

**CALIFORNIA COASTAL COMMISSION**

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original staff report

# Th 5.1 & 5.2

## ADDENDUM

December 9, 2015

TO: Coastal Commissioners and Interested Parties

FROM: Lisa Haage, Chief of Enforcement

SUBJECT: ADDENDUM TO **ITEM NOS. TH 5.1 & 5.1** – CONSENT CEASE AND  
DESIST ORDER NO. CCC-15-CD-04 AND CONSENT RESTORATION  
ORDER NO. CCC-15-RO-04 (FRED SEGAL SCHOLARSHIP CAMP)  
FOR THE COMMISSION MEETING OF **December 10, 2015**

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### Documents Received:

The document included in this addendum is the following letter in support of the staff recommendation for the Consent Cease and Desist Order and Consent Restoration Order:

1. *Letter of support submitted via electronic mail by Edgar Khalatian, on behalf of the Fred Segal Scholarship Camp, dated December 9, 2015.*

## **Del Arroz, John@Coastal**

---

**From:** Khalatian, Edgar <EKhalatian@mayerbrown.com>  
**Sent:** Wednesday, December 09, 2015 1:33 PM  
**To:** Del Arroz, John@Coastal  
**Subject:** Fred Segal Scholarship Camp - CCC-15-CD-04/CCC-15-RO-04 [MB-AME.FID1415460]

John,

As you know, I represent the property owner as it relates to the above referenced Cease and Desist Order and Consent Restoration Order (collectively, the "Orders"). On behalf of the property owner, I want to express our support for the Orders. We have appreciated Staff's cooperation in working to resolve the matter, and we look forward to continuing to work with Staff to resolve all of the items identified in the Orders.

If any questions are raised during the hearing, feel free to express to the Commission that the property owner supports the Orders.

Thanks, and please contact me if you have any questions or want to discuss.

**Edgar Khalatian**  
**Partner**  
Mayer Brown LLP  
213-229-9548  
[ekhalatian@mayerbrown.com](mailto:ekhalatian@mayerbrown.com)  
350 South Grand Avenue  
25th Floor  
Los Angeles, CA 90071

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# Th 5.1 & 5.2

## ADDENDUM

December 8, 2015

TO: Coastal Commissioners and Interested Parties

FROM: Lisa Haage, Chief of Enforcement

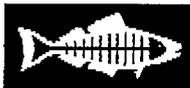
SUBJECT: ADDENDUM TO **ITEM NOS. TH 5.1 & 5.2** – CONSENT CEASE AND DESIST ORDER NO. CCC-15-CD-04 AND CONSENT RESTORATION ORDER NO. CCC-15-RO-04 (FRED SEGAL SCHOLARSHIP CAMP) FOR THE COMMISSION MEETING OF **December 10, 2015**

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### Documents Received:

Documents included in this addendum are the following letters in support of the staff recommendation for the Consent Cease and Desist Order and Consent Restoration Order:

1. *Letter of Support from Heal the Bay, dated December 2, 2015*
2. *Letter of Support from The Mountains Recreation and Conservation Authority, dated December 4, 2015*
3. *Letter of Support from Los Angeles County, Zoning Enforcement West, dated December 8, 2015*



Heal the Bay

1444 9th Street  
Santa Monica CA 90401ph 310 451 1550  
fax 310 496 1902info@healthebay.org  
www.healthebay.org

December 2, 2015

California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219  
Via fax: (415) 904-5400**RECEIVED**

DEC 03 2015

CALIFORNIA  
COASTAL COMMISSION**Re: Support Consent Cease and Desist Order No. CCC-15-CD-04 and Consent Restoration Order No. CCC-15-RO-04**

Dear Coastal Commissioners:

Heal the Bay has reviewed the recommendations and findings for the Consent Cease and Desist Order No. CCC-15-CD-04 and Consent Restoration Order No. CCC-15-RO-04 ("Cease and Desist and Restoration Orders") related to the unpermitted development located at 2890 Kanan Dume Road in the Santa Monica Mountains. We support the staff report and proposed Cease and Desist and Restoration Orders, and urge the Coastal Commission to approve these enforcement actions.

The Santa Monica Mountains National Recreation Area is the largest urban national park in the country and greatly benefits the millions of people that utilize the area for recreation and enjoyment. As stated in the staff report, this property and its surroundings are part of the Santa Monica Mountains ecosystem, a rare and biologically diverse example of a Mediterranean ecosystem in coastal southern California. Few natural areas globally can rival the extraordinary biological and habitat diversity of the Santa Monica Mountains, which are one of the few remaining areas in Los Angeles County with significant natural habitat.

Yet, many of the streams in this region are degraded, containing high levels of bacteria, nutrients, and sediment. Encroaching development and poor land use practices are exacerbating pollution problems in the Santa Monica Mountains. Since 1998, Heal the Bay's Stream Team has collected data and documented degradation of natural resources in the Santa Monica Mountains through water pollution, development in riparian habitat, hardening of streambanks, the spread of invasive species, and proliferation of agricultural uses.

A large portion of the property under consideration is characterized as Environmentally Sensitive Habitat Area ("ESHA") under the Coastal Act, and is given the special designation of H1 and H2 habitat under the Santa Monica Mountains Local Coastal Plan ("LCP"). The unpermitted development on this site, and in particular removal of vegetation and development within riparian habitat, has negatively impacted H1 and H2 ESHA habitats, which may have exacerbated sedimentation in the adjacent blue-



Heal the Bay

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line stream, a tributary to Ramirez Creek. Section 30240 of the Coastal Act requires that both ESHA and ESHA buffers be protected from development and activities that cause degradation, and Section 30231 requires protection of the biological productivity of coastal waters. Furthermore, the development is inconsistent with water quality policies in the LCP, and includes development in H1 and H2 habitats which are protected under the LCP.

Streambank and in-stream hardening negatively impacts and changes a stream's natural morphology, hydrologic balance, sediment regime, habitat provision, species composition, and natural chemical and biological processes.<sup>1</sup> Armored streambanks are one of three major causes of downstream bank erosion and sedimentation, based on Heal the Bay's Stream Team mapping efforts in the Malibu Creek Watershed. As such, we are supportive of the restoration order to remove the unpermitted development within riparian corridors at this site.

Heal the Bay is pleased that the property owners have been cooperating with Coastal Commission staff and are in agreement with the Cease and Desist and Restoration Orders, including removal of the unpermitted development on the site, restoration of the habitat, and mitigation for the temporal loss of habitat. We encourage the Commission to approve the proposed orders and move forward with restoration as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Sikich', written in a cursive style.

Sarah Abramson Sikich, MESM  
Vice President

---

<sup>1</sup> J. Craig Fischenich, 2003, "The Effects of Riprap on Riverine and Riparian Ecosystems" a report published by the US Army Corps of Engineers, Engineer Research and Development Center.



**MOUNTAINS RECREATION & CONSERVATION AUTHORITY**  
Ramirez Canyon Park  
5810 Ramirez Canyon Road  
Malibu, California 90265  
Phone (310) 589-3230 Fax (310) 589-3237

December 4, 2015

John Del Arroz  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

**Consent Cease and Desist Order No. CCC-15-CD-04**  
**Consent Restoration Order No. CCC-15-RO-04**

Dear Mr. Del Arroz:

The Mountains Recreation and Conservation Authority (MRCA) as an adjacent property owner expresses its support for the subject Consent Orders regarding the unpermitted developments and Coastal Act violations on the property at 2890 Kanan Dume Road in unincorporated Los Angeles County. Significant damage has been done to the environmentally sensitive habitat areas (ESHA) on the subject property as a result of numerous unpermitted developments without proper mitigation. Thus, remediation of this now degraded ESHA is long overdue. The MRCA appreciates efforts the Commission has taken to finally resolve this issue.

The Revegetation Plan and the Mitigation Plan required as part of the Consent Orders are key to restoring sensitive resources to the affected Significant Oak Woodland open space easement and the Watershed and Wildlife Corridor open space easement, both of which are held by MRCA. It is hoped that the respondent will adequately implement the required Revegetation Plan and the Mitigation Plan in order to reverse the longstanding and significant habitat damage.

We appreciate your consideration of our comments. Should you have any questions, please contact me at (310) 589-3230, extension 128 or via email at paul.edelman@mrca.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman".

Paul Edelman  
Chief of Natural Resources and Planning

**Del Arroz, John@Coastal**

---

**From:** Shawn Skeries <sskeries@planning.lacounty.gov>  
**Sent:** Tuesday, December 08, 2015 12:26 PM  
**To:** Del Arroz, John@Coastal  
**Cc:** Susana Franco-Rogan  
**Subject:** Re: Coastal Commission / Kanan Dume Road

John,

I received the staff report from the Commission regarding 2890 Kanan Dume Road in the mail which was sent to my Los Angeles office. The County supports the Commission's enforcement actions concerning the Coastal violations and their resolution efforts with aforementioned address. The County recognizes the importance that restoration serves in these areas that were disturbed through illegal and/or unpermitted activities and truly supports the Commission's efforts in following through on this long outstanding enforcement case.

regards,

Shawn Skeries  
Department of Regional Planning  
Zoning Enforcement, West  
Tel. (213) 974-6453  
Fax. (213) 217-5108

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# Th5.1 & Th5.2

**Staff:** J. Del Arroz-SF  
**Staff Report:** 11/24/2015  
**Hearing Date:** 12/10/2015

## **STAFF REPORT: Recommendations and Findings for Consent Cease and Desist and Consent Restoration Orders**

**Consent Cease and Desist Order No.:** CCC-15-CD-04

**Consent Restoration Order No.:** CCC-15-RO-04

**Related Violation File:** V-4-08-054

**Property Owner:** Fred Segal Scholarship Camp

**Property Location:** 2890 Kanan Dume Road (Assessor's Parcel Numbers 4465-001-029; 4465-002-012; and 4465-005-036 and 4465-005-037 (prior to the unpermitted land division collectively known as 4465-005-032)

**Violation Description:** Subdivision of the lot historically identified as APN 4465-005-032 into two lots; placement of a residence, shed, pool, garage, tool shed, chicken coop, retaining walls and garden, and septic system; grading and removal of major vegetation to create three roads; conversion of a horse barn to an enclosed recreation room; and removal of major vegetation, all without the necessary permits and in violation of the conditions of CDP 5-89-743; and failure to restore roads as required by CDP 5-89-743.

**Substantive File Documents:**

1. Public documents in Cease and Desist and Restoration Order files Nos. CCC-15-CD-04 and CCC-15-RO-04
2. Exhibits 1 through 14 and Appendix A of this staff report

**CEQA Status:** Exempt (CEQA Guidelines (CG) §§ 15060(c)(2) and (3)) and Categorically Exempt (CG §§ 15061(b)(2), 15307, 15308, and 15321)

## **SUMMARY OF STAFF RECOMMENDATION AND FINDINGS**

This matter involves unpermitted development, and development inconsistent with a previously issued coastal development permit (“CDP”), that occurred in the Santa Monica Mountains on three lots with a total size of 120 acres, located at 2890 Kanan Dume Road, in unincorporated Los Angeles County (“the Property”) (Assessor’s Parcel Numbers 4465-001-029; 4465-002-012; and 4465-005-036 and 4465-005-037 that were collectively known as 4465-005-032 prior to the unpermitted land division) (Exhibit 1).

As described in more detail below, the unpermitted development that is the subject of these proceedings includes, but is not necessarily limited to: unpermitted subdivision of the lot historically identified as APN 4465-005-032 into two lots<sup>1</sup>; unpermitted placement of a residence, shed, pool, garage, tool shed, chicken coop, retaining walls and garden, and septic system; grading and removal of major vegetation to create three roads; failure to restore two of those roads as required by CDP No. 5-89-743; conversion of a horse barn to an enclosed recreation room; and removal of major vegetation (“Unpermitted Development”).

The Property and its surroundings are part of the Santa Monica Mountains ecosystem, and provide important riparian, oak woodland, and chaparral habitat for native species. The Santa Monica Mountains ecosystem is rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. Much of the area in the vicinity of the Property, including the Zuma/Trancas Canyon National Park just to the west, is publicly held, and these areas remain undeveloped and in a predominantly natural state. To the east of the Property, the National Park Service owns land that is designated for the protection of a wildlife corridor that exists on that lot and crosses onto the Property.

The Property and its surroundings are also important coastal resources due to their significance to water quality and views. The chaparral, riparian, and oak habitats on the Property help to protect water quality in Ramirez Creek, and Paradise Cove, into which it empties. Paradise Cove has been previously designated as an impaired water body, and maintaining habitat quality along riparian corridors such as the one on the Property is important to improving water quality in this area.

As described in further detail in Section D of this staff report, almost the entirety of the Property is considered an Environmentally Sensitive Habitat Area (“ESHA”), as designated under the Coastal Act, and as H1 and H2 Habitat as designated by the Santa Monica Mountains certified Local Coastal Program (“SMM LCP”). The Unpermitted Development resulted in clearance of and impacts to sensitive habitat, including oak woodland, chaparral, and riparian habitats.

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<sup>1</sup> These findings may at times refer to the illegal subdivision by assessor’s parcel number, or as the “existing” subdivision, the “unpermitted” subdivision, or the like. The Commission does not intend such references as a concession as to the effectiveness or legality of subject actions in effectuating a division of land.

This matter also involves development that is inconsistent with the requirements of a prior permit issued by the Commission, CDP No. 5-89-743. This permit required that development only occur within certain identified “development areas,” areas that the Commission identified that may be developed in the future pursuant to a new, approved CDP, and required that any future development on the site, including within the development areas, would require a CDP. As a condition of the CDP, offers to dedicate two easements were recorded in the chain of title to the Property. These offers were accepted by the Mountains Recreation and Conservation Authority, which now holds the easements. The easements and the conditions of CDP 5-89-743 prohibit development within the easements, and over all areas of the Property outside of the designated development areas, to ensure the protection of the ESHA and other coastal resources, as more fully described below. However, Unpermitted Development occurred on the Property, and in areas outside the designated development areas, within the “ESHA/Significant Oak Woodland” and “Watershed and Wildlife Corridor” easements. CDP 5-89-743 also required the restoration of two unpermitted roads located on the property; however restoration of these roads did not occur, in non-compliance with the CDP.

The Property is owned by an entity called the “Fred Segal Scholarship Camp.” The Fred Segal Scholarship Camp and its successors and assigns are the entities that are the subject to these proceedings (hereinafter referred to as “Respondents”). Commission staff has worked closely with Respondents to reach an amicable resolution to these matters, and to resolve the Coastal Act violations described herein. Through the execution of these Consent Orders, Respondents have agreed to, among other things: 1) remove unpermitted structures and materials that were placed as a result of Unpermitted Development; 2) install temporary erosion control measures; 3) conduct restorative grading; 4) revegetate areas impacted by the Unpermitted Development with native plants appropriate for the habitat on and adjacent to the Property; 5) mitigate for the temporal loss of habitat, including through removal of non-native, invasive plant species on the Property and planting native plant species and payment of \$45,000 to a mitigation fund that will be used for additional restoration in the Santa Monica Mountains; 6) resolve civil liabilities under the Coastal Act by paying a total of \$400,000; and 7) request after-the-fact authorization for a swimming pool, hardscape surrounding the swimming pool, and the conversion of a barn to an enclosed recreation room. Therefore, staff recommends that the Commission **issue** these Consent Orders, which would establish a process for Respondents to resolve this matter. Motions and resolutions are found on page 5 of this staff report.

