

CALIFORNIA COASTAL COMMISSION

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Staff: SMR-SF
Staff Report: September 24, 2004
Hearing Date: October 13, 2004

FINDINGS FOR CEASE AND DESIST ORDER

CEASE AND DESIST ORDER: CCC-04-CD-12

RELATED VIOLATION FILES: V-4-02-032

PROPERTY LOCATION: The subject property is located adjacent to and south and west of the Santa Monica Mountains National Recreation Area, and east of 2210 Mar Vista Road, Los Angeles County (**Exhibit 1**).

DESCRIPTION OF PROPERTY: 40-acre parcel east of and adjacent to 2210 Mar Vista Road, Los Angeles County—APN 4461-001-005—now identified by L.A. County as APNs 4461-001-023, 4461-001-024, 4461-001-025 and 4461-001-026.

PROPERTY OWNER: Pacific Alliance Holdings, Inc. owns APNs 4461-001-023 and 4461-001-024

VIOLATION DESCRIPTION: Unpermitted subdivision of APN 4461-001-005 into four ten-acre parcels by Pacific Alliance Holdings, Inc., and Mr. Raymond Munro, President of Pacific Alliance Holdings, Inc. Pacific Alliance Holdings, Inc., currently owns two of the four ten-acre parcels (APNs 4461-001-023 and 4461-001-024).

SUBSTANTIVE FILE DOCUMENTS: Cease and Desist Order file No. CCC-04-CD-12
Background exhibits 1 through 16

CEQA STATUS: Exempt (CEQA Guidelines (CG) §§ 15060 (c)(3) and Categorically Exempt (CG §§ 15061(b)(2), 15037, 15038 and 15321)

I. SUMMARY

Staff recommends that the Commission issue a Cease and Desist Order as described below. The subject property is a 40-acre parcel (APN 4461-001-005) located adjacent to and south and west of the Santa Monica Mountains National Recreation Area, and east of 2210 Mar Vista Road, Los Angeles County. The unpermitted development consists of the unpermitted subdivision of APN 4461-001-005 into four ten-acre parcels by Pacific Alliance Holdings, Inc., ("Pacific Alliance") and Mr. Raymond Munro, President of Pacific Alliance, the owner of the subject property. Pacific Alliance and Munro transferred one of the ten-acre parcels (APN 4461-001-026) to Serge Falesitch on or about December 18, 2001. Pacific Alliance and Munro transferred another ten-acre parcel (APN 4461-001-025) to Richard Wade Weber and Carena Weber on or about September 3, 2003. County records identify Pacific Alliance as owner of two ten-acre parcels identified by the County as APNs 4461-001-023 and 4461-001-024.

Pursuant to the California Coastal Act, Public Resources Code 31000 et seq., the subdivision of a property may not proceed unless the Coastal Commission finds that it is consistent with the resource protection policies of the Coastal Act and the Commission approves a coastal development permit (CDP) that imposes all necessary terms and conditions to mitigate the impacts of the development. However, the subdivision of APN 4461-001-005 into four ten-acre parcels was not authorized in a CDP, in violation of the Coastal Act.

In 2000, Pacific Alliance Holdings, Inc. and Munro acquired the subject property from T.J. Gaston Properties Ltd., a California Limited Partnership, in a Grant Deed that described the property as one 40-acre parcel. In February 2001 Munro requested Certificates of Compliance from Los Angeles County for subdivision of the parcel. Los Angeles County issued conditional Certificates of Compliance in June 2001 based on a February 24, 1972 grant deed that pre-dates the Coastal Act and that purports to describe the property as four separate parcels. The Commission staff has reviewed the February 24, 1972 grant deed and notes that it does not constitute a subdivision that complied with the state laws and/or local ordinances that were applicable at the time. Since the property was not legally subdivided prior to the effective date of the Coastal Act, any subdivision of the property is subject to the permit requirements of the Coastal Act.

The primary coastal resource that potentially would be impacted by future development on the site is environmentally sensitive habitat area (ESHA) consisting of chaparral vegetation, which covers almost the entire subject property except for an existing fire road. If four parcels were developed with residences within the ESHA instead of only the one legal parcel, this would increase the density and intensity of use on the site four-fold, and the impacts of grading and vegetation removal for creating building footprints and access roads, additional vegetation removal required to comply with Los Angeles County Fire Department fuel modification requirements, installation of water wells, storage tanks, and septic systems, and other development required for single-family home construction would be approximately four times greater than would otherwise occur if the property was developed as the legal single lot only. Accordingly, subdivision of the 40 acres into four lots is not consistent with the sensitive habitat protection policies of Section 30240 of the Coastal Act. Furthermore, any subdivision of the 40

acres is inconsistent with Section 30240 because it would create the potential for development of more than one residence, and therefore result in destruction of a larger area of ESHA.

The unpermitted subdivision of the subject property meets the definition of "development" set forth in Section 30106 of the Coastal Act. The development was undertaken without a coastal development permit, in violation of Public Resources Code 30600. Therefore, the Commission may issue a Cease and Desist Order under Section 30810 of the Coastal Act. Commission staff has referred this matter to the State Attorney General's office for litigation against all of the property owners seeking overall resolution of violation. Commission staff is requesting issuance of the Cease and Desist Order to prevent further sales of the parcels still owned by Pacific Alliance. The Order will prevent transfer to parties who may not be aware that the ten-acre parcels were not legally subdivided and may not be developed legally. Additional property owners would also make the litigation more complex and expensive and make an order granting relief more complicated.

II. HEARING PROCEDURES

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

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

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

III. MOTION

Staff recommends that the Commission adopt the following motion:

1.A. Motion

I move that the Commission issue Cease and Desist Order No. CCC-04-CD-12 pursuant to the staff recommendation.

1.B. Staff Recommendation of Approval

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

1.C. Resolution to Issue Cease and Desist Order

The Commission hereby issues Cease and Desist Order number CCC-04-CD-12, as set forth below, and adopts the findings set forth below on grounds that development has occurred without a coastal development permit, in violation of the Coastal Act.

IV. PROPOSED FINDINGS

A. History of Violation

Commission enforcement staff received a report on April 4, 2002 of a potential Coastal Act violation regarding unpermitted grading on the subject property. A site visit and staff investigation confirmed that in addition to unpermitted grading of roads and building pads and the removal of major vegetation without a coastal development permit, the property owner had apparently subdivided the 40-acre property into four ten-acre lots without the required CDP.

In 2000, Pacific Alliance acquired the subject property from T.J. Gaston Properties Ltd., a California Limited Partnership, in a Grant Deed that described the property as one 40-acre parcel (**Exhibit 2**). In February 2001 Mr. Raymond Munro, President of Pacific Alliance Holdings, Inc., requested Certificates of Compliance from Los Angeles County for subdivision of the parcel. Los Angeles County issued conditional Certificates of Compliance in June 2001 based on a February 24, 1972 grant deed that pre-dates the Coastal Act and that purports to describe the property as four separate parcels (**Exhibit 3**). The conditional Certificates of Compliance ("COCs") issued by the County are attached as **Exhibit 4**. The County issued Clearance of Conditions indicating that the conditions of the COCs were met and these documents were recorded on August 9, 2002 (**Exhibit 5**). Subsequently, Pacific Alliance and Munro transferred one of the lots (APN 4461-001-026) to Serge Falesitch on or about December 18, 2001. Pacific Alliance and Munro transferred another lot (APN 4461-001-025) to Richard Wade Weber and Carena Weber on or about September 3, 2003. County records identify Pacific Alliance as owner of the parcels identified as APNs 4461-001-023 and 4461-001-024.

The Commission staff has reviewed the February 24, 1972 grant deed and it does not constitute a subdivision that complied with the state laws and/or local ordinances that were applicable at the time for a number of reasons as discussed below. Since the property was not legally subdivided prior to the effective date of the Coastal Act, any subdivision of the property is subject to the permit requirements of the Coastal Act. First, the purported subdivision in 1972 did not comply with the requirements of Los Angeles County Ordinance 9404 (**attached as Exhibit 6**), in effect at the time. Section 302 of the ordinance required issuance of either a parcel map or a Certificate of Exception by the County to authorize a Minor Land Division, defined in Section 21, p.2, as a land division creating four or fewer parcels. Under this ordinance, a Plot Plan Map was required to obtain a Certificate of Exception. (See Ordinance Section 16.7, p.1). Los Angeles County located in its files a "Plot Plan Map" dated January 1972 for division of the 40-acres into four parcels (**Exhibit 7**), but this map was never approved and a Certificate of Exception was never issued. Also, the parcel configuration shown on this Plot Plan Map is entirely different from the parcels recognized in the Certificates of Compliance and described in the 1972 Grant Deed. Second, irrespective of the failure to comply with the County ordinance, the 1972 Grant Deed did not convey any portion of the 40 acres to a different owner, and therefore did not constitute a "subdivision" of property. Furthermore, when Pacific Alliance Holdings acquired the property in 2000 from T.J. Gaston Properties, it was described as one 40-acre parcel. When the property in the estate of Thelma J. Gaston was assigned to T.J. Gaston Properties, Ltd. in 1987, this property was also described as one parcel. Excerpts from documents recorded in 1987 regarding the transfer from Thelma J. Gaston to Gaston Properties Ltd. are attached as **Exhibit 8**.

In a recent meeting with Commission staff, Los Angeles County staff confirmed that the County determined that the lots were not legally subdivided prior to the enactment of the Coastal Act. County staff indicated that the statement on the conditional COCs indicating that the lots were exempt from the State Subdivision Map Act and the County Subdivision Ordinance at the time of their creation is incorrect. In fact, the County Subdivision Ordinance did apply to the subdivision, as explained above. On September 9, 2004 Commission staff sent the County a letter confirming this and asking them to record corrected COCs (**Exhibit 9**).

Commission staff formally notified Mr. Munro in letters dated April 9, 2002 and May 31, 2002 that he was in violation of the Coastal Act regarding the unpermitted grading and vegetation removal on the subject property, and that a CDP was also required for any subdivision of the 40-acre lot (APN 4461-001-005) into four ten-acre lots. These letters are attached as **Exhibit 10**. Munro submitted a CDP application (No. 4-02-142) on June 10, 2002, seeking authorization for subdivision of APN 4461-001-005 (the 40-acre lot) into four parcels. The application was never completed and was returned to Munro on October 10, 2002 (return cover letter is attached as **Exhibit 11**). In December 2002, the Commission issued Restoration Order CCC-02-RO-02 regarding the unpermitted grading and vegetation removal, and ordered restoration of the site. The Restoration Order did not address the subdivision issue in 2002 because staff was still gathering information and it was critical to proceed immediately with an order for restoration and revegetation before the rainy season started, in order to minimize continuing resource damage caused by erosion on the steep slopes of the property. The restoration work, including restorative grading as well as reseeding of native vegetation, was completed in April 2003 and Commission staff will continue monitoring Munro's compliance with the long-term monitoring and maintenance requirements of the Restoration Order for a period of five years.

In a telephone conversation on June 13, 2002, Commission staff informed Mr. Munro that the conditional Certificates of Compliance did not create legally subdivided lots under the Coastal Act, that he should not sell or transfer any of the lots, and that he needed to resolve the issue of the unpermitted subdivision. Despite this instruction, public records indicate that Mr. Munro and Pacific Alliance sold or transferred one of the lots to the Webers in September 2003. Mr. Munro also failed to inform Commission staff that he had already sold or transferred another one of the lots to Falesitch in 2001. Commission enforcement staff was again alerted to the ongoing matter regarding the illegal subdivision after Weber, the new owner of the ten-acre parcel identified as 4461-001-025, submitted a CDP application to the Commission's South Central Coast district office in Ventura in May 2004.

In a letter dated July 15, 2004, Commission enforcement staff notified Munro of the potential for recordation of a Notice of Violation against the two remaining parcels that he owns, and again instructed Mr. Munro not to sell or transfer either of the ten-acre lots, unless and until the Coastal Act violation regarding the unpermitted subdivision has been remedied (**Exhibit 12**). Staff also informed Mr. Munro that the Commission would be pursuing legal remedies to resolve this matter. Regarding the Notice of Violation, Section 30812 of the Coastal Act provides that if the Commission determines, based on substantial evidence, that a violation has occurred on the subject property, a Notice of Violation can be recorded against the subject property to provide notice to any potential purchasers regarding the presence of the violation.

On August 12, 2004, the Commission sent a Notice of Intent (NOI) to record a notice of violation of the Coastal Act and to commence cease and desist order proceedings against Mr. Munro (**Exhibit 13**). The NOI informed Pacific Alliance and Munro that staff was scheduling the matter for hearing at the Commission's October meeting. As of September 1, 2004, the Commission had not received a written objection to the recordation of the Notice of Violation. Staff transmitted the Notice of Violation to Los Angeles County on September 2, 2004, for recordation as provided for under Section 30812 of the Coastal Act (**Exhibit 14**). As of the September 1, 2004 deadline, the Commission had also not received a Statement of Defense from Pacific Alliance and Munro regarding the alleged violation.

Munro telephoned staff on September 21, 2002, and said he had retained counsel and wanted to request a postponement of the hearing from October until November. Staff received a written postponement request from Pacific Alliance and Munro on September 22, 2004 (**Exhibit 15**). In a letter dated September 22, 2004, staff denied the postponement request (**Exhibit 16**). The request was denied because Pacific Alliance and Munro have had ample opportunity to obtain counsel at an earlier date. Commission staff informed Pacific Alliance and Munro of the unpermitted subdivision more than two years ago (in letters dated April and May 2002). Commission staff informed Pacific Alliance and Munro in a letter dated July 15, 2004 that, since they had failed to resolve this matter, the Commission intended to pursue legal remedies. In a Notice of Intent (NOI) letter dated August 12, 2004, staff informed Pacific Alliance and Munro that staff intended to schedule a hearing on a request for a Cease and Desist Order at the Coastal Commission's October 2004 hearing, and that staff had referred the matter to the State Attorney General's office. In addition, as discussed below, there is a need for the Order to be issued as soon as possible.

Commission staff referred this matter to the State Attorney General's office in early August 2004 for litigation against all of the property owners seeking overall resolution of violation. CCC staff is also requesting issuance of the Cease and Desist Order to prevent further sales of the parcels. This will insure that Pacific Alliance and Munro do not transfer the other two ten-acre parcels to new owners before there is a court decision on the Commission's claim that the attempted subdivision was illegal and a determination of the appropriate remedy. The Order will prevent transfer to parties who may not be aware that the ten-acre parcels were not legally subdivided and may not be developed legally. Additional property owners would also make the litigation more complex and expensive and make an order granting relief more complicated.

B. Description of Unpermitted Development

The unpermitted development, which is the subject of this Cease and Desist Order, consists of the unpermitted subdivision of APN 4461-001-005 into four ten-acre parcels by Pacific Alliance and Mr. Raymond Munro, President of Pacific Alliance.

C. Basis for Issuance of Cease and Desist Order

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

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

The subdivision of the subject property meets the definition of "development" set forth in Section 30106 of the Coastal Act:

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

The development was undertaken without a coastal development permit, in violation of Public Resources Code 30600. Therefore, the Commission may issue a Cease and Desist Order under Section 30810 of the Coastal Act.

D. Inconsistency with Chapter 3 of the Coastal Act

As discussed above, the Commission may issue a Cease and Desist Order under Section 30810 of the Coastal Act solely based on the unpermitted development on the subject property. A showing of inconsistency with Chapter 3 of the Coastal Act is not required for Orders to be issued under Section 30810, but we provide the following information for background purposes.

