notice because the applicant sent notice to an outdated address and they had since moved. A list of addresses of surrounding property owners was provided to the Coastal Commission by the applicant on March 3, 1997. Notice of the proposed development was mailed to surrounding property owners on March 29, 1999. The address provided to the Commission for Mr. Lane's residence was incorrect. The applicant for revocation has stated that in March 1996 he moved from the address provided to the Coastal Commission and used for notice purposes.

The applicant for the permit has presented a signed declaration (attached as **Exhibit 7**) that states that prior to the public hearing, on about April 13, 1999, he spoke to the applicant for revocation and noted that Mr. Lane stated that he had received notice of the pending project. The applicant for revocation stated during the conversation that he was aware of the pending hearing. Mr. Lane also indicated in a telephone conversation with Coastal Commission staff on November 2, 1999 that he had prior notice in fact of the hearing.

Permit file records generally indicate when the applicant has declared through return of a signed declaration of posting that the Public Notice of the application was posted on the site. The file records do not contain a signed declaration indicating that the public notice was posted on the project site. However, the applicant's agent at the time, Norman Haynie, has submitted a signed declaration (attached as **Exhibit 8**) stating that he had posted the project site.

Because Mr. Lane had notice in fact of the hearing on the application, there was not a failure to comply with the notice provisions of Section 13054.

With respect to the second portion of the test in Section 13105 (b), the issue is whether the views of the persons who were not notified, if otherwise made known to the Commission could have caused the Commission to require additional or different conditions on a permit or deny an application. The view that the permit should not be granted due to the lack of legal access to the subject parcels over Parkhouse Lane and the proposed Abadie Lane was not otherwise presented to the Commission. If Mr. Lane had presented his views that: (1) the applicant has not shown that there is a legal right to use Parkhouse Lane for access to the project site and (2) the applicant has not obtained an easement allowing use of the proposed Abadie Road across parcel APN 4448-023-022 (owned by his parents) to access the project site, the Commission's decision or conditions of the permit would have been different for the same reasons discussed above in Section B.1. The Commission would have denied the application or would have imposed a condition to insure that the development would not proceed unless and until the legal right of access to the project site over Parkhouse Lane and the proposed Abadie Lane had been demonstrated.

Nevertheless, the grounds for revocation under Section 13105(b) are not met because, as stated above, Mr. Lane received notice in fact of the hearing on the application, and therefore there was no failure to comply with the notice provisions of Section 13054.

1) Situs: 2575 APPLEFIELD LN, TOPANGA CA 90290
 APN: 4448-022-004 Rec Date: 04/13/1987 Total Value: \$201,747
 County: LOS ANGELES, CA Sale Price: \$165,000 Imprv Value:
 Use: RESIDENTIAL LOT Document #: 567651 Land Value: \$201,747
 Zoning: LCA11* 1st TD Amt: \$60,000 Lot Size: A14.73
 Map Pg: 115-B1 New Pg: 629-J2 Rooms: Bedrms: Bldg/Liv Area:
 Phone: 310/455-2321 Full Baths: Half: Yr Built/Eff:
 Owners: WIRTH LARRY & BARBARA Stories:
 Pool:
 Mail: 3189 MAPU PL; KIHEI HI 96753-9424 R014

2) Situs: , TOPANGA CA 90290
 APN: 4448-022-005 Rec Date: 02/05/1968 Total Value: \$52,504
 County: LOS ANGELES, CA Sale Price: Imprv Value:
 Use: RESIDENTIAL LOT Document #: Land Value: \$52,504
 Zoning: LCA11* 1st TD Amt: Lot Size: A12.58
 Map Pg: 115-B1 New Pg: 629-J2 Rooms: Bedrms: Bldg/Liv Area:
 Phone: Full Baths: Half: Yr Built/Eff:
 Owners: RICHARDSON H F Stories:
 Pool:
 Mail: PO BOX 1298; CANNON BEACH OR 97110-1298 B011

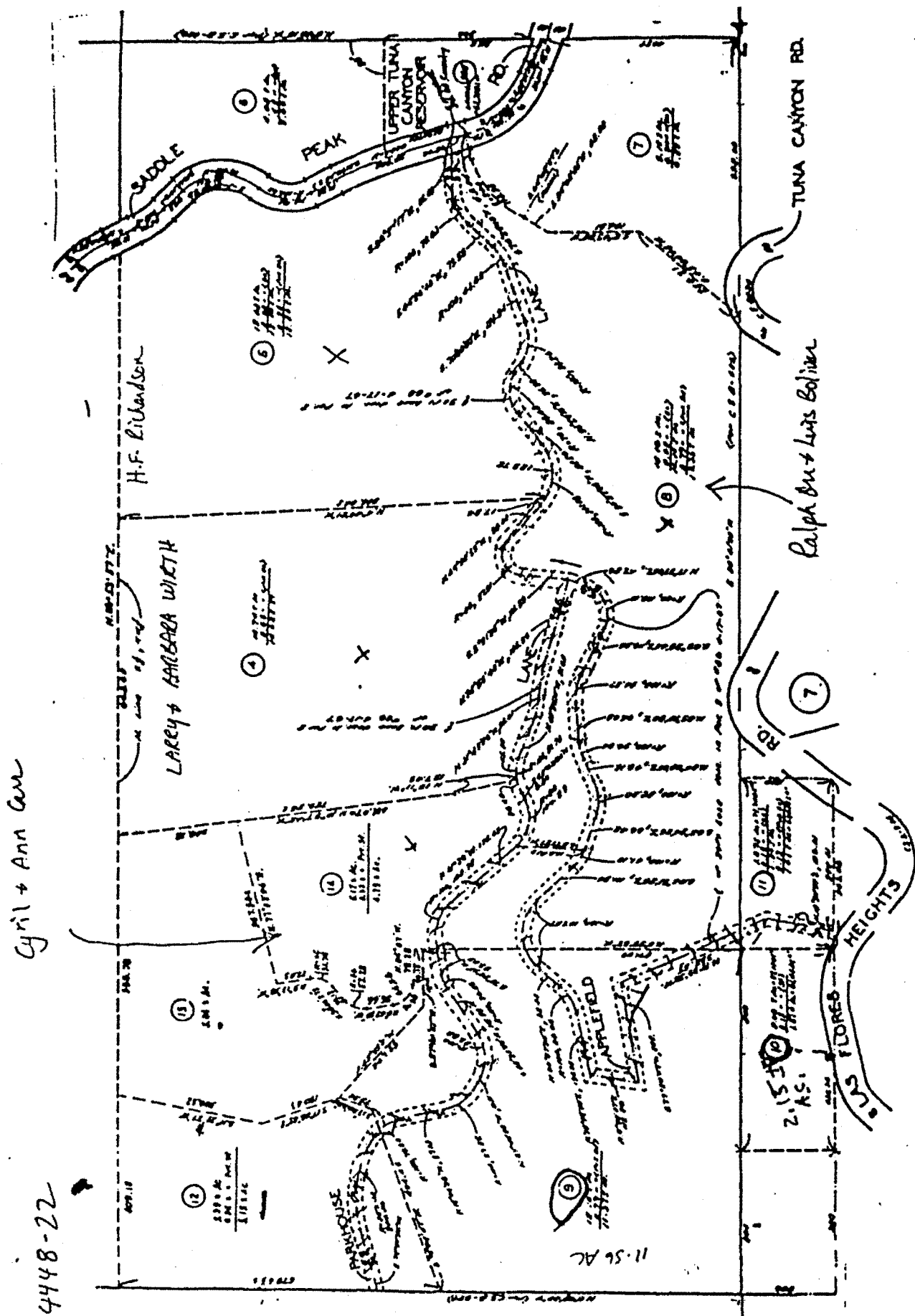
3) Situs: , TOPANGA CA 90290
 APN: 4448-022-008 Rec Date: 07/24/1989 Total Value: \$82,904
 County: LOS ANGELES, CA Sale Price: Imprv Value:
 Use: RESIDENTIAL LOT Document #: 1177724 Land Value: \$82,904
 Zoning: LCA11* 1st TD Amt: Lot Size: A14.13
 Map Pg: 115-B1 New Pg: 629-J2 Rooms: Bedrms: Bldg/Liv Area:
 Phone: Full Baths: Half: Yr Built/Eff:
 Owners: BOLIVAR LUIS R/TR Stories:
 ORR RALPH L Pool:
 Mail: 2717 W 143RD PL; GARDENA CA 90249-3103 C014

4) Situs: , TOPANGA CA 90290
 APN: 4448-022-014 Rec Date: 03/22/1988 Total Value: \$27,626
 County: LOS ANGELES, CA Sale Price: Imprv Value:
 Use: RESIDENTIAL LOT Document #: Land Value: \$27,626
 Zoning: LCA11* 1st TD Amt: Lot Size: A5.11
 Map Pg: 115-B1 New Pg: 629-J2 Rooms: Bedrms: Bldg/Liv Area:
 Phone: 805/688-9699 Full Baths: Half: Yr Built/Eff:
 Owners: CARR CYRIL L & ANN R/TR Stories:
 Pool:
 Mail: 612 HILLSIDE DR; SOLVANG CA 93463-2165 C004

Property owners along Parkhouse Lane

Exhibit I
Application R-4-96-189 (Lane and Douglas)
Property owners' list furnished by Flinkman

NEITHER A PLAT NOR A SURVEY, IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.



T. 13, R 17 W.

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Th 18a

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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270th: 4/23/99
Staff: MB-Vta
Staff report: 3/26/99
Hearing Date: 4/13-16/99



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-189

APPLICANT: Lewis Flinkman

AGENT: Alan Block/Norman Haynie

PROJECT LOCATION: Abadie Lane south of Parkhouse Lane, west of Tuna Canyon Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Redivision of four (4) lots into four (4) lots and 14,049 cu. yds. of grading (9,276 cu. yds. of cut, 4,773 cu. yds. of fill) for the construction of four residential building pads, driveways and access road (Abadie Lane). Improve existing access road (Parkhouse Lane) including 1544 cu. yds. of grading (772 cu. yds. cut and 772 cu. yds fill), construction of 1.5 to 2 ft. high, 1700 foot long retaining walls, repair of a washout (1,523 cu. yds. of fill) and construction of a road drain and a rip-rap flow dissipater. Placement of asphalt paving on new access road (Abadie Lane) and a 900 foot long portion of the existing access road (Parkhouse Lane). Additionally, the applicant is proposing to offer to dedicate a 20 foot wide public hiking and equestrian trail easement.

Lot area: 120 ac.

Land use designations: Rural land 4, 1 du/5 ac; Rural land 3, 1 du/10 ac; Mountain land, 1 du/20 ac

LOCAL APPROVALS RECEIVED: County of Los Angeles: Department of Regional Planning, Lot line adjustments 101456 and 101457, approval in Concept dated 8/19/96; Fire Department, Tentative Map Approval dated July 16, 1991 and June 26, 1994; Fire Prevention Division review letter dated August 6, 1997.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Geoplan, Inc., Engineering Geologic Report, Tentative Tract 50456, October 22, 1991; Strata-Tech, Preliminary Geotechnical Investigation for Proposed Single Family Residential Development Tentative Tract No. 50456, November 21, 1991; Geoplan, Inc., engineering geologic letter, June 9, 1997; Strata-Tech, geotechnical

Exhibit II
Application R-4-96-189 (Lane and Douglas)
Staff Report for 4-96-189 (Flinkman)

update letter, May 12, 1997; Coastal development permits nos. A-42-80 (Levinson), 4-93-103 (Murphy-O'Hara), 4-96-28 (Harberger, et. al.), 4-95-115 (Lauber, et. al.), 4-96-150 (Rein, et. al.), 4-96-187 (Sohal), and 4-98-169 (Connolly).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to: *plans conforming to geologic recommendations, landscape and erosion control plans, building pad and access road drainage control, trail dedication, open space deed restrictions, removal of excavated material, and future land divisions.*

The proposed redivision will cluster residential development around a southerly extension of Abadie Lane on a relatively flat mesa area along a secondary ridgeline. Development of the lots in their existing configuration would have resulted in roads, building pads and residences located in very steeply sloping canyon areas adjacent to or within environmentally sensitive habitat areas. Development of these lots would have required massive grading for the construction of access roads and building pads. This type of massive grading would have substantially altered the exiting natural landforms, and required removal of significant areas of natural chaparral vegetation on steep slopes that provide a critical watershed function and habitat for this ecosystem. The loss of this vegetation, massive reconfiguration of the natural landforms and increase of impermeable surfaces in these steeply sloping areas would have resulted in a significant increase in a significant increase in erosion of the canyon slopes and sedimentation of adjacent streams, thereby degrading these ESHA areas. In addition, siting residential development on these remote lots in steeply sloping areas would have resulted in a significant fire hazard and emergency access problem.

The proposed redivision is a more appropriate lot configuration than the current lot configuration. It avoids development in steep canyon areas found on the underlying parcels. The proposal realigns parcel lines to concentrate development closer to developed areas and existing roads without introducing massive grading into undeveloped areas, contributing to fire safety hazards, altering natural landforms, degrading scenic and visual quality, degrading blue line streams, or creating adverse cumulative impacts on coastal resources. For these reasons the proposed project, as conditioned, is consistent with the Chapter Three policies of the Coastal Act.

STAFF NOTE:

The application was filed on July 27, 1998 and had been previously postponed to the January, 1999 meeting. Commission action is required at the April 13 - 16, 1999 meeting because of the need to complete action within 270 days as required by the State Permit Streamlining Act

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit 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 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 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 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 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 development during construction, 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. Plans Conforming to Geologic Recommendations

Prior to the issuance of a 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 ; Geoplan, Inc., Engineering Geologic Report, Tentative Tract 50456, October 22, 1991; Strata-Tech, Preliminary Geotechnical Investigation for Proposed Single Family Residential Development Tentative Tract No. 50456, November 21, 1991; Geoplan, Inc., engineering geologic letter, June 9, 1997; and Strata-Tech, geotechnical update letter, May 12, 1997 shall be incorporated into all final design and construction plans including recommendations concerning keying and benching of fill and drainage. All plans must be reviewed and approved by the geologic 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. The Executive Director shall determine whether proposed changes are substantial.

2. Landscape Plans and Monitoring

(a) Landscaping Plan

Prior to issuance of a coastal development permit, the applicant shall submit landscape plans for review and approval by the Executive Director. The landscape plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of completion of final grading. To minimize the need for irrigation 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 List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) 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 Mountain is using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils. In addition at the completion of final grading, all building pads shall be seeded with native grasses.

- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

(b) Monitoring Report

Five years from the completion of final grading the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake development in accordance with the final approved plan. Any changes to the final approved plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

3. Drainage Control Plans/ Interim Erosion Control

(a) Drainage Control Plan

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, subject to the review and approval of the Executive Director, a drainage plan designed by a licensed engineer or other qualified professional for the proposed improvements to Parkhouse Lane, Abadie Lane, all driveways, and all building pads. The drainage plan shall include, but not be limited to drainage

control features which ensure that all run-off from Parkhouse Lane, Abadie Lane, all driveways, and all building pads is collected and discharged in a non-erosive manner. Velocity reducing devices or structures shall be included to minimize erosion into adjacent canyons. Site drainage shall not be accomplished by sheet flow runoff. The final drainage plans shall be reviewed and approved by the Los Angeles County Department of Public Works.

The applicant or successor in interest shall agree to maintain the drainage devices on a yearly basis in order to insure that the system functions effectively. Should the device fail or any erosion result from drainage from the project, the applicant or successor interests shall be responsible for any necessary repairs and restoration.

(b) Interim Erosion Control during Rainy Season

Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps, and other interim erosion control measures) 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 either outside the coastal zone or to a site within the coastal zone permitted to receive fill. In the event that grading operations are interrupted for a period of more than 30 days, regardless of the time of year, sediment retention and erosion control measures shall be implemented.

4. Trail Dedication

In order to implement the applicant's proposal of an offer to dedicate a 20 ft. wide public access hiking and equestrian trail easement for passive recreational use as part of this project, the applicant as landowner agrees to complete the following prior to issuance of the permit: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access and passive recreational use in the general location and configuration depicted in Exhibit 3. - The exact easement location shall be agreed upon by the Santa Monica Mountains Trails Council, the County of Los Angeles Department of Parks and Recreation, and the Executive Director of the Coastal Commission. The Executive Director shall determine which trail alignment is most feasible. In the event that the applicant is not in agreement with the Executive Director's determination, the trail alignment shall be reviewed and approved by the Coastal Commission.

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 offer to dedicate may specify that the trail must be used by the public only between dawn and dusk. 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 the recording.

5. Revised Open Space Deed Restrictions for TDC Lots

Prior to the issuance of the coastal development permit, the applicant shall execute and record open space deed restrictions as shown on Exhibit 4 (attached), in a form and content acceptable to the Executive Director, to replace the open space restrictions originally recorded in document entitled Irrevocable Offer to Dedicate Scenic Easement and Declaration of Restrictions for Permit No. A-42-80 recorded on March 27, 1981. The deed restriction shall include legal descriptions of the entire parcel (Lot 3) and the areas restricted as open space, as shown on Exhibit 4. 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 enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Removal of Excavated Material

Prior to the issuance of the Coastal Development Permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material (2980 cu. yds) from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

7. Future Land Division of Lot 3

Prior to the issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction on Lot 3, as shown on Exhibit 3, in a form and content acceptable to the Executive Director, which states that approval of Coastal Development Permit 4-96-189 in no way commits or obligates the Coastal Commission or its successor to approve a future Coastal Development Permit for a land division on Lot 3. 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 enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

1. Project Description and Surrounding Area

The applicant proposes to redivide four lots into four reconfigured lots totaling 120 acres (Table 1), (Exhibit 2). The proposal includes 14,049 cu. yds. (9,276 cu. yds. cut, 4,773 cu. yds. fill) of grading for the construction of four building pads, driveways and access road (Abadie Lane). Abadie lane will be constructed to a paved width of twenty-six feet within an 60 foot right of way.

The proposal also includes improvements to portions of an existing 2/3 mile long private access road (Parkhouse Lane) consisting of widening segments of the road to twenty-five feet and installation of a 1.5 to 2 foot high retaining wall along seven sections of the road on the uphill side, totaling approximately 1700 feet. These improvements require 1544 cu. yds. of grading (772 cu. yds. cut and 772 cu. yds. fill). A portion of Parkhouse lane has been washout due to uncontrolled runoff. The applicant is proposing to repair the washout with 1,523 cu. yds. of grading (all fill). One drain and rip-rap velocity reducer is proposed travelling under Parkhouse Lane at a distance of approximately 800 feet west of the intersection with Saddle Peak Road. The applicant also proposes to pave a 900 foot long 25 foot wide unimproved section of Parkhouse Lane.

The applicant further proposes to offer a 20 foot wide offer to dedicate a trail easement as designated by the County subject to certain stipulations relative to time of operation and responsibility for any survey.

The following shows the parcels by size before and after the reconfiguration.

Table 1: Parcels Before and After Reconfiguration

<u>Before Reconfiguration</u>		<u>After Reconfiguration</u>	
<u>Parcel</u>	<u>Parcel Size</u>	<u>Parcel</u>	<u>Parcel Size</u>
A	109 Acres	1	1.60 Acres
B	5 Acres	2	9.60 Acres
C	1 Acres	3	103.27 Acres
D	5 Acres	4	5.43 Acres

Access to the subject lots as well as a number of other properties in this area is off of Saddle Peak Road via Parkhouse Lane. While the applicant has an ingress/egress easement over Parkhouse Lane to access his properties. Adjacent property owners have a fee interest in the land over which the road traverses. The applicant is proposing road improvements within the road easement on 4 adjacent properties not owned by the applicant. These property owners have been notified of this development pursuant to Section 30601.5 of the Coastal Act. Section 30601.5 states in part that: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as Co-applicant." A total of four property owners were notified of the pending permit action under Section 30601.5, and one property owner responded to the notification but did not choose to join as a co-applicant.

Previous grading through cut and fill operations has have created eight building pads on the subject 120 acres. A review of aerial photos indicates that the pads or potential building sites may have existed prior to enactment of the Coastal Act. The extent of previously existing grading cannot be determined precisely because of the overgrowth of vegetation. This overgrowth of vegetation is noted in the 1991 Geoplan, Inc. report. The 1991 Strata-Tech report notes that the proposed development of existing pads requires grading to below bedrock area and refilling in accord with their recommendations. Staff has no evidence indicating these areas were graded after the effectiveness date of the Coastal Act.

The project area includes a mesa located on a secondary ridgeline and adjacent, undeveloped deep canyons to the east, west, and south. (Exhibit 3) Within the property encompassing the project site, the drop off into these canyons ranges from 700 to 1000 feet within an approximate quarter mile from the location of the proposed "cluster" of building pads. North of the project is a ridgeline extending east to west and reaching the 2268 ft. elevation, which defines the drainage boundary between Las Flores and Topanga Canyons.

Little Las Flores Canyon Creek is located at a distance of approximately 1000 ft. southeast of the proposed development. At a distance of approximately one eighth mile to the west is an unnamed tributary of Little Las Flores Creek. Both creeks are designated blue line streams, and as environmentally sensitive habitat areas in the land use plan (LUP) component of the Malibu/Santa Monica Mountains Local Coastal Program.

Adjacent development consists of single family residences along Parkhouse Lane and Little Las Flores Road to the north of the project location. The subject property is adjacent to at the southwest corner of undeveloped National Park Service land along Las Flores Canyon Creek. This land is located approximately one half mile to the west of the proposed "cluster" of residential development along Abadie Lane.

2. Project History

A review of application materials indicates that the underlying land had its origin in a plat recorded in 1896 and that the easement creating Parkhouse Lane dates from 1942.

The application was received on November 21, 1996. Because of a number of items missing, and/or requiring clarification, the application was found incomplete. There was a series of meetings with the project agent and correspondence requesting completion of the application (letters to applicant on December 5 and 11, 1996, March 25, 1997, August 25, 1997, and April 23, 1998, December 9, 1998). Principal items of discussion included local government approvals, grading plans, geologic review, percolation tests, land use designations, average lot size analysis, completeness of plans, application fees, etc. Staff subsequently met with the applicant's representatives on March 13, 1999 at which time the proposed project resulted after submittal of new material regarding the parcel configuration, pad location, offer of the trail easement, revised cut and fill numbers, a slope/lot size analysis relative to the County's non-urban hillside management program, elimination of previously proposed building pads, and reduced grading for building pads and driveways.

Originally the applicant was proposing to redivide six lots into six lots. In December of 1998 Commission staff discovered that the applicant had only four legal lots as opposed to six, discussed in detail below. In response to staff concerns regarding the legality of two of the lots involved in the redivision, the applicant modified the project description on March 22, 1999 from a six lot redivision to a four lot redivision.

Commission action is required at the April 13 - 16, 1999 meeting because of the need to complete action within 270 days as required by the Permit Streamlining Act

3. Current Status of the Subject Lots.

Staff notes that the applicant asserted at one juncture while this application was pending that the lots that are the subject of this permit are 6 separate legal parcels. The Commission staff has undertaken an independent, thorough investigation of the facts, the applicant's assertion and of the current status of the subject parcels and concludes that the subject parcels are, in actuality, only 4 in number. A detailed explanation of this conclusion follows below.

On June 18, 1980, the Commission granted Coastal Development Permit No. A-42-80 (Levinson) for a 19-lot subdivision. A copy of the staff report for that permit is attached as Exhibit 5. Special Condition No. 1 of that permit required the applicant, prior to permit issuance, to participate in the Commission's Transfer of Development Credits (TDC) program by restricting development of 17 parcels in the so-called Zone I Donor area

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where the project was located. That condition stated, in relevant part, as follows: "the applicant shall record a deed restriction prohibiting residential development on and shall record an irrevocable offer to dedicate an open space easement over sufficient applicable lots to constitute a minimum of 17 transfer of development credits ... The lots to be dedicated shall be combined with each other such that they may be considered a single parcel for purposes of sale, transfer, development or encumbrance ..."

In March 1981, an amendment to CDP No. A-42-80 was granted by the Commission. (The relevant portion of the amendment staff report is attached as Exhibit 6) This amendment addressed the method by which the TDC requirement was to be satisfied. The amendment allowed use of large parcels outside the designated Zone I donor area for 8 of the 17 required TDC's. Special Condition No. 2 of the amendment required the applicant to record an irrevocable offer to dedicate an open space easement prohibiting residential development over 8 of the 17 parcels. The condition further required the 8 dedicated parcels to be combined with each other and combined with another, separate developed or developable parcel such that all of the parcels would then be considered a single parcel.

On March 27, 1981, the applicant satisfied the TDC condition of the permit, as amended, by recording an irrevocable offer to dedicate a scenic easement as Instrument No. 81-310530 over 8 TDC parcels. On the same date, as part of condition compliance, a declaration of restrictions was recorded as Instrument No. 81-310531 that recombined these 8 TDC parcels with other, then-separate parcels. The applicant chose to combine 7 of the TDC parcels with three existing separate, contiguous parcels. These three separate parcels are shown on Exhibit 7 as parcels A, B, and C. The 7 TDC parcels that were combined with parcels A, B and C are shown on Exhibit 8 as parcels D, E, F, G, H, I and J. These 7 TDC parcels were combined with the 3 then-separate parcels, creating one large recombined single parcel where there had been ten parcels before the recombination. (See Exhibit 9) Thus, parcels A through J became one parcel through this transaction. The location of all 10 separate parcels, before the recombination of March 1981 was accomplished, is shown in Exhibit 10. The new, recombined parcel that was created from the ten separate parcels A through J is shown on Exhibit 8. (The eighth required TDC parcel was restricted through a separate irrevocable offer to dedicate a scenic easement and was recombined with a different parcel that is not involved in the subject permit application. Thus, the eighth parcel is not shown on Exhibit 8)

The permit was then issued and the project site that was the subject of the permit was subdivided. Since that time, the Commission has never taken any action or issued any approvals that would have had the effect of redividing the 10 parcels that were combined.

The application that is now before the Commission involves four parcels, shown on Exhibit 10 as parcels 1, 2, 3, and 4. Parcel 1 is the large lot that was created in 1981 from 10 separate lots, as described above. In asserting that there are actually 6 lots

involved in this permit application, the applicant has asserted that parcel 1 is not one large lot, but in fact 3 separate lots. (See applicant's agent's letters to Commission, December 15, 1998 and March 8, 1999, Exhibits 11 and 12) The applicant has asserted that parcels A, B and C as shown in Exhibit 8 are still 3 separate parcels and that they were somehow mistakenly combined in 1981. The Commission notes, however, that, due to the noncontiguous nature and the particular physical configuration of the 7 TDC parcels combined in 1981, it is clear that all three then-separate parcels A, B and C as shown in Exhibit 8 needed to be used at that time in order to combine the 7 parcels into one single parcel, as the permit condition required, and that there was no mistake. (Parcel J could only be tied to parcel A; parcel I could only be tied to parcel B; and parcels D through H could only be tied to parcel C, as shown on Exhibit 8) All 7 TDC parcels could not physically have been combined with lot A, B or C standing alone. The Commission concludes, therefore, that these three lots are one parcel today, not three, as a result of the 1981 recombination described above. (See Commission's response letters to applicant, January 26 and 28, 1999, Exhibits 13 and 14)

As support for his assertion of the still-separate nature of parcels A, B and C as shown on Exhibit 8, the applicant has pointed to the issuance by Los Angeles County since 1981 of various certificates of compliance pursuant to the Subdivision Map Act relating to independent land transactions unrelated to the lot recombination of 1981. (See applicant's agent's letter, March 8, 1999, Exhibit 12) These certificates assertedly show the County's recognition of these three parcels as still separate. The Commission notes, however, that, an approval from the Commission would have been required if the three combined parcels were to have been redivided after 1981 and that the County's independent issuance of these other documents does not somehow "undo" the 1981 lot combination.

Therefore, this pending application No. 4-96-189 involves four separate parcels, as shown in Exhibit 10. These parcels consist of the single recombined parcel 1, together with three additional parcels 2, 3, and 4. For this reason, there are not 6 parcels involved in this application.

4. Comparison to Other Redivisions

A review of permit records indicates that the Commission has previously reviewed four redivision permit applications involving multiple parcels in the Santa Monica Mountains. Two recent applications which were denied by the Commission:

- Application 4-96-187 (Sohal) for the reconfiguration of eight lots of approximately 88 acres located in the Latigo Canyon area.
- Application 4-96-150 (Rein, et. al.) for reconfiguration of sixteen lots of approximately 92 acres in the Topanga Canyon area.

In both cases, the reconfiguration had received approval by the County as a lot line adjustment through a complex lot line adjustment which resulted in a redivision extending, in effect, small non-conforming into an adjacent larger parcels located in remote undeveloped or sparsely developed areas. The Coastal Commission denied both proposed reconfigurations. Similar reasons for denial were found in both Commission actions:

- The proposed lot location and sizes extended development into undeveloped areas unable to accommodate such development, or with adequate public services, in a manner inconsistent with PRC Section 30250(a).
- Provision of cut and fill slopes, retaining walls, access roads and building sites resulted in extensive alteration of natural landforms, disturbance of steep hillsides and undeveloped areas of undisturbed native vegetation, inconsistent with preservation of visual quality and the character of the surrounding area as required by PRC Section 30251.
- Fire hazard was not minimized in an area of high fire danger without adequate access for fire fighting equipment due to lack of a secondary access, narrow and winding roadways leading to the project area, and extension of long roads and drives onto the project site in a manner inconsistent with PRC Section 30253(1).
- Increased development in undisturbed, steep areas resulted in unacceptable levels of runoff, siltation and related water quality impacts due to increased volume and velocity of runoff and removal of native vegetation in a manner inconsistent with PRC Sections 30231, 30240, and 30253.

Further, the Sohal proposal would have resulted in development at an increased density in a designated significant watershed and therefore was found inconsistent with the policies governing such development as found in the certified Land Use Plan, as used as guidance in past Commission decisions.

In contrast, in application 4-96-28 (Harberger et. al.) the Commission approved a land division involving a lot line adjustment of two parcels and a redivision of three parcels totaling 25.5 acres in the Topanga Canyon area. The Commission found that the lot sizes after the redivision were similar to those before the division and that the visual impacts were minimal. No issues arose relative to fire safety and fire vehicle access.

In permit 4-93-103 (Murphy-O'Hara) the Commission approved a redivision of eight parcels into three parcels comprising 146 acres. That project involved a clustering concept by locating development close to an existing road and avoiding an environmentally sensitive habitat area. The Commission found that the project reduced fire risk, reduced the number of buildable sites, and reconfigured parcels to reduce resource impacts.

In summary, the above decisions show that the Commission has evaluated a number of land divisions including lot line adjustments or reconfigurations similar to the present proposal. Such land divisions have only been permitted where adequate fire access is available and where new development and increased densities has not extended into rugged, undeveloped areas in the Santa Monica Mountains. Such redivisions of lots could have been allowed where the resulting parcels were similar in size to the originating parcels and development was found consistent with LUP and Coastal Act policies. With these considerations, the three above described projects were found, when approved with conditions, to be consistent with Coastal Act policies.

B. Geologic and Fire Hazards

1. Coastal Act and LUP Policies

Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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 Malibu/Santa Monica Mountains certified Land Use Plan also provides policy direction, in regards to geologic hazards, as follows:

- P147 Continue to evaluate all new development for impact on, and from, geologic hazard.***
- P148 Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.***
- P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.***

The Malibu/Santa Monica Mountains certified Land Use Plan also provides policy direction, in regards to fire hazards, as follows:

P 156 Continue to evaluate all new development for impact on, and from, fire hazard.

P159 Continue present requirements on all new development for emergency vehicle access and fire-flow water supply as determined by the Forester and Fire Warden until such time as alternative mitigation measures providing an equivalent degree of safety are developed and implemented.

2. Geology

As described under project description, the project proposes to recompact previously deposited fill in conformance with standards recommended by the geotechnical consultants, and create four building pads with a minimal amount of landform alteration. The landform alteration is discussed in further detail below in these findings under visual resources and landform alteration.

The project site is located on a flat mesa area of approximately fifty acres along a secondary ridge. This area of the subject property site is characterized by fill over bedrock composed of sandstone and mudstone. A number of rock masses are exposed at the surface.

The landform of the mesa is divided by a displacement by a west/southwest to east/southeast trending fault separating the southernmost building pad from the remainder. This fault line is evident in the alignment of adjacent drainage courses. The fault, as described in the geotechnical background material, is not a significant potential hazard to the proposed development.

The applicant has submitted several geologic and geotechnical engineering reports including: Geoplan, Inc., Engineering Geologic Report, Tentative Tract 50456, October 22, 1991; Strata-Tech, Preliminary Geotechnical Investigation for Proposed Single Family Residential Development Tentative Tract No. 50456, November 21, 1991; Geoplan, Inc., engineering geologic letter, June 9, 1997; Strata-Tech, geotechnical update letter, May 12, 1997. The 1991 Strata-Tech report notes that:

It is concluded that the proposed building sites are buildable and that they will be unaffected by landslide, slippage, or settlement, provided construction is conducted in accordance with the recommendations of the project consultants and the constraints of the applicable sections of the Building Code. No adverse affect upon adjoining properties will result.

Similar findings are contained in the 1991 report by Geotech, Inc. 1997 update letters to both reports have been provided which find no change in the previous findings.

Based upon review by the geotechnical engineers and engineering geologist, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. These recommendations will ensure that the proposed building pads and roads and drives are stable and do not contribute to hazards on the site or to the surrounding area. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting soils engineers and engineering geologist as conforming to their recommendations, as noted in *special condition number one (1)* for the final project plans for the proposed project. Approval with this condition ensures project is consistent with PRC Section 30253 because it will minimize risks to life and property in terms of geologic hazard, assure stability and structural integrity, and not contribute significantly to erosion, instability, or destruction of the site or the surrounding area.

3. Erosion

Surface drainage on site is predominately by sheet flow toward the southeast, toward Little Las Flores Canyon Creek at a distance of approximately 1000 ft., although some flow will take place toward the unnamed tributary to the west, at a distance of approximately one- eighth mile. Both creeks are designated as environmentally sensitive habitat areas in the land use component of the Malibu/Santa Monica Mountains Local Coastal Program.

The consulting engineering geologist has noted that the proposed cut slopes will be fairly resistant to erosional deterioration, but recommended that storm water from building sites and roadways be collected and controlled to flow to adjacent ravines. In past Commission decisions for similar projects involving cut and fill slopes, avoidance of concentration of runoff and erosion has been found necessary. The Commission has found that uncontrolled storm water runoff associated with the construction of projects such as the proposed project could create significant erosion and sedimentation impacts offsite.

If not controlled and conveyed off the site in a non-erosive manner, runoff will result in increased erosion on and off the site, which will adversely affect the stability of the building pads and roadways and driveways. In addition, erosion will increase sedimentation of the nearby streams, as discussed in greater detail below. The present washout on Parkhouse Lane, proposed for remediation by this project, is an example of the adverse impacts associated with uncontrolled drainage.

Erosion control devices are proposed for the main access road to the site, i.e. Parkhouse Lane. However, drainage control measures are needed to convey runoff off of all impermeable surfaces on the entire site. Paving of roadways and driveways including Abadie Lane and driveways to the individual building pads will significantly increase the amount of impervious surfaces which increases the volume and velocity of

storm water runoff. In addition, compacted fill and cut slopes increase the volume and velocity of runoff from the developed sites. Therefore, the Commission finds that it is necessary to require the applicant to submit detailed drainage plans which illustrate how drainage will be conveyed offsite in a non-erosive manner and that interim erosion control measures be implemented during the rainy season, as specified in *special condition number three (3)*.

Past Commission actions for similar development as well as the recommendations in this project's geotechnical reports indicate that landscaping can mitigate the adverse effects of erosion and runoff. Landscaping minimizes the potential for erosion of grading and disturbed soils and thereby ensures site stability. Therefore, the Commission finds it necessary to require the applicant to submit a detailed landscape and erosion control plan for the proposed development to ensure site stability. *Special condition number two (2)* provides for such a landscape/erosion control plan prepared by a licensed landscape architect, and review and approval of the plan by the consulting engineering geologist.

The Commission further notes that the amount of cut proposed by the applicant is larger than the amount of fill to be placed and will result in export of approximately 3,000 cu. yds. cu. yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. To ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, *special condition six (6)* is necessary. This condition requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required. Act.

With these conditions, the project is consistent with PRC Section 30253 relative to minimizing the erosional effects affecting the stability of the site and the surrounding area.

4. Fire

The proposed development is located in the Santa Monica Mountains, an area 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.

The Coastal Act requires that new development minimize the risk to life and property in areas of high fire hazard. PRC Section 30253 states that new development shall minimize risks to life and property in areas of high geologic, flood, and 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.

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 combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

The proposed development lies within the area of the November 3, 1993 firestorm. The project is located in an area of very high fire danger because of the steeply sloping topography. The proposed building sites are located on the more gently sloping to relatively level mesa area of the which a less hazardous area than the steeply sloping canyon areas of the site. This fire danger is also exacerbated when there is a lack of secondary access.

At the September 1998 meeting the Coastal Commission denied application 4-96-187 (Sohal), for reconfiguring nine lots totaling approximately 88 acres. The project was located on two ridges in the Santa Monica Mountains and was similar in size and number of parcels to the present project. Increase in the fire hazard due to inadequate access was a significant factor in Commission's denial of the Sohal application.

The Sohal application was inconsistent with PRC Section 30253(a) because it did not minimize the risks to life and property in an area of high fire hazard. A number of features of the Flinkman proposal avoid the following problems raised by the Sohal application. The Sohal redivision was located in a vacant undeveloped area on the opposite side of a small lot subdivision (Malibu Vista) from the main arterial providing potential access for fire suppression. Access to the Sohal site was also through a constricted intersection at Latigo Canyon Road, and then through a series of steep, winding streets with constricted intersections and a significant amount of on-street parking potentially interfering with public safety vehicles or evacuation of residents. The Sohal proposal also required new roadways and building sites extending approximately 1.5 miles into a remote undeveloped steeply sloping canyon and hillside area. The extension of development into a remote steeply sloping hillside and canyon area through

a single ingress and egress access point created a significant fire hazard and emergency access problem. The Commission found that the Sohal project did not minimize risks to life and property from fire hazard as is required under Section 30253 of the Coastal Act.

Problems similar to Sohal relative to fire safety were found in denial of application 4-96-150 (Rein *et. al.*) for a parcel reconfiguration in the Topanga Canyon area. In Rein, the Commission also found that the extension of development onto a remote ridgeline with a single access ingress and egress access point, which was further constrained by a narrow and steeply sloping access road, was not consistent with Section 30253 of the Coastal Act. In the Flinkman proposal, even though the building sites are within approximately 1.5 miles of Saddle Peak Road, the main arterial, there are several access points to the site including a turnoff off of Tuna Canyon Road and two turnoffs off of Saddle Peak Road. Abadie Lane can be approached from either Parkhouse Lane to the east or Little Las Flores Road to the west, whereas the Sohal site only could be approached from one road to the west.

In addition, the proposed redivision clusters building sites out of the steeply sloping and remote canyons closer to the existing roadways which enhances access to each site by fire safety vehicles. Fire safety vehicles will not have to travel great distances down long private driveways. Parking areas for fire safety vehicles would be available on the main roadway. The proximity of the main roadway also enhances the potential to evacuate residents and fire safety personnel. Such advantages would not be available if the building pads were not clustered, and especially if more remote building sites were proposed extending development off the mesa into adjacent canyons.

The Commission considers the expertise of the County Fire Department as part of analysis for conformity of the project with PRC Section 30253. The proposed project has been reviewed and conceptually approve by the County Fire Department. In their letter of August 6, 1997, Jesus Burciaga, Fire Marshall and Assistant Fire Chief, noted that the proposed project provides rights of way with 36 feet of pavement width on Abadie Lane, which meets the minimum Fire Department requirement. Other County Fire Department requirements include driveway widths of 20 feet with the any driveways over 150 feet in length requiring an approved fire turnaround. Staff has reviewed the project plans and determined that the lots either are close enough to Abadie Lane to afford room for fire service and have adequate room on the individually proposed pads for a fire vehicle turnaround area.

The Commission finds for the above reasons that the proposed project results in clustering of development with access to an adequate roadway system with multiple access to the main arterial and in a manner facilitating the efficiency and safety of fire fighting operations. Further, the project is consistent in terms of pavement widths, driveway widths and turnarounds with Fire Department standards for a project in an area of high fire hazard. The project avoids the problems of lack of secondary and/or constrained access to the extent that the Commission has denied similar proposals such as application 4-96-150 (Rein) and 4-96-187 (Sohal). The project therefore minimizes

threat to life and property in a high fire hazard area and is consistent with PRC Section 30253 requirements.

C. Visual Resources and Landform Alteration

Section 30251 of the Coastal Act states that:

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.

In addition, the certified Malibu/Santa Monica Mountains LUP includes the following policies regarding protection of visual resources, which are used as guidance by the Commission in the review of development proposals in the Santa Monica Mountains.

P130 *In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:*

- *be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP;*
- *minimize the alteration of natural land forms;*
- *be landscaped to conceal raw-cut slopes;*
- *be visually compatible with and subordinate to the character of its setting;*
- *be sited so as not to significantly intrude into the skyline as seen from public viewing places.*

P131 *Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.*

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

Section 30251 of the Coastal Act, cited above, requires that permitted development be sited and designed to protect views, minimize the alteration of natural landforms, and be visually compatible with the character of the surrounding area.

The applicant is proposing to create four six building pads clustered off Abadie Lane, make improvements to the existing access road (Parkhouse Lane), extend and improve Abadie Lane, and construct driveways to each building site. To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible, such as scenic highways, parks and trails.

The proposed building pads and access improvements are located on a mesa at the approximate 1700 ft. elevation on a secondary ridgeline. Adjacent, undeveloped deep canyons are found approximately one quarter mile from the location of the proposed "cluster" of building pads. North of the project is a ridgeline extending east to west and reaching the 2268 ft. elevation, which defines the drainage boundary between Las Flores and Topanga Canyons. The character of the surrounding area includes single family residences along Parkhouse Lane and Little Las Flores Road to the north of the project location as well as the undeveloped land in deep canyons to the east, west, and south.

The Commission typically examines any proposed grading to assess the visual impact of the proposed project. In this case the applicant has submitted revised plans which have reduced the size of each home site to a reasonable quantity of cut and fill, based on past Commission actions.