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## APPENDICES

Appendix A Proposed Consent Cease and Desist and Restoration Orders

## EXHIBITS

Exhibit 1	Site map and location
Exhibit 2	Aerial photograph depicting parcel boundaries
Exhibit 3	Photographs depicting unpermitted development
Exhibit 4	Development area demarcation, Exhibit 2b from Staff Report for CDP 5-89-743
Exhibit 5	Notice of Violation letter dated October 19, 2010
Exhibit 6	Notice of Violation letter dated June 2, 2011
Exhibit 7	Letter from CCC staff to Fred Segal and the United World of the Universe Foundation and Fred Segal Trust, dated July 21, 2011
Exhibit 8	Letter from CCC staff to Michael Segal and the United World of the Universe Foundation, dated August 15, 2011
Exhibit 9	Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings, dated March 19, 2012
Exhibit 10	CDP 5-89-743
Exhibit 11	Offer to Dedicate Easement for Protection of Watershed and Wildlife Corridors
Exhibit 12	Offer to Dedicate Easement for Environmentally Sensitive Habitat/ Woodland
Exhibit 13	Acceptance of Offer to Dedicate Open Space Easement for Protection of Watershed and Wildlife Corridors
Exhibit 14	Acceptance of Offer to Dedicate Open Space Easement for Environmentally Sensitive Habitat/ Woodland

## **I. MOTION AND RESOLUTION**

### **Motion 1: Consent Cease and Desist Order**

*I move that the Commission **issue** Consent Cease and Desist Order No. CCC-15-CD-04 pursuant to the staff recommendation.*

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

### **Resolution to Issue Consent Cease and Desist Order:**

*The Commission hereby issues Consent Cease and Desist Order No. CCC-15-CD-04, as set forth below, and adopts the findings set forth below on grounds that development has occurred without the requisite coastal development permit, and in violation of CDP 5-89-743, in violation of the Coastal Act and that the requirements of the Order are necessary to ensure compliance with the Coastal Act.*

### **Motion 2: Consent Restoration Order**

*I move that the Commission issue Consent Restoration Order No. CCC-15-RO-04 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in adoption of the resolution immediately below and issuance of the Consent Restoration Order. The motion passes only by an affirmative vote of a majority of Commissioners present.

### **Resolution to Issue Consent Restoration Order:**

*The Commission hereby issues Consent Restoration Order No. CCC-15-RO-04, as set forth below, and adopts the findings set forth below on the grounds that 1) development has occurred without a coastal development permit, 2) the development is inconsistent with the Coastal Act, and 3) the development is causing continuing resource damage.*

## **II. HEARING PROCEDURES**

The procedures for a hearing on a Cease and Desist Order and Restoration Order are outlined in Section 13185 and Section 13195 of Title 14 of the California Code of Regulations (“14 CCR”), respectively.

For a Cease and Desist Order and Restoration Order hearing, the Chair shall announce the matter and request that all parties or their representatives present at the hearing identify themselves for the record. The Chair shall then have staff indicate what matters are already part of the record and the Chair shall announce the rules of the proceeding, including time limits for presentations.

The Chair shall also announce the right of any speaker to propose to the Commission, before the close of the hearing, any question(s) for any Commissioner, at his or her discretion, to ask of any other party. Staff shall then present the report and recommendation to the Commission, after which the alleged violator(s), or their representative(s), may present their position(s) with particular attention to those areas where an actual controversy exists. The Chair may then recognize other interested persons, after which time staff typically responds to the testimony and to any new evidence introduced.

The Commission will receive, consider, and evaluate evidence in accordance with the same standards it uses in its other quasi-judicial proceedings, as specified in 14 CCR Sections 13186 and 13195, incorporating by reference Section 13065. The Chair will close the public hearing after the presentations are completed. The Commissioners may ask questions to any speaker at any time during the hearing or deliberations, including, if any Commissioner so chooses, any questions proposed by any speaker in the manner noted above. Finally, the Commission shall determine, by a majority vote of those present and voting, whether to issue the Cease and Desist Order and Restoration Order, either in the form recommended by the Executive Director, or as amended by the Commission. Passage of the motion above, per the staff recommendation or as amended by the Commission, will result in issuance of the Cease and Desist Order and Restoration Order.

### **III. FINDINGS FOR CONSENT ORDERS<sup>2</sup>**

#### **A. PROJECT LOCATION AND VICINITY**

The Property is located in the central Santa Monica Mountains, within unincorporated Los Angeles County. The Property forms the easternmost half of a 240-acre compound of six parcels purchased by Fred Segal in the early 1980s. All properties have since been transferred to two separate organizations, with the western half going to the United World of the Universe Foundation, and the eastern half going to the Fred Segal Scholarship Camp. The eastern three parcels are the subject of the proposed Consent Orders<sup>3</sup>.

Inland from the City of Malibu, and approximately four miles from the Pacific Ocean, the Property is situated in sparsely developed upper Ramirez Canyon. Immediately contiguous with the eastern boundary of the six-parcel compound as a whole is an approximately 40-acre lot held by the National Park Service (“NPS”) for the protection of the wildlife migration corridor that traverses both the NPS property and the property subject to these Consent Orders. The expansive Zuma/Trancas Canyon National Park lies immediately west of the Property, across Kanan Dume

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<sup>2</sup> These findings also hereby incorporate by reference the section “Summary of Staff Recommendation and Findings” at the beginning of this November 24, 2015 staff report (“STAFF REPORT: Recommendations and Findings for Consent Cease and Desist and Consent Restoration Orders”) in which these findings appear.

<sup>3</sup> The property subject to the proposed Consent Orders is identified as Los Angeles County Assessor’s Parcel Numbers 4465-001-029; 4465-002-012; and 4465-005-036 and 4465-005-037 which prior to the unpermitted land division were collectively known as 4465-005-032. The unpermitted development on the western parcels was addressed separately pursuant to CDO CCC-12-CD-05 and RO CCC-12-RO-05.

Road, while additional publicly held lands are found to the north. These parklands remain in a predominately natural state, with the native chaparral and riparian vegetation interrupted sparingly for visitor-serving amenities.

Access to the Property off Kanan Dume Road is provided by a paved road that leads down a steep oak woodland-covered slope to a stream at the canyon bottom. Riparian vegetation is located along this stream, which follows the topography of the canyon bottom. The willow, sycamore, and oak woodland habitat support immense biodiversity and play an essential role in filtration of water that subsequently flows into Ramirez Creek. Ramirez Creek flows into the Pacific Ocean at Paradise Cove, an area home to sensitive kelp beds and heavily used for recreation. Furthermore, Paradise Cove Beach is listed by the California Water Resources Control Board as a 303(d) impaired water body. Improving water quality at Paradise Cove Beach and within Ramirez Creek, including through improving runoff filtration by reestablishment of riparian corridors, is considered an important objective to enhance nearshore biological productivity and recreation quality.

On the Property, the hills rising northeast of the tributary streams are covered with a large swath of chaparral, which qualifies as ESHA under the Coastal Act, and is designated as H2 habitat in the LCP, a designation equivalent to ESHA, defined by the LCP as “areas of high biological significance, rarity, and sensitivity.”

## **B. DESCRIPTION OF UNPERMITTED DEVELOPMENT**

The Unpermitted Development includes, but may not necessarily be limited to: the subdivision of the lot historically identified as APN 4465-005-032 into two lots, APNs 4465-005-036 and 4465-005-037; unpermitted placement of a residence, shed, pool, garage, tool shed, chicken coop, retaining walls and garden, and septic system; grading, including grading of three roads; failure to restore two of those roads as required by CDP 5-89-743; removal of major vegetation; and conversion of a horse barn to an enclosed recreation room; all without a Coastal Development Permit (“CDP”) and inconsistent with CDP No. 5-89-743.

### **1) SUBDIVISION**

The Commission’s findings for CDP 5-89-743 state that six 40 acre lots were included in that development proposal, including APN 4465-005-032. However, at some point afterwards actions were taken to subdivide that APN to create two new lots, designated with APNs 4465-005-036 and 4465-005-037 (Exhibit 2). Pursuant to Section 30106 of the Coastal Act and the analogous definition in the certified Santa Monica Mountains LCP, the term “Development” includes “subdivision pursuant to the Subdivision Map Act... and any other division of land, including lot splits...” However, no CDP was obtained for the subdivision of the lot designated as APN 4465-005-032, and therefore that historical parcel remains the legal lot. These Consent Orders require the recombination of the two unpermitted lots into one.

### **2) GRADING**

At some point prior to the Commission’s consideration of CDP 5-89-743, in 1990, two paved roads were created without a CDP, with the western road located on the western portion of APN 4465-002-012 and extending north to APN 4465-001-029, and the eastern road located on the

southeastern portion of APN 4465-002-012. In 2006, Respondents graded an approximately 800 foot long northern road, extending north of the residential trailer on the Property. The northern road, which was created through grading and the clearance of native chaparral, extends along the sides of a canyon extending to the north. Grading also occurred in association with the installation of structures, as discussed below.

### 3) REMOVAL OF MAJOR VEGETATION

Removal of major vegetation, including oak woodland, riparian, and chaparral vegetation, occurred as a result of the grading identified in Section 2, above, and within the footprint of, and/or adjacent to the unpermitted structures identified in Section 4, below. This includes the clearance of oak woodland vegetation to the west of the unpermitted residence constructed on the property, and the removal of chaparral habitat to the west and north of the permitted residential trailer.

### 4) STRUCTURES

Multiple structures were placed on the Property without permits including: a second residence with 627 sq. ft. of living space; a storage shed adjacent to the graded road identified above; a swimming pool; a 471 sq. ft. garage, which includes storage and office space; a 152 sq. ft. garden tool shed; a chicken coop located within or near the riparian corridor; a new terraced garden supported by two retaining walls located below the driveway leading to the barn; and a 1000 gallon septic tank and seepage pit which serves the unpermitted residence and a restroom within the barn.

### 5) FAILURE TO RESTORE ROADS

As described in further detail below, CDP 5-89-743 required that specified roads be restored with native vegetation. However, the unpermitted western road, located to the west of the unpermitted residence on APN 4465-002-012 and extending north to APN 4465-001-029, and the eastern road located to the south and east of the residential trailer were not restored, in violation of CDP 5-89-743. These Consent Orders require the complete restoration of these two roads, in addition to the other unpermitted road.

## **C. PERMIT AND ENFORCEMENT HISTORY**

### 1) HISTORIC DEVELOPMENT

Prior to the effective date of the Coastal Act, the Property consisted, for the most part, of pristine native habitat; development was limited in both scope and nature. By 1976, the sole development on the Property and the parcels to the east was an unpaved access road that traversed the Property, from Kanan Dume Road to the bottom of the stream and from the stream bottom to the northeast. At this time, roads and associated disturbance were limited to the southwestern reaches of the Property.

The parcels comprising the Property were purchased by Fred Segal from 1984 to 1987. By 1986, without requisite permits, the aforementioned access road had been widened; a caretaker's trailer, horse barn, and well house were installed; and roads leading to that development, and to

the north and east were graded, and some roads were paved, all without coastal development permits.

2) CDP No. 5-89-743

An enforcement action was initiated by Commission staff in the late 1980s in response to the aforementioned unpermitted development, culminating in the Commission's issuance of CDP 5-89-743 to Fred Segal on May 10, 1990. In an effort to address the violation and accommodate anticipated future development, this permit addressed all of the six contiguous 40 acre lots as a whole and delineated a master development footprint. Further, this CDP authorized specific, limited physical development on those lots. On the lots to the west of the Property, development included a 7,346 sq. ft. single family house, pool, pond, pump house, barns, stables, an 850 sq. ft. guest house, two cement picnic areas, grading and paving of a parking area adjacent to Kanan Dume Road, the drilling of wells, extending pads for the guest house, the building of culverts and the installation of rock facing on stream banks. On the Property, the Commission authorized the construction of a caretakers unit, well house, garden, kennel, and a barn on APN 4465-002-012.

The Commission authorized specific development that was placed on the site, as noted above. However, the permit did not authorize any other physical development, including within any of the areas that it designated as potential future development sites. In fact, Special Condition 6 expressly provided: "Coastal Development Permit No. 5-89-743 is for the approved development only and that any future improvements or additions on the property including erecting fences, clearing of vegetation, brushing or grading (except as described below) will require a new Coastal Development Permit from the Commission or its successor agency."

Development Areas

In order to establish a long term development plan for the six contiguous 40 acre parcels, CDP 5-89-743 identified six "development areas", areas that may be developed in the future pursuant to a new, approved CDP. Within each development area, if approved pursuant to a CDP, permissible development within each area was restricted to a maximum of one single family residence, one guest house, and appurtenant structures (Exhibit # 6). More importantly, Special Condition 6 prohibited residential development, sheds, stables, fencing or other appurtenant structures from being located outside of development areas. However, Unpermitted Development was placed outside of the development areas and within areas protected by open space easements, as described further below.

Environmentally Sensitive Habitat and Open Space Easements<sup>4</sup>

CDP No 5-89-743 additionally required the recordation of two offers to dedicate open space easements: 1) an ESHA / Significant Oak Woodland easement over: ESHA, Significant Oak Woodland habitat as mapped in the former Land Use Plan for the Santa Monica Mountains, and ESHA areas required to be restored pursuant to the permit, and 2) a Watershed and Wildlife

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<sup>4</sup> The easements required pursuant to CDP 5-89-743 were amended on the lots located to the west of the Property through CDP Amendment 5-89-743-A2 and CDP 4-12-069, to address the unpermitted development on those properties.

Corridor easement for protection of the watershed and wildlife corridors. These two easements cover the entirety of the Property with the exception of the delineated “Development Areas.” The offers to dedicate were recorded on February 11, 1991 (Exhibit 11 and 12) and accepted by the Mountains Recreation and Conservation Authority on September 6, 2011 (Exhibits 13 and 14).

The ESHA/Significant Oak Woodland easement is for the protection of open space, view preservation, and habitat, and the easement restricted development within the easement area to only that which was explicitly approved in the CDP 5-89-743. Thinning of chaparral and removal of dead wood was allowed only within 100 feet of approved, enclosed structures and by only hand tools – no thinning was allowed beyond 100 feet, and no other development was to be undertaken in this area.

