

CALIFORNIA COASTAL COMMISSION

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



2 January 2007

Ronald A. Zumbrun
Managing Attorney
The Zumbrun Law Firm
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

Re: V-4-05-063 (Wildcrew)

Dear Mr. Zumbrun:

Per my letter to you dated December 5, 2006, and per your Public Records Act request, I am enclosing a disk which contains additional photographs provided to us by a neighboring property owner across the canyon from the Wildcrew property. The dated photographs show work in progress by heavy equipment and alterations to the land and vegetation in progress where the (visible) work is occurring.

As I discussed in my December 5, 2006 letter, we are placing this item on the agenda for the February Commission hearing in San Diego, tentatively scheduled for February 14-16. I would remind you and your clients that if they are willing to stipulate to the recordation of the Notice of Violation, they can avoid going to hearing and continue to work with Commission staff to resolve this matter informally. We generally find that resolving matters informally saves the other party time and resources, but that is your call. If you would like to discuss this option further, please contact me. If the Commission finds that a violation of the Coastal Act has occurred on your client's property, it is likely that a more formal process will ensue. I would also remind you that your client's agent, Donna Shen, has already admitted to Coastal Act violations, in writing, and that, in addition, these dated photographs graphically show non-exempt development in progress including, but not limited to, grading and removal of materials with heavy equipment and removal of major vegetation including cutting of native oak trees.

As always, if you have questions regarding this letter or violation case, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Patrick Veasart".

N. Patrick Veasart
Southern California Enforcement Supervisor

cc: Lisa Haage, Chief of Enforcement, CCC
Alex Helperin, Staff Attorney, CCC
Gary Timm, District Manager, CCC
Tom Sinclair, District Enforcement Officer
Steve Hudson, Supervisor, Planning and Regulation, CCC
Rosana Miramontes, Deputy Attorney General, DOJ
Donna Shen, Regional Manager, Schmitz and Associates

Enc: CD w/ photographs

Exhibit 1
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

January 2, 2007 - CCC to Zumbrun
Law Firm

CALIFORNIA COASTAL COMMISSION

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



5 December 2006

Ronald A. Zumbrun
Managing Attorney
The Zumbrun Law Firm
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

Re: V-4-05-063 (Wildcrew)

Dear Mr. Zumbrun:

I am in receipt of your letter dated November 29, 2006 and the other documents under cover of that letter. Your letter was faxed to me on November 29, 2006 and received in the mail on November 30, 2006. I am also in receipt of your email dated 12/1/06 attached to which was a pdf file of your November 29, 2006 letter and the other documents. Thank you for providing these materials to me electronically.

Additionally, we spoke on December 1, 2006 and we agreed that I would have a copy service copy the disclosable materials in Violation File No. V-4-05-063 (Wildcrew), send you the copies, and bill your firm. I also agreed to send you a disk with photographs (enclosed) from our electronic file. We had another disk with photographs provided by our informant, but we have misplaced it. We are contacting the person who gave it to us to see if he will make us another disk. When (if) we receive the new disk (or if we find the one we had) we will provide you with a copy.

Finally, Pursuant to your request that we not schedule a hearing for this matter in December, we are scheduling this to be heard at the Commission's February hearing in San Diego.

If you have questions regarding this letter or violation case, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Patrick Veasart".

N. Patrick Veasart
Southern California Enforcement Supervisor

cc: Lisa Haage, Chief of Enforcement, CCC
Alex Helperin, Staff Attorney, CCC
Gary Timm, District Manager, CCC
Tom Sinclair, District Enforcement Officer
Steve Hudson, Supervisor, Planning and Regulation, CCC
Rosana Miramontes, Deputy Attorney General, DOJ
Donna Shen, Regional Manager, Schmitz and Associates

Exhibit 2
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

December 5, 2006 - CCC to Zumbrun
Law Firm

Pat Veesar

From: Zumbrun Law Firm [ZFIRM@zumbrunlaw.com]
Sent: Friday, December 01, 2006 3:01 PM
To: Pat Veesar
Subject: 384-Wildcrew: Objections to CCC's Notice of Violation



Wildcrew --
Objections to CCC..

Dear Mr. Veesar:

Pursuant to your request, attached you will find the objections to the Notice of Violation submitted on behalf of Wildcrew's Playground LLC.

Thank you for confirming that you received these objections by fax on November 29, 2006.

RONALD A. ZUMBRUN
Managing Attorney

THE ZUMBRUN LAW FIRM
A PROFESSIONAL CORPORATION
3800 WATT AVENUE, SUITE 101
SACRAMENTO, CA 95821
(916) 486-5900
(916) 486-5959 FAX
ZFIRM @ ZUMBRUNLAW.COM

The information contained in this electronic mail transmission is CONFIDENTIAL and intended to be sent only to the stated recipient of the transmission. It may, therefore, be protected from unauthorized use or dissemination by the attorney-client and/or attorney work-product privileges. If you are not the intended recipient or the intended recipient's agent, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. You are also asked to notify us immediately at the contact numbers referenced above and to destroy or return the original document. Thank you.

Exhibit 3
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

THE ZUMBRUN LAW FIRM
A Professional Corporation

November 29, 2006

RECEIVED
NOV 30 2006

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

VIA FACSIMILE
(805) 641-1732

Attention: Mr. N. Patrick Veasart
Southern California Enforcement Officer

Dear Mr. Veasart:

Re: Violation File No. V-4-05-063—Objections to the Recordation of a Notice of Violation

This letter serves as my client's objections to Executive Director Peter Douglas' November 9, 2006, Notice of Violation. Reference is made to my letter to you of September 26, 2006 (copy enclosed), my letter to you of November 21, 2006 requesting an extension of time (copy enclosed) and your letter of November 27, 2006 denying my request (copy enclosed). Because I did not receive your response denying my request for an extension of time until the afternoon of November 27, 2006, I have not been allotted the opportunity to prepare a thorough response. I also have not had the opportunity to review your response to my Public Records Act request which documents are being held for inspection at your Ventura office. These letters and all prior communications and submittals on behalf of my client, Wildcrew's Playground LLC, are incorporated herein by reference as part of these objections. This includes the Public Records Act request of September 26, 2006 and your response of October 6, 2006.

To begin with, many of my client's objections are included in the enclosed September 26, 2006, letter and do not require repeating. My client's additional grounds for objection include the following:

1. Failure to Inspect: The Commission has no documented violations despite its alleged assertions. It cannot make a valid determination beyond a reasonable doubt without a valid inspection. It is my client's position that, because of the substantial evidence rule supporting the Commission in writ of mandate proceedings, it is in their best interest to videotape the inspection. The videotape would be the best evidence overcoming the substantial evidence rule. As to the Commission's concern with what other use might be made of the videotape, that was

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Suite 101
Sacramento, CA 95821

Exhibit 4 (page 1 of 4)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Tel 916-486-5900
Fax 916-486-5959

November 29, 2006 - Zumbrun Law
Firm to CCC

covered in attorney Kevin Koons' letter of December 28, 2005, to Rosana Miramontes of the California Department of Justice (copy enclosed) which provides you with adequate protection. It is my client's position that a public official conducting an official inspection of private property is subject to the property owner's videotaping of the inspection. My client requests that you proceed with this inspection, pursuant to my client's previously stated conditions, before enforcing the notice of violation and before holding a hearing on my client's objections.

2. Agricultural Exemption: It is correct that at one time my client was considering seeking an "after-the-fact" coastal development permit (CDP). However, once my client was fully aware that its agricultural uses and plans for the future were exempt under the Coastal Act, Wildcrew saw no reason to proceed with seeking an unnecessary permit, especially considering the costs and conservation easement dedication requirements that would be required by the Commission, the same requirements frowned upon by the United States Supreme Court in its ruling in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825, 837. In *Nollan*, the high court addressed the Commission's policy of requiring unrelated dedications of property interests as a condition of receiving a coastal permit. The Court stated:

Similarly here, the lack of nexus between the condition and the original purpose of the building restriction converts that purpose to something other than what it was. The purpose then becomes, quite simply, the obtaining of an easement to serve some valid governmental purpose, but without payment of compensation. Whatever may be the outer limits of "legitimate state interests" in the takings and land-use context, this is not one of them. In short, unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but "an out-and-out plan of extortion."

As the attorney responsible for litigating the *Nollan* case, I can assure you that the Coastal Commission's requirement of dedicating conservation easements in the Santa Monica Mountains is similarly "an out-and-out plan of extortion."

In addition, it is pertinent that recreation is an authorized use. My client's sole purpose in buying their property was to expose their children to gardening and outdoor recreation. They bought agriculturally zoned property because it was their actual intent to utilize it as agricultural. They have not developed any other use and have no intention to develop the property or build any structures. All of the evidence will support these statements. Even the existing road that they were clearing off is consistent with getting to the agricultural sites. Further, the Coastal Act states that the removal of major vegetation for agricultural purposes is exempt.

3. Vested Rights: In my client's request for a vested rights determination, Wildcrew was required to provide certain additional information when it became available. While awaiting the additional information, its request for vested rights determination was abruptly denied. Now that my client realizes its use of the subject property is exempt, this moots the vested rights determination issue.

4. Retaliation: My client believes the Commission and staff are retaliating because of Wildcrew's insistence on videotaping the subject inspection. This action by the Coastal Commission would be inappropriate and a denial of equal protection and due process. For example, at the first meeting with Commission staff, it was pointed out that there was an agricultural purpose to buying and using the subject property. My client's intent was repeated time and again. However, this subject seems to have been lost or perhaps the Commission and staff do not believe my client's intention to expose their children to gardening and permitted uses such as recreation and clearing an existing road. Another example of what appears to be an inappropriate requirement is the February 2006 vested rights letter by the Coastal Commission stating that Wildcrew needed additional information, including new aerial photographs and other such expensive items. They even required my client to provide the names and addresses of all past owners which information they do not have. Also, early on, my client was told by staff that the Coastal Commission would never go for the agricultural exemption claim and not to even bother.

5. Mechanical Equipment: It should be noted that neighboring properties were involved with heavy equipment and could be seen moving gravel and other activities during the time that reports were apparently made to the CCC regarding my client's activities.

6. The October 19, 2005 Meeting: A site inspection was scheduled for the subject property on October 19, 2005. After arriving at the site, the Coastal Commission staff and attorney chose not to proceed with an inspection because a film crew was present to videotape the inspection. However, without my client's knowledge and consent, one of the Coastal Commission staff proceeded to leave the group and apparently inspected and photographed part of the property. He was noticed on his return to the group. The search warrant that had been obtained stated: "No Forced Entry." It is my client's position that this action was an illegal search and cannot be utilized for any purpose in these proceedings.

7. Trespassing: The Commission claims that a neighbor made certain representations that would have required him to trespass onto my client's property in order to obtain this information. This again is an illegal trespass and cannot be relied upon in these proceedings. Furthermore, what verification has the Coastal Commission made regarding these alleged representations.

8. Authorization to Require Conservation Easements: My client requests being advised as to whether a conservation easement is required as a condition for development in the Santa Monica Mountains and what authority the Commission has to impose such conditions. It is my client's understanding that persons who are permitted to build a home in this area are first required to grant a conservation easement or deed restriction as to all remaining property and that the easement includes the right to construct public trails across the property.

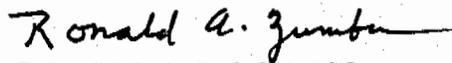
California Coastal Commission

November 29, 2006

Page 4

Conclusion: Due to time constraints, I have been limited in presenting my client's objections. However, in reviewing the documents that have been incorporated by reference, the Commission should have an understanding for the extent of my client's objections. If a hearing is considered appropriate, it is requested that it not be scheduled during December of this year.

Sincerely,


RONALD A. ZUMBRUN
Managing Attorney

cc: Wildcrew's Playground, LLC

Exhibit 4 (page 4 of 4)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

November 29, 2006 - Zumbrun Law
Firm to CCC

CALIFORNIA COASTAL COMMISSION

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



27 November 2006

Ronald A. Zumbrun
Managing Attorney
The Zumbrun Law Firm
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

Re: V-4-05-063 (Wildcrew)

Dear Mr. Zumbrun:

I am in receipt of your letter dated November 21, 2006. In your letter you request additional time to prepare an objection to the recordation of a Notice of Violation on your client's (Wildcrew's Playground LLC) property located on Old Topanga Canyon Road; Los Angeles County APN 4438-018-005.

As you know, Coastal Act Section 30812(b) requires a property owner to respond in writing within 20 days of the postmarked mailing of the Notice of Intent (NOI) if they object to the recordation of a Notice of Violation (NOV). If the property owner fails to inform the Executive Director of their objection within the 20 days specified, the Executive Director shall record the NOV in the office of the county recorder where the property is located. As a matter of course, we do not grant extensions of the 20-day deadline since the very purpose of the section is to quickly put any potential purchasers of the property on notice and avoid potential confusion. However, the recordation does not prohibit any sale of the property.

In addition, since it appears that it may take some time for your clients to submit a coastal development permit application, as promised, for work that exceeds that which was initially claimed to be "repair and maintenance," and to complete their application for a Claim of Vested Rights, it seems advisable to record the NOV now and continue to work with your clients to resolve these issues.

Finally, under the statutory requirements, any recordation will be removed quickly after the violation is resolved. Section 30812(f) requires that within 30 days after the final resolution of a violation that is the subject of a recorded NOV, the Executive Director shall record a notice of rescission indicating that the NOV is no longer valid. We look forward to working with you and your clients to resolve this matter as quickly as possible.

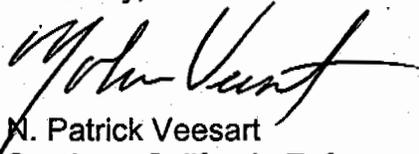
Exhibit 5 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

November 27, 2006 - CCC to
Zumbrun Law Firm

Therefore, I am unable to grant the extension of time that you request. If we receive your client's written objection by COB on **November 29, 2006**, we will schedule this item to be heard by the Commission. However, if your clients decide not to object, we will record the NOV and continue to try and resolve this matter quickly and amicably.

If you have questions regarding this letter or violation case, please feel free to call me.

Sincerely,



N. Patrick Veasart
Southern California Enforcement Supervisor

cc: Lisa Haage, Chief of Enforcement, CCC
Alex Helperin, Staff Attorney, CCC
Gary Timm, District Manager, CCC
Steve Hudson, Supervisor, Planning and Regulation, CCC
Rosana Miramontes, Deputy Attorney General, DOJ
Donna Shen, Regional Manager, Schmitz and Associates

THE ZUMBRUN LAW FIRM
A Professional Corporation

November 21, 2006

Mr. N. Patrick Veesart
Southern California Enforcement Officer
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

VIA FACSIMILE
(805) 641-1732

Dear Mr. Veesart:

Re: V-4-05-063 (Wildcrew)

RECEIVED
NOV 27 2006

Reference is made to my letter to you of September 26, 2006, your letter of October 30, 2006, and the November 9, 2006, Notice of Violation of the California Coastal Act. In your letter of October 30, 2006, you stated: "[I]f you have any questions regarding this letter or this violation case, please feel free to call me." I appreciate this offer.

In the November 9, 2006, Notice of Violation it states that any objection to the recording of a Notice of Violation in this matter and desire to present evidence to the Commission at a public hearing should be submitted in writing within 20 days of the postmarked mailing of the notice informing the Commission staff of an objection to recording a Notice of Violation. This written request is to be directed to your attention no later than November 29, 2006 and must include the evidence to be presented and identify any issues we would like considered.

I recently completed a major trial and a substantial court proceeding. This has prevented me from reviewing the materials located in Ventura that you have agreed to produce under our Public Records Act request. I also have not had time to analyze and print our numerous objections or to discuss options with the clients. We also are facing the Thanksgiving holiday.

Inasmuch as no activity has taken place on the subject site since your initial notice and my clients will not be using the site with the current issues pending, I would appreciate receiving an extension of time in which to respond from November 29, 2006 until some time after January 1, 2007. My schedule opens up somewhat after the first of the year.

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Sacramento, CA 95821

Exhibit 6 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Tel 916-486-5900
Fax 916-486-5959

November 21, 2006 - Zumbrun Law
Firm to CCC

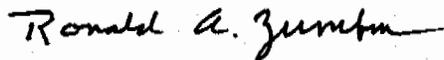
Mr. N. Patrick Veersart

November 21, 2006

Page 2

I will contact shortly concerning this request to see whether this is an agreeable time in which to respond. Your consideration of this request is appreciated.

Sincerely,



RONALD A. ZUMBRUN

Managing Attorney

cc: Wildcrew's Playground, LLC

Exhibit 6 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

November 21, 2006 - Zumbrun Law
Firm to CCC

CALIFORNIA COASTAL COMMISSION

89 SO. CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 641-1122
FAX (805) 641-1122

RECEIVED
NOV 13 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
REGULAR AND CERTIFIED MAIL
(certified mail #: 7005 1820 0007 4658 5226)

November 9, 2006

Wildcrew's Playground LLC
1191 2nd Avenue, Suite 1901
Seattle WA, 98101-2993

Violation File Number: V-4-05-063

Property location: Old Topanga Canyon Road; Los Angeles County;
Assesor's Parcel Number 4438-018-005

Unpermitted Development: Grading and removal of major vegetation (including the
cutting of oak trees) in an environmentally sensitive area

Dear Wildcrew's Playground LLC:

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 for development in violation of the Coastal Act on your property located at Old Topanga Canyon Road, Topanga, California, in the County of Los Angeles; APN 4438-018-005. The unpermitted development consists of: 1) Grading, including grading within the dripline of oak trees; and 2) removal of native vegetation, including the cutting of oak trees.

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... and any other division of land, including lot splits... 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..."

Exhibit 7 (page 1 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

November 9, 2006 - CCC to
Wildcrew's NOVA NOI

The above-described development on the subject property constitutes development as defined by Section 30106 of the Coastal Act and, as such, is subject to Coastal Act permit requirements.

Background

We previously notified you of the Coastal Act violations on the subject property in a Notice of Violation (NOV) letter dated July 12, 2005 that directed you to take action to remedy the violations. Subsequently, we sent several other letters regarding the violations on August 4, 2005, November 23, 2005, December 8, 2005, September 7, 2006, and October 30, 2006. In this latest letter, we detailed the basis of our conclusions that unpermitted development had taken place on the property.

On September 19, 2005 we received a letter from your agent, Donna Shen, requesting an exemption determination. In response, Commission staff sent Ms. Shen a letter dated July 13, 2006 indicating that the unpermitted development was not exempt. The Commission letter states, in relevant part:

The proposed development is not exempt from coastal development permit requirements because it is located in an Environmentally Sensitive Habitat Area (ESHA), as the site contains native chaparral vegetation that is part of a large, unfragmented block of habitat in which the Commission finds meets the definition of ESHA under the Coastal Act. In addition, the proposed development site is delineated as ESHA on Malibu-Santa Monica Mountains Land Use Plan resource maps.

Additionally, we have received other correspondence from the Zumbrun Law Firm, your attorneys, and from Donna Shen, your agent, including a letter dated September 19, 2005 in which she stated, in relevant part:

...that the majority of the work performed consisted of minor brush clearance and repair and maintenance activities meeting Section 30610 of the Coastal Act's definition of activities which do not require a CDP. For the minor amount of repair and maintenance work that does not qualify as exempt activity, please be advised that we will be submitting a CDP application for the same.

Regarding your Vested Rights Claim, staff sent you a letter dated July 13, 2006 indicating that your application is incomplete and listing the information needed to file that application.

As of this date, despite the representations that you would submit a CDP application, you still have not submitted a coastal development permit application to authorize the development that has taken place on your property and the violations remain unresolved. Since resolution may take additional time, we intend to record a Notice of Violation against your property. If you do not submit a written objection to the recordation of a Notice of Violation, the Notice will be recorded without a hearing. If, in the future, the above mentioned unpermitted development is permanently authorized pursuant to a coastal development permit or is removed and restored pursuant to legal authorization, we will rescind the Notice of Violation after the permits have been issued and all conditions have been satisfied or the violation otherwise is legally resolved. You will be responsible for the cost of rescission.

Exhibit 7 (page 2 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

November 9, 2006 - CCC to
Wildcrew's NOVA NOI

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

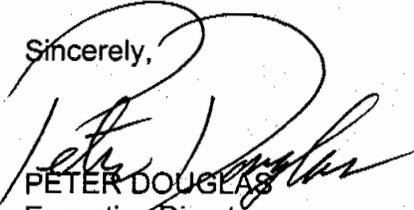
I am issuing this Notice of Intent to record a Notice of Violation because development has occurred in violation of the Coastal Act on the subject property.

If you object to the recordation of a Notice of Violation in this matter and wish to present evidence to the Commission at a public hearing 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 Commission staff 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 Patrick Veasart, no later than November 29, 2006. Please include the evidence you wish to present to the Coastal Commission in your written response and identify any issues you would like us to consider.

If you have any questions regarding this letter or the enforcement case, please call Patrick Veasart at (805) 585-1800 or send correspondence to his attention at the address listed on the letterhead.

Sincerely,



PETER DOUGLAS
Executive Director

cc: Lisa Haage, Chief of Enforcement
Gary Timm, District Manager
Steve Hudson, Supervisor, Planning and Regulation
Tom Sinclair, District Enforcement Officer
N. Patrick Veasart, Enforcement Supervisor
Ronald A. Zumbun, Attorney at Law
Donna Shen, Schmitz and Associates

Exhibit 7 (page 3 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

November 9, 2006 - CCC to
Wildcrew's NOVA NOI

CALIFORNIA COASTAL COMMISSION

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(805) 585-1800



30 October 2006

Ronald A. Zumbrun
Managing Attorney
The Zumbrun Law Firm
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

Re: V-4-05-063 (Wildcrew)

Dear Mr. Zumbrun:

Thank you for your letter dated September 26, 2006, in response to my letter to Donna Shen (Schmitz and Associates) dated September 7, 2006. I appreciate your timely response.

Your letter reraises issues we have already discussed regarding a previously (tentatively) scheduled site visit to the Wildcrew property. I will therefore not respond again to these issues. You also make the odd assertion that Tom Sinclair illegally "forced entry" onto your client's property, on October 19, 2005, in full view of your client, his agent, and his film crew (who were filming) while accompanied by three sheriff's deputies (who also videotaped the event) and a Deputy Attorney General. We strongly disagree with this characterization of this site visit, which was, as you are aware, cut short and therefore Coastal Commission staff was not fully able to address the Coastal Act issues at the site.

However, you have demanded an explanation as to how Commission staff confirmed that a Coastal Act violation has occurred on your client's property. To that I will respond:

- On June 6, 2005, we received the initial report of grading with heavy equipment under oak trees on a parcel located in the 600 block of Old Topanga Canyon Road.
- On June 8, 2006, Tom Sinclair and I investigated and located what we believed was the subject site. However, we could not see much from the road.
- On June 21, 2005, we received another report of illegal grading taking place under oak trees, vegetation removal, and cutting of oaks on the subject site. This report indicated that the work had been going on for "3 to 4 weeks."
- On June 22, 2005, a member of the public sent us photographs (2) apparently taken from property across the canyon (opposite the subject site) that showed heavy equipment in use and that at least one oak tree had been cut.