The following table indicates the proposed of cut and fill for the proposed parcels:

Table 2: Proposed Grading (in cubic yards)

Building Pad and Driveway Grading

<u>Lot Number</u>	<u>Cut</u>	<u>Fill</u>
1	1,803	214
2	277	3,259
3	444	315
4	3,652	33
<u>Subtotal*</u>	6,176	3,821

Access Road Grading

Abadie Lane	3,100	952
Parkhouse Lane	772	772
Parkhouse Washout Repair and Maintenance	0	1,523
<u>Subtotal</u>	3,872	3,247
<u>Total</u>	10,048	7,068

TOTAL GRADING (building pads, driveways and access roads) **—— 17,116 ——**

*Included in the cut and fill for each lot is a total of 1,563 cu. yds. of grading for on-site driveway improvements (140 cu. yds. cut and 1,283 cu. yds. fill): Lot 1 – 21 cu. yds. cut and 0 fill; Lot 2 – 0 cut and 1,244 cu. yds. fill; Lot 3 – 52 cu. yds. cut and 39 cu. yds. fill; and Lot 4 – 67 cu. yds. cut and 0 cu. yds. fill.

Abadie Lane is presently unpaved and the project includes installation and grading of Abadie Lane with a paved width of twenty-six feet and a right of way of sixty feet. Abadie Lane will have grading consisting of 717 cu. yds. cut and 207 cu. yds. fill. The drives to

reach the individual building sites are proposed to have a paved width of twenty feet and will have grading of 140 cu. yds. cut and 1,283 cu. yds. fill.

The applicant originally submitted a proposal to create larger building pads than presently proposed. Staff expressed concern regarding the amount of landform alteration associated with the size of the proposed pad and grading and the applicant lowered the number of parcels proposed. The applicant originally proposed redivision to create six lots and six building pads requiring approximately 32,000 cu. yds. of grading for pads, roads and driveways.

The applicant has modified the proposed grading to delete any grading on the two pads not proposed for development (Exhibit 3). The two previously graded pads that are not proposed for development include: (1) the pad on Lot 2 east of the proposed building pad on new Lot 1; and (2) the pad on Lot 3 southeast of the the proposed pad on new Lot 2 and east of the proposed building pad on new Lot 3. The elimination of these pads will result in elimination of long driveways previously accounting for approximately 5000 cu. yds. of grading (3,600 cu. yds. cut and 1,400 cu. yds. fill) in addition to minor cut and fill for alteration of the existing pads. In addition, a previously proposed pad north of the proposed pad on Lot 3 has been eliminated, which eliminates the need to grade flat a small knoll. With reduction of grading to the amount shown, i.e. grading of approximately 17,100 total cu. yds, the project will be sited and designed to minimize the alteration of natural landforms and be compatible with the character of the surrounding area, as discussed in greater detail by the following.

The project grading is consistent with the visual resource policies of the Coastal Act (PRC Section 30231) for several reasons. The proposed access road, driveways and building pads are proposed on the previously described mesa area, which is relatively level and which minimizes the need for extensive landform alteration. Grading for the building pads does not result in large cut and fill slopes or otherwise significantly alter the existing natural landforms. Further, the proposed building pad sizes are not excessive in size, on the order of 15,000 to 20,000 sq. ft. per lot. Further, the large on proposed Lot 3 is existing and requires only minimal grading to level the building site.

The proposed redivision reconfigures the lots in a way that will significantly reduce or minimize grading, in comparison to development of the existing lot configuration, as discussed in greater detail below under Analysis of Cumulative Impacts. Three of the existing lots are located in remote canyon areas would require massive grading to accommodate access roads, driveways and building pads even for a modest sized residence. Clustering the development on this mesa area on relative level sites significant reduces the grading requirements for building pads, access roads and driveways.

Given the trail is located with the steep canyon well below the project site it is doubtful future residences would be visible from the proposed Trail Route, with the potential

exception of Lot 3. Future residences will have to conform with PRC Section 30251 and the issue of visibility of future residences from a future trail will be addressed at that time.

Off-site, nearby portions of the Tuna Canyon Trail route rises in elevation while traveling to the north. The proposed pads will be visible in an oblique view to the southeast at a distance of approximately one-mile southeast of the point where the Tuna Canyon Trail intersects with the Backbone Trail. The project location will also be visible at a distance of approximately two and one half miles from scenic features in the Saddle Peak area to the west because that area is at a generally higher elevation. In these cases, the impact on views is not significant because of topography and/or distance involved. The proposed development is not otherwise visible from any nearby scenic highways or viewpoints.

The Commission has found through past permit action that landscaping softens, screens and mitigates the visual impact of development. As recommended above, landscaping and erosion control is proposed to ensure site stability. These measures will also ensure that the project is visually compatible with the surrounding natural areas. Landscaping softens the impact of cut and fill slopes and makes the texture and color of disturbed areas blend in with the surroundings.

In summary, the proposed project, as conditioned, will not significantly change the natural landform, adversely impact the character of the surrounding areas or scenic public views in the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. Public Access/Trails

The Coastal Act maximizes public access and recreational opportunities within coastal areas.

PRC Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

PRC Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the

impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

PRC Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

PRC Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

PRC Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act sections 30210, 30212.5, 30223, and 30252 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and where feasible provided.

In the Malibu/Santa Monica Mountains area, the existing system of heavily used historic trails located on private property has been adversely impacted by the conversion of open lands to housing. In order to preserve and formalize the public's right to use these trails, a trail system map has been included as part of the certified Malibu/Santa Monica Land Use Plan (LUP).

The trail system is composed of the Backbone and Coastal Slope Trails in addition to several connector trails. The Backbone Trail is the primary hiking and equestrian trail leading from the Los Angeles metropolitan area through the Santa Monica Mountains to Point Mugu State Park in Ventura County. The trail network provides hikers and equestrians with a large number of varied destinations including such highly scenic locations as Escondido Falls or the Castro Crag area and historic sites including several motion picture locations and active film sets. Significant coastal views from this public trail system include panoramic views of the coastline, the Channel Islands, and mountain views.

The Tuna Canyon Trail is identified in the certified Malibu/Santa Monica LUP as a significant part of the trail system that provides access between the coastal terrace and the Backbone Trail. The certified Malibu/Santa Monica Mountains LUP designates a proposed segment of the Tuna Canyon Trail on the project site and links this route to the Backbone Trail which connects to the coast at the entrance to Tuna Canyon. The proposed development is clustered about 400 east and 800 feet north of the trail route.

This application includes the trail easement that the applicant is proposing to offer to dedicate for public access on the project site represents an important "missing" link that will further complete this trail (Exhibit 4). Such an offer requires formalization through a recorded, irrevocable offer to dedicate a route which is agreed to by the Executive Director and concerned agencies, and which specifies the hours of availability and provides for acceptance by a public agency or private association. Therefore, *special condition four (4)* has been included, consistent with the applicant's proposal, in order to implement the applicant's offer to dedicate a public hiking and equestrian trail easement prior to the issuance of the coastal development permit.

The above recommended condition will ensure that the trail is proposed in a location and design consistent with the pattern of trail routes and design parameters found in the certified LUP. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with PRC Sections 30210, 30212.5, 30213, 30223, and 30252.

E. Environmentally Sensitive Habitat Areas

1. Coastal Act and LUP Policies

PRC Section 30240 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.

(b) 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.

PRC Section 30231 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.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains policies that provide useful guidance in evaluating the consistency of the proposed development with the policies of the Coastal Act. These policies were been found by the Coastal Commission, in certifying the LUP, to incorporate the resource protection requirements of Coastal Act Sections 30240 and 30231 for application to specific sensitive resource areas in Malibu and, therefore, continue to serve as guidance in reviewing proposed development for consistency with Coastal Act policies.

Specifically applicable LUP policies addressing the protection of ESHAs and thereby incorporating the resource protection policies that are relevant to the proposed project include:

- P 74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.***
- P 81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.***
- P 82 Grading shall be minimized for all new development to ensure the potential effects of runoff and erosion on these resources are minimized.***
- P 86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.***

- P 87** *Require as a condition of new development approval abatement of any grading or drainage condition on the property which gives rise to existing erosion problems. Measures must be consistent with protection of ESHAs.*
- P 89** *In ESHAs and Significant Watersheds and other areas of high potential erosion hazard, require approval of final site development plans, including drainage and erosion control plans for new development prior to authorization of any grading activities.*
- P 91** *All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.*

2. Analysis of Impacts

Surface drainage on site is predominately by sheet flow toward the southeast, toward Little Las Flores Canyon Creek at a distance of approximately 1000 ft. There will be some drainage to the west toward an unnamed tributary of Little Las Flores Creek from Abadie Lane from the pad proposed on Lots 3 and 4. This unnamed tributary is approximately 600 ft. to the west of these pads. Both creeks are designated blue line streams, and as environmentally sensitive habitat areas in the land use component of the Malibu/Santa Monica Mountains Local Coastal Program.

As discussed in greater detail in the hazards section above, the project area is fairly resistant to erosional deterioration. However, the soils on the steeply sloping canyon areas on the site are highly susceptible to erosion if disturbed or if vegetation is removed. The Commission has found that uncontrolled storm water runoff associated with projects such as this increase the volume and velocity of storm water runoff, which could create significant erosion and sedimentation impacts on and offsite and could affect site stability, unless controlled and conveyed in a non-erosive manner. In turn, the increase in erosion on and off the site may increase sedimentation of the nearby streams which are designated ESHAs. The Commission has found that sedimentation can result in degradation to riparian systems in the following manner:

- Eroded soil contains nitrogen, phosphorous, and other nutrients which, when carried into water bodies, trigger algal blooms that reduce water clarity and deplete oxygen which leads to fish kills and creates odors.
- Excessive deposition of sediments in streams blankets the bottom fauna, paves stream bottoms, and destroys fish spawning areas.

- Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitats.
- Suspended sediment abrades and coats aquatic organisms.
- Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.

The proposal includes, as previously noted, remediation of a washout, and construction of building pads, access roads and drives and associated improvements to Abadie Lane and Parkhouse Lane. Drainage improvements are proposed for Parkhouse Lane including an energy dissipater and swales. Since, as previously noted, no plans have been submitted for additional necessary erosion control and drainage improvements to Parkhouse Lane, Abadie Lane or the proposed building pads and related driveways, additional drainage and erosion controls are necessary as recommended by *special condition three (3)*. These measures would incorporate the recommendations of the project engineer and may include swales, berms, energy dissipaters, subsurface drains, and the like for all roads, drives and building pads as necessary to avoid or mitigate potential erosion and sedimentation problems cited above. Such measures will minimize the effects on sensitive coastal resources such as the aforementioned streams by controlling the rate of storm water runoff.

In summary, the increase in disturbance to the natural terrain and creation of additional impermeable surfaces increases water velocity and sedimentation, with potential adverse impacts to nearby blue line streams and their associated riparian habitats. *Special condition three (3)* will control such runoff in a non-erosive manner to protect and enhance the biological productivity of downslope environmentally sensitive habitat stream corridors, consistent with the requirements of the Coastal Act. Therefore, the Commission finds that only as conditioned is the proposed project consistent with the habitat and coastal resource protection policies of Sections 30231 and 30240 of the Coastal Act.

F. Cumulative Impacts of Development

1. Coastal Act and LUP Policies

Section 30250(a) of the Coastal Act states:

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 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 the 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.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains the following policies, used by the Commission for guidance in past permit decisions, regarding land divisions and new development. Policies 271 and 273 (d) address lot line adjustments and land divisions. Policy 271 states, in part that:

New development in the Malibu Coastal Zone shall be guided by the Land Use Plan Map and all pertinent overlay categories. The land use plan map presents a base land use designation for all properties. ... For those parcels not overlain by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein. Residential density shall be based on an average for the project; density standards and other requirements of the plan shall not apply to lot line adjustments.

Further LUP land division policies include:

P 273 Development shall conform to Chapter 3, as amended, of the Coastal Act.

P 273c On property encompassing stream courses, land divisions shall be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to sit a dwelling or other principal structure consistent with P79 and P80 regarding setbacks of new development from stream courses and all other policies of the LCP.

P 273d In all other instances, land divisions shall be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to site a dwelling or other principal structure consistent with the LCP. All land divisions shall be considered to be a conditional use.

P 273f Issuance of a conditional certificate of compliance pursuant to Government Code Sec. 66499.35 (b) shall be subject to a coastal development permit which shall be approved, but shall be subject to conditions to implement all applicable policies of this LUP, including land division policies.

Although characterized as a lot line adjustment by the applicant, the proposed reconfiguration of the subject Lot is considered by the Commission as a division of land. Therefore, the proposed redivision must be reviewed against Section 30250 of the Coastal Act. The Commission reviews land divisions to ensure that newly created or reconfigured parcels are of sufficient size, have adequate road access and provision of other utilities, are geologically stable, and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. The Commission has repeatedly emphasized the need to address the cumulative impact of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impacts problem stems from the existence of thousands of undeveloped and poorly sited parcels in parcels and/or residential units through subdivisions and multi-unit projects.

The Commission found, in past permit decisions and action certifying the Malibu/Santa Monica Mountain Land Use Plan, that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains because of the large number of lots which already exist, of which many are in remote mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in this area creates potential cumulative impacts on coastal resources 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 can be expected to grow tremendously. In response to these concerns, the Commission has not allowed land divisions which would increase the number of residential units without requirement of a transfer of development credits (TDC) development rights so that the development potential of donor lots is extinguished in exchange for development potential created by the land division. In this case, the proposal is for the redivision of four lots into four lots. The number of residential lots is not increased in this case, therefore there is no basis for a TDC requirement.

In past Commission actions, most recently relative to application 4-96-028 (Harberger et al.), a condition has been required to ensure continuity of past open space dedications i.e. that the land remains in open space in perpetuity. Nine separate portions of existing lots totaling fifty-nine acres were dedicated as open space through deed restrictions required by the Coastal Commission in coastal development permit A-42-80. Although these deed restrictions follow the land, *special condition five* (5) is necessary to ensure an open space easements are properly recorded. These open space deed restrictions are all located on the proposer lot three (3). The portion of proposed Lot 3 containing the open

space restrictions will remain dedicated as open space through these deed restrictions to ensure that the project, as conditioned, is consistent with PRC Section 30250.

2. Land Divisions under PRC Section 30250(a)

The criteria in PRC Section 30250 are applicable to this project because the division of land is located outside of the developed coastal terrace area. These criteria ensure that development is located in close proximity to existing development in areas, has adequate public services, and prevents development from leapfrogging into undeveloped areas where there may be significant adverse impacts on coastal resources. Consequently, a land division may only be permitted when: (1) 50 percent of the usable parcel in the area have been developed and (2) when the created parcels would be no smaller than the average size of the surrounding parcels.

In past permit decisions, the Commission has found that the "existing developed area" for the Malibu/Santa Monica Mountains area applies only to portions of the urbanized strip, or the coastal terrace, along Pacific Coast Highway, and does not apply to the interior of the Santa Monica Mountains coastal zone. The Commission further found that the area addressed by the 50% criterion was the "market area" which amounted to the entire Santa Monica Mountain area within the coastal zone. Within this area, a majority of the existing parcels are not yet developed and, consequently, all land divisions outside the coastal terrace failed the required test under Section 30250. The Commission instituted the TDC program to address both the cumulative impact problem represented by the large number of existing lots and the technical criteria of Section 30250. Under this program land divisions coupled with lot retirement do not increase the number of potentially usable parcels; the technical criterion of 30250(a) concerning 50% of the useable parcels in the area is, in effect met. In the case of the proposed project the number of usable parcels is not increased by the redivision of land, therefore the project conforms with the 50% criterion of Section 30250(a) of the Coastal Act is not applicable.

Section 30250(a) also states that land divisions outside of existing developed areas shall be permitted only where the parcels created are no smaller than the average size of surrounding parcels. In determining this in the Santa Monica Mountains, the Commission has considered the average and median lot sizes within one-quarter mile, taking into account major topographic and cultural features. In this case, the surrounding area is characterized by flat ridges and steep canyons extending for a greater distance to the south and west, making it difficult to create a defined geographical area as an alternative to the quarter mile distance.

The applicant has completed an analysis of average lot size within a quarter mile radius, except for two large parcels of respectively 320 and 400 acres to the south. Based on this information, the average lot size in the surrounding area has been calculated as 5 acres. The proposal will result in creation of Lot 1, which at 1.6 acres in size is below this criteria. The remaining lots at 9.6 acres (Lot 2), 103.37 acres (Lot 3), and 5.43 acres

(Lot 4) are consistent with this criteria. However, as discuss in greater detail below under Analysis of Cumulative Impacts, Lot 1 more in conformance with the LUP designations than the existing smaller lot configuration, the redivision results in a larger lot configuration overall and clusters development in a more appropriate area for development, and, therefore, the Commission finds that the reconfigured larger lot sizes are consistent with the density designations under the LUP used as guidance by the Commission.

However, the Commission has determined in past actions that a better indicator of the size of the surrounding parcels is the median lot size. Staff has reviewed the distribution of surrounding lots and has found that the median is 2.5 acres excluding the two large 320 and 400 acres parcels to the south, or approximately 3.8 acres if these two parcels are included. The proposed parcel sizes are above the median of surrounding parcels with the exception of Lot 1 at 1.6 acres in size. However, one of the existing lots is one acre in size, and therefore the reconfigured lot at 1.6 acres in size represents an increase in size and is more conforming with the median than the previous configuration. Further, the Commission notes that the overall effect of the reconfiguration is to increase the size of the parcels and that the project will avoid or decrease potential cumulative impacts on the site and the surrounding area for the reasons noted elsewhere in these findings. For these reasons, the proposed lot sizes conform to the average lot size criteria in PRC Section 30250(a).

3. Analysis of Cumulative Impacts

The proposal includes reconfiguration of four lots in the Santa Monica Mountains ranging in size from 1 acre to 89.58 acres. In contrast to recent proposals such as 4-96-187 (Sohal) and 4-96-150 (Rein et al), which the Commission denied, the proposal does not involved reconfiguring a small lot subdivision and in effect extending smaller lot sizes out into a lower density, undeveloped area. In the case of this proposal, the proposed land division facilitates a more appropriate location for pads i.e. building sites in the area designated with the higher density category of Rural Land II, 1 dwelling unit per 5 acres minimum. The present application further has the effect of consolidating and concentrating previously allowed densities closer to existing development and roads and utilities.

The Commission has used in the past as the criteria in determining cumulative impacts of land divisions in the Santa Monica Mountains the consistency of the project with land use designations in the certified LUP. These land use designations determine what allowable densities and intensity of land use may be permitted in a particular area based on the topography of the land and other planning criteria in the LUP. Generally, steeper areas have lower density designations and more level or less steep areas have higher density designations. The land use configurations in the LUP for the project area concentrate development on the flatter or plateau areas above the steep canyons to conform to the

topography and place potential intensity of development in areas which can accommodate it while avoiding impacts on coastal resources. The map number key and LUP land use designations for the project site with minimum lot area per a housing unit are as follows: 4: Rural land II, 1 du/5 acres; 3: Rural land I, 1 du/10 acres; and Mountain Land: 1 du/20 acres. At a closer view, the proposed building pads for all lots are designated Rural land II, 1 du/5 acres.

A review of the proposed lot sizes and the LUP designations indicates that Lot 1 at 1.6 acres size would be non-conforming because the proposed parcel size would be lower than the minimum lot sizes per unit specified of respectively 5 acres. However, the 1.6 acre lot is larger than a existing one acre lot in the current configuration and is therefore more in conformance with the LUP designations than the existing smaller lot configuration. In addition, the existing one acre lot is located in a steep remote area designated in the LUP as 1 unit/20 acres. The proposed redivision results in a larger lot configuration overall and clusters development in a more appropriate area for development. Therefore, the Commission finds that the reconfigured larger lot sizes are more consistent with the density designations under the LUP which are used as guidance by the Commission.

The Commission must also consider, if as a result of the proposed redivision, residential densities could be further increased through additional land divisions of the redivided lots. In other words, could the redivision result in the potential for greater residential densities over and above the existing lot configuration. This is a concern in the Santa Monica Mountains because of the existing large number of undeveloped parcels and potential for future development which could overburden the existing infrastructure and result in adverse cumulative impacts, as discussed above. In order to address this concern the applicant calculated the maximum allowable residential density for the existing and proposed lot reconfigurations utilizing both the LUP designations and the County's Slope Density Formula required under County's Hillside Management Ordinance.

Under the existing parcel configuration the maximum number of allowable residential units or lots under the LUP and Slope Density Formula would be seven lots. The large existing 50 acre parcel could be divided into a maximum of four lots. The three smaller existing lots cannot be further divided. The potential four lots in addition to the three existing smaller lots, equal a total of seven possible lots. The maximum number of residential units under the proposed lot configuration would be six units. New lots 1,2 and 4 could not be further divided under the LUP density designations and County Slope Density formula. However, Lot 3 under the LUP Density designations and County Slope Density formula could be further divided into a maximum of three lots. It should be noted that although this lot is 109 acres in size only 44.7 acres are not restricted as open space. Based on 44.7 acres the maximum residential density on lot 3 would be three lots. The total maximum allowable residential density for the redivided area is six lots. Therefore, there is a net decrease the maximum number of allowable residential lots under the proposed redivision.

The Commission notes that these are maximum densities allowed under the LUP and County Slope Density formula and that any future subdivision of lot 3 would be reviewed for conformance with all other applicable Coastal Act and LUP policies. The Commission may determined that, based on the development policies of the Coastal Act and guidance policies of the LUP, a future subdivision of lot three is not consistent with these development policies and could deny a future subdivision proposal. Any future land division could only be approved if it was consistent with the resource protection policies of the Coastal Act or any subsequent LCP, including policies related to landform alteration and visual quality, fuel modification and vegetation clearance, fire hazards and vehicular access, and protection of coastal streams and other environmentally sensitive habitat areas. To ensure that the present and future property owners are aware that the approval of this permit does not commit or obligate the Commission to approve any future land division on Lot 3, the Commission finds it necessary to approve the project *with special condition number seven (7.)*

As noted previously, the proposal consolidates and concentrates development closer to existing development, roads and utilities. The proposal also concentrates development on the flatter or plateau areas above the steep canyons on the site and thus conforms to the topography considerations originally used in the formation of the LUP density designations.. The project is concentrated on previously disturbed building pads and uses previously disturbed road and drive routes. The proposed redivision is consistent with the lot size requirements of the LUP and Section 30250(a) of the Coastal Act. For these reasons, the Commission finds that the proposed development does not conflict with LUP lot size provisions and is consistent with PRC Section 30250(a).

Other lot line adjustments recently considered by the Commission such as the proposal in application 4-96-187 (Sohal), which did not result in an increase in number of lots, but still resulted in adverse impacts on coastal resources. In Sohal, the configuration resulted in introducing development into a larger area that was undeveloped in a manner inappropriate for the physical topography and biological values, creating significant adverse impacts on coastal resources.

In comparison to the Sohal proposal, the proposed redivision does not introduce development which increases risk to life and property in an area of high fire hazard, in conflict with the need to minimize risk under PRC Section 30253(a) and ensure adequate public services under PRC Section 30250(a). The present proposal, rather, clusters development away from where it would have greater effect on the resource values in undeveloped slopes and steep canyons. Related impacts that are avoided including impacts on visual resources, water quality and biological productivity, environmentally sensitive habitat areas, geologic hazards, and the like.

In summary, the proposed project is consistent with the Coastal Act requirement that new development be located in an area of adequate public services and does not have

adverse impacts, either individually or cumulatively, on coastal resources and is therefore consistent with PRC Section 30250(a) and 30253(a).

4. Project Alternatives/Development of Existing Configuration

The above cumulative impact analysis describes how the proposal is consistent with the allowable lot size criteria as used by the Commission in terms of LUP land use designations, the average and median lot size of surrounding parcels, and the County slope and lot size criteria. While the above findings show that the proposed lot line adjustment will decrease significant adverse effects on coastal resources through clustering development in a previously graded area, an analysis of project alternatives is necessary to determine if the proposed development is preferred. The following evaluates the proposal relative to the project alternative of development under the existing lot configuration.

The present lot pattern includes a broad range of lot sizes with little relation of the lot configuration to underlying topography and road patterns, as shown by Exhibits 2 and 3. Only one lot in the present configuration has the advantages of creating a potential building site off Abadie Lane. This lot straddles Abadie Road in a relatively flat area that is suitable for development. The remaining lots are in locations where development would require a massive amount of grading and significant alteration of natural landform. All are located in steep slope and canyon areas where new roads and drives and significant amounts of cut and fill would be required.

Further, one of these parcels (APN 448-25-24) is "landlocked" and has no road access. In addition, two of these parcels (APNs 448-25-24 and -32), require development of Las Flores Heights Road to be accessible. Las Flores Heights Road is presently a "paper street". Development of Las Flores Heights Road will in turn result in massive amounts of grading and landform alteration.

The surrounding area is characterized as development of flatter areas on minor ridges and plateau areas as opposed to development in canyons or on the side of steeper slopes. Development under the existing lot configuration would result in development in steeply sloping areas would be visible from surrounding areas, especially the proposed route of the Las Flores Canyon Trail. Consequently, there would be a significant effect on natural landform and an incompatibility with the visual quality of the surrounding area. For these reasons development in the present configuration is inconsistent with PRC Section 30251.

Development in the existing configuration is a better alternative than development in nearby areas to the south and west introduces development into areas of steeper and potentially unstable slopes with softer material overlying bedrock, which is inherently unstable in steeper terrain. The submittal only includes detailed geologic mapping of the approximate northeast 50 acres which is where the building pads are proposed and

staff does include detailed information on potential geologic hazards in the surrounding area.

However, as noted in the geotechnical and geologic review, the proposal has an advantage over development of small lots in the surrounding area by being located on shallow overburden on a plateau over stable bedrock. The only disturbance is the minimum necessary to develop roads, drives and pads in previously disturbed areas with the minimum feasible grading or correct previous landform disturbance and improperly deposited fill, as discussed in the reference geotechnical reports. A review of general geologic mapping indicates that the surrounding area is generally of high relative instability, i.e. the highest category mapped on the County Engineer's map (undated) entitled Relative Slope Stability Map of the Santa Monica Mountains Development. For these reasons, development in the present parcel configuration would minimize risk in areas of high geologic hazard and assure stability the site and not contribute to erosion and instability of the site in a manner inconsistent with PRC Section 30253 (1) and (2).

The development of parcels in the existing configuration has further difficulties with respect to coastal policies relative to fire hazards. Such development would disperse the site location away from the roads providing safe access from Saddle Peak Road to more distant areas. It would also go beyond acceptable distances for fire safety (for residents and fire fighting vehicles) for travel on roads without secondary access, such as those published by the California Department of Forestry in their State Strategic Fire Protection Planning Guidelines. Further, Las Flores Heights Road is not planned as a through road connecting with Saddle Peak Road. Consequently, even if access were provided off of this route, it would still have a considerable distance from through routes without secondary access. In this case the nearest road with through access would be Las Flores Canyon Road.

In addition, construction of fire vehicle access on each site would be difficult because of the steep terrain and greater alteration of the natural terrain would be required above that necessary for normal vehicles because of the need for wider turns, passing areas and turnarounds for fire vehicles. As discussed in detail in the findings on application 4-96-187 (Sohal), the lack of secondary access and constrained primary access threatens the public and public safety personnel. As noted in those findings, extension of development into a more rugged area under these conditions is unacceptable.

Development of the existing configuration would also introduce development into steep slope and canyon areas will result in an increase in landform alteration, loss of natural groundcover and native vegetation, and the associated loss of natural absorption of runoff. Development of additional roads and drives in such areas will also result in the creation of a greater amount of impermeable surfaces in comparison to the proposed development and has the potential for greater erosion than the proposed configuration. Potential building sites under the existing parcel configuration are closer to the

environmentally sensitive habitat areas associated with the two blue line stream courses on the subject property.

Due to the increase in clearance and related impermeable surfaces, development in these areas would also result in loss of watershed cover and increases in runoff, siltation and sedimentation into the environmentally sensitive habitat areas associated with such stream areas. Further, there would be loss of undeveloped coastal sage scrub and chaparral areas due to clearance for building pads and access. Relative to the riparian areas, this would result in degradation of such systems through: introduction of nutrients; erosion of streambanks; deposition on stream bottoms; increased turbidity; impacts on aquatic organisms; removal of topsoil; as well as adverse impacts on marine waters.

In contrast, the proposed project as conditioned would minimize such impacts to the extent practicable and thus be consistent with PRC Section 30240 policy to prevent impacts which would significantly degrade stream and riparian areas and PRC Section 30231 policy which seeks to maintain their biological productivity.

In summary, the above shows that there are difficulties with Coastal Act policies through development of the present lot configuration are avoided by the proposed reconfiguration. Development in the area of steep slopes and canyons results in an increase in geologic and fire hazard contrary to the intent of PRC Section 30253. The resulting land disturbance results in significant alteration of natural landforms in conflict with the intent of PRC Section 30251. It further increases in runoff, erosion and sedimentation in comparison to the proposed reconfiguration. Consequently the proposal is the preferred alternative because it meets the intent of PRC Sections 30231 and 30240 to protect biological productivity of streams and coastal waters by locating development in appropriate areas capable of accommodating it without adverse effects on coastal waters. For these reasons, the proposed development is preferred.

G. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area.

PRC Section 30231 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.

The proposal includes an evaluation of the potential for each of the proposed lots to adequately accommodate a private sewage system (Geoplan, Inc., Engineering Geologic Report, Tentative Tract 50456, October 22, 1991 and Geoplan, Inc., engineering geologic letter, June 9, 1997). These evaluations assumed that the proposed lot reconfiguration had taken place and that the building pads were in the locations proposed by this application. Percolation tests for each lot confirmed that leach fields or leach trench types of private sewage disposal systems were feasible. Geoplan, Inc. found that septic systems were in compliance with the County Plumbing Code and County Health requirements will be capable of serving dwelling at the sites proposed. The installation of a private sewage disposal system was found not to create or cause adverse conditions to the site or adjacent properties.

Based upon the above assessment, the Commission finds that the installation of septic systems on the proposed lots will not contribute to adverse health effects and geologic hazards in the local area. The Commission has found in past permit actions that favorable percolation test results, in conjunction with adequate setbacks from streams and other water resources, and/or review by local health departments ensures that the discharge of septic effluent from the proposed project will not have adverse effects upon coastal resources. Therefore, the Commission finds that with regard to septic systems, the proposed project is consistent with PRC Section 30231.

H. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 this division and that the permitted development will not prejudice the ability of the local government to prepare a local 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

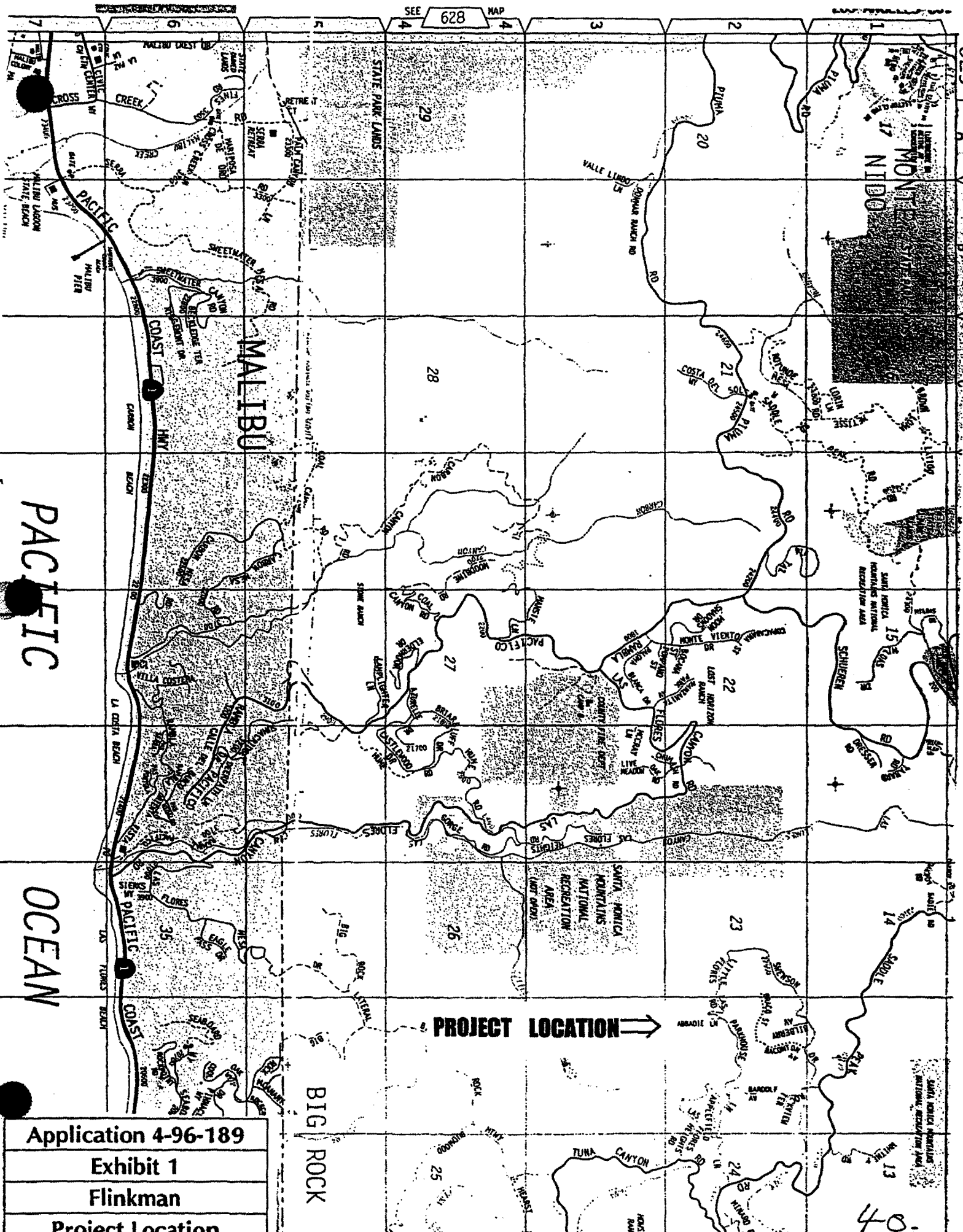
development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County'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).

I. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



PROJECT LOCATION →

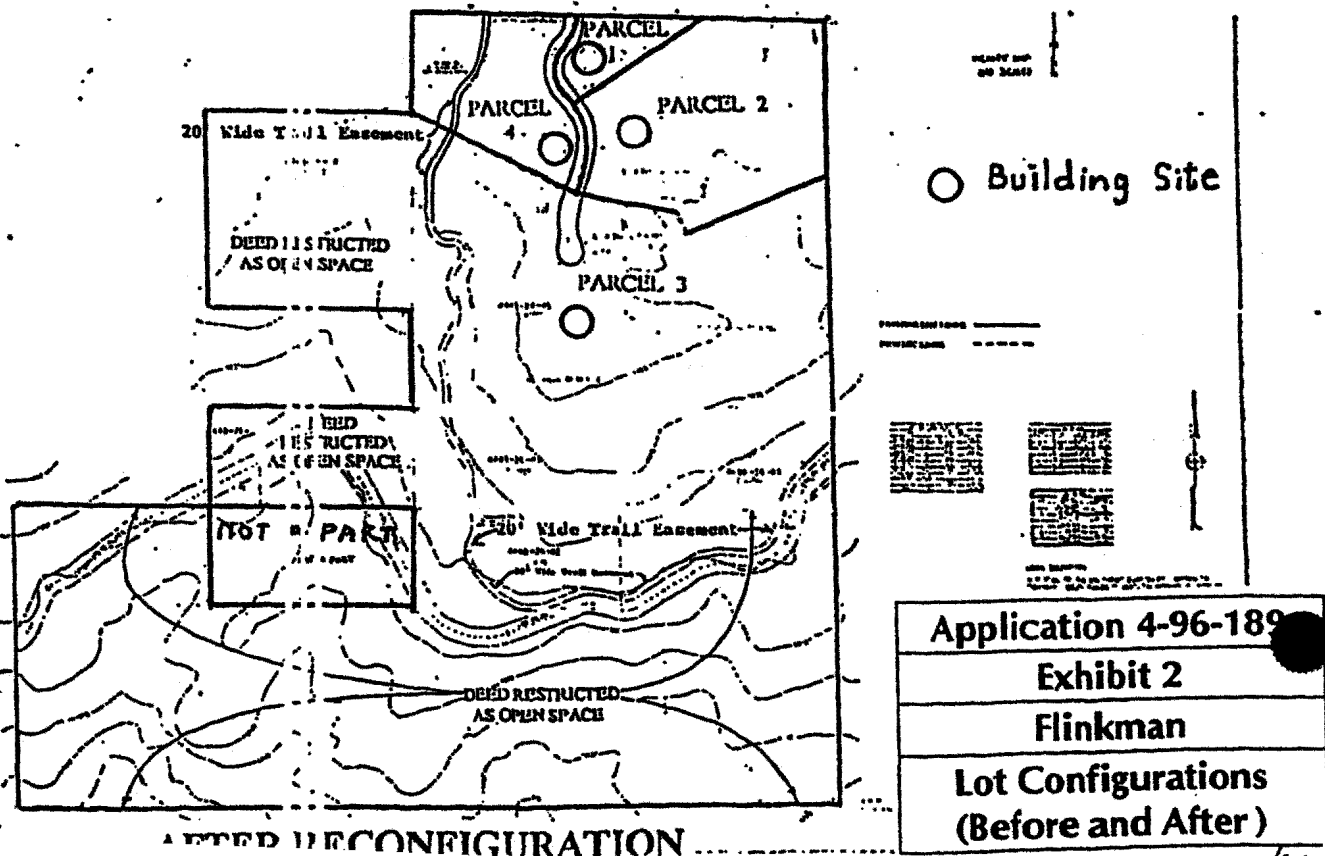
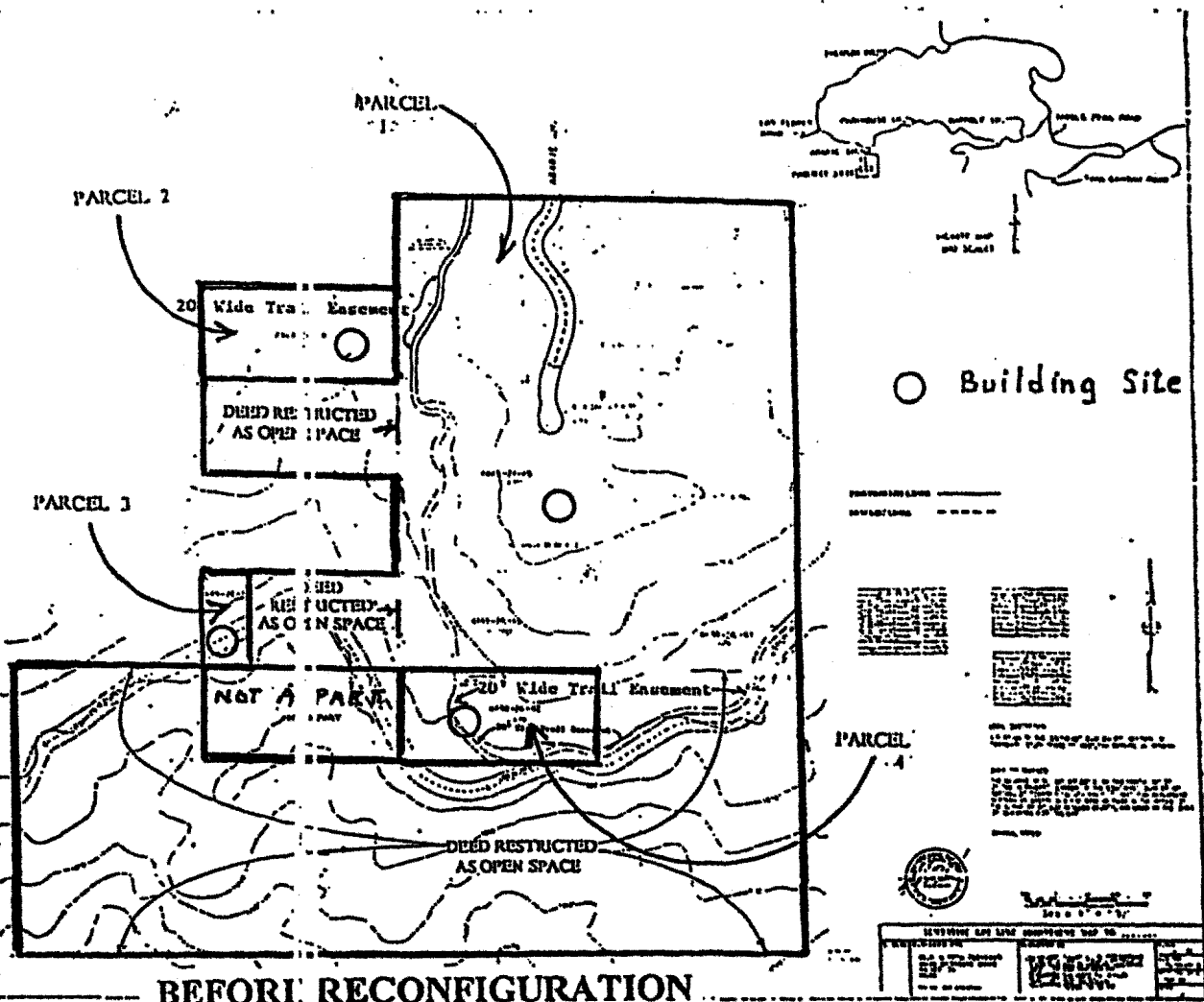
Application 4-96-189

Exhibit 1

Flinkman

Project Location

40.