The Watershed and Wildlife Corridor easement was for the protection of watershed and wildlife corridors, and views. Uses prohibited under the terms of the easement included urban and residential development, including mechanical grading, construction of roads, residential dwelling units, or appurtenant structures, such as sheds or any other development within the area it covered. However, Unpermitted Development occurred within the area of the site specifically covered by the ESHA/Significant Oak Woodland and Watershed and Wildlife Corridor easements including a residence, shed, chicken coop, retaining walls and garden, septic system, grading and creation of three roads, and removal of major vegetation.

#### Roads

While approximately 2.5 miles of existing dirt roads had been widened and paved pursuant to the 1989 permit, Special Condition 1 of CDP 5-89-743 also mandated that all roads that do not serve approved development areas be restored. However, the western and eastern roads, which were included in the areas to be restored by this Special Condition (and as described in the Unpermitted Development section above), have not been restored as required by the CDP.

### 3) ENFORCEMENT HISTORY

As described above, the creation of two unpermitted paved roads occurred at some point prior to 1990. Much of the remaining Unpermitted Development on the Property occurred between 2006 and 2008. Between 2009 and 2010, the property owner of the six contiguous 40 acre lots transferred ownership of the lots to two separate entities: the United World of the Universe Foundation (for the adjacent parcels to the west) and the Fred Segal Scholarship Camp (for the lots comprising the Property). In part due to the lease of the adjacent properties to the west to a lessee, named ‘The Canyon at Peace Park’, for use as a treatment center, the resolution of Unpermitted Development on the six properties was separated to allow for resolution of unpermitted development in two separate contexts. Consent Cease and Desist Order No. CCC-12-CD-05 and Consent Restoration Order No. CCC-12-RO-05 was issued in July 2012 to the property owner, the United World of the Universe Foundation, and the lessee, The Canyon at Peace Park, to address the Unpermitted Development associated with the western three properties. The Unpermitted Development on the remaining three properties is being addressed in these Consent Orders.

Commission staff sent a Notice of Violation letter to Respondents on October 19, 2010, after being notified by Los Angeles County that development had been undertaken without the benefit of a CDP (Exhibit #9). After the lessee of the adjacent properties to the west indicated a desire to resolve the violations enumerated in the Notice of Violation letter on property that it controlled through the permitting process, Commission staff allowed the lessee an opportunity to resolve the matter via the CDP process. The applicant for that CDP did not “complete” the application and therefore the application was not filed. Therefore, to address the unresolved issues, Commission staff sent a second notice of violation on June 2, 2011 (Exhibit #10), which included additional violations that staff had discovered in the course of reviewing the properties. Commission staff, including a Commission staff biologist, met with Respondents on the properties on June 14, 2011 and August 2, 2011 to discuss the matter, as well as to review potential resource impacts associated therewith. Staff followed these visits with letters confirming the meeting and the steps then to be taken towards resolution (Exhibit #11a & 11b). Staff sent Respondents a Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings on March 19, 2012 (Exhibit #12) and worked with Respondents for several months to fully address that matter.

In mid-2012, to facilitate an expeditious resolution of the violations, Commission staff agreed with the property owners to first address only the unpermitted development on three western parcels (Los Angeles County Assessor’s Parcel Numbers 4465-001-036, 4465-001-028, and 4465-002-021), and to address the unpermitted development on the three eastern parcels, the property that is the subject of these Consent Orders, at a later date.

#### Prior Consent Orders

In July 2012, the Commission issued Consent Cease and Desist Order No. CCC-12-CD-05 and Consent Restoration Order No. CCC-12-RO-05 to the United World of the Universe Foundation, to resolve unpermitted development on the three western parcels. The United World of the Universe Foundation is currently working to restore the site consistent with those Consent Orders, and substantial progress has been made towards compliance with them.

#### Recent Discussions

After the prior Consent Orders were issued, Enforcement staff put discussions regarding the violations on the Property on hold, to allow Respondents to manage a medical issue. In June, 2015, Commission staff reinitiated discussions with Respondents, and continued discussions over a number of months to resolve the Unpermitted Development. On September 4, 2015, Commission permitting and enforcement staff met with representatives of Respondents at the Property and discussed options for resolution of the Unpermitted Development. On November 23, 2015 the Respondents signed the proposed Consent Orders (see Attachment A).

## **D. BASIS FOR ISSUANCE OF ORDERS**

### 1) STATUTORY PROVISIONS

#### (a) Consent Cease and Desist Orders

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

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

*(b) The cease and desist order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with this division, including immediate removal of any development or material...*

#### (b) Restoration Orders

The statutory authority for issuance of this Consent Restoration Order is provided in Section 30811 of the Coastal Act, which states, in relevant part:

*In addition to any other authority to order restoration, the commission... may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission, local government, or port governing body, the development is inconsistent with this division, and the development is causing continuing resource damage.*

### 2) FACTUAL SUPPORT FOR STATUTORY ELEMENTS

The following pages set forth the basis for the issuance of these Consent Orders by providing substantial evidence that the Unpermitted Development meets all of the required grounds listed in Coastal Act Sections 30810 and 30811 for the Commission to issue Cease and Desist Orders and Restoration Orders.

#### (a) Development has occurred without a Coastal Development Permit, and in violation of CDP 5-89-743, which the Commission previously issued

The Property is located in the Santa Monica Mountains area of unincorporated Los Angeles County, within the Coastal Zone. Section 30600(a) of the Coastal Act states that, in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the Coastal Zone must obtain a coastal development permit. "Development" is broadly defined by Section 30106 of the Coastal Act, as well in the SMM LCP in relevant part as follows:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure...; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits...change in the intensity of use of water, or of access thereto...and the removal or harvesting of major vegetation other than for agricultural purposes...*

Unpermitted Development, as described in Section B above, has occurred on the Property without a CDP. As explained below, the areas cleared of vegetation and the areas of native vegetation in the vicinity of the cleared vegetation, consisted of native riparian, chaparral, and oak woodland vegetation and constitute ESHA. Therefore, this native vegetation was ecologically significant and especially valuable, and thus rose to the level of "Major Vegetation," and as such the clearance of that vegetation is considered development under the Coastal Act. Even if the unpermitted development could have met the *prima facie* qualifications for an exemption under Section 30610 of the Coastal Act, which it did not, under Section 13250(b)(6) of the Commission's Regulations the subject development would still require a Coastal Development Permit because of the "future development" deed restriction recorded on the property, as required by CDP No. 5-89-743. Additionally, the development was inconsistent with easements recorded pursuant to CDP 5-89-743. Thus the Unpermitted Development is inconsistent with CDP No. 5-89-743 and constitutes a separate ground for issuance of the Cease and Desist Order.

The actions performed by Respondents clearly constitute "development" within the meaning of the above-quoted definition and therefore those actions are subject to the permit requirements of Section 30600(a) of the Coastal Act. The Unpermitted Development was not exempt from permitting requirements, and required a CDP from the Commission, as explained in the next paragraph.

The Santa Monica Mountains LCP was effectively certified by the Commission on October 10, 2014. After an LCP is certified by the Commission, authority to review CDP applications for new development within the portion of the coastal zone covered by the LCP rests with the locality, with the Commission retaining limited appellate jurisdiction over those decisions and limited enforcement authority. The Properties are located within the certified LCP jurisdiction of the Santa Monica Mountains in unincorporated Los Angeles County. In this case, however, the Commission retains enforcement jurisdiction over this matter in its entirety because the violations involved development that, at the time it occurred, required a permit from the Commission, and none was obtained. Additionally, the development is inconsistent with a CDP issued by the Commission and would have required an amendment to that permit from the Commission. No amendment was approved by the Commission for the development subject to these Consent Orders. Therefore, the criterion for issuance of the Consent Cease and Desist Order has been met, and the first of three criteria necessary to support the Commission's issuance of the Consent Restoration Order has also been met.

(b) The Unpermitted Development is not Consistent with the Coastal Act and the SMM LCP

The Coastal Act includes policies to protect, maintain, enhance and restore the quality of coastal resources within the coastal environment. As described below, the Unpermitted Development is inconsistent with multiple resource protection policies of the Coastal Act, including Section 30240 (environmentally sensitive habitat areas), Section 30231 (biological productivity and water quality), and Section 30253 (hazards/geologic stability), as well as corresponding policies of the certified Santa Monica Mountains LCP.

**Environmentally Sensitive Habitat Areas**

The vegetative communities within and surrounding the Property are part of the Mediterranean ecosystem that is characteristic of the Santa Monica Mountains. The Mediterranean ecosystem occurs in only five distinct coastal regions around the world (the west coast of California, Chile, South Africa, the Mediterranean, and south and southwest Australia), and encompasses only two percent of the earth's total land area.<sup>5</sup> Worldwide, only 18 percent of the Mediterranean ecosystem remains undisturbed.<sup>6</sup> In numerous prior Commission actions, and in the context of the SMM LCP, the Commission found that the Mediterranean ecosystem of the Santa Monica Mountains is a mosaic of vegetation types linked together ecologically, and that areas of native habitat (e.g. coastal sage scrub, chaparral, oak woodland) in the Santa Mountains are rare and especially valuable because of their relatively pristine character, physical complexity, and biological diversity; and that areas of undeveloped native habitat may meet the definition of ESHA by virtue of their important roles in that ecosystem<sup>7</sup>.

Section 30107.5 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

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<sup>5</sup> National Parks Conservation Association. 2008. State of the Parks: Southern California's Mediterranean Biome Parks. Accessed on July 7, 2010 at: [www.npca.org/stateoftheparks/mediterranean\\_biome/biome-intro.pdf](http://www.npca.org/stateoftheparks/mediterranean_biome/biome-intro.pdf)

<sup>6</sup> National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

<sup>7</sup> Commission Staff Report dated March 27, 2014 for the Land Use Plan Amendment for the Santa Monica Mountains Section of Los Angeles County.

The Property is located in and on the slopes of a canyon vegetated with oak woodlands, chaparral, and riparian plant species associated with a blue-line stream which traverses the Property. These habitats are mapped as sensitive habitats by the SMM LCP. The SMM LCP designates the Property as Sensitive Environmental Resource Area (SERA), a term used in the LCP to designate the location of ESHA. Under the LCP, SERA is broken into varying levels of habitat sensitivity; the SERA on the property includes H1 habitat (defined by the LCP as “areas of highest biological significance, rarity, and sensitivity”) in riparian and oak woodland habitats on the property, H2 habitat (defined by the LCP as “areas of high biological significance, rarity, and sensitivity”) on most of the remainder of the site, H2 - High Scrutiny habitat (defined by the LCP as H2 habitat containing sensitive species) located on the southwestern and northeastern portions of the eastern parcel (APN 4465-005-032), and H3 habitat (defined by the LCP as areas that would otherwise be designated as H2 habitat, but for disturbance from lawfully-established development) located near the trailer and barn<sup>8</sup>.

The Unpermitted Development eliminated mature vegetation that had the potential to serve as a food source, foraging habitat, and shelter for many species of native animals such as: several species of birds, including the blue-gray gnatcatcher, cactus wren, scrub jay, and California quail; mammals such as coyotes, gray foxes, ground squirrels, and jackrabbits; and reptiles such as the coast horned lizard and the San Bernardino ring-neck snake. The Unpermitted Development eliminated and disturbed numerous physical and biological habitat services and functions, and left portions of the Property cleared of native vegetation and vulnerable to erosion. These impacts occurred within and within the buffers of, sensitive riparian, oak woodland, and chaparral habitat. Therefore, the Unpermitted Development resulted in the significant disruption of ESHA.

The violations at issue also include the failure to restore roads as required by CDP 5-89-743. The areas occupied by these two roads remain predominantly clear of native vegetation, were not restored as required and therefore have continued to impact the ability of the area to provide habitat for native species.

Section 30240 of the Coastal Act requires that only uses dependent on the resource be allowed in ESHA. However, the Unpermitted Development does not constitute a resource-dependent use. Furthermore, the Unpermitted Development also impacted habitat adjacent to the cleared and graded areas by contributing to the potential for erosion in these areas.

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<sup>8</sup> Under the Santa Monica Mountains LCP, the Property is designated as a Sensitive Environmental Resource Area (“SERA”), an equivalent designation to ESHA. Respondent’s Property is mapped to include SERA habitat types H1 and H2. H2 High Scrutiny habitat consists of areas of H2 habitat that contain rare or special status species or habitats. H3 habitat is established for disturbed or isolated habitat areas that provide some important biological functions, but do not rise to a level of significance commensurate with H1 or H2 and is therefore not a SERA. Review of the Property must be analyzed as if the Unpermitted Development had not occurred; and therefore, the entirety of the Property, except for the area legally developed pursuant to CDP 5-89-743, is ESHA (See also policy CO-40 of the SMM LCP). Except for those areas that have been altered by legal development, the Property is covered primarily with large, contiguous swaths of chaparral, oak woodland, and riparian habitat constituting ESHA/SERA.

Finally, the Unpermitted Development has also impacted areas that were specifically designated to protect wildlife corridors and ESHA by the Commission through the issuance of CDP 5-89-743. Unpermitted Development has occurred within the ESHA/Significant Oak Woodland easement and the Watershed and Wildlife Corridor easement areas, affecting the ability of these areas to serve as habitat as required by the Commission. Therefore, the Unpermitted Development has resulted in impacts to ESHA inconsistent with Coastal Act Section 30240 and the analogous policies of the SMM LCP regarding the protection of sensitive habitat.

### **Biological Productivity / Water Quality**

Section 30231 of the Coastal Act states:

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

Riparian habitats and their associated streams form important links in the Santa Monica Mountains through the flow of nutrients from high elevation chaparral and woodland habitats to lower elevation riparian habitats and ultimately to the sea, benefiting many different species along the way. Riparian communities are the most species-rich habitats to be found in the Santa Monica Mountains<sup>9</sup>. 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.

The Unpermitted Development has resulted in the removal of native vegetation, creation of bare soil, changes to the topography of the site, and increased erosion. Roads that were required to be restored pursuant to CDP 5-89-743 have not been removed, and have continued to concentrate runoff and erosion across the natural slopes on the property.

Increased sediment loads in streams and coastal waters can increase turbidity, reducing the growth of aquatic plants, and harming benthic organisms by changing the composition of the streambed habitat, and burying invertebrates. These impacts caused by the Unpermitted Development had the potential to reduce the biological productivity and the quality of coastal waters and reduce optimum populations of marine organisms. Therefore, the unpermitted

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<sup>9</sup> 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.

development impacts the biological productivity of riparian areas, inconsistent with Section 30231 of the Coastal Act and the water quality policies of the SMM LCP.

**Hazards/Geologic Stability.**

Section 30253 of the Coastal Act states:

*New development shall do all of the following:*

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

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

The Unpermitted Development has increased erosion on the steep slopes of the Property. The installation of retaining walls on the property, near the stream and within the riparian habitat, occurred in a location that may have contributed to erosion and geologic instability of the Property. The Unpermitted Development has therefore not assured the stability of the area and has contributed significantly to erosion, and is therefore inconsistent with Coastal Act Section 30253 and the analogous sections of the SMM LCP.