Exhibit 8 (page 1 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

October 30, 2006 - CCC to Zumbrun
Law Firm

- On July 6, 2005, I spoke with a neighboring property owner who informed me that equipment had been operating, for multiple days, on the subject property.
- On July 12, 2005, based on the photographs we received and accounts from neighbors, the Coastal Commission sent a Notice of Violation to Wildcrew's Playground LLC after determining that the reported violations had taken place on APN 4438-018-005.
- On July 19, 2005, I spoke with Donna Shen (representing Wildcrew) who confirmed that development had taken place on the subject property consisting of "grading an old existing trail." She also informed me of her client's intention to seek an "after-the-fact" coastal development permit (CDP) for the work.
- On August 17, 2005, Tom Sinclair independently verified and photographed development on the subject site that appears to exceed the work described by your clients or which would be exempt from the permit requirements of the Coastal Act. Mr. Sinclair made the photographs from private property (with permission) and public property located on the opposite side of the canyon from the subject site.
- In a letter from Donna Shen dated September 19, 2005, work beyond "repair and maintenance activities" was admitted to and we were told that her clients would be soon applying for an exemption (for work claimed to be exempt) and a CDP (for work Ms. Shen claimed was not exempt).
- On October 19, 2005, we were briefly on the property with the sheriffs and the deputy AG, as you know, and although we were only able to see a very small portion of the property, we could see that some development had taken place in what we would consider to be an environmentally sensitive area. Tom Sinclair and I made a few photographs on that day.
- In a letter dated July 13, 2006, Deanna Christensen notified Donna Shen that she was denying your client's exemption request - which means that the work, admittedly undertaken, requires a CDP under the Coastal Act, and yet, does not have such authorization and therefore is a violation of the Coastal Act.

From the information cited above (eye witness accounts, photographs, staff observations, and Donna Shen's letter), staff "has confirmed" that development has taken place on the subject site that requires a coastal development permit. We still do not know exactly the extent or full nature of the development because we have not been able to arrange a site inspection with your clients that would not subject us to the unreasonable demand that we be filmed for a documentary film (apparently for commercial distribution) while conducting the inspection.

As to your Public Records Act request, I believe you are in receipt of Alex Helperin's letter dated October 6, 2006 in which he responds to your request. We are happy to make available, for your inspection, disclosable records regarding this violation case.

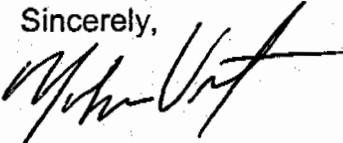
Please again be advised that the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against your client's property.

Exhibit 8 (page 2 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

October 30, 2006 - CCC to Zumbrun
Law Firm

As always, if you have any questions regarding this letter or this violation case, please feel free to call me.

Sincerely,



N. Patrick Veersart
Southern California Enforcement Supervisor

cc: Lisa Haage, Chief of Enforcement, CCC
Alex Helperin, Staff Attorney, CCC
Gary Timm, District Manager, CCC
Steve Hudson, Supervisor, Planning and Regulation, CCC
Rosana Miramontes, Deputy Attorney General, DOJ
Donna Shen, Regional Manager, Schmitz and Associates

CALIFORNIA COASTAL COMMISSION

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



October 6, 2006

Ronald A. Zumbrun
Managing Attorney, The Zumbrun Law Firm
3800 Watt Ave., Suite 101
Sacramento, CA 95821

Re: Public Records Act Requests dated September 26, 2006

Dear Mr. Zumbrun,

This letter is in response to your September 26, 2006 letter to Mr. N. Patrick Veasart. On the second page of that letter, you formally request that certain information "be immediately forwarded to [you]," stating that we should treat this request as a "Public Records Act request pursuant to Government Code section 6251 et seq." This letter will serve as the Commission's initial response to that portion of your letter. Pursuant to Section 6253(c),¹ we hereby notify you that your request seeks disclosable records, and we will make available all requested items that: (1) constitute "public records;" (2) are identifiable, based upon a reasonable description (meaning locatable with reasonable effort);² (3) are in the Commission's possession; and (4) are not exempt from disclosure pursuant to Section 6254 or any other express provision of law.

As indicated above, your letter requests that "information be immediately forwarded to [you]." The California Public Records Act ("PRA") does not require that we forward information to you immediately upon request. Among the things it does require is that we: (1) determine whether your request seeks copies of disclosable public records and notify you of our determination (Section 6253(c)), which we have now done; (2) make disclosable public records open to inspection (Section 6253(a)), which we are prepared to do in the timeframe indicated below; and (3) upon receipt of an adequate request for a copy of non-exempt records and payment of fees covering costs of duplication, make such records available to you (section 6253(b)).

We anticipate that we will be able to determine which records are responsive to your request and which of those records may be exempt from disclosure by, and are therefore prepared to make disclosable records available for your inspection on, Friday, October 20 at our South Central Coast District Office located at: 89 South California Street, Suite 200, Ventura, CA 93001. Please be advised that you will need to identify which documents you wish to have copied. If the number of copies is not too extensive, we can make copies in house. The cost will be 27 cents per copy. For large items, or if the amount of material to be copied is extensive, you will need to engage a copy service to copy the documents. We can make those arrangements if you like. For files that we only have electronically (like digital photographs), we will put them on disk for you.

¹ All section references herein are to statutory sections within the California Government Code (and thus, to the California Public Records Act), unless otherwise indicated.

² See State Bd. of Equalization v. Superior Ct. (1992) 10 Cal. App. 4th 1177, 1187, 13 Cal. Rptr. 2d 342, 347, rev. den. (Jan. 28, 1993).

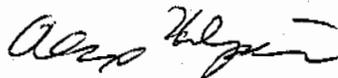
Exhibit 9 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

October 6, 2006 - CCC to Zumbrun
Law Firm

Ronald A. Zumbrun
The Zumbrun Law Firm
October 6, 2006
Page 2

Please contact Pat Veasart in our South Central District Office at (805) 585-1800 with your questions and to make arrangement to inspect our files so that we may honor your request. Or, if you have any questions about anything in this letter, feel free to contact me at (415) 904-5220.

Sincerely,



ALEX HELPERIN
Staff Counsel
California Coastal Commission

cc: N. Patrick Veasart
Tom Sinclair
Lisa Haage
Rosana Miramontes

Exhibit 9 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

October 6, 2006 - CCC to Zumbrun
Law Firm

THE ZUMBRUN LAW FIRM
A Professional Corporation

RECEIVED
SEP 29 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

September 26, 2006

Mr. N. Patrick Veesart
Southern California Enforcement Officer
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

VIA FACSIMILE
(805) 641-1732

Dear Mr. Veesart:

Re: V-4-05-063 (Wildcrew)

Thank you for extending my time in which to respond to your September 7, 2006 letter to Ms. Shen until September 27, 2006 in order to accommodate my trial schedule. You indicate in your September 7, 2006 letter that “[f]urthermore, Commission staff believes that other unpermitted development beyond the purported ‘repair and maintenance’ activities you describe may have taken place on the subject property. Because we have been unable to conduct a site inspection, we are unable to determine the extent or exact nature of the development that has taken place thus far.”

First, why does the Commission’s staff believe that other unpermitted development beyond the “repair and maintenance” activities may have taken place? You have not responded to our earlier requests as to how you came up with any information on the alleged activities on Wildcrew’s property and who trespassed on their property and why. We similarly request information as to how you now believe that other activities may have taken place and who are you relying upon—CCC staff or others? It is pertinent that Wildcrew’s property cannot be seen due to the trees and bush that surround it.

As to the site inspection issue, you and your staff have always been able to schedule a site inspection. Please acknowledge that you and your staff are, in actuality, unwilling to conduct the inspection.

3800 Watt Avenue
Suite 101
Sacramento, CA 95821

Exhibit 10 (page 1 of 3)
CCC-07-NOV-01
(Wildcrew’s Playground, LLC)

Tel 916-486-5900
Fax 916-486-5959

September 26, 2006 - Zumbrun Law
Firm to CCC

You will recall that your staff refused to appear at the first scheduled site inspection. On October 19, 2005, a second inspection occurred but was shortened by the unwillingness of CCC employees to be photographed while performing their official inspection. However, one employee, Tom Sinclair, broke from the group and performed an inspection, with photographs, in violation of the conditions of the warrant (no forced entry). His return was videotaped by Wildcrew's photographer. We would appreciate copies of his illegally gained photographs, notes, and reports.

The Coastal Commission has a tremendous advantage in court when they can rely on the "substantial evidence" rule. When applicable, the rule means that all the government agency has to show is "substantial evidence" to support their position. Even if the opposing party presents "substantial evidence," the public agency still prevails under this rule. The only protection the private party has would be to videotape the inspection as it occurs because a videotape has more weight than mere "substantial evidence" and should prevail in court.

You also indicate that my clients "need to submit a complete application for a CDP to either authorize retention of said development, 'after-the-fact,' or to remove said development and restore the site to its pre-violation condition." Here, we find ourselves caught up in a classic "Catch-22" scenario; the only available evidence of the alleged "pre-violation condition" has already been submitted to the CCC in the form of several historic aerial photographs, which your staff refuses to accept.

As you are aware, this entire matter began with your Notice of Violation letter of July 12, 2005. The opening statement of that letter states: "Our staff has confirmed that ... has occurred on your property" Conspicuous in its absence is any explanation as to how your staff was able to make such a confirmation. Although my clients have repeatedly requested this explanation, none has been provided. It should be noted that, regardless, no activity has taken place nor is intended to take place on this agricultural property since my clients received this letter. Therefore, there is no need for a cease and desist order.

We can only move forward with one or each of two possible presumptions: (1) that your staff's "confirmation" was the result of an unauthorized and illegal trespass upon my clients' private property, or (2) that your initial letter of July 12, 2005 was, by claiming said "confirmation," a successful attempt at entrapment. As such, we again formally request that any and all information including clear photographs pertaining to these alleged "violations" be immediately forwarded to us, including, but not limited to, dated and time-stamped photographs, film, audio and video records; any and all eyewitness accounts and hearsay, with full identification of, and contact information for, any provider(s) of such; telephone logs, minutes of pertinent staff meetings as well as notes from, and transcripts of, same, electronic transmissions, including e-mails and text messages, any and all other information relied upon in the determination that the CCC staff "confirmed" alleged violation took place. You should treat this request as a Public Records Act request pursuant to Government Code section 6251 et seq. A response is requested within 10 days pursuant to Government Code section 6253, subdivision (c).

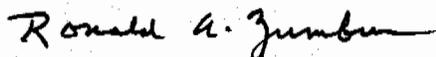
Mr. N. Patrick Veearst

September 26, 2006

Page 3

Inasmuch as this entire case is hinged upon the questionable legality of its inception, the sooner that you and your staff provide the requested materials, the sooner we will be able to move forward. Keep in mind that in your November 28, 2005 letter you indicated that you only needed a quick site inspection to ascertain whether the subject activities are exempt. Such an inspection was made on October 19, 2005. Also, the property is agriculture and has been limited to that use and is exempt. Furthermore, the road preexists the passage of the Coastal Act and is exempt.

Sincerely,



RONALD A. ZUMBRUN
Managing Attorney

cc: Wildcrew's Playground, LLC

Exhibit 10 (page 3 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 26, 2006 - Zumbrun Law
Firm to CCC

THE ZUMBRUN LAW FIRM
A Professional Corporation

RECEIVED
SEP 19 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

September 14, 2006

Mr. N. Patrick Veasart
Southern California Enforcement Officer
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

VIA FACSIMILE
805.641.1732

Dear Mr. Veasart:

Re: V-4-05-063 (Wildcrew's Playground, LLC)

Wildcrew's Playground, LLC has forwarded to this firm a copy of your letter to Ms. Donna Shen, dated September 7, 2006, concerning alleged unpermitted development. This firm represents Wildcrew's Playground, LLC. Please be advised that Ronald A. Zumbrun, the attorney primarily handling this matter, is out of town at trial through the end of this week and part of next week. We therefore respectfully request a one-week extension of time in which to respond, up to and including Wednesday, September 27, 2006. We would appreciate your response to this request by Friday, September 15, 2006.

Thank you in advance for your consideration of this matter.

Sincerely,


TIMOTHY V. KASSOUNI
Senior Attorney

cc: Donna Shen, Schmidt & Assoc.

Exhibit 11
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 14, 2006 - Zumbrun Law
Firm to CCC

3800 Watt Avenue
Suite 101
Sacramento, CA 95821

Tel 916-486-5900
Fax 916-486-5959

CALIFORNIA COASTAL COMMISSION

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



September 7, 2006

Wildcrew's Playground, LLC
c/o Schmitz & Associates, Inc.
Attn: Donna Shen
5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301

Re: V-4-05-063 (Wildcrew)

Dear Ms. Shen,

In a letter dated July 13, 2006, Deanna Christensen notified you that your request for an "after-the-fact exemption for brush clearance and repair and maintenance of an existing driveway" on your client's property located on Old Topanga Canyon Road (Los Angeles County APN 4438-018-005) was denied. The above-mentioned work is not exempt from coastal development permit requirements because the area where the development occurred is located in an Environmentally Sensitive Habitat Area (ESHA).

In a letter to me dated September 19, 2005, you state: "...that the majority of the work performed consisted of minor brush clearance and repair and maintenance activities meeting Section 30610 of the Coastal Act's definition of activities which do not require a CDP. For the minor amount of repair and maintenance work that does not qualify as exempt activity, please be advised that we will be submitting a CDP application for the same."

As you were informed in our letter of July 13, 2006, we do not believe that development activities undertaken by your clients are exempt from permit requirements under the Coastal Act. Even if the type of development performed could potentially be exempt as repair and maintenance under the right conditions, under Section 13252(a)(3) of the Coastal Act regulations, a coastal development permit is required for "[a]ny repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area" that involves the removal of solid materials or the presence of mechanized equipment. Moreover, we have also received no application to address the other development even your clients admitted was not exempt.

Furthermore, Commission staff believes that other unpermitted development beyond the purported "repair and maintenance" activities you describe may have taken place on the subject property. Because we have been unable to conduct a site inspection, we are unable to determine the extent or exact nature of the development that has taken place thus far.

I am writing to remind you and your clients that *all* unpermitted development that has taken place on the subject property is an ongoing violation of the Coastal Act. Your clients need to submit a complete application for a CDP to either authorize retention of said development, "after-the-fact," or to remove said development and restore the site to its pre-violation condition. Please contact me by **September 20, 2006** to inform me as to how your clients intend to proceed.

Exhibit 12 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 7, 2006 - CCC to Schmitz
and Assoc.

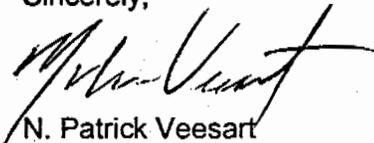
I must remind you and your clients that Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Coastal Act section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in which the violation persists.

In addition, we remind you that Sections 30803 and 30805 of the Coastal Act authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) of the Coastal Act provides that any person who undertakes development in violation of any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500. Coastal Act section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can 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.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against your property.

Please feel free to contact me at 805.5851800 if you have questions regarding this violation case.

Sincerely,



N. Patrick Veasart
Enforcement Supervisor

cc: Lisa Haage, Chief of Enforcement
Amy Roach, Deputy Chief Counsel
Alex Helperin, Staff Counsel
Gary Timm, District Manager
Steve Hudson, Supervisor, Planning and Regulation
Tom Sinclair, District Enforcement Officer
Deanna Christensen, Coastal Program Analyst
Rosanna Miramontes, Deputy Attorney General

Exhibit 12 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 7, 2006 - CCC to Schmitz
and Assoc.

THE ZUMBRUN LAW FIRM
A Professional Corporation

December 28, 2005

Ms. Rosana Miramontes
Deputy Attorney General
Land Law Section
California Department of Justice
300 S. Spring Street
Los Angeles, CA 90013

RECEIVED
JAN 03 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Ms. Miramontes:

Re: V-4-05-063 (Wildcrew's Playground, LLC)

I am contacting you in response to a letter from N. Patrick Veesart in the above-referenced matter, dated December 8, 2005, in which he requested that I address my future correspondence to you. While we firmly hold that our clients have an absolute right to video record the Coastal Commission staff's inspection of their property, we hope to work out an amicable solution.

In my letter to Mr. Veesart, I informed him that my clients consent to a site inspection. The only condition is that the inspection be at a mutually agreeable time so my clients can be present. Otherwise, there are no other conditions. Mr. Veesart and his staff are advised that the video recording of the inspection will take place—with or without their consent—so my clients can protect themselves from any potential allegations made against them. Thus, the staff's consent to being filmed is not a condition to the inspection. I indicated in my letter that my clients are available after January 16, 2006, for an inspection, but it was unclear from Mr. Veesart's letter whether he would be attempting to schedule another inspection. They are still willing to schedule the inspection.

Mr. Veesart expressed some concern that the film may be used inappropriately in a documentary. In an effort to allay those concerns and resolve the current impasse, my clients are offering to provide the Commission staff with (1) a complimentary copy of the unedited, raw footage taken during the inspection, and (2) should any of the footage be released to the public at some future date, whether in a documentary or otherwise, a complimentary copy of such film or video presentation in its entirety at least 30 days before its release for the sole purpose of giving the Commission staff opportunity to pursue any legal remedies which may be available to them.

3800 Watt Avenue
Suite 101
Sacramento, CA 95821

Exhibit 13 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Tel 916-486-5900
Fax 916-486-5959

December 28, 2005 - Zumbrun Law
Firm to DOJ

Ms. Rosana Miramontes

December 28, 2005

Page 2

I hope that we can resolve this matter. If Mr. Veesart and his staff still want to conduct another inspection, he can contact my clients directly or you can contact me. On a final note, should we encounter the unfortunate situation of failing to resolve this matter informally, we request that the Commission staff give us notice and an opportunity to be heard on any civil inspection warrant that the Commission staff may seek. However, I hope that will not be necessary.

Sincerely,



KEVIN D. KOONS

Attorney at Law

cc: Mr. Dan Norris
Mr. Richard Oshen
Mr. N. Patrick Veasart ✓

Exhibit 13 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

December 28, 2005 - Zumbrun Law
Firm to DOJ

CALIFORNIA COASTAL COMMISSION

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



8 December 2005

Mr. Kevin D. Koons
Attorney at Law
The Zumbrun Law Firm
3800 Watt Avenue, Suite 101
Sacramento, CA 95821

Re: V-4-05-063 (Wildcrew's Playground LLC)

Dear Mr. Koons:

Thank you for your letter dated December 2, 2005, which I am in receipt of. I would like to clarify a few points you raise in that letter:

1. While it is true that I cancelled a tentatively scheduled site inspection on August 2, 2005, I did so because it was only on that morning that I learned that a professional film crew, filming a documentary, would definitely be on site to film Commission staff. I had previously informed Ms. Shen of Schmitz and Associates, that I did not give my consent to be filmed and that I would not participate in a site inspection where a documentary was being filmed. My final commitment to attend the tentatively scheduled inspection was contingent upon Ms. Shen's assurance that Commission staff would not be filmed. I am sorry if Mr. Norris was inconvenienced, but I was quite clear about staff's position on this in my conversations with Ms. Shen. Either Mr. Norris did not take our position seriously, or there was miscommunication between he and Ms. Shen. I also clarified all this in a letter to Ms. Shen dated August 4, 2005.
2. On October 19, while the Sheriffs, Ms. Miramontes, and Mr. Norris discussed the fine points of the inspection warrant, Mr. Sinclair walked about 100' up the road. After approximately 5 minutes, and once it became clear that Mr. Norris was unwilling to comply with the inspection warrant, Mr. Sinclair was asked to return by Ms. Miramontes. Since the subject site is an approximately 40-acre parcel, I would hardly characterize this as a site inspection. Given the size of the parcel, the steepness of the locality, and the tree cover, Mr. Sinclair was only able to see a tiny fraction of the property.
3. While I appreciate the "amicable" tone of your letter, the reality is that Mr. Norris and the "Wildcrew" continue to unreasonably condition the required site inspection by insisting that a professional film crew, who we have already been informed are filming a documentary, be on the property to film Commission staff.

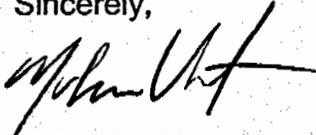
Exhibit 14 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

December 8, 2005 - CCC to Zumbrun
Law Firm

As I have tried to make quite clear to you, Ms. Shen, and your clients, this is not acceptable.

Thank you for taking the time to write. If you have any questions, or suggestions as to how we might truly resolve this amicably, please contact Ms. Miramontes or if your clients prefer they can contact me directly.

Sincerely,



N. Patrick Veesart
Southern California Enforcement Supervisor

cc: Lisa Haage, Chief of Enforcement, CCC
Amy Roach, Deputy Chief Counsel, CCC
Sandy Goldberg, Staff Attorney, CCC
Gary Timm, District Manager, CCC
Steve Hudson, Supervisor, Planning and Regulation, CCC
Rosana Miramontes, Deputy Attorney General, DOJ
Donna Shen, Regional Manager, Schmitz and Associates

Exhibit 14 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

December 8, 2005 - CCC to Zumbrun
Law Firm

THE ZUMBRUN LAW FIRM
A Professional Corporation

RECEIVED

DEC 06 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

December 2, 2005

Mr. N. Patrick Veasart
Southern California Enforcement Officer
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

VIA FACSIMILE
805.641.1732

Dear Mr. Veasart:

Re: V-4-05-063 (Wildcrew's Playground, LLC)

My clients, Wildcrew's Playground, LLC, and Mr. Dan Norris, sent me a copy of your letter to Ms. Donna Shen, dated November 23, 2005, and received November 28, 2005, concerning another site visit and requested that I respond on their behalf. They, too, believe that this situation can be resolved amicably.

First, please note that your office made arrangements to conduct a site inspection on August 2, 2005, at 11:00 a.m. Although Mr. Norris was present at the site for the inspection, the Coastal Commission staff cancelled the appointment a mere half-hour before the agreed upon inspection time. By that time, however, Mr. Norris had relied on the scheduled appointment to his detriment in that he had already expended certain resources to accommodate the inspection. Additionally, on October 19, 2005, Mr. Tom Sinclair of your office inspected the property and took photographs as evidenced by the video footage recorded by Mr. Richard Oshen that day.

Nevertheless, Mr. Norris has indicated to me his willingness to allow you and your staff to conduct an additional site inspection of the property on Old Topanga Canyon Road, despite these earlier opportunities for an inspection. To be clear, Mr. Norris is granting the Coastal Commission staff *unconditional* access to the property, provided that the inspection is conducted at a mutually agreeable time. Moreover, the inspection is not conditioned upon filming the inspection or upon the staff giving their consent to being filmed.