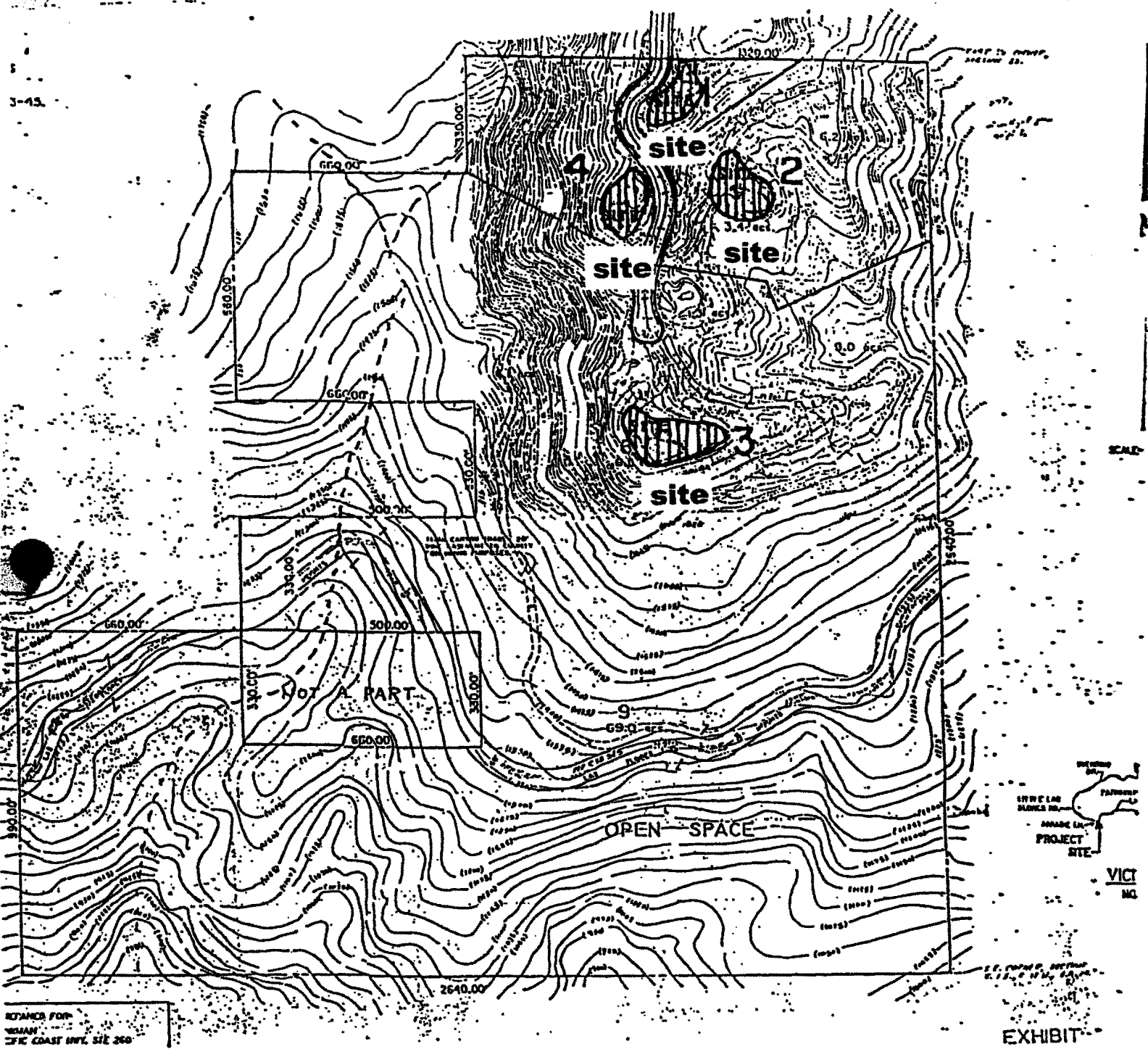


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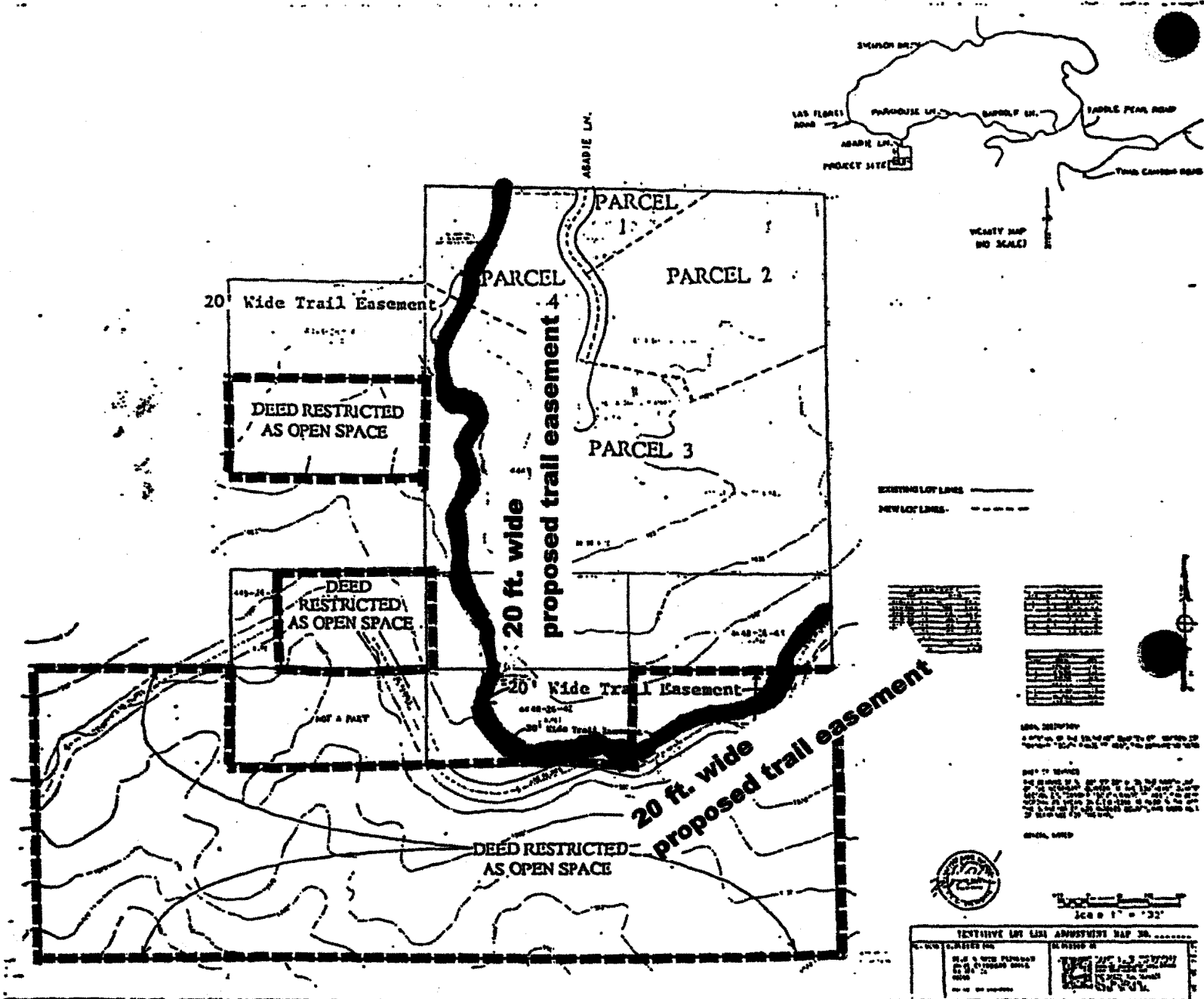
Exhibit 2

Flinkman

Lot Configurations
(Before and After)



Application 4-96-189
Exhibit 3
Flinkman
Building Sites



Application 4-96-189

Exhibit 4

Flinkman

Open Space Deed
Restrictions and Trail
Easement Offer

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

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STAFF RECOMMENDATION

Appeal No. 42-80
(Levinson)
Hearing Opened: 4/16/80

DECISION OF
REGIONAL
COMMISSION:

Permit granted with conditions by South Coast Regional Commission

PERMIT
APPLICANT:

Albert Levinson

DEVELOPMENT
LOCATION:

Immediately north of Ramirez-Mesa Drive, Paradise Cove/Point Dume area of Malibu, Los Angeles County (Exhibits 1 & 2)

DEVELOPMENT
DESCRIPTION:

Division of 23.2-acre parcel into 22 lots, with related construction of roads, water lines, dry sewer lines, utilities and grading for building pads (Exhibit 3)

APPELLANTS:

Malibu Villas Owners Association and Commissioners Lenard Grote and Lois Ewen

PUBLIC
HEARING:

Hearing opened April 16, 1980 in Los Angeles

ADDITIONAL SUBSTANTIVE FILE DOCUMENTS:

1. Appeals No. 329-79 (Oxnard Shores), 266-79 (Harvey Pharmacies), 491-78 (Cyprus West), 419-78 (Palomares), 31-30 (Gunnar)

STAFF NOTES:

This appeal and the Tiffany appeal are the first large land division proposals in Malibu where no residential construction is proposed to be considered by the Commission since the adoption of the Malibu/Santa Monica Mountains Transfer of Development Credit program. The coastal issues raised are whether low and moderate income housing requirements should be imposed in approving and divisions where no residential construction is proposed, and the need to balance the Coastal Act's housing policies with the need to mitigate the other environmental concerns addressed by the Transfer of Development Credit program. Neither the Commission's housing guidelines nor the Commission's adopted Malibu guidelines specifically discuss housing requirements with regard to land divisions. These guidelines do recommend imposition of housing requirements in approving multi-family developments. The staff believes that residential subdivisions generate the same impacts as do multi-unit residential projects in terms of the availability of and need for housing for all economic segments of the community, and the staff therefore believes that residential subdivisions should be treated similarly to multi-unit construction projects. The staff recommends that land sufficient to provide 25% of the total number of lots proposed in a subdivision should generally be required to be dedicated for low and moderate income housing; several previous Commission actions

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discussed in the attached findings have established this precedent. In Malibu this requirement should be reduced to 15-20%, in accordance with the Commission's Malibu guidelines for multi-family development which state:

...because of environmental and service system constraints necessitating the use of the Transfer of Development Credit pilot program to mitigate cumulative impacts of higher density residential development, new multiple family development in the Malibu area may be subject to a lesser requirement.

Since the guidelines also indicate that development credits should not be required for units reserved for low and moderate income housing, the staff similarly recommends that development credits should not be required for lots reserved as low and moderate income housing.

The staff is therefore recommending conditions requiring the applicant to dedicate one acre within the project site for low and moderate income housing. The applicant will be required to apply to the County to rezone the dedicated lot to allow 4 units. A preliminary assessment by the County's planning staff indicates that such a rezoning appears feasible. If the rezoning does not occur, the applicant will be required to dedicate 2 additional on-site lots for low and moderate income housing. Thus, as conditioned, the project would provide land for 16-22% of the total number of lots proposed. The staff believes these conditions are necessary to bring the project in conformance with the housing policies of the Coastal Act. The staff also believes that with the conditions requiring development credits for the lots sold at market rate, the project as conditioned balances the need for housing with the need to mitigate environmental impacts and can be found consistent with the overall intent of the Coastal Act.

Because of the housing requirements being imposed, and because the applicant has experienced difficulty in quickly obtaining sufficient development credits due to a tight market for credits, the staff is recommending that the applicant not be required to identify and purchase the lots to be extinguished prior to the Commission vote on the project. This policy represents a departure in procedure from previous State Commission action and from the procedures outlined in the Malibu guidelines. The staff believes such a departure is warranted, but only if the credits will be obtained and the development potential of the lots extinguished within a short period of time; otherwise, the staff believes the administrative difficulties in enforcing the program will threaten the entire program. The conditions recommended by the staff therefore require that within 6 months of the final Commission vote, the applicant must identify and purchase, or enter into an escrow to purchase, those lots to be extinguished pursuant to the Transfer of Development Credit program.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval With Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development 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 in conformity with the provisions of Chapter 3, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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Appeal 42-80

Staff Recommendation

II. Conditions

The permit is subject to the following conditions:

1. Transfer of Development Credits. Prior to issuance of permit the applicant shall record a deed restriction prohibiting residential development on and shall record an irrevocable offer to dedicate an open space easement over sufficient applicable lots to constitute a minimum of 17 transfer of development credits located in Zone 1 Donor areas in accordance with Section E of the Commission's adopted Malibu-Santa Monica Mountains Interpretive Guidelines. The form and content of the deed restriction and offer to dedicate shall be approved by the Executive Director of the Commission; both documents shall be recorded free of prior liens and encumbrances except tax liens, and shall run with the land, binding all successors and assigns of the applicant. The offer to dedicate shall run with the land for a period of 21 years running from the date of recordation.

The lots to be dedicated shall be combined with each other such that they may be considered a single parcel for purposes of sale, transfer, development or encumbrance, and the applicant shall EITHER combine these lots with a developed or developable parcel such that they may be considered a single parcel for all purposes, including sale transfer, development and encumbrance OR the applicant shall provide evidence for the review and approval of the Executive Director that the lots to be dedicated will not become a public burden in terms of maintenance and tax payments.

This permit shall take effect only after the Executive Director has confirmed in writing that all terms of this condition have been satisfied. This permit shall expire six months after the day of the final vote by the Commission, unless the applicant has entered into an escrow agreement in accordance with this condition and the Commission's adopted Malibu guidelines. If the applicant is involved in a good faith effort to comply with this condition, the Executive Director may grant an additional 6-month extension to this expiration date. The applicant shall, upon requesting such an extension, notify all interested parties in the application.

2. Low- and Moderate-Income Housing. Prior to issuance of permit the applicant shall enter into an agreement with the California Coastal Commission providing the following dedication of land. This agreement shall bind the applicant and any successor in interest to the real property being developed and shall be recorded as a covenant to run with the land free of prior liens and encumbrances other than tax liens. This agreement shall provide that:

a. Prior to issuance of permit, the applicant shall record an offer to dedicate to the Coastal Conservancy or other appropriate agency approved by the Executive Director of the Commission, at least a one-acre portion of the project site. The offer of dedication shall run with the land, binding successors and assigns, shall be recorded free of all prior liens and encumbrances except for tax liens, and shall be insured by title insurance acceptable to the Executive Director. Prior to recordation, the applicant shall submit the documents conveying the offer of dedication to the Executive Director for his review and approval. The approved offer shall be recorded and evidence thereof submitted to the Executive Director.

b. The offer of dedication shall provide that as a condition of conveyance of fee title, the grantee agency or organization shall agree to accept the restrictions on the subsequent use of the land to be granted as limited to housing for persons of low and moderate income. Prior to the acceptance of the grant of fee title, the grantee shall submit to the Executive Director for his review and approval the documents containing the terms and conditions of the acceptance of the subject parcel or interest in parcel.

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2. The applicant shall apply to the County to rezone the dedicated lot allow at least 4 residential units on the lot. Until such rezoning occurs, two remaining 18 on-site lots shall not be sold and shall be retained as potential for low and moderate income housing. The lots to be retained shall be designated by the applicant subject to the approval of the Executive Director. If the rezoning does not occur within 2 years from the issuance of this permit, the lots retained shall be dedicated as low and moderate income housing subject to the provisions of paragraphs (a) and (b) above; in this event development credits shall not be required for lots dedicated as low and moderate income housing. If the rezoning does occur the applicant shall be released from the restrictions of paragraph (c) and may sell the two lots at the market rate.

3. Grading Plans. Prior to issuance of permit the applicant shall submit revised grading plans, for the review and approval of the Executive Director, which shall show a maximum of 1,000 cubic yards of grading for each approved lot, excluding grading for roads. The grading plans shall provide that no fill will be placed within 100 ft of any drainage course.

4. Landscaping Plans. Prior to issuance of permit the applicant shall submit a landscaping plan for the review and approval of the Executive Director, which shall integrate the proposed pad areas and street improvements with the surrounding area and which shall screen the visual impact of future development from views from Pacific Coast Highway. Landscaping shall be composed primarily of endemic vegetation, and the landscaping plans shall be implemented within six months after recordation of the final tract map.

5. Geologic Review. Prior to issuance of permit the applicant shall submit to the Executive Director of the Commission, for his review and approval, approval of the State Division of Mines and Geology of the final grading plans for the project and of plans for the septic systems which will be used to serve the proposed lots. The septic systems shall utilize seepage pits and shall assure that no water will enter the terrace deposits along the southern boundary of the site but rather will direct the water into the deeper Monterey formation.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. As originally proposed, the project would consist of the subdivision of a 23.2 acre parcel into 22 lots for single-family homes, including construction of roads, water lines, dry sewer lines, underground utilities and building pads. The project site is located immediately north of Ramirez Mesa Drive, in the Paradise Cove/Point Dume area of Malibu. The amount of grading as originally proposed would be 80,000 cu. yds. due to concern over this amount of grading expressed by the Regional Commission and its staff, the applicant submitted, on the day of the final vote by the Regional Commission, a redesign which would limit the number of parcels to 18 and substantially reduce the amount of grading proposed. Due to concern expressed in this appeal over low and moderate income housing issues, the applicant has submitted a further redesign which will create a 19th parcel to be used for low and moderate income housing.

The project area is generally zoned for low density residential use. Adjacent to the site to the south is the Malibu Villas Condominium site. Further south, across Pacific Coast Highway, is the Paradise Cove Trailer Park. The project site is located adjacent to an existing developed area, as designated by the Commission's adopted Malibu guidelines. The project site is visible from Pacific Coast Highway and is currently vacant. Slopes on the site range from gentle to moderately steep. The

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maximum difference in elevation of the site is approximately 130 feet. A small canyon with riparian vegetation borders the northwest portion of the site.

2. Concentration of Development. Section 30250(a) of the Coastal Act of 1976 provides:

New 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.

3. Cumulative Impacts and Extinguishing Development Potential. The Commission has consistently denied permits for land divisions in Malibu in the past finding that the combination of the adverse impacts resulting from buildout of existing but undeveloped lots with the cumulative effects of the development of building sites created by new land divisions, would threaten natural and recreational resources, and public access thereto, in the last relatively undeveloped area in the Los Angeles metropolitan region, and would therefore be inconsistent with the policies of the Coastal Act of 1976. (See Appeals Nos. 524-77, Schiff; 28-78, Brown; 509-78, Bel Mar Estates; and 463-78, Welles.) Recently, however, the Commission has approved several land divisions (Appeal Nos. 155-78 (Zal); 346-78 (Flood); and 119-79 (Markham), finding that a density transfer program should be tested in order to explore its worth as a method of implementing the resource protection policies of the Coastal Act, while more equitably distributing the burdens and benefits of land use regulation. The Commission finds that due to the location and nature of the proposed development, this project is appropriate for the purpose of implementing and further evaluating the pilot Transfer of Development Program.

This project proposes to divide 23 acres into 18 parcels with an additional low and moderate income housing parcel. However, the impacts will be offset by the transfer of the development potential from existing lots in designated small lot subdivisions in the greater surrounding area to the subject site. Such a transfer of development potential is consistent with the adopted Regional Interpretive Guidelines for the Malibu-Santa Monica Mountains. Those guidelines state that:

A basic goal of the Coastal Act is to concentrate development in or near existing developed areas able to accommodate it, thus promoting infilling and avoiding sprawl into areas with significant resource value. In general the Malibu-Santa Monica Mountain coastal zone is not able to accommodate substantially intensified development due to a constrained road network, severe geologic, fire and flood hazards, a large diversity of special and sensitive habitat areas and a growing importance as a recreational and scenic resource to the metropolitan Los Angeles area....

A result of transferring development potential for the Santa Monica Mountains to existing developed areas and appropriate expansions to those areas is that the potential for impacts on coastal resources is offset and possibly decreased. In general, the small lot subdivisions in the Santa Monica Mountains are steeper than the coastal terrace bordering the shoreline. If these small lot subdivisions were to be developed to the subdivided density, there would be a dramatic increase in erosion due to grading for roads, utilities, and building pads, increased degradation of ground and surface waters due to failing septic systems and increases in risk to life and property due to high geologic, flood and fire hazards common to the region. Furthermore, the public

EX 2 D 5

Exhibit 5, p 6 of 12	Flinkman	Appeal 42-80	Staff Recommendation
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services in small lot subdivisions are often inadequate to serve the existing lot. In previous permit actions, the Commission has found that development in small lot subdivisions in the Santa Monica Mountains will cause severe adverse direct and cumulative impacts on the ability of Pacific Coast Highway and narrow trans-mountain roads to provide access to beach and mountain recreation areas.

The location of the project site, however, is far more desirable for development. The point Dume area containing the site is relatively level compared to the steep slope comprising many of the small lot subdivisions. Approximately 1 mile to the west is a developed commercial cluster containing a grocery store, bank, and other commercial services. Adjacent to the site to the south is the high density Malibu Villas condominium development. Further south is the Paradise Cove Trailer Park. Due to the relatively gentle slopes, the availability of public services, and the proximity to existing developed areas, the project area was specifically designated as an appropriate site for the expansion of the existing developed areas in the adopted Malibu-Santa Monica Mountains Interpretive Guidelines (Exhibit 4).

These guidelines provide that "The decision of whether to allow the existing developed areas to expand into these potential expansion areas should be made on a permit by permit basis when considering land divisions pursuant to the transfer of development credit pilot program." The Commission finds that it can approve expansion of the adjacent existing development to include the project site at this time, given that: the site is near public and commercial services, which reduces the impact on coastal access roads; the site is adjacent to high density residential development; the project as conditioned will not contribute to geologic hazards; the project as conditioned will minimize the grading and visual impact; the project as conditioned will provide a public bonus in the form of low and moderate income housing; and the project as conditioned will mitigate the cumulative impacts of the proposed division by the extinguishment of development potential on sites less appropriate for development which would impact the same coastal resources and transportation network as the proposed development. Thus, because the Commission has found that the existing developed area can be expanded to include the project site, the technical criteria of Section 30250(a) do not apply. The Malibu Guidelines provide:

In order to concentrate development and encourage efficient use of lands within existing developed areas, the following provisions of these guidelines do not apply to development within existing developed areas or approved expansion thereto: ... (3) the size of new parcels are not limited by application of the technical criteria for land divisions.

Finally, the Commission finds that only as conditioned to mitigate the cumulative adverse effects by requiring development credits in accordance with the Malibu guidelines and the transfer of development credit program, can the project be found consistent with Section 30250(a) of the Coastal Act.

b. Density. The proposed division would result in 18 parcels on a 23 acre site; with the dedication of one additional lot to be used for 4 additional units of low and moderate income housing the total project would have a density of slightly less than one unit per acre. The existing zoning is R-1-1, requiring a one acre minimum lot size. A draft Land Use Plan developed by the Santa Monica Mountains Citizen Planning Committee for the entire Malibu-Santa Monica Mountains area designates most of the site for one acre minimum lot size, while the remainder of the site is designated for a 2 acre minimum lot size. Since the project site has been identified as an appropriate expansion area to an existing developed area, since the project provides substantial public benefits in the form of low and moderate income housing which can be used to justify granting a density "bonus", and since the project is substantially in conformance with the Citizens' Planning Committee draft Land Use Plan, the Commission finds that the proposed density on the project site is appropriate and would not prejudice future planning efforts regarding appropriate density for the surrounding area.

project area.

3. Low and Moderate Income Housing. One of the reasons this project was appealed was the failure of the Regional Commission to consider the issue of low and moderate income housing. Section 30213 of the Coastal Act provides:

...housing opportunities for persons of low and moderate income shall be..., where feasible, provided.....

The Southern California Association of Governments (SCAG) published a Regional Housing Allocation Model (April, 1977), which analyzes housing needs and summarizes fair share housing allocations by jurisdiction. The estimated existing need for lower income assisted housing in the Malibu/Santa Monica Mountains planning area is 2200 households. In contrast to other Los Angeles County planning areas, the need for low and moderate income housing in the Malibu/Santa Monica Mountains area is twice the number of existing lower income households. In addition, the Los Angeles County proposed General Plan projects that the population will increase 12% County-wide between 1975 and 2000; whereas the population of the Malibu/Santa Monica Mountains area will increase 80% during the same period. While the Commission recognizes that these are approximate figures, they do indicate a substantial need for low and moderate income housing in the project vicinity. Furthermore, the major issue in the Malibu/Santa Monica region is congestion on the primary traffic route and coastal access corridor, the Pacific Coast Highway. Lower income employees (e.g., gas station attendants, janitors, waiters, domestics) who cannot afford to live near their jobs must commute from areas where affordable housing is available, directly impacting traffic conditions on the Pacific Coast Highway.

Recognizing the need for low and moderate income housing in Malibu, the Commission's adopted Interpretive Guidelines for Malibu provide:

In order to provide lower cost housing opportunities for persons of low and moderate incomes, the Commission has as a general policy found that 25 to 35 percent of units in new multiple-family dwelling projects should be reserved for low and moderate income housing. However, because of environmental and service system constraints necessitating the use of the Transfer of Development Credit pilot program to mitigate cumulative impacts of higher density residential development, new multiple family development in the Malibu area may be subject to a lesser requirement. Therefore, in multiple-family projects of greater than 5 units, 15 to 20 percent of the units should be reserved for low and moderate cost housing opportunities as provided in programs described in the Statewide Interpretive Guidelines for Housing. Because of the substantial need for lower cost housing opportunities to serve persons working in Malibu but otherwise unable to afford housing in the area, projects which guarantee such housing opportunities, should be afforded the highest priority in the allocation of the area's limited service and environmental carrying capacity. Therefore, units reserved for low and moderate cost housing need not be offset by development credits.

The Commission followed these guidelines in approving a permit with conditions for a 14-unit condominium located to the west of the subject site in Malibu (Appeal No. 337-79, Lease). In that appeal, the Commission required both mitigation of environmental impacts through the use of the TDC program, as well as dedication of low and moderate income housing by providing 3 inclusionary units or land for 6 units off-site. The Commission subsequently approved an amendment to that permit allowing the applicant to meet the requirements for low and moderate income housing with an in-lieu-fee of 6%, based upon the Commission's housing guidelines which provide that in-lieu fees may be considered for projects of 5 to 15 units in size.

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However, the subject project differs from the Lease project, because, although the subject project is a multi-lot development, no actual residential construction is proposed and the eventual construction would be for single-family homes rather than a multi-unit building. The Malibu Guidelines do not directly address situations such as the subject application where only the division of land is proposed. However, the State and Regional Commission's have on numerous occasions found that the low and moderate income housing provisions of the Coastal Act apply to land divisions where no residential construction was proposed, and to land divisions which also included the construction of single-family homes. In Appeal No. 329-79 (Oxnard Shores), the Commission granted a permit with conditions to divide a 30-acre parcel into 17 lots with related improvements. No residential construction was proposed, and the lots were to be developed with duplexes. The Commission required the applicant to dedicate land zoned to allow 10 units (13% of the proposed lots) to be used to provide low and moderate income housing within the coastal zone in Oxnard. The Commission also required the applicant to dedicate 19.6 acres of the site to the public for open space and dune habitat preservation. In Appeal No. 266-79 (Harvey Pharmacies), the Commission granted a permit to divide 63 acres into 47 lots in Pismo Beach. No residential construction was proposed, but the lots will be used for single family homes. The Commission required the applicant to dedicate 4 of the lots plus an additional 2.5 acre lot to be used for low and moderate income housing. In Appeal No. 491-78 (Cyprus West), the Commission granted a permit to divide 61 acres into 227 lots in San Clemente. No residential construction was proposed; the lots will be used for single-family homes. The Commission required the applicant to dedicate land onsite and construct 57 units of low and moderate income housing. In Appeal No. 419-78 (Palomares), the applicant proposed to divide a 9 acre parcel into 26 parcels for single family homes; no residential construction was proposed. After the County declined to rezone the project site to a greater density, the Commission approved the project at a density of 4.3 d.u./ac. and required the applicant to provide as low and moderate income housing 25% of the units that would eventually be developed. In Appeal No. 81-80 (Gunnar), the State Commission found no substantial issue raised on an appeal where the North Coast Regional Commission approved a permit to divide 4.26 acres into 14 lots in Fort Bragg. The lots were for single-family homes; no residential construction was proposed. The Regional Commission required low and moderate income housing, allowing the applicant several alternatives: 3 units on-site, 6 units off-site, or a dedication of land off-site for 6 units of low and moderate income housing. The Central Coast Regional Commission approved two permits to Half Moon Bay Properties (P-79-474 and P-79-449) to divide 2 parcels into 15 lots and 13 lots for single-family homes; no construction was proposed. The Regional Commission required a dedication of land in each project for low and moderate income housing. The San Diego Coast Regional Commission granted a permit to Time Investment Co. (#PS785) to divide 40 acres into 145 lots and construct single-family homes in the Tia Juana River Valley. The Regional Commission required the applicant to dedicate an 11 acre parcel offsite to be used for low and moderate income housing.

In addition to this established precedent, the State Commission's legal staff has written a memo discussing the relationship of the Coastal Act's housing policies to residential subdivisions (Exhibit 5). This memo states:

"...the application of Section 30213 and the Commission's housing guidelines to urban land divisions should require that such projects dedicate an amount of land sufficient to provide 25% of the number of units able to be constructed on the land being divided to the local housing authority, Coastal Conservancy, or other housing agency for use as low or low and moderate income housing.

The Commission finds that residential subdivisions generate similar impacts on the availability of housing for low and moderate income persons as do multi-unit residential construction projects. The Commission therefore finds that Section 30213 of

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Staff Recommendation

the Coastal Act and the Commission's adopted Housing Guidelines should be applied to residential subdivisions, even where no actual construction is proposed. Specifically for Malibu, the Commission finds that the Section of the Malibu guidelines which discusses the provision of low and moderate income housing in multiple-family dwelling projects should be applied to residential subdivisions. Because the added expense of mitigating the adverse environmental impacts through the Transfer of Development Credit program reduces economic feasibility for the applicant, these guidelines provide that the requirement for low and moderate income housing in Malibu should be reduced from 25% to 15-20%. The guidelines also provide that units reserved for low and moderate income housing need not be offset by development credits.

As approved by the Regional Commission this project would result in the creation of 12 parcels to be used for single family homes. The applicant has agreed to redesign the project creating one additional parcel which will be dedicated to the public to be used for low and moderate income housing. That additional parcel will be located along Rey de Copas Drive, adjacent to the Malibu Villas condominium site, which is zoned for high density residential development, both under existing zoning and the draft land use plan prepared by the Malibu/Santa Monica Mountains Citizens' Planning Committee. Since a zone change is necessary to increase the allowable density on the dedicated lot, the applicant has agreed to apply to the County to rezone the dedicated lot to allow 4 units on that lot. The County's planning staff has indicated that the County will be willing to consider an increase in density on the dedicated lot for low and moderate income housing purposes. The County's planning staff states that the site is suitable for a consideration of higher density because of the adjacent high-density development, that low and moderate income housing on this site would not be in conflict with the Superior Court injunction now in effect regulating land use decisions, and that while the County is now undergoing changes to its General Plan, the proposed General Plan will indicate a need for low and moderate income housing and the Planning Commission would not be precluded from considering rezoning the dedicated lot. The County's Planning staff notes, however, that only the Planning Commission can make the final decision on rezoning the property. Since the Commission has no assurances that the County will approve a rezoning of this lot, Condition 2(c) provides that if this rezoning does not occur the applicant will dedicate two of the remaining newly created lots to the public to be used for low and moderate income housing. As discussed in the Malibu guidelines, no development credits will be required for the lot or lots that are provided as low and moderate income housing. Thus, as conditioned, the project will provide land for 22% of the total number of units as low and moderate income housing; if the rezoning does not occur, 16% of the total will be provided. This amount is consistent with the Malibu guidelines which recommend that 15-20% of the units should generally be required as low and moderate income housing. The Commission finds that such a requirement is feasible, both economically and practically and the Commission therefore finds the project as conditioned, consistent with Section 30213 of the Coastal Act.

4. Visual Impact. Section 30251 of the Coastal Act provides that new development shall protect views to and along the ocean and scenic coastal areas, shall minimize the alteration of natural land forms, and shall be visually compatible with the character of surrounding areas. The project site is not visible to westbound travellers on Pacific Coast Highway; however, it would be visible to eastbound travellers on Pacific Coast Highway. The applicant has reduced the number of lots proposed in order to minimize the alteration of natural landforms. The amount of grading proposed has been reduced from 80,000 to 45,000 cu. yds. Most of the grading will be for the road to serve the proposed lots, and the applicant states he will be able to reduce the grading for the building pads to the maximum of 1000 cu. yds. for each individual residential development as recommended in the Commission's adopted Malibu guidelines; Condition 3 assures conformance with this recommendation. Furthermore, by extinguishing the development potential of less buildable parcels in accordance with the Commission's Transfer of development credit program, the project overall minimizes the alteration of natural

landforms. In addition, the views of the project site are already impacted by the high density residential development on the adjacent lot, Malibu Villas condominium. Condition 4 requires the applicant to submit a landscaping plan designed to further minimize the visual impact and screen the project as viewed from Pacific Coast Highway. The Commission therefore finds the project, as conditioned, consistent with Section 30251 of the Coastal Act.

Application 4-96-189	Exhibit 5, p 10 of 12	Flinkman	Appeal 42-80	Staff Recommendation
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5. Geologic Hazards. Section 30253 of the Coastal Act provides that:

New development shall:

(1) Minimize risks of life and property in areas of high geologic, flood, and fire hazard.

(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 or protection devices that would substantially alter natural landforms along bluffs and cliffs.

One of the appellants, the neighboring property owners association, contends that the proposed project will exacerbate geologic instability by the use of septic system which will introduce additional water to the groundwater table. The appellant contends

The attached report of geologist Eugene D. Michael is substantial evidence that one very direct effect of the proposed project, i.e., sewage disposal, has not been carefully considered or planned for in light of the limited septic capacity of the soils in the immediate area. It is apparent that this significant waste water problem has not been sufficiently or accurately addressed in either the EIR or in the Applicant's geologist's report. Malibu Villas has been and is now experiencing substantial geologic and ground water problems which can only be exacerbated by the project as now proposed.

Mr. Michael's reports, both of which have now been submitted to the Commission, raise serious questions addressed to both the Applicant's project's waste water capability and the direct adverse impact a deficient or poorly planned septic system will have on the already geologically strained adjacent parcel.

As was recommended by the appellant's geologist, the applicant has retained a hydrogeologist to analyze the impacts of the proposed project on the neighboring development. The applicant's hydrogeologist has concluded:

It is the opinion of the undersigned that the surficial distress exhibited in the apparently poorly reinforced wall along the northerly side of Pacific Coast Highway (marking the south boundary of Malibu Villas) as well as distress described by Eugene D. Michael (4/14/80) are not contributable to groundwater. ... Whatever the cause of wall failure and subsidence at Malibu Villas, it is the opinion of the undersigned that groundwater does not play a significant role in that distress.

In addition, the applicant's geologist states:

Effluent discharge from 22 dwellings within Tentative Tract 31666 cannot affect Malibu Villas. There will be no rise of ground water that does not already exist. Geologic elements at Tentative Tract 31666 differ from those at Malibu Villas, and there is no reasonable expectation that its development can result in deterioration at Malibu Villas.

EX 53
2

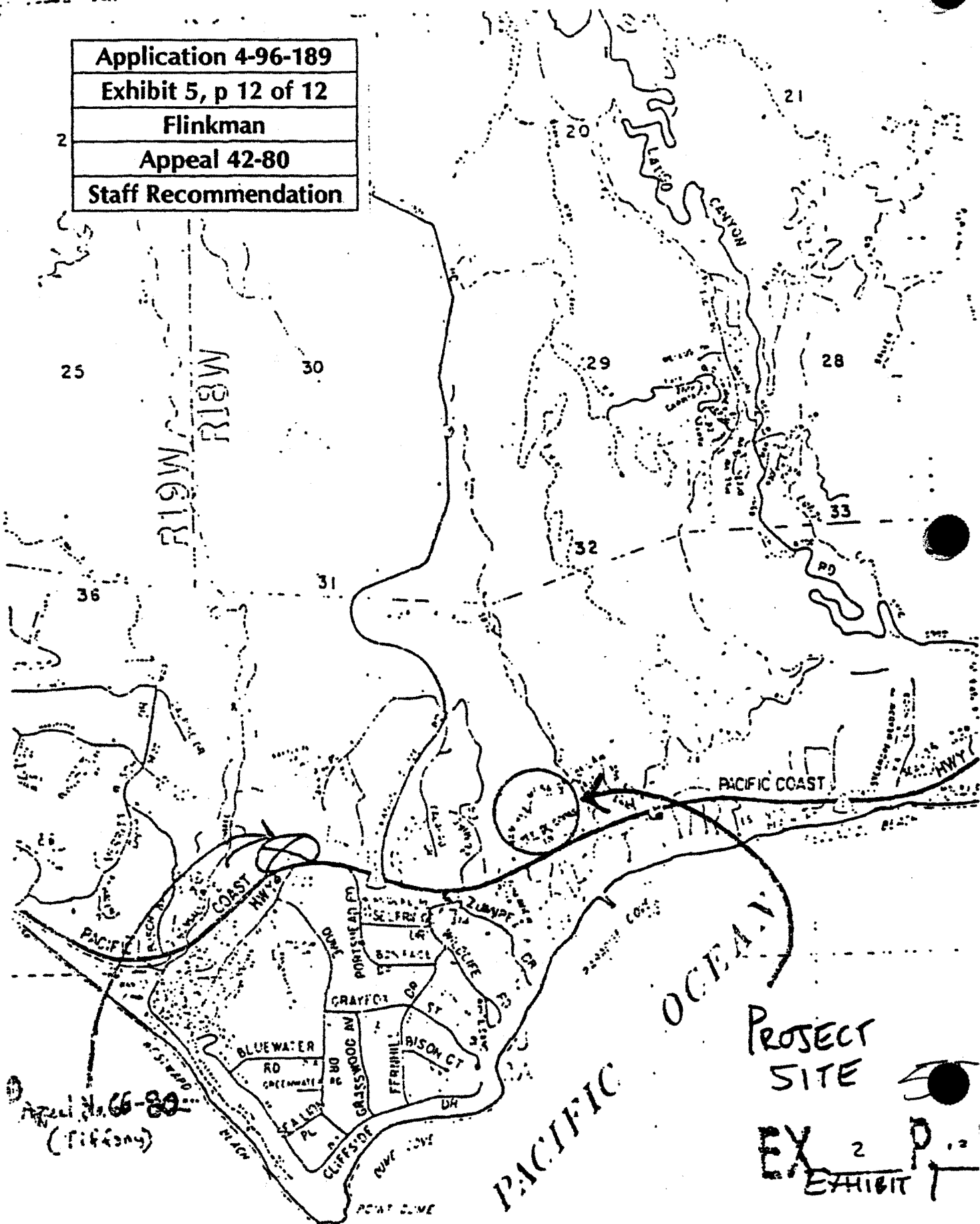
The Commission has a contract with the State Division of Mines and Geology to review projects where geologic disputes are unresolved. The Division of Mines and Geology has reviewed all the geologic reports submitted by both the applicant and appellant and conducted several site visits. A preliminary assessment by the Division of Mines and Geology indicated it was concerned about additional water from septic systems entering the terrace deposits adjacent to the Malibu Villas condominium site; the Division stated that such additional water could lead to slope instability. The Division therefore recommended in its May 19 letter "...that no additional sewage effluent should be released in the terrace deposits." However, this letter also stated that the Division needed additional information before it could make a final conclusion as to the effect of the project on slope stability. After receiving additional cross sections and other data from the applicant's geologist and a final site visit, the Division of Mines and Geology has concluded that, with conditions requiring Division of Mines and Geology review of final grading plans and percolation tests for the septic systems that assure that sewage effluent will not enter the terrace deposits but will go deeper into the Monterey formation, the project would not contribute to geologic instability on the site or surrounding area, and would not adversely affect the adjacent condominium project. Condition 5 therefore requires the applicant to obtain Division of Mines and Geology approval of the final grading plans and septic systems, to assure conformance with its recommendations, and the Commission finds the project as conditioned consistent with Section 30253 of the Coastal Act.

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Appeal 42-80
Staff Recommendation



CALIFORNIA COASTAL COMMISSION

631 Howard Street, San Francisco 94105 — (415) 543-

STATE COMMISSIONERS

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

SUBJECT: PROPOSED AMENDMENT TO PERMIT NO. A-42-80 (LEVINSON)

STAFF NOTE

Application 4-96-189

Exhibit 6, p 1 of 4

Flinkman

Amendment to Appeal
42-80

Staff Recommendation

In the case of permits issued by the Commission under the Coastal Act of 1976, the Commission Regulations (Section 13166) permit applicants to request approval by the Commission of amendments to the project or permit conditions. The Commission may approve an amendment if it finds that the revised development is consistent with the Coastal Act. The following amendment request involves a variation of application of Transfer of Development Credit (TDC) Program undertaken by the Commission to mitigate impacts on coastal resources in the Malibu-Santa Monica Mountains area. The applicant seeks to use large parcels from outside the Zone I area (where the project is located) as donor parcels for 8 of the 17 development credits required by this project. These proposed donor parcels are the same parcels as were requested for use as TDC's in an earlier amendment on Permit A-66-80 (Tiffany Development Co.). The Tiffany Development Co. no longer seeks to use these parcels for its TDC condition. Because the Commission previously found that these parcels could be used for TDC purposes and because the Tiffany and Levinson projects are located near each other, staff believes that there is no reason to distinguish the projects for purposes of the adequacy of these parcels for mitigation pursuant to the TDC program. Although staff believes that large parcels such as these should not be used as TDC donor parcels in the future (as discussed in Issue Paper III of the recent staff report on the South Coast Regional Interpretive Guidelines for Transfer of Development Credits), staff also believes that because these parcels were previously approved for such use and because the owner had relied upon such approval, that the Commission can approve this amendment without setting an adverse precedent which would continue to dilute the effectiveness of the TDC program. In light of the unusual circumstances present in this case, staff recommends the Commission approve the requested amendment as consistent with the Coastal Act. The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment for the proposed development on the grounds that, as conditioned, the amendment 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 in conformity with 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.

II. Conditions

The amendment is subject to the following conditions:

1. Effect. All conditions of the original permit not expressly altered by this amendment shall remain in effect.

2. Transfer of Development Credits. As an alternative to Condition 1 of the permit, the applicant may use the 8 parcels shown in Exhibit 2, located within T1S, R17 W, San Bernadino Meridian within the Las Flores Canyon watershed for up to 8 of the required development credit. The parcels shall constitute 8 transfer of development credits on the basis of one credit per parcel. If the applicant chooses such alternative, prior to issuance of the permit, the applicant shall record or cause to be recorded an irrevocable offer to dedicate an open space easement prohibiting residential development over those parcels. The form and content of the offer to dedicate shall be approved by the Executive Director of the Commission; both documents shall be recorded free of prior liens and encumbrances and shall run with the land, binding all successors of the applicant. The offer to dedicate shall run with the land for

period of 21 years from the date of recordation.

The lots shall be combined with each other such that they may be considered a single parcel for purposes of sale transfer, development, or encumbrance, and the applicant shall EITHER combine these lots with a developed or developable parcel such that they may be considered a single parcel for all purposes, including sale transfer, development, and encumbrance OR the applicant shall provide evidence for the review and approval of the Executive Director of the Commission that these lots will not become a public burden in terms of maintenance and tax payments.

This permit shall take effect only after the Executive Director has confirmed in writing that all terms of this condition have been satisfied.

III. Findings and Declarations:

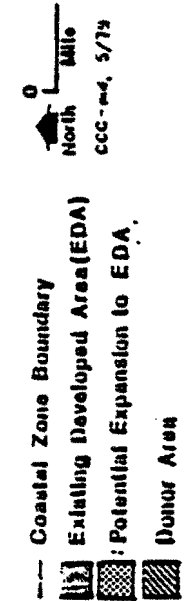
The Commission hereby finds and declares as follows:

1. Project Description. The project consists of a 19-unit subdivision and site preparation for 18 market rate single-family dwellings. The 19th parcel would be dedicated for construction of a fourplex for low- and moderate-cost housing. The project is located immediately north of Ramirez Mesa Drive in the Paradise Cove/Point Dume area of Malibu, Los Angeles County.