Environmentally Sensitive Habitat Areas

Section 30107.5 of the Coastal Act states:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

The subject property is a 40-acre parcel located adjacent to and south and west of the Santa Monica Mountains National Recreation Area. The subject property is located almost entirely within a designated Wildlife Migration Corridor and partially within the Solstice Canyon Significant Watershed Area, as designated in the certified Malibu/Santa Monica Mountains Land Use Plan. Wildlife Migration Corridors and Significant Watershed Areas are both designated as Environmentally Sensitive Habitat Area (ESHA) under the Land Use Plan. In addition, the chaparral vegetation that covers the subject property is ESHA. Except for Mar Vista Ridge Road, an existing fire road that runs through the subject property in an east-west direction and roughly bisects it, and a small segment of fire road at the northeastern corner of the property, the entire site is covered with chaparral.

Development of homes has not yet occurred on the subject property. The five-acre area where unpermitted grading and vegetation removal previously occurred is in the process of being restored to its former condition according to the terms of the Commission's 2002 Restoration Order. Commission staff is monitoring and evaluating the success of the restoration effort, which has the primary goals of erosion control, restorative grading and restoration of native vegetation.

The primary coastal resource that potentially would be impacted by future development on the site is ESHA consisting of chaparral vegetation, which covers almost the entire subject property

except for an existing fire road. If four lots were developed with residences within the ESHA instead of only the one legal parcel, this would increase the density and intensity of use on the site four-fold, and the impacts of grading and vegetation removal for creating building footprints and access roads, additional vegetation removal required to comply with Los Angeles County Fire Department fuel modification requirements, installation of water wells, storage tanks, and septic systems, and other development required for single-family home construction would be approximately four times greater than would otherwise occur if the property was developed as the legal single lot only.

Accordingly, subdivision of the 40 acres into four lots is not consistent with the sensitive habitat protection policies of Section 30240 of the Coastal Act. Furthermore, any subdivision of the 40 acres is inconsistent with Section 30240 because it would create the potential for development of more than one residence, and therefore result in destruction of a larger area of ESHA. The area of ESHA habitat affected by the development of each residence would be approximately 3 acres, due to construction of buildings, septic system, driveway and fire truck turnaround, and substantial removal of native vegetation surrounding structures that is necessary for fire safety.

Location; existing developed area

Section 30250 of the Coastal Act states, in relevant part:

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

If four lots were developed on the site instead of only the one legal parcel, the density and intensity of use on the site would be approximately four times greater than would otherwise occur if the property were developed as the legal single lot only. The intensified use would create additional demands on public services, such as water, electricity and roads. Impacts from grading and vegetation removal required to comply with Los Angeles County Fire Department fuel modification requirements, installation of water wells, storage tanks, and septic systems, and other development required for single-family home construction would be approximately four times greater than would otherwise occur if the property was developed as a single lot only. Therefore, subdivision of the 40 acres into four ten-acre parcels is not consistent with Section 30250 of the Coastal Act regarding the cumulative impacts of new development on coastal resources.

Biological productivity and water quality

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain 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.

New development on the subject property, which is located in the Santa Monica Mountains, has the potential to adversely impact coastal water quality through the removal of native vegetation, increase in impervious surfaces, increase in runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides and fertilizers, as well as effluent from septic systems. Soils on the property are classified as Millsholm loam and are highly susceptible to erosion and may contribute directly to the degradation of water quality in the surrounding coastal waters and streams through increased sediment input. If four lots were developed with residences instead of only the one legal parcel, the potential impacts to water quality from the site would be approximately four times greater than would otherwise occur if the property were developed as the legal single lot only. Therefore, subdivision of the 40 acres into four ten-acre parcels is not consistent with Section 30231 of the Coastal Act regarding the protection of coastal resources from impacts to water quality and biological productivity.

E. California Environmental Quality Act (CEQA)

The Commission finds that issuance of a cease and desist order to compel resolution of the Coastal Act violation on the subject property is exempt from any applicable requirements of the California Environmental Quality Act (CEQA) of 1970 and will not have significant adverse effects on the environment, within the meaning of CEQA. The Cease and Desist Order is exempt from the requirement for the preparation of an Environmental Impact Report, based on Sections 15060(c)(3), 15061(b)(2), 15307, 15308 and 15321 of the CEQA Guidelines.

F. Determinations of Fact

1. Pacific Alliance Holdings, Inc. is the owner of two 10-acre parcels east of and adjacent to 2210 Mar Vista Road, Los Angeles County (APNs 4461-001-023 and 4461-001-024). Mr. Raymond Munro is President of Pacific Alliance Holdings, Inc. The subject property is located within designated ESHA, including a designated Wildlife Migration Corridor and partially within the Solstice Canyon Significant Watershed Area.
2. Unpermitted subdivision of APN 4461-001-005 into four ten-acre parcels (APNs 4461-001-023, 4461-001-024, 4461-001-025 and 4461-001-026) by Pacific Alliance and Mr. Raymond Munro has occurred.

3. Commission staff notified Mr. Munro beginning in April 2002 that the unpermitted subdivision had occurred without the required Coastal Development Permit, in violation of the Coastal Act.
4. No exemption from the permit requirements of the Coastal Act applies to the unpermitted development regarding the subject property.
5. The unpermitted development is inconsistent with Chapter 3 policies of the Coastal Act, including Sections 30240, 30250 and 30231.

G. Violators' Defenses and Commission's Response

As noted above, Respondents did not submit a Statement of Defense. Under the Commission's regulations, this was to be submitted within 20 days, or by September 1, 2004. The State legislature explicitly granted the Coastal Commission the right to "adopt or amend...rules and regulations to carry out the purposes and provisions of [the Coastal Act], and to govern procedures of the commission." (Pub. Res. Code § 30333.) Relying on such powers, the Coastal Commission promulgated Section 13181 entitled "Commencement of Cease and Desist Order Proceeding before the Commission," which became operative on September 3, 1992. (See Cal. Code of Regs., Title 14, § 13181, and historical comments thereto.) Subdivision (a) of Section 13181 provides in relevant part:

"If the executive director believes that the results of an enforcement investigation so warrant, he or she shall commence a cease and desist order proceeding before the commission by providing any person whom he or she believes to be engaging in development activity as described in Section 30810(a) of the Public Resources Code with notice of his or her intent to do so...The notice of intent shall be accompanied by a "statement of defense form" that conforms to the format attached to these regulations as Appendix A. The person(s) to whom such notice is given shall complete and return the statement of defense form to the Commission by the date specified therein, which date shall be no earlier than 20 days from transmittal of the notice of intent." (Cal. Code of Regs., title 14, § 13181, subd. (a); emphasis added.)

As of the date of this report, Pacific Alliance and Mr. Munro have not submitted the statement of defense form setting forth their response to staff's allegations as set forth in the August 12, 2004 Notice of Intent to Commence Cease and Desist Order Proceedings. The Notice of Intent established a deadline of September 1, 2004 for submittal of the statement of defense form. Furthermore, Pacific Alliance and Mr. Munro never requested an extension of the time limit for submittal of the statement of defense form. (See Cal. Code of Regs., title 14, § 13181, subd. (b) (where executive director "may at his or her discretion extend the time limit...upon receipt within the time limit of a written request for such extension and a written demonstration of good cause").) Since the completion of Section 13181's statement of defense form is mandatory, Pacific Alliance and Mr. Munro have failed to raise and preserve any defenses that they may have.

The defense form requirement serves an important function. (See, e.g., *Horack v. Franchise Tax Board* (1971) 18 Cal.App.3d 363, 368) ("Where administrative machinery exists for resolution of differences, such procedures must be "fully utilized and exhausted"). The Coastal Commission's

cease and desist hearings are "quasi-judicial." Thus, if the Coastal Commission is to make findings of fact and conclusions at law in the form of an adopted Staff Report, Respondents must inform the Commission, precisely and in writing, which defenses they wish the Commission to consider. The statement of defense form has six categories of information that Pacific Alliance and Munro should have provided to the Coastal Commission: (1) facts or allegations contained in the cease and desist order or the notice of intent that are admitted by respondent; (2) facts or allegations contained in the cease and desist order or the notice of intent that are denied by respondent; (3) facts or allegations contained in the cease and desist order or the notice of intent of which the respondent has no personal knowledge; (4) facts and/or a description of any documents, photographs or other physical evidence that may exonerate the respondent; (5) any other information, statement, etc. that respondent desires to make; and (6) a listing of any documents, exhibits, declarations or other materials that are being attached by respondent to the statement of defense form.

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

Pacific Alliance and Mr. Munro have neither admitted nor contested staff's allegations by submitting a completed statement of defense form as provided by the Commission's regulations. However, Mr. Munro has previously contended in telephone conversations with Commission staff that Los Angeles County staff informed him that the issuance of conditional Certificates of Compliance and clearance of the attached conditions would create legally subdivided parcels.

The Commission has informed Mr. Munro that he cannot rely on incomplete or misleading information he may have received from Los Angeles County regarding the purported legality of the subdivision of the 40-acre parcel into four ten-acre parcels. Section 30600(a) of the Coastal Act states that, "in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person . . . wishing to perform or undertake any development in the coastal zone . . . shall obtain a coastal development permit." Under California law, one public agency cannot by its actions prevent impair another independent public agency from exercising its legal jurisdiction. (*California Tahoe Regional Planning Agency v. Day and Night Electric, Inc.* (1985) 163 Cal.App.3d 898.) Thus, regardless of whether the County incorrectly informed Mr. Munro that the conditional COCs and clearance of the attached conditions would create legally subdivided parcels, Mr. Munro is responsible for complying with the Coastal Act requirements that apply to such subdivision. We note that Commission staff informed Mr. Munro of these facts and the need for a CDP in April 2002, before the sale to Weber and, indeed, before staff had been informed of any sale or transfer.

Additionally, in a recent meeting with Commission staff, Los Angeles County staff confirmed that the County has determined that the 40-acre parcel was not legally subdivided prior to the enactment of the Coastal Act. County staff indicated that the statement on the conditional COCs indicating that the lots were exempt from the State Subdivision Map Act and the County Subdivision Ordinance at the time of their creation is incorrect. On September 9, 2004 Commission staff sent the County a letter confirming this and requested they record corrected COCs to reflect that the subject property was not legally subdivided in compliance with the applicable provisions of the County Subdivision Ordinance at the time of their creation (**Exhibit 9**). See additional discussion regarding the illegal subdivision in Section IV.A, on pages 4-5 of this staff report. We also note that the County COCs do not state that the subdivision complies with the Coastal Act or is exempt from the Coastal Act permit requirements.

Staff recommends that the Commission issue the following Cease and Desist Order:

CEASE AND DESIST ORDER CCC-04-CD-12

Pursuant to its authority under Public Resource Code §30810, the California Coastal Commission hereby orders Pacific Alliance Holdings, Inc., Mr. Raymond Munro, President of Pacific Alliance Holdings, Inc., and their agents, contractors and employees, and any person acting in concert with any of the foregoing (hereinafter referred to as "Respondents") to cease and desist from engaging in any further development on the subject property unless authorized pursuant to the Coastal Act.

Respondents are ordered to cease and desist from any further unpermitted development at the site, and insure compliance with the Coastal Act pursuant to Section 30810(b), including any attempts to subdivide the property without a CDP, transfer the property, or attempt to create or maintain illegal subdivision of either of the two ten-acre parcels they own or control (APNs 4461-001-023 and 4461-001-024), unless and until the action has been authorized in a CDP or a final court judgment.

I. Persons Subject to the Order

President of Pacific Alliance Holdings, Inc., and Raymond Munro, President of Pacific Alliance Holdings, Inc., and their agents, contractors and employees, and any persons acting in concert with any of the foregoing.

II. Identification of the Property

The property that is subject to the order is described as follows:

40-acre parcel east of and adjacent to 2210 Mar Vista Road, Los Angeles County, illegally subdivided into four ten-acre parcels (APNs 4461-001-023, 4461-001-024, 4461-001-025 and 4461-001-026). Respondents own or control two of the four ten-acre parcels (APNs 4461-001-023 and 4461-001-024).

III. Description of Unpermitted Development

The development that is the subject of the Cease and Desist Order consists of unpermitted subdivision of APN 4461-001-005 into four ten-acre parcels (APNs 4461-001-023, 4461-001-024, 4461-001-025 and 4461-001-026) by Pacific Alliance and Mr. Raymond Munro, President of Pacific Alliance Holdings, Inc.

IV. Effective Date and Terms of the Order

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

V. Findings

The order is issued on the basis of the findings adopted by the Commission at the October 2004 hearing, as set forth in the attached document entitled "Findings for Cease and Desist Order".

VI. Compliance Obligation

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

VII. Deadlines

Deadlines may be extended by the Executive Director for good cause. Any extension request must be made in writing to the Executive Director and received by Commission staff at least 10 days prior to expiration of the subject deadline.

VIII. Appeal

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

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

By: _____ Peter Douglas, Executive Director

Exhibits

1. Site Map and Location.
2. 2000 Grant Deed transferring the subject property to Raymond Munro and Pacific Alliance Holdings, Inc. and describing the subject property as one 40-acre parcel.
3. 1972 grant deed that pre-dates the Coastal Act and that purports to describe the subject property as four separate parcels.
4. Conditional Certificates of Compliance ("COCs") for the subject property issued by Los Angeles County in 2001.
5. Clearance of Conditions documents recorded on August 9, 2002, indicating that the conditions of the COCs were met.
6. Los Angeles County Ordinance 9404.
7. "Plot Plan Map" dated January 1972.
8. Excerpts from documents recorded in 1987 regarding the transfer from Thelma J. Gaston to Gaston Properties Ltd.
9. Letter dated September 9, 2004 from Commission staff to Los Angeles County.
10. Letters dated April 9, 2002 and May 31, 2002 from Commission staff to Mr. Munro, notifying him that that he was in violation of the Coastal Act regarding the unpermitted grading and vegetation removal on the subject property, and that a CDP was also required for the unpermitted subdivision of the 40-acre lot (APN 4461-001-005) into four ten-acre lots.
11. Cover letter dated October 10, 2002 regarding returned CDP application.
12. Letter dated July 15, 2004, from Commission enforcement staff to Mr. Munro, notifying him of the potential for recordation of a Notice of Violation against the two remaining parcels that he owns, and again instructing Mr. Munro not to sell or transfer either of the ten-acre lots, unless and until the Coastal Act violation regarding the unpermitted subdivision has been remedied.
13. Notice of Intent (NOI) letter dated August 12, 2004 from Commission staff to Mr. Munro regarding recordation of a notice of violation of the Coastal Act and to commence cease and desist order proceedings against Mr. Munro.
14. Notice of Violation.
15. Postponement request dated September 22, 2004, from Pacific Alliance and Munro to Commission staff.
16. Commission response from Commission staff to Pacific Alliance and Munro regarding postponement request, dated September 22, 2004.