For these reasons, the Unpermitted Development is not consistent with the Coastal Act and therefore, the second of three criteria for the issuance of this Consent Restoration Order has been met.

(c) Unpermitted Development is Causing Continuing Resource Damage

The Unpermitted Development is causing “continuing resource damage,” as defined in 14 CCR Section 13190. 14 CCR Section 13190(a) defines the term “resource” as it is used in Section 30811 of the Coastal Act as follows:

*‘Resource’ means any resource that is afforded protection under the policies of Chapter 3 of the Coastal Act, including but not limited to public access, marine and other aquatic resources, environmentally sensitive wildlife habitat, and the visual quality of coastal areas.*

The water quality and biological productivity of streams, the chaparral, riparian, and oak woodland habitats, and stability of the steep slopes on the Property are afforded protection under Coastal Act Sections 30231, 30240, and 30253, and are therefore “resources” as defined in Section 13190 (a) of the Commission’s regulations.

The term “damage” in the context of Restoration Order proceedings is defined in Section 14 CCR 13190(b) as follows:

*‘Damage’ means any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development.*

The term “continuing” is defined by 14 CCR Section 13190(c) of the Commission’s regulations as follows:

*‘Continuing’, when used to describe ‘resource damage’, means such damage, which continues to occur as of the date of issuance of the Restoration Order.*

In this case, the resource damages caused by the Unpermitted Development include the reduction in quality and abundance of ESHA, the increase in potential adverse impacts to water quality, and contributed to erosion and the potential for geologic instability. As of this time, the Unpermitted Development and the results thereof remain on the Property. The removal of native vegetation and the placement of unpermitted structures continue to impact the coastal resources by displacing the native ecosystem and preventing it from functioning, thereby disrupting the biological productivity of that ecosystem. Without removing unpermitted development and restoring the impacted areas, the foregoing impacts are continuing. The persistence of these impacts constitutes “continuing” resource damage, as defined in Section 13190(c) of the Commission’s regulations. As a result, the third and final criterion for the Commission’s issuance of the proposed Restoration Order pursuant to Coastal Act Section 30811 is therefore satisfied.

(d) Consent Orders are Consistent with Chapter 3 of the Coastal Act

The Consent Orders, attached to this staff report as Appendix A, are consistent with the resource protection policies found in Chapter 3 of the Coastal Act and the corresponding policies of the SMM LCP. These Consent Orders require and authorize Respondents to, among other things, cease and desist from conducting any further unpermitted development on the Property, remove the physical items that were placed or allowed to come to rest as a result of Unpermitted Development, and restore the areas impacted by the Unpermitted Development through, among other things, undertaking restorative grading, removing non-native vegetation, and planting native vegetation. The Consent Orders require Respondents to improve native habitat by: replacing non-native and invasive plant species on the Property with native plant species appropriate to the habitat type; to comply with CDP No. 5-89-743 by restoring graded roads on the Property with native habitat; and paying \$45,000 to the Santa Monica Mountains Recreation and Conservation Authority’s Mitigation Bank to improve habitat elsewhere in the Santa Monica Mountains. These Consent Orders also allow for Respondents to apply for approval after-the-fact of a swimming pool, hardscape surrounding the swimming pool, and the conversion of a barn to an enclosed recreation room. Therefore, these Consent Orders are consistent with the Chapter 3 policies of the Coastal Act, and their issuance is consistent with Coastal Act Section 30810(b).

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Commission finds that issuance of these Consent Orders, to compel the removal of the Unpermitted Development and restoration of the property, and implementation of these Consent Orders are exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), Cal. Pub. Res. Code §§ 21000 *et seq.*, for the following reasons. First, the CEQA statute (section 21084) provides for the identification of “classes of projects that have been

determined not to have a significant effect on the environment and that shall be exempt from [CEQA].” The CEQA Guidelines (which, like the Commission’s regulations, are codified in 14 CCR) provide the list of such projects, which are known as “categorical exemptions,” in Article 19 (14 CCR §§ 15300 *et seq.*). Because this is an enforcement action designed to protect, restore, and enhance natural resources and the environment, and because the Commission’s process, as demonstrated above, involves ensuring that the environment is protected throughout the process, three of those exemptions apply here: (1) the one covering actions to assure the restoration or enhancement of natural resources where the regulatory process involves procedures for protection of the environment (14 CCR § 15307); (2) the one covering actions to assure the restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment (14 CCR § 15308); and (3) the one covering enforcement actions by regulatory agencies (14 CCR § 15321).

Secondly, although the CEQA Guidelines provide for exceptions to the application of these categorical exemptions (14 CCR § 15300.2), the Commission finds that none of those exceptions applies here. Section 15300.2(c), in particular, states that:

*A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

CEQA defines the phrase “significant effect on the environment” (in Section 21068) to mean “a substantial, or potentially substantial, adverse change in the environment.” These Consent Orders are designed to protect and enhance the environment, and they contain provisions to ensure, and to allow the Executive Director to ensure, that they are implemented in a manner that will protect the environment. Thus, this action will not have any significant effect on the environment, within the meaning of CEQA, and the exception to the categorical exemptions listed in 14 CCR section 15300.2(c) does not apply. An independent but equally sufficient reason why that exception in section 15300.2(c) does not apply is that this case does not involve any “unusual circumstances” within the meaning of that section, in that it has no significant feature that would distinguish it from other activities in the exempt classes listed above. This case is a typical Commission enforcement action to protect and restore the environment and natural resources.

In sum, given the nature of this matter as an enforcement action to protect and restore natural resources and the environment, and since there is no reasonable possibility that it will result in any significant adverse change in the environment, it is categorically exempt from CEQA.

## **F. SUMMARY OF FINDINGS OF FACT**

1. The Fred Segal Scholarship Camp is the owner of the property identified by the Los Angeles County Assessor’s Office as APNs 4465-001-029; 4465-002-012; and 4465-005-036 and 4465-005-037 (prior to the unpermitted land division collectively known as 4465-005-032). The above-listed properties are located within the Coastal Zone.
2. Respondents undertook development, as defined by Coastal Act Section 30106, on the Property without a coastal development permit.

3. The Unpermitted Development includes, but may not necessarily be limited to: subdivision of the lot historically identified as APN 4465-005-032 into two lots; placement of a residence, shed, pool, garage, tool shed, chicken coop, retaining walls and garden, and septic system; grading and removal of major vegetation to create three roads; failure to restore two of those roads as required by CDP 5-89-743; conversion of a horse barn to an enclosed recreation room; and removal of major vegetation.
4. The Coastal Commission has jurisdiction over these violations because they involved development that, at the time it occurred, required a permit from the Commission, and none was obtained.
5. The Unpermitted Development is inconsistent with PRC sections 30231, 30240, and 30253 and the corresponding sections of the certified Local Coastal Program (“LCP”) for the Santa Monica Mountains area of unincorporated Los Angeles County.
6. The Unpermitted Development is inconsistent with CDP 5-89-743.
7. The Unpermitted Development is causing “continuing resource damage” within the meaning of Coastal Act Section 30811 and Title 14, California Code of Regulations, Section 13190.
8. Notices of Violation were mailed to the Property owner on October 19, 2010, and June 2, 2011.
9. On March 19, 2012, Commission staff sent a Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings.
10. Coastal Act Section 30810 authorizes the Commission to issue a cease and desist order in these circumstances. Coastal Act Section 30811 authorizes the Commission to issue a restoration order in these circumstances.
11. The criteria for issuance of both a Cease and Desist Order and a Restoration Order have been met pursuant to Section 30810 and 30811 of the Coastal Act.
12. The work to be performed under these Consent Orders, if completed in compliance with the Orders and the plans required therein, will be consistent with Chapter 3 of the Coastal Act.

**ATTACHMENT A**  
**(PROPOSED CONSENT ORDERS)**

**CONSENT CEASE AND DESIST ORDER CCC-15-CD-04 AND  
CONSENT RESTORATION ORDER CCC-15-RO-04**

1.0 **CONSENT CEASE AND DESIST ORDER CCC-15-CD-04**

Pursuant to its authority under California Public Resources Code ('PRC') Section 30810, the California Coastal Commission ('Commission') hereby orders and authorizes the Fred Segal Scholarship Camp and all their successors and assigns (hereinafter collectively referred to as 'Respondents') and those officers and employees of Respondents, or other individuals acting on behalf of Respondents to:

- 1.1 Cease and desist from engaging in any further development, as that term is defined in PRC Section 30106, that would normally require a coastal development permit on any of the property identified in Section 4.2 below ('Properties'), unless authorized pursuant to the Coastal Act, PRC Sections 30000-30900, which includes through these Consent Orders.
- 1.2 Cease and desist from any attempt to sell, lease, finance, or otherwise convey or transfer any portion, or maintain any changes or purported changes in legal status, of the real property that was designated by the Los Angeles County Assessor's Office as APN 4465-005-032 prior to 1990, except as a single, unified parcel consisting of all of the land historically designated by that APN.
- 1.3 Remove, pursuant to an approved removal plan consistent with Section 6.3 below, and pursuant to the terms and conditions set forth herein, development inconsistent with Commission Coastal Development Permit 5-89-743, and all physical items placed or allowed to come to rest on the Properties as a result of Unpermitted Development (defined in Section 4.3, below).
- 1.4 Fully and completely comply with the terms and conditions set forth herein, including the terms and conditions of Consent Restoration Order CCC-15-RO-04, and with the terms and conditions of CDP 5-89-743.

2.0 **CONSENT RESTORATION ORDER CCC-15-RO-04**

Pursuant to its authority under PRC Section 30811, the Commission hereby orders and authorizes Respondents to restore the Properties as described in Section 6.0, below.

## **PROVISIONS COMMON TO BOTH ORDERS**

### 3.0 **NATURE OF ORDERS AND OF CONSENT**

Through the execution of Consent Restoration Order CCC-15-RO-04 and Consent Cease and Desist Order CCC-15-CD-04 (hereinafter collectively referred to as “these Consent Orders”), Respondents agree to comply with the terms and conditions of these Consent Orders. These Consent Orders authorize and require the removal and restoration activities, among other things, outlined in these Consent Orders. Any development subject to Coastal Act permitting requirements that is not specifically authorized under these Consent Orders requires a Coastal Development Permit. Nothing in these Consent Orders guarantees or conveys any right to development on the Properties other than the work expressly authorized by these Consent Orders. Through the execution of these Consent Orders, Respondents agree to comply with these Consent Orders including the following terms and conditions.

Respondents further agree to condition any contracts for work related to these Consent Orders upon an agreement that any and all employees, agents, and contractors; and any person acting in concert with any of the foregoing, adhere to and comply with the terms and conditions set forth herein.

By executing these Consent Orders, Respondents attest that they have the authority to conduct the work on the Properties required by these Consent Orders, and agree to obtain all necessary permissions (access, etc.) to conduct and complete the work required to resolve the violations addressed herein.

### 4.0 **DEFINITIONS**

- 4.1 **Consent Orders.** Consent Cease and Desist Order No. CCC-15-CD-04 and Consent Restoration Order No. CCC-15-RO-04 are referred to in this document as Consent Orders.
- 4.2 **Properties.** The capitalized term “Properties” refers to the properties that are the subject of these Consent Orders, which is described as follows: the properties located at 2890 Kanan Dume Road, Los Angeles County, California, which is also identified by Los Angeles County Assessor’s Parcel Numbers 4465-002-012; 4465-005-036 and 4465-005-037 (prior to the unpermitted land division collectively known as 4465-005-032); and 4465-001-029.
- 4.3 **Unpermitted Development.** The capitalized phrase “Unpermitted Development,” as used in these Consent Orders, refers to all development, as that term is defined in PRC section 30106, that required a coastal development permit but for which no coastal development permit was

obtained, and includes but is not necessarily limited to the following activities, as generally depicted on Exhibit A to these Consent Orders:

- (A) Subdivision of the lot historically identified as APN 4465-005-032 into two lots now known as APNs 4465-005-036 and 4465-005-037.
- (B) Removal of major vegetation along and grading to create the road extending north from Development Area 4 on APN 4465-002-012 and continuing onto APN 4465-001-029, which was previously required to be restored pursuant to Special Condition 1 of CDP 5-89-743.
- (C) Removal of major vegetation from and placement of a storage shed on APN 4465-002-012, along the road referenced in Section 4.3(B).
- (D) Removal of major vegetation and grading to create the road extending east from Development Area 4 on APN 4465-002-012, which was previously required to be restored pursuant to Special Condition 1 of CDP 5-89-743.
- (E) Removal of major vegetation and grading, and placement of structures within, and adjacent to, Development Area 4 on APN 4465-002-012, including:
  - (1) 627 sq. ft. "Recreation Director's Quarters,"
  - (2) swimming pool and surrounding hardscape,
  - (3) addition and enclosure of a horse barn and a change in use to create a 1032 sq. ft. recreation and storage structure,
  - (4) 471 sq. ft. garage/storage/office structure,
  - (5) retaining walls below the driveway and placement of hardscaping and gardens between the retaining walls,
  - (6) chicken coop,
  - (7) 1000 gallon septic tank and seepage pit, and a
  - (8) 152 sq. ft. garden tool shed.

4.4 **Respondents.** The Respondents are the Fred Segal Scholarship Camp and all their successors and assigns. The Respondents are jointly and severally subject to all the requirements of these Consent Orders.

4.5 **Restoration Area.** The Restoration Area comprises all areas on the Properties on which the Restoration Plan, described in Section 6.0, is to be implemented, and all areas upon which the restoration will occur in order to address the effects of Unpermitted Development that occurred on the Properties. The Restoration Area includes the following areas:

- (A) The road extending north from Development Area 4 on APN 4465-002-012 and continuing onto APN 4465-001-029;
- (B) The roads extending to the north and to the east of Development Area 4 on APN 4465-002-012, and continuing onto APN 4465-001-032 and 4465-001-029, which were required to be restored pursuant to CDP 5-89-743.
- (C) The storage shed on APN 4465-002-012, placed along the unpermitted road referenced in Section 4.5 (A), which extends north of Development Area 4;
- (D) Development Area 4, and the area surrounding it, where Unpermitted Development, including the installation of non-native vegetation, removal of native vegetation, and installation of structures, occurred;
- (E) All other areas where Unpermitted Development is located for which authorization is required to be sought pursuant to these Consent Orders, and for which authorization is either not sought, or is denied.

4.6 **Development Area 4.** The polygon on APN 4465-002-012 that was established by CDP 5-89-743 within which limited development was authorized.