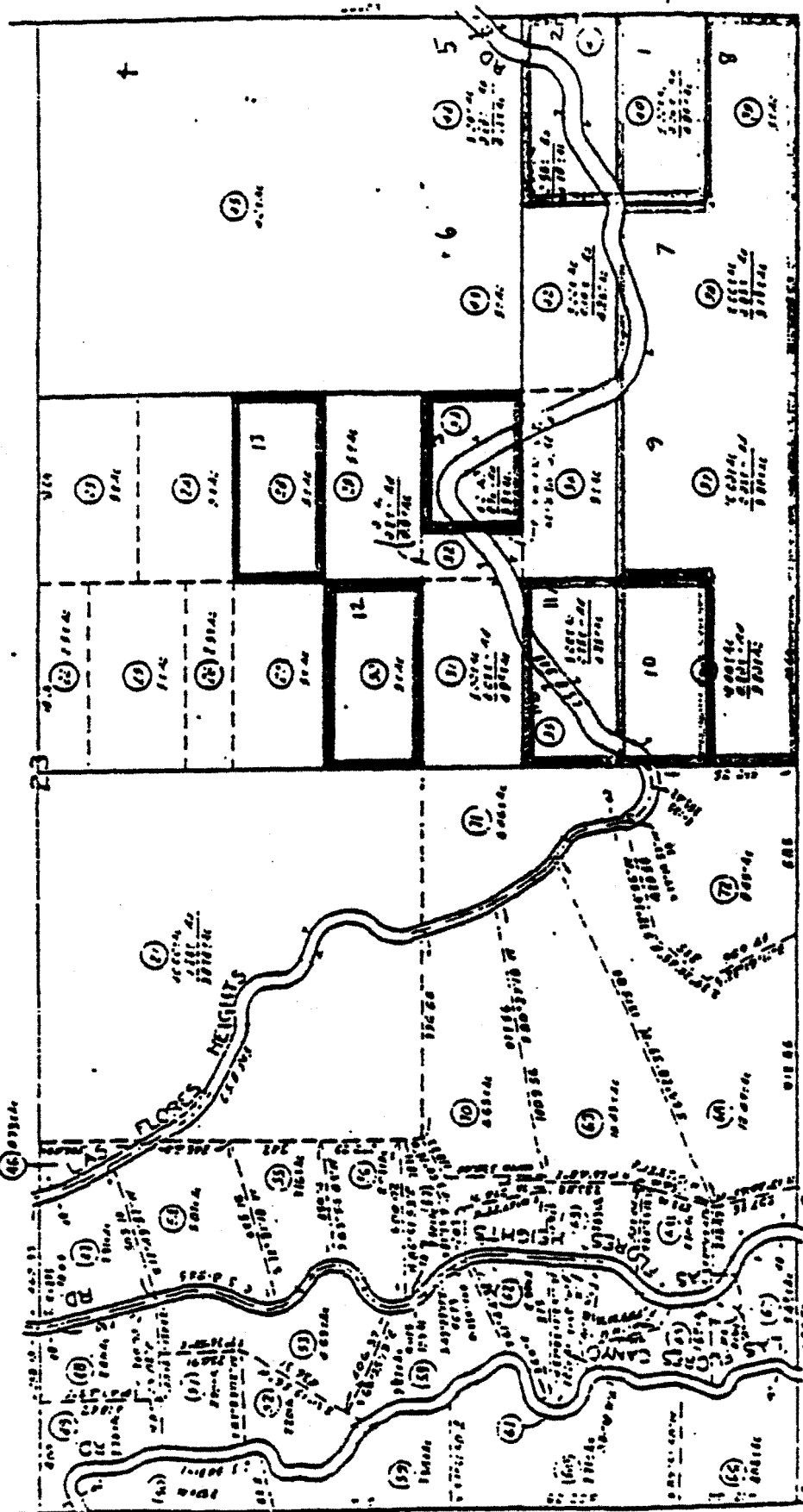
The permit approval was subject to conditions requiring: (1) 17 Transfer of Development Credits (2) dedication of the low- and moderate-income housing site (3) revised plans for grading and landscaping, and (4) further geologic review.

2. Amendment Approval. As discussed in the Staff Note, the proposed amendment would allow substitution for 8 large parcels ($3\frac{1}{2}$ acres to 30 acres) located in Zone I in the Las Flores watershed for 8 of the 17 development credits required by this project. For the reasons discussed both in the attached findings for the Tiffany Development Co. amendment and the Staff Note, the Commission can find this amendment consistent with the policies of the Coastal Act. However, by this approval the Commission does not intend to establish policy which would allow other similar substitutions to occur on this or other projects and prejudice the comprehensive review of the Transfer of Development Credit program. This approval is limited to the rather unusual circumstances present due to the Commission's previous action regarding these 8 large parcels.

Application 4-96-189
Exhibit 6, p 2 of 4
Flinkman
Amendment to Appeal 42-80
Staff Recommendation



TRANSFER OF DEVELOPMENT CREDIT PILOT PROGRAM - SANTA MONICA MOUNTAINS



LAS FLORES
HEIGHTS RD.

30

DETAIL B
NO SCALE

T.S. R 17W

Application 4-96-189
Exhibit 6, p 4 of 4
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Amendment to Appea
42-80
Staff Recommendation

Exhibit 2

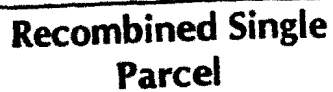
59

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CA

8 LOTS IN LAS FLORES CAN YON

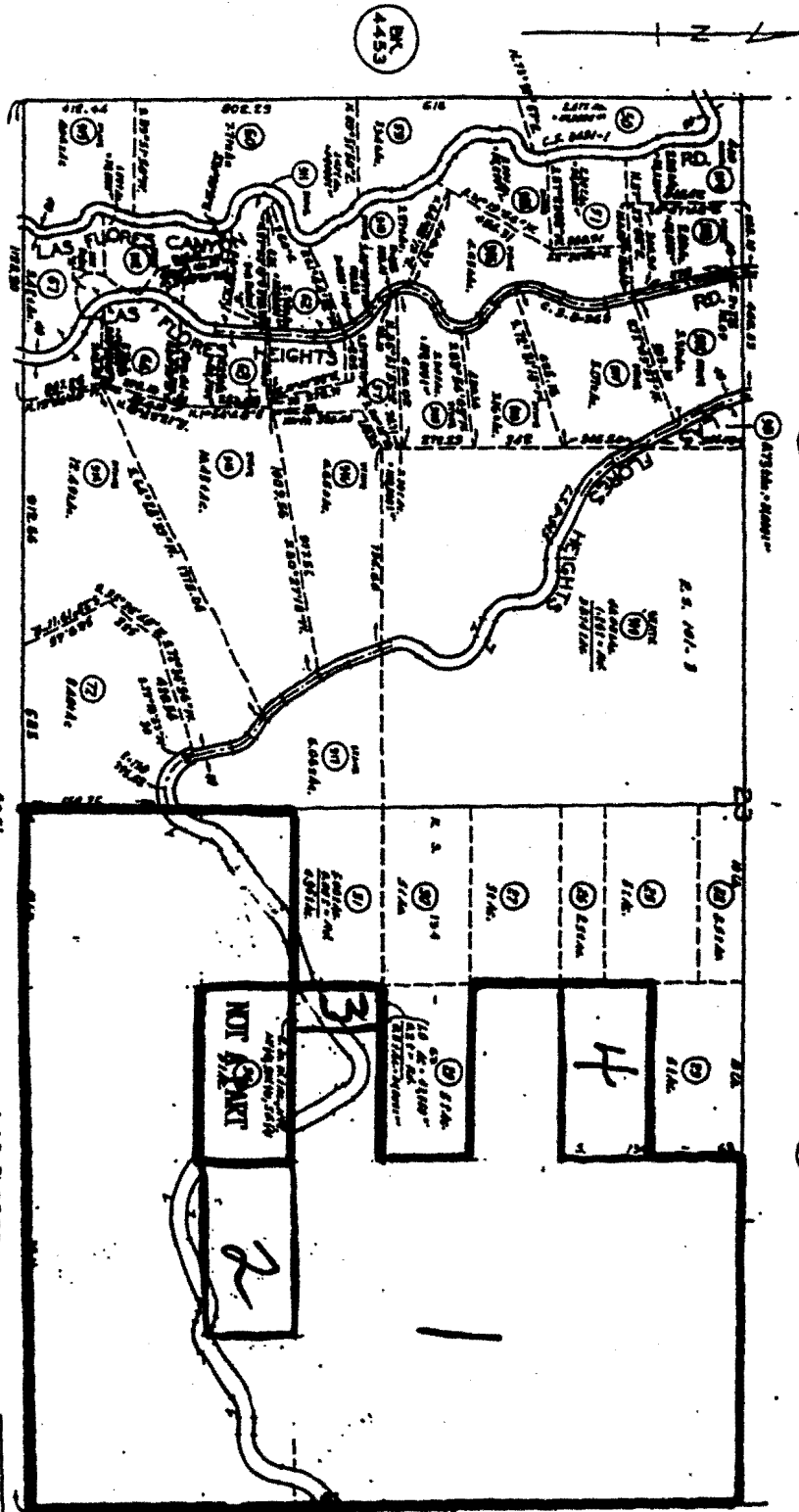
TDC Receiver Lots

0071804000 0003-07
 0071804000 0003-07
 0071804000 0003-07



4448 26
SCALE 1" = 400'
1995

Applicant's 4 Parcel Project Site



FOR PREL. ASSAULT SEE
4448-1

T.15, R.17 W.

DETAIL 'B'
NO SCALE
All areas on this map are
not, except those labeled.

Application 4-96-189

Exhibit 9

Flinkman

Existing Parcels

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

THE MALIBU VISTA PROFESSIONAL CENTER

BY FACSIMILE

December 15, 1998

Jack Ainsworth
California Coastal Commission
89 S. California St., Ste. 200
Ventura, CA 93001
Fax: 805-641-1732

RE: App. 4-96-189

Dear Jack:

During the frantic period of time when the T.D.C. program was first expanded to include large parcels of land in sensitive watershed areas for a developer that desperately needed the T.D.C.s, there were mistakes made in the legal descriptions of the parcels to be combined in an effort to satisfy the special condition that was stated in the Coastal Commission's approval of the "Levinson project." The mistake did not involve the condition that the eight specified parcels be deed restricted with a recorded offer to dedicate an open space easement; this was done properly as specified in the condition. The mistake was that the owner included the description of more "unrestricted" parcels than the condition required, or specified; three "nonrestricted" parcels were combined with the eight "restricted" parcels that the condition specified. This was simply a mistake on the part of the gentleman providing the T.D.C., i.e. me.

The above stated mistake can be easily rectified by voiding the recorded deed restriction that combines the subject lots at the same time as the documents are recorded that consummate the lot reconfiguration that is being requested by the subject Coastal Commission application.

By following this process, the result is that there continues to be only six legal lots and the building sites are clustered around the existing graded access street, and each lot contains a portion of property that was deed restricted with an offer to dedicate an open space easement covering exactly the same land as was required in the Levinson T.D.C.s. Thus, the intent of the Levinson permit condition remains satisfied, i.e. that eight lots are deed restricted, and combined with a buildable parcel in order to insure that they don't become a burden to the public relative to maintenance and taxes.

If you have any questions regarding the above, please call me immediately.

Sincerely yours,

Norman R. Haynie

Norman R. Haynie

Application 4-96-189
Exhibit 10
Flinkman
Letter of 12/15/98

LAW OFFICES

ALAN ROBERT BLOCK

A PROFESSIONAL CORPORATION

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ALAN ROBERT BLOCK

OF COUNSEL
MICHAEL N. FRIEDMANOF COUNSEL
MOSS, LEVITT & MANDELL, LLP

March 8, 1999

VIA FAX & FIRST CLASS MAILMs. Debra Bove
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, CA 94105

Application 4-96-189

Exhibit 11, p. 1 of 8

Flinkman

Letter of 3/8/99

Re: CDP No. A-42-80 (Levinson)
CDP No. 4-96-189 (Flinkman)County of Los Angeles Assessor's Parcel Nos. 4448-026-043,
4448-026-044, and 4448-026-045

Dear Debra:

This letter is written as a follow-up to my letter to you dated February 19, 1999, regarding the above captioned CDP No. A-42-80 (Levinson). Because my client, Mr. Louis Flinkman, has been advised by South Central Coast staff that his pending application for CDP No. 4-96-189 cannot be acted upon until the Commission's legal staff makes a final determination regarding the validity of three (3) of his lots, Assessor Parcel nos. 4448-026-043, 4448-026-044, and 4448-026-045, I have also captioned his pending CDP and the subject assessor parcel numbers. This correspondence would have been forwarded to your attention earlier, but I was waiting for CDP No. A-42-80 to be retrieved from the Commission's archives, in order to review the same, and was only recently advised by South Central Coast staff that it is lost.

Nevertheless, Mr. Flinkman, based upon my review of numerous available documents, herein demands that the Coastal Commission promptly proceed with the processing of his pending application in that the subject deed restriction effecting the above-referenced assessor's parcels expressly permits those three legal lots to be developed. The County of Los Angeles issued Certificates of Compliance for each of the three lots, recorded in January 1994, thereby establishing their legality as separate and distinct lots. Given the foregoing, the Commission's refusal to process Mr. Flinkman's application is a violation of its mandate under the Coastal Act to process applications for coastal development permits, and the Commission's compliance with applicable law may properly be compelled by a traditional writ of mandate. Naturally, the applicant would prefer not to have to enforce compliance, and it is our belief that the legal staff's re-review of this matter, and the attached exhibits, will permit the application to proceed with a favorable staff recommendation.

Ms. Debra Bove
Re: CDP No. 4-96-189 (Flinkman)
March 8, 1999

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Flinkman
Letter of 3/8/99

BACKGROUND FACTS

On June 13, 1980, the Los Angeles County Department of Regional Planning recorded a Certificate of Compliance, No. 1868, in the office of the Los Angeles County Recorder, as document no. 80-577009. The Certificate of Compliance recites that the property described therein meets the requirements of the California Subdivision Map Act and may be sold, financed, leased or transferred. The real property described in the certificate is commonly referred to as Assessor's Parcel Nos. 4448-026-043, 4448-026-044 and 4448-026-045 (referred to herein as "Lots 43, 44 and 45" or "Parcel I"). The certificate notes, moreover, that "[d]evelopment of the portion of the subject property lying southerly of Las Flores Heights Road may not be permitted under current zoning regulations." A copy of the certificate of compliance is attached hereto as Exhibit A for your review.

On or about March 27, 1981, Mr. Norman Haynie, the owner of the subject property at that time, executed the Coastal Commission's form documents entitled "Offer To Dedicate Scenic Easement And Declaration of Restrictions," recorded as Los Angeles County Recorder document no.81-310530, and "Declaration of Restrictions," recorded as Los Angeles County Recorder document no.81-310531. In each of the foregoing documents, three developable lots were described together as Parcel I.

In the offer to dedicate, Parcel I (i.e., Lots 43, 44 and 45) is described in Exhibit A, which sets forth the "subject lands" referred to in the offer. Parcel I in Exhibit A describes Lots 43, 44 and 45 as a single parcel. Parcel I in Exhibit A has lines drawn through it and a notation next to the legal description states, "NOT A PART." Beneath this notation are the initials of Mr. Haynie, the grantor, and Mr. T. R. Gorman, on behalf of the grantee. Therefore, the three lots that comprise Parcel I were not dedicated as open space. A copy of the offer to dedicate is attached hereto as Exhibit B for your review.

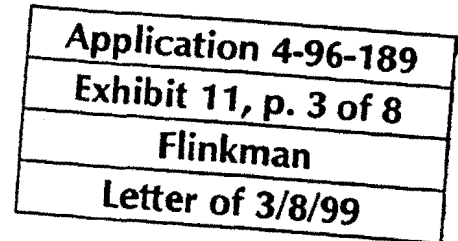
In the deed restriction, a copy of which is attached hereto as Exhibit C, Parcel I is again contained in Exhibit A, which is, again, a description of the "subject lands" referred to in the deed restriction. Unlike the offer to dedicate, Parcel I is not crossed out in Exhibit A. Instead, specific reference is made to Parcel I in the body of the deed restriction, typed immediately above the signature line for Mr. Haynie. The relevant language provides:

"Notwithstanding any of the foregoing, the owner of Parcel I, as said parcel is described in Exhibit A attached, shall maintain all rights to develop Parcel I and to divide said parcel in the future providing that said subdivision is approved by the governing governmental agencies."

On or about November 20, 1981, Mr. Haynie sold Lots 43, 44 and 45 to Stan and Ruth Flinkman (Louis Flinkman's parents), along with other real property adjacent thereto. The

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Flinkman's purchased the property with notice of the Offer to Dedicate Open Space Easement and Declaration of Restrictions, including the references made therein to Parcel 1.

In or about 1993, the Flinkmans began the process of applying for approvals to permit the development of the subject property, including Lots 43, 44 and 45. On January 20, 1994, the Los Angeles County Department of Regional Planning recorded a Conditional Certificate of Compliance, No. 93-0344, in the office of the Los Angeles County Recorder, as document no. 94-134007. The Certificate of Compliance recites that the property described therein meets the requirements of the California Subdivision Map Act and may be sold, financed, leased or transferred. The real property described in the certificate is commonly referred to as Assessor's Parcel No. 4448-026-043 *only*. A copy of the certificate for Lot 43 is attached hereto as Exhibit D. On the same date, the Los Angeles County Department of Regional Planning recorded a Conditional Certificate of Compliance, No. 93-0345, in the office of the Los Angeles County Recorder, as document no. 94-134008. The real property described in this certificate is commonly referred to as Assessor's Parcel No. 4448-026-044 *only*. A copy of the certificate for Lot 44 is attached hereto as Exhibit E. Each of the foregoing certificates recites, "[t]his Certificate of Compliance supersedes that certain Certificate of Compliance recorded as Instrument No. 80-577009 which contains erroneous legal descriptions."

Finally, on January 27, 1994, the Los Angeles County Department of Regional Planning recorded a Corrected Certificate of Compliance, No. 1868, in the office of the Los Angeles County Recorder, as document no. 94-188500. The certificate corrected the legal description contained in the 1980 certificate by referring only to the property commonly known as Assessor's Parcel No. 4448-026-045 *only*. A copy of the corrected certificate for Lot 45 is attached hereto as Exhibit F.

In 1996, after receiving local approval in concept, our client applied to the Coastal Commission for a coastal development permit, CDP No. 4-96-189. The application seeks, among other things, approval to construct single-family residences on Lots 43, 44 and 45. On or about November 30, 1998, the South Central Coast staff planner assigned to the application, Mr. Merle Betz, notified our client's agent, Mr. Haynie, of the Commission's concern about the effect of the deed restriction on the property proposed for development. Mr. Betz' letter of November 30, 1998, is attached hereto as Exhibit G.

Mr. Haynie responded in a letter to Jack Ainsworth, dated December 3, 1998. In said letter, Mr. Haynie states, "The 'Offer to Dedicate Scenic Easement and Declaration of Restrictions' that have been recorded against 59 acres of the total 120 acres involved in the lot line adjustment will remain in place and in a first priority position. Note: an easement can cross property lines and encumber more than a single parcel of land." Mr. Haynie's letter of December 3, 1998, is attached hereto as Exhibit H. On December 15, 1998, Mr. Haynie followed-up his first response letter with additional clarification. He states:

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Re: CDP No. 4-96-189 (Flinkman)
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"During the frantic period of time when the TDC program was first expanded to include large parcels of land in sensitive watershed areas for a developer that desperately needed the TDC's, there were mistakes made in the legal descriptions of the parcels to be combined in an effort to satisfy the special condition that was stated in the Coastal Commission's approval of the 'Levinson project.' The mistake did not involve the condition that the eight specified parcels be deed restricted with a recorded offer to dedicate an open space easement; this was done properly as specified in the condition. The mistake was that the owner included the description of more 'unrestricted' parcels than the condition required, or specified, three 'non-restricted' parcels were combined with the eight 'restricted' parcels that the condition specified. This was simply a mistake on the part of the gentleman providing the TDC, i.e., me."

Mr. Haynie's letter of December 15, 1998, is attached hereto as Exhibit I.

On January 26, 1999, you responded to Mr. Haynie's letters. You stated, *inter alia*, that the recombination of lots involved combining eight TDC lots with three buildable sites, i.e., Lots 43, 44 and 45. You conclude, "Therefore, it appears that mistakes were not made in the legal description of the recombined lands as you stated in your letter. Rather, it was necessary to utilize all three buildable sites in order to recombine the subject TDC parcels with contiguous buildable sites." Your letter of January 26, 1999, is attached hereto for your convenience as Exhibit J.

LOTS 43, 44 AND 45 ARE LEGAL LOTS

The issue raised by the foregoing facts is not whether or not mistakes were made in the preparation and execution of the Offer to Dedicate Open Space Easement and Declaration of Restrictions. Rather, to us, the issue is whether the Coastal Commission can refuse to recognize Lots 43, 44 and 45 as separate lots given the Certificates of Compliance recorded by the County of Los Angeles in 1994.

It should be undisputed that the Commission's stated intention was to permit the future subdivision of Parcel I if its owner obtained the necessary approvals and complied with applicable law. The Certificates of Compliance issued by the County of Los Angeles are conclusive evidence that the owner did comply with the subdivision map act and applicable law, and that Parcel I, as of 1994, is comprised of three legal lots. Surely, the Commission does not seek to challenge the County's five-year old determination. Our client has relied upon those Certificates of Compliance in deciding to proceed with the development of the subject property and in designing the subdivision.

Government Code § 66499.35 provides:

Ms. Debra Bove
Re: CDP No. 4-96-189 (Flinkman)
March 8, 1999

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"Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request, and a local agency shall determine, whether the real property complies with the provisions of this division [Subdivision Map Act] and of local ordinances enacted pursuant thereto. Upon making the determination, the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this division and of local ordinances enacted pursuant thereto."

Moreover, Government Code §66499.37 provides:

"Any action or proceeding to attack, review, set aside, void or annul the decision of an advisory agency, appeal board or legislative body concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected *within 90 days* after the date of such decision. Thereafter *all persons are barred* from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings." [Emphasis added]

Whether or not the Commission had actual knowledge of the County's issuance of the Certificates of Compliance is of no consequence since the patent legislative objective of Government Code §66499.37 is to insure that the judicial resolution of disputes under the Subdivision Map Act occurs as expeditiously as is consistent with the requirements of due process of law. Such expedition is necessary because delay in the resolution of these disputes is ultimately reflected in increased development and housing costs. *Hunt v County of Shasta* (1990) 225 Cal. App. 3d 432.

Based upon the foregoing, it is our belief that the Commission must accept the Certificates of Compliance for Lots 43, 44 and 45 as conclusive proof of the legality of the three lots. Therefore, the processing of our client's application should not be delayed as a result of the Commission's position you articulated in your correspondence that the three lots were recombined in 1981 and therefore currently constitute only one developable lot.

THE COUNTY'S 1980 CERTIFICATE OF COMPLIANCE WAS ERRONEOUS

We still firmly believe that Mr. Haynie and the Coastal Commission both relied upon the

Ms. Debra Bove
Re: CDP No. 4-96-189 (Flinkman)
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admittedly erroneous 1980 Certificate of Compliance, which created a mistaken belief that these three lots were instead a single, developable lot. The reason this is important to us is that we respect the jurisdiction of the Coastal Commission and are not trying to take advantage of legal technicalities. Rather, we believe we are correcting an injustice.

Contrary to the position you take in your letter of January 26, 1999, it does not appear to us that it was necessary for Mr. Haynie to combine Lots 43, 44 and 45 in order to comply with Special Condition No. 2 of the Levinson permit amendment. Based upon the map you prepared, it was possible for Mr. Haynie to restrict Parcels F and J rather than Parcels C and D. This way, all of the TDC lots could have been combined with Lot 44 alone.

As stated above, the Coastal Commission's file regarding CDP No. A-42-80 is lost. Therefore, we may never know just what the Commission knew or did not know about Parcel I. However, there is no evidence in any of the staff reports regarding No. A-42-80 that we were able to obtain and review that the Commission believed that Parcel I was not a "single parcel." In all likelihood, the Commission, like Mr. Haynie, believed that Parcel I was a single parcel because the County of Los Angeles appeared to designate it as a single parcel in the 1980 Certificate of Compliance (See Exhibit A). However, the County's error was in not clearly designating that the certificate applied to three separate lots.

Government Code §66499.35 provides:

"Local agencies may process applications for certificates of compliance or conditional certificates of compliance concurrently and may record a single certificate of compliance or a single conditional certificate of compliance for multiple parcels. Where a single certificate of compliance or conditional certificate of compliance is certifying multiple parcels, each as to compliance with the provisions of this division and with local ordinances enacted pursuant thereto, the single certificate of compliance or conditional certificate of compliance shall *clearly identify, and distinguish between, the descriptions of each such parcel.*" [Emphasis added]

The legal description contained in the 1980 Certificate of Compliance fails to clearly identify, and distinguish between, the descriptions of each such parcel. To the contrary, it lumps them all together. We believe that this caused both Mr. Haynie and the Commission to reasonably believe that Parcel I consisted of a single lot, but that it could be developed in the future provided the owner complied with applicable law in subdividing the property.

Please ask yourself the following: If three developable lots were combined with 8 TDC lots (9 actually, as you point out in your letter of January 26, 1999,) how come the Commission did not count Lots 43 and 44 as TDCs? Likewise, why did Mr. Haynie have to offer to dedicate Parcels C

and D, if he was either expressly or impliedly offering to dedicate Lots 43 and 44?

We believe that it is manifestly unjust to hold that the owner of Lots 43 and 44 dedicated the same as open space for no apparent reason and without any consideration. Clearly, neither the Findings and Declaration of the subject Levinson Staff Report nor the applicable interpretive guidelines in existence at that time regarding the TDC program would support the Commission action. What makes this so unjust to us is that no one benefits from the Commission's position. Mr. Levinson built his subdivision. The development rights to an equal number of lots in the Santa Monica Mountains were extinguished as were created by the Levinson subdivision. The amendment gave one credit for each parcel extinguished. But for the fact that the County's Certificate of Compliance in effect at the time indicated that Parcel I consisted of one, rather than three, lots, we believe that the Commission would have, in all fairness, given credit for Lots 43 and 44, or would have permitted Parcels F and J to be restricted, rather than Parcels C and D, thereby allowing all parcels to be recombined with Lot 44 alone.

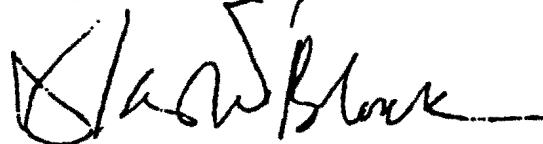
CONCLUSION

We have attempted to investigate this matter fully and regret that the Levinson permit file cannot be located. Nonetheless, our investigation has revealed that, in fact, the County's 1980 Certificate of Compliance was, indeed, in error. The County corrected that error in 1994 subsequent to the recordation of the Commission's Offer to Dedicate and Deed Restriction, thereby establishing the legality of Parcel I as three lots. Based upon the foregoing, we urge the Commission to proceed with its processing of our client's coastal permit application, No. 4-96-189, and acknowledge that Lots 43, 44 and 45 are legal, developable lots. In light of the fact that Mr. Flinkman has already waived the 180 day period in which to have the application heard, time is of the essence.

Please feel free to call me if you have any questions or additional comments.

Very truly yours,

LAW OFFICES OF
ALAN ROBERT BLOCK
A Professional Corporation



ALAN ROBERT BLOCK

Ms. Debra Bove
 Re: CDP No. 4-96-189 (Flinkman)
 March 8, 1999

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cc: Mr. Louis Flinkman
 Mr. Norman Hayne
 John Bowers, Esq.
 Ralph Faust, Esq.
 Mr. Jack Ainsworth

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Flinkman
Letter of 3/8/99

CALIFORNIA COASTAL COMMISSION

EMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
FAX AND TDD (415) 904-5200



January 26, 1999

Norman R. Haynie
Malibu Vista Professional Center
22761 Pacific Coast Highway, Suite 260
Malibu, CA 90265

Re: CDP No. A-42-80 (Levinson)

Dear Norm:

This letter is in response to your letter to Jack Ainsworth dated December 15, 1998, regarding the 1981 TDC transaction related to the above-referenced permit. You assert in your letter that mistakes were made in the legal description of the recombining document. We have reviewed the related TDC documents and found that in order to tie each of the TDC parcels (the cross-hatched parcels on the attached assessor's parcel map), to a contiguous buildable site, as required under the Commission's TDC Program, the TDC parcels were recombined with assessor parcels 4448-026-043, 044 and 045.

This recombination may be viewed as one recombined parcel or as 3 recombined parcels, i.e., one buildable site or three buildable sites, as described below:

<u>TDC Parcels</u>	<u>Recombined With</u>
4448-026-028	4448-026-045
4448-026-033	4488-026-043
4448-026-035, 036, 037, 038, 039, 040&041	4448-026-044

Therefore, it appears that mistakes were not made in the legal description of the recombined lands as you stated in your letter. Rather, it was necessary to utilize all three buildable sites in order to recombine the subject TDC parcels with contiguous buildable sites.

You also stated that 8 lots were deed restricted. Although the lot lines were omitted and the lots were labeled A through H in the exhibit attached to the recorded declaration of restrictions, 9 lots (parcels 4448-026-028, 033, 035, 036, 037, 038, 039, 040 and 041) were actually restricted and recombined with 3 buildable sites.

Sincerely,

Deborah Bove
Deborah Bove
Legal Assistant

Attachment

cc: John Ainsworth
Karen Brandstrader

Application 4-96-189
Exhibit 13 72
Flinkman
Letter of 1/28/99

CALIFORNIA COASTAL COMMISSION

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



January 28, 1999

Norman R. Haynie
Malibu Vista Professional Center
22761 Pacific Coast Highway, Suite 260
Malibu, CA 90265


Re: CDP No. A-42-80 (Levinson)

Dear Norm:

This letter responds to your letter dated January 27, 1999, regarding the recombination of TDC lots that transpired in the 1981 TDC transaction related to the above-referenced permit. You contend that the recombining of the TDC lots and the three buildable sites into one parcel was not necessary to satisfy the intent and objective of the Commission's approval. However, the language of the relevant condition to the permit, "The lots shall be combined with each other such that they may be considered a *single* parcel ..." (emphasis added), states clearly that recombination of the TDC lots into a single parcel was, in fact, a requirement of the permit.

Therefore, not only was it necessary to utilize all three buildable sites in order to recombine the subject TDC parcels with contiguous buildable sites, but the permit also required that the lots be recombined into a single parcel.

Sincerely,


Deborah Bove
Legal Assistant

cc: John Ainsworth
Karen Brandstrader

Application 4-96-185
Exhibit 12
Flinkman 73
Letter of 1/26/99

Mike Lane
2265 Little Las Flores Rd.
Topanga, CA 90290
(310) 455 0847

September 28, 1999

VIA U.S. MAIL & FACSIMILE

(4 PAGES TOTAL)

Jack Ainsworth
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

RE: Lewis Flinkman Project, APP# 4-96-189

Dear Mr. Ainsworth

I hereby request revocation of Coastal Commission approval for Application # 4-96-189, on the grounds of failure to comply with Notification Requirements of Article 3 Section 13054(a) of Coastal Act. I have moved to my current address of 2265 Little Las Flores Rd. in March of 1996 and have been on the LA County Tax Assessors Records and other public records since that date. My property is adjacent to this project (APN#4448-23-29), but as your records show, the Notice of Hearing was sent to my old address. Subsequently I was not able to participate in Coastal Commission hearings. As the Article 16 Section 13105(b) states there are grounds for revocation of permit when "Failure to comply with the Notice provision of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application".

Therefore in compliance with the Coastal Act Article 16 Section 13106 "Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permit applicant's intentional inclusion of inaccurate information or failure to provide adequate public notice as specified in Section 13105 may request revocation of a permit by application to the executive director of the commission specifying, with particularity, the grounds for revocation" I request the initiation of revocation proceedings.

The issue that I would like to address the Commission is the merits of the newly created parcels with respect to LUP of this area. These parcels are:

1. Parcel 1 of 1.6 acres is located in the zones 3 and 4 of LUP with respective densities of 10 and 5 acres.

Exhibit III
Application R-4-96-189 (Lane and Douglas)
Original Revocation Request 9/28/99

p1 of 4

2. Parcel 2 of 9.6 acres is located in the zones M2 and 3 of LUP with respective densities of 20 and 10 acres.
3. Parcel 4 of 5.43 acres is located mostly in the zones M2 and 3 of LUP with respective densities of 20 and 10 acres.
4. The sizes of these parcels are significantly lower than what is allowed by LUP and parcel 3 has benefited from these Lot Line adjustments. Therefore I would like the Commission to consider this permit in its entirety and place restrictions on further divisions of parcel 3 in the future. Otherwise lot 3 could once again be subdivided into smaller lots without any consideration of its past Lot Line adjustments.

I have enclosed a copy of LUP and also LUP superimposed on the Lot Line adjustment plans. I thank you in advance for your attention to this matter.

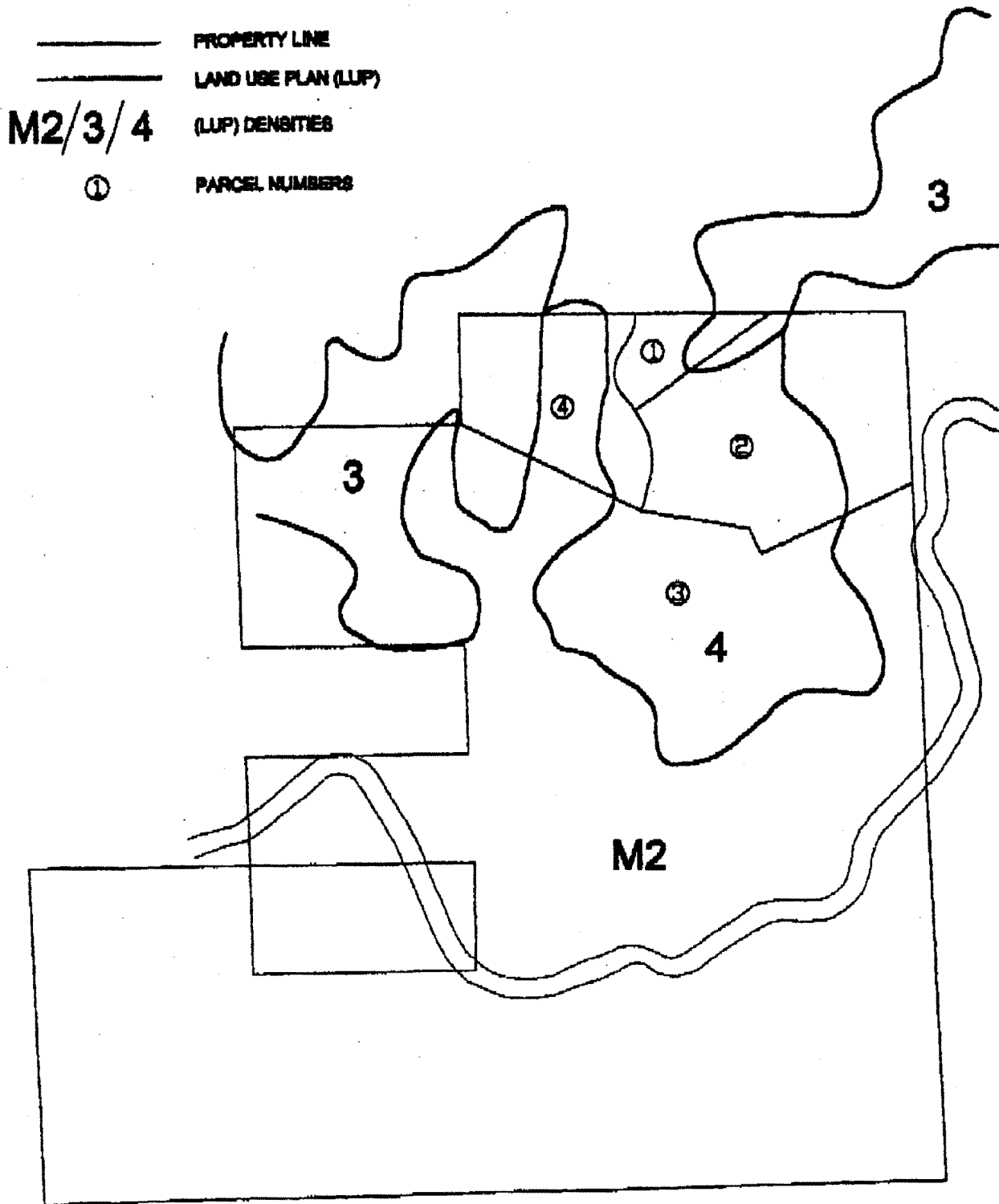
Sincerely

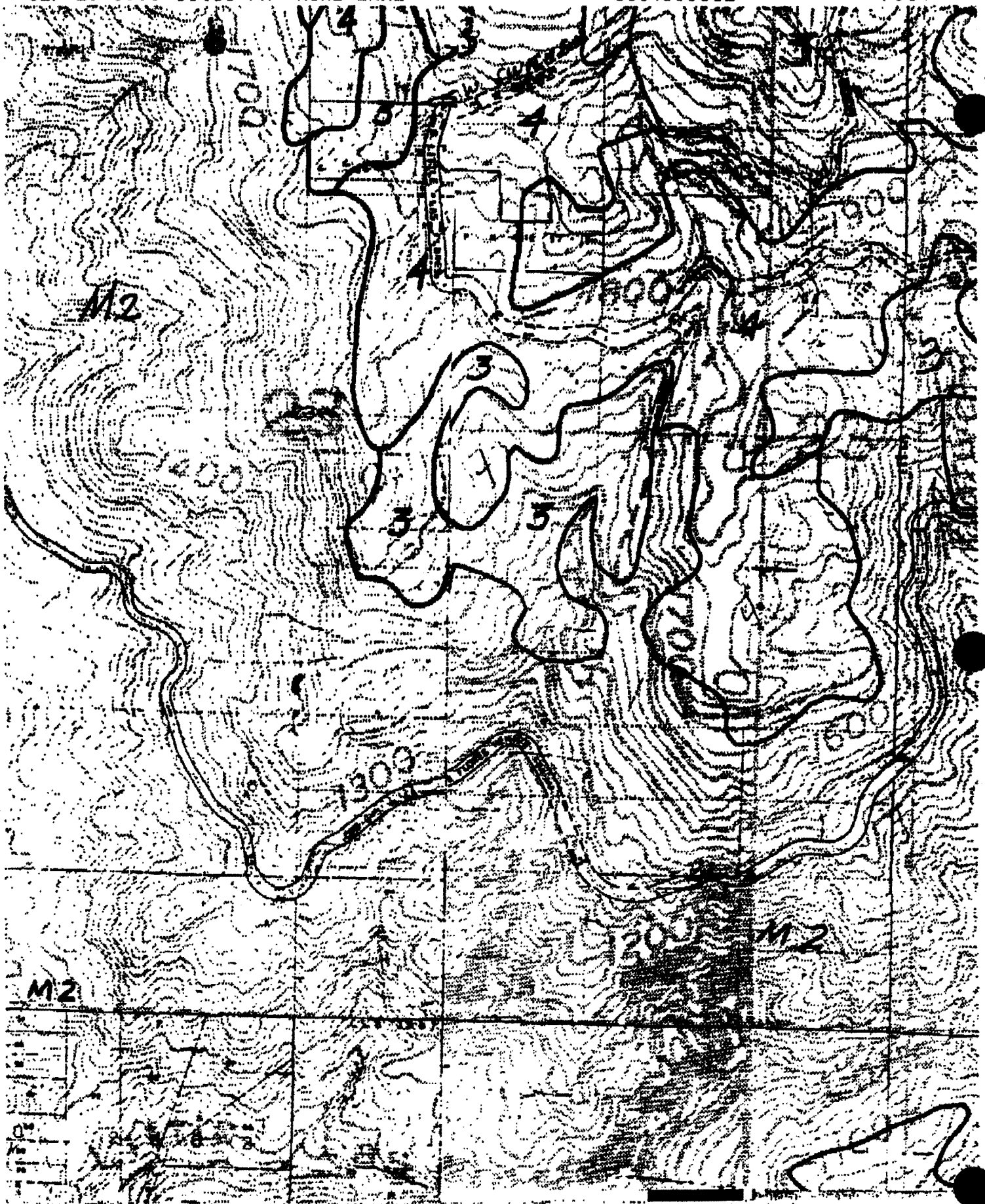


Mike Lane

cc: Gary Tim

IN REFERENCE TO APPLICATION # 4-96-189





MICHAEL LANE
2265 E. Little Las Flores Road
Topanga, CA 90290
(310) 455-0847

RECEIVED
OCT 27 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 4, 1999

Jack Ainsworth
California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, CA 93001

Re: Revocation of Permit for Lewis Flinkman Project, APP #4-96-189

The following is a summary of issues discussed with Mr. Betz and other Coastal staff in writing and verbally in the past several weeks in connection with revocation of the application that I have requested.

1. Lack of legal access to the lots created by the proposed redivision in violation of Section 30250 of Public Resource Code.
2. Misrepresentation of amount of grading and paving required on Parkhouse Lane in violation of Section 7005(b) of LA County U.B.C.
3. Misrepresenting the access from Parkhouse Lane to the proposed project as existing Abbadie Lane and not a totally new road in violation of Section 30250 of Public Resource Code.
4. Lack of Grading Plan, Geology Report, and Geotechnical Report on improvement of Parkhouse Lane in violation of Section 7005(b) of LA County U.B.C. and Section 30250 of Public Resource Code.
5. Lack of Grading Plan, Geology Report, and Geotechnical Report on improvement on 800 feet of new road between Parkhouse Lane and the proposed Development in violation of Section 7005(b) of LA County U.B.C. and Section 30250 of Public Resource Code.
6. Creation of lot sizes much smaller than allowed in LUP in violation of Coastal Development Regulation.
7. Creation of lot sizes significantly smaller than the average size of the surrounding lots in violation of Section 30250 of Public Resource Code.
8. Lack of Fire Department approval.

We are in the process of gathering evidence to support our allegations that will be completed within the next few days. Meanwhile we would like to address the most important issue that is the lack of legal access to the proposed lots.