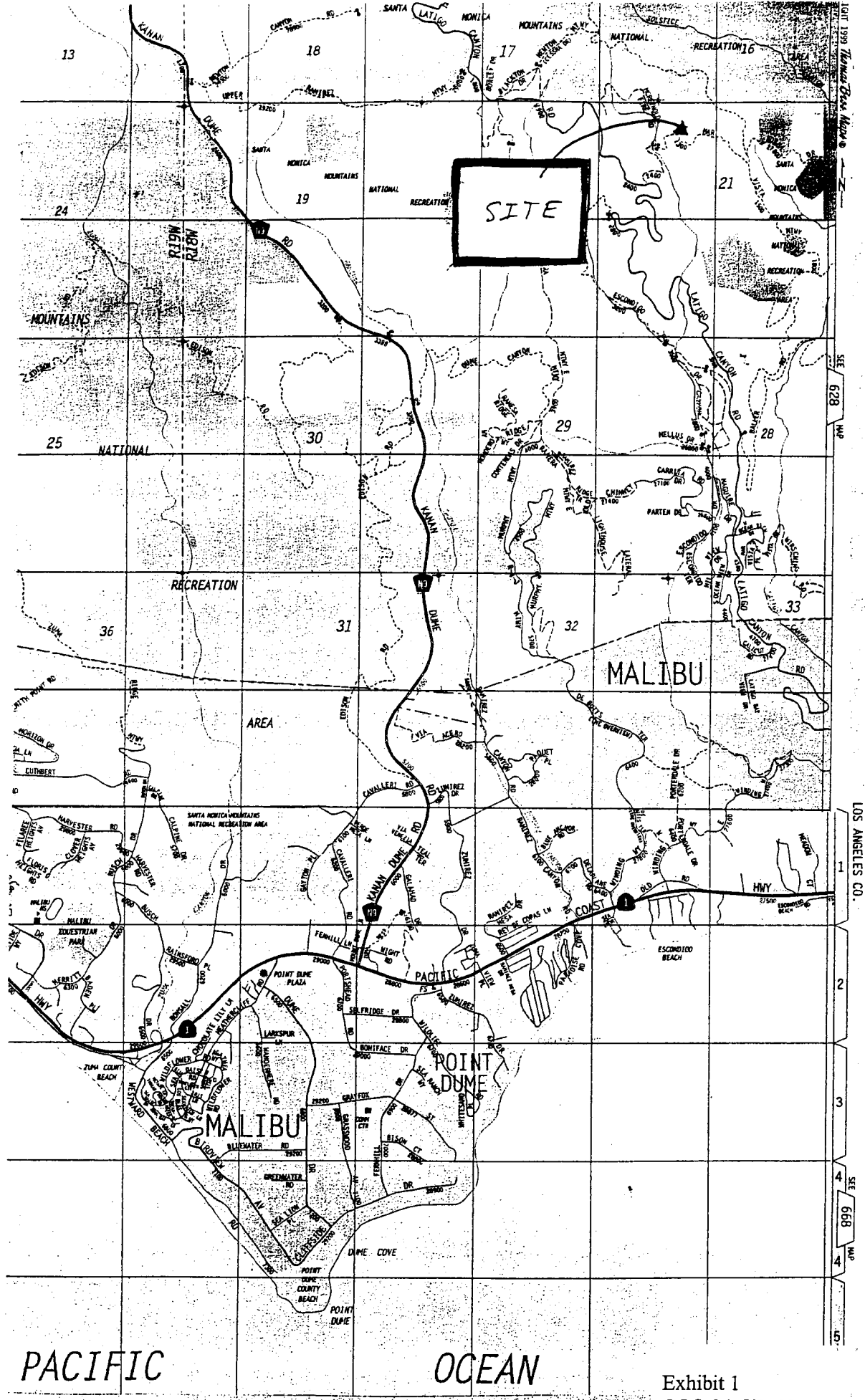
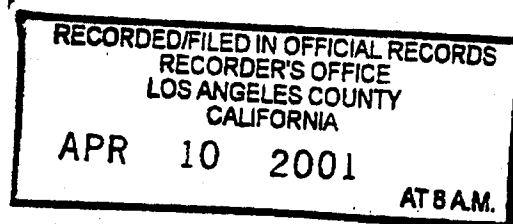


Exhibit 1
CCC-04-CD-12
(Munro)



LEAD SHEET

01 0595643



SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

Deed.

FEE

FEE
\$7
B

D.T.T.

NOTIFICATION SENT-\$4 ©

CODE
20

CODE
19

CODE
9

SURVEY, MONUMENT FEE \$10. CODE 99

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

4441 001 005

001

THIS FORM IS NOT TO BE DUPLICATED

Exhibit 2

CCC-04-CD-12

(Munro) Page 1 of 2

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

FIDELITY-TARZANA

PACIFIC ALLIANCE HOLDINGS

a Nevada Corporation

3040 MUNRO CIRCLE

LOS ANGELES, CA 90068

01 0595643

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Assessor's Parcel No. 4461-001-005

GRANT DEED

TRANSFER TAX
NOT A PUBLIC RECORD

The undersigned grantor(s) declare(s):

Documentary transfer tax is

(X) computed on full value of the interest of property conveyed, -or-

() computed on the full value less the value of liens or encumbrances
remaining thereon at the time of sale.

(X) City of: MALIBU, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
T.J. GASTON PROPERTIES LTD., A CALIFORNIA LIMITED PARTNERSHIP

hereby GRANTS(S) TO

PACIFIC ALLIANCE HOLDINGS, A NEVADA CORPORATION

the following described real property in the City of MALIBU,
County of Los Angeles, State of California:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 18
WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
ACCORDING TO THE OFFICIAL MAP OF THE SURVEY OF SAID LAND ON FILE IN THE BUREAU OF LAND
MANAGEMENT.

Dated: December 20, 2000
~~DECEMBER 5, 2000~~

STATE OF ~~CALIFORNIA~~ Mississippi

COUNTY OF Jackson) SS

On December 20, 2000 before me

Sharon Pellina
a Notary Public in and for said state,
personally appeared John B. Mittrick

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

WITNESS my hand and official seal. -

Signature Sharon Pellina

Title Order No. 19066234

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE.

BY: John B. Mittrick
GENERAL PARTNER
T.J. GASTON PROPERTIES LTD.,
A California Limited Partnership

My Commission Expires Jan. 18, 2002



(This area for official notarial seal)
Escrow or Loan No. 30868-MJB

FEB 24 1972

RECORDING REQUESTED BY

2839

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.

49 PM 10 AM FEB 24 1972

Register-Recorder

FEE
\$2
F

SPACE ABOVE THIS LINE FOR RECORDERS USE

DOCUMENTARY TRANSFER TAX *None*

ADDED COMPUSED ON FULL VALUE OF PROPERTY CONVEYED

OR COMPUSED ON FULL VALUE LESS LIPS AND

EXEMPTIONS GRANTED AT TIME OF SALE

Thelma J. Barton

Register-Recorder

Grant Deed

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

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

Paul Cooper Beckstead, ~~XXXXXXXXXXXX~~ and
Yvonne T. Beckstead his band and wife

hereby GRANT(S) to

Thelma J. Barton, a widow.

the following described real property in the

County of Los Angeles

State of California:

W 440 feet of the N 990 feet of the NW 1/4
of the northwest quarter of section 21, township 1 south, range 18 west,
San Bernardino Meridian, according to the official plat of the survey
of said land on file in the bureau of land management.

E 440 feet of the west 880 feet of the north 990 feet of the northwest
quarter of the northwest quarter of section 21, township 1 south, range
18 west, San Bernardino Meridian, according to the official plat of the
survey of said land on file in the bureau of land management.

The north 990 feet of the northwest quarter of northwest quarter of section
21, township 1 south, range 18 west, San Bernardino Meridian, Los Angeles
County, State of California according to the official plat of the survey of
said land on file in the bureau of land management. Except the west 880 feet
of said land.

The northwest quarter of the northwest quarter of section 21, township 1
south, range 18 west San Bernardino Meridian, in the county of Los Angeles,
State of California according to the official plat of the survey of said
land on file in the bureau of land management.
Except the north 990 feet thereof.

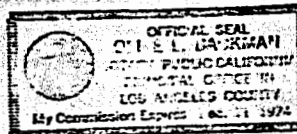
Dated February 22, 1972

STATE OF CALIFORNIA
COUNTY OF LOS ANGELESOn Feb. 22, 1972 before me, the under-
signed, a Notary Public in and for said State, personally appeared

PAUL COOPER BECKSTEAD and
YVONNE T. BECKSTEAD

known to me
to be the person whose names are subscribed to the within
instrument and acknowledged that they executed the same.
WITNESS my hand and official seal.

Signature *Olive L. Backman*
Olive L. Backman, Notary Public
Commission expires 12-11-74
Name (Type or Printed)



(This area for official notarial seal)

Title Order No.

Estate or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

FEB 24 1972

2839



LEAD SHEET

RECEIVED

JUN 10 2002

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

01 0986817

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

11:21AM JUN 07 2001

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

D.T.T.

FEE \$13	1
DAF \$2	
C-20	3

CODE
20

CODE
19

CODE
9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

THIS FORM IS NOT TO BE DUPLICATED

Exhibit 4
CCC-04-CD-12
(Munro) Page 1 of 16

RECORDING REQUEST BY

2
01 0986817

WHEN RECORDED MAIL TO

NAME

MAILING
ADDRESS

CITY, STATE
ZIP CODE

Edmond Munro
3040 Munro Circle
Los Angeles, CA
90068

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

CERTIFICATE OF COMPLIANCE

01-057



RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1350 Hall of Records
Los Angeles, California 90012

01 0986817

AND WHEN RECORDED MAIL TO:

Name: Raymond Munro
Street: 3040 Munro Circle
City: Los Angeles, California 90068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

REQUEST FOR CERTIFICATE OF COMPLIANCE

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

Raymond Munro
Signature

Signature

Signature

Pacific Alliance Holdings (Raymond Munro President)

Name (typed or printed)

Name (typed or printed)

Name (typed or printed)

February 28, 2001

Date

Date

Date

LEGAL DESCRIPTION

EXHIBIT "ONE"

(PARCEL # 1)

W 440 feet of the N 990 feet of the NW 1/4
of the Northwest quarter of section 21, township 1 South, range 18 West,
San Bernardino Meridian, according to the official plat of the survey
of said land on file in the bureau of land management.

Assessor's Parcel # 4461 - 001 - 005

OWNER (S):

Pacific Alliance Holdings, A Nevada Corporation
Raymond Munro, President

01 0986817

CERTIFICATE OF COMPLIANCE CONTINUATION

CERTIFICATE OF COMPLIANCE NO.: 01-057

CONDITION(S)

1. OFFER for private and future street right-of-way the NORTH 32 feet and the WEST 32 feet of the subject property and the radius at the intersection of said right-of-way.
2. OFFER said private and future street right-of-way as Easement for Section 21 Township 1 South Range 18 West and the General Public.

APN: 4461-001-005 PT

NOTES:

Prior to authorization to build on this property, the applicant will be required to conform to the County Building regulations. Such regulations include, but are not limited to; programs for appropriate sanitary sewage disposal, water supply for domestic use and fire suppression.

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

DETERMINATION OF COMPLIANCE (E)

I hereby certify the above described parcel complies with the applicable provisions of the State Subdivisions Map Act and of the County Subdivision Ordinance, having been exempt from said act and ordinance at the time of its creation, and may therefore be sold, financed, leased or transferred.

NOTE:

This determination DOES NOT GUARANTEE that the subject property meets current design and improvement standards for subdivided parcels. Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

CERTIFICATE OF COMPLIANCE

Pursuant to the provisions of the Subdivisions Map Act (Sec. 66410 et. Seq., Government Code, State of California) and the County Subdivision Ordinance (Title 21 of the Los Angeles County Code). I hereby certify that I have reviewed the above-described division of real property and have found it to be in conformance with all requirements of the Subdivision Map Act and of the County Subdivision Ordinance.

DEPARTMENT OF REGIONAL PLANNING

By:

Paul K. Mc Carthy for

DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles

James E. Hart, AICP
Director of Planning

Title Administrator, Current Planning Div.

Date

6-6-01

Exhibit 4
CCC-04-CD-12
(Munro) Page 4 of 16





LEAD SHEET
RECEIVED

JUN 10 2002

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

01 0986818

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

11:21AM JUN 07 2001

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

FEE \$13	1
DAF \$2	
C-20	3

D.T.T.

CODE

20

CODE

19

CODE

9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

THIS FORM IS NOT TO BE DUPLICATED

Exhibit 4
CCC-04-CD-12
(Munro) Page 5 of 16

2

RECORDING REQUEST BY

WHEN RECORDED MAIL TO

01 0986818

NAME *RAYMOND MUNRO*

MAILING ADDRESS *3040 MUNRO*

CITY, STATE *LOS ANGELES, CA*
ZIP CODE *90068*

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

CERTIFICATE OF COMPLIANCE

01-058



RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1360 Hall of Records
Los Angeles, California 90012

01 0986818

AND WHEN RECORDED MAIL TO:

Name: Raymond Munro

Street: 3040 Munro Circle

City: Los Angeles, California 90068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

REQUEST FOR CERTIFICATE OF COMPLIANCE

I/We the undersigned owner(s) of record (and/or vendee(s) pursuant to a contract of sale) in the following described property within the unincorporated territory of the County of Los Angeles, hereby REQUEST the County of Los Angeles to determine if said property described below complies with the provisions of the Subdivision Map Act (sec. 86410 et seq., Government Code, State of California) and the Los Angeles Code, Title 21 (Subdivisions).

Raymond Munro
Signature

Signature

Signature

Pacific Alliance Holdings (Raymond Munro President)

Name (typed or printed)

Name (typed or printed)

Name (typed or printed)

February 28, 2001

Date

Date

Date

LEGAL DESCRIPTION

EXHIBIT "ONE"

(PARCEL # 2)

E 440 feet of the West 880 feet of the North 990 feet of the Northwest quarter of the Northwest quarter of section 21, township 1 South, range 18 West, San Bernardino Meridian, according to the official plat of the survey of said land on file in the bureau of land management.

Assessor's Parcel # 4461 - 001 - 005

OWNER (S): Pacific Alliance Holdings, A Nevada Corporation.
Raymond Munro, President

01 0986818

CERTIFICATE OF COMPLIANCE CONTINUATION

CERTIFICATE OF COMPLIANCE NO.: 01-058

CONDITION(S)

1. OFFER for private and future street right-of-way, the NORTH 32 feet of the subject property and the radius at the intersection of said right-of-way.
2. OFFER said private and future street right-of-way as Easement for Section 21 Township 1 South Range 18 West and the General Public.

APN: 4461-001-005 PT

NOTES:

Prior to authorization to build on this property, the applicant will be required to conform to the County Building regulations. Such regulations include, but are not limited to; programs for appropriate sanitary sewage disposal, water supply for domestic use and fire suppression.

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

DETERMINATION OF COMPLIANCE (E)

I hereby certify the above described parcel complies with the applicable provisions of the State Subdivisions Map Act and of the County Subdivision Ordinance, having been exempt from said act and ordinance at the time of its creation, and may therefore be sold, financed, leased or transferred. *

NOTE:

This determination DOES NOT GUARANTEE that the subject property meets current design and improvement standards for subdivided parcels. Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

CERTIFICATE OF COMPLIANCE

Pursuant to the provisions of the Subdivisions Map Act (Sec. 66410 et. Seq., Government Code, State of California) and the County Subdivision Ordinance (Title 21 of the Los Angeles County Code). I hereby certify that I have reviewed the above-described division of real property and have found it to be in conformance with all requirements of the Subdivision Map Act and of the County Subdivision Ordinance.

DEPARTMENT OF REGIONAL PLANNING



DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles

James E. Hartl, AICP
Director of Planning

By: *Paul J. McCarthy for*

Title Administrator, Current Planning Div.

Date 6-6-01

Exhibit 4
CCC-04-CD-12
(Munro) Page 8 of 16

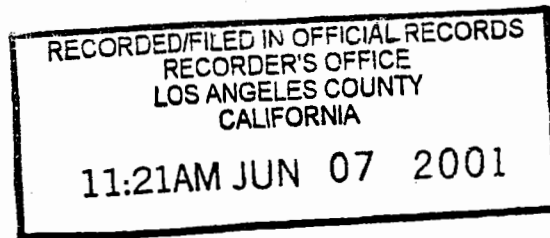


01 0986819

RECEIVED

JUN 10 2002

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

FEE \$13	1
DAF \$2	
C-20	3

D.T.T.

CODE

20

CODE

19

CODE

9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

RECORDING REQUEST BY

WHEN RECORDED MAIL TO

NAME

MAILING
ADDRESS

CITY, STATE
ZIP CODE

Rzmond Munro
304D Munro Circle
LOS ANGELES, CA
90068

01 0986819

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

CERTIFICATE OF COMPLIANCE

01-059



RECORDING REQUESTED BY:

Department of Regional Planning
320 West Temple Street
Room 1320 Hall of Records
Los Angeles, California 90012

AND WHEN RECORDED MAIL TO:

Name: Raymond Munro

Street: 3040 Munro Circle

City: Los Angeles, California 90068

01 0986819

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

REQUEST FOR CERTIFICATE OF COMPLIANCE

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

Raymond Munro
Signature

Signature

Pacific Alliance Holdings (Raymond Munro President)

Name (typed or printed)

Name (typed or printed)

February 28, 2001

Date

Date

Signature

Name (typed or printed)

Date

LEGAL DESCRIPTION

EXHIBIT "ONE"

(PARCEL # 3)

The North 990 feet of the Northwest quarter of Northwest quarter of section 21, township 1 South, range 18 West, San Bernardino Meridian, Los Angeles, County, State of California according to the official plat of the survey of said land on file in the bureau of land management, except the West 880 feet of said land.