3800 Watt Avenue
Suite 101
Sacramento, CA 95821

Exhibit 15 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Tel 916-486-5900
Fax 916-486-5959

December 2, 2005 - Zumbrun Law
Firm to CCC

Mr. N. Patrick Veasart

December 2, 2005

Page 2

Additionally, Mr. Norris has invited Mr. Oshen to film the inspection, which will occur with or without the staff's consent. Upon inquiry from Mr. Norris, I have advised him that the law does not prohibit his or Mr. Oshen's filming the inspection, even without the staff's consent. Nor does the law give administrative officials, such as Coastal Commission staff, a right of privacy against the filming of an official inspection such as this. While there may be legitimate privacy concerns at a future date, those concerns may be addressed if the film is used or distributed in such a way that may violate any potential privacy rights. However, nothing prohibits the mere filming of the inspection at this time. Moreover, any prohibition on filming implicates Mr. Oshen's and Mr. Norris' First Amendment rights, as well as Mr. Norris' right to gather evidence in defense of potential criminal, quasi-criminal, or civil proceedings brought against him by the Coastal Commission or other potential parties.

My clients appreciate your assurance that you and your staff will be respectful of their property and that you will conduct your work quickly and professionally. Mr. Norris continues to give his assurance that the filming will be respectful and professional and will not hinder or impede your inspection in any way. He has explicitly instructed the filming crew accordingly.

Please contact me at your convenience to arrange for a site inspection so we can finally and amicably resolve this matter. Mr. Norris informs me that he will be available to meet at the property after mid-January 2006.

Sincerely,



KEVIN D. KOONS

Attorney at Law

cc: Donna Shen, Schmidt & Assoc.

Exhibit 15 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

December 2, 2005 - Zumbrun Law
Firm to CCC

December 2, 2005

RECEIVED
DEC 05 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Via Facsimile and Federal Express

N. Patrick Veasart
Southern California Enforcement Team
California Coastal Commission
89 South California Street
Ventura, CA 93001

**RE: Old Topanga Canyon Road, Los Angeles County, APN 4438-018-005;
V-4-05-063**

Dear Mr. Veasart:

I am in receipt of your letter dated November 23, 2005 in which you request that I contact my clients (property owners of the above-referenced subject parcel) and advise them that CCC staff is once again requesting a site inspection without camera crews present. Please be advised that I forwarded a copy of your letter to my clients via e-mail on November 28th and they have acknowledged receipt of the same. I requested that they discuss the matter further with their attorney and to let me know what their decision is in response to your request so that I may communicate this to you. It is my understanding that their attorney will be responding to your correspondence. As the decision about the terms of this site inspection is and has always been that of my clients, I as their planning consultant cannot respond to your request. As soon as they have made and communicated a decision to me, I will be sure to advise you of the same.

In the interim, we continue to prepare, on the property owners' behalf, the necessary materials to submit a Coastal Development Permit application, as previously advised.

Should you have any questions, please do not hesitate to contact us.



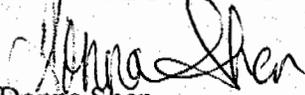
SCHMITZ & ASSOCIATES, INC

Executive Office
20000 Van
4334 Oak
Agoura Hills
Tel: 805.321.1111

Exhibit 16 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

December 2, 2005 - Schmitz and
Assoc. to CCC

Sincerely,
SCHMITZ & ASSOCIATES, INC.


Donna Shen
Regional Manager

XC: Wildcrew's Playground, LLC (via e-mail)
Lisa Haage, Chief of Enforcement, CCC (via facsimile)
Amy Roach, Deputy Chief Counsel, CCC (via facsimile)
Tom Sinclair, District Enforcement Officer, CCC (via facsimile)
Steve Hudson, Supervisor of Planning and Regulation, CCC (via facsimile)
Gary Timm, District Manager, CCC (via facsimile)
Rosana Miramontes, Deputy Attorney General (via facsimile)
Chris Deleau, Corporate Counsel (via e-mail)

Exhibit 16 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

December 2, 2005 - Schmitz and
Assoc. to CCC

CALIFORNIA COASTAL COMMISSION

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



23 November 2005

Donna Shen, Regional Manager
Schmitz and Associates Inc.
5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301

Re: V-4-05-063 (Wildcrew's Playground)

Dear Ms. Shen:

I am writing to again make contact with you and your clients, Wildcrew's Playground LLC, regarding the possibility of a site visit to their property on Old Topanga Road (APN 4438-018-005) in light of recent developments. As you know, we attempted to conduct a site inspection on October 19, 2005 under the authority of the warrant issued by Judge McCoy that did not allow said site inspection to be "...conditioned or otherwise contingent on the filming, videotaping, or otherwise recording of agents authorized hereby before, during, or after the inspection, unless the agents give their written consent." We understand that your client's refusal to allow the inspection under the warrant, as ordered by the Court, has resulted in your clients facing potential misdemeanor charges. This situation is unfortunate. Our intention has always been to conduct this necessary inspection respectfully, professionally, and with as little disturbance of the property owners as possible.

We still have hope that we can resolve this issue amicably. As noted in our letters over the last few months, we need to conduct a site inspection in order to determine the extent of the work performed and to make a determination as to what work might be exempt, and what work might require a coastal development permit (CDP).

In addition, I am in receipt of your letters dated September 19, 2005 and September 30, 2005 in which you, on behalf of your clients, indicate that you have submitted requests for a coastal development permit exemption and an application for a vested rights determination. While we greatly appreciate the aerial photographs and other materials that you have provided, we still need to conduct a site inspection in order to process your requests.

In your letter to me dated September 19, 2005, you indicate that for the "...work that does not qualify as exempt activity..." you would be submitting a CDP application. Again, as is required in the normal course of a permit application process, we will need to conduct a site inspection in order to process that application when we receive it.

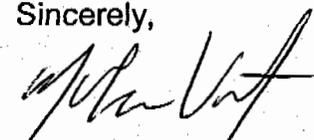
Exhibit 17 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

November 23, 2005 - CCC to Schmitz
and Assoc.

In light of the continuing need for a site inspection, particularly one attendant to your recently submitted applications, we need to revisit the issue of scheduling a site visit. Would you please ask your clients whether it would be possible for us to set up a date for a routine site inspection in the near future? The site visit cannot be limited or conditioned in any manner and we (Coastal Commission staff) do not consent to be filmed. We would very much like to resolve this amicably without having to seek judicial relief again. Please let me know at your earliest convenience if this is a possibility.

Thank you, in advance, for looking into this. I am sorry that this has escalated into something larger than it needs to be. I hope we can all step back, take deep breath, and come up with a way to resolve this issue with as little disruption as possible. Your clients have my assurance that we will be respectful of their property and will conduct our work quickly and professionally. Please call me if you have questions or want to discuss this.

Sincerely,



N. Patrick Veesart
Southern California Enforcement Supervisor

cc: **Lisa Haage, Chief of Enforcement**
Amy Roach, Deputy Chief Counsel
Sandy Goldberg, Staff Attorney
Tom Sinclair, District Enforcement Officer
Steve Hudson, Planning and Regulation Supervisor
Gary Timm, District Manager
Rosana Miramontes, Deputy Attorney General

Exhibit 17 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

November 23, 2005 - CCC to Schmitz
and Assoc.



Development Consulting Permit Processing

5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301
Tel: (818) 338-3636; Fax: (818) 338-3423

RECEIVED
OCT 18 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Memorandum

To: Pat Veasart

CC: Tom Sinclair

Via Fax: (805) 641-1732

CC: Wildcrew's Playground, LLC (via e-mail)

From: Donna Shen

Date: October 18, 2005

Re: Inspection Warrant for Old Topanga property (APN 4438-018-005); V-05-063

Urgent:	For Review:	Please Comment:	Please Return:	Required Action:
XX				

Mr. Veasart and Mr. Sinclair:

The property owners of the above-referenced property have requested a copy of the inspection warrant (which you advised me this morning that you have obtained) in advance of tomorrow's 11 a.m. site inspection. It is their continued position that they have the right to and will film anyone who enters their property. Please provide us a copy of the warrant immediately. You may fax a copy to my office at (818)338-3423.

Thank you.

Donna Shen

Exhibit 18
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

October 18, 2005 - Schmitz and
Assoc. to CCC

NOTE: THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT'S NAMED ABOVE. IF THE READER OF THIS FAX IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE BY MAIL. THANK YOU.



Development Consulting Permit Processing

RECEIVED
OCT 18 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301
Tel: (818) 338-3636; Fax: (818) 338-3423

RECEIVED
OCT 18 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Memorandum

To: Pat Veesart CC: Wildcrew's Playground

From: Donna Shen

Date: October 18, 2005

Re: Inspection Warrant for Old Topanga property (APN 4438-018-005): V 05 063

Urgent:	For Review:	Please Comment:	Please Return:	Required Action:
X				

Mr. Veesart:

Thank you for responding to the memorandum that I faxed to you earlier today in which I requested a copy of the inspection warrant on behalf of Wildcrew's Playground, LLC. I have advised my clients of the telephonic discussion we just had in which you advised that subsequent to conversations you had with Coastal legal counsel, you will **not** be providing us with a copy of the inspection warrant in advance of the 11:00 a.m. October 19, 2005 inspection. Specifically, you advised that you will provide it to the property owners or their agents at tomorrow's site inspection.

In response to my request that you advise us who the issuing judge was, you responded that you will also not share this information with me in advance of the inspection.

You did advise that the inspection warrant specifically prohibits the property owners from filming the CCC site inspection without written consent from CCC staff.

I have advised my clients of all of the above.

Exhibit 19
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

October 18, 2005 - Schmitz and
Assoc. to CCC

NOTE: THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. IF THE READER OF THIS FAX IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE BY MAIL. THANK YOU.



Provider of Land Use Planning
for a Better Community

RECEIVED

SEP 30 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

September 30, 2005

Via Hand Delivery

N. Patrick Veasart
Southern California Enforcement Team
California Coastal Commission
89 South California Street
Ventura, CA 93001

**RE: Old Topanga Canyon Road, Los Angeles County, APN 4438-018-005;
V-4-05-063**

Dear Mr. Veasart:

Pursuant to my correspondence dated September 19, 2005, we submitted to your office today the attached aerials to supplement the CDP exemption and vesting determination requests submitted last week. As you can see from the series of aerial photos obtained from Whittier College's Fairchild Collection, the existing driveway leading up from Old Topanga which winds up the southwest region of our clients' property to an existing pad area is clearly visible since 1949 (as is the subject pad). In addition to this 1949 aerial photo, we are also submitting Fairchild Collection aerials from 1954, 1956, and 1958 which also clearly illustrate the long existence of the subject driveway and upper pad.

Please be advised that the property owners continue to abstain from any and all activities which may constitute development of this property while we work with you to resolve this matter.

Should you have any questions or comments, please do not hesitate to contact us.

Sincerely,
SCHMITZ & ASSOCIATES, INC.

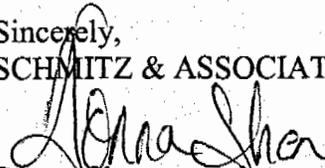

Donna Shen
Project Team Manager

Exhibit 20 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 30, 2005 - Schmitz and
Assoc. to CCC

XC: Wildcrew's Playground, LLC (via e-mail)
Lisa Haage (via facsimile without attachments)

Exhibit 20 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 30, 2005 - Schmitz and
Assoc. to CCC



Provider of Land Use Planning
for a Better Community

September 19, 2005

Via Hand Delivery and Facsimile

N. Patrick Veersart
Southern California Enforcement Team
California Coastal Commission
89 South California Street
Ventura, CA 93001

RECEIVED
SEP 19 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

**RE: Old Topanga Canyon Road, Los Angeles County, APN 4438-018-005;
V-4-05-063**

Dear Mr. Veersart:

Pursuant to our July 19, 2005 telephone discussion and my subsequent correspondence memorializing the same, on behalf of our clients (the property owners of the above-referenced property), we have submitted to your office today Coastal Development Permit (CDP) exemption and vesting determination requests (attached). Specifically, we are requesting that CCC staff note that the driveway on this property has been in existence since at least the 1940s (historical aerials showing the driveway have been ordered and will be submitted next week) and the majority of the work performed consisted of minor brush clearance and repair and maintenance activities meeting Section 30610 of the Coastal Act's definition of activities which do not require a CDP. For the minor amount of repair and maintenance work that does not qualify as exempt activity, please be advised that we will be submitting shortly a CDP application for the same. In said application, applicants will also be proposing some restoration activities which will be specified further in the CDP application.

Please be advised that the property owners continue to abstain from any and all activities which may constitute development of this property while we work with you to resolve this matter.

Should you have any questions or comments, please do not hesitate to contact us.

Exhibit 21 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 19, 2005 - Schmitz and
Assoc. to CCC

29350 West Pacific Coast Highway, Suite 12, Malibu, California 90265

Tel: 310.589.0773 • Fax: 310.589.0353 • Email: info@schmitzandassociates.net • Website: schmitzandassociates.com

Sincerely,
SCHMITZ & ASSOCIATES, INC.


Donna Shen
Project Team Manager

XC: Wildcrew's Playground, LLC (via e-mail)
Lisa Haage (via facsimile without attachments)
Steve Hudson

Exhibit 21 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 19, 2005 - Schmitz and
Assoc. to CCC



SCHMITZ & ASSOCIATES, INC.
Provider of Land Use Planning
for a Better Community

RECEIVED

AUG 10 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

August 8, 2005

Via Federal Express and Facsimile

N. Patrick Veasart
Southern California Enforcement Team
California Coastal Commission
89 South California Street
Ventura, CA 93001

**RE: Old Topanga Canyon Road, Los Angeles County, APN 4438-018-005;
V-4-05-063**

Dear Mr. Veasart:

I am in receipt of your correspondence dated August 4, 2005. Thank you for going into greater depth in your chronology of our telephonic discussions regarding the issue of the site inspection and filming of the same. I believe that we are largely in agreement with respect to the content of our discussions. However, on behalf of my clients, I would like to make an inquiry, reiterate some points previously made and make a few clarifications.

First, my clients have requested that I inquire on their behalf as to how the CCC was able to make a determination that alleged unpermitted activity constituting development occurred on the property prior to CCC staff conducting a site inspection. They have advised me that "No Trespassing" signs have been posted at the entrance to the property since they purchased it this past Spring.

I must reiterate that my clients have always allowed and continue to allow CCC staff to conduct a site inspection (as a component of both the violation case and the upcoming CDP application process) pursuant to a mutually agreed upon time, with adequate advance notice, and with participation by them and/or an agent of theirs. In addition, my clients continue to feel that it is their legal right to film persons who enter their property and thus any inspections will be filmed by a film crew authorized by my clients.

Upon reviewing your August 4th correspondence, my clients have advised me that I misunderstood them and thus misspoke when I previously stated to you that they were not amenable to CCC assembling and bringing their own film crew to concurrently film any CCC site inspections. Although in your August 4th correspondence you advised that CCC staff no longer deems this concurrent filming option to be an acceptable solution,

Exhibit 22 (page 1 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

August 8, 2005 - Schmitz and Assoc.
to CCC

my clients have recently directed me to clarify this matter and to state for the record that they never prohibited this option.

You stated in your August 4th correspondence that “[w]e very much desire to keep these proceedings on a professional footing and are not interested in doing anything which would result in confrontation or posturing.” As I have previously advised, one of my clients’ goals is to not impede CCC staff’s site visits. As such, the film crew would have been positioned so as to allow staff unconstrained and unimpeded movement about the subject property. In addition, CCC staff would not have been asked to speak to the film crew (as you made it clear that you did not wish to be interviewed). Thus, there would be no “confrontation” and no “posturing” required. Furthermore, it is my clients’ goal to keep these proceedings on a professional footing as well. Although the initial idea of filming the site inspection originated from their filmmaker friend’s desire to make a documentary regarding land development in the area in general, my clients have come to feel strongly that they must protect themselves from trespassers and other activities that may trigger improper enforcement actions. As such, they feel that filming any activity—including CCC staff site inspection—that occurs on their property will help protect them from possible distortions of fact. As a CCC site visit is an activity conducted by a state agency, it is the opinion of my clients that in the spirit of the Bagley-Keene Act, staff should not feel constrained by the idea that the inspection may be viewed by the general public.

In conjunction with the after-the-fact CDP application we are preparing, please be advised that we are also preparing documentation to establish that the alleged work that my clients conducted was actually repair and maintenance of a road which the previous property owner (who held the property for decades) advises was in existence since at least the 1960s. When you conduct the site inspection in the future, you will be able to clearly see the old asphalt road beneath dirt which has washed onto the old road.

My clients continue to strive to work in a cooperative fashion with CCC staff to resolve this violations case which they feel was opened prematurely. Not only have they retained Schmitz & Associates to assist them in preparing and processing the CDP application, but they have already proactively retained arborist/landscape architect Bruce Malinowski to prepare the requisite oak tree plan and report for submittal to Los Angeles County and to prepare an erosion control plan which they are ready to implement once approved by the appropriate agencies.

Please do not hesitate to contact me with any questions or comments. We look forward to continuing to work with you to resolve this matter.

Sincerely,
SCHMITZ & ASSOCIATES, INC.

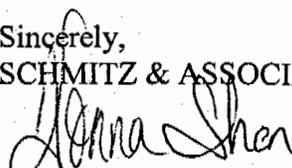

Donna Shen
Project Team Manager

Exhibit 22 (page 2 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

August 8, 2005 - Schmitz and Assoc.
to CCC

XC: Wildcrew's Playground, LLC (via e-mail)
Lisa Haage (via facsimile)
Sandy Goldberg (via facsimile)
Jack Ainsworth (via facsimile)
Steve Hudson (via facsimile)

Exhibit 22 (page 3 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

August 8, 2005 - Schmitz and Assoc.
to CCC

CALIFORNIA COASTAL COMMISSION

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



4 August 2005

Donna Shen
Schmitz and Associates
29350 West Pacific Coast Highway, Suite 12
Malibu, CA 90265

Re: V-4-05-063 (Wildcrew's Playground)

Dear Ms. Shen:

I am in receipt of your correspondence dated August 2, 2005. I appreciate your attempt to outline the phone conversations we have been having since July 19, 2005 regarding the unpermitted grading, cutting of oak trees, and vegetation removal on a parcel of land (APN 4438-018-005) owned by your clients, the Wildcrew's Playground LLC. However, in the interest of accuracy and clarity, I must make a few comments in response.

On July 27, 2005, you contacted me and told me that a "filmmaker" friend or acquaintance of your clients wished to film a documentary about land development in California and, specifically, how difficult it is to develop in the Santa Monica Mountains. You informed me that this "filmmaker" would be onsite filming during the site visit we had scheduled for August 2, 2005. Having never encountered this unusual situation before, I responded that I would need to talk to my supervisors and counsel about this. I did not "request information" about the filmmaker, but rather expressed the reservations I had about not knowing who this person was or how this film was going to be used. I told you I would get back to you regarding filming at the site visit.

We spoke again on July 28, 2005 and I advised you, at that time, that I did not wish to be filmed and that the property owner's insistence on filming the site visit was "not helpful." I made it clear to you that I needed access to the site to assess the extent of the unpermitted development so as to inform the process in anticipation of your clients' promised CDP application. The purpose of a site visit is to observe and record site conditions, not to engage in some sort of performance. Site visits are a very standard component of the CDP application process, as you are well aware, and are designed to assist in the permitting process you indicated your clients wanted to pursue. You told me that your clients were aware of my concerns, but insisted that they had a legal right to film if they so chose. I conceded that they may have a legal right to undertake legal activities at their site - including documenting site conditions before or after my visit - but that I did not want to be filmed during the site inspection since it was not helpful and it would both distract from and impede the work I had to do. I again expressed reservations also about how the film was to be used and the possibility of any part of the

Exhibit 23 (page 1 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

August 4, 2005 - CCC to Schmitz and Assoc.

site visit being taken out of context, edited or otherwise being misconstrued. I suggested that a very modest solution would be for us (CCC) to also film the site visit so that we would have our own record to avoid there being any confusion or miscommunication later. I offered this option in the interest of quickly settling this matter in a way that might be acceptable to your clients, even though we did not agree with your position, and even though it would have the potential to cause us inconvenience and additional expense. In addition, since all site visits include photographic records, this would be generally in keeping with the usual site inspection procedures. You said that you would discuss that possibility with your client. You gave me the name and phone number of the filmmaker (Richard Ocean) and suggested that I call him. You advised me that he was "independent" and not retained by your client.

I called you on Monday, August 1, 2005 and you told me that you had discussed my reluctance to be filmed with your clients and my proposal that the CCC also film the site visit on the previous Friday. You said it was not acceptable to your clients for us to film, even if we agreed to also have your clients' film crew present at the same time. You told me that a final decision about the filming was still pending, but that as far as you knew, the film crew was still planning on being there. I reiterated my wish not to be filmed in the absence of our ability to also record events so as to avoid any misunderstandings later on. You told me that you would let me know about the site visit.

We spoke again on August 2, 2005 and you told me that Richard Ocean would be on site and that your clients had apparently made a decision to film the site visit (scheduled for that morning). Consistent with our previous conversations, I then declined to be unilaterally filmed without our being given permission to similarly record events, and told you that I would not be at the site as scheduled. I said that I would explore other options for getting on site including the possibility of an Inspection Warrant. I also, again, suggested that it might be feasible for your clients to film as long as we also were able to make our own film. You reiterated your clients' refusal to allow us to videotape the site visit. We left the conversation with you saying that you had not understood that I would not be at the site visit if filming was to occur and that you would again discuss the matter with your clients. I told you that I would need to hear from you by 9:30 am if I was to make an 11:00 am site visit. You told me that you might call me back, but I did not hear from you until I received your letter (faxed) that same day.

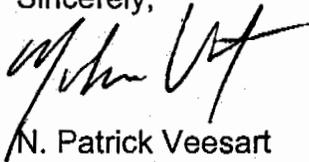
Your client's offer to allow CCC enforcement staff on the property only on the condition "...that and any all inspections will be filmed by film crews authorized by them" is not acceptable. Your clients may not use my photograph or likeness without my permission; permission that they do not have. Again, I note that the purpose of a site visit is to observe and record site conditions and not to engage in some sort of performance. We very much desire to keep these proceedings on a professional footing and are not interested in doing anything which would result in confrontation or posturing. We note that your clients have full and unimpeded access to their own property and can visit it at anytime with anyone in whose films they would like to appear. It is not appropriate for the owners of property to demand that Coastal Commission staff to agree to appear in a documentary film in order to carry out their job of inspecting a site where violations of

the Coastal Act are alleged to exist. Although in an effort to reach an agreement so that the site visit could occur as scheduled, I previously offered that your clients could film the site visit if I could also film it, upon further consultation, we have determined that this would not be acceptable. We will not authorize your clients to film or photograph the Commission staff during a site visit for a documentary. We also note that your clients have indicated that they will be attempting to obtain a permit for the unpermitted development and they may not avoid the legitimate site visit necessary to evaluate such a permit application.