The subject lots in the proposed redivision do not have legal access through Parkhouse Lane. The legal access of these lots is through Las Flores Heights, which is to the south of subject lots.

The documents Mr. Haynie has provided to Coastal Commission, as proof of access through Parkhouse Lane, is not related to this project at all. This document is the

easement description of a lot with APN# 4448-22-9, which has no bearing on this project.

It is clear that Mr. Haynie intentionally provided inaccurate and erroneous information to Coastal Commission in order to show a legal access through Parkhouse Lane for the proposed project.

If the Coastal Commission had known about the lack of legal access of these lots through Parkhouse Lane, it would have denied the permit on the basis of non-compliance with Section 30250 of Public Resource Code.

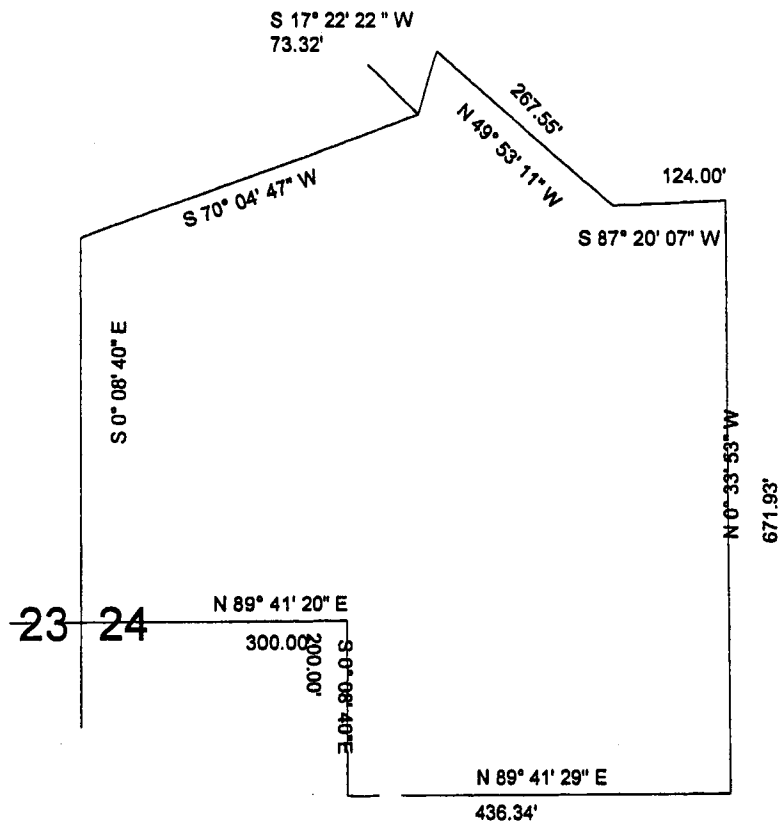
Therefore based on Article 16 Section 13105 of California Coastal Regulation, we believe there is sufficient ground for revocation of the permit.

Enclosed is a copy of easement document provided by Mr. Haynie, and a plotted map of parcel 1 described in that document. It clearly shows that the easement described in that document is the description of the easement to the lot with APN# 4448-22-09, as it has also been shown in the last page of the document provided by Mr. Haynie.

Sincerely

Michael P. Lane
Mike Lane

Cc: Merle Betz



The plotted parcel 1, as described in the easement document that was provided by Mr. Haynie.
This is a lot with the APN# 4448-22-09.

URGENT

PLEASE DELIVER IMMEDIATELY!

FACSIMILE TRANSMITTAL

Date: 5-19-98

To: Jack Ainsworth / Merle Betz

Fax No.: 805-641-1732

From: Norm Haynie

Total No. of pages
including cover sheet: 10

Regarding: Easement 60' wide over
Parkhouse Lane — RE: Flinkman
Lot Line Adjustment

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL 310-456-5515

SENDER'S FAX NO.: 310-456-9821

THIS MESSAGE IS INTENDED ONLY FOR USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW VIA THE UNITED STATES POSTAL SERVICE. THANK YOU FOR YOUR COOPERATION.

Malibu Vista Properties
22761 Pacific Coast Hwy. #260
Malibu, CA 90265
310-456-5515



POLICY
POLICY OF TITLE INSURANCE
ISSUED BY



TITLE INSURANCE COMPANY OF MINNESOTA

a Corporation, of Minneapolis, Minnesota

SUBJECT TO SCHEDULE B AND THE CONDITIONS AND STIPULATIONS HEREOF, TITLE INSURANCE COMPANY OF MINNESOTA, a corporation, herein called the Company, insures the insured, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and cost, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by said insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Unmarketability of such title; or
4. Any lack of the ordinary right of an abutting owner for access to at least one physically open street or highway if the land, in fact, abuts upon one or more such streets or highways;

and in addition, as to an insured lender only:

5. Invalidity of the lien of the insured mortgage upon said estate or interest except to the extent that such invalidity, or claim thereof, arises out of the transaction evidenced by the insured mortgage and is based upon
 - a. Lary, or
 - b. any consumer credit protection or truth in lending law;
6. Priority of any lien or encumbrance over the lien of the insured mortgage, said mortgage being shown in Schedule B in the order of its priority; or
7. Invalidity of any assignment of the insured mortgage, provided such assignment is shown in Schedule B.

IN WITNESS WHEREOF, Title Insurance Company of Minnesota has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.



**TITLE INSURANCE COMPANY
OF MINNESOTA**

Countersigned:

By

[Signature]

Valuating Officer

ATTEST:

[Signature]
President
[Signature]
Secretary
T. I. M. Y 561799

md Y 561799

SCHEDULE A

Date of Policy: December 16, 1977 at 3:01 P.M. Amount of Insurance: \$ 450,000.00

No. 9943356

Charge: \$ 965.60

1. Name of Insured: STAN FLINKMAN AND RUTH FLINKMAN

2. The estate or interest referred to herein is at Date of Policy vested in:

STAN FLINKMAN AND RUTH FLINKMAN, who are married to each other, as joint tenants.

3. The estate or interest in the land described herein and which is covered by this policy is a fee.

SCHEDULE B

This policy does not insure against loss or damage, nor against costs, attorneys' fees or expenses, any or all of which arise by reason of the following:

PART I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
6. Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in Schedule A, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing in this paragraph shall modify or limit the extent to which the ordinary right of an abutting owner for access to a physically open street or highway is insured by this policy.

CLTA Standard Coverage - 1973

SCHEDULE B (Continued)

7. Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.
8. Rights of eminent domain or governmental rights of police power unless notice of the exercise of such rights appears in the public records.
9. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not shown by the public records and not otherwise excluded from coverage but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy or acquired the insured mortgage and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had been a purchaser or encumbrancer for value without knowledge.

PART II

1. Second installment general and special County taxes for the fiscal year 1977-1978, in the amount of \$4,052.98.
2.

Bond No.:	2788
Series No.:	1
Issued:	May 2, 1969
Created for:	Water System Topanga CI2215
Original amount:	\$1,711.98
Unpaid balance:	\$1,027.20, plus interest.

All amounts due to date have been paid.
3. Second installment general and special County taxes for the fiscal year 1977-1978, in the amount of \$223.57.
4. Any vested and accrued water rights for mining, agricultural manufacturing of other purposes and rights of ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts, also a right of way thereon for ditches or canals constructed by the authority of the United States, as provided in that patent recorded in Book 1237 Page 79, Official Records.
5. An easement for public utilities, and incidental purposes, as granted to Southern California Edison Company, in deed recorded in Book 22809 Page 157, Official Records.

Said easement affects a portion of said land.

-continued-

PART II (Continued)

Said instrument, among other things, provides that the poles of said line shall be erected as near Tuna Canyon Road as possible.

6. An easement affecting the portion of said land and for the purposes stated herein, and incidental purposes,

In Favor of:	Lana Turner, an unmarried woman
For:	Ingress and egress
Recorded:	May 12, 1965 in Book D2901 Page 213, Official Records and in Book 2901 Page 217, Official Records
Affects:	That portion of said land included within the lines of parcels 2 and 3.

7. A Declaration and Grant of easements for ingress and egress, over those portions of said land as more specifically described therein, recorded April 27, 1970 in Book D 4696 Page 775, Official Records.

- - -

SCHEDULE C

The land referred to in this policy is situated in the County of
State of California, and is described as follows:

Los Angeles

PARCEL 1:

That portion of the West half of Section 24, Township 1 South, Range 17 West, San Bernardino Meridian, according to the Official Plat of said land filed in the District Land Office on August 31, 1896, described as follows:

Beginning at the West quarter corner of said Section 24; thence along the South line of the Northwest quarter of Section 24, North 89° 41' 20" East 300.00 feet; thence parallel with the West line of the Southwest quarter of said Section 24, South 0° 08' 40" East 200.00 feet; thence along a line parallel with said South line, North 89° 41' 29" East 436.34 feet to a point distant thereon South 89° 41' 20" West 363.66 feet West 363.66 feet from the East line of the West 1100.00 feet, measured along the Northerly line of the Southwest quarter of said Section 24; thence North 0° 33' 53" West 671.93 feet; thence South 87° 20' 07" West 124.00 feet; thence North 49° 35' 11" West 267.55 feet; thence South 17° 22' 22" West 73.32 feet; thence South 70° 04' 47" West to the West line of the Northwest quarter of said Section 24; thence along said last mentioned West line, South 0° 08' 40" East to the point of beginning.

EXCEPT that portion of said land lying Southerly of the Northerly boundary of Las Flores Heights Road, as described in deed to the County of Los Angeles, recorded in Book 13940 Page 198, Official Records of said County.

PARCEL 2: PARKHOUSE LANE

* EASEMENT

An easement for ingress and egress over that portion of the South-half of the Northwest quarter of Section 24, Township 1 South, Range 17 West, San Bernardino Meridian, according to the Official Plat of said Land filed in the District Land Office on August 31, 1896 included within a strip of land 30 feet wide, lying 15 feet on each side of the following described center lines:

Beginning at the Northerly terminus of that certain course in the center line of Saddle Peak Road, 60.00 feet wide, described in deed to the County of Los Angeles, recorded November 12, 1942 as instrument No. 1236 in Book 19715 Page 10, Official Records of said County, as having a bearing and length of North 13 degrees 58 minutes 40 seconds West 35.35 feet; thence South 86 degrees 37 minutes 17 seconds West 116.43 feet to the beginning of a tangent curve concave Southeast-ly and having a radius of 100.00 feet; thence Southwesterly along said curve through a central angle of 42 degrees 10 minutes 37 seconds an arc distance of 73.61 feet; thence tangent to said curve South 44

-continued-

degrees 26 minutes 40 seconds West 73.55 feet to the beginning of a tangent curve concave Northwesterly and having a radius of 100.00 feet; thence Southwesterly along said curve through a central angle of 25 degrees 34 minutes 10 seconds an arc distance of 44.63 feet; thence tangent to said curve South 70 degrees 00 minutes 50 seconds West 124.24 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 50 degrees 34 minutes 00 seconds an arc distance of 88.26 feet; thence tangent to said curve North 59 degrees 25 minutes 10 seconds West 24.29 feet to the beginning of a tangent curve concave Southerly and having a radius of 70.00 feet; thence Westerly along said curve through a central angle of 69 degrees 57 minutes 45 seconds an arc distance of 85.48 feet; thence tangent to said curve South 50 degrees 37 minutes 05 seconds West 82.26 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 80 degrees 50 minutes 00 seconds an arc distance of 141.08 feet thence tangent to said curve North 48 degrees 32 minutes 55 seconds West 99.08 feet to the beginning of a tangent curve concave Southerly and having a radius of 40.00 feet; thence Northwesterly, Westerly, and Southwesterly along said curve through a central angle of 125 degrees 55 minutes 30 seconds an arc distance of 67.91 feet; thence tangent to said curve South 5 degrees 31 minutes 35 seconds West 101.59 feet; thence North 74 degrees 59 minutes 40 seconds West 195.55 feet; thence North 81 degrees 43 minutes 25 seconds West 95.61 feet; thence North 69 degrees 26 minutes 10 seconds West 91.69 feet to the beginning of a tangent curve concave Southerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 46 degrees 50 minutes 45 seconds an arc distance of 81.76 feet; thence tangent to said curve South 62 degrees 43 minutes 05 seconds West 8.80 feet to the beginning of a tangent curve concave Northerly and having a radius of 40.00 feet; thence Westerly along said curve through a central angle of 74 degrees 38 minutes 55 seconds an arc distance of 104.23 feet; thence tangent to said curve North 41 degrees 36 minutes 00 seconds West 176.45 feet to the beginning of a tangent curve concave Southwesterly and having a radius of 100.00 feet; thence Northwesterly and Westerly along said curve through a central angle of 58 degrees 53 minutes 10 seconds an arc distance 102.78 feet; thence tangent to said curve South 79 degrees 28 minutes 50 seconds West 53.09 feet to the beginning of a tangent curve concave Southerly having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 20 degrees 56 minutes 30 seconds an arc distance of 36.55 feet; thence tangent to said curve South 58 degrees 32 minutes 20 seconds West 112.28 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 53 degrees 37 minutes 15 seconds an arc distance of 93.59 feet; thence tangent to said curve North 67 degrees 30 minutes 25 seconds West 10.01 feet;

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thence beginning of a tangent curve concave Northeasterly and having a radius of 100.00 feet; thence Northwesterly along said curve through a central angle of 55 degrees 45 minutes 30 seconds an arc distance of 97.32 feet; thence tangent to said curve North 12 degrees 04 minutes 55 seconds West 87.09 feet to the beginning of a tangent curve concave Southwesterly and having a radius of 100.00 feet; thence Northwesterly along said curve through a central angle of 43 degrees 39 minutes 30 seconds an arc distance of 76.20 feet to the beginning of a tangent curve concave Southerly and having a radius of 227.48 feet; thence Westerly along said curve through a central angle of 51 degrees 23 minutes 45 seconds an arc distance of 204.06 feet; thence tangent to said curve South 72 degrees 51 minutes 50 seconds West to the West line of said section 24.

The side lines of said strip of land shall be prolonged or shortened so as to terminate Easterly in the Westerly line of said Saddle Peak Road, 60.00 feet wide, and to terminate Westerly in the West line of said Section 24.

PARCEL 3: *Apple Hill*

An easement for ingress and egress over that portion of the West Half of Section 24, Township 1, South, Range 17 West, San Bernardino Meridian, according to the Official Plat of said land filed in the District Land Office on August 31, 1896 included within a strip of land, 30 feet wide, lying 15 feet on each side of the following described center line:

Beginning at a point on the South line of the North 200.00 feet, measured along the West line of the Southwest quarter of said Section 24, distant thereon South 89 degrees 41 minutes 20 seconds West 322.61 feet from the East line of the West line 1100.00 feet, measured along the North line of said Southwest quarter; thence North 15 degrees 50 minutes 07 seconds East 136.01 feet; thence North 13 degrees 29 minutes 53 seconds West 335.53 feet; thence West 77 degrees 20 minutes 07 seconds West 222.00 feet; thence North 6 degrees 50 minutes 07 seconds East 113.26 feet; thence North 78 degrees 52 minutes 20 seconds East 134.09 feet to the beginning of a tangent curve concave Northwesterly and having a radius of 100.00 feet; thence Northeasterly along said curve through a central angle of 39 degrees 54 minutes 45 seconds an arc distance of 69.66 feet thence tangent to said curve North 38 degrees 57 minutes 35 seconds East 52.44 feet to the beginning of a tangent curve concave Southerly and having a radius of 100.00 feet; thence Northeasterly Easterly and Southeasterly along said curve through a central angle of 96 degrees 11 minutes 00 seconds an arc distance of 167.87 feet; thence tangent to said curve South 44 degrees 51 minutes 25 seconds East 101.34 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 100.09 feet; thence Southeasterly along said curve through a central angle of 23 degrees 33 minutes 00 seconds an arc distance of 41.10 feet; thence tangent to

-continued-

said curve, South 68 degrees 24 minutes 25 seconds East 66.42 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Easterly along said curve through a central angle of 47 degrees 26 minutes 30 seconds an arc distance of 82.50 feet; thence tangent to said curve North 64 degrees 09 minutes 05 seconds East 49.16 feet to the beginning of a tangent curve concave Southerly and having a radius of 100.00 feet thence Easterly along said curve through a central angle of 21 degrees 09 minutes 45 seconds an arc distance of 36.94 feet; thence tangent to said curve North 85 degrees 18 minutes 50 seconds East 85.65 feet to the beginning of a tangent curve Southerly and having a radius of 100.00 feet; thence Easterly along said curve through a central angle of 31 degrees 05 minutes 30 seconds an arc distance of 54.27 feet; thence tangent to said curve South 65 degrees 35 minutes 40 seconds East 113.55 feet; to the beginning of a tangent curve concave Northwesterly having a radius of 60.00 feet and being tangent at its Northeasterly terminus with a line bearing South 17 degrees 57 minutes 05 seconds West from the Southerly terminus of that certain center line course described in Parcel 2 above as having a bearing and length of South 5 degrees 31 minutes 35 seconds West 101.59 feet; thence Easterly and Northeasterly along said curve through a central angle of 98 degrees 27 minutes 15 seconds an arc distance of 103.10 feet to said last mentioned point of tangency; thence North 17 degrees 57 minutes 05 seconds East 47.26 feet to the Southerly terminus of said certain courses.

EXCEPT that portion of said land included within the lines of Parcel 2 hereinabove described.

ALSO EXCEPT any portion of said land lying Southerly of the Northerly boundary line of Las Flores Heights Road, as described in the deed to the County of Los Angeles, recorded in Book 13940 Page 198, Official Records of said County.

- - -

MICHAEL LANE
2265 E. Little Las Flores Road
Topanga, CA 90290
(310) 455-0847

RECEIVED
OCT 07 1999

October 4, 1999

Merle Betz
California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: Lewis Flinkman Project, APP #4-96-189

Dear Mr. Betz:

I spoke to Emmett Taylor at Regional Planning about the Flinkman project (CA Coastal Commission project #4-96-189, Regional Planning #101456). We have discussed my concern that Mr. Flinkman is attempting to create a property with no road access. This will adversely affect my property. Mr. Taylor is also concerned about this and said he had a conversation with you prior to my call.

In light of the fact that you had just spoken to Mr. Taylor an hour before I called you about this very issue, I am very concerned that you had no knowledge that I had expressed these issues in my letter to Jack Ainsworth and Gary Tim (which was faxed on 9/30/99 and mailed). I want to make sure that the coastal permit for 4-96-189 is not granted until all the issues are properly addressed.

The other property owners along Little Las Flores and Swenson are also upset that they were not informed about this project, as it affects their property rights. We have an organization (Malibu Highlands Property Owners Association) which has been instrumental in maintaining our property rights. My neighbors have asked me to take the lead on this situation, but they will contact the Coastal Commission independently if needed. I am hoping that this will not be necessary as the issues and need to review this project are quite obvious.

Please stop the permit process on project #4-96-189 immediately.

Thank you for your attention to this matter.

Sincerely,

Michael Lane

Michael Lane

Exhibit V
Application R-4-96-189 (Lane and Douglas)
Second Lane Letter 10/4/99

LAW OFFICES

ALAN ROBERT BLOCK

A PROFESSIONAL CORPORATION

ALAN ROBERT BLOCK

OF COUNSEL
MICHAEL N. FRIEDMAN

1901 AVENUE OF THE STARS, SUITE 1610
LOS ANGELES, CALIFORNIA 90067-6001

E-MAIL: arblock@worldnet.att.net
TELEPHONE (310) 552-3336
TELEFAX (310) 552-1850

OF COUNSEL
MOSS, LEVITT & MANDELL, LLP

October 18, 1999

VIA FAX & FIRST CLASS MAIL

Mr. Jack Ainsworth
California Coastal Commission
South Central Area Office
89 South California Street, Second Floor
Ventura, California 93001

Re: CDP Application No. 4-96-189 (Flinkman)
Objection to Request For Revocation

Dear Jack:

I am in receipt of letter from Mike Lane, dated September 28, 1999, requesting revocation of the above captioned CDP No. 4-96-189 (Flinkman).

With all due respect to Mr. Lane, even if he did not receive actual notice of the March 1999 hearing, the legally required basis for revocation still cannot be found in said request in that the Commission was well aware of the concerns of Mr. Lane as expressed in his correspondence of September 30, 1999.

The fact is the Commission based on an extensive and thorough Staff Report, dated March 26, 1999, recognized the concerns as expressed by Mr. Lane in the referenced correspondence, and specifically found that the proposed redivision would cluster residential development around a southerly extension of Abadie Lane on a relatively flat mesa along a secondary ridgeline.

The Staff Report clearly reflects the fact that development of the lots in their existing configuration would have resulted in roads, building pads and residences located in very steeply sloping canyon areas adjacent to or within environmentally sensitive habitat areas. The Commission determined after a review of all applicable facts, that the proposed redivision was a more appropriate configuration than the existing configuration, and that the proposal realigns parcel lines to concentrate development closer to developed areas, without the necessity of massive grading into undeveloped areas and alternation of natural landforms.

Exhibit VI
Application R-4-96-189 (Lane and Douglas)
Block Response 10/18/99

p 1 of 2

Mr. Jack Ainsworth
Re: CDP Application No.4-96-189 (Flinkman)
October 18, 1999

Page 2

In addition, the reconfiguration of the existing four lots did not result in any additional buildout and was consistent with the Land Use Plan's total build out of the entire 160 acres owned by the applicant.

Lastly, Special Condition No. 3 specifically provided that the Commission's approval of the redivision does not commit the Commission, or any successor in interest, to approve a future land division of Lot 3.

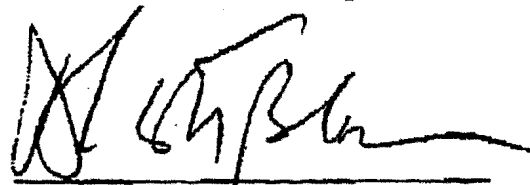
In summation, the applicant contends that the concerns of Mr. Lane, as expressed in his correspondence of September 28, 1999, were specifically addressed by both staff and the Commission, and appropriately conditioned in the Commission's approval of said CDP. As such, Mr. Lane's request for revocation should therefore be summarily dismissed.

Thank you for forwarding this office a copy of Mr. Lane's correspondence, and please keep us apprised of any further activity on the matter.

Your continued courtesy and cooperation is greatly appreciated.

Respectfully Submitted,

LAW OFFICES OF
ALAN ROBERT BLOCK
A Professional Corporation


ALAN ROBERT BLOCK

ARB:mb

cc: Stan Flinkman
Norm Haynie

LAW OFFICES

ALAN ROBERT BLOCK

A PROFESSIONAL CORPORATION

ALAN ROBERT BLOCK

OF COUNSEL
MICHAEL N. FRIEDMAN

1901 AVENUE OF THE STARS, SUITE 1610
LOS ANGELES, CALIFORNIA 90067-6001

E-MAIL arblock@worldnet.att.net
TELEPHONE (310) 552-3336
TELEFAX (310) 552-1850

OF COUNSEL
MOSS, LEVITT & MANDELL, LLP

October 28, 1999

RECEIVED
OCT 29 1999

California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, CA. 93001

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Attention: Meryl Betz, Staff Planner

Re: Coastal Development Permit No. 5-96-189 (Flinkman)
Declaration of Lewis Flinkman In Opposition To
Request For Revocation

Dear Meryl:

Pursuant to our conversation this past Tuesday morning enclosed please find the Declaration of Lewis Flinkman in Opposition To Mike Lanes Request To Revoke the above captioned Coastal Development Permit (CDP).

As evidenced in the declaration Mr. Lane did in fact receive notice of the scheduled hearing on the subject CDP and discussed the same with Mr. Flinkman approximately two days prior to the actual hearing. Although Mr. Lane advised my client that he did not oppose the application he stated that his wife was planning to attend the hearing.

Naturally, should you have any questions regarding the same please telephone me at your earliest convenience.

Thank you for your continued courtesy and cooperation.

Very truly yours,

LAW OFFICES OF
ALAN ROBERT BLOCK
A Professional Corporation



ALAN ROBERT BLOCK

ARB:mb
enclosure
cc: Lewis Flinkman

Exhibit VII
Application R-4-96-189 (Lane and Douglas)
Block Response 10/28/99 with
Flinkman Declaration

p1 of 2

DECLARATION OF LEWIS FLINKMAN

I, LEWIS FLINKMAN, declare and say as follows:

1. At all times relevant herein I have been one of the owners of the vacant real property located south of Parkhouse Lane and west of Tuna Canyon Road, in Malibu, California, and the applicant of Coastal Development Permit (CDP) No. 4-96-189, wherein I applied to the California Coastal Commission for a redivision of four (4) lots on the subject property, which totaled 120 acres, into four (4) lots and 14,049 cu. yds. of grading for the construction of four residential building pads, driveways, and access roads. The statements made herein are made from my own personal knowledge and if called as a witness in a court of law I could competently testify to the same.

2. That the Coastal Commission approved CDP No. 4-96-189 on April 15, 1999 after a full public hearing.

3. That on or about April 13, 1999 I spoke with Mr. Mike Lane regarding the subject CDP application. Mr. Lane specifically advised me that he had received notice of the hearing scheduled for April 15, 1999, and told me that he would not be opposing my application. He further told me that his wife would be attending the Commission hearing on April 15, 1999 in order to advise him exactly what action the commission had taken.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 27th day of October, 1999, in Santa Monica, California.


LEWIS FLINKMAN

LAW OFFICES

ALAN ROBERT BLOCK

A PROFESSIONAL CORPORATION

1901 AVENUE OF THE STARS, SUITE 1610
LOS ANGELES, CALIFORNIA 90067-6001

E-MAIL arblock@worldnet.att.net

TELEPHONE (310) 552-3336

TELEFAX (310) 552-1850

ALAN ROBERT BLOCK

OF COUNSEL

MICHAEL N. FRIEDMAN

OF COUNSEL

MOSS, LEVITT & MANDELL, LLP

November 24, 1999

California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, CA. 93001

Attention: Meryl Betz, Staff Planner, Malibu

**Re: Coastal Development Permit No. 5-96-189 (Flinkman)
Opposition To Request For Revocation**

Dear Meryl:

After reviewing the Request For Revocation and meeting with my client and his consultants in order to discuss the same, I herein request that pursuant to 14 California Administrative Code Section 13106(a) the Request For Revocation be dismissed as being "patently frivolous".

Mr. Lane received both written as well as personal verbal notice of the Commission's hearing on the subject application.

In the first instance, Mr. Lane's name and address were included in the mailing list submitted to the Commission at the time of filing of the subject CDP application. His name and address were included on a stamped envelope which was also submitted to the Commission's office pursuant to 14 California Administrative Code Section 13054(a). A copy of the mailing list of persons owning or occupying property within 100 feet of the subject property, referencing Mr. Lane with his address at that time, is attached hereto as Exhibit 1 and hereby incorporated by reference.

Secondly, either one or two days prior to the date of the actual hearing on CDP 5-96-189 Mr. Lane had a telephone conversation with the applicant Lewis Flinkman wherein references to the date and place of the scheduled hearing were specifically discussed. During this conversation Mr. Lane specifically advised the applicant that either he or his wife would be attending the hearing. Earlier this month I submitted a Declaration of Lewis Flinkman, made under the penalty of perjury, to your attention confirming this conversation.

Exhibit VIII
Application R-4-96-189 (Lane and Douglas)
Block Response 11/24/99

RECEIVED
NOV 24 1999
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mr. Meryl Betz
Re: CDP No. 5-96-189 (Flinkman)
November 24, 1999

Page 2

Lastly, pursuant to Section 13054(b) of the Commission's regulations, the applicant through his consultant, Mr. Norman Haynie, posted the property in two separate and conspicuous places. A copy of the Declaration of Norman Haynie, dated November 11, 1999, confirming the posting is attached hereto as Exhibit 2 and hereby incorporated by reference.

Mr. Lanes contention that the applicant does not have legal access to the subject property appears to be completely unfounded. Old Republic Title company has confirmed the fact that the Mr. Flinkman owns two separate legal easements from Saddle Peak Road across the private street commonly known as Park House Lane, which provide access to the vacant 5 acre parcel the applicant owns immediately adjacent to the subject property (Assessor Parcel No. 4448-023-022). Copies of the Individual Grant deeds, Nos. 83-117074 and 87-1015365, evidencing the easements are attached hereto as Exhibits 3 and 4 and hereby incorporated by reference.

Although at present, Mr. Flinkman is in the process of having his title company confirm the existence of said easements and map the same, an assessors map high-lighting the easement is attached hereto as Exhibit 5 and hereby incorporated by reference.

Although the applicant has not as of this date granted an easement over the adjacent 5 acre parcel to the most northern of the 4 lots which make up the subject property (Assessor Parcel No. 4448-026-045) the applicant clearly has the legal right to do so, and should only be compelled to grant said easements prior to the 4 subject lots being sold.

Naturally, should you have any questions, please contact the undersigned at your most earliest convenience.

Very truly yours,

LAW OFFICES OF
ALAN ROBERT BLOCK
A Professional Corporation

ARB:mb
cc: Lewis Flinkman
Norm Haynie


ALAN ROBERT BLOCK

DECLARATION OF NORMAN HAYNIE

I, NORMAN HAYNIE, declare and say as follows:

1. That at all times relevant herein I have represented Lewis Flinkman with regards to the filing and processing of Coastal Development Permit (CDP) No. 4-96-189 before the California Coastal Commission. I have personal knowledge of the facts set forth in this declaration and if called as a witness to testify regarding the facts set forth herein, I could and would testify competently thereto.

2. That prior to the scheduling of the CDP No. 4-96-189 for hearing before the Commission I received the applicable Notice of Posting from the Commission's South Coast Area Office.

3. I thereafter photocopied the Notice of Posting and personally posted the Notice at the entrance of the applicant's property, as well as the intersection of Saddlepeak Road and Parkhouse Lane which is the entrance to the applicant's driveway.

4. I have reviewed my files to see if I have a copy of the Notice of Posting and have been unable to locate the same.

5. I filled out the Declaration of Posting regarding CDP No. 4-96-189 forwarded to me by the Coastal Staff and returned the same to the Commission's Ventura Office.

I declare under the penalty of perjury that the above facts are true and correct to the best of my knowledge. Executed this 11th day of November 1999, in Los Angeles, California.

Norman R. Haynie
NORMAN HAYNIE

3

LAW OFFICE OF
ALAN ROBERT BLOCK
A PROFESSIONAL CORPORATION
1801 AVENUE OF THE STARS, SUITE 1801
LOS ANGELES, CALIFORNIA 90067-6020
TELEPHONE (310) 552-3336
FACSIMILE (310) 552-1860

4448-007-053, 054,055,056
Wave Enterprises Inc.
24255 Pacific Coast Hwy.
Malibu, CA 90265

4448-023-021
Jack and Dorothy Gardener
6385 W 78th St
Los Angeles, CA 90045-1440

4448-023-027
John Foley
2029 Corral Canyon Rd
Malibu, CA 90265

4448-023-029
Michael & Ellen Lane
12600 Hatteras St.
Valley Village, CA 91607-1525

4448-023-030
Roy & Sharon Ramquist
5911 W. Trenton Pl
Milwaukee WI 53213-3268

4448-026-023,025
Everding Maclise
P.O. Box 693
Pasadena, CA 91102

4448-026-026
Xenia Wright
19643 Vision Dr
Topanga, CA 90290

4448-026-027
Jeanne Roach
6821 Valley Circle Blvd. #69
West Hills, CA 91307

4448-026-029
Raymond Biederman, Jr.
884 Capitan St.
Thousand Oaks, CA 91360

4448-026-030,031
Sam Hollow
P.O. Box 3723
Thousand Oaks, CA 91359

4448-026-034
Randall & Billy Koenig
258 Notteargenta Rd
Pacific Palisades, CA 90272

4448-026-072
John Tellefson
P.O. Box 32D
Malibu, CA 90265

4448-026-917, -027-906
State of California
3750 Solstice Cyn Rd
Malibu, CA 90265

4448-030-017,024
19800 PCH Partners
14111 Mulholland Dr.
Beverly Hills, CA 90210-1063

4448-22-15,-23-22,-26-24,28,
32,33,34,35,36,41-45,73
Stan Flinkman
3005 Main St. #500
Santa Monica, CA 90405

Malibu Vista Properties
22761 Pacific Coast Hwy. #260
Malibu, CA 90265

RECEIVED
NOV 29 1999

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RECORDING REQUESTED BY

FIRST AMERICAN TITLE COMPANY OF LOS ANGELES

AND WHERE REQUESTED MAIL TO:

STAN FLINCHMAN and RUTH FLINCHMAN
2109 Main Street
Santa Monica, CA 90405

AND THE PARTIES TO

at the above address

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA

JAN 28 1983 AT 8 A.M.

Recorder's Office

FEE \$7

4

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Individual Grant Deed

TO 1229 CA (12-74)

THIS FORM FURNISHED BY TITLE INSURERS

A. P. R.

The undersigned grantor(s) declare(s):

SURVEY MONUMENT FEE \$10 CODE 99

Documentary transfer tax is \$35.00

(x) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

(x) Unincorporated area: () City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged:

ALLEN T. WEST, III, an unmarried man

hereby GRANT(S) to

STAN FLINCHMAN and RUTH FLINCHMAN, husband and wife as Community Property

the following described real property in the UNINCORPORATED AREAS

County of _____, State of California:

That portion of the Southwest quarter of the Northwest quarter of Section 24 Township 1 South, Range 17 West, San Bernardino Meridian, according to the official plat thereof, described as follows: As COMPLETELY DESCRIBED AS EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF COMPRISED OF THREE PAGES

Dated November 26, 1982

Allen T. West, III

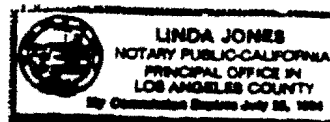
STATE OF CALIFORNIA
COUNTY OF Los Angeles

On November 26, 1982

before me, the undersigned, a Notary Public in and for said State, personally appeared Allen T. West, III proved on the basis of satisfactory evidence.

to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same. WITNESS my hand and official seal.

Linda Jones



Title Order No. 2246490-12

Escrow or Loan No. 230835-J

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Exhibit 3

EXHIBIT "A"

TS246790-12

DESCRIPTION: COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

PARCEL 1:

That portion of the Southwest quarter of the Northwest quarter of Section 24, Township 1 South, Range 17 West, San Bernardino Meridian, in the office of the county recorder of said county, according to the official plat thereof, described as follows:

Beginning at the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 24; thence North $89^{\circ} 53' 27''$ East along the North line of said Southwest quarter, a distance of 409.18 feet; thence leaving said North line, South $11^{\circ} 22' 27''$ West 306.52 feet; thence South $17^{\circ} 46' 42''$ East 180.43 feet to the Northwesterly extremity of the course along the Southerly line of Parcel 1 described in deed to Cyril L. Carr and Virginia C. Carr recorded in Book D3904 Page 367, Official Records of said county, having a bearing of North $49^{\circ} 35' 41''$ West, and a length of 267.55 feet; thence along said Southerly line South $17^{\circ} 21' 32''$ West 73.32 feet to an angle point thereon; thence South $70^{\circ} 04' 17''$ West 404.45 feet, more or less, to the West line of said Section 24; thence North $0^{\circ} 06' 40''$ West along said West line 679.43 feet, more or less, to the point of beginning.

PARCEL 2:

An easement for ingress and egress over that portion of the South half of the Northwest quarter of Section 24, Township 1 South, Range 17 West, San Bernardino Meridian, according to the Official plat of said land filed in the District Land Office on August 31, 1896 included within a strip of land, 30 feet wide, lying 15 feet on each side of the following described center line:

Beginning at the Northerly terminus of that certain course in the center line of Saddle Peak Road, 12.00 feet wide, described in deed to the county of Los Angeles, recorded November 12, 1942 as Instrument No. 1236 in Book 17713 Page 16, Official Records of said county, as having a bearing and length of North $13^{\circ} 38' 40''$ West 35.35 feet; thence South $86^{\circ} 37' 17''$ West 116.43 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 100.00 feet; thence Southwesterly along said curve through a central angle of $42^{\circ} 10' 37''$ an arc distance of 73.61 feet; thence tangent to said curve South $44^{\circ} 26' 40''$ West 73.55 feet to the beginning of a tangent curve concave Northwesterly and having a radius of 100.00 feet; thence Southwesterly along said curve through a central angle of $25^{\circ} 34' 10''$ an arc distance of 44.43 feet; thence tangent to said curve South $70^{\circ} 00' 50''$ West 124.24 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of $50^{\circ} 34' 00''$ an arc distance of 88.26 feet; thence tangent to said curve North $59^{\circ} 25' 10''$ West 25.29 feet to the beginning of a tangent curve concave Southerly and having

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a radius of 70.00 feet; thence Westerly along said curve through a central angle of 69° 57' 45" an arc distance of 85.48 feet; thence tangent to said curve South 30° 37' 05" West 82.26 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 80° 50' 00" an arc distance of 141.08 feet; thence tangent to said curve North 48° 32' 55" West 99.08 feet to the beginning of a tangent curve concave Southerly and having a radius of 40.00 feet; thence Northwesterly, Westerly and Southwesterly along said curve through a central angle of 125° 55' 30" an arc distance of 87.91 feet; thence tangent to said curve South 5° 31' 35" West 101.59 feet; thence North 74° 59' 40" West 195.55 feet; thence North 81° 43' 25" West 95.61 feet; thence North 69° 26' 10" West 91.69 feet to the beginning of a tangent curve concave Southerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 46° 50' 45" an arc distance of 81.76 feet; thence tangent to said curve South 62° 43' 05" West 8.80 feet to the beginning of a tangent curve concave Northerly and having a radius of 80.00 feet; thence Westerly along said curve through a central angle of 74° 38' 55" an arc distance of 104.23 feet; thence tangent to said curve North 41° 38' 00" West 176.45 feet to the beginning of a tangent curve concave Southwesterly and having a radius of 100.00 feet; thence Northwesterly and Westerly along said curve through a central angle of 58° 53' 10" an arc distance of 102.78 feet; thence tangent to said curve South 79° 28' 50" West 53.09 feet to the beginning of a tangent curve concave Southerly having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 20° 56' 30" an arc distance of 36.55 feet; thence tangent to said curve South 58° 32' 20" West 112.28 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 53° 37' 15" an arc distance of 93.54 feet; thence tangent to said curve North 67° 50' 25" West 10.01 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 100.00 feet; thence Northwesterly along said curve through a central angle of 55° 45' 30" an arc distance of 97.32 feet; thence tangent to said curve North 12° 04' 58" West 87.09 feet to the beginning of a tangent curve concave Southwesterly and having a radius of 100.00 feet; thence Northwesterly along said curve through a central angle of 43° 39' 30" an arc distance of 76.20 feet; to the beginning of a tangent curve concave Southerly and having a radius of 227.48 feet; thence Westerly along said curve through a central angle of 51° 23' 45" an arc distance of 204.06 feet; thence tangent to said curve South 72° 51' 50" West to the West line of said Section 24.

EXCEPT that portion of said land included within the lines of Parcel 1 hereinbefore described (known as Parhouse Lane).

The side lines of said strip of land shall be prolonged or shortened so as to terminate Easterly in the Westerly line of said Saddle Peak Road, 60.00 feet wide, and to terminate Westerly in the West line of said Section 24.

PARCEL 3:

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An easement for ingress and egress over that portion of the West half of Section 24, Township 1 South, Range 17 West, San Bernardino Meridian, according to the Official Plat of said land filed in the District Land Office on August 31, 1896, included within a strip of land, 30 feet wide, lying 15 feet on each side of the following described center line:

Beginning at a point on the South of the North 200.00 feet measured along the West 111.7 of the Southwest quarter of said Section 24, distant thereon South 89° 41' 20" West 322.61 feet from the East line of the West 1100.00 feet, measured along the North line, of said Southwest quarter; thence North 15° 30' 07" East 134.01 feet; thence North 18° 29' 53" West 335.55 feet; thence South 77° 20' 07" West 222.00 feet; thence North 6° 50' 07" East 113.26 feet; thence North 78° 52' 20" East 134.09 feet to the beginning of a tangent curve concave Northwesternly and having a radius of 100.00 feet; thence Northeasternly along said curve through a central angle of 39° 54' 45" an arc distance of 69.66 feet; thence tangent to said curve North 38° 57' 35" East 52.44 feet to the beginning of a tangent curve concave Southerly and having a radius of 100.00 feet; thence Northeasternly, Easterly and Southeasternly along said curve through a central angle of 96° 11' 00" an arc distance of 167.87 feet; thence tangent to said curve South 44° 51' 25" East 101.34 feet to the beginning of a tangent curve concave Northeasternly and having a radius of 100.00 feet; thence Southeasternly along said curve through a central angle of 23° 33' 00" an arc distance of 41.10 feet; thence tangent to said curve, South 15° 24' 25" East 46.42 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Easterly along said curve through a central angle of 47° 24' 30" an arc distance of 82.80 feet; thence tangent to said curve North 64° 09' 05" East 49.16 feet to the beginning of a tangent curve concave Southerly and having a radius of 100.00 feet; thence Easterly along said curve through a central angle of 21° 09' 45" an arc distance of 34.94 feet; thence tangent to said curve North 88° 18' 50" East 85.65 feet to the beginning of a curve concave Southerly and having a radius of 100.00 feet; thence Easterly along said curve through a central angle of 31° 08' 30" an arc distance of 34.27 feet; thence tangent to said curve South 63° 30' 40" East 113.55 feet to the beginning of a tangent curve concave Northwesternly having a radius of 60.00 feet and being tangent at its Northeasternly terminus with a line bearing South 17° 57' 05" West from the Southerly terminus of that certain center line course described in Parcel 2 above as having a bearing and length of South 5° 31' 35" West 101.59 feet; thence Easterly and Northeasternly along said curve through a central angle of 98° 27' 15" an arc distance of 103.10 feet to said last mentioned point of tangency; thence North 17° 57' 05" East 47.26 feet to the Southerly terminus of said certain course.

EXCEPT that portion of said land included within the lines of Parcel 2 hereinabove described (known as Applefield Lane).

ALSO EXCEPT any portion of said land lying Southerly of the Northerly boundary line of Las Flores Heights Road, as described in the deed to the county of Los Angeles, recorded in Book 13940 Page 189, Official Records of said county.

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Order Number 3995438-35 Exempt Number 73-1942-pha

RECORDING REQUESTED BY
RECORDED AT THE REQUEST OF CONTINENTAL LAND TITLE CO.