## 5.0 SUBSTANTIVE OBLIGATIONS OF THESE ORDERS

5.1 **Lot Recombination.** Respondents shall take the actions necessary to recombine the two lots created without a valid CDP that the County Assessor's Office has designated as APNs 4465-005-036 and 4465-005-037,<sup>1</sup> but which were historically, collectively known as APN 4465-005-032, including:

- (A) Take all actions necessary to effectuate the formal and irrevocable recombination and unification of the two lots created without a valid CDP on the Properties into one legal lot pursuant to applicable state and local statutes (including the Subdivision Map Act) within **210 days** of the effective date of these Consent Orders;

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<sup>1</sup> The two areas subject to these County designations were created from a parent parcel in the early 1990s. However, no CDP was granted to authorize the division. Accordingly, the parent parcel was not legally subdivided and may still comprise a single lot. These Consent Orders refer to the subareas as separate "lots" (albeit unpermitted ones) and to recombination (or the like) of those lots solely for convenience and to address the possible need for a recombination process for clarity of title and legal status and for Subdivision Map Act and/or County planning purposes. Such references do not constitute recognition of the areas as separate lots.

- (1) Within 180 days of the effective date of these Consent Orders, but prior to application to Los Angeles County for a Request for Merger, Respondents shall submit, for the review and approval of the Commission's Executive Director, all documents that Respondents propose to have recorded to effectuate the lot recombination.
  - (2) Within 150 days of the approval granted by the Executive Director, submit a complete Request for Merger, and any other necessary applications, to the Los Angeles County Department of Regional Planning, consistent with the standards and procedures for obtaining a lot recombination, including the required fees.
  - (3) If, after obtaining the Executive Director's approval and submitting the application to Los Angeles County, the County requires further changes, resubmit the revised documents to the Commission's Executive Director for review and approval prior to recordation.
  - (4) Within 165 days of Los Angeles County approval of the Request for Merger, submit: (i) a certified copy of the recorded Certificate of Compliance and (ii) an updated preliminary title report showing the recorded document running in the chain of title and (iii) definitive confirmation from the County in writing that the recombination is effective.
- (B) Ten months after issuance of these Consent Orders, if it is not yet the case that (i) the Certificate of Compliance for the recombination has been recorded in the Office of the County Recorder, (ii) the Assessor's Parcel Map has been updated, and (iii) documentation of points (i) and (ii) has been provided to the Executive Director to his satisfaction; then Respondent shall provide an update to the Executive Director on the status of the process, for the Executive Director's evaluation. The Executive Director shall then determine whether to (a) provide additional time for the process described above and a deadline at which time the process in this paragraph shall be repeated or (b) require the recordation of a Declaration of Restrictions to combine APNs 4465-005-036 and 4465-005-037. If the Executive Director chooses option (b), Respondent shall take the following steps:
- (1) Execute and record a deed restriction against APNs 4465-005-036 and 4465-005-037, in a form acceptable to the Executive Director, reflecting that (1) all portions of APNs 4465-005-036 and 4465-005-037 shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance,

- lease, development, taxation or encumbrance, unless and until the land is subdivided consistent with all applicable laws, including the Coastal Act; and (2) the single parcel so described shall not be divided unless and until such a legal subdivision occurs.
- (2) This action shall function to combine and unify APNs 4465-005-036 and 4465-005-037 for purposes of the Subdivision Map Act. The deed restriction shall include a legal description and graphic depiction of the entire APNs 4465-005-036 and 4465-005-037. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens, including tax liens, as well as encumbrances that the Executive Director determines may affect the enforceability of the restriction.
- (3) Within ninety (90) days of recordation of the deed restriction, Respondent shall provide evidence to the Executive Director that the steps above were completed.
- (C) Hold and characterize the recombined lot as one lot for all purposes, including, but not limited to, sale, lease, taxation, development, conveyance, financing, and/or encumbrance; and
- (D) Cease and desist from any attempt to sell, lease, finance, or otherwise convey or transfer any portion of the property historically known as APN 4465-005-032 except as a single, unified parcel consisting of all of the land historically designated by that APN.
- (E) Respondents shall demonstrate that the recombined lot will be consistent with the requirements of Special Conditions 3 and 4 of CDP 5-89-743. Respondents shall either: 1) demonstrate to the satisfaction of the Executive Director that the easements required pursuant to Special Conditions 3 and 4 of CDP 5-89-743 will be retained and remain effective on the recombined lot, or 2) execute and record new document(s), after the recombination described above is final, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director easements consistent with the requirements of CDP 5-89-743. The documents required shall be recorded free of prior liens and encumbrances, except for tax liens, which the Executive Director determines may affect the interest being conveyed. The offers shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable. The documents shall include a formal legal description of the combined lot; and a formal metes and bounds legal description and corresponding

graphic depiction drawn to scale of the easement areas, both prepared by a licensed surveyor based on an onsite survey.

5.2 **Restoration.** Within **150 days** of the effective date of these Consent Orders, Respondents shall submit, for the review and approval of the Commission's Executive Director, a Restoration Plan, consistent with the provisions set forth in Section 6.0, below, to restore all areas impacted or disturbed by the Unpermitted Development, and to restore unpermitted roads which were previously required to be restored pursuant to CDP 5-89-743.

5.3 **After-the-Fact Permit Application**

- (A) Within **150 days** of the effective date of these Consent Orders, Respondents shall submit, and shall not withdraw or impede final action in any way on, a complete coastal development permit amendment application to the Commission or a new Coastal Development Permit application to Los Angeles County for after-the-fact approval of the swimming pool, hardscape surrounding the swimming pool, and conversion of the barn. Such application may include a request for authorization of a new septic system, a new connection to an existing legally authorized septic system, or improvements to the existing legally authorized septic system.
- (B) Respondents shall comply with the terms and conditions of any permit issued pursuant to the application submitted under Section 5.3(A), above, within two (2) years of final action on the permit, unless such terms and conditions requires compliance sooner.
- (C) Within **180 days** of the effective date of these Consent Orders, Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Revegetation, and Monitoring Plan for removal of any development listed in Section 5.3(A) which Respondents do not apply to retain in the permit application required by that Section. This restoration plan shall be consistent with the provisions set forth in Section 6.0, below, including the timing for implementing and completing such restoration efforts.
- (D) Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Restoration, Revegetation, and Monitoring Plan for the removal of any development for which authorization is denied. This restoration plan shall be submitted within **ninety (90) days** of final action on said denial, and shall be consistent with the provisions

set forth in Section 6.0, below, including the timing for implementing and completing such restoration efforts.

## 6.0 RESTORATION PLAN.

These Consent Orders require the preparation and implementation of a Restoration Plan to restore impacted areas on the Properties. The Restoration Plan shall outline all proposed measures to: 1) control erosion (“Erosion Control Plan”), 2) remove items resulting from Unpermitted Development (“Removal Plan”), 3) restore the Properties to their pre-violation topography (“Remedial Grading Plan”), 4) restore habitat in areas where Unpermitted Development occurred (“Revegetation Plan”), 5) mitigate for temporal losses of habitat resulting from the Unpermitted Development (“Mitigation Plan”), 6) monitor to ensure successful implementation of the restoration efforts (“Monitoring Plan”). The Restoration Plan shall include the following elements and requirements:

### 6.1 **General Provisions:**

- (A) The Restoration Plan shall be prepared by a qualified restoration ecologist(s), resource specialist(s), and/or engineer (“Specialist”). Prior to the preparation of the Restoration Plan, Respondents shall submit for the Executive Director’s review and approval the qualification of the proposed Specialist, including a description of the proposed Specialist’s educational background, training and experience related to the preparation and implementation of the Restoration Plan described herein. To meet the requirements to be a qualified Specialist for this project, one must have experience successfully completing restoration and revegetation (using California native plant species) of chaparral habitats, preferably in the Santa Monica Mountains region of Los Angeles County. If the Executive Director determines that the qualifications of Respondents’ resource specialist is not adequate to conduct such restoration work, he/she shall notify Respondents and, within 10 days of such notification, Respondents shall submit for the Executive Director’s review and approval a different Specialist.
- (B) The Restoration Plan shall include a schedule/timeline of activities, the procedures to be used, and identification of the parties who will be conducting the restoration activities. The Restoration Plan shall specify that the construction of erosion control features, removal work, and remedial grading work shall take place only during the dry season (April 1- November 1). This period may be extended for a limited period pursuant to the provisions of Section 15.0, below. The schedule/timeline of activities covered by the Restoration Plan shall be in accordance with the deadlines included in Sections 6.1 through 6.7.

- (C) Upon approval of the Restoration Plan (including the Removal, Remedial Grading, Revegetation, Mitigation and Monitoring Plans) by the Executive Director, Respondents shall fully implement each phase of the Restoration Plan consistent with all of its terms, and the terms set forth herein. At a minimum, Respondents shall complete all work described in the Restoration Plan no later than **one hundred eighty (180)** days after the Restoration Plan is approved. The Executive Director may extend this deadline or modify the approved schedule for good cause pursuant to Section 15.0 of these Consent Orders.
- (D) The Restoration Plan shall include a detailed description of all equipment to be used. The Restoration Plan shall demonstrate that hand tools are used as much as possible for the restoration work; however it is anticipated that mechanized equipment will be used to conduct some of the restoration work under these Consent Orders. Therefore, the Restoration Plan shall include limitations on the hours of operations for all equipment and a contingency plan that addresses, at a minimum: 1) impacts from equipment use; 2) potential spills of fuel or other hazardous releases that may result from the use of mechanized equipment and responses thereto; and 3) any water quality concerns. The Restoration Plan shall designate areas for staging of any construction equipment and materials, including receptacles and temporary stockpiles of graded materials, all of which shall be covered on a daily basis.
- (E) The Restoration Plan shall specify that no demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind or runoff erosion and dispersion. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (F) The Restoration Plan shall identify the location of the disposal site(s) for the off-site disposal of all materials removed from the Properties and all waste generated during restoration activities pursuant to these Consent Orders. If a disposal site is located in the Coastal Zone and is not an existing sanitary landfill, a coastal development permit is required for such disposal. All hazardous waste must be disposed of at a suitable licensed disposal facility.
- (G) The Restoration Plan shall specify the methods to be used during and after restoration to stabilize the soil and make it capable of supporting native vegetation. Except as the Executive Director

determines is necessary to restore the slope, pursuant to Section 6.4.D, such methods shall not include the placement of retaining walls or other permanent structures, grout, geogrid or similar materials. Any soil stabilizers identified for erosion control shall be compatible with native plant recruitment and establishment. The Restoration Plan shall also include all measures that will be installed on the Properties and maintained until the impacted areas have been revegetated to minimize erosion and the transport of sediment.

- (H) The Restoration Plan shall identify the Restoration Area. The Restoration Plan shall also state that prior to the initiation of any restoration or removal activities, the boundaries of the Restoration Area shall be physically delineated in the field, using temporary measures such as fencing stakes, colored flags, or colored tape. The Restoration Plan shall state further that all delineation materials shall be removed when no longer needed and verification of such removal shall be provided in the annual monitoring report that corresponds to the reporting period during which the removal occurred.
- (I) Within **thirty (30) days** of the completion of the work described pursuant to each phase (Erosion Control Plan, Removal Plan, Remedial Grading Plan, Revegetation Plan, and Mitigation Plan), Respondents shall submit, according to the procedures set forth under Section 7.0, a written report, prepared by the Specialist, for the review and approval of the Executive Director, documenting all restoration work performed on the Properties pursuant to the specific component of the Restoration Plan. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations (as identified on the map submitted pursuant to Section 6.7(C)) documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Properties before the work commenced and after it was completed.

## 6.2 Erosion Control Plan.

- (A) Respondents shall submit an Erosion Control Plan, as part of the Restoration Plan, to address ground disturbance during any construction or restoration activities, and during the establishment of the vegetation planted pursuant to Section 6.5 and 6.6, below.
- (B) All temporary construction related erosion control materials shall be comprised of bio-degradable materials, including the material used to encase fiber rolls and other erosion control devices. No

plastic netting or other non-biodegradable materials shall be used. The erosion control measures shall be fully functional on the Restoration Area prior to or concurrent with the initial removal and restoration activities required by these Consent Orders. The erosion control measures shall remain in place and be maintained at all times of the year until the plantings have become established, or until such time period established by the approved erosion control plan, and then shall be removed or eliminated by Respondents. Verification of such removal shall be provided in the annual monitoring report for the reporting period during which the removal occurred.

- (C) The Erosion Control Plan shall: 1) include a narrative report describing all temporary run-off and erosion control measures to be used during removal/restoration activities; and 2) identify and delineate on a site or grading plan the locations of all temporary erosion control measures;
- (D) The Erosion Control Plan shall indicate that Respondents shall commence implementation of the Erosion Control Plan within no more than **ten (10) days** of approval of the Restoration Plan. Additionally, in those areas where erosion control measures may be immediately necessary, Respondents shall install said measures in a timely manner to as to avoid further resource impacts. Within **fifteen (15) days** of commencing implementation of activities under the Erosion Control Plan, Respondent shall complete implementation of the Erosion Control Plan.

### 6.3 **Removal Plan.**

- (A) Respondents shall submit a Removal Plan, as part of the Restoration Plan, to govern the removal and off-site disposal of all unpermitted development required to be removed pursuant to these Consent Orders, unpermitted development for which no authorization is sought by the deadlines established in these Consent Orders, and unpermitted development for which authorization is denied.
  - (1) The Removal Plan shall include a site plan showing the location and identity of all physical items placed or allowed to come to rest on the Properties as a result of the Unpermitted Development to be removed from the Properties as generally depicted on Exhibit A to these Consent Orders.

- (B) The Removal Plan shall indicate that removal activities shall not disturb areas outside of the Restoration Area. Measures for the restoration of any area disturbed by the removal activities shall be included within the Revegetation Plan. These measures shall include the restoration of the areas from which the unpermitted development was removed, and any areas disturbed by those removal activities.
- (C) The plan shall indicate that Respondents shall commence removal of the unpermitted development by commencing implementation of the Removal Plan no more than **fifteen (15) days** of approval of the Restoration Plan. Within **thirty (30) days** of commencing implementation of activities under the Removal Plan, Respondents shall complete implementation of the Removal Plan.

#### 6.4 Remedial Grading Plan.

- (A) Respondents shall submit a Remedial Grading Plan, as part of the Restoration Plan, to restore the Properties to the topography which existed before the Unpermitted Development occurred.
- (B) The Remedial Grading Plan shall demonstrate how the proposed remedial grading will restore the Properties to their original, pre-violation topography. The Remedial Grading Plan shall include a topographic map, drawn to scale, which includes: 1) sections showing grades from before the Unpermitted Development occurred and proposed finished grades, 2) a quantitative breakdown of grading amounts (cut/fill), 3) contours that clearly illustrate, as accurately as possible, the topography of the Properties before and after the grading disturbance which resulted from the Unpermitted Development. The Remedial Grading Plan shall identify the source and date of all data used to produce this information.
- (C) If the Specialist determines that alterations to the original topography are necessary to ensure a successful restoration of the native habitat, the Remedial Grading Plan shall also include this proposed topography and a narrative report that explains the justification for needing to alter the topography from the original contours.
- (D) As part of the Remedial Grading Plan, Respondents may propose a retaining wall directly adjacent to the existing driveway to ensure restoration of the slope can occur and ensure stability of the site.