My hope is that your clients will reconsider and allow a site visit. If not, we will be forced to pursue other means of assessing the conditions onsite. Possibilities include an Inspection Warrant or other law enforcement or administrative remedies.

Please contact me by **August 8, 2005** as to how your clients would like to proceed. If you have any questions, please feel free to call me anytime.

Sincerely,



N. Patrick Veersart
Southern California Enforcement Team Leader

cc: Lisa Haage, Chief of Enforcement
Tom Sinclair, District Enforcement Officer
Sandy Goldberg, Staff Counsel
Steve Hudson, Supervisor, Permitting and Regulation
Gary Timm, District Manager

Exhibit 23 (page 3 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

August 4, 2005 - CCC to Schmitz and
Assoc.



August 2, 2005

Via Certified Mail and Facsimile

N. Patrick Veasant
Southern California Enforcement Team
California Coastal Commission
89 South California Street
Ventura, CA 93001

**RE: Old Topanga Canyon Road, Los Angeles County, APN 4438-018-005;
V-4-05-063**

Dear Mr. Veasant:

This correspondence serves to memorialize the telephonic discussions we have had over the past two weeks regarding the site inspection which was scheduled for today.

As previously advised, Schmitz & Associates, Inc. was retained by Wildcrew's Playground, LLC on July 19, 2005 to represent them in the above-referenced matter. I contacted you that day via telephone and later sent correspondence advising you that my client has agreed to submit an after-the-fact Coastal Development Permit (CDP) application.

On July 20, 2005, I called you and we spoke again and scheduled a date and time (11:00 a.m., August 2, 2005) for the site inspection you requested.

On July 25, 2005, my clients advised me that they had a friend who is making a documentary about land development and conservancy, specifically in the Topanga Canyon area, and was interested in filming the August 2nd site inspection. Two days later, on July 27, 2005, I contacted you via telephone and advised you of the same. You stated that you needed to consult with CCC Headquarters and CCC Counsel and would contact me afterwards. You also requested information regarding the filmmaker. I spoke with the filmmaker later that day and he authorized me to provide you with his contact information.

I contacted you the next day on July 28, 2005 and provided you with the filmmaker's name and phone number and encouraged you to speak with him. During this conversation, you advised me that you had spoken with Lisa Haage, Chief of Enforcement, and CCC Staff Counsel and were directed to convey to me that it was the

Exhibit 24 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

August 2, 2005 - Schmitz and Assoc.
to CCC

CCC's preference to not have the site inspection filmed. Although I advised that based on my discussion with the filmmaker it was my understanding that he and his crew would be filming from a distance and thus not be "in the way," you advised that my clients' decision to have film crew on site would impede your investigation and "will not help their situation." I stated that I would contact my clients to relay this message and discuss further with them, which I subsequently did.

On August 1, 2005, you contacted me at which time I advised you that I had yet to receive a final decision from my clients. However, I stated that when I last spoke with them, they were inclined to proceed with the filming.

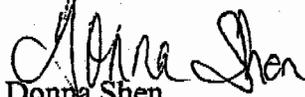
On the morning of August 2, 2005, I called you and advised you that although I had not heard from my clients yet regarding their final decision, I presumed that the film crew would be on site. At this time, you advised me for the first time that you would not attend the site inspection if film crew would also be in attendance, pursuant to the direction of CCC Headquarters. I subsequently contacted and left messages for my clients, the filmmaker and Mr. Malinowski to advise them that you had declined to attend the site inspection today in light of the fact that a film crew would be present.

I have since spoken with my clients and they have advised me that you and CCC enforcement staff have always and continue to be welcome to conduct your inspection of their property (pursuant to a mutually agreed upon time, with adequate advance notice, and with participation by them and/or an agent of theirs). However, they have advised me that any and all inspections will be filmed by film crews authorized by them.

We continue to work to prepare the above-referenced CDP application and intend to submit this in the near future.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,
SCHMITZ & ASSOCIATES, INC.


Donna Shen
Project Team Manager

XC: Wildcrew's Playground, LLC (via e-mail)
Lisa Haage (via facsimile)
Jack Ainsworth (via facsimile)

Exhibit 24 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

August 2, 2005 - Schmitz and Assoc.
to CCC



Provider of Land Use Planning
for a Better Community

RECEIVED

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 19, 2005

Via Federal Express

N. Patrick Veasart
Southern California Enforcement Team
California Coastal Commission
89 South California Street
Ventura, CA 93001

RE: Old Topanga Canyon Road, Los Angeles County, APN 4438-018-005

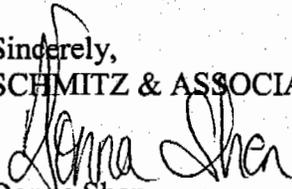
Dear Mr. Veasart:

This correspondence serves to memorialize the telephonic discussion we had this morning. As I advised, we have been retained by Peggy Gilder to represent her in the matter of and assist with addressing V-4-05-063; said matter was outlined by you in correspondence dated July 12, 2005.

Please be advised that any and all activity has ceased and no future activity constituting development will occur without the benefit of a Coastal Development Permit (CDP). Also as discussed, the property owner will be submitting an after-the-fact CDP application. Pursuant to our conversation, you have agreed to allow additional time (beyond the previously stated August 15th deadline) to prepare said application for submittal. Specifically, we will endeavor to submit a complete application by September 19, 2005 (possibly excluding local approvals upon date of submittal as those will likely still be pending during this short timeframe).

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,
SCHMITZ & ASSOCIATES, INC.


Donna Shen
Project Team Manager

CC: Peggy Gilder

Exhibit 25
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

July 19, 2005 - Schmitz and Assoc. to
CCC

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**

12 July 2005

Wildcrew's Playground LLC
Peggy Gilder
13946 Sunset Blvd.
Pacific Palisades, CA 90272

Violation File Number: V-4-05-063

Property location: Old Topanga Canyon Road, Los Angeles County;
Assessor's Parcel Number 4438-018-005

Unpermitted Development: Grading, grading within the dripline of oak trees, cutting of
oak trees, and vegetation removal

Dear Ms. Gilder:

Our staff has confirmed that development consisting of grading, grading within the dripline of Coast Live Oaks (*Quercus agrifolia*), cutting of native oak trees, and removal of native vegetation has occurred on your property, which is located within the Coastal Zone. 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 grading and vegetation removal 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.

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. Removal of the development and restoration of the site also requires a coastal development permit. Therefore, in order to resolve this matter administratively, you must submit a complete coastal

Exhibit 26 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

July 12, 2005 - CCC to Wildcrew's
NOV letter

development permit application to either retain the development, or to remove the unpermitted development and restore the site to its previous condition.

Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Coastal Act section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in which the violation persists.

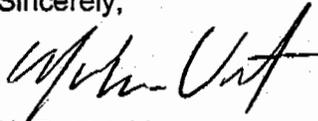
In addition, we remind you that Sections 30803 and 30805 of the Coastal Act authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) of the Coastal Act provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500. Coastal Act section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can 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.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against your property.

In order to resolve this matter in a timely manner and avoid the possibility of a monetary penalty or fine, you must stop all work immediately and submit a complete coastal development permit application by **August 15, 2005** for either removal of the unpermitted development and restoration of the site or to authorize the as-built development. For your convenience, a coastal development permit application has been enclosed. Please contact me by no later than **July 20, 2005** regarding how you intend to resolve this violation.

Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me.

Sincerely,



N. Patrick Veersart
Southern California Enforcement Team Leader

cc: Gary Timm; Coastal Program Manager
Steven Hudson, Supervisor, Planning and Regulation
Tom Sinclair, Enforcement Officer

Enclosures: Coastal Development Permit Application

Exhibit 26 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

July 12, 2005 - CCC to Wildcrew's
NOV letter

Pat Veesart

From: [REDACTED]
Sent: Wednesday, June 22, 2005 12:27 PM
To: pveesart@coastal.ca.gov
Subject: 2nd photo

If these come through- the date of the 1st photo was 6/5/05 and this one was 6/21/05 - you can clearly see the extra grading that went on in that time- not to mention the cut oak branch in the 2nd photo.

[REDACTED]

12/1/2006

Exhibit 27
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

June 22, 2005 - Anonymous to CCC

Pat Veesar

From: Steve Hudson
Sent: Tuesday, June 21, 2005 4:04 PM
To: Pat Veesar; Tom Sinclair
Subject: FW: Illegal grading
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tom and Pat - FYI, not sure if this is one of the oak tree cases that you're already investigating or not.
-Steve

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, June 21, 2005 3:09 PM
To: wromo@lacofd.org; SNissman@bos.co.la.ca.us; shudson@coastal.ca.gov
Subject: Illegal grading

I have reported (twice) to LA County Building and Safety that there is illegal grading going on on the slope across from our house at [REDACTED] Old topanga Cyn Rd. The grading machine started up again today and I called them once again this afternoon. I was told that I need to call the building inspectore myself again tomorrow between 8-9. This grading is taking place under oaks (both cut and fill) and branches are being cut.

I have notified coastal and the forestry department as well.

What does it take to get some action to get this stopped???? They have been doing this for 3-4 weeks now and there has been incedible amounts of damage done that could have been prevented if someone had stopped this in a timely manner.

You can see part of the work from our property at [REDACTED] Old Topanga cyn rd and are welcome to come on the property to look. If you want, call [REDACTED]

[REDACTED]

Pat Veesar

From: [REDACTED]
Sent: Monday, June 06, 2005 7:18 PM
To: wromo@lacoofd.org; pveesart@coastal.ca.gov
Subject: Grading and oak tree violation on Old Topanga Cyn Rd
Follow Up Flag: Follow up
Flag Status: Flagged

Hi-

I called the Calabasas B&S office last Tuesday (5/31) to report a grading and oak tree violation of the undeveloped property across the street (north & east) from our property at [REDACTED] Old Topanga Cyn Road. According to the realtor's sign on the street this property was just recently sold. My husband had heard a lot of machinery over the memorial day weekend and for the week previously, so we finally walked up on Monday (6/30) to see what was going on. Work had been going on to widen a very old pre-existing driveway, but because of the steepness of the slope and soil slips, it required significant cutting on the uphill slope and dumping on the downhill side. This slope has a lot of oaks and the grading is being done in the protected zone of numerous trees.

Unfortunately, no one from B&S seemed to do anything about it this past week and John continued to hear machinery operating through the week and this weekend. We checked yesterday evening and not only was the old roadbed significantly widened but an entire new roadway was also cut (partly under oaks).

I really hope someone can stop this activity so that the appropriate permit procedure is followed to mitigate any impacts to a very sensitive area.

I've attached a map of the location and a picture of the grading machine on the road when it was visible from our property. I'm faxing a map of the location to the B&S office in hopes that they will be able to find this property and put a stop to the damage being done.

Sincerely,

[REDACTED]

[REDACTED]

12/1/2006

Exhibit 29
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

June 6, 2005 - Anonymous to CCC

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
3 SOUTH CALIFORNIA ST., SUITE 200
SANTA ANA, CA 92701
(714) 585-1800



July 13, 2006

Wildcrew's Playground, LLC
c/o Schmitz & Associates, Inc.
Attn: Donna Shen
5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301

Re: Exemption Determination Request 4-05-108-X (Wildcrew's Playground LLC)

Dear Ms. Shen,

On September 19, 2005 our office received a letter from you requesting an exemption determination from a coastal development permit for after-the-fact brush clearance repair and maintenance of an access road at APN 4438-018-005 on Old Topanga Canyon Road, Los Angeles County. The proposed development is not exempt from coastal development permit requirements because it is located in an Environmentally Sensitive Habitat Area (ESHA), as the site contains native chaparral vegetation that is part of a large, unfragmented block of habitat in which the Commission finds meets the definition of ESHA under the Coastal Act. In addition, the proposed development site is delineated as ESHA on Malibu-Santa Monica Mountains Land Use Plan resource maps.

Sec. 13252 of the California Code of Regulations states, in relevant part, that:

(a) For the purposes of Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(3) Any repair or maintenance to facilities or structures or work *located in an environmentally sensitive habitat area*, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area...

Additionally, in a letter from you to N. Patrick Veasart dated September 19, 2005, you admit that at least some of the work already done "...does not qualify as exempt activity..." and you indicated that you would be submitting a CDP application for that work. As of this date, we have yet to receive said application. Finally, since Commission staff has been unable to conduct a site inspection, we are unable to verify the nature or extent of the work that has been done onsite.

Therefore, please note that the proposed project is *not* exempt from coastal development permit requirements and does require a coastal development permit. A coastal development permit application is enclosed for your convenience. Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Deanna Christensen".

Deanna Christensen
Coastal Program Analyst

Exhibit 30
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

July 13, 2006 - CCC to Schmitz and Assoc.

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 2, 2006

Via Hand Delivery

Steve Hudson
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

RE: 4-05-108-X (Wildcrew's Playground, LLC)

Dear Mr. Hudson:

As you know, we submitted an Exemption Request application to your office on September 19, 2005. On April 21, 2006, we submitted correspondence to Deanna Phelps requesting a response from CCC staff regarding this long-pending application. To date, we have yet to receive a reply from Coastal planning staff to either of these submittals.

On November 23, 2005, we did receive correspondence from Enforcement Supervisor Pat Veasart, however, relating to V-4-05-063. In said correspondence, Mr. Veasart noted that a site inspection would have to be conducted in order to process the Exemption Request.

We as the property owners' planning consultants do not have the right to grant permission for a site visit. As you know, this issue is one that is being addressed by the property owner's attorney and the Attorney General's office. Mr. Veasart's November 23rd correspondence was provided to the property owner's/applicant's attorney. Any future requests for site visits should be directed to the Zumbun Law Firm in Sacramento.

As we have not received any correspondence from CCC planning staff in response to this Exemption Request, we presume that other than the site inspection issue raised by Mr. Veasart, no other documents/information is required by CCC planning staff to complete their review and for them to make a determination on this Request. If this is incorrect, we would appreciate written correspondence advising us of what additional material we should provide to you.

Exhibit 31 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

June 2, 2006 - Schmitz and Assoc. to
CCC



HEADQUARTERS - MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE 12
MALIBU, CA 90265

TEL: 310.589.0773 FAX: 310.589.0353

EMAIL: INFO@SCHMITZANDASSOCIATES.NET

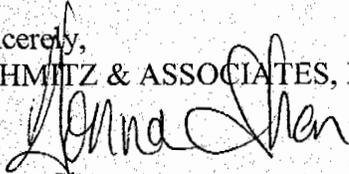
REGIONAL - CONEJO VALLEY OFFICE
5234 CHESEBRO ROAD, SUITE 200
AGOURA HILLS, CA 91301

TEL: 818.338.3636 FAX: 818.338.3423

WEBSITE: WWW.SCHMITZANDASSOCIATES.COM

Should you have any additional questions or comments, please feel free to contact us.

Sincerely,
SCHMITZ & ASSOCIATES, INC.



Donna Shen
Regional Manager

CC: Wildcrew's Playground, LLC
Zumbrun Law Firm

Exhibit 31 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

June 2, 2006 - Schmitz and Assoc. to
CCC

4-05-108-7



September 19, 2005

Via Hand Delivery

Steve Hudson
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

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SEP 19 2005
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Exemption Request for Brush Clearance (APN 4438-018-005)

Dear Mr. Hudson:

On behalf of the property owner, Wildcrew's Playground, LLC, I would like to request an *After the Fact* Exemption for Brush Clearance, Repair, and Maintenance of an existing, driveway. This paved driveway extends from Old Topanga Canyon Road up to a flat pad area on the property. The brush, which was encroaching onto the driveway, was minimally cleared to allow for vehicular access up to the flat pad area. The existing paved driveway averages around sixteen feet (16') wide, however brush was cleared at an average of only about ten feet (10') wide.

EXEMPTION JUSTIFICATION

Section 30610 of the Coastal Act states in part:
Notwithstanding any provision in this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

- (d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

The delineated scope of work is entirely exempt from coastal development permit requirements. Furthermore, the proposed activity does not involve any risks of adverse environmental effect nor does it adversely affect public access. In summary, pursuant to Section 30610(d) of the Coastal Act, a coastal development permit is not required.

Exhibit 32 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 19, 2005 - Schmitz and Assoc. to CCC

29350 West Pacific Coast Highway, Suite 12, Malibu, California 90265

Careful review of Section 13250 of the California Coastal Commission administrative regulations illustrates that none of the constraints to Section 30610 apply in that:

- The proposed activity does not include significant landform alteration of a bluff, beach or wetland.
- The property is not located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line, or in significant scenic resource areas.
- The existing property is not burdened with a future improvements deed restriction.

Accordingly, we would request an exemption letter from your office for the proposed minimal brush clearance activity.

Enclosed, please find the following items:

- A Grant Deed conveying the subject parcel to Wildcrew's Playground, LLC
- A site plan delineating the existing road and noting where the brush clearance and repair and maintenance occurred.

For documentation regarding the existence of the driveway prior to the implementation of the California Coastal Act, please refer to the Claim of Vested Rights application and associated materials that have been submitted simultaneously with this correspondence.

Note that a CDP application for additional project aspects is forthcoming.

Thank you for your time and consideration regarding this matter, and please do not hesitate to contact me should you require any additional information or materials.

Sincerely,
SCHMITZ & ASSOCIATES


Mindy Commins
Associate Planner

Exhibit 32 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 19, 2005 - Schmitz and
Assoc. to CCC

CALIFORNIA COASTAL COMMISSION

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



July 13, 2006

Wildcrew's Playground, LLC
c/o Schmitz & Associates, Inc.
5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301

RE: Claim of Vested Rights No. 4-05-159-VRC

Dear Claimant,

Thank you for the response to our information request, provided to the Commission by your consultant Schmitz & Associates on March 14, 2006, regarding your vested rights claim for APN 4438-018-005. However, the following information, previously requested in our letter dated February 22, 2006, is still needed in order for Commission staff to complete an analysis of the claim.

1. Evidence that the claimed development received all applicable governmental approvals (including all required grading and building permits) needed to complete the development prior to January 1, 1977, or evidence from the applicable agencies that no permit was required for the claimed development.
2. A 2001 aerial photograph was submitted in support of the vested rights claim. However, site improvements have occurred since this time, as per Exemption Request No. 4-05-108-X submitted September 19, 2005. Please provide a post-site improvement aerial photograph that encompasses the subject site.
3. Two (2) sets of detailed site plans, using a base map prepared by a licensed surveyor, indicating the entire extent of the claimed development, as well as a detailed delineation of all new site work which has occurred on-site per exemption request no. 4-05-108-X. All oak trees (trunks and canopy driplines) must be identified on the site plan. In addition, please delineate all paved portions of the subject driveway. Plans must be to scale with dimensions shown.
4. Site Visit. Commission staff will need to visit the site and verify the measurements of the road width/length and the pad area to determine if the current configuration is as depicted in historical photographs and as claimed by the declarants.

Please submit the requested items as soon as they become available for consideration in your vested rights claim and contact me to arrange a time and date for a site visit. If you have any questions please contact me at the address and phone number listed above.

Sincerely,

A handwritten signature in cursive script that reads "Deanna Christensen".

Deanna Christensen
Coastal Program Analyst

cc: Donna Shen, Schmitz & Associates

Exhibit 33
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

July 13, 2006 - CCC to Schmitz and Assoc.

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MAR 14 2006

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

March 14, 2006

Via Hand Delivery

Deanna Phelps
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

RE: 4-05-159-VRC (Wildcrew's Playground, LLC)

Dear Ms. Phelps:

We are in receipt of your correspondence dated February 22, 2006 in response to our Vested Rights Application submitted on September 19, 2005. This was the first correspondence we received from the CCC since we submitted said application five months prior.

The following are responses to your requests listed in your February 22nd correspondence:

- 1) As the Richard Harris and Edward Fry declarations state, the subject driveway and cleared pad were in existence prior to their acquisition of the Topanga property in the early 1960s. As the historic aerials we previously provided to the CCC demonstrate, said driveway and pad have been in existence since at least 1949. Therefore, both items are pre-Coastal Act.
- 2) Please find attached copies of grant deeds conveying ownership to Mr. Harris and Mr. Fry.
- 3) Mr. Harris and Mr. Fry are both elderly gentlemen who value their privacy. Although we can inquire, we do not believe that these gentlemen wish to have their contact information distributed. If you have specific questions, we can pass these on to them and request that they respond in writing.
- 4) This Vested Rights Claim is for the historic driveway and pad located on the subject property. Thus, we are unclear as to why you are requesting information regarding alleged recent "site improvement" on the subject property. Moreover, the Exemption Request you referenced specifies the scope of repair and maintenance work conducted on the subject driveway.

Exhibit 34 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

March 14, 2006 - Schmitz and Assoc.
to CCC



HEADQUARTERS OFFICE
MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE 12
MALIBU, CA 90265
TEL: 310.589.0773 FAX: 310.589.0353

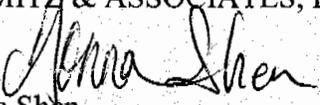
SCHMITZ & ASSOCIATES, INC.
REGIONAL OFFICE
CONEJO VALLEY OFFICE
5234 CHESEBRO ROAD, SUITE 12
AGOURA HILLS, CA 91301
TEL: 818.338.3636 FAX: 818.338.3423

- 5) You referenced Exemption Request No. 4-05-108-X in your correspondence. Please find a copy of said request enclosed for your ease of reference. Said exemption request was submitted for a formal determination that no "development" was conducted by the current property owners. Moreover, as previously stated, this is a Vested Rights Claim for the driveway and pad which we believe has been demonstrated to have been in existence since at least 1949.
- 6) See response to #5. Also, Wildcrew's Playground has owned the subject property for less than a year. As such, they cannot speak to any and all "work and improvements that have occurred on the property since 1949."

Finally, you requested a site visit. We as the property owners' planning consultants do not have the right to grant permission for a site visit. As you know, this issue is one that is being addressed by the property owners' attorneys and the Attorney General's office. It is my understanding that the property owners' have provided their attorney with a copy of your February 22, 2006 correspondence so they are aware of your request.

Should you have any additional questions or comments, please feel free to contact us.

Sincerely,
SCHMITZ & ASSOCIATES, INC.


Donna Shen
Regional Manager

CC: Wildcrew's Playground, LLC
Kevin Koons, Esq.

Exhibit 34 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

March 14, 2006 - Schmitz and Assoc.
to CCC

CALIFORNIA COASTAL COMMISSION

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



February 22, 2006

Wildcrew's Playground, LLC
c/o Schmitz & Associates, Inc.
Attn: Mindy Commins
5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301

RE: Claim of Vested Rights No. 4-05-159-VRC

Déar Ms. Commins,

This letter shall serve to inform you that your vested rights claim regarding APN 4438-018-005 has been reviewed and additional information is needed in order for Commission staff to complete an analysis of the claim. The following information is hereby requested:

1. Evidence that the claimed development received all applicable governmental approvals (including all required grading and building permits) needed to complete the development prior to January 1, 1977, or evidence from the applicable agencies that no permit was required for the claimed development.
2. Grant deeds, or other evidence of property ownership, to indicate the periods of property ownership of the two declarants, Richard Harris and Edward Fry.
3. Current contact information for the two declarants, Richard Harris and Edward Fry.
4. A 2001 aerial photograph was submitted in support of the vested rights claim. However, site improvements have occurred since this time, as per Exemption Request No. 4-05-108-X submitted September 19, 2005. Please provide a post-site improvement aerial photograph that encompasses the subject site.
5. Two (2) sets of detailed site plans, using a base map prepared by a licensed surveyor, indicating the entire extent of the claimed development, as well as all new development/work which has occurred on-site since 1949. All oak trees (trunks and canopy driplines) must be identified on the site plan. In addition, please delineate all paved portions of the subject driveway. Plans must be to scale with dimensions shown.
6. Provide a detailed description of all work and improvements that have occurred on the property since 1949.