Assessor's Parcel # 4461 - 001 - 005

OWNER (S):

Pacific Alliance Holdings, A Nevada Corporation
Raymond Munro, President

01 0986819

CERTIFICATE OF COMPLIANCE CONTINUATION

CERTIFICATE OF COMPLIANCE NO.: 01-059

CONDITION(S)

1. OFFER for private and future street right-of-way. the NORTH 32 feet and the EAST 30 feet of the subject property and the radius at the intersection of said right-of-way.
2. OFFER said private and future street right-of-way as Easement for Section 21 Township 1 South Range 18 West and the General Public.

APN: 4461-001-005 PT

NOTES:

Prior to authorization to build on this property, the applicant will be required to conform to the County Building regulations. Such regulations include, but are not limited to; programs for appropriate sanitary sewage disposal, water supply for domestic use and fire suppression.

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

DETERMINATION OF COMPLIANCE (E)

I hereby certify the above described parcel complies with the applicable provisions of the State Subdivisions Map Act and of the County Subdivision Ordinance, having been exempt from said act and ordinance at the time of its creation, and may therefore be sold, financed, leased or transferred.

NOTE:

This determination DOES NOT GUARANTEE that the subject property meets current design and improvement standards for subdivided parcels. Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

CERTIFICATE OF COMPLIANCE

Pursuant to the provisions of the Subdivisions Map Act (Sec. 66410 et. Seq., Government Code, State of California) and the County Subdivision Ordinance (Title 21 of the Los Angeles County Code). I hereby certify that I have reviewed the above-described division of real property and have found it to be in conformance with all requirements of the Subdivision Map Act and of the County Subdivision Ordinance.

DEPARTMENT OF REGIONAL PLANNING

By: *Paul D. McCarthy for*

DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles

James E. Hartl, AICP
Director of Planning

Title Administrator, Current Planning Div.

Date 6-6-01 Exhibit 4

CCC-04-CD-12

(Munro) Page 12 of 16





LEAD SHEET

RECEIVED

JUN 10 2002

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

01 0986820

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

11:21AM JUN 07 2001

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

FEE \$13	1
DAF \$2	
C-20	3

D.T.T.

CODE

20

CODE

19

CODE

9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUEST BY

WHEN RECORDED MAIL TO

01 0986820

NAME

Raymond Munro

MAILING
ADDRESS

3040 MUNRO CIRCLE

CITY, STATE
ZIP CODE

LOS ANGELES, CA
90068

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

CERTIFICATE OF COMPLIANCE

01-060



RECORDING REQUESTED BY:

Department of Regional Planning
320 West Temple Street
Room 1350 Hall of Records
Los Angeles, California 90012

AND WHEN RECORDED MAIL TO:

Name: Raymond Munro

Street: 3040 Munro Circle

Cty: Los Angeles, California 90068

01 0986820

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

REQUEST FOR CERTIFICATE OF COMPLIANCE

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

Raymond Munro
Signature

Signature

Signature

Pacific Alliance Holdings (Raymond Munro President)

Name (typed or printed)

Name (typed or printed)

Name (typed or printed)

February 28, 2001

Date

Date

Date

LEGAL DESCRIPTION

EXHIBIT "ONE"

(PARCEL # 4)

The Northwest quarter of the Northwest quarter of section 21, township 1 South, range 18 West, San Bernardino Meridian, in the County of Los Angeles, State of California according to the official plat of the survey of said land on file in the bureau of land management, except the North 990 feet thereof.

Assessor's Parcel # 4461 - 001 - 005

OWNER (S): Pacific Allia. Holdings, A Nevada Corporation
Raymond Munro, President

01 0986820

CERTIFICATE OF COMPLIANCE CONTINUATION

CERTIFICATE OF COMPLIANCE NO.: 01-060

CONDITION(S)

1. OFFER for private and future street right-of-way. the SOUTH 30 feet and the EAST 30 feet and the WEST 32 feet of the subject property and the radius at the intersection of said right-of-way.
2. OFFER said private and future street right-of-way as Easement for Section 21 Township 1 South Range 18 West and the General Public.

APN: 4461-001-005 PT

NOTES:

Prior to authorization to build on this property, the applicant will be required to conform to the County Building regulations. Such regulations include, but are not limited to; programs for appropriate sanitary sewage disposal, water supply for domestic use and fire suppression.

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

DETERMINATION OF COMPLIANCE (E)

I hereby certify the above described parcel complies with the applicable provisions of the State Subdivisions Map Act and of the County Subdivision Ordinance, having been exempt from said act and ordinance at the time of its creation, and may therefore be sold, financed, leased or transferred.

NOTE:

This determination DOES NOT GUARANTEE that the subject property meets current design and improvement standards for subdivided parcels. Prospective purchasers should check site conditions and applicable development codes to determine whether the property is suitable for their intended use.

CERTIFICATE OF COMPLIANCE

Pursuant to the provisions of the Subdivisions Map Act (Sec. 66410 et. Seq., Government Code, State of California) and the County Subdivision Ordinance (Title 21 of the Los Angeles County Code). I hereby certify that I have reviewed the above-described division of real property and have found it to be in conformance with all requirements of the Subdivision Map Act and of the County Subdivision Ordinance.

DEPARTMENT OF REGIONAL PLANNING



DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles

James E. Hartl, AICP
Director of Planning

By: Paul H. McCarthy

Title Administrator, Current Planning Div.

Date 6-7-01

RECORDING REQUEST BY

AUG - 9

COPY of Document Recorded

02 1875448

Has not been compared with original.
Original will be returned when
processing has been completed.

LOS ANGELES COUNTY REGISTRAR - RECORDER/COUNTY CLERK

WHEN RECORDED MAIL TO

Name: Raymond Munro

Mailing
Address: 3040 Munro Circle

City, State
Zip Code: Los Angeles, CA 90068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TITLE(S)

Certificate of Compliance

01-057 Clearance of Conditions

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1381, Hall of Records
Los Angeles, California 90012
AND WHEN RECORDED MAIL TO

Name: Raymond Munro
Street: 3040 Munro Circle

City: Los Angeles, CA 90068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

CLEARANCE OF CONDITIONS in 01-057

The owner(s) and/or holder(s) of a title interest in the real property within the unincorporated territory of the County of Los Angeles, having satisfied the conditions as enumerated in the **CONDITIONAL CERTIFICATE OF COMPLIANCE**, Recorded as Document No. 01-0986817, on June 7, 2001; Complies with the provisions of the Subdivision Map Act (Sec. 66410 et seq., Government Code, State of California) the County Subdivision Ordinance (Ord. 4478, County of Los Angeles).

OWNER(S): Raymond Munro, President
Pacific Alliance Holdings

NOTES:

Prior to authorization to build on this property, the applicant will be required to conform to the County Building regulations. Such regulations include, but are not limited to; programs for appropriate Sanitary Sewage Disposal, Water Supply for Domestic use and Fire Suppression.

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

DETERMINATION OF COMPLIANCE

I hereby certify that the subject parcel complies with the applicable provisions of the Subdivision Map Act and of the County Subdivision Ordinance and may be developed and/or sold, financed, leased or transferred in full compliance with all applicable provisions of the Subdivision Map Act and of the County Subdivision Ordinance.

AMB: 4461-001-005 Portion

DEPARTMENT OF REGIONAL PLANNING



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

By: [Signature]

Title: Administrator, Land Use Reg. Div.

Date: August 8, 2002

Exhibit 5

CCC-04-CD-12

(Munro) Page 2 of 6

RECORDING REQUEST BY

AUG - 9

COPY of Document Recorded

WHEN RECORDED MAIL TO

Name: Raymond Munro

Mailing
Address: 3040 Munro Circle

City, State
Zip Code: Los Angeles, CA 90068

02-1875449
Has not been compared with original.
Original will be returned when
processing has been completed.
LOS ANGELES COUNTY REGISTRAR - RECORDER/COUNTY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TITLE(S)

Certificate of Compliance

01-058 Clearance of Conditions

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1381, Hall of Records
Los Angeles, California 90012
AND WHEN RECORDED MAIL TO

Name: Raymond Munro
Street: 3040 Munro Circle
City: Los Angeles, CA 90068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

CLEARANCE OF CONDITIONS in 01-058

The owner(s) and/or holder(s) of a title interest in the real property within the unincorporated territory of the County of Los Angeles, having satisfied the conditions as enumerated in the **CONDITIONAL CERTIFICATE OF COMPLIANCE**, recorded as Document No. 01-0986818, on June 7, 2001; Complies with the provisions of the Subdivision Map Act (Sec. 66410 et seq., Government Code, State of California) the County Subdivision Ordinance (Ord. 4478, County of Los Angeles).

OWNER(S): Raymond Munro, President
Pacific Alliance Holdings

NOTES:

Prior to authorization to build on this property, the applicant will be required to conform to the County Building regulations. Such regulations include, but are not limited to; programs for appropriate Sanitary Sewage Disposal, Water Supply for Domestic use and Fire Suppression.

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

DETERMINATION OF COMPLIANCE

I hereby certify that the subject parcel complies with the applicable provisions of the Subdivision Map Act and of the County Subdivision Ordinance and may be developed and/or sold, financed, leased or transferred in full compliance with all applicable provisions of the Subdivision Map Act and of the County Subdivision Ordinance.

AMB: 4461-001-005 Portion

DEPARTMENT OF REGIONAL PLANNING



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

By: [Signature]

Title: Administrator, Land Use Reg. Div.

Date: August 8, 2002

Exhibit 5

CCC-04-CD-12

(Munro) Page 4 of 6

RECORDING REQUEST BY

AUG - 9

COPY of Document Recorded
02 1875450

WHEN RECORDED MAIL TO

Name: Raymond Munro

Mailing
Address: 3040 Munro Circle

City, State
Zip Code: Los Angeles, CA 90068

Has not been compared with original.
Original will be returned when
processing has been completed.

LOS ANGELES COUNTY REGISTRAR - RECORDER/COUNTY CLERK

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TITLE(S)

Certificate of Compliance

01-059 Clearance of Conditions

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1381, Hall of Records
Los Angeles, California 90012

AND WHEN RECORDED MAIL TO

Name: Raymond Munro
Street: 3040 Munro Circle

City: Los Angeles, CA 90058

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

CLEARANCE OF CONDITIONS in 01-059

The owner(s) and/or holder(s) of a title interest in the real property within the unincorporated territory of the County of Los Angeles, having satisfied the conditions as enumerated in the **CONDITIONAL CERTIFICATE OF COMPLIANCE**, recorded as Document No. 01-0986819, on June 7, 2001, complies with the provisions of the Subdivision Map Act (Sec. 86410 et seq., Government Code, State of California) the County Subdivision Ordinance (Ord. 4478, County of Los Angeles).

OWNER(S): Raymond Munro, President
Pacific Alliance Holdings

NOTES:

Prior to authorization to build on this property, the applicant will be required to conform to the County Building regulations. Such regulations include, but are not limited to: programs for appropriate Sanitary Sewage Disposal, Water Supply for Domestic use and Fire Suppression.

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

DETERMINATION OF COMPLIANCE

I hereby certify that the subject parcel complies with the applicable provisions of the Subdivision Map Act and of the County Subdivision Ordinance and may be developed and/or sold, financed, leased or transferred in full compliance with all applicable provisions of the Subdivision Map Act and of the County Subdivision Ordinance.

AMB: 4461-001-005 Portion

DEPARTMENT OF REGIONAL PLANNING



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

By: Paul L. The Party for

Title: Administrator, Land Use Reg. Div.

Date: August 2, 2001

Exhibit 5

CCC-04-CD-12

(Munro) Page 6 of 6

44
7
ORD.
570
9404
August 10, 1967

Items 130 and 171
August 9, 1967

Honorable Board of Supervisors
383 Hall of Administration
Los Angeles, California 90012

Re: Amendments to Subdivision Ordinance

Gentlemen:

On August 9, 1967, your Honorable Body approved the recommendation of the Regional Planning Commission in its letter to you of July 25, 1967, and instructed us to prepare an ordinance adding Section 198 to the Subdivision Ordinance requiring the subdivider, with certain exceptions, to pay for the costs of the improvements in the subdivision.

On the same day your Honorable Body also approved the further recommendation of the Regional Planning Commission and instructed us to further amend the Subdivision Ordinance to provide regulations for minor land divisions. One ordinance complying with both orders is enclosed herewith, approved as to form.

Very truly yours,

Minutes. Vol. 850 Page 47

HAROLD W. KENNEDY
County Counsel

EHG:gem
Encl.

cc: Board Members
C.A.O.
Communications

By

Edward H. Gaylord.
Edward H. Gaylord
Assistant County Counsel

APPROVED AND RELEASED:

Harold W. Kennedy
HAROLD W. KENNEDY
COUNTY COUNSEL

sc
MOTION

NOTICE TO BE PUBLISHED IN
Metropolitan News

CHAIRMAN PRO TEM

HANW
✓ DEPT
✓ CHAIR
✓ DEPT
BONELLI

Adopt Ordinance

No. 9404

Exhibit 6

CCC-04-CD-12

(Munro) Page 1 of 23

An ordinance amending Ordinance No. 4478, the Subdivision Ordinance relating to minor land divisions and payments for improvements.

The Board of Supervisors of the County of Los Angeles do ordain as follows:

Section 1. Section 15.5 of Ordinance No. 4478 entitled "Subdivision Ordinance," adopted March 19, 1945, is amended to read:

Section 15.5. LEASE. Lease includes an oral as well as a written lease, tenancy at will, month to month or similar tenancy. For the purposes of this ordinance, each building, existing or proposed, in which one or more spaces are leased or are proposed to be leased, shall occupy an individual parcel of land, and the erection of two or more such buildings on a parcel of land shall constitute a division for the purpose of lease, except that accessory buildings, when erected solely for use by lessees of space within a single principal building, may occupy the same parcel of land as the principal building.

Sec. 2. Section 16.7 is added to said Ordinance No. 4478, to read:

Section 16.7. PLOT PLAN MAP. The term "Plot Plan Map" refers to those maps submitted for the purpose of obtaining a certificate of exception as set forth in Article XII.

Sec. 3. Section 20 of said Ordinance No. 4478 is amended to read:

Section 20. SUBDIVISION. This ordinance applies the term "Subdivision" to certain divisions of land which

are not defined as "Subdivisions" by the Subdivision Map Act. Therefore, for the purpose of this ordinance, the term "Subdivision" shall refer to any parcel or contiguous parcels of land, improved or unimproved, which are divided for the purpose of sale, lease or financing, whether immediate or future, into five or more parcels by a sole subdivider within any period of time, except that the term "Subdivision" shall not refer to:

(a) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(b) The leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park. X

(c) Division by mineral, oil, or gas leases.

(d) Divisions of land resulting in parcels having a minimum gross area of forty (40) acres.

The term "Subdivision" shall also refer to a condominium project, as defined in Civil Code Section 1350, containing five or more condominiums, and a community apartment project, as defined in Business and Professions Code Section 11004, containing five or more parcels.

Sec. 4. Section 21 is added to said Ordinance No. 4478 to read:

Section 21. MINOR LAND DIVISION. The term "Minor Land Division" refers to any parcel or contiguous parcels of land which are divided for the purpose of transfer of title, sale, lease, or financing, whether present or future, into two, three, or four parcels, except that "Minor Land Division" does not include:

(a) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(b) The leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park.