- (E) Respondents shall commence remedial grading by implementing the Remedial Grading Plan no more than **thirty (30) days** after approval of the Restoration Plan. Within **thirty (30) days** of commencing implementation of activities under the Remedial Grading Plan, Respondent shall complete implementation of the Remedial Grading Plan.

#### 6.5 **Revegetation Plan.**

- (A) Respondents shall submit a Revegetation Plan, as part of the Restoration Plan, which shall outline the measures necessary to revegetate the Restoration Area.
- (B) The Revegetation Plan shall include detailed descriptions, including graphic representations, narrative reports, and photographic evidence as necessary, submitted pursuant to requirements of Section 6.7(C), of vegetation in the Restoration Area prior to any Unpermitted Development undertaken on the Properties, and the current state of the Properties. The Revegetation Plan shall demonstrate that the areas impacted by the Unpermitted Development on the Properties will be restored using plant species endemic to and appropriate for the area in which the unpermitted activities occurred.
- (C) The Revegetation Plan shall be based on one or more reference sites (“Reference Site”) which will be used as a model or goal for restoration. The Reference Site shall be undisturbed and may be located on-site or, if such a site is not present, in the general vicinity of the Properties. The Revegetation Plan shall include a detailed description of the Reference Site including rationale for selection, location, and species compositions, distributions, and densities. The Reference Site shall be located as close as possible to the Restoration Area, shall be reasonably similar in all relevant respects, and shall provide the standard for measuring success of the restoration under these Consent Orders. The Revegetation Plan shall explicitly state the restoration goals and objectives for the revegetation based upon the characteristics of the Reference Site.
- (D) Based on these goals, the plan shall identify the species that are to be planted, and provide a rationale for and describe the size and number of container plants and the rate and method of seed application.
- (E) The Revegetation Plan shall indicate that plant propagules and seeds must come from local, native stock of the Santa Monica Mountains. If plants, cuttings, or seed are obtained from a nursery,

the nursery must certify that they are of local origin (Santa Monica Mountains) and are not cultivars. The Revegetation Plan shall provide specifications for preparation of nursery stock. Technical details of planting methods (e.g. spacing, mycorrhizal inoculation, etc.) shall be included.

- (F) The Revegetation Plan shall include a detailed description of the methods that shall be utilized to restore the Restoration Area to the condition that existed prior to the unpermitted development occurring.
- (G) The Revegetation Plan shall include a map showing 1) the type, size, and location of all plant materials that will be planted in the Restoration Area; 2) the location of all non-native plants to be removed from the Restoration Area; 3) the topography of all other landscape features on the site; and 4) the location of photographs of the Restoration Areas that will provide reliable photographic evidence for annual monitoring reports, as described in Section 6.7(C), below.
- (H) The Revegetation Plans shall include a detailed explanation of the performance standards that will be utilized to determine the success of the restoration. The performance standards shall identify that 'x' native species appropriate to the habitat should be present, each with at least 'y' percent cover or with a density of at least 'z' individuals per square meter. The description of restoration success shall be described in sufficient detail to enable an independent specialist to duplicate it.
- (I) The Revegetation Plans shall include a schedule for installation of plants and removal of non-native plants. The Specialist shall recommend removal of non-natives outside the Restoration Area if they determine that such non-natives could impact or limit the success of the native plantings within the Restoration Area. Respondents shall not employ non-native plant species, which could supplant native plant species in the Restoration Area.
  - (1) If the planting schedule requires planting to occur at a certain time of year beyond deadlines set forth herein, the Executive Director may, at the written request of Respondents, extend the deadlines as set forth in Section 15.0 of these Consent Orders in order to achieve optimal growth of the vegetation.
  - (2) The Revegetation Plan shall demonstrate that all non-native vegetation within areas subject to remedial grading or

revegetation will be eradicated prior to any remedial grading and revegetation activities on the Properties.

- (3) In addition, the Revegetation Plan shall specify that non-native vegetation removal shall occur year round, including on a monthly basis during the rainy season (January through April) for the duration of the restoration project, as defined in Section 6.7(C).
- (J) The Revegetation Plan shall describe the proposed use of artificial inputs, such as irrigation, fertilizer or herbicides, including the full range of amounts of the inputs that may be utilized. The minimum amount necessary to support the establishment of the plantings for successful restoration shall be utilized. No permanent irrigation system is allowed in the Restoration Area. Temporary above ground irrigation to provide for the establishment of plantings is allowed for a maximum of three (3) years or until the revegetation has become established, whichever comes first. If, after the three (3) year time limit, the vegetation planted pursuant to the Revegetation Plan has not become established, the Executive Director may, upon receipt of a written request from Respondents, allow for the continued use of the temporary irrigation system. The written request shall outline the need for and duration of the proposed extension.
- (K) The Restoration Plan may include measures for alternative irrigation and planting methods to revegetate the roads, so long as it can be demonstrated that such methods will lead to the satisfaction of the success criteria. If the Executive Director determines that remedial measures are necessary to ensure satisfaction of the success criteria, Respondents shall submit a revision to the Restoration Plan pursuant to the procedure identified in Section 6.7.D.
- (L) Respondents shall commence revegetation by implementing the Revegetation Plan no more than **forty five (45) days** after approval of the Restoration Plan. Within **sixty (60) days** of commencing implementation of activities under the Revegetation Plan, Respondent shall complete implementation of all planting activities under the Revegetation Plan.

#### 6.6 **Mitigation Plan.**

- (A) The Mitigation Plan shall include a plan for habitat enhancement on APN 4465-002-012, which shall, at a minimum, identify the location of non-native, invasive species present, and provide for: 1)

removal and control of all non-native, invasive species, 2) installation of any temporary erosion control measures, and 3) planting of native plant species in the area where non-native, invasive plants were removed. The Mitigation Plan shall be consistent with the requirements of the Revegetation Plan, including but not limited to requirements regarding type, composition, and location of planting.

- (B) The Mitigation Plan shall contain a map overlain with the location of photographs of the Restoration Areas that will provide reliable photographic evidence for annual monitoring reports, as described in Section 6.7(C), below.
- (C) Respondents shall begin implementation of the Mitigation Plan no more than **forty-five (45) days** of approval of the Restoration Plan. Within thirty (30) days of commencing implementation of activities under the Mitigation Plan, Respondents shall complete implementation of all planting activities under the Mitigation Plan. The Executive Director may extend the deadlines or modify the approved schedule for good cause pursuant to Section 15.0 of these Consent Orders.
- (D) In addition, to mitigate for temporal losses of habitat, Respondents shall, within 60 days of the effective date of these Consent Orders, pay \$45,000 to the Santa Monica Mountains Recreation and Conservation Authority's Mitigation Bank. Concurrent with the transmittal, a copy of the transmittal and the check shall be submitted to the Executive Director.

#### 6.7 **Monitoring Plan.**

- (A) Respondents shall submit a Monitoring Plan, as part of the Restoration Plan, that describes the monitoring and maintenance methodology, including sampling procedures, sampling frequency, and contingency plans to address potential problems with restoration activities or unsuccessful restoration of the Restoration Area.
- (B) The Monitoring Plan shall specify the intervals within each year that the Specialist shall conduct site visits to monitor the Properties for the purposes of inspecting and maintaining, at a minimum, the following: all erosion control measures; non-native species eradication; trash and debris removal; and the health and abundance of original and/or replacement plantings planted under these Consent Orders pursuant to the Revegetation and Mitigation Plans. It is Respondents obligation to ensure a successful

restoration that will meet the established success criteria, which may necessitate more site visits than required above.

- (C) Respondents shall submit, on an annual basis and during the same one-month period of each year (no later than December 31<sup>st</sup> of the first year), for five (5) years from the completion of implementation of the Revegetation and Mitigation Plans, according to the procedure set forth under Section 7.0, a written report, for the review and approval of the Executive Director, prepared by the Specialist, evaluating compliance with the approved Restoration Plan. These reports shall also include photographs taken during the periodic site inspections pursuant to Section 6.7(B), at the same time of year, from the same pre-designated locations (as identified on the maps submitted pursuant to Section 6.5(G) and 6.6(B)) indicating the progress of recovery in the Restoration Areas. The locations from which the photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director, pursuant to Section 22.0 of these Consent Orders.
- (D) If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan, or these Consent Orders, or has failed to meet the goals and/or performance standards specified in the Restoration Plan, Respondents shall submit a revised or supplemental Restoration Plan ('Revised Restoration Plan') for review and approval by the Executive Director. The Revised Restoration Plan shall be prepared by the Specialist, approved by the Executive Director, and shall specify measures to correct those portions of the restoration that have failed or are not in conformance with the original approved Restoration Plan, or these Consent Orders. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a modification of these Consent Orders, a new Restoration Order, or a new or amended coastal development permit. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Restoration Plan, shall be undertaken by Respondents as required by Executive Director until the goals of the original approved Restoration Plan have been met. Following completion of the Revised Restoration Plan's implementation, the duration of the monitoring period, set forth in Section 6.7(C), shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two annual reporting periods.

- (E) At the end of the five (5) year monitoring period (or other duration, if the monitoring period is extended pursuant to Section 6.7(D)), Respondents shall submit, according to the procedure set forth under Section 7.0, a final detailed report prepared by the Specialist that documents the successful restoration of the Properties for the review and approval of the Executive Director. If this report indicates that the restoration has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plans, Respondents shall submit a Revised Restoration Plan, in accordance with the requirements of Section 6.7(D) of the Consent Orders, and the monitoring program shall be revised accordingly.

**Additional Provisions Common to Both Orders.**

- 7.0 **Deliverables.** All plans, reports, photographs and other materials required by these Consent Orders shall be sent to:

California Coastal Commission  
Attn: John Del Arroz  
45 Fremont Street, Ste 2000  
San Francisco, CA 94105

With a copy sent to:  
California Coastal Commission  
Attn: Molly Troup  
89 S California Street #200,  
Ventura, CA 93001

- 8.0 Nothing in these Consent Orders shall preclude future proposals to develop or modify the Properties if consistent with these Consent Orders, recorded easements, and authorized pursuant to the Coastal Act, PRC Sections 30000-30900. Any future development proposed on the Properties will need to comply with all relevant Coastal Act and Santa Monica Mountains LCP standards.
- 9.0 **Revision of Deliverables.** The Executive Director may require revisions to deliverables under these Consent Orders, and the Respondents shall revise any such deliverables consistent with the Executive Director's specifications, and resubmit them for further review and approval by the Executive Director, by the deadline established by the modification request from the Executive Director. The Executive Director may extend the deadline for submittals upon a written request and a showing of good cause, pursuant to Section 15.0 of these Consent Orders.
- 10.0 **Commission Jurisdiction.** The Commission has jurisdiction over resolution of these alleged Coastal Act violations pursuant to PRC Section 30810 and 30811. In light of the desire of the parties to settle these matters, Respondents agree not to contest the Commission's jurisdiction to issue or enforce these Consent Orders.
- 11.0 **Resolution of Matter Via Settlement.** In light of the intent of the parties to resolve these matters in settlement, Respondents have not submitted a "Statement of Defense" form as provided for in Section 13181 and 13191 of Title 14 of the

- California Code of Regulations and have agreed not to contest the legal and factual bases, the terms, or the issuance of these Consent Orders, including the allegations of Coastal Act violations contained in the Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings dated March 19, 2012. Specifically, Respondents have agreed not to contest the issuance or enforcement of these Consent Orders at a public hearing or any other proceeding.
- 12.0 **Effective Date and Terms of the Consent Orders.** The effective date of these Consent Orders is the date these Consent Orders are issued by the Commission. These Consent Orders shall remain in effect permanently unless and until rescinded by the Commission.
- 13.0 **Findings.** These Consent Orders are issued on the basis of the findings adopted by the Commission, as set forth in the document entitled “STAFF REPORT: Recommendations and Findings for Consent Cease and Desist and Consent Restoration Orders.” The activities authorized and required in these Consent Orders are consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act. The Commission has authorized the activities required in these Consent Orders as being consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act.
- 14.0 **Settlement/Compliance Obligation.**
- 14.1 In light of the intent of the parties to resolve these matters in settlement, Respondents have agreed to pay a monetary settlement in the amount of \$200,000. Respondents agree to make 2 payments of \$100,000 each, with the first payment to be made within 60 days of the effective date of these Consent Orders, and with the second payment to be made within 1 year of the effective date of these Consent Orders. The settlement monies shall be deposited in the Violation Remediation Account of the California Coastal Conservancy Fund (see Public Resources Code Section 30823), or into such other public account as authorized by applicable California law at the time of the payment, and as designated by the Executive Director. The settlement payments shall be submitted to the Commission’s San Francisco Office, at the address provided in Section 7.0, to the attention of John Del Arroz of the Commission, payable to the account designated under the Coastal Act, and include a reference to these Consent Orders by number.
- 14.2 In light of the intent of the parties to resolve these matters in settlement, Respondents have also agreed to pay funds in the amount of \$200,000 to Heal the Bay to an account created and designated for the specific purpose of funding youth educational programs related to marine resources and water quality for schools serving lower-income communities, including programs to give presentations to schools, and to provide educational field trips to the Santa Monica Aquarium and other educational sites in Los

Angeles County, such as through the Speaker's Bureau, Key to the Sea, and Key to the Watershed programs. If the funds cannot be distributed to these programs, the payment shall instead be made to the Violation Remediation Account according to the procedure identified in Section 14.1 of these Consent Orders, and directed towards public education and/or habitat restoration projects in Los Angeles County. Respondents agree to make 3 payments as follows: the first payment of \$70,000 made within 90 days of the effective date of these Consent Orders, the second payment of \$65,000 made within 1 year of the effective date of these Consent Orders, and the third payment of \$65,000 made within 2 years of the effective date of these Consent Orders. At the time of each transmittal, a copy of the transmittal and the check shall be submitted to the Commission's San Francisco Office, at the address provided in Section 7.0, to the attention of John Del Arroz of the Commission. One year after each of the payments, Respondents shall submit a report to the Executive Director which summarizes how the funds have been expended, and the number and geographic distribution of youth which have participated in the educational program as a result of the payment of funds.

14.3 Strict compliance with these Consent Orders by all parties subject thereto is required. Failure to comply with any term or condition of these Consent Orders, including any deadline contained in these Consent Orders, unless the Executive Director grants an extension under Section 15.0, will constitute a violation of these Consent Orders and shall result in Respondents being liable for stipulated penalties in the amount of \$1,000 per day per violation. Respondents shall pay stipulated penalties regardless of whether Respondents have subsequently complied. If Respondents violate these Consent Orders, nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of the Commission to seek any other remedies available, including imposition of civil penalties and other remedies pursuant to Public Resources Code Sections 30820, 30821.6, and 30822 as a result of the lack of compliance with the Consent Orders and for the underlying Coastal Act violations described herein.