Exhibit 35 (page 1 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

February 22, 2006 - CCC to Schmitz
and Assoc.

Additionally, Commission staff will need to visit the site and verify the measurements of the road width/length and the pad area to determine if the current configuration is as depicted in historical photographs and as claimed by the declarants.

Please submit the requested items as soon as they become available for consideration in your vested rights claim and contact me to arrange a time and date for a site visit. If you have any questions please contact me at the address and phone number listed above.

Sincerely,



Deanna Phelps
Coastal Program Analyst

Exhibit 35 (page 2 of 2)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

February 22, 2006 - CCC to Schmitz
and Assoc.



Provider of Land Use Planning
for a Better Community

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SEP 30 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Via Hand Delivery

September 30, 2005

Steve Hudson
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

RE: Historic Aerial Photos for Vesting Determination (APN 4438-018-005)

Dear Mr. Hudson:

On behalf of the property owner, Wildcrew's Playground, LLC, and as advised in previous correspondence, I am writing to provide you with historic aerial photographs of the above subject property that all clearly show the ongoing presence of the driveway and pad. Enclosed please find the following items:

- Four (4) aerial photographs from the years 1949, 1954, 1956, and 1958
- Four (4) enlarged aerial photographs with driveway and pad noted

These photographs were obtained from the Whittier College Fairchild collection. Please note that in the 1993 and 2001 aerial photographs that were previously submitted with the Claim of Vested Rights application on September 19, the driveway is not as visible due to growth of the tree canopy above it.

Should you have any questions regarding the enclosed items or require any additional information, please do not hesitate to contact me. I look forward to speaking with you soon.

Sincerely,
SCHMITZ & ASSOCIATES, INC.

Mindy Commins
Associate Planner

XC: Pat Veesart

Exhibit 36
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 30, 2005 - Schmitz and
Assoc. to CCC

29350 West Pacific Coast Highway, Suite 12, Malibu, California 90265

Tel: 310.589.0773 • Fax: 310.589.0353 • Email: info@schmitzandassociates.net • Website: schmitzandassociates.com



Provider of Land Use Planning
for a Better Community

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SEP 19 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

September 19, 2005

Via Hand Delivery

Steve Hudson
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

RE: Claim of Vested Rights for Existing Driveway (APN 4438-018-005)

Dear Mr. Hudson:

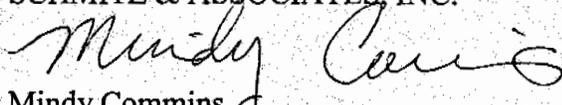
On behalf of the property owner, Wildcrew's Playground, LLC, we are submitting a Claim of Vested Rights Application for the historically existing driveway and flat, cleared pad on the above property. Enclosed please find the following materials in addition to the application form:

- Declaration of previous owner of subject property, Edward Fry.
- Declaration of previous owner of subject property, Richard Harris.
- Photograph of flat pad area at top of subject driveway (circa. 1960).
- 1952 USGS Map with access road and structure delineated.
- Photographs showing examples of old asphalt visible along driveway.
- 1993 and 2001 aerial photographs of subject property.

Please be advised that historic aerial photos of the subject road and pad will be forthcoming. Aerial photos from 1949, 1954, 1956, and 1958 that clearly depict these items will be provided to you within the next two weeks. On more recent aerials

Should you have any questions or require any additional information, please do not hesitate to contact me. I can be reached at (310) 589-0773 or mcommins@schmitzandassociates.net. We look forward to your response.

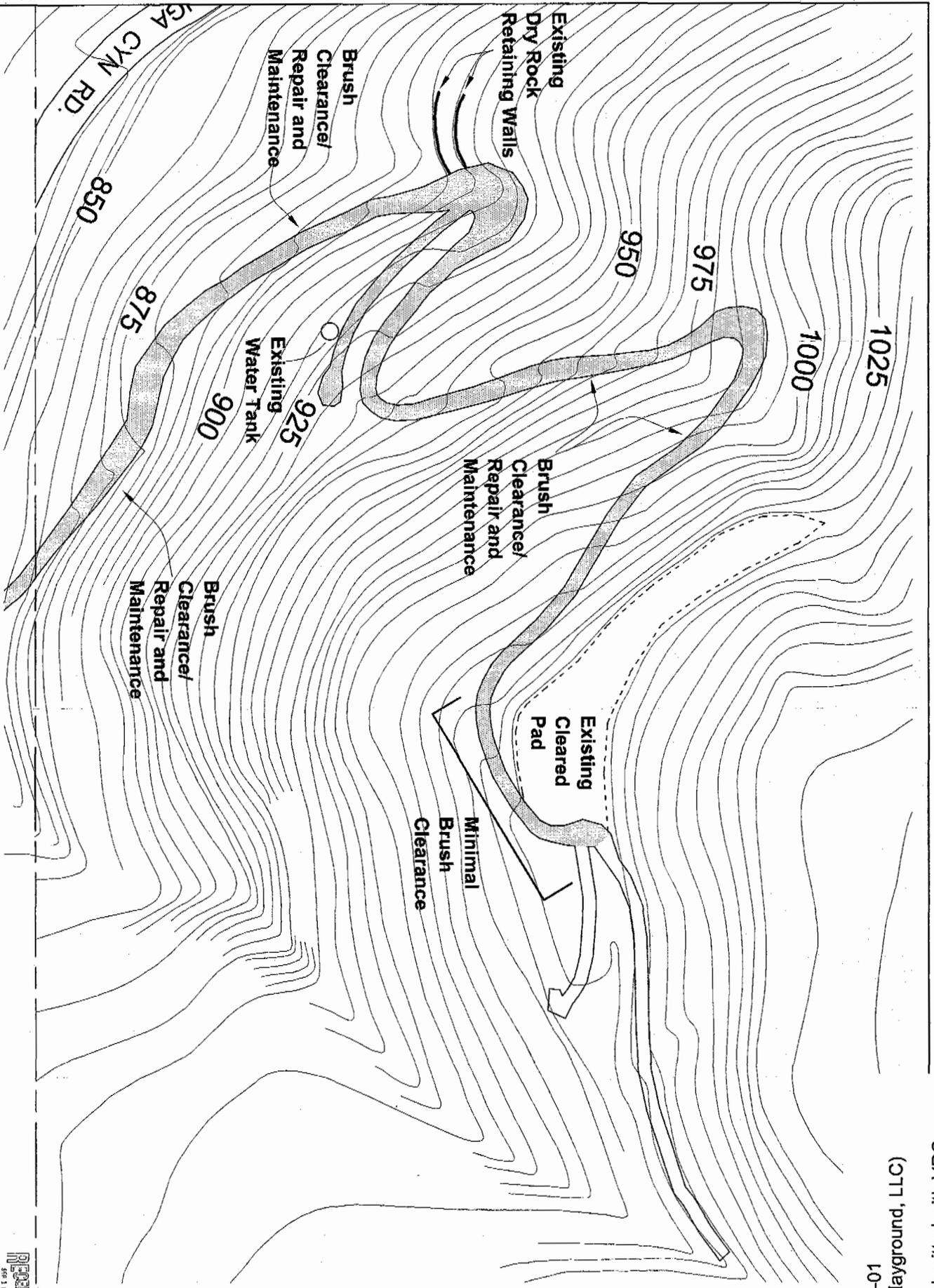
Sincerely,
SCHMITZ & ASSOCIATES, INC.


Mindy Commins
Associate Planner

XC: Pat Veasart

Exhibit 37
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

September 19, 2005 - Schmitz and
Assoc. to CCC



SITE PLAN
SCALE: 1"=20'



DATE: 09.19.05

SCALE: 1"=20'

SHEET #

A-2

OF SHEETS

A.T.F. EXEMPTION REQUEST: BRUSH CLEARANCE/ REPAIR AND MAINTENANCE

SITE PLAN

APN: 4438-018-005

63
Wildcrew's Playground (W)
10-NOV-07-00
CCC

Site Plan 2 Submitted with VRC application

1 BILL LOCKYER
Attorney General of the State of California
2 J.MATTHEW RODRIQUEZ
Senior Assistant Attorney General
3 JOHN SAURENMAN
Supervising Deputy Attorney General
4 ROSANA MIRAMONTES, State Bar No. 213606
Deputy Attorney General
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2693
Fax: (213) 897-2801
7 E-mail: Rosana.Miramontes@doj.ca.gov
Attorneys for Plaintiff California Coastal Commission
8

9
10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF LOS ANGELES
12

13 **PEOPLE OF THE STATE OF CALIFORNIA, ex**
14 **rel., CALIFORNIA COASTAL COMMISSION,**
15 **Plaintiff,**
16 **v.**
17 **WILDCREW'S PLAYGROUND LLC, PEGGY**
18 **GILDER, DANIEL JAMES NORRIS, and DONNA**
19 **SHEN,**
20 **Defendants.**

BS 099765

DECLARATION OF N.
PATRICK VEESART IN
SUPPORT OF APPLICATION
FOR INSPECTION
WARRANT

Judge: Hon. Charles W. McCoy

21 I, N. PATRICK VEESART, do declare as follows:

22 1. I am the Southern California Enforcement Team Leader for the California Coastal
23 Commission in its Ventura District office. I have been employed by the Commission in this
24 capacity since February 2005. I oversee the Commission's enforcement program from Santa
25 Barbara County to the Mexican border, including the work of District Officers in all three
26 southern districts: South Central, Central, and San Diego. If called as a witness, I could and
27 would testify to these facts from my own personal knowledge.
28

1 2. The 40-acre property that is the object of the inspection warrant is located on the 600
2 block of Old Topanga Road in Los Angeles County. The property is also identified by Tax
3 Assessor Parcel Number 4438-018-005. According to the Commission's records, the property
4 should be unimproved. A fence with a gate parallels a portion of the property that abuts Old
5 Topanga Road. The property is owned by Wildcrew's Playground, LLC. Peggy Gilder is
6 Wildcrew's contact person and agent for service of process. Daniel James Norris is one of the
7 property owners. Donna Shen of Schmitz and Associates is Wildcrew's agent.

8 3. On June 6, 2005, I was informed by a very reliable source that work was taking place
9 on the subject property under native oaks, and that the owners of the subject property had
10 multiple pieces of equipment working on the site during the Memorial Day weekend and the
11 week before Memorial Day weekend.

12 4. On June 8, 2005, I located the entrance to the property, but was unable to see much
13 because very little of the property is visible from the public road.

14 5. On June 22, 2005, I received additional information. Our reliable source sent me two
15 photographs taken from a nearby property. (See Exh. A attached hereto.) The photographs show
16 that grading and vegetation removal may be extensive. One of the photos shows a piece of heavy
17 equipment at work. The grading and vegetation removal shown in the photos appears to be
18 within the drip line of native oaks. It also appears that some oak trees have been cut. The
19 Commission has not approved any coastal development permits for any of the work described on
20 this property.

21 6. On July 12, 2005, I sent a Notice of Violation to Wildcrew for the previously noted
22 unpermitted development on the property. (See Exh. B attached hereto.) On July 19, 2005,
23 Wildcrew's representative, Donna Shen of Schmitz and Associates contacted me. (See
24 Exh. C attached hereto.) Ms. Shen confirmed that work had taken place on the subject property
25 and assured staff that Wildcrew would apply for a coastal development permit, that all work
26 would stop, and that no other work would occur without a development permit. I agreed to
27 grant Ms. Shen's request for an extension of time to September 19, 2005, to submit the
28 development permit application, which was originally due on August 15, 2005. I requested, and

1 Ms. Shen agreed to, an inspection of the property on August 2, 2005, to determine the extent of
2 the unpermitted development and its impacts to native oaks, water quality, slope stability, or
3 other coastal resources.

4 7. On July 27, 2005, I learned, through Ms. Shen, that the owners of the subject property
5 planned to have their friend, a film maker named Richard Oshen, and a film crew on the property
6 to film the scheduled August 2 inspection. (See Exh. D attached hereto.) Ms. Shen told me that
7 Mr. Oshen, an independent film maker, was not retained by her clients and that he is creating a
8 documentary about land development in California and how difficult it is to develop in the Santa
9 Monica Mountains. (*Ibid.*) Commission staff and myself expressed concern about how such a
10 film might be used and refused to give our consent to being filmed during the inspection.
11 Consequently, Wildcrew announced that it would not consent to the inspection unless staff
12 agrees to be filmed for the documentary. The Commission applied for an inspection warrant
13 with this Court in October 2005.

14 8. On October 14, 2005, the Court issued an inspection warrant. The warrant described
15 the premises to be inspected and designated the purpose and limitations of the inspection,
16 including that the inspection cannot be conditioned on filming, videotaping or otherwise
17 recording of agents authorized by the warrant without the agent's prior written consent. Tom
18 Sinclair and I gave Ms. Shen and Wildcrew over twenty-four hours telephonic notice that the
19 inspection would occur on October 19, 2005, at 11:00 a.m. Wildcrew notified Richard Oshen
20 and his film crew as to the day and time of the inspection.

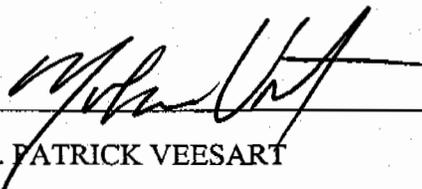
21 9. On October 19, 2005, we attempted to execute the warrant. Daniel Norris, one of the
22 property owners, refused to comply with the terms of the warrant. Richard Oshen was filming
23 and another man carrying a boom stick and other equipment followed closely. Mr. Norris
24 appeared to be performing for the camera and attempted to provoke and intimidate me and
25 enforcement staff. The Sheriff's deputies videotaped the attempted inspection. I was told that
26 the Sheriff's department policy requires that all searches be videotaped. After repeated requests
27 that the camera be turned off from the Sheriff's deputies and the Commission's counsel and in
28 order to prevent the situation from escalating, we retreated from the property without incident

1 and without conducting the inspection authorized by the warrant. The Los Angeles County
2 District Attorney's office a filed a misdemeanor case against all the individuals who violated the
3 Court's order as set forth in the inspection warrant.

4 10. On November 23, 2005, I again requested that Wildcrew allow the inspection of the
5 property without conditioning the site inspection on enforcement staff consenting to being filmed
6 for a documentary by Richard Oshen. (See Exh. E attached hereto.) Mr. Norris through his
7 attorney responded that he consents to a site inspection, but that he will invite the film maker and
8 his film crew and they will film the inspection without the consent of Commission staff and that
9 he no longer conditions the inspection on staff's participation in a documentary. (See Exh. F
10 attached hereto.) He did not deny that the film will be used for commercial purposes. Wildcrew
11 rephrased the conditions in an attempt to circumvent the Court's first inspection warrant.

12 11. In light of Wildcrew's refusal to allow an inspection without conditions, intimidation,
13 distractions, and interference, the Commission needs an inspection warrant in order to evaluate
14 the true scope of the violations on the property and the nature of remedies, if any, that are
15 appropriate. The Coastal Commission seeks permission to inspect the property without any
16 filming, videotaping or recording of Commission staff who are inspecting the property to verify
17 Coastal Act violations. To expedite and facilitate an orderly inspection without escalation,
18 intimidation, obstruction, impediment, and interference, the Commission needs an inspection
19 warrant that does not require notice and authorizes forcible entry if necessary.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed this
21 10th day of January, 2006, in Ventura, California.

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23 
24 N. PATRICK VEESART

27 50072562.wpd
28 LA2005900321

Exhibit 40 (page 4 of 4)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Veesart Declaration - January 10,
2006

1 BILL LOCKYER
Attorney General of the State of California
2 J. MATTHEW RODRIGUEZ
Senior Assistant Attorney General
3 JOHN SAURENMAN
Supervising Deputy Attorney General
4 ROSANA MIRAMONTES , State Bar No. 213606
Deputy Attorney General
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2693
Fax: (213) 897-2801
7
8 Attorneys for Plaintiff California Coastal Commission

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES

12 **PEOPLE OF THE STATE OF CALIFORNIA, ex**
13 **rel., CALIFORNIA COASTAL COMMISSION,**
14 **Plaintiff.**
15 v.
16 **WILDCREW'S PLAYGROUND LLC, PEGGY**
17 **GILDER and DONNA SHEN,**
18 **Defendants.**

CASE NO. BS099765
Assigned to Judge Charles W. McCoy
Department 1
DECLARATION OF N. PATRICK VEESART IN SUPPORT OF INSPECTION WARRANT RETURN

20 I, N. PATRICK VEESART, do declare as follows:

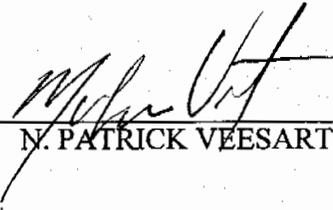
21 1. I am the Southern California Enforcement Team Leader for the California Coastal
22 Commission in its Ventura District office. I have been employed by the Commission in this
23 capacity since February 2005. I oversee the Commission's enforcement program from Santa
24 Barbara County to the Mexican border, including the work of District Officers in all three
25 southern districts: South Central, Central, and San Diego. If called as a witness, I could and
26 would testify to these facts from my own personal knowledge.

27 2. On October 18, 2005, at approximately 9:30 a.m., Tom Sinclair (South Central Coast
28 District Enforcement Officer) and I contacted, by telephone, Wildcrew's Playground LLC's

1 agent, Donna Shen of Schmitz and Associates Inc., at her Agoura Hills Office (818.338.3636).

2 3. I informed Ms. Shen that we had obtained an inspection warrant and that we would be
3 entering the property owned by Wildcrew's Playground LLC, located in the 600 block of Old
4 Topanga Road in Los Angeles County (APN 4438-018-005), the following morning (October 19,
5 2005) at 11:00 a.m. I also informed Ms. Shen that we would bring her a copy of the warrant. Ms.
6 Shen indicated that she understood and that she would inform her clients.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 4th
8 day of November, 2005, in Ventura, California.

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11 
12 N. PATRICK VEESART
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14 50065337.wpd

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25 Exhibit 41 (page 2 of 2)
26 CCC-07-NOV-01
27 (Wildcrew's Playground, LLC)

28 Veesart Declaration - November 4,
2005

COPY

ORIGINAL FILED

OCT 14 2005

**LOS ANGELES
SUPERIOR COURT**

1 **BILL LOCKYER**
Attorney General of the State of California
2 **J. MATTHEW RODRIQUEZ**
Senior Assistant Attorney General
3 **ROSANA MIRAMONTES**, State Bar No. 213606
Deputy Attorney General
4 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2693
Fax: (213) 897-2801

6 Attorneys for Plaintiff California Coastal Commission

8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

12 **PEOPLE OF THE STATE OF CALIFORNIA, ex**
rel., CALIFORNIA COASTAL COMMISSION,

13 Plaintiff,

14 v.

15 **WILDCREW'S PLAYGROUND LLC, PEGGY**
16 **GILDER and DONNA SHEN,**

17 Defendants.

CASE NO. **BS099765**

INSPECTION WARRANT
(Code Civ. Proc., § 1822.50 et
seq.)

19 **THE PEOPLE OF THE STATE OF CALIFORNIA TO:**

20 Any authorized agent or agents of the California Coastal Commission. Upon cause shown
21 to the Court:

22 **YOU ARE HERE BY COMMANDED** to conduct an inspection which shall include the
23 taking of evidence for the purpose of determining whether development has occurred within the
24 terms of the California Coastal Act, California Public Resources Code section 30000 et seq., and
25 regulations promulgated thereunder on property located at the 600 block of Old Topanga Road,
26 County of Los Angeles, California, further described by Assessor Parcel Number 4438-018-005.
27 This warrant authorizes the entry upon the above-described property, inspection, measurement
28 and taking of photographs of the property and the conditions found upon it without limitation or

1 condition except that the agents authorized hereby may not enter any structure which may be or is
2 currently used as a residence unless such entry and inspection is consented to by a person or
3 persons in control of the residence. The inspection of the above-described property for Coastal
4 Act violations cannot be conditioned or otherwise contingent on the filming, videotaping or
5 otherwise recording of agents authorized hereby before, during or after the inspection, unless the
6 agents give their written consent. Agents authorized hereby may enter and inspect any structures
7 which do not appear to be a residence when entry is necessary to determine the nature and
8 purpose of the structure. The agents hereby authorized may perform any and all other acts
9 reasonably necessary to determine whether conditions on the specified property are in
10 compliance with the California Coastal Act.

11 This warrant is effective from the date hereof for a period not to exceed fourteen (14) days,
12 and it shall be returned to the judge whose signature is affixed below.

13 The inspection pursuant to this warrant may commence only after the applicant gives
14 Wildcrew's agent Peggy Gilder, the owner of the property, or her agent, Donna Shen, telephonic
15 notice of the impending inspection at least twenty-four (24) hours prior to the execution of this
16 warrant. Applicant is not required to make more than five attempts to give telephonic notice.
17 For cause shown, applicant is relieved of any obligation to give written notice. When applicant
18 returns the warrant to the issuing judge, it shall provide a declaration describing its efforts to give
19 notice.

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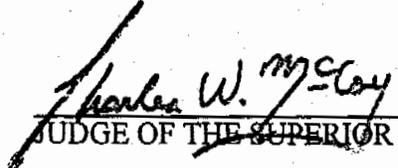
28 ///

Exhibit 42 (page 2 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Inspection Warrant - October 14, 2005

1 The applicant and its employees or agents are not authorized to use forced entry to obtain
2 access to the property under this warrant. The inspection shall not be made between the hours of
3 6:00 p.m. of any day and 8:00 a.m. of any succeeding day.

4 DATE: OCT 14 2005

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7 JUDGE OF THE SUPERIOR COURT

8 50060435.wpd

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Exhibit 42 (page 3 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Inspection Warrant - October 14, 2005

1 **BILL LOCKYER**
Attorney General of the State of California
2 **J. MATTHEW RODRIQUEZ**
Senior Assistant Attorney General
3 **JOHN SAURENMAN**
Supervising Deputy Attorney General
4 **ROSANA MIRAMONTES**, State Bar No. 213606
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5 300 South Spring Street, Suite 1702
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7 Attorneys for Plaintiff California Coastal Commission
8

9
10 SUPERIOR COURT OF LOS ANGELES
11 COUNTY OF LOS ANGELES

12 **PEOPLE OF THE STATE OF CALIFORNIA, ex**
13 **rel., CALIFORNIA COASTAL COMMISSION,**
14
Plaintiff,
15
v.
16 **WILDCREW'S PLAYGROUND LLC, PEGGY**
17 **GILDER and DONNA SHEN,**
18
Defendants.