(c) Division by agricultural, gas, oil, or mineral leases.

(d) The division for the purpose of financing of land zoned for industrial or commercial development.

(e) The leasing of vehicle parking areas or space for outdoor advertising.

(f) Leasing or financing of land or buildings which serve as a functional unit of a hospital, school, or church.

(g) The conveyance or transfer of land required by Court decree.

(h) A division of land defined by this ordinance as a subdivision or resubdivision.

(i) Divisions of land created by the acquisition of land by government agencies, including but not restricted to those divisions created by the opening or widening of a public street, flood control channel or other public improvement by dedication, condemnation, or purchase.

(j) The division or redivision of land which results in parcels having a minimum gross area of forty acres or parcels which result from the normal breakdown of an undersized section of land into quarter-quarter sections.

(k) The division of land for operating public utility purposes and the conveyance of land by a public utility to a contiguous ownership.

Sec. 5. Section 22 of said Ordinance No. 4478 is amended to read:

Section 22. RESUBDIVISION. For the purposes of this

ordinance, the term "Resubdivision" shall refer to any portion of a subdivision designated as a lot or as contiguous lots on a final map or a parcel map filed in compliance with the provisions of Section 7 in the office of the Recorder of this County, which is divided or realigned for the purpose of sale, lease, or financing, whether immediate or future, by the person, partnership, corporation, or association which filed the final map or parcel map.

Sec. 6.. Section 23 is added to said Ordinance No. 4478 to read:

Section 23. DIVISION OF LAND. For the purposes of this ordinance, the term "Division of Land" shall refer to subdivisions, resubdivisions, and minor land divisions.

Sec. 7. Section 41 of said Ordinance No. 4478 is amended to read:

Section 41. MAJOR AND SECONDARY HIGHWAYS. If the Master Plan of Highways shows any highway so located that any portion thereof lies within any proposed division of land, such portion shall be shown as a highway or part of a highway within such division in the general location shown on the Master Plan of Highways unless the Advisory Agency finds that there is a reasonable probability that the Master Plan will be so amended as to remove or change the location of any portion of such highway within the proposed division or unless an exception is granted pursuant to Section 6.

The right of way of a section line or a quarter-section line road which lies within the boundaries of a division of land which is not shown on the Master Plan of Highways

but which the Advisory Agency finds is the probable location of a Master Plan Highway shall be shown as follows:

(a) 100 feet (50 feet from the center line) for all section line roads and

(b) 80 feet (40 feet from the center line) for all quarter-section line roads.

Sec. 8. Sections 58, 58.1, and 81 are added to said Ordinance No. 5578 to read respectively:

Section 58. APPROVED ACCESS. Each parcel created by a minor land division described by Section ~~301.1(a)~~ 302(a) ³⁰³ E.M. shall be provided with a means of vehicular access as provided by this section. For the purposes of this section, and Section ~~301.2~~ ³⁰³, the term "On-Site Access" E.M. shall refer to a proposed easement for vehicular access which is located within the boundaries of a minor land division, and the term "Off-Site Access" shall refer to an easement for vehicular access which is located outside the boundaries of a minor land division and is not an improved or maintained public street or highway. Off-site access shall be documented by either a recorded easement or a policy from a title insurance company which delineates and insures the existence of a valid easement. A parcel shall be deemed to have approved access when either of the following conditions applies:

(a) The parcel has a frontage on an improved or maintained public street or highway or on approved off-site access which connects with an improved or maintained public street or highway.

(b) The parcel has frontage on a proposed easement for on-site access, as shown on an approved plot plan

map, and such proposed easement connects directly or by means of approved off-site access with an improved or maintained public street or highway.

Proposed easements for on-site access shall be located so as to provide for the future development of parcels adjacent to them. On-site access shall be sixty-four (64) feet in width, except that proposed easements peripheral to the minor land division shall be thirty-two (32) feet in width, when, in the opinion of the Director of Planning, topography permits future widening of the proposed easement within a contiguous property. Off-site access shall have a minimum width of thirty-two (32) feet on one side of a normal section breakdown line or property line or a minimum of forty (40) feet in other locations and an alignment which is defined and is topographically feasible for the passage of vehicles.

Section 58.1. EXCEPTIONS. In cases of undue hardship, the Director of Planning shall determine that either of the following may serve as an acceptable alternate to an improved or maintained public street or highway:

(a) A proposed highway shown on the Master Plan of Highways, unless the Director of Planning finds that there is a reasonable probability that the Master Plan will be amended so as to remove or relocate that portion of the proposed highway which is to serve as an alternate to an improved or maintained public street or highway. X

(b) A section or quarter-section line or a publicly travelled and maintained road or fire trail which, in the opinion of the Director of Planning, is the probable

location of a future street or highway.

The Director of Planning may modify the minimum width requirements of Section 58 where he finds that topographic features, title limitations, or other conditions make it impossible or impractical for the subdivider to comply with such provisions.

Section 81. TENTATIVE MINOR LAND DIVISION MAPS.

The preparation and processing of tentative minor land division maps shall be carried out in accordance with the provisions of Article XII. All other tentative maps shall be prepared and processed in accordance with Article VI.

Sec. 9. Section 89 of said Ordinance No. 4478 is amended to read:

Section 89. FEES. At the time of submission, the person submitting a tentative map, shall pay a filing fee of:

(a) Fifty dollars, plus
(b) The following amount per lot within the land to be divided by the tentative map.

- (1) Eight dollars for each of the first twenty-five lots, plus
- (2) Six dollars for each of the next twenty-five lots, plus
- (3) Two dollars for each of the next fifty lots, plus
- (4) One dollar for each additional lot in excess of one hundred lots.

If additional lots are added to the tentative map prior to approval by the Advisory Agency the subdivider shall pay the additional fee according to the above schedule. Where a lot is required by the provisions of

Section 73 such lot shall be omitted in calculating the amount of the filing fee.

Sec. 10. Sections 191.1 and 191.2 are added to said Ordinance No. 4478 to read respectively:

Section 191.1. IMPROVEMENTS - LOT SIZES IN EXCESS OF 10 ACRES. Notwithstanding the provisions of any other section, no improvements shall be required when one or both of the following conditions apply:

(a) Each parcel resulting from a division of land has a minimum gross area of twenty (20) acres or is a one-half part of a quarter-quarter section resulting from the normal division of an undersized section of land;

(b) Each parcel resulting from a division of land has a minimum gross area of ten acres or is a quarter-quarter-quarter section, resulting from the normal division of an undersized section of land and having a minimum gross area of nine acres, and the entire division of land is zoned A-1, A-2, or D-2 by Ordinance 1494.

As used in this section, the term "improvements" does not refer to required monuments.

Section 191.2. REQUIREMENTS FOR MINOR LAND DIVISIONS. Improvements shall not be required as a condition precedent to filing a parcel map on a minor land division where the Advisory Agency finds that such improvements would be greater than those serving adjacent developed parcels unless such improvements are necessary for the development of parcels within the division of land.

Sec. 11. Sections 192.4 and 195 of said Ordinance No. 4478 are amended to read respectively:

Section 192.4. WATER MAINS AND FIRE HYDRANTS. The subdivider shall install or agree to install, water

mains and fire hydrants adequate for the general use of the lot owners and for fire protection to the division of land. This section shall not apply where either of the following conditions exists:

(a) All lots on the division of land map contain a minimum gross area of two and one-half acres, and the area is within a single family residential or agricultural zone and is zoned with a required area of two and one-half acres or more.

(b) All lots on the division of land map contain a minimum gross area of two and one-half acres, or all lots contain a minimum gross area of two and one-quarter acres, which acreage resulted from the normal division of an undersized section of land, all lots are within a single family residential or agricultural zone, and the Advisory Agency determines that it is impossible or impractical for the subdivider to comply with the provisions of this section. In making its decision the Advisory Agency shall consider the report of the Forester and Fire Warden on the availability of a water system and on the fire hazard to watershed, adjoining properties, or existing and proposed individual structures.

The water mains and fire hydrants required by this section shall comply in all respects with all statutes, ordinances, rules and regulations applicable at the time of installation. Such water mains and fire hydrants also shall be designed, and constructed to deliver the fire flow as determined by the Los Angeles County Forester and Fire Warden pursuant to the specifications of service, design and construction in Chapter II of Ordinance No. 7834, entitled "Water Ordinance." adopted August 2, 1960, and in all other respects conform to said ordinance.

Section 195. STREET IMPROVEMENTS - 2 1/2 ACRE MINIMUM LOT SIZE. When all lots shown on a final map contain a minimum gross area of two and one-half acres, or all lots contain a minimum gross area of two and one-quarter acres, which acreage resulted from the normal division of an undersized section of land, and all lots are within a single family residential or agricultural zone, the subdivider may, with the consent of the Advisory Agency, elect to comply with the provisions of this section in lieu of complying with the road improvement requirements of Section 191.

(a) ACCESS ROAD. Provide public access to the subdivision from a maintained public highway or road. Such public access shall be improved in accordance with engineering plans approved by the Road Commissioner with grading, necessary drainage structures, and 24 feet of desert mix pavement in accordance with specifications thereof on file in the office of the Road Commissioner. The Road Commissioner shall not require that the subdivider grade to a width of more than 60 feet.

(b) PERIPHERAL ROADS, HIGHWAYS, AND SECTION LINE OR QUARTER SECTION LINE ROADS. Grade to full width or 60 feet, whichever is less, all streets peripheral to the subdivision, all Master Plan Highways, and section or quarter section line roads within the subdivision in accordance with engineering plans approved by the Road Commissioner. Such engineering plans shall be limited to the design of improvements to be installed. Such streets and highways shall be shown as private and future streets on the final map and shall have a minimum right-of-way of forty feet.

(c) INTERIOR ROADS. All other roads within the subdivision shall be contour graded to 24 feet in width and of native soil roadway, and shall be shown on the final map as full-width private and future streets. Engineering plans showing future center line grades and drainage information shall be submitted to the Road Commissioner for approval. Grading shall be done to the satisfaction of the Advisory Agency prior to filing the final map. If the subdivider elects not to grade prior to filing the final map, street grading shall be performed in accordance with the engineering plans approved by the Road Commissioner but shall be limited to a width of 24 feet. X

Sec. 12. Section 198 is added to said Ordinance No. 4478 to read:

Section 198. COST OF IMPROVEMENT. Improvements required by this article shall be installed and constructed by the subdivider at his expense, and shall not be paid for by any special assessment lien, tax, bonded indebtedness, or other charge against the land or real property within the subdivision, except:

(a) The cost of installing pipes and other facilities for the transmission of water may be paid for in whole or in part from revenues collected from the customers served at regular established water rates for the water company, pursuant to regulations of the Public Utilities Commission where applicable, or by a Public Agency (as defined in Section 4401 of the California Government Code) from the net operating income only, as payment for the sale of water thereto.

(b) As provided in Sections 11543, 11543.5, 11543.6, 11544, and 11545 (Sewer and Drainage Reimbursement Contracts) of the Subdivision Map Act or other reimbursement enabling acts.

All outstanding or remaining assessments on the land of the subdivision established for improvements constructed under special assessment district proceedings shall be paid by the subdivider.

Sec. 13. Article XII of said Ordinance No. 4478 is renumbered to be Article XX. Section 301 of said Ordinance No. 4478 is renumbered to be Section 1001.

Sec. 14. Article XII is added to said Ordinance No. 4478 to read:

ARTICLE XII - MINOR LAND DIVISIONS.

Section 301. PROHIBITION OF TRANSFER OF TITLE, SALE, LEASE OR FINANCING. - A person, partnership, corporation, or association shall not sell, lease, finance, or transfer title to a minor land division, or portion thereof, until a parcel map thereof has been filed in the office of the Recorder of this County in full compliance with the provisions of Sections 11535(d) and 11575 through 11580 of the Subdivision Map Act and all applicable provisions of this ordinance or until a certificate of exception has been issued in compliance with the provisions of Section 303. Nothing in this section shall be construed to prohibit an offer or contract to sell provided that such offer or contract is conditioned upon compliance with the provisions of this section and such provisions are fully completed prior to passage of title or right of possession to the buyer.

The provisions of this section shall not apply to any parcel or parcels of a minor land division sold

transferred, leased or financed in full compliance with or exempt from any law, including this or any other ordinance of this County, regulating the design and improvement of such divisions in effect at the time the division was established.

A person, partnership, corporation, or association may fulfill the requirements of this section by filing a final map on a minor land division.

No building shall be constructed, nor shall a permit for the construction of a building be issued, nor shall a portion of any parcel be used when not conforming to the provisions of this section.

Section 302. CERTIFICATE OF EXCEPTION PERMITTED. Providing that there is no conflict with the provisions of the Zoning Ordinance, a subdivider may obtain a certificate of exception in lieu of filing a parcel map or a final map for the following minor land divisions:

(a) Those in which each resulting parcel contains a minimum of two and one-half acres gross area; or those in which each resulting parcel contains a minimum of two and one-quarter acres gross area and any one of the following conditions applies:

(1) The parcel of land comprising the division was a parcel of record prior to the date of enactment of this section.

(2) The parcel of land comprising the division is a lot shown on a final map or parcel map filed in the office of the County Recorder, or a parcel X shown on an approved Record of Survey map.

(3) The parcel of land comprising the division is result of the normal breakdown of an undersized section of land.

(b) Those in which the resulting number of parcels remains the same or is decreased.

(c) The leasing of land, provided that no street or highway openings or widenings or drainage or sanitary sewer easements are required pursuant to the standards of Articles IV and IX.

Section 303. PROCEDURE FOR CERTIFICATE OF EXCEPTION.

A person requesting a certificate of exception pursuant to Sections 301 and 302 shall submit a statement of ownership as specified in Section 312(b) and a plot plan map of the proposed division, based on record data and information on file in the office of the County Engineer or in a regional office of the County Engineer, with sufficient detail to justify an exception. Off-site access, if required, shall be indicated on the plot plan map.

The Director of Planning shall identify, date and review the plot plan map, and within five (5) working days issue a certificate of exception or deny approval of the plot plan map. If at any time during the determination period the Director of Planning finds that the plot plan map or supporting documents are improperly prepared or are insufficient to make a determination, and the subdivider is so notified, the determination period may be extended by mutual agreement for a period of time not to exceed forty (40) days from the date of submission.

Where a subdivider does not possess an easement for off-site access, as required by Section 58, the Director of Planning may waive the requirement for such easement and approve the plot plan map for design only, provided the Director finds that the subdivider has

exhausted every reasonable means to obtain the required easement, and that it is probable that the future division of adjacent properties will provide a means of access to the parcels which lack approved access. The Director of Planning shall indicate on the approved plot plan map that the division of land does not have approved access.

If a certificate of exception is issued, the Director of Planning shall forward one copy each to the applicant and to the County Engineer. If a certificate of exception is disapproved, the Director of Planning shall forward to the applicant written notice of the disapproval together with a complete statement of the reasons for the action.

A subdivider need not submit a plot plan map to receive a certificate of exception for a minor land division described by Section 302(c) when the subdivider has submitted and received approval for a plot plan pursuant to the provisions of Section 728 of Ordinance 1494, the Zoning Ordinance, provided that the subdivider requests issuance of the certificate of exception at the time that the plot plan is submitted for approval.

Section 304. PLOT PLAN FEES. At the time of submission, the applicant shall pay a processing fee of \$28.00 for each plot plan map.

Section 305. REVISED PLOT PLANS. If, at any time subsequent to the receipt of a certificate of exception for a minor land division, the subdivider finds that minor adjustments to the configuration of one or more of the parcels within the division are necessary and the Director of Planning determines that such changes

do not constitute a new division of land, the subdivider may file a revised plot plan map. The Director of Planning shall process such maps in accordance with the provisions of Section 303, except that the determination period shall be not more than one (1) working day. No fee shall be charged for processing revised plot plans.