15.0 **Deadlines.** Prior to the expiration of the deadlines established by these Consent Orders, Respondents may request from the Executive Director an extension of the deadlines. Such a request shall be made in writing, ten (10) days in advance of the deadline, and directed to the Executive Director, care of John Del Arroz, in the San Francisco office of the Commission. The Executive Director may grant an extension of deadlines upon a showing of good cause, either if the Executive Director determines that Respondents have diligently worked to comply with their obligations under these Consent Orders, but cannot meet deadlines due to unforeseen circumstances beyond their control or if the Executive Director determines that any deadlines should be extended if additional time would benefit the success of the obligations under the Consent Orders from an ecological or

- biological perspective. A violation of deadlines established pursuant to these Consent Orders will result in stipulated penalties, as provided for in Section 14.3, above.
- 16.0 **Severability.** Should any provision of these Consent Orders be found invalid, void or unenforceable, such illegality or unenforceability shall not invalidate the whole, but the Consent Orders shall be construed as if the provision(s) containing the illegal or unenforceable part were not a part hereof.
- 17.0 **Site Access.** Respondents shall provide Commission staff and any other agency having jurisdiction over the work being performed under these Consent Orders with access to the Properties to inspect the restoration activities and areas potentially affected by the restoration activities at all reasonable times, upon twenty four (24) hours notice, when the Executive Director determines feasible, having been provided to the appropriate representatives(s) of Respondents, who shall be designated for this purpose in the Restoration Plans. Nothing in these Consent Orders is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Commission staff may enter and move freely about the portions of the Properties on which the violations are located, and on adjacent areas of the Properties for purposes, including, but not limited to: viewing the areas where development is being performed pursuant to the requirements of these Consent Orders; inspecting records, operating logs and contracts relating to the site; and overseeing, inspecting and reviewing the progress of Respondents' implementation of the Restoration Plan and compliance with these Consent Orders.
- 18.0 **Government Liabilities.** Neither the State of California, the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents in carrying out activities pursuant to these Consent Orders, nor shall the State of California, the Commission or its employees be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to these Consent Orders.
- 19.0 **Settlement via Consent Orders.** In light of the desire to settle this matter via these Consent Orders and avoid litigation, pursuant to the agreement of the parties as set forth in these Consent Orders, Respondents hereby waive whatever right they may have to seek a stay pursuant to PRC section 30803(b) or to challenge the issuance and enforceability of these Consent Orders in a court of law or equity.
- 20.0 **Settlement of Claims.**<sup>2</sup> The Commission and Respondents agree that these Consent Orders settle the Commission's monetary claims for relief from

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<sup>2</sup> The Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings ('NOI'), dated March 19, 2012, addressed unpermitted development on seven contiguous parcels of land, known by the Los Angeles County Assessors Office as APNs 4465-002-021, 4465-001-036, 465-001-028, 4465-001-029, 4465-002-012, 4465-005-036 and 4465-005-037. These Consent Orders only pertain to the APNs 4465-001-029, 4465-002-012, 4465-005-036 and 4465-005-037, which are owned by the Fred Segal Scholarship

- Respondents for the violations of the Coastal Act alleged in the Notice of Intent dated March 19, 2012 (“NOI”), occurring prior to the date of these Consent Orders, (specifically including claims for civil penalties, fines, or damages under the Coastal Act, including under Public Resources Code Sections 30805, 30820, and 30822), with the exception that, if Respondents fail to comply with any term or condition of these Consent Orders, the Commission may seek monetary or other claims for both the underlying violations of the Coastal Act and for the violation of these Consent Orders. In addition, these Consent Orders do not limit the Commission from taking enforcement action due to Coastal Act violations on the Properties beyond those that are the subject of the NOI.
- 21.0 **Successors and Assigns.** These Consent Orders shall run with the land, binding Respondents, including successors in interest, heirs, assigns, and future owners of the Properties. Respondents agree that they shall provide notice to all successors, assigns, and potential purchasers of the Properties of any remaining obligations under these Consent Orders. These Consent Orders are a personal legal obligation and Respondents are responsible for the work required by these Consent Orders without regard to the ownership of the Properties.
- 22.0 **Modifications and Amendments.** Except as provided in Section 15.0, and other minor non-substantive modifications, subject to agreement between the Executive Director and Respondents, these Consent Orders may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) and Section 13197 of the Commission’s administrative regulations.
- 23.0 **Government Jurisdiction.** These Consent Orders shall be interpreted, construed, governed, and enforced under and pursuant to the laws of the State of California.
- 24.0 **Limitation of Authority.**
- 24.1 Except as expressly provided herein, nothing in these Consent Orders shall limit or restrict the exercise of the Commission’s enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with these Consent Orders.
- 24.2 Correspondingly, Respondents have entered into these Consent Orders and waived their right to contest the factual and legal bases for issuance of these Consent Orders, and the enforcement thereof according to its terms. Respondents have agreed not to contest the Commission’s jurisdiction to issue and enforce these Consent Orders.
- 25.0 **Integration.** These Consent Orders constitute the entire agreement between the parties and may not be amended, supplemented, or modified except as provided in these Consent Orders.

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Camp. The unpermitted development referenced in the NOI on the remaining 3 parcels is being addressed separately pursuant to CDO CCC-12-CD-05 and RO CCC-12-RO-05.

26.0 **Stipulation.** Respondents and their representatives attest that they have reviewed the terms of these Consent Orders and understand that their consent is final and stipulate to its issuance by the Commission.

IT IS SO STIPULATED AND AGREED:

On behalf of Respondents:

\_\_\_\_\_  
Michael Segal, Secretary for the Fred Segal Scholarship Camp

\_\_\_\_\_  
Date

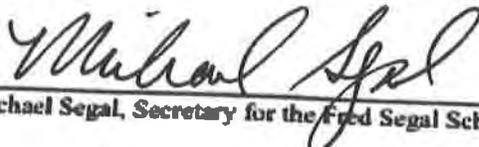
Executed in \_\_\_\_\_ on behalf of the California Coastal Commission:

\_\_\_\_\_  
Charles Lester, Executive Director

\_\_\_\_\_  
Date

26.0 **Stipulation.** Respondents and their representatives attest that they have reviewed the terms of these Consent Orders and understand that their consent is final and stipulate to its issuance by the Commission.

**IT IS SO STIPULATED AND AGREED:**  
On behalf of Respondents:

  
\_\_\_\_\_  
Michael Segal, Secretary for the Fred Segal Scholarship Camp

11.23.15  
Date

Executed in \_\_\_\_\_ on behalf of the California Coastal Commission:

\_\_\_\_\_  
Charles Lester, Executive Director

\_\_\_\_\_  
Date

Exhibit A  
Illustrative Picture of  
Unpermitted Development



Road

Road

Road

Vegetation Clearance

Tool Shed

Chicken Coop

Garage/Office

Retaining Walls

Barn

Septic System

Pool

Vegetation Clearance

Recreation Director's Quarters

50 m

**Exhibit A  
Illustrative Picture of  
Unpermitted Development**



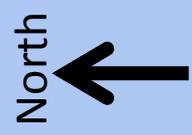
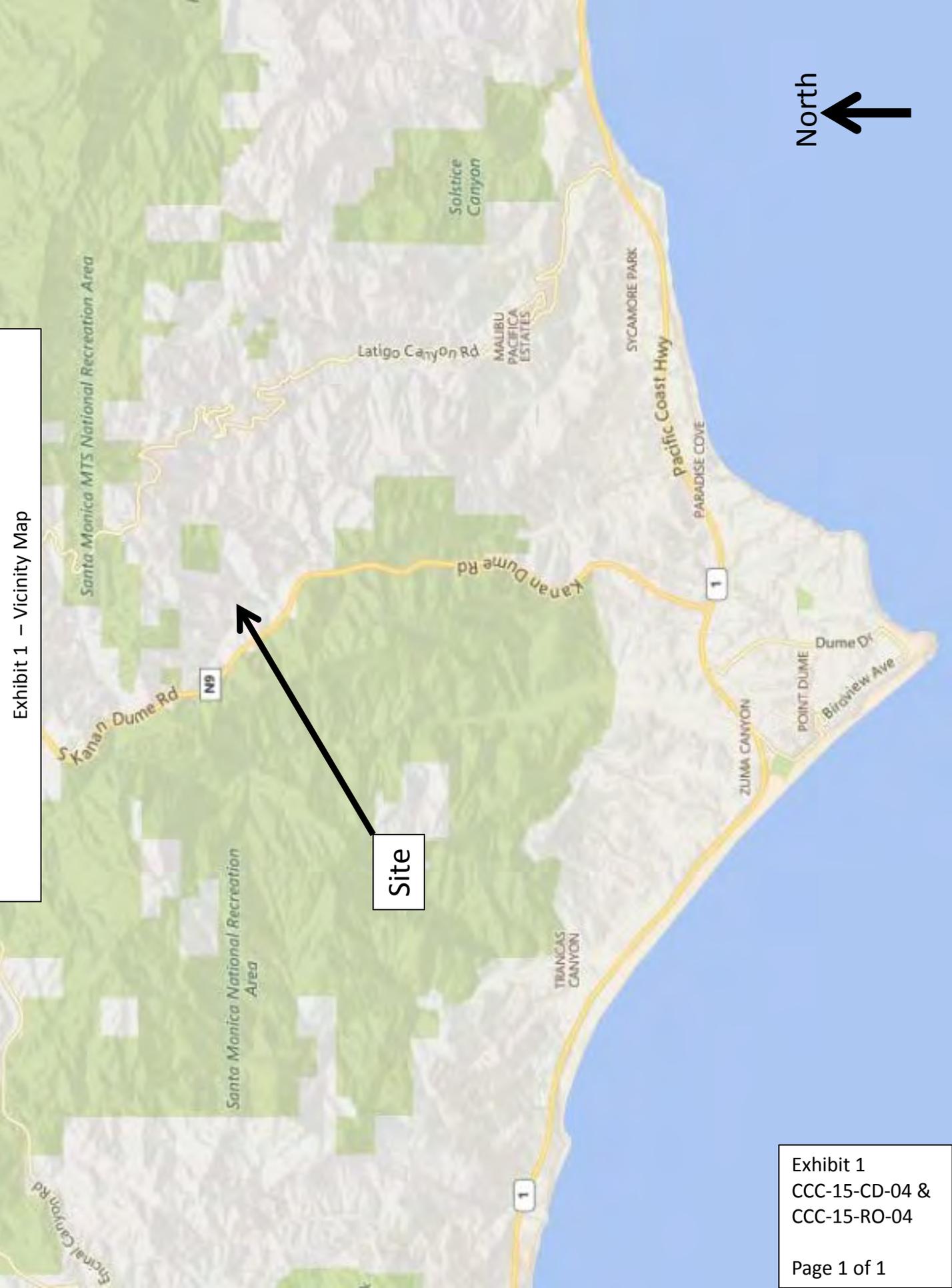


Exhibit 1 – Vicinity Map



Site

Exhibit 2 – Aerial Photograph Depicting Parcel Boundaries



Unpermitted Lots with  
APN 4465-005-036 and 4465-005-037



Subject Property

APN 4465-001-029

APN 4465-002-012

APN 4465-005-032



Second residence



Pool and hardscape

Exhibit 3 - Photographs



Converted Barn



Barn on left, Garage structure in background

Exhibit 3 - Photographs



Retaining walls and garden



Chicken coop

Exhibit 3 - Photographs



Graded Road, with shed in background



Shed adjacent to road

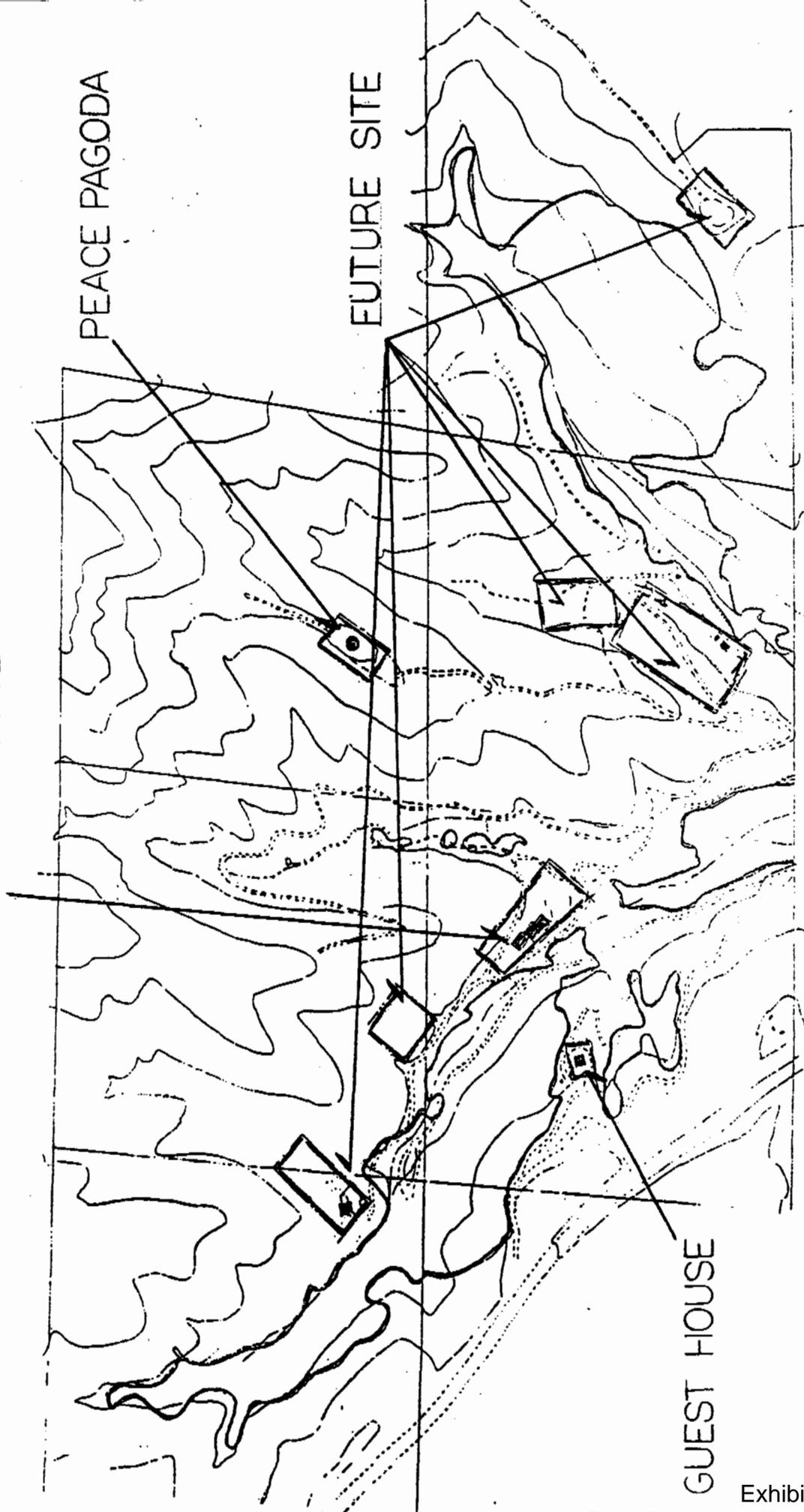
# Exhibit 2b

MAIN HOUSE

PEACE PAGODA

FUTURE SITE

GUEST HOUSE



**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**

October 19, 2010

The Canyon at Peace Park  
2900 S. Kanan Dume Road  
Malibu CA 90265

United World of the Universe Foundation/ Fred Segal Trust  
500 S. Broadway  
Santa Monica CA 90401

**Subject:** Unpermitted grading including engaging in the cutting and filling of slopes; installation of two stream culverts; installation of a guardrail; construction of a parking lot and fire department access; and placement of concrete within a stream channel, resulting in material damage to native vegetation

**Property location:** 2900 S. Kanan Dume Road, Malibu, Unincorporated Los Angeles County, CA 90401, APN 4465-002-021

Dear Canyon at Peace Park and Mr. Segal:

The California Coastal Act<sup>1</sup> was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act of 1976. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect and restore sensitive habitats such as chaparral and oak woodlands; protect natural landforms; protect scenic

<sup>1</sup> The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

landscapes and views of the sea; protect against loss of life and property from coastal hazards; and provide maximum public access to the sea.