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

Stan Flinkman
Ruth Elaine Flinkman
3005 Main Street, Suite 500
Santa Monica, CA 90405

87-1015365

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA

21 MIN. 4 P.M. JUN 25 1987
PAST.

SURVEY MONUMENT FEE \$10. CODE 99

SPACE ABOVE THIS LINE FOR RECORDER'S USE

unincorporated
(City or "Unincorporated")

Grant Deed

FEE \$19.00 T

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

INCIDENTARY TRANSFER TAX \$ 77.00

☒ computed on full value of property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at time of sale, and

MARVIN CHESTER and ELFRIEDE E. CHESTER, husband and wife

For a Valuable Consideration, the receipt of which is hereby acknowledged, hereby GRANT(s)

To STAN FLINKMAN and RUTH ELAINE FLINKMAN, Trustees under Trust Agreement dated

July 1, 1983

all that land property situated in the County of Los Angeles State of California, described as follows:

See Exhibit "A" attached and made a part hereof.

Dated May 27, 1987

STATE OF CALIFORNIA
COUNTY OF Los Angeles

On June 1, 1987 before me, the undersigned, a Notary Public in and for said State, personally appeared

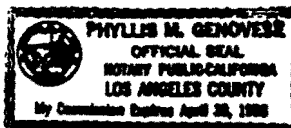
Marvin Chester and
Elfriede E. Chester, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature Phyllis M. Genovese

Marvin Chester

Elfriede E. Chester



205 Via de la Paz, Pacific Palisades, CA 90272

(This area for official notarial seal)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

(Name)

(Address - Number, Street, City, State, and Zip Code)

EXHIBIT "A"

2

PARCEL 1:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH, RECORDED IN BOOK 804, PAGE 54, OFFICIAL RECORDS, IN SAID COUNTY, SAID CORNER BEING A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, DISTANT THEREON NORTH $89^{\circ} 06' 04''$ WEST 417.40 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER; THENCE ALONG SAID SOUTH LINE OF SAID NORTHEAST QUARTER, NORTH $89^{\circ} 06' 04''$ WEST 372.93 FEET; THENCE NORTH $2^{\circ} 58' 20''$ EAST 300.95 FEET; THENCE NORTH $39^{\circ} 04'$ EAST 103.08 FEET; THENCE NORTH $30^{\circ} 00'$ EAST 115.46 FEET; THENCE NORTH $19^{\circ} 06'$ EAST 197.52 FEET; THENCE NORTH $75^{\circ} 18'$ EAST 84.74 FEET; THENCE NORTH $46^{\circ} 24'$ EAST 118.82 FEET TO THE WEST LINE OF THE LAND DESCRIBED IN SAID DEED TO WALSH; THENCE ALONG SAID WEST LINE SOUTH $0^{\circ} 08' 40''$ EAST 776.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITY AND INCIDENTAL PURPOSES OVER THAT OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE NORTHEAST QUARTER THAT IS DISTANT THEREON SOUTH $0^{\circ} 08' 40''$ EAST 293.09 FEET FROM THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH; RECORDED IN BOOK 584 PAGE 84, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING ALSO DISTANT SOUTH $0^{\circ} 08' 40''$ EAST 564.81 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23; THENCE NORTH $59^{\circ} 08' 40''$ WEST 140.39 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 60 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $70^{\circ} 46'$ AN ARC DISTANCE OF 74.11 FEET; THENCE SOUTH $50^{\circ} 05' 20''$ WEST 20.03 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF $55^{\circ} 39'$; AN ARC DISTANCE OF 97.13 FEET; THENCE TANGENT TO SAID LAST

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-CONTINUED-

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MENTIONED CURVE, NORTH 74° 15' 40" EAST 38.61 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 44° 12' AN ARC DISTANCE OF 77.14 FEET; THENCE SOUTH 62° 46' 07" WEST 9.70 FEET TO A POINT ON THE WEST LINE OF SAID LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH, SAID POINT BEING DISTANT SOUTH 0° 08' 40" EAST 267.05 FEET THEREON FROM THE NORTHWEST CORNER OF SAID LAND OF WALSH; THENCE SOUTH 46° 24' 00" WEST 67.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 200 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28° 54' AN ARC DISTANCE OF 100.88 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 75° 18' 00" WEST 141.20 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 67° 52' AN ARC DISTANT OF 118.45 FEET; THENCE TANGENT TO SAID CURVE, NORTH 36° 50' 00" WEST 48.32 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 40 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED TANGENT CURVE THROUGH A CENTRAL ANGLE OF 106° 30' AN ARC DISTANT OF 74.35 FEET; THENCE SOUTH 36° 40' 00" WEST 98.57 FEET; THENCE SOUTH 18° 40' 00" WEST 132.40 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 30 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 111° 52' 30" AN ARC DISTANCE OF 58.56 FEET; THENCE TANGENT TO SAID CURVE, NORTH 86° 49' 30" EAST 1.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 33 FEET; THENCE SOUTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 119° 14' 30" AN ARC DISTANCE OF 62.44 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE, SOUTH 26° 04' 00" WEST 98.82 FEET; THENCE SOUTH 16° 04' 00" WEST 348.13 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 23.

EXCEPT THAT PORTION LYING WITHIN PARCEL 1 ABOVE.

PARCEL 3:

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES OVER THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "A" OF PARCEL 2 HEREINABOVE DESCRIBED, SAID POINT BEING THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY

AND HAVING A RADIUS OF 100 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55° AN ARC LENGTH OF 95.99 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 73° 60' 00" WEST 160.37 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 48° 30' AN ARC DISTANCE OF 84.675 FEET; THENCE TANGENT TO SAID CURVE NORTH 57° 50' 00" WEST 30.93 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23.

PARCEL 4:

AN EASEMENT FOR INGRESS, EGRESS, ROADWAY, PUBLIC UTILITY INCLUDING WATER AND SEWER LINES AND INCIDENTAL PURPOSES OVER THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60.00 FEET WIDE, LYING 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, DISTANT THEREON NORTH 68° 44' 32" WEST 746.61 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23; THENCE SOUTH 17° 16' 00" WEST 142.73 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 200 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 24° 00' 00" AN ARC DISTANCE OF 83.78 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 6° 50' 00" EAST 367.17 FEET; THENCE SOUTH 0° 20' 00" EAST 75.56 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING OF 50.00 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 137° 30' 00" AN ARC DISTANCE OF 119.99 FEET; THENCE TANGENT TO SAID CURVE NORTH 42° 10' 00" EAST 4.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 00' 00" AN ARC DISTANCE OF 59.34 FEET; THENCE TANGENT TO SAID CURVE SOUTH 69° 50' 00" EAST 20.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37° 00' 00" AN ARC DISTANCE OF 64.53 FEET; THENCE TANGENT TO SAID CURVE SOUTH 32° 50' 00" EAST 127.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND

-CONTINUED-

87-1015365

HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $49^{\circ} 00' 00''$ AN ARC DISTANCE OF 85.52 FEET; THENCE TANGENT TO SAID CURVE SOUTH $81^{\circ} 50' 00''$ EAST 165.70 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 200.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $17^{\circ} 00' 00''$ AN ARC DISTANCE OF 59.34 FEET; TANGENT TO SAID CURVE, NORTH $81^{\circ} 10' 00''$ EAST 95.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $41^{\circ} 00' 00''$ AN ARC DISTANCE OF 71.56 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $57^{\circ} 50' 00''$ EAST TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23.

PARCEL 5:

AN EASEMENT FOR INGRESS, EGRESS, ROADWAY, PUBLIC UTILITY INCLUDING WATER AND SEWER LINES AND INCIDENTAL PURPOSES OVER A STRIP OF LAND 60 FEET WIDE, TOGETHER WITH NECESSARY SLOPING RIGHTS OVER PORTIONS OF SECTIONS 23 AND 24, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, THE CENTER LINE OF SAID 60 FOOT STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THAT IS DISTANT THEREON NORTH $68^{\circ} 44' 32''$ WEST 772.00 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH $69^{\circ} 31' 34''$ EAST 501.22 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 300 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $10^{\circ} 27' 52''$ AN ARC DISTANCE OF 54.79 FEET; THENCE TANGENT TO SAID CURVE, NORTH $59^{\circ} 03' 42''$ EAST 104.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 300 FEET, THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $6^{\circ} 17' 04''$ AN ARC DISTANCE OF 32.91 FEET; THENCE TANGENT TO SAID CURVE, NORTH $52^{\circ} 46' 38''$ EAST 530 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $76^{\circ} 12' 04''$ AN ARC DISTANCE OF 133 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $51^{\circ} 01' 18''$ EAST 25.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 60 FEET; THENCE EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $113^{\circ} 22' 45''$ AN ARC DISTANCE OF 118.13 FEET; THENCE TANGENT TO SAID CURVE, NORTH 15°

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87-1015365

35° 57' EAST 27.08 FEET TO THE BEGINNING OF A TANGENT CURVE
CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100 FEET; THENCE
NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41° 47'
45" AN ARC DISTANCE OF 73.24 FEET; THENCE TANGENT TO SAID CURVE
NORTH 57° 35' 42" EAST 264.31 FEET TO THE BEGINNING OF A TANGENT
CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE
EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53° 02' 30"
AN ARC DISTANCE OF 97.58 FEET THENCE TANGENT TO SAID CURVE SOUTH
69° 23' 48" EAST 104.60 FEET TO THE BEGINNING OF A TANGENT CURVE
CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 200 FEET; THENCE
SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 36'
08" AN ARC DISTANCE OF 89.37 FEET; THENCE TANGENT TO SAID CURVE SOUTH
53° 47' 40" EAST 76.50 FEET TO THE BEGINNING OF A TANGENT CURVE
NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE EASTERLY ALONG
SAID CURVE THROUGH A CENTRAL ANGLE OF 67° 26' 00" AN ARC DISTANCE
OF 117.69 FEET; THENCE TANGENT TO SAID CURVE, NORTH 68° 46' 20"
EAST 102.52 FEET TO A POINT IN THE EAST LINE OF SAID SECTION 23,
THAT IS DISTANCE THEREFROM SOUTH 0° 08' 40" EAST 557.76 FEET FROM
THE NORTHEAST CORNER OF SAID SECTION 23; THENCE CONTINUING NORTH
48° 46' 20" EAST 54.00 FEET TO THE BEGINNING OF A TANGENT CURVE
CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100 FEET; THENCE
NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 23'
45" AN ARC DISTANCE OF 73.99 FEET; THENCE TANGENT TO SAID CURVE,
NORTH 26° 22' 39" EAST 17.01 FEET TO THE BEGINNING OF A TANGENT
CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100 FEET;
THENCE NORTHEASTERLY AND EASTERLY ALONG SAID CURVE THROUGH A
CENTRAL ANGLE OF 72° 21' 30" AN ARC DISTANCE OF 126.29 FEET; THENCE
TANGENT TO SAID CURVE, SOUTH 61° 15' 35" EAST 57.89 FEET TO THE
BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS
OF 200 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A
CENTRAL ANGLE OF 23° 26' 00" AN ARC DISTANCE OF 81.80 FEET; THENCE
TANGENT TO SAID CURVE, SOUTH 57° 49' 55" EAST 86.94 FEET TO THE
BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS
OF 90 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL
ANGLE OF 67° 20' 00" AN ARC DISTANCE OF 137.18 FEET; THENCE TO
SAID CURVE, NORTH 34° 50' 05" EAST 2.35 FEET; THENCE TO SAID
CURVE, NORTH 34° 50' 05" EAST 2.35 FEET TO THE BEGINNING OF A
TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 100 FEET;
THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°
20' 30" AN ARC DISTANCE OF 59.94 FEET; THENCE TANGENT TO SAID
CURVE, NORTH 0° 29' 35" EAST TO THE SOUTHERLY LINE OF SADDLE PEAK
ROAD, 60 FEET WIDE, AS SHOWN ON IN THE COUNTY SURVEYOR'S MAP NO.
8807, SHEET NO. 1, AS FILED IN THE OFFICE OF THE COUNTY ENGINEER
OF SAID COUNTY.

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- 6 -

THE SIDE LINES OF SAID 60 FOOT STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE SOUTHERLY IN THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23 AND TO TERMINATE NORTHERLY IN SAID SOUTHERLY LINE OF SADDLE PEAK ROAD.

PARCEL 6:

AN EASEMENT FOR INGRESS AND EGRESS, OVER THAT PORTION OF THE NORTH OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND, 30 FEET WIDE, LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE IN THE CENTER LINE OF SADDLE PEAK ROAD, 60.00 FEET WIDE, DESCRIBED IN DEED TO THE COUNTY OF LOS ANGELES, RECORDED ON NOVEMBER 12, 1942 AS INSTRUMENT NO. 1236, IN BOOK 19715, PAGE 10, OFFICIAL RECORDS OF SAID COUNTY, AS HAVING A BEARING AND LENGTH OF NORTH $13^{\circ} 58' 40''$ WEST 35.35 FEET; THENCE SOUTH $86^{\circ} 37' 17''$ WEST 116.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $42^{\circ} 10' 37''$ AN ARC DISTANCE OF 73.61 FEET; THENCE TANGENT TO SAID CURVE SOUTH $44^{\circ} 26' 40''$ WEST 73.55 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $25^{\circ} 34' 10''$ AN ARC DISTANCE OF 44.63 FEET; THENCE TANGENT TO SAID CURVE SOUTH $70^{\circ} 00' 50''$ WEST 124.24 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $50^{\circ} 34' 00''$ AN ARC DISTANCE OF 88.26 FEET; THENCE TANGENT TO SAID CURVE NORTH $59^{\circ} 25' 10''$ WEST 25.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 70.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $69^{\circ} 57' 45''$ AN ARC DISTANCE OF 85.48 FEET; THENCE TANGENT TO SAID CURVE SOUTH $50^{\circ} 37' 05''$ WEST 82.26 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $80^{\circ} 50' 00''$ AN ARC DISTANCE OF 141.08 FEET; THENCE TANGENT TO SAID CURVE NORTH $48^{\circ} 32' 55''$ WEST 99.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS 40.00 FEET; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $125^{\circ} 55' 30''$ AN ARC DISTANCE OF 87.91 FEET; THENCE TANGENT TO SAID CURVE

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87-1015365

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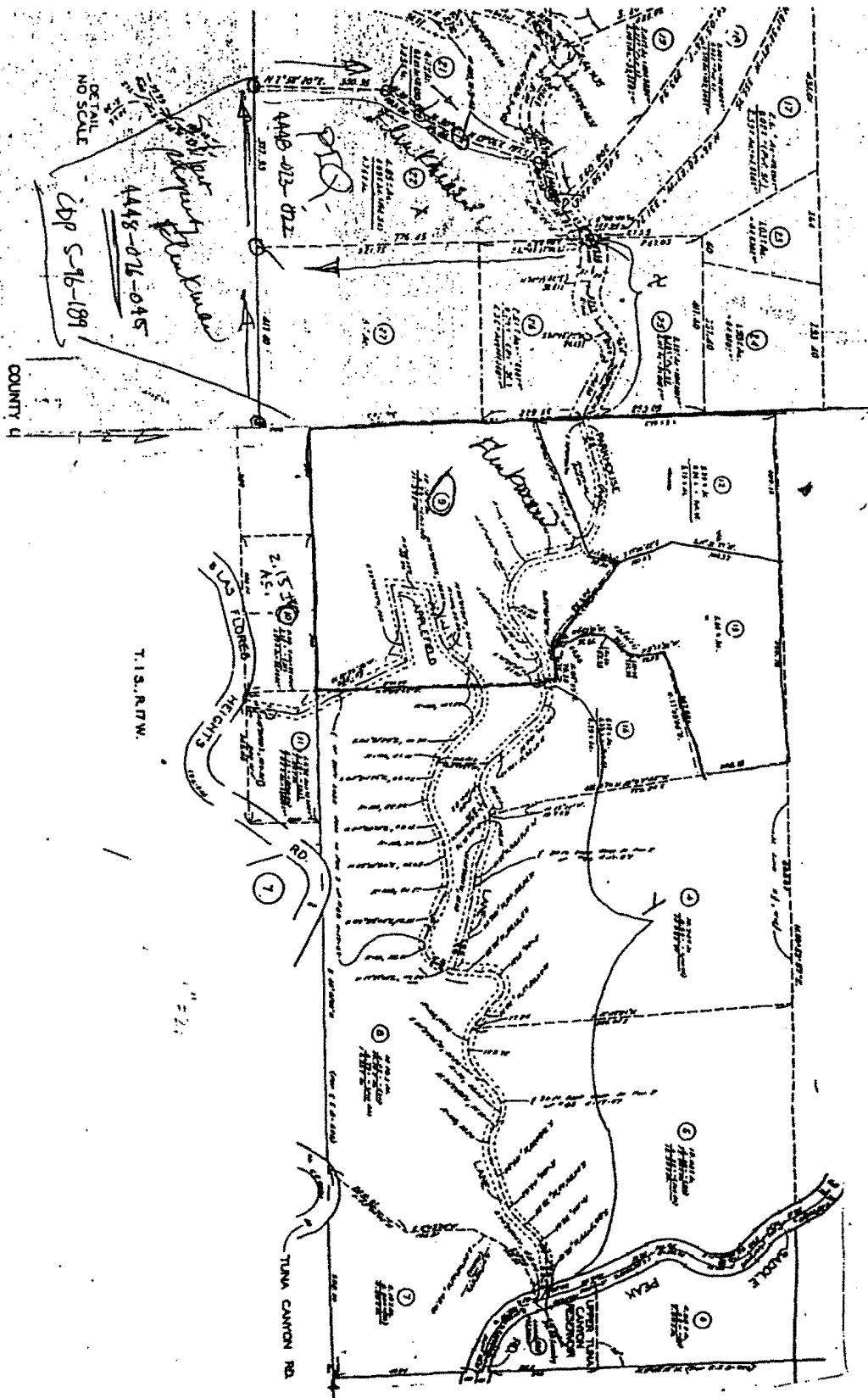
SOUTH 5° 31' 35" WEST 101.59 FEET; THENCE NORTH 74° 59' 40" WEST 195.55 FEET; THENCE NORTH 81° 43' 25" WEST 95.61 FEET; THENCE NORTH 69° 26' 10" WEST 91.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46° 50' 45" AN ARC DISTANCE OF 81.76 FEET; THENCE TANGENT TO SAID CURVE SOUTH 62° 43' 05" WEST 8.80 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 80.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 74° 38' 55" AN ARC DISTANCE OF 104.23 FEET; THENCE TANGENT TO SAID CURVE NORTH 41° 38' 00" WEST 176.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 58° 53' 10" AN ARC DISTANCE OF 102.78 FEET; THENCE TANGENT TO SAID CURVE SOUTH 79° 28' 50" WEST 53.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20° 56' 30" AN ARC DISTANCE OF 36.55 FEET; THENCE TANGENT TO SAID CURVE SOUTH 58° 32' 20" WEST 112.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53° 37' 15" AN ARC DISTANCE OF 93.59 FEET; THENCE TANGENT TO SAID CURVE NORTH 67° 50' 25" WEST 10.01 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55° 45' 30" AN ARC DISTANCE OF 97.32 FEET; THENCE TANGENT TO SAID CURVE NORTH 12° 04' 55" WEST 87.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43° 39' 30" AN ARC DISTANCE OF 76.20 FEET; TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 227.48 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51° 23' 45" AN ARC DISTANCE OF 204.06 FEET; THENCE TANGENT TO SAID CURVE SOUTH 72° 51' 50" WEST TO LINE OF SAID SECTION 24. THE SIDE LINES OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE EASTERLY IN THE WESTERLY LINE OF SAID SADDLE PEAK ROAD, 60.00 FEET WIDE, AND TO TERMINATE WESTERLY IN THE WEST LINE OF SAID SECTION 24.

THE SIDE LINE OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE EASTERLY IN THE WESTERLY LINE OF SAID SADDLE PEAK ROAD, 60.00 FEET WIDE, AND TO TERMINATE WESTERLY IN THE WEST LINE OF SAID SECTION 24.

PARCEL 7:

AN EASEMENT AS SET FORTH IN THAT CERTAIN AGREEMENT AND GRANT OF EASEMENT BY AND BETWEEN SANDSTONE PROPERTIES, INC., AND PAUL PAIGE AND JOSE MARIPOSA, RECORDED DECEMBER 15, 1977, AS INSTRUMENT NO. 77-1384100.

87-1015365



THIS IS NEITHER A PLAN NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.

Exhibit 5

Flinkman Realty
3005 Main Street, Suite 500
Santa Monica, CA 90405

Phone: 310-396-1439
FAX: 310-396-6425
email: flinkman@home.com

December 2, 1999

Merle Betz
California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, CA 93001

RECEIVED
DEC 13 1999
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: Easement Information

Dear Mr. Betz,

I have enclosed the colored easement maps for parcel 4448-023-022 owned by my parents, Stan and Ruth Flinkman, who are co-owners of the parcel covered by APP 4-96-189. Parcel 22 is the parcel that we use to access the acreage that was subject to the lot line adjustment. The enclosed color copies of the seven easements shown were prepared many years ago by Continental Land Title Company. I have also enclosed a copy of a title report that I believe relates to the colored maps. It is my interpretation of these maps and title report that we have legal access to Parcel 22, and therefore the land subject to APP 4-96-189, over both Parkhouse Lane and Swenson Drive. Please forward a copy of these documents to your legal department for their review so we can voice our concerns. Should you have any further questions please let me know.

Sincerely,

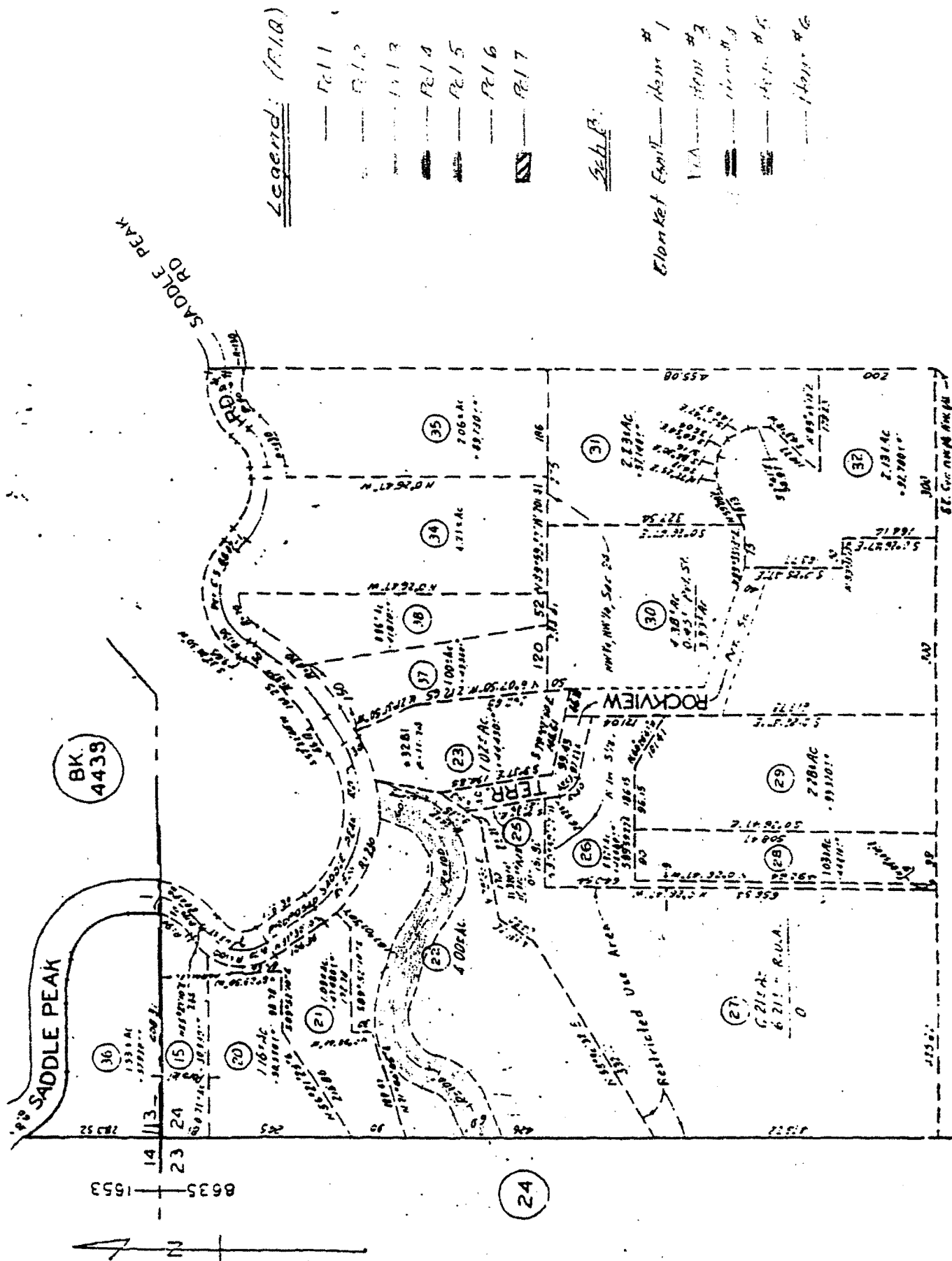


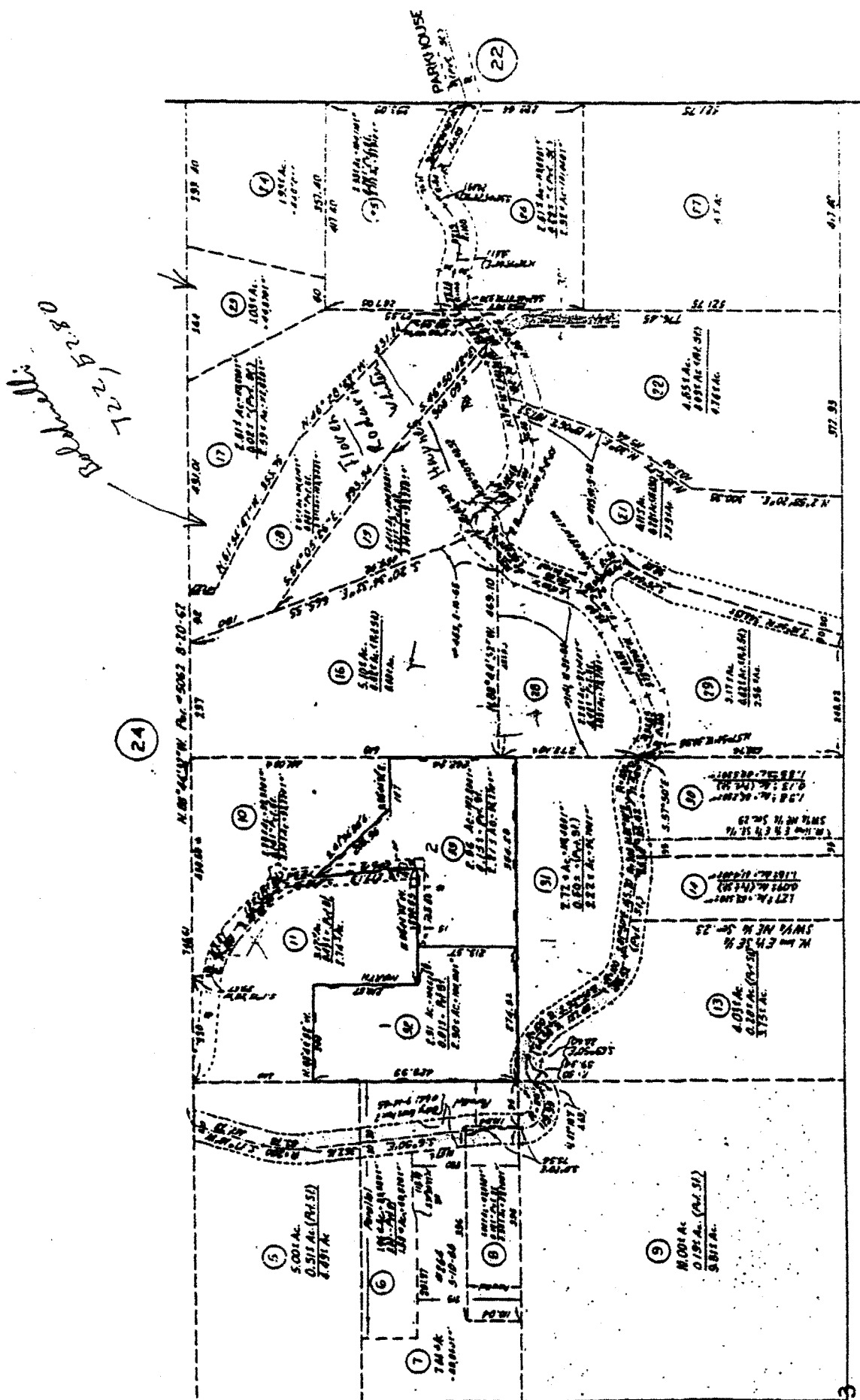
Lewis Flinkman

Cc Alan Robert Block

Exhibit IX
Application R-4-96-189 (Lane and Douglas)
Lane Correspondence 12/2/99

THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.



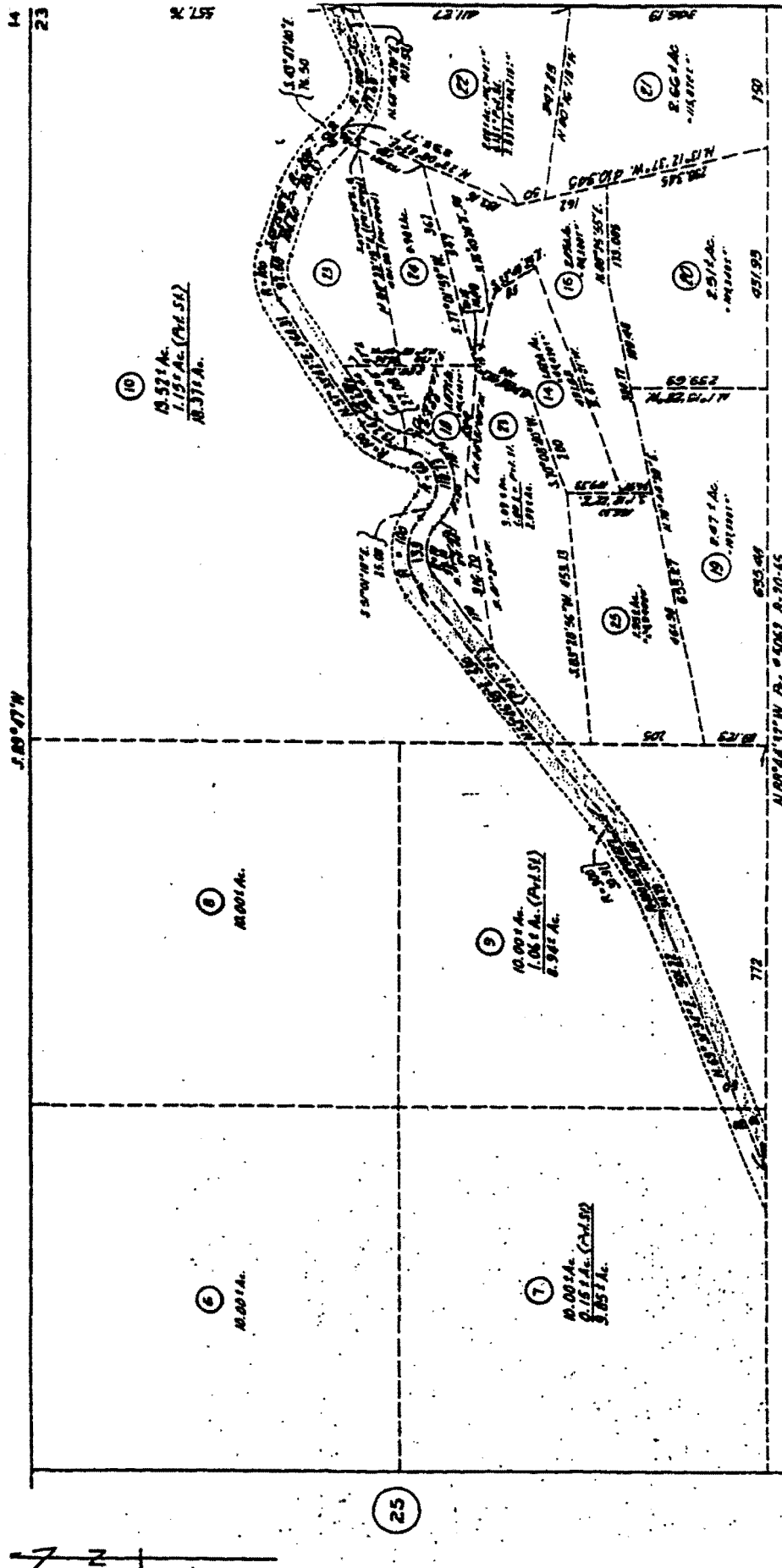


DETAIL
NO SCALE

T.T.S., R.17W.
PARCEL MAP

THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON. REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.

Continental Land Title Company



T.1S.,R.17W.

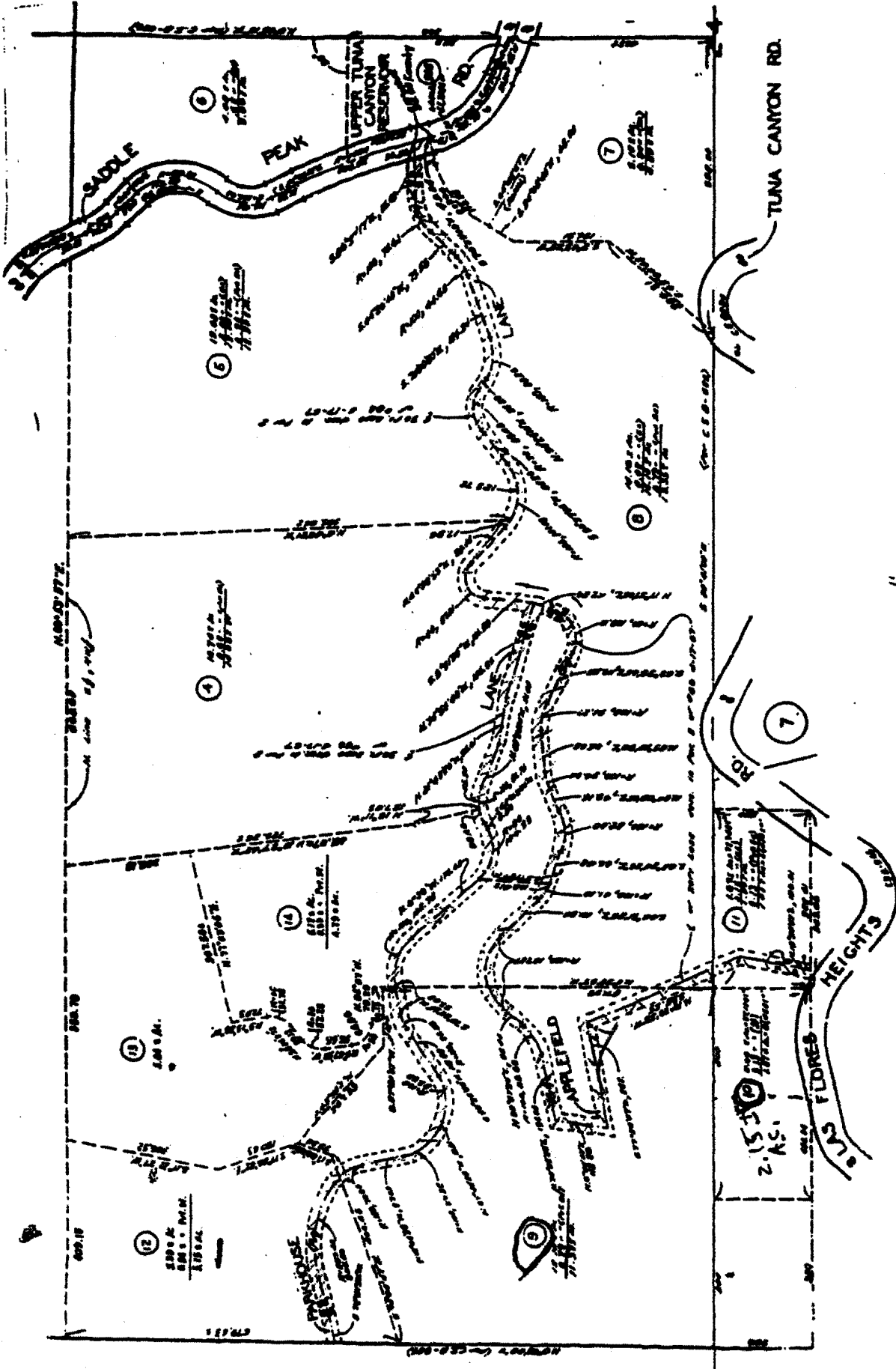
THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.

Continental Land Title Company

Subscribed

Continental Land Title Company

THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.



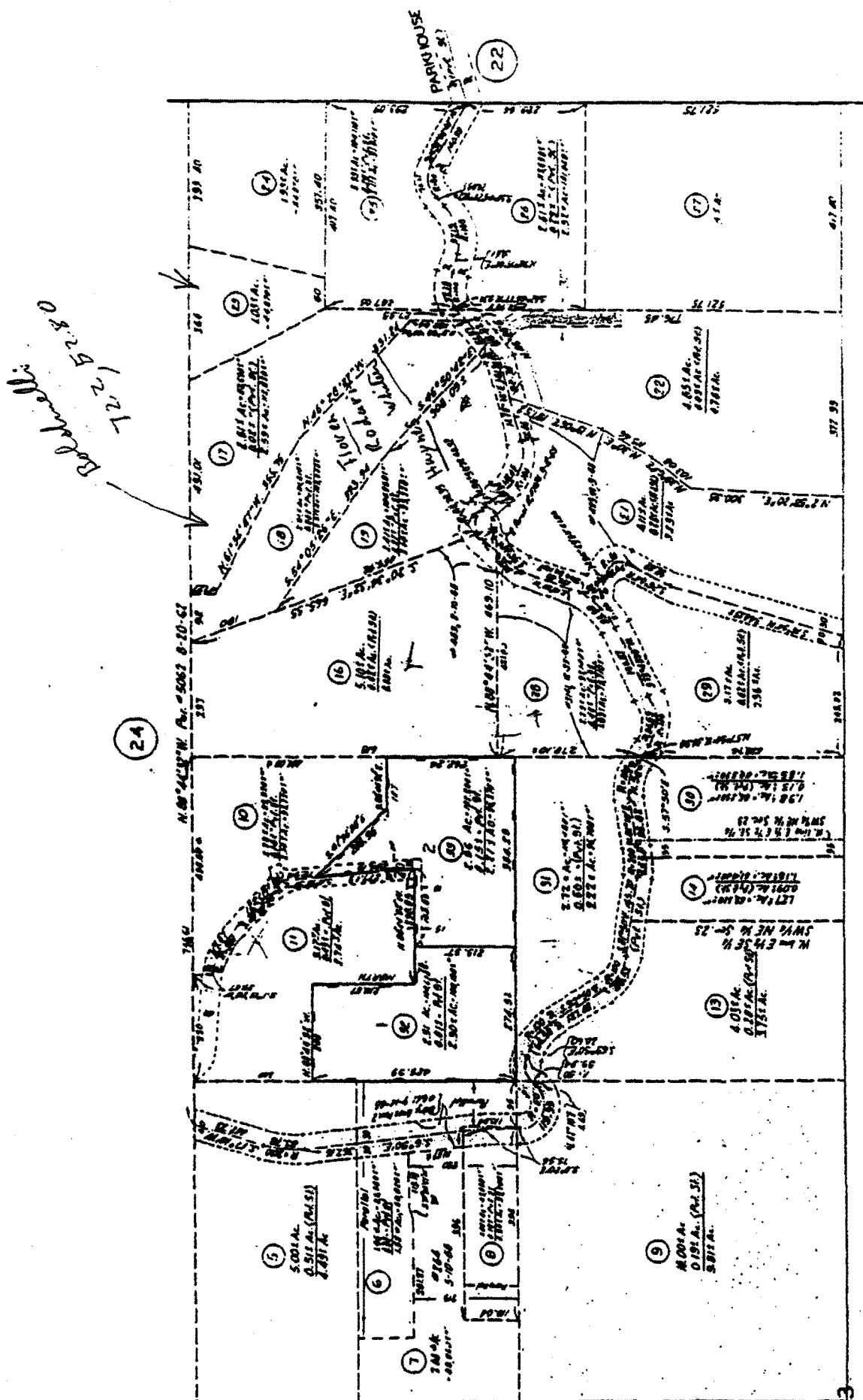
T.13.R.7W.

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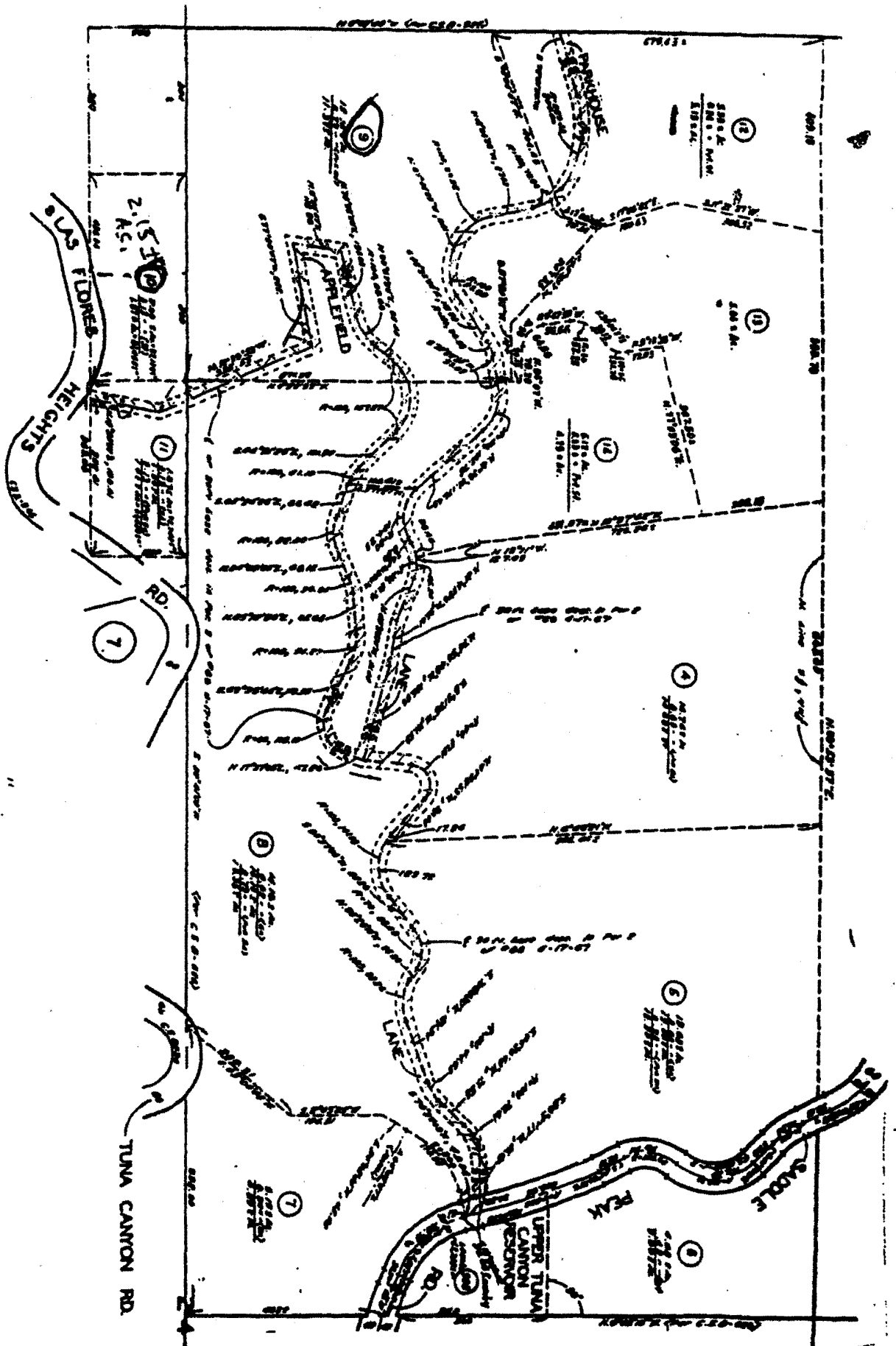
Blanket Expit. — item #1
 Blanket Expit. — item #2
 Blanket Expit. — item #3
 Blanket Expit. — item #4
 Blanket Expit. — item #5





THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON. REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.