CASE NO.
DECLARATION OF N.
PATRICK VEESART IN
SUPPORT OF APPLICATION
FOR INSPECTION
WARRANT

19 I, N. PATRICK VEESART, do declare as follows:

20 1. I am the Southern California Enforcement Team Leader for the California Coastal
21 Commission in its Ventura District office. I have been employed by the Commission in this
22 capacity since February 2005. I oversee the Commission's enforcement program from Santa
23 Barbara County to the Mexican border, including the work of District Officers in all three
24 southern districts: South Central, Central, and San Diego. If called as a witness, I could and
25 would testify to these facts from my own personal knowledge.

26 2. The property that is the object of the inspection warrant is located on the 600 block of
27 Old Topanga Road in Los Angeles County. The property is also identified by Tax Assessor
28

1 Parcel Number 4438-018-005. The property is owned by Wildcrew's Playground, LLC. Peggy
2 Gilder is Wildcrew's contact person and agent for service of process. Donna Shen of Schmitz
3 and Associates is Wildcrew's agent.

4 3. On June 6, 2005, I was informed by a very reliable source that work was taking place
5 on the subject property under native oaks, and that the owners of the subject property had
6 multiple pieces of equipment working on the site during the Memorial Day weekend and the
7 week before Memorial Day weekend.

8 4. On June 8, 2005, I located the entrance to the property, but was unable to see much
9 because very little of the property is visible from the public road.

10 5. On June 22, 2005, I received additional information. Our reliable source sent me two
11 photographs taken from a nearby property. (See Exh. A attached hereto.) The photographs show
12 that grading and vegetation removal may be extensive. One of the photos shows a piece of heavy
13 equipment at work. The grading and vegetation removal shown in the photos appears to be
14 within the drip line of native oaks. It also appears that some oak trees have been cut. The
15 Commission has not approved any coastal development permits for any of the work described on
16 this property.

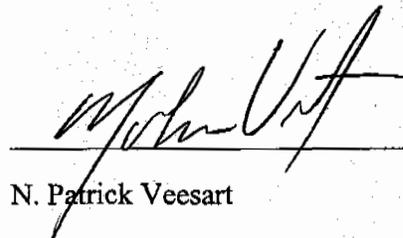
17 6. On July 12, 2005, I sent a Notice of Violation to Wildcrew for the previously noted
18 unpermitted development on the on the property. (See Exh. B attached hereto.) On July 19,
19 2005, Wildcrew's representative, Donna Shen of Schmitz and Associates contacted me. (See
20 Exh. C attached hereto.) Ms. Shen *confirmed* that work had taken place on the subject property
21 and assured staff that Wildcrew would apply for a coastal development permit, that all work
22 would stop, and that no further work would occur without a development permit. I agreed to
23 grant Ms. Shen's request for an extension of time to September 19, 2005 to submit the
24 development permit application, which was originally due on August 15, 2005. I requested, and
25 Ms. Shen agreed to, an inspection of the property on August 2, 2005, to determine the extent of
26 the unpermitted development and its impacts to native oaks, water quality, slope stability, or
27 other coastal resources.

28 7. On July 27, 2005, I learned, through Ms. Shen, that the owners of the subject property

1 planned to have their friend, a film maker named Richard Ocean, and a film crew on the property
2 to film the scheduled August 2 inspection. (See Exh. D attached hereto.) Ms. Shen told me that
3 Mr. Ocean, an independent film maker, was not retained by her clients and that he is creating a
4 documentary about land development in California and how difficult it is to develop in the Santa
5 Monica Mountains. (*Ibid.*) Commission staff and myself expressed concern about how such a
6 film might be used and refused to give our consent to being filmed during the inspection.
7 Consequently, Wildcrew announced that it would not consent to the inspection unless staff
8 agrees to be filmed for the documentary. In light of Wildcrew's and Ms. Shen's refusal to allow
9 an inspection of the subject site without extraordinary conditions, the Commission needs the
10 inspection warrant in order to evaluate the true scope of violations on the property and the nature
11 of remedies, if any, that are appropriate.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed this
13 ~~30th~~ day of September, 2005, in Ventura, California.

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N. Patrick Veesart

Exhibit 43 (page 3 of 3)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Veasart Declaration - September 30,
2005

50059398.wpd

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
INCIDENT REPORT

A TRADITION OF SERVICE

DATE 10-19-05 PAGE 1 OF 7

ACTION: <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE <input type="checkbox"/> PENDING	NON-CRIMINAL <input type="checkbox"/>	# OF ADULT ARRESTS <input type="checkbox"/>	# OF SUBJECT DETENTIONS <input type="checkbox"/>	URN # 4 05 06349	1035	145
CLASSIFICATION 1 / LEVEL / STAT CODE OBSTRUCTING PEACE OFFICER, 148(a)(1) PC/H/145				<input type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/> COMPLETED		<input type="checkbox"/> SEX OF OFFENSE VICTIM INFO? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
CLASSIFICATION 2 / LEVEL / STAT CODE REFUSAL TO PERMIT LAWFUL INSPECTION, 1822.57 C.P.M/399				<input type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/> COMPLETED		<input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> NON-PERSONAL (GULF, ETC)
CLASSIFICATION 3 / LEVEL / STAT CODE VIOLATION OF COURT MANDATED ORDER, 106.4 P.C. M/399				<input type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/> COMPLETED		<input type="checkbox"/> PERSONAL INJURY (BEAT, FIST, ETC) <input type="checkbox"/> ILLURY <input type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> None
DATE, TIME, DAY OF OCCURRENCE 10-19-05, 1100 HRS WED				PRINTS REQUESTED <input type="checkbox"/>	BY	TIME
LOC OF OCCURRENCE 600 OLD TOPANGA CYN RD TOPANGA				COMPLETED <input type="checkbox"/>	BY	TIME
CODE: V - VICTIM W - WITNESS I - INFORMANT R - REPORTING PARTY P - PARTY				BUS. NAME NA		<input checked="" type="checkbox"/> NON-CRIMINAL

CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
V 1 2	MIRAMONTES	ROSANA		F	H		03-16-66	49
RES ADDR	300 S. SPRING ST #5000, L.A.			VICTIM OF OFFENSE(S) (CLASSIFICATION) #		RES. PHONE (Area Code)	213-897-2693	
BUS ADDR	USE ABOVE			ENGLISH SPEAKING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		BUS. PHONE (Area Code)		

CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
V 2 2	PEOPLE OF THE STATE OF CALIFORNIA	M W						
RES ADDR	DEPT. OF JUSTICE			VICTIM OF OFFENSE(S) (CLASSIFICATION) #		RES. PHONE (Area Code)		
BUS ADDR	300 S. SPRING ST #5000, L.A. 90013			ENGLISH SPEAKING <input type="checkbox"/> YES <input type="checkbox"/> NO		BUS. PHONE (Area Code)	(213) 897-2693	

CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
W 1 3	SINCLAIR	THOMAS		M	W		05-03-68	42
RES ADDR	89 S. CALIFORNIA ST #200, VENTURA, CA			VICTIM OF OFFENSE(S) (CLASSIFICATION) #		RES. PHONE (Area Code)	805-585-1800	
BUS ADDR	USE ABOVE			ENGLISH SPEAKING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		BUS. PHONE (Area Code)	NA	

CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
S 1 4	NORRIS	DANIEL JAMES						
RES ADDR	31620 23rd AV S #218, FEDERAL WY, WA 98003			DRIVER'S LICENSE (STATE & No.)		WA NORRIDJ 424 DE		
BUS ADDR	SELF EMPLOYED (FILMS)			RES. PHONE (Area Code)		360-815-0658		
SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT	WGT	DOB	Age
M	W		WHT	BLU	600	195	03-05-58	47
CHARGE				WHERE DETAINED OR CITE #		NIC		
AKA				BOOKING #				

CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
S 2 4	SHEN	DONNA		F	A		04-03-73	32
RES ADDR	29350 W. PACIFIC COAST HIGHWAY #12, MALIBU			DRIVER'S LICENSE (STATE & No.)		CA D4040889		
BUS ADDR	UNKNOWN			RES. PHONE (Area Code)		310-589-0773		
SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT	WGT	DOB	Age
F	A		BLK	BRO	502	115	04-03-73	32
CHARGE				WHERE DETAINED OR CITE #		NIC		
AKA				BOOKING #		NIC		

VEHICLE # NA	SUSPECT STATUS	<input type="checkbox"/> IMPOUNDED	LICENSE (STATE & No.)	YEAR	MAKE	MODEL	BODY TYPE	COLOR
REGISTERED OWNER	<input type="checkbox"/> VICTIM <input type="checkbox"/> STORED <input type="checkbox"/> OUTSTANDING	IDENTIFYING FEATURES		CHP 180 SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		GARAGE NAME & PH		

BY DEP	COURT EXP / VACATION DATES	EMPLOYEE #	DEP.	COURT EXP / VACATION DATES	EMPLOYEE #
GRANT		411839	LUPIAN		268075
STATION	UNIT / CAR #	SHIFT	APPROVED	DATE	TIME
LOST HILLS	225/4720	DAY	SGT. Gomez	10/19/05	1400
VICTIM DESIROUS OF PROSECUTION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ASSIGNMENT		EMPLOYEE #	
		LHS - D.B.		176160	
NO NOTIFICATION REQ	DEP.	DATE / TIME	SPECIAL REQUEST DISTRIBUTION		
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
SUSP / SUBV RELEASE APPROVED BY	TIME	PGD SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	TT BC BY	DATE	TIME
				10-20-05	1400

Exhibit 44 (page 1 of 7)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

COUNTY OF LOS ANGELES SHERIFFS DEPARTMENT
INCIDENT REPORT CONTINUATION

URN: 405-06349-1035-145

PAGE 2 of 7

CLASSIFICATION # / LEVEL / STAT CODE
CLASSIFICATION # / LEVEL / STAT CODE
CLASSIFICATION # / LEVEL / STAT CODE

VEHICLE # ND	SUSPECT STATUS	<input type="checkbox"/> IMPOUNDED	LICENSE (STATE & No.)	YEAR	MAKE	MODEL	BODY TYPE	COLOR
REGISTERED OWNER		IDENTIFYING FEATURES		CHP 180 SUBMITTED:		GARAGE NAME & PH.		
<input type="checkbox"/> VICTIM		<input type="checkbox"/> STORED		<input type="checkbox"/> OUTSTANDING!		<input type="checkbox"/> YES <input type="checkbox"/> NO		

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
W 2 3	VEESART	PAT	NMW	M	W	-	07-28-52	53
RES. ADDR.	CITY	ZIP	VICTIM OF OFFENSE(S) (CLASSIFICATION) #:		RES. PHONE (Area Code)		Day Phone	
DECLINED					(805) 585-1816			
BUS. ADDR.	CITY	ZIP	ENGLISH SPEAKING	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	BUS. PHONE (Area Code)	Day Phone	
89 S. CALIFORNIA ST #200	VENTURA	93001				(805) 585-1800		
CODE # of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
W 3 3	TEUFEL	CASSIDY	LYNCH	M	W	-	02-13-78	27
RES. ADDR.	CITY	ZIP	VICTIM OF OFFENSE(S) (CLASSIFICATION) #:		RES. PHONE (Area Code)		Day Phone	
DECLINED					(805) 585-1816			
BUS. ADDR.	CITY	ZIP	ENGLISH SPEAKING	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	BUS. PHONE (Area Code)	Day Phone	
89 S. CALIFORNIA ST #200	VENTURA	93001				(805) 585-1800		

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • SV - SUSPECT/VICTIM • SJ/V - SUBJECT/VICTIM

CODE # of	LNAME	FNAME	MNAME	DRIVER'S LICENSE (STATE & No.)				
S 3 4	OSHEN	RICHARD	ALLEN	CA-N8604160				
RES. ADDR.	CITY	ZIP	RES. PHONE (Area Code)					
920 N. HUDSON AVE	DASADENA	91104	(626) 794-8644					
BUS. ADDR.	CITY	ZIP	BUS. PHONE (Area Code)					
SELF EMPLOYED (FILMS)			N/A					
SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
M	W	-	BRN	BRN	600	245	06-21-51	54
CHARGE	WHERE DETAINED OR CITE #							
AKA	NONE		MONIKER	NA				
BOOKING #	N/C							
CODE # of	LNAME	FNAME	MNAME	DRIVER'S LICENSE (STATE & No.)				
S 4 4	LOCKE	RICHARD	B	CA-A1720390				
RES. ADDR.	CITY	ZIP	RES. PHONE (Area Code)					
105 W. AVE DE LOS ARBOLES #107	THOUSAND OAKS	91360	(805) 493-2436					
BUS. ADDR.	CITY	ZIP	BUS. PHONE (Area Code)					
SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
M	W	-	BRN	H2L	610	180	10-27-70	34
CHARGE	WHERE DETAINED OR CITE #							
AKA	NONE		MONIKER	NA				
BOOKING #	N/C							
CODE # of	LNAME	FNAME	MNAME	DRIVER'S LICENSE (STATE & No.)				
RES. ADDR.	CITY	ZIP	RES. PHONE (Area Code)					
BUS. ADDR.	CITY	ZIP	BUS. PHONE (Area Code)					
SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
CHARGE	WHERE DETAINED OR CITE #							
AKA			MONIKER					
BOOKING #								

762300G-SH-R-68A (Rev. 10/98)

Exhibit 44 (page 2 of 7)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

LA Co. Sheriff Incident Report -
October 19, 2005

REPORT CONTINUATION - NARRATIVE

URN 405-06349-1035-145

WE RESPONDED TO THE INDICATED LOCATION TO ASSIST THE CALIFORNIA COASTAL COMMISSION DURING AN INSPECTION WARRANT OF THE INDICATED LOCATION

WE MET WITH DEP. ATTORNEY GENERAL (V/MIRAMONTES), WHO WAS ACCOMPANIED BY THREE CALIFORNIA COASTAL COMMISSION REPRESENTATIVES (W/1 SIMELAIRE, W/2 VEESART, W/3 TEUFEL).

V/MIRAMONTES SHOWED US A COPY OF THE COURT ORDERED WARRANT, OUTLINING THE SEARCH/INSPECTION CONDITIONS FOR THE INDICATED LOCATION (600 BLK OLD TOPANGA CYN). - SEE ATTACHED

LOS ANGELES SUPERIOR COURT
EFF- 10/14/05 - 10-28-05
CASE # BS099765
JUDGE - MCCOY

REPORT CONTINUATION ... NARRATIVE

URN 405-06349-1035-145.

V / MIRAMONTES EXPLAINED THAT PER JUDGE MACCOYS ORDERS, TWENTY-FOUR HOUR NOTICE BE GIVEN TO THE OWNER OF THE PROPERTY (PEGGY GILDER) OR AN AGENT, DONNA SHEN, PRIOR TO ANY INSPECTION TO THE PROPERTY. V / MIRAMONTES STATED ON 10-18-05 AT 0930 HRS W/2 VEESART, SPOKE TO DONNA SHEN (VIA PHONE), AND ADVISED HER HE WOULD BE RESPONDING TO THE PROPERTY ON 10-19-05, AT 1100 HRS FOR INSPECTION.

DONNA SHEN SAID THERE WOULD BE A FILM CREW AWAITING ANY STATE OR LOCAL OFFICIALS TO FILM THE INSPECTION OF THE PROPERTY. W/2 VEESART ADVISED THAT PER JUDGE MCCOYS ORDER, FILMING IS PROHIBITED DURING THE INSPECTION. MS. SHEN TOLD W/2 VEESART THAT THE FILM CREW AND ANY AGENT REPRESENTING THE PROPERTY HAD A LEGAL RIGHT TO FILM ANY ACTIVITY ON THE PROPERTY. MS SHEN ALSO ADVISED THAT THE FILMING WOULD BE USED IN A TELEVISED DOCUMENTARY

REPORT CONTINUATION - NARRATIVE

URN

405-06349-1035-145

SGT GOMEZ, DEP LUPIAN AND MYSELF ALONG WITH THE CALIFORNIA COASTAL COMMISSION ENTERED THE PROPERTY FROM OLD TOPANGA CYN. (SEE EV-1 (VIDEO TAPE). AS WE WALKED UP THE DIRT ROAD TO THE PROPERTY, WE WERE CONFRONTED BY A FILM CREW (S/3 AND S/4). THEY APPEARED TO BE FILMING US.

WE ALSO WERE CONFRONTED BY AN AGENT TO THE PROPERTY, S/NORRIS AND DOONA SHEN (S/2).

V/MIRAMONTES IDENTIFIED HERSELF AND PROVIDED S/NORRIS A COPY OF THE COURT ORDER TO INSPECT THE PROPERTY. V/MIRAMONTES ADVISED ALL PARTIES (S-1 THRU S-4), THAT ANY FILMING BY THE FILM CREW WAS PROHIBITED. WHEN ASKED TO CEASE FILMING, BY V/MIRAMONTES, THE FILM CREW (S-3, S-4), CONTINUED, AND S/NORRIS SAID THEY HAVE A RIGHT TO. S/NORRIS REFUSED TO ALLOW V/MIRAMONTES OR HER REPRESENTATIVES TO ACCESS/INSPECT THE PROPERTY, WITHOUT FILMING THE PROCESS. THIS OBSTRUCTED AND DELAYED V/MIRAMONTES DUTIES TO PERFORM AN INSPECTION OF THE PROPERTY.

REPORT CONTINUATION ... NARRATIVE

URN 405-06349-1035-145

BASED ON ALL SUSPECTS ALLOWING THE FILMING TO CONTINUE, THE INSPECTION DID NOT OCCUR. U/MIRAMONTES ALONG WITH ALL CALIFORNIA COASTAL COMMISSION REPRESENTATIVES LEFT THE LOCATION, WITHOUT FURTHER INCIDENT.

IT SHOULD ALSO BE NOTED THE FILM CREW (5/3), FILMED DEP LUPIAN, SGT GOMEZ AND MYSELF. AT THE TIME OF THE FILMING, WE ALL WERE DRESSED IN FULL CLASS-A UNIFORMS, WITH BADGE AND PATCHES. THIS FILM CREW DID NOT OBTAIN ANY PRIOR APPROVAL FROM THE LOS ANGELES COUNTY SHERIFFS DEPT TO FILM DEPUTY PERSONNEL ON DUTY FOR DOCUMENTRY PURPOSES.

REPORT MEMO ISSUED.

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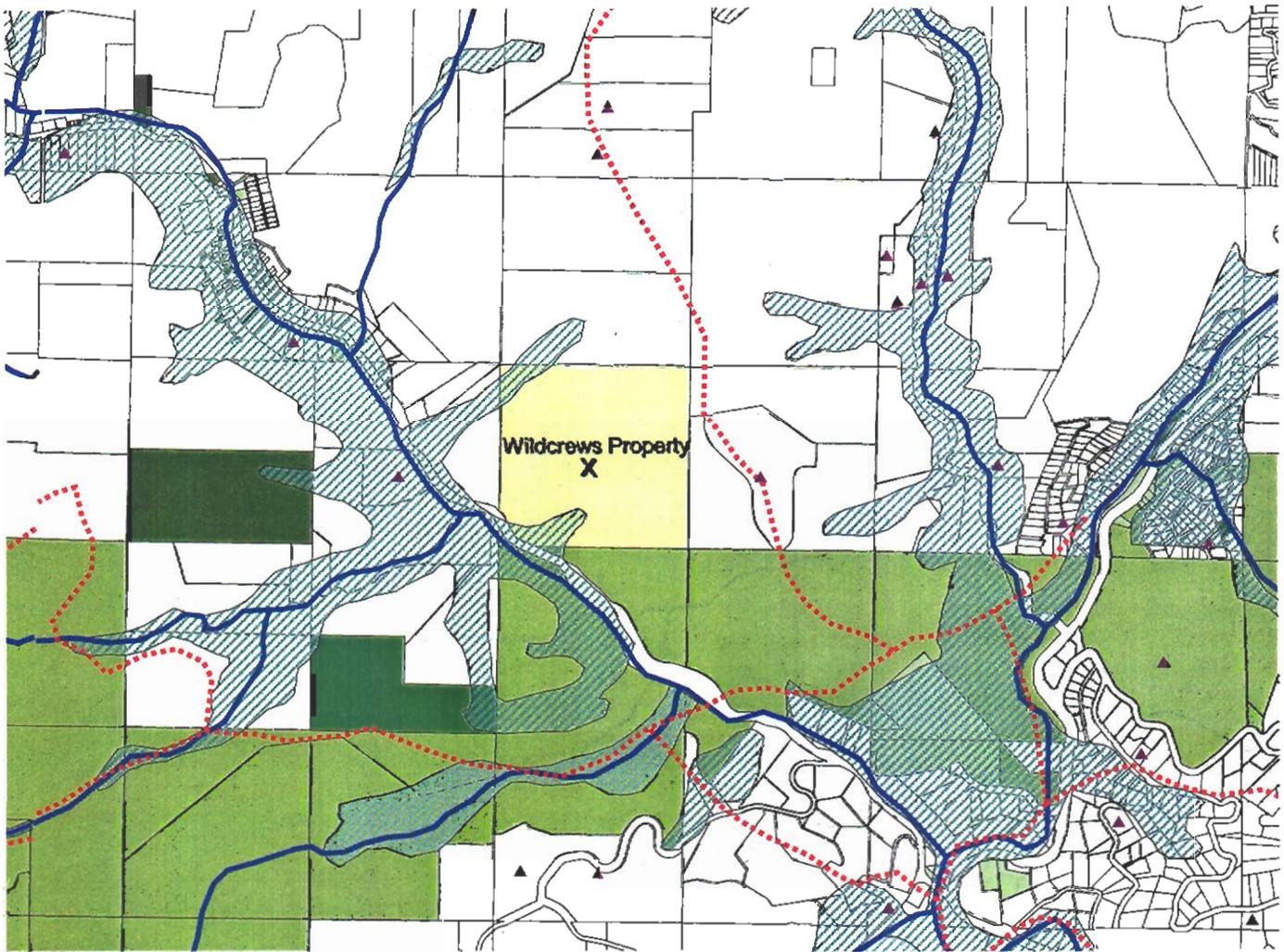
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- ▲ New Homes Approved 1978-1996
- ⋯ Trails - LA County LUP
- ▬ BlueLine Streams
- ES1-1As**
- ▨ Coldcreek management area inland
- ▧ locally disturbed resources oak woodlands and savannahs
- ▩ significant watersheds residential
- wildlife migration corridor
- ▭ Parcels
- Park Lands**
- Mnts Rec & Conserv
- Mtns Restor Trust
- NPS Park Land
- Other Public Land
- State/Other Parkland

EXHIBIT NO. 46
 CCC-07-NOV-01
 LUP ESHA MAP



Exhibit 47. June 5, 2005. Unpermitted grading and vegetation removal .
Photograph submitted to the Commission on June 22, 2005.