Section 306. APPEAL TO THE ADVISORY AGENCY ON CERTIFICATES OF EXCEPTION. A subdivider dissatisfied with any action taken by the Director of Planning pursuant to Sections 303 or 305, may file a written appeal with the Advisory Agency within fifteen (15) days after such action. The Advisory Agency shall hear the appeal within fifteen (15) days or at its next succeeding regular meeting, unless the subdivider consents to a continuance. Upon conclusion of the hearing, the Advisory Agency shall within seven (7) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject, or overrule any action of the Director of Planning, provided that such action is not inconsistent with the provisions of this ordinance, or any other applicable ordinance or statute.

Section 307. APPEAL TO BOARD OF SUPERVISORS ON CERTIFICATE OF EXCEPTION. The subdivider may appeal any action taken by the Advisory Agency pursuant to Section 306 to the Board of Supervisors by written notice to the Clerk of the Board in the same manner and subject to the same provisions as prescribed for subdivisions by Section 11552(b) of the Subdivision Map Act.

Section 308. SUBMISSION. A tentative minor land division map shall be submitted at an office of the

Regional Planning Commission or of the County Engineer for transmittal to the Advisory Agency for review and approval prior to filing a parcel map or a final map on a minor land division.

Section 309. FEES. Processing fees for tentative minor land division maps shall be collected from the subdivider in accordance with the provisions of Sections 89 and 90.

Section 310. MAP NUMBER. The subdivider shall apply to the Advisory Agency for a map number prior to submission of a tentative minor land division map. Subsequent to the assignment of a map number, the subdivider shall place the number on each tentative or parcel map of the minor land division, and the number shall not thereafter be changed or altered in any manner upon any such map of the minor land division unless another number is assigned by the Advisory Agency, except X that this number shall not appear on a parcel map when filed with the County Recorder.

Section 311. TENTATIVE MINOR LAND DIVISION MAP - FORMAT AND MATTERS REQUIRED. The tentative minor land division map shall be a reproducible print, legibly drawn to a scale of sufficient size to show full detail, including the following information:

- (a) North point, date, and scale.
- (b) The map number.
- (c) The dimensions and record boundaries of the total ownership.
- (d) Sufficient dimensions and record boundaries so as to define the boundaries of the proposed minor land division.

- (e) The approximate boundaries, dimensions, and area of each proposed parcel.
- (f) A number for each parcel.
- (g) General information as to locations, names, widths, and improvements of all adjoining highways, streets, or ways.
- (h) The widths and approximate alignments of all easements, whether public or private, for access, drainage, sewage disposal, and public utilities which are existing or are proposed by the subdivider.
- (i) Actual street names or an identifying letter for proposed streets.
- (j) Approximate contours where topography controls the design or alignment of parcels and streets or other easements.
- (k) The approximate location of existing structures or improvements, shown to scale, provided that if it is impossible or impractical to describe such structures or improvements on the tentative map, such information shall be submitted on a separate sheet.
- (l) The approximate location and direction of flow of all defined water courses.
- (m) A vicinity map, if necessary to show the location of the division in relation to the nearest existing cross streets.

Section 312. WRITTEN STATEMENTS. The subdivider shall submit with the tentative minor land division map a written statement containing the following information:

- (a) A legal description of all ownerships comprising a part of the proposed minor land division.
- (b) A statement that the subdivider is the record owner of all real property comprising the proposed minor land division, or that the record owner(s) consent to the

submission of the map.

(c) The method of sewage disposal for each parcel.

(d) The source of domestic potable water supply for each parcel.

(e) A clear statement of the proposed use of the property.

Any of the information required pursuant to this section may be shown on the face of the tentative minor land division map.

Section 313. COPIES. The subdivider shall submit sufficient copies of the tentative minor land division map to permit the Advisory Agency to furnish copies to other county departments, which in the opinion of the Advisory Agency may have an interest in the proposed minor land division.

Section 314. DISTRIBUTION. Upon submission of the tentative minor land division map, the Advisory Agency shall transmit copies to each member of the Subdivision Committee, as listed in Section 31, and to other agencies which in the opinion of the Advisory Agency have an interest in the proposed minor land division.

Section 315. DEPARTMENTAL REVIEW. County departments to which a copy of the tentative minor land division map is transmitted shall, within a period of not more than fifteen (15) days after receipt by the department, file with the Advisory Agency a report either approving of the tentative map as submitted, or indicating what changes are necessary to make the tentative map conform to the requirements of the Subdivision Map Act and of this ordinance coming under its jurisdiction. Failure of a County department to file a report on a tentative map before the expiration of the specified

review period shall be deemed as approval by the department of the maps as submitted.

Section 316. REPORT TO SUBDIVIDER. Any reports or recommendations on the tentative minor land division map submitted to the Advisory Agency shall be submitted in writing to the subdivider prior to final action on the map by the Advisory Agency. This provision shall be deemed complied with when such reports or recommendations are placed in the mail, directed to the subdivider at his designated address and bearing the proper postage.

Section 317. ADVISORY AGENCY ACTION. The Advisory Agency shall approve, conditionally approve, or disapprove the tentative minor land division map within twenty-four (24) working days after the date of submission. The Advisory Agency shall report its action directly to the subdivider. The time limits for acting and reporting on tentative maps as specified in this section may be extended by mutual consent of the subdivider and the Advisory Agency. The Advisory Agency may delegate its authority to act on tentative minor land division maps to the Director of Planning. The subdivider may appeal actions taken by the Director of Planning pursuant to this section to the Advisory Agency in the same manner and subject to the same provisions as prescribed for certificates of exception by Section 306.

Section 318. CRITERIA FOR REJECTION. The Advisory Agency, or the Director of Planning, when so delegated, may reject a tentative minor land division map, if the only practical use which can be made of the division as proposed is a use prohibited by any ordinance, statute, law, or other valid regulation.

Section 319. DURATION OF APPROVAL. The approval

or conditional approval of a tentative minor land division map shall extend for a period of twelve (12) months from the date of action by the Advisory Agency in the event that a parcel map is filed and for a period of eighteen (18) months from the date of action by the Advisory Agency in the event that a final map is filed. Upon written application, the Advisory Agency may grant an extension not to exceed one year.

Section 320. APPEAL TO BOARD OF SUPERVISORS.

The subdivider may appeal the decision of the Advisory Agency on the tentative minor land division map to the Board of Supervisors by written notice to the Clerk of the Board within fifteen (15) days after the Advisory Agency's action in the same manner and subject to the same provisions as prescribed for subdivisions by Section 11552(b) of the Subdivision Map Act.

Section 15. This ordinance shall be published
in the Metropolitan News
a newspaper printed and published in the County of Los
Angeles.

Frank E. Farrell
Chairman

ATTEST:

James L. May
Clerk of the Board of Supervisors
of the County of Los Angeles

I hereby certify that at its meeting of August 22,
1967, the foregoing ordinance was adopted by the Board
of Supervisors of said County of Los Angeles by the follow-
ing vote, to wit:

Ayes: Supervisors

Kenneth Hahn
Robert E. Allen
Warren E. Hearnes and
Barton W. Chase

Noes: ~~Supervisors~~

None

James L. May
Clerk of the Board of Supervisors
of the County of Los Angeles

Effective date September 22, 1967

~~Operative date~~

Exhibit 6
CCC-04-CD-12
(Munro) Page 23 of 23

EHG:cc
4/21/65

APPROVED AS TO FORM
HAROLD W. KENNEDY
County Counsel
By Edward H. Taylor
Assistant

LAWRENCE M. DAUGHERTY, of the firm of
LAWRENCE M. DAUGHERTY
A PROFESSIONAL CORPORATION
41480 E. FLORIDA, SUITE F
POST OFFICE BOX 1908
HEMET, CALIFORNIA 92343
(714) 828-0818

OK 76
87-1741273
FILED

OCT 13 1987

FRANK S. ZULIN, CLERK

B. Williams
B. WILLIAMS, DEPUTY

Attorney for EXECUTOR

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FEE \$259.00 K

128 pp

Estate of) CASE NO. P-680595
)
THELMA JEANETTE GASTON, aka) ORDER SETTLING FIRST AND FINAL
THELMA J. GASTON, aka) ACCOUNT AND REPORT OF EXECUTOR
T. J. GASTON,) AND ACCOMPANYING PETITIONS (AS
) SUPPLEMENTED); AND DECREE FOR
Deceased.) DISTRIBUTION.

The verified First and Final Account and Report of
Executor; Petition for Approval of Purchase of Investment Property
by Executor; Petition for Approval of All Acts of Executor;
Petition for Statutory and Extraordinary Commissions and Statutory
and Extraordinary Fees; and Petition for Final Distribution, and
the First and Second Supplements thereto, of the Estate of THELMA
JEANETTE GASTON, also known as THELMA J. GASTON, also known as T.
J. GASTON, deceased, having come on regularly for hearing on
July 10, 1987, in Department 11 of the above entitled Court, the
Honorable CARLOS E. VELARDE, Judge Presiding; and LAWRENCE M.
DAUGHERTY, A Professional Corporation, appearing on behalf of the

Estate of THELMA JEANETTE GASTON, Dec'd.; LASC #P-680595
Page 1 of 127

Exhibit 8
CCC-04-CD-12
(Munro) Page 1 of 3

1 5. SHELLY MITTRICK (grandniece)
2 47 Corsica
3 Newport, Beach, CA 92660;

4 And that each of said individuals above is entitled to
5 a share of the decedent's estate with regard to the entire balance
6 on hand in said estate; that the property on hand for distribution
7 should be distributed as prayed;

8
9 That each of the hereinafter named heirs has filed a
10 written Assignment of Inheritance by Residuary Heir to Limited
11 Partnership whereby each heir's interest has been irrevocably
12 assigned to:

13 T. J. GASTON PROPERTIES, LTD.
14 a California Limited Partnership
15 c/o John B. Mittrick, General Partner
16 P.O. Box 2068
17 Hemet, California 92343.

18 All of the aforementioned written Assignments are on
19 file herein.

20 That the statutory commissions of the Executor and the
21 ordinary fee of his attorney in the sum of \$69,836.00 each should
22 be allowed;

23 That said Executor and the attorney for said Executor
24 have rendered extraordinary services in connection with the
25 administration of said estate; that the sum of \$64,000.00 is a
26 reasonable sum to be allowed as compensation for the extraordinary
27 services rendered by said Executor; that the sum of \$69,789.00 is

28 / / /

Estate of THELMA JEANETTE GASTON, Dec'd.; LASC #P-680595
Page 4 of 127

87-1741273

Exhibit 8
CCC-04-CD-12
(Munro) Page 2 of 3

R89
Real property, a vacant parcel
of land located in the County of
Los Angeles, legally described
as follows:

The northwest quarter of the north-
west quarter of section 21, town-
ship 1 south, range 18 west,
San Bernardino Meridian, according
to the official plat of the survey
of said land on file in the bureau
of land management.
APN 4461-1-5

R90
Real property, a vacant parcel
of land located in the County of
Los Angeles, legally described
as follows:

The southeast quarter of the north-
east quarter of Section 22, Town-
ship 1 South, Range 18 West, in
the County of Los Angeles, State
of California, according to the
Official Plat of said land on
file in the office of land
management of said county.
EXCEPT therefrom the southwest
quarter of the southwest quarter
of said land.
APN 4461-4-7

R91 Decedent's one-half interest in
real property, a vacant parcel of
land located in the County of
Los Angeles, legally described as
follows:

4.08 + Acs that part in Los Angeles
Co of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec 13 T1S
R20W. 1/2 interest =
APN 4472-16-4

Estate of Thelma Jeanette Gaston, Deceased
Los Angeles Sup. Ct. #P-680595

"Order Settling First & Final Account (etc.); and
DECREE OF DISTRIBUTION."

Page 106 of 127

87-1741273

CALIFORNIA COASTAL COMMISSION

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



September 9, 2004

Mr. Paul McCarthy
Section Head
Department of Regional Planning
Land Divisions Research and Enforcement
County of Los Angeles
320 West Temple Street, Rm. 1000
Los Angeles, CA 90012

Re: Certificates of Compliance 01-057, 01-058, 01-059, and 01-060

Dear Mr. McCarthy:

Thank you for meeting with Commission staff on July 13, 2004, to discuss the subdivision of the forty-acre lot located east of and adjacent to 2210 Mar Vista Road in Los Angeles County, identified by Los Angeles County Assessor Parcel Number (APN) 4461-001-005, into four separate 10-acre lots identified by APNs: 4461-001-023, 4461-001-024, 4461-001-025, and 4461-001-026 by Mr. Raymond Munro, President of Pacific Alliance Holdings, Inc. It is our understanding that Los Angeles County issued four Certificates of Compliance (01-057, 01-058, 01-059, and 01-060) with conditions recognizing the subdivision of the subject parcel into four separate parcels on June 6 and 7, 2001. As discussed during our meeting, the certificates of compliance included inaccurate statements that the four created lots were created in compliance with the applicable provisions of the County Subdivision Ordinance at the time of their creation and were exempt from the State Subdivision Map Act and the County Subdivision Ordinance. The purpose of this letter is to request the County to issue corrected certificates of compliance to clarify that the four above described lots were **not** created in compliance with the applicable provisions of the County Subdivision Ordinance at the time of their creation and were **not** exempt from the State Subdivision Map Act and the County Subdivision Ordinance.

As discussed during our meeting, our agency is pursuing an enforcement action against Mr. Munro and Pacific Alliance Holdings for the unpermitted subdivision of the above referenced parcel without a coastal development permit. In addition to any requirements of the State Subdivisions Map Act, and redivision of land within the Coastal Zone must also comply with the requirements of the California Coastal Act.

Our records indicate that Pacific Alliance Holdings, Inc. acquired the subject property in 2000 from T.J. Gaston Properties Ltd., a California Limited Partnership, in a Grant Deed that described the property as one 40-acre parcel. In February 2001, Mr. Raymond Munro, President of Pacific Alliance Holdings, requested Certificates of Compliance from Los Angeles County for subdivision of the parcel. Los Angeles County issued conditional Certificates of Compliance in June 2001 based on a February 24, 1972 grant deed that pre-dates the Coastal Act and that purports to describe the property as four separate parcels. The County issued Clearance of Conditions indicating that the conditions of the COCs were met and these were recorded on August 9, 2002.

As we discussed during our meeting, the February 24, 1972 grant deed does not constitute a subdivision that complied with the state laws and/or local ordinances that were applicable at the time. As you noted, the purported subdivision in 1972 did not comply with the requirements of Los Angeles County Ordinance 9404, in effect at the time.¹ Section 302 of the ordinance required issuance of either a parcel map or a Certificate of Exception by the County to authorize a Minor Land Division, defined in Section 21, p.2, as a land division creating four or fewer parcels. Under this ordinance, a Plot Plan Map was required to obtain a Certificate of Exception. (See Ordinance Section 16.7, p.1). You located in your files a "Plot Plan Map" dated January 1972 for division of the 40-acres into four parcels; however, this map was never approved and a Certificate of Exception was never issued. Also, the parcel configuration shown on this Plot Plan Map is entirely different from the parcels recognized in the Certificates of Compliance and described in the 1972 Grant Deed.

During our meeting, you and Mr. Gutierrez confirmed that the four above referenced lots were **not** legally subdivided prior to the enactment of the Coastal Act on January 1, 1977. You also confirmed that the language included in each of the four certificates of compliance stating that the lots were exempt from the State Subdivision Map Act and the County Subdivision Ordinance at the time of their creation is incorrect due to an inadvertent clerical error. The certificates incorrectly state:

I hereby certify the above described parcel complies with the applicable provisions of the State Subdivisions Map Act and of the County Subdivision Ordinance, having been exempt from said act at the time of its creation, and may therefore be sold, financed, leased or transferred.

In order to correct this matter, we are requesting that the County issue corrected certificates of compliance deleting the incorrect language to clarify that the four above described lots were **not** created in compliance with the applicable provisions of the County Subdivision Ordinance at the time of their creation.