T.1S.R.7W.



THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.

Continental Land Title Company

5/4

CHESTER

CONTINENTAL LAND TITLE COMPANY
A SUBSIDIARY OF
LAWYERS TITLE INSURANCE CORPORATION
60 UNIVERSAL CITY PLAZA
UNIVERSAL CITY, CALIFORNIA 91608

(818) 760-2700

SECURITY PACIFIC NATIONAL BANK
1401 WILSHIRE BLVD.
SANTA MONICA, CA.

ATTENTION: MARY HELEN STARK

YOUR NO. 73-1897
OUR NO. 0995488

DATED AS OF MARCH 20, 1987 AT 7:30 A.M.

IN RESPONSE TO THE ABOVE REFERENCED APPLICATION FOR A POLICY OF
TITLE INSURANCE

CONTINENTAL LAND TITLE COMPANY

HEREBY REPORTS THAT IT IS PREPARED TO ISSUE, OR CAUSE TO BE ISSUED AS OF THE
DATE HEREOF, A POLICY OR POLICIES OF TITLE INSURANCE DESCRIBING THE LAND AND
THE ESTATE OR INTEREST THEREIN HEREINAFTER SET FORTH, INSURING AGAINST LOSS
WHICH MAY BE SUSTAINED BY REASON OF ANY DEFECT, LIEN OR ENCUMBRANCE NOT SHOWN
OR REFERRED TO AS AN EXCEPTION IN SCHEDULE B OR NOT EXCLUDED FROM COVERAGE
PURSUANT TO THE PRINTED SCHEDULES, CONDITIONS AND STIPULATIONS OF SAID POLICY
FORMS.

THE PRINTED EXCEPTIONS AND EXCLUSIONS FROM THE COVERAGE OF SAID POLICY OR
POLICIES ARE SET FORTH IN THE ATTACHED LIST. COPIES OF THE POLICY FORMS
SHOULD BE READ. THEY ARE AVAILABLE FROM THE OFFICE WHICH ISSUED THIS REPORT.

THIS REPORT (AND ANY SUPPLEMENTS OR AMENDMENTS HERETO) IS ISSUED SOLELY FOR
THE PURPOSE OF FACILITATING THE ISSUANCE OF A POLICY OF TITLE INSURANCE AND
NO LIABILITY IS ASSUMED HEREBY. IF IT IS DESIRED THAT LIABILITY BE ASSUMED
PRIOR TO THE ISSUANCE OF A POLICY OF TITLE INSURANCE, A BINDER OR COMMITMENT
SHOULD BE REQUESTED.

THE FORM OF POLICY OF TITLE INSURANCE CONTEMPLATED BY THIS REPORT IS:

1. CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY . ☒
2. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY ☐
3. AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY ☐
4. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B ☐

Bob Haley
TITLE OFFICER BOB HALEY

APR - 07 - 1987

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SCHEDULE A ORDER NO. 3995438

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A FEE AS TO PARCEL 1

AN EASEMENT AS TO PARCELS 2, 3, 4, 5, 6 AND 7

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

MARVIN CHESTER AND ELFRIEDE E. CHESTER, HUSBAND AND WIFE AS COMMUNITY PROPERTY

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH, RECORDED IN BOOK 804, PAGE 54, OFFICIAL RECORDS, IN SAID COUNTY, SAID CORNER BEING A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, DISTANT THEREON NORTH 89° 06' 04" WEST 417.40 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER; THENCE ALONG SAID SOUTH LINE OF SAID NORTHEAST QUARTER, NORTH 89° 06' 04" WEST 372.93 FEET; THENCE NORTH 2° 58' 20" EAST 300.95 FEET; THENCE NORTH 39° 04' EAST 103.08 FEET; THENCE NORTH 30° 00' EAST 115.46 FEET; THENCE NORTH 19° 06' EAST 197.52 FEET; THENCE NORTH 75° 18' EAST 84.74 FEET; THENCE NORTH 46° 24' EAST 118.82 FEET TO THE WEST LINE OF THE LAND DESCRIBED IN SAID DEED TO WALSH; THENCE ALONG SAID WEST LINE SOUTH 0° 08' 40" EAST 776.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITY AND INCIDENTAL PURPOSES OVER THAT OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

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BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE NORTHEAST QUARTER THAT IS DISTANT THEREON SOUTH $0^{\circ} 08' 40''$ EAST 293.09 FEET FROM THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH; RECORDED IN BOOK 584 PAGE 34, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING ALSO DISTANT SOUTH $0^{\circ} 08' 40''$ EAST 564.81 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23; THENCE NORTH $59^{\circ} 08' 40''$ WEST 140.39 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 60 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $70^{\circ} 46'$ AN ARC DISTANCE OF 74.11 FEET; THENCE SOUTH $50^{\circ} 05' 20''$ WEST 20.03 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF $55^{\circ} 39'$; AN ARC DISTANCE OF 97.13 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE, NORTH $74^{\circ} 15' 40''$ EAST 38.61 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF $44^{\circ} 12'$ AN ARC DISTANCE OF 77.14 FEET; THENCE SOUTH $62^{\circ} 46' 07''$ WEST 9.70 FEET TO A POINT ON THE WEST LINE OF SAID LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH, SAID POINT BEING DISTANT SOUTH $0^{\circ} 08' 40''$ EAST 267.05 FEET THEREON FROM THE NORTHWEST CORNER OF SAID LAND OF WALSH; THENCE SOUTH $46^{\circ} 24' 00''$ WEST 67.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 200 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $28^{\circ} 54'$ AN ARC DISTANCE OF 100.83 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $75^{\circ} 18' 00''$ WEST 141.20 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF $67^{\circ} 52'$ AN ARC DISTANT OF 118.45 FEET; THENCE TANGENT TO SAID CURVE, NORTH $36^{\circ} 50' 00''$ WEST 48.32 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 40 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED TANGENT CURVE THROUGH A CENTRAL ANGLE OF $106^{\circ} 30'$ AN ARC DISTANT OF 74.35 FEET; THENCE SOUTH $36^{\circ} 40' 00''$ WEST 98.57 FEET; THENCE SOUTH $18^{\circ} 40' 00''$ WEST 132.40 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 30 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $111^{\circ} 52' 30''$ AN ARC DISTANCE OF 58.56 FEET; THENCE TANGENT TO SAID CURVE, NORTH $86^{\circ} 49' 30''$ EAST 1.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 33 FEET; THENCE SOUTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF $119^{\circ} 14' 30''$ AN ARC DISTANCE OF 62.44 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE, SOUTH $26^{\circ} 04' 00''$ WEST 98.82 FEET; THENCE SOUTH $16^{\circ} 04' 00''$ WEST 348.13 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 23.

EXCEPT THAT PORTION LYING WITHIN PARCEL 1 ABOVE.

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PARCEL 3:

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES OVER THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "A" OF PARCEL 2 HEREINABOVE DESCRIBED, SAID POINT BEING THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55° AN ARC LENGTH OF 95.99 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $73^{\circ} 60' 00''$ WEST 160.37 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED TANGENT CURVE, THROUGH A CENTRAL ANGLE OF $48^{\circ} 30'$ AN ARC DISTANCE OF 84.65 FEET; THENCE TANGENT TO SAID CURVE NORTH $57^{\circ} 50' 00''$ WEST 30.93 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23.

PARCEL 4:

AN EASEMENT FOR INGRESS, EGRESS, ROADWAY, PUBLIC UTILITY INCLUDING WATER AND SEWER LINES AND INCIDENTAL PURPOSES OVER THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60.00 FEET WIDE, LYING 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, DISTANT THEREON NORTH $68^{\circ} 44' 32''$ WEST 746.61 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23; THENCE SOUTH $17^{\circ} 16' 00''$ WEST 142.73 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 200 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $24^{\circ} 00' 00''$ AN ARC DISTANCE OF 83.78 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $6^{\circ} 50' 00''$ EAST 367.17 FEET; THENCE SOUTH $0^{\circ} 20' 00''$ EAST 75.56 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING OF 50.00 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $137^{\circ} 30' 00''$ AN ARC DISTANCE OF 119.99 FEET; THENCE TANGENT TO SAID CURVE NORTH $42^{\circ} 10' 00''$ EAST 4.69 FEET TO THE BEGINNING OF A TANGENT

CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $68^{\circ} 00' 00''$ AN ARC DISTANCE OF 59.34 FEET; THENCE TANGENT TO SAID CURVE SOUTH $69^{\circ} 50' 00''$ EAST 20.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $37^{\circ} 00' 00''$ AN ARC DISTANCE OF 64.53 FEET; THENCE TANGENT TO SAID CURVE SOUTH $32^{\circ} 50' 00''$ EAST 127.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $49^{\circ} 00' 00''$ AN ARC DISTANCE OF 85.52 FEET; THENCE TANGENT TO SAID CURVE SOUTH $81^{\circ} 50' 00''$ EAST 165.70 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 200.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $17^{\circ} 00' 00''$ AN ARC DISTANCE OF 59.34 FEET; TANGENT TO SAID CURVE, NORTH $81^{\circ} 10' 00''$ EAST 95.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $41^{\circ} 00' 00''$ AN ARC DISTANCE OF 71.56 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $57^{\circ} 50' 00''$ EAST TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23.

PARCEL 5:

AN EASEMENT FOR INGRESS, EGRESS, ROADWAY, PUBLIC UTILITY INCLUDING WATER AND SEWER LINES AND INCIDENTAL PURPOSES OVER A STRIP OF LAND 60 FEET WIDE, TOGETHER WITH NECESSARY SLOPING RIGHTS OVER PORTIONS OF SECTIONS 23 AND 24, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, THE CENTER LINE OF SAID 60 FOOT STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THAT IS DISTANT THEREON NORTH $68^{\circ} 44' 32''$ WEST 772.00 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH $69^{\circ} 31' 34''$ EAST 501.22 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 300 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $10^{\circ} 27' 52''$ AN ARC DISTANCE OF 54.79 FEET; THENCE TANGENT TO SAID CURVE, NORTH $59^{\circ} 03' 42''$ EAST 104.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 300 FEET THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $6^{\circ} 17' 04''$ AN ARC DISTANCE OF 32.91 FEET; THENCE TANGENT TO SAID CURVE, NORTH $52^{\circ} 46' 38''$ EAST 530 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AT

HAVING A RADIUS OF 100 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $76^{\circ} 12' 04''$ AN ARC DISTANCE OF 133 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $51^{\circ} 01' 18''$ EAST 25.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 60 FEET; THENCE EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $113^{\circ} 22' 45''$ AN ARC DISTANCE OF 118.13 FEET; THENCE TANGENT TO SAID CURVE, NORTH $15^{\circ} 35' 57''$ EAST 27.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $41^{\circ} 47' 45''$ AN ARC DISTANCE OF 73.24 FEET; THENCE TANGENT TO SAID CURVE NORTH $57^{\circ} 35' 42''$ EAST 264.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $53^{\circ} 02' 30''$ AN ARC DISTANCE OF 92.58 FEET THENCE TANGENT TO SAID CURVE SOUTH $69^{\circ} 23' 48''$ EAST 104.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 200 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $25^{\circ} 36' 08''$ AN ARC DISTANCE OF 89.37 FEET; THENCE TANGENT TO SAID CURVE SOUTH $53^{\circ} 47' 40''$ EAST 76.50 FEET TO THE BEGINNING OF A TANGENT CURVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $67^{\circ} 26' 00''$ AN ARC DISTANCE OF 117.69 FEET; THENCE TANGENT TO SAID CURVE, NORTH $68^{\circ} 46' 20''$ EAST 102.52 FEET TO A POINT IN THE EAST LINE OF SAID SECTION 23, THAT IS DISTANCE THEREON SOUTH $0^{\circ} 08' 40''$ EAST 557.76 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 23; THENCE CONTINUING NORTH $48^{\circ} 46' 20''$ EAST 54.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $42^{\circ} 23' 45''$ AN ARC DISTANCE OF 73.99 FEET; THENCE TANGENT TO SAID CURVE, NORTH $26^{\circ} 22' 39''$ EAST 17.01 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $72^{\circ} 21' 30''$ AN ARC DISTANCE OF 126.29 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $61^{\circ} 15' 35''$ EAST 57.89 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 200 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $23^{\circ} 26' 00''$ AN ARC DISTANCE OF 81.80 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $57^{\circ} 49' 55''$ EAST 86.94 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 90 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $67^{\circ} 20' 00''$ AN ARC DISTANCE OF 137.18 FEET; THENCE TO SAID CURVE, NORTH $34^{\circ} 50' 05''$ EAST 2.35 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 100 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°

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20' 30" AN ARC DISTANCE OF 59.94 FEET; THENCE TANGENT TO SAID CURVE, NORTH 0° 29' 35" EAST TO THE SOUTHERLY LINE OF SADDLE PEAK ROAD, 60 FEET WIDE, AS SHOWN ON IN THE COUNTY SURVEYOR'S MAP NO. 8807, SHEET NO. 1, AS FILED IN THE OFFICE OF THE COUNTY ENGINEER OF SAID COUNTY.

THE SIDE LINES OF SAID 60 FOOT STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE SOUTHERLY IN THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23 AND TO TERMINATE NORTHERLY IN SAID SOUTHERLY LINE OF SADDLE PEAK ROAD.

PARCEL 6:

AN EASEMENT FOR INGRESS AND EGRESS, OVER THAT PORTION OF THE NORTH OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND, 30 FEET WIDE, LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE IN THE CENTER LINE OF SADDLE PEAK ROAD, 60.00 FEET WIDE, DESCRIBED IN DEED TO THE COUNTY OF LOS ANGELES, RECORDED ON NOVEMBER 12, 1942 AS INSTRUMENT NO. 1236, IN BOOK 19715, PAGE 10, OFFICIAL RECORDS OF SAID COUNTY, AS HAVING A BEARING AND LENGTH OF NORTH 13° 53' 40" WEST 35.35 FEET; THENCE SOUTH 88° 37' 17" WEST 116.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 10' 37" AN ARC DISTANCE OF 73.61 FEET; THENCE TANGENT TO SAID CURVE SOUTH 44° 26' 40" WEST 73.55 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 34' 10" AN ARC DISTANCE OF 44.63 FEET; THENCE TANGENT TO SAID CURVE SOUTH 70° 00' 50" WEST 124.24 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50° 34' 00" AN ARC DISTANCE OF 88.26 FEET; THENCE TANGENT TO SAID CURVE NORTH 59° 25' 10" WEST 25.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 70.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 69° 57' 45" AN ARC DISTANCE OF 85.48 FEET; THENCE TANGENT TO SAID CURVE SOUTH 50° 37' 05" WEST 82.26 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 80° 50' 00" AN ARC DISTANCE OF 141.08 FEET; THENCE TANGENT TO SAID CURVE NORTH 48° 32' 55" WEST 99.03

FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS 40.00 FEET; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $125^{\circ} 55' 30''$ AN ARC DISTANCE OF 87.91 FEET; THENCE TANGENT TO SAID CURVE SOUTH $5^{\circ} 31' 35''$ WEST 101.59 FEET; THENCE NORTH $74^{\circ} 59' 40''$ WEST 195.55 FEET; THENCE NORTH $81^{\circ} 43' 25''$ WEST 95.61 FEET; THENCE NORTH $69^{\circ} 26' 10''$ WEST 91.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $46^{\circ} 50' 45''$ AN ARC DISTANCE OF 81.76 FEET; THENCE TANGENT TO SAID CURVE SOUTH $62^{\circ} 43' 05''$ WEST 8.80 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 80.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $74^{\circ} 38' 55''$ AN ARC DISTANCE OF 104.23 FEET; THENCE TANGENT TO SAID CURVE NORTH $41^{\circ} 38' 00''$ WEST 176.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $58^{\circ} 53' 10''$ AN ARC DISTANCE OF 102.78 FEET; THENCE TANGENT TO SAID CURVE SOUTH $79^{\circ} 28' 50''$ WEST 53.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $20^{\circ} 56' 30''$ AN ARC DISTANCE OF 36.55 FEET; THENCE TANGENT TO SAID CURVE SOUTH $58^{\circ} 32' 20''$ WEST 112.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $53^{\circ} 37' 15''$ AN ARC DISTANCE OF 93.59 FEET; THENCE TANGENT TO SAID CURVE NORTH $67^{\circ} 50' 25''$ WEST 10.01 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $55^{\circ} 45' 30''$ AN ARC DISTANCE OF 97.32 FEET; THENCE TANGENT TO SAID CURVE NORTH $12^{\circ} 04' 55''$ WEST 87.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $43^{\circ} 39' 30''$ AN ARC DISTANCE OF 76.20 FEET; TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 227.48 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $51^{\circ} 23' 45''$ AN ARC DISTANCE OF 204.06 FEET; THENCE TANGENT TO SAID CURVE SOUTH $72^{\circ} 51' 50''$ WEST TO THE WEST LINE OF SAID SECTION 24, THE SIDE LINES OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE EASTERLY IN THE WESTERLY LINE OF SAID SADDLE PEAK ROAD, 60.00 FEET WIDE, AND TO TERMINATE WESTERLY IN THE WEST LINE OF SAID SECTION 24.

THE SIDE LINE OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE EASTERLY IN THE WESTERLY LINE OF SAID SADDLE PEAK ROAD, 60.00 FEET WIDE, AND TO TERMINATE WESTERLY IN THE WEST LINE OF SAID SECTION 24.

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SCHEDULE A PAGE NO. 8

ORDER NO. 3275438

PARCEL 7:

AN EASEMENT AS SET FORTH IN THAT CERTAIN AGREEMENT AND GRANT OF
EASEMENT BY AND BETWEEN SANDSTONE PROPERTIES, INC., AND PAUL PAIGE
AND JOSI MARIPOSA, RECORDED DECEMBER 15, 1977, AS INSTRUMENT NO.
77-1384100, OFFICIAL RECORDS.

SCHEDULE B

ORDER NO. 3995438

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM DESIGNATED ON THE FACE PAGE OF THIS REPORT WOULD BE AS FOLLOWS:

A. PROPERTY TAXES, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES, TO BE LEVIED FOR THE FISCAL YEAR 1987 - 1988 WHICH ARE A LIEN NOT YET PAYABLE.

B. PROPERTY TAXES, INCLUDING ANY PERSONAL PROPERTY TAXES AND ANY ASSESSMENTS COLLECTED WITH TAXES, FOR THE FISCAL YEAR 1986 - 1987.

1ST INSTALLMENT: \$619.47, PAID

2ND INSTALLMENT: \$619.47

EXEMPTION: NONE

CODE AREA: 8635

ASSESSMENT NO: 4448-023-022

C. A SALE TO THE STATE OF CALIFORNIA FOR GENERAL AND SPECIAL TAXES AND SUBSEQUENT DELINQUENCIES FOR THE

FISCAL YEAR: 1981-1985

TAXING AUTHORITY: COUNTY OF LOS ANGELES

AMOUNT TO PAY

PRIOR TO: APRIL 10, 1987 \$6,544.07

D. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5 (COMMENCING WITH SECTION 78) OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.

1. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

PURPOSE: ROAD

RECORDED: IN BOOK 804 PAGE 54, OFFICIAL RECORDS

AFFECTS: SAID LAND

THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.

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2. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
PURPOSE: ROAD
RECORDED: IN BOOK 7071 PAGE 138, OFFICIAL RECORDS

AFFECTS: THE SOUTHERLY LYING WITHIN THE LINE OF LANKERSHIM ROAD
3. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
PURPOSE: INGRESS AND EGRESS, PUBLIC UTILITIES
RECORDED: IN BOOK D2578 PAGE 19, OFFICIAL RECORDS

AFFECTS: THAT PORTION OF PARCEL 2 INCLUDED WITHIN PARCEL 1
4. A DECLARATION AND GRANT OF EASEMENTS DATED MARCH 31, 1969, EXECUTED BY FRED A. WRIGHT AND ANN M. WRIGHT, HUSBAND AND WIFE, RECORDED APRIL 15, 1969 AS INSTRUMENT NO. 4276.
5. AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES INCLUDED WITHIN THE EASTERLY 30 FEET OF THE NORTH 314.70 FEET; THE NORTHWESTERLY 30 FEET ALONG THE LINES DESCRIBED IN PARCEL 1 ABOVE AS INSTRUMENT NO. "NORTH 75° 18' EAST 84.74 FEET; THENCE NORTH 46° 24' EAST 118.82 FEET TO THE WEST LINE OF THE LAND DESCRIBED IN SAID DEED TO WALSH"; AND A 30 FOOT STRIP LYING SOUTHWESTERLY OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 70 FEET, SAID CURVE BEING TANGENT TO THE EAST LINE OF PARCEL 1 AND BEGINNING AT A POINT ON THE EAST LINE THAT IS DISTANT SOUTH 0° 08' 40" EAST 149.70 FEET FROM THE NORTHEAST CORNER OF PARCEL 1; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE NORTHWESTERLY BOUNDARY OF PARCEL 1. THE SAID 30 FOOT EASEMENT LINE SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE NORTHWESTERLY IN THE SECOND ABOVE MENTIONED EASEMENT LINE AND TO TERMINATE SOUTHERLY TANGENT TO THE FIRST MENTIONED EASEMENT LINE, AS RESERVED BY FRED A. WRIGHT AND ANN M. WRIGHT, HUSBAND AND WIFE, IN DEED RECORDED JANUARY 24, 1972 AS INSTRUMENT NO. 1709 AND BY ANN M. WRIGHT, A MARRIED WOMAN, IN DEED RECORDED MARCH 1, 1976 AS INSTRUMENT NO. 4689; AND BY M. J. SCHEINBAUM, A MARRIED MAN, IN DEED RECORDED DECEMBER 22, 1970 AS INSTRUMENT NO. 4532.
6. A REAL ESTATE OPTION (NON-TRANSFERABLE) DATED AUGUST 25, 1977, EXECUTED BY JOSI MARIPOSA AND PAUL PAIGE, PARTIES OF THE FIRST PART, AND MARVIN CHESTER AND ELFRIEDE E. CHESTER, PARTIES OF THE SECOND PART, RECORDED SEPTEMBER 1, 1977 AS INSTRUMENT NO. 77-972201.

4/1/87
@ 3:17
to be
eliminated
Joe Thomas
and re-order
copies of all
options

7. AN AGREEMENT AND GRANT OR EASEMENT BY AND BETWEEN SANDSTONE PROPERTIES, INC., AND PAUL PAIGE AND JOSI MARIPOSA, RECORDED DECEMBER 15, 1977 AS INSTRUMENT NO. 77-1384100.

DESCRIPTION OF EASEMENT: THE EASEMENT GRANTED IS:

- (A) A RIGHT OF WAY TO INGRESS AND EGRESS TO THE UPPER ROAD OF SANDSTONE, KNOWN AS PARKHOUSE LANE, AND;
- (B) A RIGHT OF WAY, RIGHT TO HAVE BUILT, ERECTED, INSTALLED, AND MAINTAINED, A WATER LINE, INSTALLED BY A PUBLIC UTILITY COMPANY, ALONG THE ALREADY EXISTING ROAD KNOWN AS PARKHOUSE LANE, AND;
- (C) A RIGHT OF WAY AND RIGHT TO USE THE WATER WELL ON THE "SERVIENT TENEMENT", THE COST OF USE TO BE BORNE TOTALLY BY THE "GRANTEE", AS WELL AS THE COST OF INSTALLATION AND MAINTENANCE OF ANY NECESSARY EQUIPMENT TO FACILITATE ORDINARY, CUSTOMER; AND REASONABLE USE.

LOCATION OF THE EASEMENT: THE EASEMENT HEREIN IS LOCATED AS FOLLOWS:

AN EASEMENT THIRTY FEET WIDE, THE CENTER LINE OF WHICH FOLLOWS AN EXISTING ROAD KNOWN AS PARKHOUSE LANE, WHICH RUNS FORM EAST TO WEST ALONG THE SERVIENT TENEMENT. THE PARTICULAR LOCATION OF THE EASEMENT IS DESCRIBED IN LOS ANGELES COUNTY TAX MAP BOOK 4448 PAGE 22, AND IDENTIFIED THEREIN AS PARKHOUSE LANE.

8. AN INSTRUMENT ENTITLED "CONDITIONAL CERTIFICATE OF COMPLIANCE", EXECUTED BY DEPARTMENT OF REGIONAL PLANNING, COUNTY OF LOS ANGELES, RECORDED OCTOBER 5, 1984 AS INSTRUMENT NO. 84-1201203.

DOCUMENT RECITES, IN PART:

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 FOR PARKHOUSE ROAD ON THE NORTH SIDE OF THE SUBJECT PROPERTY.

-CONTINUED-

2. OFFER SAID RIGHT OF WAY AS EASEMENT TO OTHER PROPERTY OWNERS IN THE NORTHEAST QUARTER OF SECTION 23.

NOTES:

WATER AND ACCESS REQUIREMENTS MAY BE IMPOSED AS A CONDITION OF PERMIT APPROVAL PURSUANT TO SECTIONS 13.301 AND 13.298 OF THE FIRE CODE.

GEOLOGIC, SOILS AND/OR DRAINAGE CONDITIONS ON THE SUBJECT PROPERTY MAY LIMIT DEVELOPMENT OR NECESSITATE THAT REMEDIAL MEASURES BE TAKEN IN ORDER TO OBTAIN A BUILDING PERMIT.

END OF SCHEDULE B

B-3-30-87

NOTES

NOTE NO. 1: IF ANY OF THE VESTEEES HEREIN ARE NOW MARRIED, THIS COMPANY WILL REQUIRE THAT THE SPOUSES OF SAID VESTEE JOIN IN THE EXECUTION OF ANY CONVEYANCE OR ENCUMBRANCE OF SAID PROPERTY.

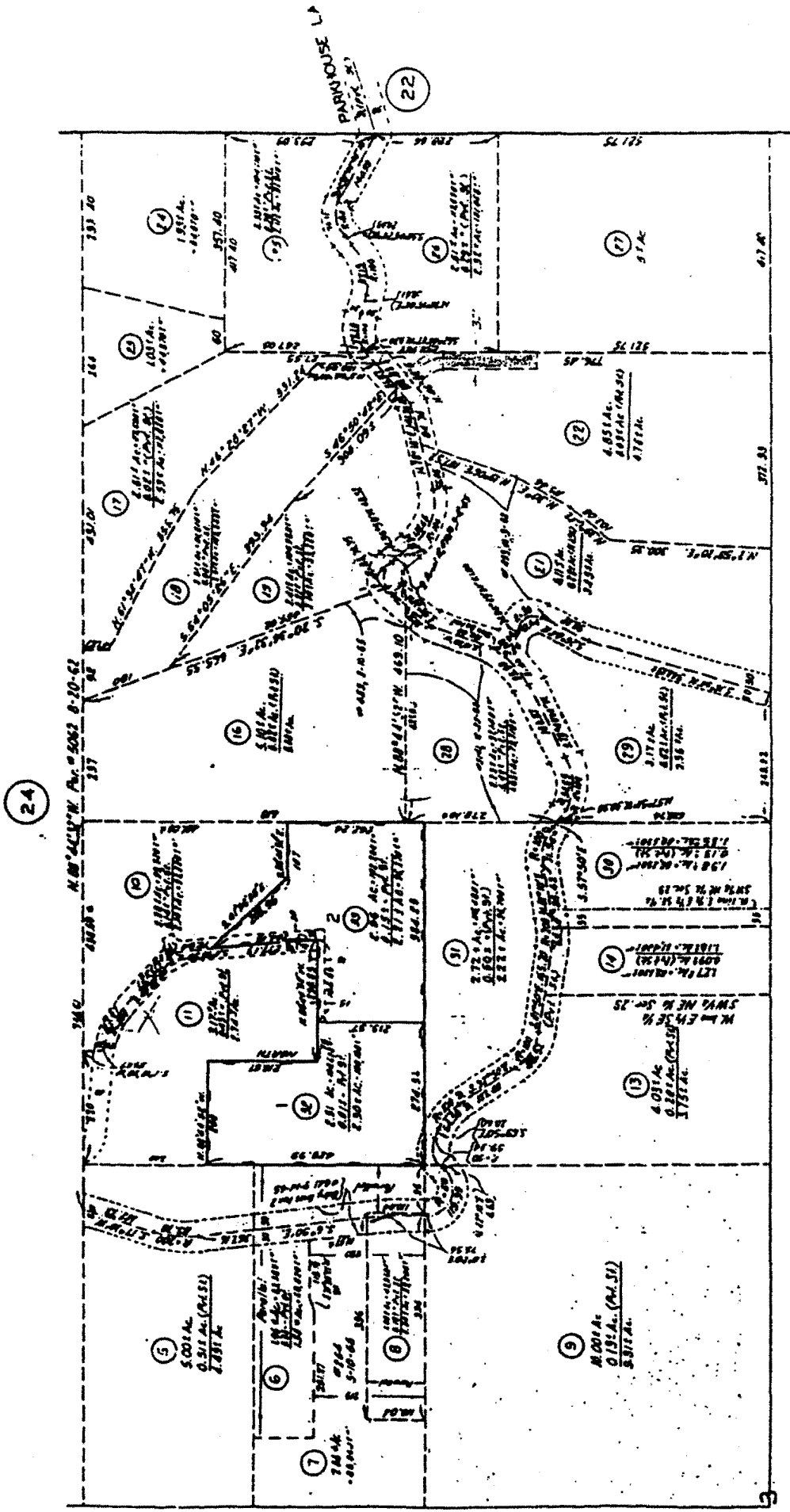
NOTE NO. 2: WE WILL REQUIRE A STATEMENT OF INFORMATION FROM THE PARTIES NAMED BELOW IN ORDER TO COMPLETE THIS REPORT, BASED ON THE EFFECT OF DOCUMENTS, PROCEEDINGS, LIENS, DECREES, OR OTHER MATTERS WHICH DO NOT SPECIFICALLY DESCRIBE SAID LAND, BUT WHICH, IF ANY DO EXIST, MAY AFFECT THE TITLE OR IMPOSE LIENS OR ENCUMBRANCES THEREON.
PARTIES: ALL PARTIES

(NOTE: THE STATEMENT OF INFORMATION IS NECESSARY TO COMPLETE THE SEARCH AND EXAMINATION OF TITLE UNDER THIS ORDER. ANY TITLE SEARCH INCLUDES MATTERS THAT ARE INDEXED BY NAME ONLY, AND HAVING A COMPLETED STATEMENT OF INFORMATION ASSISTS THE COMPANY IN THE ELIMINATION OF CERTAIN MATTERS WHICH APPEAR TO INVOLVE THE PARTIES BUT IN FACT AFFECT ANOTHER PARTY WITH THE SAME OR SIMILAR NAME. BE ASSURED THAT THE STATEMENT OF INFORMATION IS ESSENTIAL AND WILL BE KEPT STRICTLY CONFIDENTIAL TO THIS FILE.)

NOTE NO. 3: THERE ARE NO CONVEYANCES AFFECTING SAID LAND, RECORDED WITHIN SIX (6) MONTHS OF THE DATE OF THIS REPORT.

NOTE NO. 4: THE CHARGE FOR A POLICY OF TITLE INSURANCE, WHEN ISSUED THROUGH THIS TITLE ORDER, WILL BE BASED ON THE BASIC (NOT SHORT-TERM) TITLE INSURANCE RATE.

-CONTINUED-



DETAIL
NO SCALE

T.1S., R.17W.
PARCEL MAP
P.M. 57-17

THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED THEREON. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.

CHESTER

CONTINENTAL LAND TITLE COMPANY
A SUBSIDIARY OF
LAWYERS TITLE INSURANCE CORPORATION
60 UNIVERSAL CITY PLAZA
UNIVERSAL CITY, CALIFORNIA 91608

RECEIVED
(810) 760-2700
SOUTH CENTRAL COAST DISTRICT

SECURITY PACIFIC NATIONAL BANK
1401 WILSHIRE BLVD.
SANTA MONICA, CA.

ATTENTION: MARY HELEN STARK

YOUR NO. 73-457
OUR NO. 3025-442

DATED AS OF MARCH 20, 1987 AT 7:30 A.M.

IN RESPONSE TO THE ABOVE REFERENCED APPLICATION FOR A POLICY OF
TITLE INSURANCE

CONTINENTAL LAND TITLE COMPANY

HEREBY REPORTS THAT IT IS PREPARED TO ISSUE, OR CAUSE TO BE ISSUED AS OF THE
DATE HEREOF, A POLICY OR POLICIES OF TITLE INSURANCE DESCRIBING THE LAND AND
THE ESTATE OR INTEREST THEREIN HEREINAFTER SET FORTH, INCLUDING AGAINST LOSS
WHICH MAY BE SUSTAINED BY REASON OF ANY DEFECT, LIEN OR ENCUMBRANCE NOT SHOWN
OR REFERRED TO AS AN EXCEPTION IN SCHEDULE B OR NOT EXCLUDED FROM COVERAGE
PURSUANT TO THE PRINTED SCHEDULES, CONDITIONS AND STIPULATIONS OF SAID POLICY
FORMS.

THE PRINTED EXCEPTIONS AND EXCLUSIONS FROM THE COVERAGE OF SAID POLICY OR
POLICIES ARE SET FORTH IN THE ATTACHED LIST. COPIES OF THE POLICY FORMS
SHOULD BE READ. THEY ARE AVAILABLE FROM THE OFFICE WHICH ISSUED THIS REPORT.

THIS REPORT (AND ANY SUPPLEMENTS OR AMENDMENTS HERETO) IS ISSUED SOLELY FOR
THE PURPOSE OF FACILITATING THE ISSUANCE OF A POLICY OF TITLE INSURANCE AND
NO LIABILITY IS ASSUMED HEREBY. IF IT IS DESIRED THAT LIABILITY BE ASSUMED
PRIOR TO THE ISSUANCE OF A POLICY OF TITLE INSURANCE, A BINDER OR COMMITMENT
SHOULD BE REQUESTED.

THE FORM OF POLICY OF TITLE INSURANCE CONTEMPLATED BY THIS REPORT IS:

1. CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY . [X]
2. AMERICAN LAND TITLE ASSOCIATION LOAN POLICY [X]
3. AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY []
4. AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY FORM B []

Bob Haley
TITLE OFFICER BOB HALEY

APR 01 1987

SCHEDULE A ORDER NO. 3995438

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A FEE AS TO PARCEL 1

AN EASEMENT AS TO PARCELS 2, 3, 4, 5, 6 AND 7

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

MARVIN CHESTER AND ELFRIEDE E. CHESTER, HUSBAND AND WIFE AS COMMUNITY PROPERTY

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH, RECORDED IN BOOK 804, PAGE 54, OFFICIAL RECORDS, IN SAID COUNTY, SAID CORNER BEING A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, DISTANT THEREON NORTH 89° 06' 04" WEST 417.40 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER; THENCE ALONG SAID SOUTH LINE OF SAID NORTHEAST QUARTER, NORTH 89° 06' 04" WEST 372.93 FEET; THENCE NORTH 2° 58' 20" EAST 300.95 FEET; THENCE NORTH 39° 04' EAST 103.08 FEET; THENCE NORTH 30° 00' EAST 115.46 FEET; THENCE NORTH 19° 06' EAST 197.52 FEET; THENCE NORTH 75° 18' EAST 84.74 FEET; THENCE NORTH 46° 24' EAST 118.82 FEET TO THE WEST LINE OF THE LAND DESCRIBED IN SAID DEED TO WALSH; THENCE ALONG SAID WEST LINE SOUTH 0° 08' 40" EAST 776.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITY AND INCIDENTAL PURPOSES OVER THAT OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

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BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE NORTHEAST QUARTER THAT IS DISTANT THEREON SOUTH $0^{\circ} 08' 40''$ EAST 293.62 FEET FROM THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH; RECORDED IN BOOK 584 PAGE 34, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING ALSO DISTANT SOUTH $0^{\circ} 08' 40''$ EAST 564.31 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23; THENCE NORTH $52^{\circ} 08' 40''$ WEST 140.32 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 80 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $70^{\circ} 46'$ AN ARC DISTANCE OF 74.11 FEET; THENCE SOUTH $50^{\circ} 05' 20''$ WEST 20.03 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF $55^{\circ} 39'$; AN ARC DISTANCE OF 97.13 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE, NORTH $74^{\circ} 15' 40''$ EAST 33.61 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF $44^{\circ} 12'$ AN ARC DISTANCE OF 77.14 FEET; THENCE SOUTH $62^{\circ} 48' 07''$ WEST 9.70 FEET TO A POINT ON THE WEST LINE OF SAID LAND DESCRIBED IN THE DEED TO BYRD KOVAR WALSH, SAID POINT BEING DISTANT SOUTH $0^{\circ} 08' 40''$ EAST 167.05 FEET THEREON FROM THE NORTHWEST CORNER OF SAID LAND OF BYRD KOVAR WALSH; THENCE SOUTH $46^{\circ} 24' 00''$ WEST 87.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 200 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $58^{\circ} 54'$ AN ARC DISTANCE OF 100.88 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $75^{\circ} 18' 00''$ WEST 141.20 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF $67^{\circ} 52'$ AN ARC DISTANCE OF 118.45 FEET; THENCE TANGENT TO SAID CURVE, NORTH $36^{\circ} 50' 00''$ WEST 48.32 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 40 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED TANGENT CURVE THROUGH A CENTRAL ANGLE OF $106^{\circ} 30'$ AN ARC DISTANCE OF 74.35 FEET; THENCE SOUTH $36^{\circ} 40' 00''$ WEST 98.57 FEET; THENCE SOUTH $18^{\circ} 40' 00''$ WEST 132.40 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 30 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $111^{\circ} 52' 30''$ AN ARC DISTANCE OF 58.56 FEET; THENCE TANGENT TO SAID CURVE, NORTH $62^{\circ} 49' 30''$ EAST 1.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 33 FEET; THENCE SOUTHWESTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF $119^{\circ} 14' 30''$ AN ARC DISTANCE OF 32.44 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVE, SOUTH $26^{\circ} 04' 00''$ WEST 93.82 FEET; THENCE SOUTH $16^{\circ} 04' 00''$ WEST 348.13 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 23.

EXCEPT THAT PORTION LYING WITHIN PARCEL 1 ABOVE.

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PARCEL 3:

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES OVER THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "A" OF PARCEL 2 HEREINABOVE DESCRIBED, SAID POINT BEING THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55° AN ARC LENGTH OF 95.99 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 73° 60' 00" WEST 160.37 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 48° 30' AN ARC DISTANCE OF 84.65 FEET; THENCE TANGENT TO SAID CURVE NORTH 57° 50' 00" WEST 30.93 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23.

PARCEL 4:

AN EASEMENT FOR INGRESS, EGRESS, ROADWAY, PUBLIC UTILITY INCLUDING WATER AND SEWER LINES AND INCIDENTAL PURPOSES OVER THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND 60.00 FEET WIDE, LYING 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, DISTANT THEREON NORTH 68° 44' 32" WEST 746.61 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23; THENCE SOUTH 17° 16' 00" WEST 142.73 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 200 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 24° 00' 00" AN ARC DISTANCE OF 83.78 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 6° 50' 00" EAST 367.17 FEET; THENCE SOUTH 0° 20' 00" EAST 75.56 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING OF 50.00 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 137° 30' 00" AN ARC DISTANCE OF 119.99 FEET; THENCE TANGENT TO SAID CURVE NORTH 42° 10' 00" EAST 4.69 FEET TO THE BEGINNING OF A TANGENT

CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $68^{\circ} 00' 00''$ AN ARC DISTANCE OF 59.34 FEET; THENCE TANGENT TO SAID CURVE SOUTH $69^{\circ} 50' 00''$ EAST 20.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $37^{\circ} 00' 00''$ AN ARC DISTANCE OF 64.53 FEET; THENCE TANGENT TO SAID CURVE SOUTH $32^{\circ} 50' 00''$ EAST 127.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $49^{\circ} 00' 00''$ AN ARC DISTANCE OF 85.52 FEET; THENCE TANGENT TO SAID CURVE SOUTH $81^{\circ} 50' 00''$ EAST 165.70 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 200.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $17^{\circ} 00' 00''$ AN ARC DISTANCE OF 59.34 FEET; TANGENT TO SAID CURVE, NORTH $81^{\circ} 10' 00''$ EAST 95.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $41^{\circ} 00' 00''$ AN ARC DISTANCE OF 71.56 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $57^{\circ} 50' 00''$ EAST TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23.