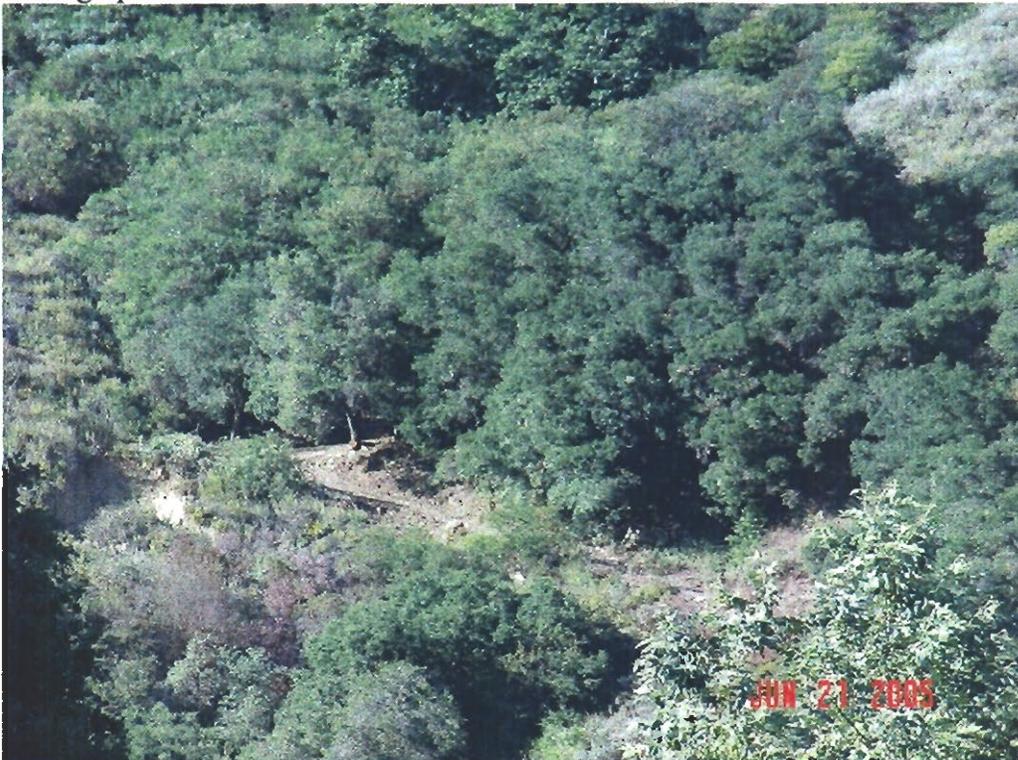


Exhibit 47. June 5, 2005. Unpermitted grading and vegetation removal .
Photograph submitted to the Commission on June 22, 2005.

EXHIBIT NO. 47
CCC-07-NOV-01
SUBMITTED PHOTOS
JUNE 22, 2005

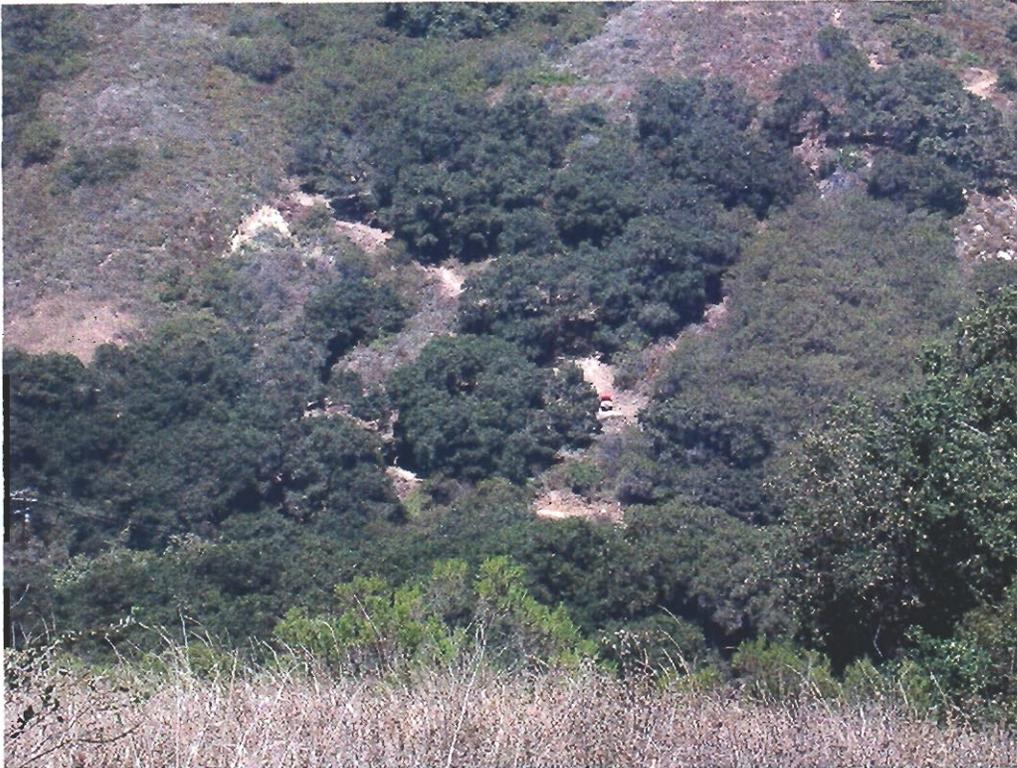


Exhibit 48. August 17, 2005. View of unpermitted grading and vegetation removal. Photograph taken from the Backbone Trail area, viewing east .



Exhibit 48. August 17, 2005. View of unpermitted grading and vegetation clearance. Note dumping of spoils down-slope. Viewing east from the Backbone Trail area.

EXHIBIT NO. 48
CCC-07-NOV-01
STAFF PHOTOS
AUGUST 17, 2005



Exhibit 49. July 15, 2005. Unpermitted grading and vegetation removal. Photograph submitted to Commission on August 17, 2005.



Exhibit 49. July 15, 2005. Unpermitted grading and vegetation removal. Photograph submitted to Commission on August 17, 2005.

EXHIBIT NO. 49 CCC-07-NOV-01 SUBMITTED PHOTOS AUGUST 17, 2005
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Exhibit 50. October 19, 2005. Unpermitted road cut and vegetation removal.



Exhibit 50. October 19, 2005. Unpermitted excavation of hillside. Note fresh cuts into soil.

EXHIBIT NO. 50
CCC-07-NOV-01
STAFF PHOTOS
OCTOBER 19, 2005



Exhibit 50. October 19, 2005. Unpermitted construction of rock walls, and backfilling of soil material around native oak trees.



Exhibit 50. October 19, 2005. Unpermitted construction of rock wall, with grading and backfilling of soil under, and on top of, oak trees.

EXHIBIT NO. 50
CCC-07-NOV-01
STAFF PHOTOS
OCTOBER 19, 2005



EXHIBIT NO. 51
CCC-07-NOV-01
AERIAL LOCATION
PARCEL OVERLAY

CALIFORNIA COASTAL COMMISSION

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

**MEMORANDUM**

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

TO: Ventura Staff

SUBJECT: Designation of ESHA in the Santa Monica Mountains

DATE: March 25, 2003

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

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

**Designation of Environmentally Sensitive Habitat in the
Santa Monica Mountains**

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

Exhibit 52 (page 1 of 24)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Dixon memo re ESHA in the Santa
Monica Mtns.

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

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

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

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

Ecosystem Context of the Habitats of the Santa Monica Mountains

The Santa Monica Mountains comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California.

Exhibit 52 (page 2 of 24)
CCC-07-NOV-01
(Wildcrew's Playground, LLC)

Dixon memo re ESHA in the Santa
Monica Mtns.

California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Mediterranean ecosystems with their wet winters and warm dry summers are only found in five localities (the Mediterranean coast, California, Chile, South Africa, and south and southwest Australia). Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed¹. However, within the Santa Monica Mountains, this ecosystem is remarkably intact despite the fact that it is closely surrounded by some 17 million people. For example, the 150,000 acres of the Santa Monica Mountains National Recreation Area, which encompasses most of the Santa Monica Mountains, was estimated to be 90 percent free of development in 2000². Therefore, this relatively pristine area is both large and mostly unfragmented, which fulfills a fundamental tenet of conservation biology³. The need for large contiguous areas of natural habitat in order to maintain critical ecological processes has been emphasized by many conservation biologists⁴.

In addition to being a large single expanse of land, the Santa Monica Mountains ecosystem is still connected, albeit somewhat tenuously, to adjacent, more inland ecosystems⁵. Connectivity among habitats within an ecosystem and connectivity among ecosystems is very important for the preservation of species and ecosystem integrity. In a recent statewide report, the California Resources Agency⁶ identified wildlife corridors and habitat connectivity as the top conservation priority. In a letter to governor Gray Davis, sixty leading environmental scientists have endorsed the

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

² Ibid.

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

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

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

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

conclusions of that report⁷. The chief of natural resources at the California Department of Parks and Recreation has identified the Santa Monica Mountains as an area where maintaining connectivity is particularly important⁸.

The species most directly affected by large scale connectivity are those that require large areas or a variety of habitats, e.g., gray fox, cougar, bobcat, badger, steelhead trout, and mule deer⁹. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem¹⁰. Recent studies show that the mountain lion, or cougar, is the most sensitive indicator species of habitat fragmentation, followed by the spotted skunk and the bobcat¹¹. Sightings of cougars in both inland and coastal areas of the Santa Monica Mountains¹² demonstrate their continued presence. Like the "canary in the mineshaft," an indicator species like this is good evidence that habitat connectivity and large scale ecological function remains in the Santa Monica Mountains ecosystem.

The habitat integrity and connectivity that is still evident within the Santa Monica Mountains is extremely important to maintain, because both theory and experiments over 75 years in ecology confirm that large spatially connected habitats tend to be more stable and have less frequent extinctions than habitats without extended spatial structure¹³. Beyond simply destabilizing the ecosystem, fragmentation and disturbance

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

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

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

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

¹¹ Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S.

Geological Survey Open-File Report 00-62. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. In: *Metapopulations and Wildlife Conservation*, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

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

¹³ Gause, G. F. 1934. *The struggle for existence*. Baltimore, William and Wilkins 163 p. (also reprinted by Hafner, N.Y. 1964). Gause, G. F., N. P. Smaragdova and A. A. Witt. 1936. Further studies of interaction between predators and their prey. *J. Anim. Ecol.* 5:1-18. Huffaker, C. B. 1958. Experimental studies on predation: dispersion factors and predator-prey oscillations. *Hilgardia* 27:343-383. Luckinbill, L. S. 1973. Coexistence in laboratory populations of *Paramecium aurelia* and its predator *Didinium nasutum*. *Ecology* 54:1320-1327. Allen, J. C., C. C. Brewster and D. H. Slone. 2001. Spatially explicit ecological models: A spatial convolution approach. *Chaos, Solitons and Fractals*. 12:333-347.

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

As a result of the pristine nature of large areas of the Santa Monica Mountains and the existence of large, unfragmented and interconnected blocks of habitat, this ecosystem continues to support an extremely diverse flora and fauna. The observed diversity is probably a function of the diversity of physical habitats. The Santa Monica Mountains have the greatest geological diversity of all major mountain ranges within the transverse range province. According to the National Park Service, the Santa Monica Mountains contain 40 separate watersheds and over 170 major streams with 49 coastal outlets¹⁵. These streams are somewhat unique along the California coast because of their topographic setting. As a "transverse" range, the Santa Monica Mountains are oriented in an east-west direction. As a result, the south-facing riparian habitats have more variable sun exposure than the east-west riparian corridors of other sections of the coast. This creates a more diverse moisture environment and contributes to the higher biodiversity of the region. The many different physical habitats of the Santa Monica Mountains support at least 17 native vegetation types¹⁶ including the following habitats considered sensitive by the California Department of Fish and Game: native perennial grassland, coastal sage scrub, red-shank chaparral, valley oak woodland, walnut woodland, southern willow scrub, southern cottonwood-willow riparian forest, sycamore-alder woodland, oak riparian forest, coastal salt marsh, and freshwater marsh. Over 400 species of birds, 35 species of reptiles and amphibians, and more than 40 species of mammals have been documented in this diverse ecosystem. More than 80 sensitive species of plants and animals (listed, proposed for listing, or species of concern) are known to occur or have the potential to occur within the Santa Monica Mountains Mediterranean ecosystem.

The Santa Monica Mountains are also important in a larger regional context. Several recent studies have concluded that the area of southern California that includes the Santa Monica Mountains is among the most sensitive in the world in terms of the number of rare endemic species, endangered species and habitat loss. These studies have designated the area to be a local hot-spot of endangerment in need of special protection¹⁷.

Therefore, the Commission finds that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine,

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

¹⁵ NPS. 2000. op.cit.

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

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

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

Major Habitats within the Santa Monica Mountains

The most recent vegetation map that is available for the Santa Monica Mountains is the map that was produced for the National Park Service in the mid-1990s using 1993 satellite imagery supplemented with color and color infrared aerial imagery from 1984, 1988, and 1994 and field review¹⁸. The minimum mapping unit was 5 acres. For that map, the vegetation was mapped in very broad categories, generally following a vegetation classification scheme developed by Holland¹⁹. Because of the mapping methods used the degree of plant community complexity in the landscape is not represented. For example, the various types of "ceanothus chaparral" that have been documented were lumped under one vegetation type referred to as "northern mixed chaparral." Dr. Todd Keeler-Wolf of the California Department of Fish and Game is currently conducting a more detailed, quantitative vegetation survey of the Santa Monica Mountains.

The National Park Service map can be used to characterize broadly the types of plant communities present. The main generic plant communities present in the Santa Monica Mountains²⁰ are: coastal sage scrub, chaparral, riparian woodland, coast live oak woodland, and grasslands.

Riparian Woodland

Some 49 streams connect inland areas with the coast, and there are many smaller drainages as well, many of which are "blue line." Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the plant communities in the area²¹. At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the

¹⁸ Franklin, J. 1997. Forest Service Southern California Mapping Project, Santa Monica Mountains National Recreation Area, Task 11 Description and Results, Final Report. June 13, 1997, Dept. of Geography, San Diego State University, USFS Contract No. 53-91S8-3-TM45.

¹⁹ Holland R. F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, The Resources Agency, Dept. of Fish and Game, Natural Heritage Division, Sacramento, CA. 95814.

²⁰ National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000. (Fig. 11 in this document.)

²¹ Ibid.

sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles²². During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

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

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing²³, and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work²⁴ has found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage

²² Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

²³ USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.

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

scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat²⁵. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed²⁶. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost²⁷. Writing at the same time as Faber, Bowler asserted that, "[t]here is no question that riparian habitat in southern California is endangered."²⁸ In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances²⁹. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.³⁰ In addition impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish³¹. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

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

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

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

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

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

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

³¹ Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. *Conservation Biology* 10(4):1155-1162.

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

Coastal Sage Scrub and Chaparral

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

The two vegetation types are often found interspersed with each other. Under some circumstances, coastal sage scrub may even be successional to chaparral, meaning that after disturbance, a site may first be covered by coastal sage scrub, which is then replaced with chaparral over long periods of time.³² The existing mosaic of coastal sage scrub and chaparral is the result of a dynamic process that is a function of fire history, recent climatic conditions, soil differences, slope, aspect and moisture regime, and the two habitats should not be thought of as completely separate and unrelated entities but as different phases of the same process³³. The spatial pattern of these vegetation stands at any given time thus depends on both local site conditions and on history (e.g., fire), and is influenced by both natural and human factors.

In lower elevation areas with high fire frequency, chaparral and coastal sage scrub may be in a state of flux, leading one researcher to describe the mix as a "coastal sage-chaparral subclimax."³⁴ Several other researchers have noted the replacement of chaparral by coastal sage scrub, or coastal sage scrub by chaparral depending on fire history.³⁵ In transitional and other settings, the mosaic of chaparral and coastal sage

³² Cooper, W.S. 1922. The broad-sclerophyll vegetation of California. Carnegie Institution of Washington Publication 319. 124 pp.

³³ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. (See attached comment document in Appendix).

³⁴ Hanes, T.L. 1965. Ecological studies on two closely related chaparral shrubs in southern California. Ecological Monographs 41:27-52.

³⁵ Gray, K.L. 1983. Competition for light and dynamic boundary between chaparral and coastal sage scrub. Madrono 30(1):43-49. Zedler, P.H., C.R. Gautier and G.S. McMaster. 1983. Vegetation change in response to extreme events: The effect of a short interval between fires in California chaparral and coastal sage scrub. Ecology 64(4): 809-818.

scrub enriches the seasonal plant resource base and provides additional habitat variability and seasonality for the many species that inhabit the area.

Relationships Among Coastal Sage Scrub, Chaparral and Riparian Communities

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

Strong evidence for the interconnectedness between chaparral, coastal scrub and other habitats is provided by "opportunistic foragers" (animals that follow the growth and flowering cycles across these habitats). Coastal scrub and chaparral flowering and growth cycles differ in a complimentary and sequential way that many animals have evolved to exploit. Whereas coastal sage scrub is shallow-rooted and responds quickly to seasonal rains, chaparral plants are typically deep-rooted having most of their flowering and growth later in the rainy season after the deeper soil layers have been saturated³⁶. New growth of chaparral evergreen shrubs takes place about four months later than coastal sage scrub plants and it continues later into the summer³⁷. For example, in coastal sage scrub, California sagebrush flowers and grows from August to February and coyote bush flowers from August to November³⁸. In contrast, chamise chaparral and bigpod ceanothus flower from April to June, buck brush ceanothus flowers from February to April, and hoaryleaf ceanothus flowers from March to April.

Many groups of animals exploit these seasonal differences in growth and blooming period. The opportunistic foraging insect community (e.g., honeybees, butterflies and moths) tends to follow these cycles of flowering and new growth, moving from coastal sage scrub in the early rainy season to chaparral in the spring³⁹. The insects in turn are followed by insectivorous birds such as the blue-gray gnatcatcher⁴⁰, bushtit, cactus wren, Bewick's wren and California towhee. At night bats take over the role of daytime insectivores. At least 12 species of bats (all of which are considered sensitive) occur in

³⁶ DeSimone, S. 2000. California's coastal sage scrub. *Fremontia* 23(4):3-8. Mooney, H.A. 1988. Southern coastal scrub. Chap. 13 in Barbour, M.G. and J. Majors; Eds. 1988. *Terrestrial vegetation of California*, 2nd Edition. Calif. Native Plant Soc. Spec. Publ. #9.

³⁷ Schoenherr, A. A. 1992. *A natural history of California*. University of California Press, Berkeley. 772p.

³⁸ Dale, N. 2000. *Flowering plants of the Santa Monica Mountains*. California Native Plant Society, 1722 J Street, Suite 17, Sacramento, CA 95814.

³⁹ Ballmer, G. R. 1995. What's bugging coastal sage scrub. *Fremontia* 23(4):17-26.

⁴⁰ Root, R. B. 1967. The niche exploitation pattern of the blue-gray gnatcatcher. *Ecol. Monog.* 37:317-350.

the Santa Monica Mountains⁴¹. Five species of hummingbirds also follow the flowering cycle⁴².

Many species of 'opportunistic foragers', which utilize several different community types, perform important ecological roles during their seasonal movements. The scrub jay is a good example of such a species. The scrub jay is an omnivore and forages in coastal sage scrub, chaparral, and oak woodlands for insects, berries and notably acorns. Its foraging behavior includes the habit of burying acorns, usually at sites away from the parent tree canopy. Buried acorns have a much better chance of successful germination (about two-fold) than exposed acorns because they are protected from desiccation and predators. One scrub jay will bury approximately 5000 acorns in a year. The scrub jay therefore performs the function of greatly increasing recruitment and regeneration of oak woodland, a valuable and sensitive habitat type⁴³.

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

"Bird diversity is directly related to the habitat mosaic and topographic diversity of the Santa Monicas. Most bird species in this bio-landscape require more than one habitat for survival and reproduction." "A significant proportion of the avifauna breeds in the wooded canyons of the Santa Monicas. Most of the canyon breeders forage every day in the brush- and grass-covered slopes, ridges and mesas. They would not breed in the canyons in the absence of the surrounding shrublands. Hawks, owls, falcons, orioles, flycatchers, woodpeckers, warblers, hummingbirds, etc. belong to this group. Conversely, some of the characteristic chaparral birds such as thrashers, quails, and wrentits need the canyons for access to shelter, protection from fire, and water. The regular and massive movement of birds between riparian corridors and adjacent shrublands has been demonstrated by qualitative and quantitative observations by several UCLA students⁴⁴."

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

⁴¹ Letter from Dr. Marti Witter, NPS, dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

⁴² National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

⁴³ Borchert, M. I., F. W. Davis, J. Michaelsen and L. D. Oyler. 1989. Interactions of factors affecting seedling recruitment of blue oak (*Quercus douglasii*) in California. *Ecology* 70:389-404. Bossema, I. 1979. Jays and oaks: An eco-ethological study of a symbiosis. *Behavior* 70:1-118. Schoenherr, A. A. 1992. A natural history of California. University of California Press, Berkeley. 772p.

⁴⁴ Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

from both the diversity and the interconnected nature of this mosaic. Most raptor species, for example, require large areas and will often require different habitats for perching, nesting and foraging. Fourteen species of raptors (13 of which are considered sensitive) are reported from the Santa Monica Mountains. These species utilize a variety of habitats including rock outcrops, oak woodlands, riparian areas, grasslands, chaparral, coastal sage scrub, estuaries and freshwater lakes⁴⁵.

When the community mosaic is disrupted and fragmented by development, many chaparral-associated native bird species are impacted. In a study of landscape-level fragmentation in the Santa Monica Mountains, Stralberg⁴⁶ found that the ash-throated flycatcher, Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, and California towhee all decreased in numbers as a result of urbanization. Soule⁴⁷ observed similar effects of fragmentation on chaparral and coastal sage scrub birds in the San Diego area.

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

Coastal Sage Scrub

"Coastal sage scrub" is a generic vegetation type that is inclusive of several subtypes⁴⁸. In the Santa Monica Mountains, coastal sage scrub is mostly of the type termed "Venturan Coastal Sage Scrub." In general, coastal sage scrub is comprised of dominant species that are semi-woody and low-growing, with shallow, dense roots that enable them to respond quickly to rainfall. Under the moist conditions of winter and spring, they grow quickly, flower, and produce light, wind-dispersed seeds, making them good colonizers following disturbance. These species cope with summer drought by dying back, dropping their leaves or producing a smaller summer leaf in order to reduce water loss. Stands of coastal sage scrub are much more open than chaparral and contain a greater admixture of herbaceous species. Coastal sage scrub is generally restricted to drier sites, such as low foothills, south-facing slopes, and shallow soils at higher elevations.