Thank you for your attention to this matter. Please contact me regarding this issue at (805) 585-1800.

Sincerely,



Steve Hudson
Enforcement Supervisor
Southern California Districts

cc: Peter Gutierrez, Senior Deputy County Counsel, LAC
Lisa Haage, Enforcement Chief, CCC
Sheila Ryan, Enforcement Officer, CCC
Gary Timm, District Manager, CCC
John Ainsworth, Planning Supervisor, CCC

¹ Prior to March 4, 1972, the Subdivision Map Act did not regulate land divisions that created fewer than five lots (former Business and Professions Code section 15535; and see, Govt. Code section 66412.6(a)). However, the Map Act authorized local ordinances to regulate such land divisions, which L.A. County did. The Map Act was amended to require a parcel map for subdivisions creating four or fewer lots, effective March 4, 1972. (amendment by Chapter 1446 of the 1971 statutes; Govt. Code section 66499.30).

**CALIFORNIA COASTAL COMMISSION**

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

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
REGULAR AND CERTIFIED MAIL (P 436 853 573)**

April 9, 2002

Raymond Munro
3040 Munro Circle
Los Angeles, CA 90068

Violation File Number: V-4-MAL-02-032

Property location: 2210 Mar Vista Ridge Road and adjoining vacant property - Assessor's Parcel Numbers 4465-006-046 and 4461-001-005.

Unpermitted Development: Unpermitted Vegetation Removal; Grading Of Roads And Building Pads; Unpermitted Subdivisions Of Land And An Unpermitted Water Well.

Dear Mr. Munro,

Thank you for speaking with me during our telephone conversation on April 5, 2002. As you were informed during our conversation, our staff has confirmed that development consisting of unpermitted vegetation removal, grading of roads and building pads, and an unpermitted water well, has occurred on parcels 4461-001-005 and 4465-006-046, which are both located within the coastal zone. In addition, Parcel 4461-001-005 has apparently been subdivided into four separate lots (APNs: 4461-001-23, 24, 25, and 26) without the required Coastal Development Permit. Commission staff has researched our permit files and concluded that no Coastal Development Permits have been issued for any of the above development. Pursuant to Section 30600 (a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a Coastal Development Permit, in addition to any other permit required by law. "Development" is defined by Section 30106 of the Coastal Act as:

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

The above-mentioned unpermitted grading, removal of vegetation, installation of at least one water well and unpermitted subdivisions of land constitutes development under the

Coastal Act and, therefore, requires a Coastal Development Permit. Any development activity conducted in the coastal zone without a valid Coastal Development Permit constitutes a violation of the Coastal Act. During our telephone conversation last Friday morning, April 5, 2002, I informed you that you should immediately stop all unpermitted development on your property and that any additional development on your property will constitute a knowing and intentional violation of the Coastal Act. During our conversation, you stated that you agree to cease all further grading, vegetation removal, and other unpermitted development on the property and work with Commission staff to resolve these violations by submitting an application for a coastal development permit to either restore the site or authorize the development after-the-fact.

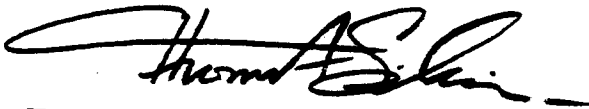
In most cases, violations involving unpermitted development may be resolved administratively by removal of the unpermitted development and restoration of any damaged resources or by obtaining a Coastal Development Permit authorizing the development after-the-fact. However, although you are entitled to submit a permit application to authorize the above referenced unpermitted development after-the-fact, because the components of your violation involving unpermitted vegetation removal and grading have resulted in the potential for increased erosion on site, it is necessary to resolve this situation immediately through revegetation and stabilization of the site. If you apply to authorize the unpermitted grading and vegetation removal after-the-fact and fail to obtain a permit for this development in a timely manner, then our enforcement staff would work to resolve this violation through the restoration of the site and possible monetary payments. Therefore, in order to expedite resolution this violation, staff recommends that you submit an application for the immediate restoration and revegetation of the site.

In order to resolve this matter in a timely manner and avoid the possibility of a monetary penalties and fines, we are requesting that you submit a complete Coastal Development Permit Application by May 7, 2002, for either: (1) complete restoration of the properties, (2) authorize the development after-the-fact, or (3) a combination of these two actions to approve those portions of the unpermitted development that are consistent with Chapter 3 of the Coastal Act and remove the remaining unpermitted development and restore the site. For your convenience, a Coastal Development Permit Application has been enclosed. Please contact me by no later than April 23, 2002, regarding how you intend to resolve this violation.

We hope that you will choose to cooperate in resolving this violation by submitting a permit application by May 7, 2002. If you do not, we may pursue additional enforcement action against you. You should be aware that the Coastal Act Section 30820 (a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty of up to \$30,000. In addition, to such penalty, Section 30820 (b) states that a person who intentionally and knowingly undertakes development that is in violation of the Coastal Act may be civilly liable in an amount which shall not be less than \$1,000 and not more than \$15,000 per day for each day in which the violation persists.

Thank you for your attention to this matter. Should you have questions regarding this letter or the pending enforcement case, please contact me immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Sinclair", with a long horizontal line extending to the right.

Tom Sinclair
Enforcement Officer

cc: Steve Hudson, Southern California Enforcement Supervisor
Jack Ainsworth, Permitting Supervisor, South Central Coast District
Melanie Hale, Permitting Supervisor, South Central Coast District

Enclosures: Coastal Development Permit Application

**CALIFORNIA COASTAL COMMISSION**

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

NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
REGULAR AND CERTIFIED MAIL (P 436 853 576)

May 31, 2002

Raymond Munro
3040 Munro Circle
Los Angeles, CA 90068

Violation File Number: V-4-MAL-02-032

Property location: 2210 Mar Vista Ridge Road and adjoining vacant property - Assessor's Parcel Numbers 4465-006-046 and 4461-001-005.

Unpermitted Development: Unpermitted Vegetation Removal; Grading Of Roads And Building Pads; Unpermitted Subdivisions Of Land And An Unpermitted Water Well.

Dear Mr. Munro:

Thank you for meeting with Steve Hudson and myself at 2210 Mar Vista Road on May 29, 2002. Per our discussion, we have verified that you are in receipt of our letter to you dated April 9, 2002, which informed you that: (1) unpermitted development has occurred on your property and (2) in order to resolve this matter administratively and avoid the possibility of court-imposed fines and penalties, the deadline for you to submit a complete Coastal Development Permit Application to either authorize the as-built development or remove the unpermitted development and restore the site was May 7, 2002. Per our discussion yesterday, our office has not received an application for the unpermitted development on parcel 4461-001-005, and the application for parcel 4461-001-024 remains incomplete.

As previously stated, the unpermitted development consisting of vegetation removal, grading of roads and building pads, and an unpermitted water well, and the subdivision of parcel 4461-001-05 into parcels 4461-001-23, 24, 25, and 26, requires a Coastal Development Permit. Section 30600(a) of the Coastal Act states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a Coastal Development Permit. Any development performed without a coastal development permit constitutes a violation of the California Coastal Act.

In most cases, violations involving unpermitted development may be resolved administratively, avoiding the possibility of court-imposed fines and penalties, by removal of the unpermitted development and restoration of any damaged resources or

by obtaining a Coastal Development Permit authorizing the development after-the-fact. Removal of the development and restoration of the site requires a Coastal Development Permit.

In order to resolve this matter administratively, you were previously requested to submit an application by May 7, 2002, to either approve the unpermitted development or to remove the unpermitted development and restore the site to its previous condition. To date, you have not submitted an application to address the violations on parcel 4461-001-05 (a.k.a. parcels 4461-001-23, 24, 25, and 26).

Although you are entitled to submit a permit application to retain the unpermitted development consisting of vegetation removal, grading of roads and building pads, and the subdivision of parcel 4461-001-05 into parcels 4461-001-23, 24, 25, and 26, please note that the above noted development on parcel 4461-001-005 does not appear to be consistent with the Chapter Three policies of the Coastal Act of 1976. Therefore, our staff is likely to recommend denial of this project. If the Commission denies the project, our enforcement staff would work to resolve this violation through the restoration of the site and possible monetary payments. Therefore, as we discussed during our meeting, in order to expedite resolution this violation, staff is requesting that you immediately submit an application for the restoration parcel 4461-001-005 by no later than **June 5, 2002**. In order to resolve the violation on the separate parcel 4465-006-046, please complete your currently pending coastal permit application for the unpermitted development on that property by no later than **July 1, 2002**.

Although Commission staff would still prefer to resolve this matter administratively, please be aware that if such resolution is not reached in a timely manner, Coastal Act sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and civil penalties in response to any violation of the Coastal Act. Section 30820(a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount not to exceed \$30,000. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs any development in violation of the Coastal Act could be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which the violation persists.

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

In order to resolve the violation on your property in a timely manner and reduce the likelihood of a court-imposed monetary penalty or fine, please submit a complete Coastal Development Permit Application by no later than **Wednesday, June 5, 2002**, for removal of the unpermitted development and restoration of the site. Please contact

me by no later than **Wednesday, June 5, 2002**, regarding how you intend to resolve this violation. We hope that you will choose to cooperate in resolving this violation by submitting a permit application by **Wednesday, June 5, 2002**. If you do not, we will pursue additional enforcement action against you.

Thank you for your attention to this matter. Should you have questions regarding this letter or the pending enforcement case, please contact me immediately.

Sincerely,



Tom Sinclair
Enforcement Officer

cc: Steve Hudson, Southern California Enforcement Supervisor
Jack Ainsworth, Permitting Supervisor, South Central Coast District
Melanie Hale, Permitting Supervisor, South Central Coast District

Enclosures: Coastal Development Permit Application

CALIFORNIA COASTAL COMMISSION

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



October 10, 2002

Mr. Raymond Munro
3040 Munro Circle
Los Angeles, CA 90068

SUBJECT: Return of Coastal Development Permit Application No. 4-02-142

Dear Mr. Munro,

We are returning herewith the above referenced application for reason of incompleteness.

Our office received the above referenced application on June 10, 2002. In a letter dated July 3, 2002 you were notified that your application had been determined to be incomplete and that you must submit twelve (12) different items (listed in detail in the same letter) necessary to complete the file. Staff requested that you submit the information as detailed in the Incomplete Notice, dated July 3, 2002 (attached), so that staff could complete a review of the necessary application materials and schedule the item for a Commission hearing. Our letter also informed you that the deadline for you to submit all requested items was October 3, 2002.

On October 3, 2002, you submitted one of the twelve required items. However, as of this date, none of the other 11 requested items have been submitted. In addition, the one item that you submitted, the Restoration Program/Proposal dated September 30, 2002, does not include project plans that completely address all disturbed areas on the site, and is therefore inadequate to satisfy the requirement for submittal of a restoration plan. Further, several of the items requested in the Incomplete Notice, including the balance of the application fee, evidence of local approval of the proposed project, project plans indicating the limits of grading conducted at the site and the areas proposed for restoration, geology review, evidence of lot legality for the subdivided parcel, and other minor filing requirements (see attached letter), were not submitted. Submittal of only one of the 12 previously required items is not satisfactory to complete your application.

Therefore, having not received the appropriate materials and information necessary to complete the file, we are returning the application along with the application fee received and referring this matter to the Commission's Enforcement Unit. Please call if you have any questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "April Verbanac".

April Verbanac
Coastal Program Analyst

cc: Steve Hudson, Enforcement Supervisor
Sheila Ryan, Enforcement Officer

Exhibit 11
CCC-04-CD-12
(Munro)

CALIFORNIA COASTAL COMMISSION

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



VIA CERTIFIED AND REGULAR MAIL

July 15, 2004

Mr. Raymond Munro, President
Pacific Alliance Holdings, Inc.
3040 Munro Circle
Los Angeles, CA 90068

Subject: Unpermitted attempted subdivision of APN 4461-001-005;
monitoring requirements for Restoration Order CCC-02-RO-02.

Violation No.: V-4-02-032

Location: East of and adjacent to 2210 Mar Vista Road in Los Angeles County
(APNs 4461-001-005, 4461-001-023, 4461-001-024,
4461-001-025, and 4461-001-026)

Dear Mr. Munro:

I am writing to you as President of Pacific Alliance Holdings, Inc. In 2000, Pacific Alliance Holdings, Inc. acquired a 40-acre parcel, identified as APN 4461-001-005. The grant deed described the property as one 40-acre parcel.¹ Subsequently, an attempt to subdivide APN 4461-001-005 without compliance with the California Coastal Act has occurred. As stated to you in previous letters from Commission staff dated May 31, 2002 and April 9, 2002, and in a conversation on June 13, 2002 with Steve Hudson of the Commission staff, a coastal development permit is required for the subdivision of the 40-acre lot (APN 4461-001-005) into four 10-acre lots. Pursuant to the California Coastal Act, Public Resources Code 31000 et seq., the subdivision of a property, including any proposed subdivision of APN 4461-001-005, may not proceed unless the Coastal Commission finds that it is consistent with the resource protection policies of the Coastal Act and the Commission approves a coastal development permit that imposes all necessary terms and conditions to mitigate the impacts of the development. However, the attempted subdivision of APN 4461-001-005 was not authorized in a coastal development permit, in violation of the Coastal Act. The Commission will be pursuing legal remedies to resolve this matter.

Previously, Mr. Hudson informed you that you should not sell or transfer any of the 10-acre lots, because of the unpermitted attempted subdivision in violation of the Coastal Act. Despite this instruction, public records indicate that you recently sold or transferred one of the lots, and sold

¹ We have reviewed a previous grant deed (dated February 24, 1972) that pre-dates the Coastal Act and that purports to describe the property as four separate parcels. However, this deed does *not* constitute a subdivision that complied with the state laws and/or local ordinances that were applicable at the time. Accordingly, the 40-acre lot was *not* legally subdivided prior to the effective date of the Coastal Act.

or transferred another one of the lots in 2001. We again instruct you not to sell or transfer either of the 10-acre lots that remain in your ownership, unless and until the Coastal Act violation addressed herein has been remedied.

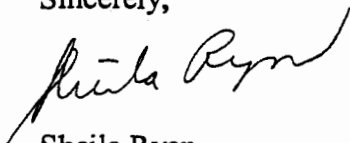
Please be advised that Coastal Act Sections 30803 and 30805 authorize the Coastal Commission to initiate litigation to seek injunctive relief and an award of civil penalties in response to any violation of the Coastal Act. Coastal Act Section 30820(a) provides that any person who violates any provision of the Coastal Act may be subject to a penalty not to exceed \$30,000. Further, Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs any development in violation of the Coastal Act can be subject to a civil penalty of up to \$15,000 for each day in which the violation persists. Additional penalties of up to \$6,000 per day can be imposed if a cease and desist or restoration order is violated. Section 30822 further provides that exemplary damages may also be imposed for knowing and intentional violations of the Coastal Act or of any Orders issued pursuant to the Coastal Act.

In addition, Section 30812 of the Coastal Act allows the Executive Director, after providing notice and opportunity for a hearing, to record a Notice of Violation of the Coastal Act against your property. The Commission staff will send you a subsequent notice prior to proceeding with recordation of a Notice of Violation in this matter. If you choose to voluntarily resolve this Coastal Act violation, the property ownership records and County records need to reflect that there is only one 40-acre parcel. Please notify me how you intend to proceed by **July 23, 2004**.

I am also writing to remind you of the annual monitoring requirement for Restoration Order CCC-02-RO-02, which the Commission issued to you on December 10, 2002. As noted in the Monitoring and Maintenance Section on Page 14 of the Adopted Findings for the Order, five annual monitoring reports are due to the Commission no later than December 31 of each year. Staff has received the first annual monitoring report dated May 1, 2003. You are obligated to comply with all requirements of the Order for the duration of the five-year monitoring and maintenance period, regardless of whether you have sold portions of the property that include areas covered by the Order. It appears that of the two lots you have sold, the lot identified as APN 4461-001-025 is within the area covered by the Order, while the lot identified as APN 4461-001-026 is not. Please submit the second annual monitoring report to my attention in the Commission's San Francisco office no later than **December 31, 2004**.