PARCEL 5:

AN EASEMENT FOR INGRESS, EGRESS, ROADWAY, PUBLIC UTILITY INCLUDING WATER AND SEWER LINES AND INCIDENTAL PURPOSES OVER A STRIP OF LAND 60 FEET WIDE, TOGETHER WITH NECESSARY SLOPING RIGHTS OVER PORTIONS OF SECTIONS 23 AND 24, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, THE CENTER LINE OF SAID 60 FOOT STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THAT IS DISTANT THEREON NORTH $68^{\circ} 44' 32''$ WEST 772.00 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH $69^{\circ} 31' 34''$ EAST 501.22 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 300 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $10^{\circ} 27' 52''$ AN ARC DISTANCE OF 54.79 FEET; THENCE TANGENT TO SAID CURVE, NORTH $59^{\circ} 03' 42''$ EAST 104.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 300 FEET THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $6^{\circ} 17' 04''$ AN ARC DISTANCE OF 32.91 FEET; THENCE TANGENT TO SAID CURVE, NORTH $52^{\circ} 46' 38''$ EAST 530 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND

HAVING A RADIUS OF 100 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $76^{\circ} 12' 04''$ AN ARC DISTANCE OF 133 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $51^{\circ} 01' 18''$ EAST 25.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 60 FEET; THENCE EASTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $113^{\circ} 22' 45''$ AN ARC DISTANCE OF 118.13 FEET; THENCE TANGENT TO SAID CURVE, NORTH $15^{\circ} 35' 57''$ EAST 27.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $41^{\circ} 47' 45''$ AN ARC DISTANCE OF 73.24 FEET; THENCE TANGENT TO SAID CURVE NORTH $57^{\circ} 35' 42''$ EAST 264.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $53^{\circ} 02' 30''$ AN ARC DISTANCE OF 92.58 FEET THENCE TANGENT TO SAID CURVE SOUTH $69^{\circ} 23' 48''$ EAST 104.60 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 200 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $25^{\circ} 36' 08''$ AN ARC DISTANCE OF 89.37 FEET; THENCE TANGENT TO SAID CURVE SOUTH $53^{\circ} 47' 40''$ EAST 76.50 FEET TO THE BEGINNING OF A TANGENT CURVE NORTHERLY AND HAVING A RADIUS OF 100 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $67^{\circ} 26' 00''$ AN ARC DISTANCE OF 117.69 FEET; THENCE TANGENT TO SAID CURVE, NORTH $68^{\circ} 46' 20''$ EAST 102.52 FEET TO A POINT IN THE EAST LINE OF SAID SECTION 23, THAT IS DISTANCE THEREON SOUTH $0^{\circ} 08' 40''$ EAST 557.76 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 23; THENCE CONTINUING NORTH $48^{\circ} 46' 20''$ EAST 54.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $42^{\circ} 23' 45''$ AN ARC DISTANCE OF 73.99 FEET; THENCE TANGENT TO SAID CURVE, NORTH $26^{\circ} 22' 39''$ EAST 17.01 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $72^{\circ} 21' 30''$ AN ARC DISTANCE OF 126.29 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $61^{\circ} 15' 35''$ EAST 57.89 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 200 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $23^{\circ} 26' 00''$ AN ARC DISTANCE OF 81.80 FEET; THENCE TANGENT TO SAID CURVE, SOUTH $57^{\circ} 49' 55''$ EAST 86.94 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 90 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $67^{\circ} 20' 00''$ AN ARC DISTANCE OF 137.18 FEET; THENCE TO SAID CURVE, NORTH $34^{\circ} 50' 05''$ EAST 2.35 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 100 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°

-CONTINUED-

20' 30" AN ARC DISTANCE OF 52.94 FEET; THENCE TANGENT TO SAID CURVE, NORTH 0° 29' 35" EAST TO THE SOUTHERLY LINE OF SADDLE PEAK ROAD, 60 FEET WIDE, AS SHOWN ON IN THE COUNTY SURVEYOR'S MAP NO. 8807, SHEET NO. 1, AS FILED IN THE OFFICE OF THE COUNTY ENGINEER OF SAID COUNTY.

THE SIDE LINES OF SAID 60 FOOT STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE SOUTHERLY IN THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23 AND TO TERMINATE NORTHERLY IN SAID SOUTHERLY LINE OF SADDLE PEAK ROAD.

PARCEL 6:

AN EASEMENT FOR INGRESS AND EGRESS, OVER THAT PORTION OF THE NORTH OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE ON AUGUST 31, 1896, INCLUDED WITHIN A STRIP OF LAND, 30 FEET WIDE, LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE IN THE CENTER LINE OF SADDLE PEAK ROAD, 40.00 FEET WIDE, DESCRIBED IN DEED TO THE COUNTY OF LOS ANGELES, RECORDED ON NOVEMBER 12, 1942 AS INSTRUMENT NO. 1236, IN BOOK 19715, PAGE 10, OFFICIAL RECORDS OF SAID COUNTY, AS HAVING A BEARING AND LENGTH OF NORTH 13° 53' 40" WEST 35.35 FEET; THENCE SOUTH 86° 37' 17" WEST 116.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 10' 37" AN ARC DISTANCE OF 73.61 FEET; THENCE TANGENT TO SAID CURVE SOUTH 44° 26' 40" WEST 73.55 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 34' 10" AN ARC DISTANCE OF 44.63 FEET; THENCE TANGENT TO SAID CURVE SOUTH 70° 00' 50" WEST 124.24 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50° 34' 00" AN ARC DISTANCE OF 88.26 FEET; THENCE TANGENT TO SAID CURVE NORTH 59° 25' 10" WEST 25.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 70.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29° 57' 45" AN ARC DISTANCE OF 85.48 FEET; THENCE TANGENT TO SAID CURVE SOUTH 50° 37' 05" WEST 82.26 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 80° 50' 00" AN ARC DISTANCE OF 141.08 FEET; THENCE TANGENT TO SAID CURVE NORTH 48° 32' 55" WEST 99.08

FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS 40.00 FEET; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $125^{\circ} 55' 30''$ AN ARC DISTANCE OF 87.91 FEET; THENCE TANGENT TO SAID CURVE SOUTH $5^{\circ} 31' 35''$ WEST 101.59 FEET; THENCE NORTH $74^{\circ} 59' 40''$ WEST 195.55 FEET; THENCE NORTH $81^{\circ} 43' 25''$ WEST 95.61 FEET; THENCE NORTH $69^{\circ} 26' 10''$ WEST 91.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $46^{\circ} 50' 45''$ AN ARC DISTANCE OF 81.76 FEET; THENCE TANGENT TO SAID CURVE SOUTH $62^{\circ} 43' 05''$ WEST 8.80 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 80.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $74^{\circ} 38' 55''$ AN ARC DISTANCE OF 104.23 FEET; THENCE TANGENT TO SAID CURVE NORTH $41^{\circ} 38' 00''$ WEST 176.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $58^{\circ} 53' 10''$ AN ARC DISTANCE OF 102.78 FEET; THENCE TANGENT TO SAID CURVE SOUTH $79^{\circ} 28' 50''$ WEST 53.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $20^{\circ} 56' 30''$ AN ARC DISTANCE OF 36.55 FEET; THENCE TANGENT TO SAID CURVE SOUTH $58^{\circ} 32' 20''$ WEST 112.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $53^{\circ} 37' 15''$ AN ARC DISTANCE OF 93.59 FEET; THENCE TANGENT TO SAID CURVE NORTH $67^{\circ} 50' 25''$ WEST 10.01 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $55^{\circ} 45' 30''$ AN ARC DISTANCE OF 97.32 FEET; THENCE TANGENT TO SAID CURVE NORTH $12^{\circ} 04' 55''$ WEST 87.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $43^{\circ} 39' 30''$ AN ARC DISTANCE OF 76.20 FEET; TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 227.48 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $51^{\circ} 23' 45''$ AN ARC DISTANCE OF 204.06 FEET; THENCE TANGENT TO SAID CURVE SOUTH $72^{\circ} 51' 50''$ WEST TO THE WEST LINE OF SAID SECTION 24, THE SIDE LINES OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE EASTERLY IN THE WESTERLY LINE OF SAID SADDLE PEAK ROAD, 60.00 FEET WIDE, AND TO TERMINATE WESTERLY IN THE WEST LINE OF SAID SECTION 24.

THE SIDE LINE OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE EASTERLY IN THE WESTERLY LINE OF SAID SADDLE PEAK ROAD, 60.00 FEET WIDE, AND TO TERMINATE WESTERLY IN THE WEST LINE OF SAID SECTION 24.

-CONTINUED-

SCHEDULE A PAGE NO. 8

ORDER NO. 3225438

PARCEL 7:

AN EASEMENT AS SET FORTH IN THAT CERTAIN AGREEMENT AND GRANT OF
EASEMENT BY AND BETWEEN SANDSTONE PROPERTIES, INC., AND PAUL PAIGE
AND JOSI MARINOSA, RECORDED DECEMBER 15, 1977, AS INSTRUMENT NO.
77-1384100, OFFICIAL RECORDS.

SCHEDULE B

ORDER NO. 3975438

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM DESIGNATED ON THE FACE PAGE OF THIS REPORT WOULD BE AS FOLLOWS:

A. PROPERTY TAXES, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES, TO BE LEVIED FOR THE FISCAL YEAR 1987 - 1988 WHICH ARE A LIEN NOT YET PAYABLE.

B. PROPERTY TAXES, INCLUDING ANY PERSONAL PROPERTY TAXES AND ANY ASSESSMENTS COLLECTED WITH TAXES, FOR THE FISCAL YEAR 1986 - 1987.

1ST INSTALLMENT: \$619.47, PAID
2ND INSTALLMENT: \$619.47

EXEMPTION: NONE

CODE AREA: 8635
ASSESSMENT NO: 4448-023-022

C. A SALE TO THE STATE OF CALIFORNIA FOR GENERAL AND SPECIAL TAXES AND SUBSEQUENT DELINQUENCIES FOR THE

FISCAL YEAR: 1981-1985
TAXING AUTHORITY: COUNTY OF LOS ANGELES
AMOUNT TO PAY
PRIOR TO: APRIL 10, 1987 \$6,544.07

D. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 9.5 (COMMENCING WITH SECTION 75) OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.

1. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

PURPOSE: ROAD
RECORDED: IN BOOK 804 PAGE 54, OFFICIAL RECORDS

AFFECTS: SAID LAND

THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.

-CONTINUED-

2. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
PURPOSE: ROAD
RECORDED: IN BOOK 7071 PAGE 138, OFFICIAL RECORDS

AFFECTS: THE SOUTHERLY LYING WITHIN THE LINE OF LANKERSHIM ROAD
3. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
PURPOSE: INGRESS AND EGRESS, PUBLIC UTILITIES
RECORDED: IN BOOK D2578 PAGE 19, OFFICIAL RECORDS

AFFECTS: THAT PORTION OF PARCEL 2 INCLUDED WITHIN PARCEL 1
4. A DECLARATION AND GRANT OF EASEMENTS DATED MARCH 31, 1969, EXECUTED BY FRED A. WRIGHT AND ANN M. WRIGHT, HUSBAND AND WIFE, RECORDED APRIL 15, 1969 AS INSTRUMENT NO. 4276.
5. AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITIES AND INCIDENTAL PURPOSES INCLUDED WITHIN THE EASTERLY 30 FEET OF THE NORTH 314.70 FEET; THE NORTHWESTERLY 30 FEET ALONG THE LINES DESCRIBED IN PARCEL 1 ABOVE AS INSTRUMENT NO. "NORTH 75° 18' EAST 84.74 FEET; THENCE NORTH 46° 24' EAST 118.82 FEET TO THE WEST LINE OF THE LAND DESCRIBED IN SAID DEED TO WALSH"; AND A 30 FOOT STRIP LYING SOUTHWESTERLY OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 70 FEET, SAID CURVE BEING TANGENT TO THE EAST LINE OF PARCEL 1 AND BEGINNING AT A POINT ON THE EAST LINE THAT IS DISTANT SOUTH 0° 08' 40" EAST 149.70 FEET FROM THE NORTHEAST CORNER OF PARCEL 1; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE NORTHWESTERLY BOUNDARY OF PARCEL 1. THE SAID 30 FOOT EASEMENT LINE SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE NORTHWESTERLY IN THE SECOND ABOVE MENTIONED EASEMENT LINE AND TO TERMINATE SOUTHERLY TANGENT TO THE FIRST MENTIONED EASEMENT LINE, AS RESERVED BY FRED A. WRIGHT AND ANN M. WRIGHT, HUSBAND AND WIFE, IN DEED RECORDED JANUARY 24, 1972 AS INSTRUMENT NO. 1709 AND BY ANN M. WRIGHT, A MARRIED WOMAN, IN DEED RECORDED MARCH 1, 1976 AS INSTRUMENT NO. 4689; AND BY M. J. SCHEINBAUM, A MARRIED MAN, IN DEED RECORDED DECEMBER 22, 1970 AS INSTRUMENT NO. 4532.
6. A REAL ESTATE OPTION (NON-TRANSFERABLE) DATED AUGUST 25, 1977, EXECUTED BY JOSI MARIPOSA AND PAUL PAIGE, PARTIES OF THE FIRST PART, AND MARVIN CHESTER AND ELFRIEDE E. CHESTER, PARTIES OF THE SECOND PART, RECORDED SEPTEMBER 1, 1977 AS INSTRUMENT NO. 77-972201.

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@ 3:17
be

eliminated
for Thomas
and re-order
copies of all
inception

7. AN AGREEMENT AND GRANT OR EASEMENT BY AND BETWEEN SANDSTONE PROPERTIES, INC., AND PAUL PAIGE AND JOSI MARIPOSA, RECORDED DECEMBER 15, 1977 AS INSTRUMENT NO. 77-1384100.

DESCRIPTION OF EASEMENT: THE EASEMENT GRANTED IS:

(A) A RIGHT OF WAY TO INGRESS AND EGRESS TO THE UPPER ROAD OF SANDSTONE, KNOWN AS PARKHOUSE LAND, AND;

(B) A RIGHT OF WAY, RIGHT TO HAVE BUILT, ERECTED, INSTALLED, AND MAINTAINED, A WATER LINE, INSTALLED BY A PUBLIC UTILITY COMPANY, ALONG THE ALREADY EXISTING ROAD KNOWN AS PARKHOUSE LANE, AND;

(C) A RIGHT OF WAY AND RIGHT TO USE THE WATER WELL ON THE "SERVIENT TENEMENT", THE COST OF USE TO BE BORNE TOTALLY BY THE "GRANTEE", AS WELL AS THE COST OF INSTALLATION AND MAINTENANCE OF ANY NECESSARY EQUIPMENT TO FACILITATE ORDINARY, CUSTOMER; AND REASONABLE USE.

LOCATION OF THE EASEMENT: THE EASEMENT HEREIN IS LOCATED AS FOLLOWS:

AN EASEMENT THIRTY FEET WIDE, THE CENTER LINE OF WHICH FOLLOWS AN EXISTING ROAD KNOWN AS PARKHOUSE LANE, WHICH RUNS FROM EAST TO WEST ALONG THE SERVIENT TENEMENT. THE PARTICULAR LOCATION OF THE EASEMENT IS DESCRIBED IN LOS ANGELES COUNTY TAX MAP BOOK 4448 PAGE 22, AND IDENTIFIED THEREIN AS PARKHOUSE LANE.

8. AN INSTRUMENT ENTITLED "CONDITIONAL CERTIFICATE OF COMPLIANCE", EXECUTED BY DEPARTMENT OF REGIONAL PLANNING, COUNTY OF LOS ANGELES, RECORDED OCTOBER 5, 1984 AS INSTRUMENT NO. 84-1201203.

DOCUMENT RECITES, IN PART:

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 FOR PARKHOUSE ROAD ON THE NORTH SIDE OF THE SUBJECT PROPERTY.

-CONTINUED-

2. OFFER SAID RIGHT OF WAY AS EASEMENT TO OTHER PROPERTY OWNERS IN THE NORTHEAST QUARTER OF SECTION 28.

NOTES:

WATER AND ACCESS REQUIREMENTS MAY BE IMPOSED AS A CONDITION OF PERMIT APPROVAL PURSUANT TO SECTIONS 13.001 AND 13.208 OF THE FIRE CODE.

GEOLOGIC, SOILS AND/OR DRAINAGE CONDITIONS ON THE SUBJECT PROPERTY MAY LIMIT DEVELOPMENT OR NECESSITATE THAT REMEDIAL MEASURES BE TAKEN IN ORDER TO OBTAIN A BUILDING PERMIT.

END OF SCHEDULE B

B-3-30-87

NOTES

NOTE NO. 1: IF ANY OF THE VESTEEES HEREIN ARE NOW MARRIED, THIS COMPANY WILL REQUIRE THAT THE SPOUSES OF SAID VESTEE JOIN IN THE EXECUTION OF ANY CONVEYANCE OR ENCUMBRANCE OF SAID PROPERTY.

NOTE NO. 2: WE WILL REQUIRE A STATEMENT OF INFORMATION FROM THE PARTIES NAMED BELOW IN ORDER TO COMPLETE THIS REPORT, BASED ON THE EFFECT OF DOCUMENTS, PROCEEDINGS, LIENS, DECREES, OR OTHER MATTERS WHICH DO NOT SPECIFICALLY DESCRIBE SAID LAND, BUT WHICH, IF ANY DO EXIST, MAY AFFECT THE TITLE OR IMPOSE LIENS OR ENCUMBRANCES THEREON.
PARTIES: ALL PARTIES

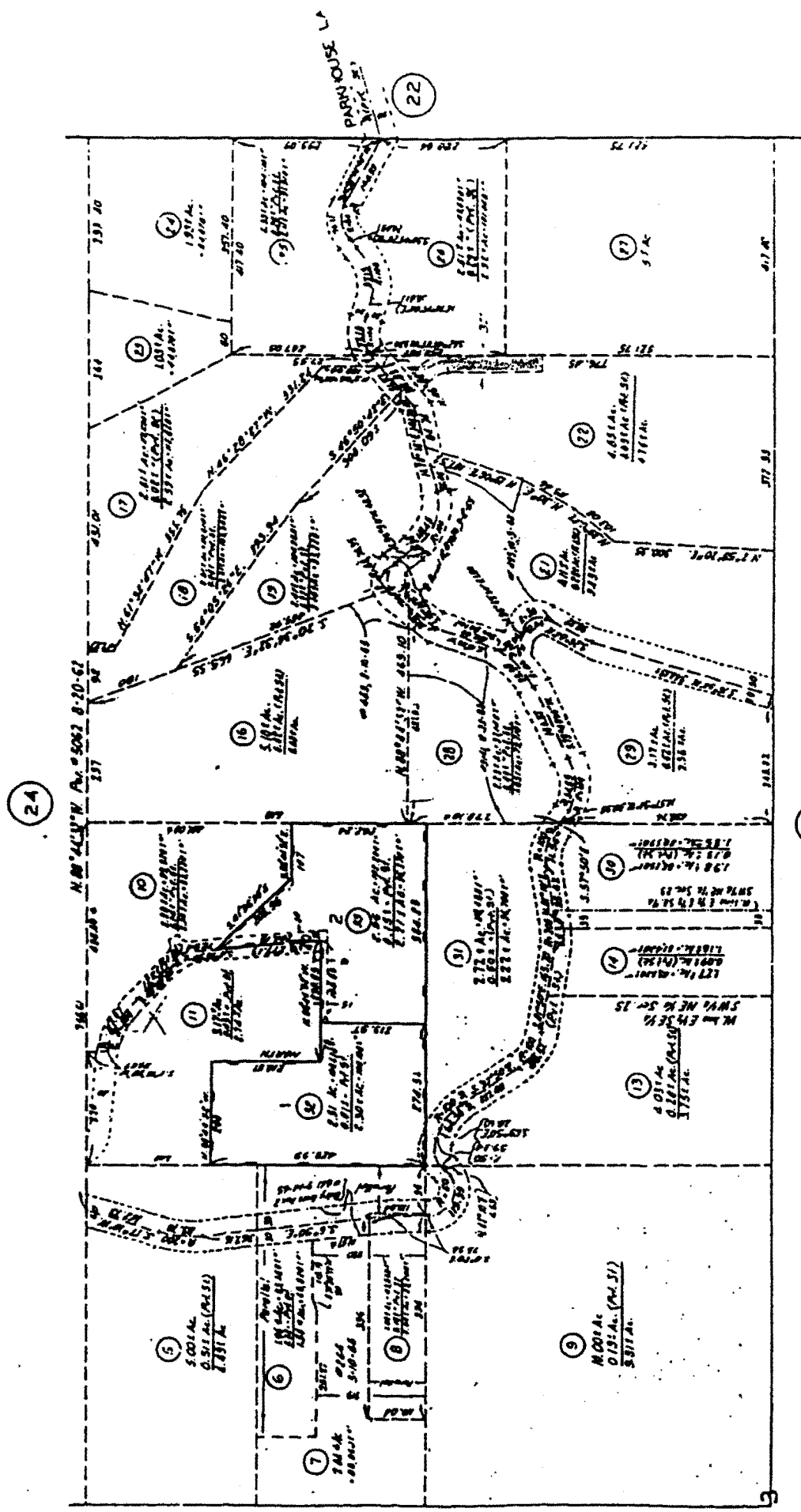
(NOTE: THE STATEMENT OF INFORMATION IS NECESSARY TO COMPLETE THE SEARCH AND EXAMINATION OF TITLE UNDER THIS ORDER. ANY TITLE SEARCH INCLUDES MATTERS THAT ARE INDEXED BY NAME ONLY, AND HAVING A COMPLETED STATEMENT OF INFORMATION ASSISTS THE COMPANY IN THE ELIMINATION OF CERTAIN MATTERS WHICH APPEAR TO INVOLVE THE PARTIES BUT IN FACT AFFECT ANOTHER PARTY WITH THE SAME OR SIMILAR NAME. BE ASSURED THAT THE STATEMENT OF INFORMATION IS ESSENTIAL AND WILL BE KEPT STRICTLY CONFIDENTIAL TO THIS FILE.)

NOTE NO. 3: THERE ARE NO CONVEYANCES AFFECTING SAID LAND, RECORDED WITHIN SIX (6) MONTHS OF THE DATE OF THIS REPORT.

NOTE NO. 4: THE CHARGE FOR A POLICY OF TITLE INSURANCE, WHEN ISSUED THROUGH THIS TITLE ORDER, WILL BE BASED ON THE BASIC (NOT SHORT-TERM) TITLE INSURANCE RATE.

-CONTINUED-

54-2-2



DETAIL
NO SCALE

T. 15., R. 17W.
PARCEL MAP
P.M. 57-17

THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.

Continental Land Title Company

37



12/9/99

4:14 PM

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VIA FACSIMILE (415) 904-5400: LETTER 4 PAGES, DOCUMENT 10 PAGES

December 9, 1999

Sandy Goldberg
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Dear Ms. Goldberg:

Thank you for sending the documents that Mr. Flinkman (permit application 4-96-189) had submitted to the California Coastal Commission recently.

I would like to address some core issues that are clear grounds for revocation of permit application 4-96-189:

1. The property in question does not have the required easement. According to Public Resource Code 30250, you cannot create a property without adequate public resources, access being one of them.
2. I was not given sufficient notification of the hearing. Had I been given sufficient notice, I would have been able to dispute easement documentation that was erroneously submitted which would have prevented the application's approval.
3. The owners of four properties were not notified of the hearing and the Flinkman project goes right through their lots. Obviously, they are unable to participate in the process because they still have not been notified. Those properties are: 4448-23-17, 4448-23-18, 4448-23-19, 4448-23-26. Also, I was able to speak to two additional property owners on Parkhouse that were on the notification list and they had no idea that this hearing had been held. As they are just finding out about this and getting some preliminary information from me, they will need time to decide how to respond.
4. The following lots have old addresses that could have been easily updated on the notification list:
 - 4448-23-30 Roy and Sharon Ramquish (name should be Ramquist)
 - 4448-26-27 Jeanne Roach
 - 4448-23-27 John Foley
 - 4448-26-72 John Tellefson

Mssrs. Alan Block and Norm Haynie, on behalf of Lewis Flinkman (the applicant), have submitted documentation that now admits that the document they had previously submitted as the property's easement is NOT the easement, which is what I have been trying to communicate to Merle Betz since I became aware of this application. It appears that the applicant and/or his representatives purposely submitted this erroneous document. It is very likely that Lewis Flinkman and his representatives knew they did not have an easement because they've been trying to get an easement since at least 1992 and have been unsuccessful. Please see the enclosed letter and documentation of Norm Haynie letter dated March 17, 1992.

Exhibit X
Application R-4-96-189 (Lane and Douglas)
Lane Correspondence 12/9/99



Mr. Block's letter is misleading regarding the lack of an easement for the property under consideration by the Coastal Commission. It is clear that the property doesn't have an easement but he fails to state this directly, opting to muddy the waters by mentioning other easements that have nothing to do with the property under consideration.

Now to address Mr. Block's letter directly:

1. It's a fact that there is no easement access to the property. Mr. Emmett Taylor from L.A. County regional planning is concerned about this and has called Merle Betz and Norm Haynie about it. He discovered the lack of a proper easement after he gave approval in concept. Coupled with the fact that I was not given sufficient notification, my request can hardly be coined as "patently frivolous".
2. Mr. Flinkman and Mr. Haynie knew that I had built my house and have been living next to the applicant's property for over two years at the time notification was sent, and still allowed it to be sent to my old address. The mail forwarding period had already expired and the notification was not redirected. Contrary to Mr. Block's claim, the mailing list does NOT reference me with my *correct* address at the time the notification was to be mailed.
3. It is inaccurate to state that I "specifically advised the applicant" that either my wife or I would be attending the hearing. I was sent out of town by my employer the week of the hearing and would have never indicated to Mr. Flinkman that I was going to attend. And, my wife would never go to a coastal hearing without me because she has limited understanding of the process.
4. There was no posting of the property "pursuant to Section 13054(b)". I drive on Saddle Peak and pass by the Parkhouse entrance every day to and from work and have never seen the posting. In addition, either my wife or I walk our dogs by the property at least twice a week and neither of us saw any posting. I'm not surprised that Mr. Haynie in paragraph 4 of his declaration states, "I have reviewed my files to see if I have a copy of the Notice of Posting and have been *unable* [my emphasis] to locate same." I guess his copy must just be transparent, like the posting.
5. I don't understand Mr. Block can state, "Mr. Lanes [sic] contention that the applicant does not have legal access to the subject property appears to be completely unfounded." (Although he does cover himself by using the words "appears to be"). Then, Mr. Block sidesteps the fact that the property in question has no access and redirects attention to the easements that other properties *may* have. He avoids dealing with the lack of easement of the property involved in the permit application. Mr. Flinkman can have these easements to other properties checked all day long by his title company. It makes no difference because they are not the easement that the applicant claimed to have in his application nor do they give access to the property.
6. The proposed redivision in CDP (Coastal Development Permit) # 5-96-189 claims legal access to public road through a lot with APN # 4448-23-22 and then through Parkhouse Lane (a private road) to Saddle Peak Road which is a public road. Therefore this project needs easements through the lot with APN # 4448-23-22 as well as easement through Park House Lane



In regard to the easement through the lot with APN # 4448-23-22, Mr. Block admits that currently they have no easement but claims that easement can not be created until they sell the properties. We disagree.

First, the lot with APN # 4448-23-22 is owned by Stan and Ruth Flinkman. Secondly, the proposed redivision is owned by River Stone Group which is owned by Lewis Flinkman and others. These two properties are not only under different titles but also have different owners. Therefore we reject Mr. Block's argument that the easement can not be created at this time. In fact the easement should have been created prior to the approval of this project in accordance with Section 30250 of Public Resource Code.

Mr. Block may offer to create the easement now, but that clearly is adding conditions to CDP # 5-96-189. As you well know, it is not possible to change the conditions of the permit through the revocation process.

In regard to easement through Parkhouse Lane, Mr. Block has submitted the Grant Deed of properties with APN # 4448-23-22 and 4448-22-12, which shows easement through Parkhouse Lane for these two lots. We agree that these two lots have legal access through Parkhouse Lane, but as it is clear from these Grant Deeds that Stan and Ruth Flinkman, the owners of these two lots, do not have the right to grant the same easements to others. Therefore it is irrelevant that these two lots have easement through Park House Lane. What Mr. Block needs to show is the Grant Deed of the lots in CDP # 5-96-189 in order to show that the proposed development has legal access. Indeed that would resolve the issue of easement.

Mr. Block may offer to create the easement on Parkhouse Lane now, but as we mentioned before, that would be adding conditions to CDP # 5-96-189. As you know it is in violation of Coastal Act to add conditions through revocation process.

There are numerous additional problems with the project, including the lack of required soils reports, geology reports, and grading plan. The grading report is based on the contention that the road is 20 feet wide but I found and measured several long sections of road that are 10-13 feet wide. This means that there are huge amounts of dirt that are going to be moved and are not accounted for in the grading plan. Not only that, but the grading plan was prepared and submitted by Mr. Haynie who is NOT a licensed civil engineer.

Additionally, I obtained the tape from the last coastal hearing where Mr. Haynie is asked how much of the road is paved and he states, "4/5", when it is actually less than 50% paved.

However, I will address these geology and grading issues only if necessary as they will require my personal resources which I do not feel should be my financial burden. The applicant should have provided the proper reports, and they should be signed off by a professional, licensed civil engineer.



21 12/9/99

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The initial points I have made at the beginning of this letter should be sufficient for the California Coastal Commission to approve revocation of application permit 5-96-189 at the January 2000 hearing in Santa Monica. Just the easement issue on its own is sufficient grounds for revocation based on Article 16, Section 13105(A).

Thank you for your attention to this matter.

Sincerely,

Michael Lane
2265 E. Little Las Flores Road
Topanga, CA 90290
(310) 455-0847

cc: Merle Betz

via fax/signed copy in mail

Encl. (1 document - 10 pages)

FLINKMAN

MALIBU VISTA PROPERTIES
22761 PACIFIC COAST HWY. SUITE 260
MALIBU, CA 90265

March 17, 1992

Dear Property Owner:

You may recall that I sent you a letter several weeks ago regarding the improvement of the street, Parkhouse Lane, which provides access to the property you own in the Santa Monica Mountains off of Saddlepeak Road. A copy of this letter is attached for your convenient reference. I followed up this letter with a phone call. During that phone call you indicated to me that you would be willing to grant a wider access easement along the Parkhouse Lane right-of-way to your neighbors in return for your neighbors' granting a wider access easement to you over their property adjacent to Parkhouse Lane. The existing access easement width is 30 feet wide and the L.A. County road standards require a 64 foot wide access; accordingly each property owner along the right-of-way will be granting an additional easement width of 17 feet. This additional 17' easement is required if the Parkhouse Lane is ever going to be improved to L.A. County standards, and thereby permit each person who owns a lot adjacent to Parkhouse Lane to obtain a house construction permit in the future.

Please read the enclosed easement agreement and call me if you have any questions. Please note that the easement contract must be signed and the signature must be notarized.

I am sure that the future improvement of the street will substantially increase all of our property values in the future.

Sincerely yours,



Norman R. Haynie
Associate with Stan Flinkman

STREET IMPROVEMENT AND ACCESS EASEMENT

This agreement is being entered into to facilitate the improvement of that certain street referred to herein as "Parkhouse Lane." It is the objective of this agreement that said improvement will be consistent with street improvement standards established by the County of Los Angeles. When the improvements have been completed all owners of property which require access over the improved portion of Parkhouse Lane to access a single family dwelling will have said access rights and said access rights will be over a street which satisfies the County of Los Angeles Road Department and Fire Department standards.

The existing street right-of-way will be widened to 64 feet and the centerline of said right-of-way will be modified from its current location in only three areas to accommodate the Los Angeles County Road Department's radius and gradient standards (see Exhibit A-2, attached hereto).

This document will also grant easements over the improved street to the parties to this agreement and said easements will provide access to all properties owned by the parties to this agreement and any future owners of said properties or any portion of said properties; said properties are listed in Exhibit B attached hereto.

In addition to the above stated objectives of establishing a 64' wide right-of-way for Parkhouse Lane and the granting of access easements over said street to the parties to this agreement and said parties' successors in interest, this agreement will also document the commitment of said parties to contribute to the cost of the improvement of Parkhouse Lane to the extent that said street satisfies all street improvement standards of Los Angeles County.

THEREFORE AND IN ACCORD WITH THE ABOVE STATED OBJECTIVES THE PARTIES TO THIS AGREEMENT AGREE TO THE FOLLOWING TERMS AND PROVISIONS:

- I. Each and every person, or entity, which is a party to this agreement, listed in Exhibit B attached, does hereby grant to each and every other party to this agreement an access easement for ingress and egress over, under, and along all portions of property lying within that certain strip of property 64 feet wide and described in Exhibit A attached hereto and referenced herein as the "Parkhouse Lane Access Easement".
- II. This agreement will be recorded in the County of Los Angeles and the Parkhouse Lane Access Easement will thereby be recorded on the title of, and insure to the

STREET IMPROVEMENT AND ACCESS EASEMENT

Page 2

benefit of, each of the owners of the parcels of property described in Exhibit B attached, and to successors in interest of each of said parcels or any portion of said parcels.

III. The Parkhouse Lane Access Easement can be used by any of the parties listed in Exhibit B for the following purposes:

1. Utility installation including, but not limited to gas lines, water mains, telephone lines and conduit, power lines and conduit, cable television lines and conduit.
2. Grading as required to construct street improvements.
3. Drainage devices, including but not limited to, conduits, swales and catch basins.
4. Paving.
5. Retaining walls.
6. Landscaping, including sprinkler systems.
7. Entry gate and apurtenant structures at the intersection of Parkhouse Lane and Saddlepeak Road.

IV. Notwithstanding anything stated above or elsewhere in this document, Stan Flinkman may, at his sole discretion, grant the exact same easement rights over the Parkhouse Lane Easement as is being provided to the parties to this agreement to the "owners of 8 other parcels" and for said owners successors in interest. Said eight (8) other parcels are listed in Exhibit "C" and attached hereto.

The above stated provisions have been read, understood, and agreed to by the parties whose signatures are witnessed below.

Date

Stan & Ruth Flinkman

Date

Cyril & Ann Carr

STREET IMPROVEMENT AND ACCESS EASEMENT
Page 3

Page 3

Date _____

Louis Bolivar & Ralph Orr

Date _____

Larry & Barbara Wirth

STREET IMPROVEMENT AND ACCESS EASEMENT
Page 4

Page 4

Date _____

H F Richardson

EXHIBIT A

REVISED LEGAL DESCRIPTION, PARKHOUSE LANE CENTERLINE

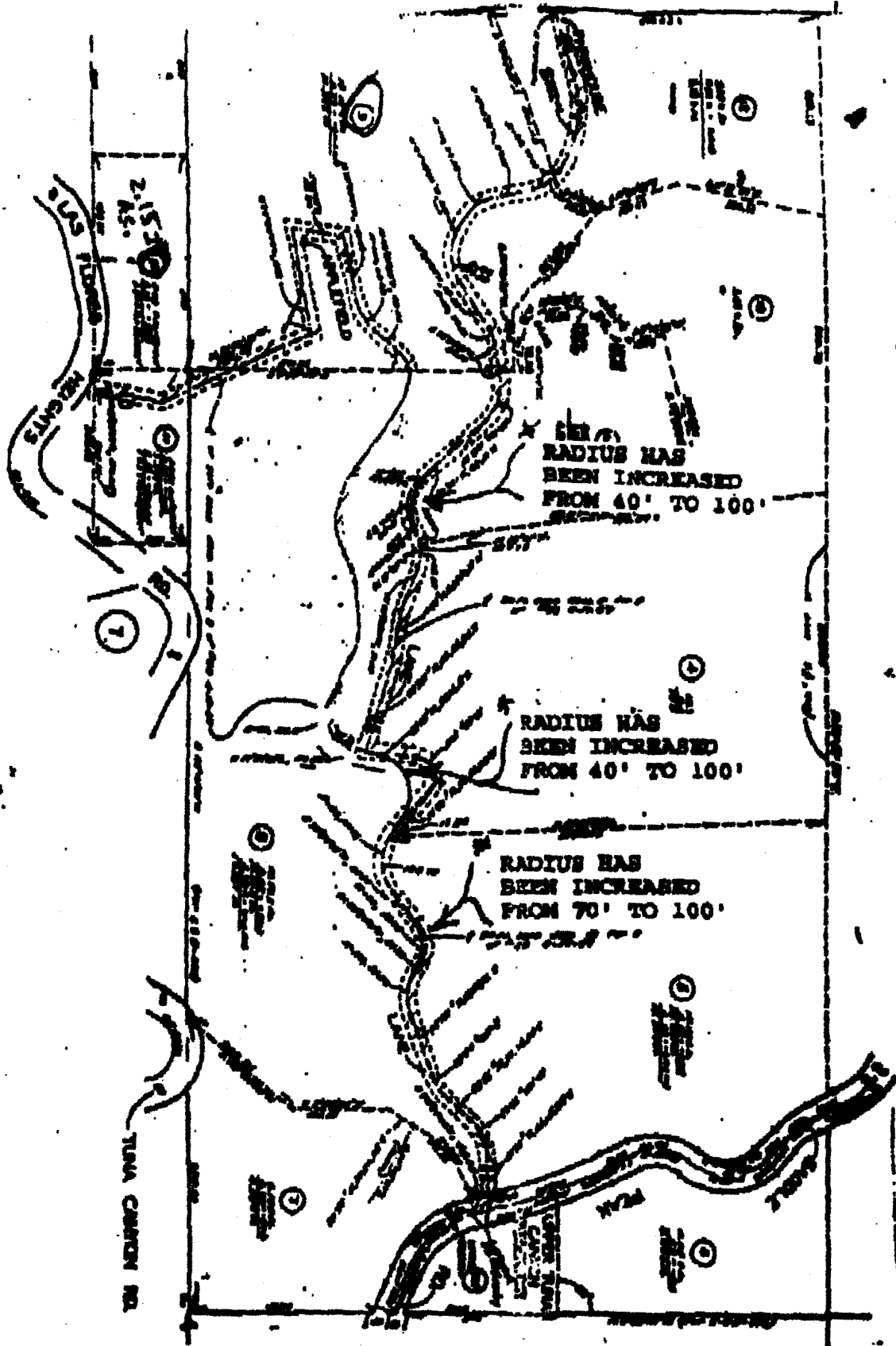
Beginning at the Northerly terminus of that certain course in the centerline of Saddle Peak Road, 60.00 feet wide, described in deed to the County of Los Angeles, recorded November 12, 1942 as instrument No. 1236 in Book 19715, Page 10, Official Records of said County, as having a bearing and length of North 13 degrees 58 minutes 40 seconds West 35.35 feet; thence South 86 degrees 37 minutes 17 seconds West 116.43 feet to the beginning of a tangent curve concave Southeasterly and having a radius of 100.00 feet; thence Southwesterly along said curve through a central angle of 42 degrees 10 minutes 37 seconds an arc distance of 73.61 feet; thence tangent to said curve South 44 degrees 26 minutes 40 seconds West 73.55 feet to the beginning of a tangent curve concave Northwesterly and having a radius of 100.00 feet; thence Southwesterly along said curve through a central angle of 25 degrees 34 minutes 10 seconds an arc distance of 44.63 feet; thence tangent to said curve South 70 degrees 00 minutes 50 seconds West 124.24 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 50 degrees 34 minutes 00 seconds an arc distance of 88.26 feet; thence tangent to said curve North 59 degrees 25 minutes 10 seconds West 3.30 feet to the beginning of a tangent curve concave Southerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 69 degrees 57 minutes 45 seconds an arc distance of 85.48 feet; thence tangent to said curve South 50 degrees 37 minutes 05 seconds West 61.27 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 80 degrees 50 minutes 00 seconds an arc distance of 141.08 feet thence tangent to said curve North 48 degrees 32 minutes 55 seconds West 1.11 feet to the beginning of a tangent curve concave Southerly and having a radius of 90.00 feet; thence Northwesterly, Westerly, and Southwesterly along said curve through a central angle of 125 degrees 55 minutes 30 seconds an arc distance of 67.91 feet; thence tangent to said curve South 5 degrees 31 minutes 35 seconds West 3.58 feet; thence North 74 degrees 59 minutes 40 seconds West 195.55 feet; thence North 81 degrees 41 minutes 25 seconds West 95.61 feet; thence North 69 degrees 26 minutes 10 seconds West 91.69 feet to the beginning of a tangent curve concave Southerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 37 degrees 00 minutes 00 seconds an arc distance of 64.59 feet to the beginning of a tangent curve concave Northerly and having a radius of 100.00 feet; thence Westerly along said curve through a central angle of 60 degrees 30 minutes 00 seconds an arc distance

-continued-

of 105.62 feet; thence tangent to said curve North 41 degrees 36 minutes 00 seconds West 141.45 feet to the beginning of a tangent curve concave Southwesterly and having a radius of 100.00 feet; thence Northwesterly and Westerly along said curve through a central angle of 58 degrees 53 minutes 10 seconds an arc distance of 102.78 feet; thence tangent to said curve South 79 degrees 28 minutes 50 seconds West 53.09 feet.

The side lines of said strip of land shall be ~~extended~~ or shortened so as to terminate Easterly in the Westerly line of said Saddle Peak Road, 60.00 feet wide.

T. 12. R. 7 W.



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EXHIBIT "B"

PROPERTY OWNERS

PARCEL MAP 4448-23

- 22 Stan & Ruth Flinkman
- 25 Stan Flinkman Trust
- 45 Stan & Ruth Flinkman Trust

PARCEL MAP 4448-22

- 4 Larry & Barbara Wirth
1535 Fernwood Pacific Drive
Topanga, CA 90290
- 5 H F Richardson
1040 Columbia Ridge Drive
Vancouver, WA 98664
- 8 Louis Bolivar & Ralph Orr
2717 W 143rd
Gardena, CA 90249
- 9 Stan & Ruth Flinkman Trust
- 12 Stan & Ruth Flinkman
- 13 Cyril & Ann Carr
1733 N. Refugio Road
Santa Ynez, CA 93460

EXHIBIT "C"
PROPERTY OWNERS

PARCEL MAP 4448-23

- 16 Joseph Schmid
19200 Hamlin St.
Reseda, CA
- 17 Fereydoon Mashali
8843 Saturn Street
Los Angeles, CA 90035
- 18 Fereydoon Mashali
- 19 Alan & Patricia Haynes
21201 W. Red Bluff Trail
Topanga, CA 90290
- 21 Jack & Dorothy Gardener
6385 W 78th Rail
Los Angeles, CA 90045
- 24 Mattys Van Leeuwen
15222 Florwood Ave.
Lawndale, CA 90260
- 25 Stan Flinkman Trust
- 26 Charles & Anne Gates
2442 Nuez Way
Topanga, CA 90290
- 27 John Foley
2029 Corral Cyn Road
Malibu, CA 90265
- 28 Charles Lisanby
2169 Willetta Ave.
Los Angeles, CA 90068
- 29 Michael & Ellen Lane
11046 Kling St.
North Hollywood, CA 91602