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

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

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

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

The species composition and structure of individual stands of coastal sage scrub depend on moisture conditions that derive from slope, aspect, elevation and soil type. Drier sites are dominated by more drought-resistant species (e.g., California sagebrush, coast buckwheat, and *Opuntia* cactus). Where more moisture is available (e.g., north-facing slopes), larger evergreen species such as toyon, laurel sumac, lemonade berry, and sugar bush are common. As a result, there is more cover for wildlife, and movement of large animals from chaparral into coastal sage scrub is facilitated in these areas. Characteristic wildlife in this community includes Anna's hummingbirds, rufous-sided towhees, California quail, greater roadrunners, Bewick's wrens, coyotes, and coast horned lizards⁴⁹, but most of these species move between coastal sage scrub and chaparral during their daily activities or on a seasonal basis.

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

Riparian woodlands are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams, but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat. In the Santa Monica Mountains, coastal sage scrub and chaparral provide that function. Significant development in coastal sage scrub would reduce the riparian corridors to linear islands of habitat with severe edge effects⁵⁰, reduced diversity, and lower productivity.

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

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

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

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

distributed from the San Francisco Bay area to Mexico⁵¹. Species with restricted distributions are by nature more susceptible to loss or degradation of their habitat. Westman said of this unique and local aspect of coastal sage scrub species in California:

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

Coastal sage scrub in southern California provides habitat for about 100 rare species⁵³, many of which are also endemic to limited geographic regions⁵⁴. In the Santa Monica Mountains, rare animals that inhabit coastal sage scrub⁵⁵ include the Santa Monica shieldback katydid, silvery legless lizard, coastal cactus wren, Bell's sparrow, San Diego desert woodrat, southern California rufous-crowned sparrow, coastal western whiptail, and San Diego horned lizard. Some of these species are also found in chaparral⁵⁶. Rare plants found in coastal sage scrub in the Santa Monica Mountains include Santa Susana tarplant, Coulter's saltbush, Blockman's dudleya, Braunton's milkvetch, Parry's spineflower, and Plummer's mariposa lily⁵⁷. A total of 32 sensitive species of reptiles, birds and mammals have been identified in this community by the National Park Service.⁵⁸

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

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

⁵² Ibid.

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

⁵⁴ Westman, W.E. 1981. op. cit.

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

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

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

⁵⁸ NPS, 2000, op cit.

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

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

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

Chaparral

Another shrub community in the Santa Monica Mountain Mediterranean ecosystem is chaparral. Like "coastal sage scrub," this is a generic category of vegetation. Chaparral species have deep roots (10s of ft) and hard waxy leaves, adaptations to drought that increase water supply and decrease water loss at the leaf surface. Some chaparral species cope more effectively with drought conditions than do desert plants⁶¹. Chaparral plants vary from about one to four meters tall and form dense, intertwining stands with nearly 100 percent ground cover. As a result, there are few herbaceous species present in mature stands. Chaparral is well adapted to fire. Many species regenerate mainly by crown sprouting; others rely on seeds which are stimulated to germinate by the heat and ash from fires. Over 100 evergreen shrubs may be found in chaparral⁶². On average, chaparral is found in wetter habitats than coastal sage scrub, being more common at higher elevations and on north facing slopes.

The broad category "northern mixed chaparral" is the major type of chaparral shown in the National Park Service map of the Santa Monica Mountains. However, northern mixed chaparral can be variously dominated by chamise, scrub oak or one of several species of manzanita or by ceanothus. In addition, it commonly contains woody vines and large shrubs such as mountain mahogany, toyon, hollyleaf redberry, and sugarbush⁶³. The rare red shank chaparral plant community also occurs in the Santa Monica Mountains. Although included within the category "northern mixed chaparral" in

⁵⁹ Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002

⁶⁰ Westman, W.E. 1981. op. cit.

⁶¹ Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

⁶² Keely, J.E. and S.C. Keeley. Chaparral. Pages 166-207 in M.G. Barbour and W.D. Billings, eds. North American Terrestrial Vegetation. New York, Cambridge University Press.

⁶³ Ibid.

the vegetation map, several types of ceanothus chaparral are reported in the Santa Monica Mountains. Ceanothus chaparral occurs on stable slopes and ridges, and may be dominated by bigpod ceanothus, buck brush ceanothus, hoaryleaf ceanothus, or greenbark ceanothus. In addition to ceanothus, other species that are usually present in varying amounts are chamise, black sage, holly-leaf redberry, sugarbush, and coast golden bush⁶⁴.

Several sensitive plant species that occur in the chaparral of the Santa Monica Mountains area are: Santa Susana tarplant, Lyon's pentachaeta, marcescent dudleya, Santa Monica Mountains dudleya, Braunton's milk vetch and salt spring checkerbloom⁶⁵. Several occurring or potentially occurring sensitive animal species in chaparral from the area are: Santa Monica shieldback katydid, western spadefoot toad, silvery legless lizard, San Bernardino ring-neck snake, San Diego mountain kingsnake, coast patch-nosed snake, sharp-shinned hawk, southern California rufous-crowned sparrow, Bell's sparrow, yellow warbler, pallid bat, long-legged myotis bat, western mastiff bat, and San Diego desert woodrat.⁶⁶

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

Many species of animals in Mediterranean habitats characteristically move among several plant communities during their daily activities, and many are reliant on different communities either seasonally or during different stages of their life cycle. The importance of an intact mosaic of coastal sage scrub, chaparral, and riparian community types is perhaps most critical for birds. However, the same principles apply to other taxonomic groups. For example, whereas coastal sage scrub supports a higher diversity of native ant species than chaparral, chaparral habitat is necessary for the coast horned lizard, an ant specialist⁶⁷. Additional examples of the importance of an interconnected communities, or habitats, were provided in the discussion of coastal sage scrub above. This is an extremely important ecosystem role of chaparral in the Santa Monica Mountains.

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

⁶⁴ Ibid.

⁶⁵ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁶⁶ Ibid.

⁶⁷ A.V. Suarez. Ants and lizards in coastal sage scrub and chaparral. A presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

penetrating the bedrock below⁶⁸, so chaparral literally holds the hillsides together and prevents slippage.⁶⁹ In addition, the direct soil erosion from precipitation is also greatly reduced by 1) water interception on the leaves and above ground foliage and plant structures, and 2) slowing the runoff of water across the soil surface and providing greater soil infiltration. Chaparral plants are extremely resistant to drought, which enables them to persist on steep slopes even during long periods of adverse conditions. Many other species die under such conditions, leaving the slopes unprotected when rains return. Since chaparral plants recover rapidly from fire, they quickly re-exert their ground stabilizing influence following burns. The effectiveness of chaparral for erosion control after fire increases rapidly with time⁷⁰. Thus, the erosion from a 2-inch rain-day event drops from 5 yd³/acre of soil one year after a fire to 1 yd³/acre after 4 years.⁷¹ The following table illustrates the strong protective effect of chaparral in preventing erosion.

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

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

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

Oak Woodland and Savanna

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

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

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

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

⁷¹ *Ibid.*

tolerant of salt-laden fog than other oaks and is generally found nearer the coast⁷². Coast live oak also occurs as a riparian corridor species within the Santa Monica Mountains.

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

The important ecosystem functions of oak woodlands and savanna are widely recognized⁷³. These habitats support a high diversity of birds⁷⁴, and provide refuge for many species of sensitive bats⁷⁵. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats.

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

Grasslands

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

California Perennial Grassland

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

⁷² NPS 2000. op. cit.

⁷³ Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72-76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos, California. 184 pp.

⁷⁴ Cody, M.L. 1977. Birds. Pp. 223-231 in Thrower, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas*. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

⁷⁵ Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

and substrate factors⁷⁶. Mixed with these native needlegrasses are many non-native annual species that are characteristic of California annual grassland⁷⁷. Native perennial grasslands are now exceedingly rare⁷⁸. In California, native grasslands once covered nearly 20 percent of the land area, but today are reduced to less than 0.1 percent⁷⁹. The California Natural Diversity Database (CNDDDB) lists purple needlegrass habitat as a community needing priority monitoring and restoration. The CNDDDB considers grasslands with 10 percent or more cover by purple needlegrass to be significant, and recommends that these be protected as remnants of original California prairie. Patches of this sensitive habitat occur throughout the Santa Monica Mountains where they are intermingled with coastal sage scrub, chaparral and oak woodlands.

Many of the raptors that inhabit the Santa Monica Mountains make use of grasslands for foraging because they provide essential habitat for small mammals and other prey. Grasslands adjacent to woodlands are particularly attractive to these birds of prey since they simultaneously offer perching and foraging habitat. Particularly noteworthy in this regard are the white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, red-shouldered hawk, red-tailed hawk, golden eagle, American kestrel, merlin, and prairie falcon⁸⁰.

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

California Annual Grassland

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

⁷⁶ Sawyer, J. O. and T. Keeler-Wolf. 1995. A manual of California vegetation. California Native Plant Society, 1722 J St., Suite 17, Sacramento, CA 95814.

⁷⁷ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁷⁸ Noss, R.F., E.T. LaRoe III and J.M. Scott. 1995. Endangered ecosystems of the United States: a preliminary assessment of loss and degradation. Biological Report 28. National Biological Service, U.S. Dept. of Interior.

⁷⁹ NPS 2000. op. cit.

⁸⁰ NPS 2000. op. cit.

these patches are dominated by invasive non-native species, it would be premature to say that they are never sensitive or do not harbor valuable annual native species. A large number of native forbs also may be present in these habitats⁸¹, and many native wildflowers occur primarily in annual grasslands. In addition, annual grasslands are primary foraging areas for many sensitive raptor species in the area.

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

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

The natural habitats of the Santa Monica Mountains are highly threatened by current development pressure, fragmentation and impacts from the surrounding megalopolis. The developed portions of the Santa Monica Mountains represents the extension of this urbanization into natural areas. About 54% of the undeveloped Santa Monica Mountains are in private ownership⁸², and computer simulation studies of the development patterns over the next 25 years predict a serious increase in habitat fragmentation⁸³. Development and associated human activities have many well-documented deleterious effects on natural communities. These environmental impacts may be both direct and indirect and include the effects of increased fire frequency, of fire clearance, of introduction of exotic species, and of night lighting.

Increased Fire Frequency

Since 1925, all the major fires in the Santa Monica Mountains have been caused by human activities⁸⁴. Increased fire frequency alters plant communities by creating conditions that select for some species over others. Strong resprouting plant species such as laurel sumac, are favored while non-sprouters like bigpod ceanothus, are at a disadvantage. Frequent fire recurrence before the non-sprouters can develop and reestablish a seed bank is detrimental, so that with each fire their chances for propagation are further reduced. Resprouters can be sending up new shoots quickly, and so they are favored in an increased fire frequency regime. Also favored are weedy and invasive species. Dr. Steven Davis in his abstract for a Coastal Commission

⁸¹ Holstein, G. 2001. Pre-agricultural grassland in Central California. *Madrono* 48(4):253-264. Stromberg, M.R., P. Kephart and V. Yadon. 2001. Composition, invasibility and diversity of coastal California grasslands. *Madrono* 48(4):236-252.

⁸² National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

⁸³ Swenson, J. J., and J. Franklin. 2000. The effects of future urban development on habitat fragmentation in the Santa Monica Mountains. *Landscape Ecol.* 15:713-730.

⁸⁴ NPS, 2000, op. cit.

Workshop stated⁸⁵ *"We have evidence that recent increases in fire frequency has eliminated drought-hardy non-sprouters from chaparral communities near Malibu, facilitating the invasion of exotic grasses and forbs that further exacerbate fire frequency."* Thus, simply increasing fire frequency from about once every 22 years (the historical frequency) to about once every 12 years (the current frequency) can completely change the vegetation community. This has cascading effects throughout the ecosystem.

Fuel Clearance

The removal of vegetation for fire protection in the Santa Monica Mountains is required by law in "Very High Fire Hazard Severity Zones"⁸⁶. Fuel removal is reinforced by insurance carriers⁸⁷. Generally, the Santa Monica Mountains are considered to be a high fire hazard severity zone. In such high fire hazard areas, homeowners must often resort to the California FAIR Plan to obtain insurance. Because of the high risk, all homes in "brush areas" are assessed an insurance surcharge if they have less than the recommended 200-foot fuel modification zone⁸⁸ around the home. The combination of insurance incentives and regulation assures that the 200-foot clearance zone will be applied universally⁸⁹. While it is not required that all of this zone be cleared of vegetation, the common practice is simply to disk this zone, essentially removing or highly modifying all native vegetation. For a new structure not adjacent to existing structures, this results in the removal or modification of a minimum of three acres of vegetation⁹⁰. While the directly impacted area is large, the effects of fuel modification extend beyond the 200-foot clearance area.

Effects of Fuel Clearance on Bird Communities

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

⁸⁵ Davis, Steven. Effects of fire and other factors on patterns of chaparral in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

⁸⁶ 1996 Los Angeles County Fire Code Section 1117.2.1

⁸⁷ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. FireSmart: protecting your community from wildfire. Partners in Protection, Edmonton, Alberta.

⁸⁸ Fuel Modification Plan Guidelines. Co. of Los Angeles Fire Department, Fuel Modification Unit, Prevention Bureau, Forestry Division, Brush Clearance Section, January 1998.

⁸⁹ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

⁹⁰ Ibid.

(mourning dove, American crow, Western scrub-jay, Northern mockingbird)⁹¹. It was found in this study that the number of migrators and chaparral-associated species decreased due to habitat fragmentation while the abundance of urban-associated species increased. The impact of fuel clearance is to greatly increase this edge-effect of fragmentation by expanding the amount of cleared area and "edge" many-fold. Similar results of decreases in fragmentation-sensitive bird species are reported from the work of Bolger et al. in southern California chaparral⁹².

Effects of Fuel Clearance on Arthropod Communities

Fuel clearance and habitat modification may also disrupt native arthropod communities, and this can have surprising effects far beyond the cleared area on species seemingly unrelated to the direct impacts. A particularly interesting and well-documented example with ants and lizards illustrates this point. When non-native landscaping with intensive irrigation is introduced, the area becomes favorable for the invasive and non-native Argentine ant. This ant forms "super colonies" that can forage more than 650 feet out into the surrounding native chaparral or coastal sage scrub around the landscaped area⁹³. The Argentine ant competes with native harvester ants and carpenter ants displacing them from the habitat⁹⁴. These native ants are the primary food resource for the native coast horned lizard, a California "Species of Special Concern." As a result of Argentine ant invasion, the coast horned lizard and its native ant food resources are diminished in areas near landscaped and irrigated developments⁹⁵. In addition to specific effects on the coast horned lizard, there are other Mediterranean habitat ecosystem processes that are impacted by Argentine ant invasion through impacts on long-evolved native ant-plant mutualisms⁹⁶. The composition of the whole arthropod community changes and biodiversity decreases when habitats are subjected to fuel modification. In coastal sage scrub disturbed by fuel modification, fewer arthropod

⁹¹ Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: a Santa Monica Mountains case study. Pp. 125-136 in Keeley, J.E., M. Baer-Keeley, and C.J. Fotheringham (eds.). *2nd interface between ecology and land development in California*. U.S. Geological Survey, Sacramento, California.

⁹² Bolger, D. T., T. A. Scott and J. T. Rotenberry. 1997. Breeding bird abundance in an urbanizing landscape in coastal Southern California. *Conserv. Biol.* 11:406-421.

⁹³ Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. *Ecology* 79(6):2041-2056.

⁹⁴ Holway, D.A. 1995. The distribution of the Argentine ant (*Linepithema humile*) in central California: a twenty-year record of invasion. *Conservation Biology* 9:1634-1637. Human, K.G. and D.M. Gordon. 1996. Exploitation and interference competition between the invasive Argentine ant, (*Linepithema humile*), and native ant species. *Oecologia* 105:405-412.

⁹⁵ Fisher, R.N., A.V. Suarez and T.J. Case. 2002. Spatial patterns in the abundance of the coastal horned lizard. *Conservation Biology* 16(1):205-215. Suarez, A.V. J.Q. Richmond and T.J. Case. 2000. Prey selection in horned lizards following the invasion of Argentine ants in southern California. *Ecological Applications* 10(3):711-725.

⁹⁶ Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. *Ecology* 79(6):2041-2056. Bond, W. and P. Slingsby. Collapse of an Ant-Plant Mutualism: The Argentine Ant (*Iridomyrmex humilis*) and Myrmecochorous Proteaceae. *Ecology* 65(4):1031-1037.

predator species are seen and more exotic arthropod species are present than in undisturbed habitats⁹⁷.

Studies in the Mediterranean vegetation of South Africa (equivalent to California shrubland with similar plant species) have shown how the invasive Argentine ant can disrupt the whole ecosystem.⁹⁸ In South Africa the Argentine ant displaces native ants as they do in California. Because the native ants are no longer present to collect and bury seeds, the seeds of the native plants are exposed to predation, and consumed by seed eating insects, birds and mammals. When this habitat burns after Argentine ant invasion the large-seeded plants that were protected by the native ants all but disappear. So the invasion of a non-native ant species drives out native ants, and this can cause a dramatic change in the species composition of the plant community by disrupting long-established seed dispersal mutualisms. In California, some insect eggs are adapted to being buried by native ants in a manner similar to plant seeds⁹⁹.

Artificial Night Lighting

One of the more recently recognized human impacts on ecosystem function is that of artificial night lighting as it effects the behavior and function of many different types of organisms¹⁰⁰. For literally billions of years the only nighttime sources of light were the moon and stars, and living things have adapted to this previously immutable standard and often depend upon it for their survival. A review of lighting impacts suggests that whereas some species are unaffected by artificial night lighting, many others are severely impacted. Overall, most impacts are negative ones or ones whose outcome is unknown. Research to date has found negative impacts to plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals, and a detailed literature review can be found in the report by Longcore and Rich¹⁰¹.

Summary

In a past action, the Coastal Commission found¹⁰² that the Santa Monica Mountains Mediterranean Ecosystem, which includes the undeveloped native habitats of the Santa Monica Mountains, is rare and especially valuable because of its relatively pristine

⁹⁷ Longcore, T.R. 1999. Terrestrial arthropods as indicators of restoration success in coastal sage scrub. Ph.D. Dissertation, University of California, Los Angeles.

⁹⁸ Christian, C. 2001. Consequences of a biological invasion reveal the importance of mutualism for plant communities. *Nature* 413:635-639.

⁹⁹ Hughes, L. and M. Westoby. 1992. Capitula on stick insect eggs and elaiosomes on seeds: convergent adaptations for burial by ants. *Functional Ecology* 6:642-648.

¹⁰⁰ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

¹⁰¹ Ibid, and Ecological Consequences of Artificial Night Lighting, Conference, February 23-24, 2002, UCLA Los Angeles, California.

¹⁰² Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

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

The importance the native habitats in the Santa Monica Mountains was emphasized nearly 20 years ago by the California Department of Fish and Game¹⁰³. Commenting on a Draft Land Use Plan for the City of Malibu, the Regional Manager wrote that, "It is essential that large areas of land be reclassified to reflect their true status as ESHAs. One of the major needs of the Malibu LUP is that it should provide protection for entire drainages and not just stream bottoms." These conclusions were supported by the following observations:

"It is a fact that many of the wildlife species of the Santa Monica Mountains, such as mountain lion, deer, and raccoon, have established access routes through the mountains. They often travel to and from riparian zones and development such as high density residential may adversely affect a wildlife corridor.

Most animal species that exist in riparian areas will, as part of their life histories, also be found in other habitat types, including chaparral (sic) or grassland. For example, hawks nest and roost in riparian areas, but are dependent on large open areas for foraging. For the survival of many species, particularly those high on the food chain, survival will depend upon the presence of such areas. Such areas in the Santa Monica Mountains include grassland and coastal sage scrub communities, which have been documented in the SEA studies as supporting a wide diversity of plant and animal life."

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

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

Property Detail Report

RealQuest.com

For Property Located At

,CA

Owner Information:

Owner Name: WILDCREWS PLAYGROUND LLC
 Mailing Address: 1191 2ND AVE STE 1901, SEATTLE WA 98101-2993 C036
 Phone Number: Vesting Codes: // CO

Location Information:

Legal Description: 39.67 ACS BEING EX OF RD SW 1/4 OF LOT 12
 County: LOS ANGELES, CA APN: 4438-018-005
 Census Tract / Block: 8001.02 / 1 Alternate APN: 4438-018-005
 Township-Range-Sect: 1S-17-12 Subdivision:
 Legal Book/Page: 12 Map Reference: 109-B3 / 589-J4
 Legal Lot: 12 Tract #: LOS ANGELES UNIF
 Legal Block: School District: UNIF
 Market Area: Munic/Township:
 Neighbor Code:

Owner Transfer Information:

Recording/Sale Date: 11/09/2005 / 10/14/2005 Deed Type: GRANT DEED
 Sale Price: Document #: 2713760 1st Mtg Document #:

Last Market Sale Information:

Recording/Sale Date: 04/22/2005 / 02/03/2005 1st Mtg Amount/Type: /
 Sale Price: \$675,000 1st Mtg Int. Rate/Type: /
 Sale Type: FULL 1st Mtg Document #: /
 Document #: 938689 2nd Mtg Amount/Type: /
 Deed Type: GRANT DEED 2nd Mtg Int. Rate/Type: /
 Transfer Document #: Price Per SqFt:
 New Construction: Multi/Split Sale:
 Title Company: EQUITY TITLE CO.
 Lender:
 Seller Name: FRY FAMILY TRUST

Prior Sale Information:

Prior Rec/Sale Date: 08/03/1981 / Prior Lender:
 Prior Sale Price: \$25,000 Prior 1st Mtg Amt/Type: /
 Prior Doc Number: 771790 Prior 1st Mtg Rate/Type: /
 Prior Deed Type: DEED (REG)

Property Characteristics:

Gross Area:	Parking Type:	Construction:
Living Area:	Garage Area:	Heat Type:
Tot Adj Area:	Garage Capacity:	Exterior wall:
Above Grade:	Parking Spaces:	Porch Type:
Total Rooms:	Basement Area:	Patio Type:
Bedrooms:	Finish Bsmnt Area:	Pool:
Bath(F/H): /	Basement Type:	Air Cond:
Year Built / Eff: /	Roof Type:	Style:
Fireplace: /	Foundation:	Quality:
# of Stories:	Roof Material:	Condition:

Other Improvements:

Site Information:

Zoning: LCA11*	Acres: 39.67	County Use: VACANT RESIDENTIAL
Flood Zone:	Lot Area: 1,728,025	State Use:
Flood Panel:	Lot Width/Depth: x	Site Influence:
Flood Panel Date:	Res/Comm Units: /	Sewer Type:
Land Use: RESIDENTIAL ACREAGE		Water Type:

Tax Information:

Total Value: \$688,500	Assessed Year: 2006	Property Tax: \$9,836.49
Land Value: \$688,500	Improve %:	Tax Area: 1653
Improvement Value:	Tax Year: 2006	Tax Exemption:
Total Taxable Value:		

Exhibit 53
 CCC-07-NOV-01
 (Wildcrew's Playground, LLC)
 Property detail report