If you have any questions about this matter please do not hesitate to call me at 415-597-5894.

Sincerely,




Sheila Ryan
Headquarters Enforcement Officer

cc: Lisa Haage, Chief of Enforcement
Steve Hudson, Southern California Enforcement Supervisor
Jack Ainsworth, South Central Coast District Planning Super
Sandy Goldberg, Staff Counsel

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Total Postage & Fees	\$ 44.2
Sent To: Raymond Munro	
Street, Apt. No., or PO Box No.: Pacific Alliance	
City, State, ZIP+4: 3040 Munro Cir	

4821 T05E 4000 05TE 2002

Exhibit 12
CCC-04-CD-12
(Munro) Page 2 of 2



CALIFORNIA COASTAL COMMISSION

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



VIA CERTIFIED and REGULAR MAIL

August 12, 2004

Mr. Raymond Munro, President
Pacific Alliance Holdings, Inc.
3040 Munro Circle
Los Angeles, CA 90068

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

Violation No.: V-4-02-032

Location: 40-acre lot east of and adjacent to 2210 Mar Vista Road in Los Angeles
County (APN 4461-001-005), with unpermitted subdivision into four
ten-acre lots identified as 4461-001-023, 4461-001-024, 4461-001-025,
and 4461-001-026

Violation Description: Unpermitted subdivision of APN 4461-001-005

Dear Mr. Munro:

The purpose of this letter is to notify you of my intent, as the Executive Director of the California Coastal Commission ("Commission"), to record a Notice of Violation of the Coastal Act and to commence Cease and Desist Order proceedings for unpermitted development. The

unpermitted subdivision of APN 4461-001-005 constitutes development under the Coastal Act, and is therefore subject to Coastal Act permit requirements. We have reviewed our records and determined that the required Coastal Development Permit was not obtained for this cited development. This unpermitted development affects a 40-acre lot east of and adjacent to 2210 Mar Vista Road in Los Angeles County, APN 4461-001-005 (the "subject property").

We have received documentation showing that, at your request, Los Angeles County issued Certificates of Compliance recognizing subdivision of APN 4461-001-005 into four 10-acre parcels (Conditional Certificates of Compliance Nos. 01-057, 01-058, 01-059, and 01-060 dated June 6 and 7, 2001 and Clearance of Conditions dated August 9, 2002). The County has identified the four parcels as APNs 4461-001-023; 4461-001-024; 4461-001-025 and 4461-001-026. You transferred APN 4461-001-026 to Serge Falesitch on or about December 18, 2001. You transferred APN 4461-001-025 to Richard Wade Weber and Carena Weber on or about September 3, 2003. This administrative action seeks recordation of a notice that will notify potential purchasers of the Commission's determination that the 10-acre parcels were created illegally, in violation of the Coastal Act. It also seeks an order imposing appropriate relief and preventing transfer of the remainder of the property that Pacific Alliance Holdings still owns (APNs 4461-001-023 and 4461-001-024) to separate owners, while relief from the unpermitted subdivision is being sought in court against you and the other parties involved.

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

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

Pursuant to the California Coastal Act, Public Resources Code 31000 et seq., the subdivision of a property may not proceed unless the Coastal Commission finds that it is consistent with the resource protection policies of the Coastal Act and the Commission approves a coastal development permit (CDP) that imposes any necessary terms and conditions to mitigate the impacts of the development. However, the subdivision of the subject property into four ten-acre lots was not authorized in a CDP, in violation of the Coastal Act.¹

In February 2001 you requested Certificates of Compliance (COCs) from Los Angeles County for subdivision of the subject property. Los Angeles County issued conditional COCs in June

¹ On June 2, 2002, you submitted an application for a CDP for subdivision of the 40-acre parcel; however, you failed to submit information that was requested to complete the application for processing, and the application was therefore returned to you.

2001, apparently based on a February 24, 1972 grant deed that pre-dates the Coastal Act and that purports to describe the subject property as four separate parcels. The Commission staff has reviewed the 1972 grant deed, however, and it does not constitute a subdivision that complied with the state laws and/or local ordinances that were applicable at that time. Specifically, the purported subdivision in 1972 did not comply with the requirements of Los Angeles County Ordinance 9404, in effect at the time. Section 302 of the ordinance required issuance of either a parcel map or a Certificate of Exception by the County to authorize a "Minor Land Division" creating four or fewer parcels. Under this ordinance, County approval of a "Plot Plan Map" was required to obtain a Certificate of Exception. Los Angeles County located in its files a Plot Plan Map dated January 1972 for division of the subject property into four parcels, but this map was never approved and a Certificate of Exception was never issued.² Therefore, the 40-acre parcel was not legally subdivided prior to the enactment of the Coastal Act, and any subdivision of the property is subject to the permit requirements of the Act.

The 40-acre parcel contains large, healthy stands of chaparral, is located almost entirely within a wildlife migration corridor, and is located partially within the Solstice Canyon Significant Watershed Area. Accordingly, the entire property (with the exception of Mar Vista Ridge Road and a small segment of fire road at the northeastern corner of the property) constitutes "environmentally sensitive habitat area" ("ESHA") that, pursuant to the Coastal Act, must be protected. See Public Resources Code Sections 30107.5 and 30240. Subdividing the 40-acre parcel into four 10-acre parcels would result in much greater potential removal of ESHA as a result of future residential development. This would be inconsistent with the policies of the Coastal Act and Commission staff could not recommend approval of a permit for this development.

We have referred this matter to the Attorney General's Office for filing of an action against all the parties involved that seeks a determination that the property is only one 40-acre parcel. While we are pursuing legal remedies in court, the recorded Notice of Violation and the Cease and Desist Order will notify future buyers of the Commission's determination that the property was illegally subdivided and will prevent transfer of any of the remaining 10-acre parcels that you still own to separate owners.

Notice of Violation

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

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

² We also note that the proposed lot size and configuration in this Plot Plan Map is entirely different from the parcels described in the February 24, 1972 grant deed and the Certificates of Compliance issued by the County. Moreover, the 1972 Grant Deed did not convey any portion of the 40 acres to a different owner, and therefore did not constitute a "subdivision" of property.

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

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

If you object to the recordation of a Notice of Violation in this matter and wish to present evidence on the issue of whether a violation has occurred, you must respond in writing, to the attention of Sheila Ryan, no later than September 1, 2004.

Cease and Desist Order

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

If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist.

I am issuing this Notice of Intent to commence Cease and Desist Order proceedings because unpermitted development has occurred at the subject property. Commission staff previously notified you in letters dated April 9, 2002 and May 31, 2002 that you were in violation of the Coastal Act regarding the unpermitted subdivision. In addition, in a telephone conversation on June 13, 2002, Commission staff (Steve Hudson) verbally informed you that the conditional Certificates of Compliance did not create legally subdivided lots under the Coastal Act, that you should not sell or transfer any of the lots, and that you needed to resolve the issue of the unpermitted subdivision. Despite this instruction, public records indicate that you sold or transferred one of the lots in September 2003. The Cease and Desist Order would order you and Pacific Alliance Holdings to desist from further sale or transfer of the two lots identified as APN 4461-001-023 and APN 4461-001-024 until the illegal subdivision issue is resolved.

In accordance with Sections 13181(a) and 13191(a) of the Commission's regulations, you have the opportunity to respond to the Commission staff's allegations regarding the Notice of Intent to commence Cease and Desist Order proceedings by completing the enclosed Statement of Defense form. **The Statement of Defense form must be returned to the Commission's San Francisco office, directed to the attention of Sheila Ryan, no later than September 1, 2004.**

The Commission staff is scheduling the hearing for the proposed Cease and Desist Order (and for the proposed recordation of a Notice of Violation in this matter, if you additionally request in

writing a hearing on this issue) during the Commission meeting that is scheduled for October 6-8, 2004 in San Diego. If you have any questions regarding this letter or the enforcement case, please call Sheila Ryan at (415) 597-5894 or send correspondence to her attention at the address listed on the letterhead.

Sincerely,

Samuel Harned, Chief Deputy
Jon
Peter Douglas
Executive Director

cc: Sheila Ryan, Headquarters Enforcement Officer
Lisa Haage, Chief of Enforcement
Sandy Goldberg, Staff Counsel
Steve Hudson, Southern California Enforcement Supervisor
Jack Ainsworth, South Central Coast District Planning Supervisor

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OFFICIAL USE		B. Received by (Printed Name)		C. Date of Delivery 8-14-04	
Postage \$.83		D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below:			
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Return Receipt Fee 1.75		Raymond Munro, President Alliance Holdings, Inc. Munro Circle Angeles, CA 90068		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Restricted Delivery Fee (Endorsement Required)		Number 7002 3150 0004 3501 1 Exhibit 13		CCC-04-CD-12	
Total Postage & Fees \$ 4.88		from service label) 811, August 2001		Domestic Return Receipt	
Sent To Mr. Raymond Munro, President Pacific Alliance Holdings, Inc. Street, Apt. No.; 3040 Munro Circle City, State, ZIP+4 Los Angeles, CA 90068		PS Form 3800, June 2002 See Reverse for Instructions		(Munro) Page 5 of 5	

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

CALIFORNIA COASTAL COMMISSION

Attention: Sheila Ryan
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105

STATE OF CALIFORNIA OFFICIAL BUSINESS

Document entitled to free recordation
Pursuant to Government Code §27383

NOTICE OF VIOLATION OF THE COASTAL ACT
(Public Resources Code Section 30812)

I, Peter Douglas, declare:

1. I am the Executive Director of the California Coastal Commission.
2. A violation of the California Coastal Act of 1976 (Public Resources Code Section 30000, et seq.)

has occurred involving those certain parcels of real property situated in the County of Los Angeles, State of California, more particularly described as follows:

**Two 10-acre parcels east of and adjacent to 2210 Mar Vista Road in Los Angeles County
(Assessor's Parcel Numbers 4461-001-023 and 4461-001-024)**

The violation consists of an attempted subdivision creating the two 10-acre parcels (APNs 4461-001-023 and 4461-001-024) without the authorization required by the California Coastal Act of 1976.

3. This property is located within the Coastal Zone as that term is defined in Section 30103 of the Coastal Act.
4. The record owner of said real property is: Pacific Alliance Holdings, Inc., Mr. Raymond Munro, President.
5. The violation of the Coastal Act (Violation File No. V-4-02-032) consists of the attempted unpermitted subdivision of APN 4461-001-005 by Pacific Alliance Holdings, Inc., Mr. Raymond Munro, President. The subdivision of APN 4461-001-005 into four ten-acre parcels was not authorized in a Coastal Development Permit, in violation of the Coastal Act. Pacific Alliance Holdings, Inc. and Raymond Munro own two of the illegally subdivided parcels (APNs 4461-001-023 and 4461-001-024) and have transferred the other two illegally subdivided parcels (APNs 4461-001-025 and 4461-001-026) to other owners.
6. The requirements set forth in Section 30812 for notice and recordation of this Notice of Violation have been complied with. Recording this notice is authorized under Section 30812 of the California Public Resources Code.
7. The California Coastal Commission notified the record owner, Mr. Raymond Munro, President of Pacific Alliance Holdings, Inc., of its intent to record a Notice of Violation in this matter in a letter dated August 12, 2004.
8. As of this date, the Commission has not received a written objection to the recordation of the Notice of Violation. Therefore the Commission is recording the Notice of Violation as provided for under Section 30812 of the California Coastal Act.

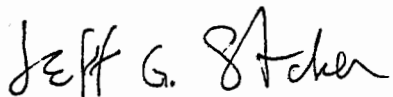
Executed in San Francisco, California, on Sept. 2, 2004.

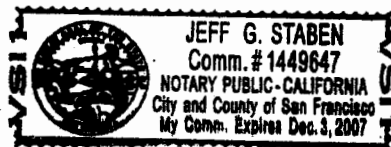
I declare under penalty of perjury that the foregoing is true and correct.


PETER DOUGLAS, Executive Director

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On this 02 day of September, in the year 2004, before me the undersigned
Notary Public, personally appeared Peter Douglas, personally known to me (or proved to me on the
basis of satisfactory evidence) to be the person who executed this instrument as Executive Director
of the California Coastal Commission and acknowledged to me that the California Coastal
Commission executed it.


Notary Public in and for Said State and County



September 22, 2004

To : Coastal Commission (Sheila Ryan)

From: Pacific Alliance Holdings

Re : Case V-4-02-032

Our Legal Counsel ask us to request a postponement of the hearing from October to November in order to review and properly respond to this allegation.

We appreciate your kind consideration.

Att.

CALIFORNIA COASTAL COMMISSION

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



VIA TELECOPY AND CERTIFIED and REGULAR MAIL

September 22, 2004

Mr. Raymond Munro, President
Pacific Alliance Holdings, Inc.
3040 Munro Circle
Los Angeles, CA 90068

Subject: **Postponement request**

Violation No.: V-4-02-032

Location: 40-acre lot east of and adjacent to 2210 Mar Vista Road in Los Angeles County (APN 4461-001-005), with unpermitted subdivision into four ten-acre lots identified as 4461-001-023, 4461-001-024, 4461-001-025, and 4461-001-026

Violation Description: Unpermitted subdivision of APN 4461-001-005

Dear Mr. Munro:

This morning I received your written request for a postponement from October until November of the Commission hearing on a proposed Cease and Desist Order regarding the above-referenced Coastal Act violation. You telephoned me yesterday and said that you had just retained legal counsel and were seeking a postponement. In your postponement request, you asserted that your legal counsel needs time "in order to review and properly respond to this allegation". This request is denied, for the reasons stated below.

You have had ample opportunity to obtain counsel at an earlier date. Commission staff informed you of the unpermitted subdivision more than 2 years ago (in letters dated April and May 2002). Commission staff informed you in a letter dated July 15, 2004 that, since you failed to resolve this matter, the Commission intended to pursue legal remedies. In a Notice of Intent (NOI) letter

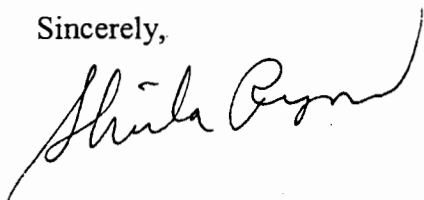
dated August 12, 2004, staff informed you that we intended to schedule a hearing on a request for a Cease and Desist Order at the Coastal Commission's October 2004 hearing, and that we had referred the matter to the State Attorney General's office. The NOI included a September 1, 2004 deadline for submittal of a Statement of Defense. You did not submit a Statement of Defense by this deadline, and you did not contact Commission staff prior to the expiration of this deadline to request any extension of time, as required by Section 13181(b) of the Commission's regulations.

Staff is proposing the Cease and Desist Order to prevent you and Pacific Alliance from transferring other portions of the 40-acre parcel to new owners, who may not fully understand that the parcels were subdivided in violation of the Coastal Act and may not be developed, and who the Commission would need to add to its lawsuit seeking to obtain relief from the illegal subdivision. We are concerned that, without an Order, such a transfer may occur.

The hearing is not scheduled until October 13th, which provides three weeks for your newly retained counsel to prepare. Therefore, because you chose to delay in retaining counsel and there still is ample time for counsel to prepare, and because there is a need for the Order to be issued as soon as possible, Commission staff will not postpone the hearing.

I note that in addition to certified and regular mail service, I am transmitting this letter to the telecopy number from which you sent your postponement request. When I tried to telephone you yesterday I discovered that the one telephone number that I have been given for you has been disconnected. Please provide me with a current telephone number at which I can reach you.

Sincerely,



Sheila Ryan
Headquarters Enforcement Officer

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