Our staff is in receipt of information that unpermitted development has occurred at 2900 S. Kanan Dume Road, Malibu, Los Angeles County, which is located within the Coastal Zone. Based upon our information and from documents that you submitted in support of Coastal Development Permit Application Number 4-10-023,<sup>2</sup> this development includes cutting, filling, and grading of slopes in a riparian corridor, as well as installation of a guardrail, and construction of a parking lot and fire department access without the benefit of a Coastal Development Permit. This information additionally indicates that two culverts have been installed in an intermittent blue line stream, and that concrete has been placed within the stream channel, resulting in damage to native vegetation including chaparral as well as sycamore and oak trees.

We have searched our files and determined that a coastal development permit (“CDP”) has not been issued authorizing the above mentioned development. Any development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Moreover, this development appears to be inconsistent with condition of a previously issued CDP. Special Condition 3 of CDP 5-89-743 required that the permittee execute and record an offer to dedicate an easement for open space, view preservation and habitat protection. This easement was to include all portions of the permittee’s property that were identified as within the Significant Oak Woodland (SOW) and Environmentally Sensitive Habitat Area (ESHA) as demarcated in Exhibit 5 to the staff report. This easement limited permissible development in the designated areas to that which was explicitly approved in the permit, specifically stating, *‘[t]here shall be no new subdivision, construction or expansion of roads, construction, grading, landscaping...vegetation removal or placement of structures other than paths and picnic tables explicitly permitted in this permit within the easement area.’* As the grading, construction of a parking lot, and streambed alteration ostensibly occurred in an area designated as SOW /ESHA, this work additionally constitutes a violation of the terms of CDP 5-89-743.

Notably, the unpermitted development that is the subject of this letter is distinct from the earlier violations sought to be addressed through CDP 5-89-743. These previous violations, while similar in nature in that they also involved grading, paving, and streambed alteration in ESHA, occurred in the late 1980s and were disposed of through the completion of CDP 5-89-743 and the payment of settlement monies. The extant violations on the subject property appear to have originated some time during or before 2008, and were acknowledged and delineated in the submission materials for CDP 4-10-023. As this application was returned for incompleteness, the unpermitted development sought to be addressed by the permit application persists as a Coastal Act violation.

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

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<sup>2</sup> In a filing status letter dated April 14, 2010, Commission staff informed you that the CDP application is incomplete and listed the items necessary to complete the application. However, as of July 28, 2010, none of the items had been submitted and the application was returned to you.

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 undisturbed<sup>3</sup>. However, within the Santa Monica Mountains, this ecosystem is remarkably intact.

Therefore, the Commission has found that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission has further found 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 are “especially valuable” under the Coastal Act and are thus considered Environmentally Sensitive Habitat Areas..

Portions of the subject property located at 2900 S. Kanan Dume Road, including the area affected by the unpermitted grading and construction, are comprised of coastal chaparral. Because of their rarity and ecological value, areas supporting species of chaparral or coastal scrub are considered Environmentally Sensitive Areas (ESHA) under the Coastal Act. Allowable development within ESHA is limited because such areas are fragile and adversely impacted by any form of development.

It is important to the survival of these ecosystems that proposed development be limited to areas outside a buffer zone designed to minimize the impact of human intrusion. Because of the damage that could be done by grading and construction to both the coastal chaparral and riparian ecosystems, it is imperative that you obtain the necessary permits before commencing development. The permit process is designed to determine and implement the best practices for preserving the sensitive habitats indigenous to the area.

Additionally, the development on the subject property is visible from Kanan Dume Road, a designated scenic highway in the Santa Monica Mountains/Malibu Land Use Plan. Section 30251 of the Coastal Act state that the permitting of development in such areas is to be effected in a manner that endeavors to minimize the alteration of natural land forms and to be visually compatible with the character of surrounding areas. New development in highly scenic areas is subordinate to the character of its setting.

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,*

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<sup>3</sup> National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

*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 grading, placement of concrete within a stream, installation of culverts and guardrails, and construction of a parking lot constitute development under the Coastal Act and, therefore, require a CDP. As noted above, any development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued 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. 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 development permit application to authorize the development after-the-fact or to remove the unpermitted development and restore the site to its previous condition.

In order to resolve this matter in a timely manner and avoid formal enforcement action, including imposition of a monetary penalty or fine, we are requesting that you submit a complete coastal development permit application by **November 10, 2010** to authorize the development after-the-fact or to remove the unpermitted development and restoration of the site. For your convenience, a coastal development permit application can be downloaded at our website (coastal.ca.gov). Please contact me by no later than **November 4, 2010** regarding how you intend to resolve this violation.

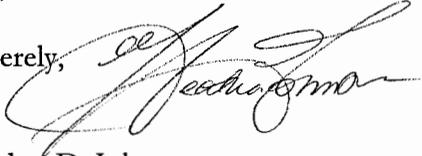
While we are hopeful that we can resolve this matter amicably, we note that Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without 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 each violation persists. Pursuant to Section 30811, the Commission may also order restoration of the property.

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 per violation. 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 each 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.

Thank you for your attention to this matter, we look forward to hearing from you. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (805) 585-1800.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Johnston", written over the word "Sincerely,".

Heather D. Johnston,  
Enforcement Officer

cc:

Lisa Haage, Chief of Enforcement  
N. Patrick Veasart, Enforcement Supervisor  
Steve Hudson, District Manager  
Barbara Carey, Supervisor, Planning and Regulation

**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**

June 2, 2011

United World of the Universe Foundation/ Fred Segal Trust  
500 S. Broadway  
Santa Monica CA 90401

Violation File No.: V-4-08-054

Subject: Unpermitted development including, but not limited to, cut and fill of slopes; installation of two stream culverts; installation of a guardrail; construction of a parking lot and fire department access; placement of concrete within a stream channel; construction of multiple residences without permits; conversion of a pump house into a residence; and unpermitted grading and paving of roads in ESHA.

Property location: 2900 S. Kanan Dume Road, Malibu, unincorporated Los Angeles County; APNs 4465-002-021, 4465-001-036, 4465-001-028, 4465-002-012.

Dear Mr. Segal and United World of the Universe Foundation:

The California Coastal Act<sup>1</sup> was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage conservation and development of coastal resources. The California Coastal Commission ("Commission") is the state agency created by, and charged with administering, the Coastal Act of 1976. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect and restore sensitive habitats such as chaparral and oak woodlands; protect natural landforms; protect scenic landscapes and views of the sea; protect against loss of life and property from coastal hazards; and provide maximum public access to the sea.

Our staff has confirmed that unpermitted development has occurred on your property at 2900 S. Kanan Dume Road, Malibu, Los Angeles County Assessor's Parcel Nos. 4465-001-036, 4465-001-

<sup>1</sup>The Coastal Act is codified in sections 30,000 to 30,900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

028, 4465-001-021, and 4465-001-012, which is located within the Coastal Zone. This development includes, but is not limited to, the following:<sup>2</sup>

1. Cutting, filling, and grading of slopes in a riparian corridor;
2. Installation of a guardrail;
3. Construction of a parking lot;
4. Construction of an access road;
5. Installation of two unpermitted culverts in an intermittent blue line stream;
6. Placement of concrete within the stream channel, resulting in damage to native vegetation; including chaparral as well as sycamore and oak trees;
7. Construction of an unpermitted single family residence on APN 4465-001-021 on a portion of the property subject to an open space deed restriction which you recorded pursuant to Special Condition 3 of CDP 5-89-743;
8. Construction of two residences on APN 4465-001-036, one of which is located in a riparian area that is subject to a deed restriction describing the area as an ESHA mitigation area as part of the aforementioned permit;
9. Grading and paving of roads in ESHA and open space;
10. Conversion and enlargement of a small pump shed into a two-story residence which extends into designated ESHA.

We have searched our files and determined that a coastal development permit ("CDP") has not been issued authorizing any of the above mentioned development. Any development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Moreover, this development appears to be inconsistent with the conditions of a previously issued CDP. Special Condition 3 of CDP No. 5-89-743, issued on April 17, 1991 required that the permittee execute and record an offer to dedicate an easement for open space, view preservation and habitat protection. This easement was recorded on August 16, 1990 as Instrument No. 91 203066. The easement includes all portions of the subject property that were identified as within the Significant Oak Woodland (SOW) and Environmentally Sensitive Habitat Area (ESHA) as demarcated in Exhibit 5 to the staff report. This easement limits permissible development in the designated areas to that which was explicitly approved in the permit, specifically stating:

*'[t]here shall be no new subdivision, construction or expansion of roads, construction, grading, landscaping...vegetation removal or placement of structures other than paths and picnic tables explicitly permitted in this permit within the easement area.'*

As the grading, construction of a parking lot, streambed alteration, paving, and construction of residences occurred in an areas designated as SOW/ESHA, this work additionally constitutes a violation of the terms of CDP No. 5-89-743. Please be advised that non-compliance with the terms and conditions of an approved permit constitute a violation of the Coastal Act.

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<sup>2</sup> Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

Please note that the unpermitted development that is the subject of this letter is distinct from earlier violations which were resolved through CDP No. 5-89-743. The previous violations, while similar in nature in that they also involved grading, paving, and streambed alteration in ESHA, occurred in the late 1980s and were addressed through the completion of CDP No. 5-89-743 and the payment of settlement monies. The extant violations on the subject property appear to have originated some time during or before 2008, and were acknowledged and delineated in the submission materials for CDP No. 4-10-023, which was returned for incompleteness. Therefore, the unpermitted development sought to be addressed by CDP No. 4-10-023 persists as a Coastal Act violation.

The Santa Monica Mountains, where the subject property is located, comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California. 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 undisturbed<sup>1</sup>. However, within the Santa Monica Mountains, this ecosystem is remarkably intact.

Therefore, the Commission has found that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine, physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission has further found 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 are "especially valuable" under the Coastal Act and are thus considered Environmentally Sensitive Habitat Areas..

Portions of the subject property located at 2900 S. Kanan Dume Road, including the area affected by the unpermitted grading and construction, are comprised of coastal chaparral. Because of their rarity and ecological value, areas supporting species of chaparral or coastal scrub are considered Environmentally Sensitive Areas (ESHA) under the Coastal Act. Allowable development within ESHA is limited because such areas are fragile and adversely impacted by any form of development.

It is important to the survival of these ecosystems in the Santa Monica Mountains that proposed development be limited and buffered to minimize the impacts of human intrusion. Because of the damage that could be done by grading and construction to both the coastal chaparral and riparian ecosystems, it is imperative that you obtain the necessary permits before commencing development. The permit process is designed to determine and implement the best practices for preserving the sensitive habitats indigenous to the area.

Additionally, the development on the subject property is visible from Kanan Dume Road, a designated scenic highway in the Santa Monica Mountains/Malibu Land Use Plan. Section 30251 of

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

the Coastal Act requires that the permitting of development in such areas is to be effected in a manner that minimizes the alteration of natural land forms and is visually compatible with the character of surrounding areas. New development in highly scenic areas is subordinate to the character of its setting.

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 described development which includes, but is not limited to, grading, paving, placement of concrete within a stream, installation of culverts and guardrails, construction of a parking lot, and construction of residences, constitutes development under the Coastal Act and, therefore, requires a CDP. As noted above, any development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

### **Resolution**

In some cases, violations involving unpermitted development may be resolved by removal of the unpermitted development and restoration of any damaged resources. Removal of the development and restoration of the site generally will require formal approval under the Coastal Act. We would like to work with you to resolve these issues and would like to discuss with you options to do so. **Please immediately stop all unpermitted development activity on the subject property** and contact me by **June 27, 2011** to discuss resolution of this matter. Please note that violations of the Coastal Act are the responsibility of the owner of the real property upon which the violations occur.

While we are hopeful that we can resolve this matter amicably, please be advised that the Coastal Act has a number of potential remedies to address such violations of the Coastal Act including the following:

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. 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 each violation persists. Pursuant to Section 30811, the Commission may also order restoration of the property.

Additionally, Sections 30803 and 30805 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) 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 per violation. 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 each violation persists. Because notice was posted on site informing you that removal of major vegetation requires a permit under the Coastal Act, any additional unpermitted vegetation removal, grading, or development could be construed as a 'knowing and intentional' violation of the Coastal Act.

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

Thank you, in advance, for your prompt attention to this matter. We look forward to hearing from you by **June 27, 2011**. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (805) 585-1800.

Sincerely,



Heather Johnston  
South Central Coast District Enforcement Officer

- cc: Lisa Haage, Chief of Enforcement, CCC  
N. Patrick Veasart, Enforcement Supervisor, CCC  
Steve Hudson, District Manager, CCC  
Barbara Carey, Supervisor, Planning and Regulation, CCC  
Alex Helperin, Staff Counsel, CCC

## CALIFORNIA COASTAL COMMISSION

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



July 21, 2011

Fred Segal  
United World of the Universe Foundation/ Fred Segal Trust  
500 S. Broadway  
Santa Monica CA 90401

Violation File No.: V-4-08-054

Violation: Unpermitted development including, but not limited to, cut and fill of slopes; installation of two stream culverts; installation of a guardrail; construction of a parking lot and fire department access; placement of concrete within a stream channel; construction of multiple residences without permits; conversion of a pump house into a residence; and unpermitted grading and paving of roads in ESHA.

Property location: 2900 S. Kanan Dume Road, Malibu, unincorporated Los Angeles County; APNs 4465-002-021, 4465-001-036, 4465-001-028, 4465-002-012.

Dear Mr. Segal:

Thank you and your wife for taking the time to meet with Commission staff (Patrick Veasart and Heather Johnston) at 2900 Kanan Dume Road on June 14, 2011. We appreciate your cooperation and expressed willingness to work with us to resolve Coastal Act violations on the subject site. During the above-mentioned site visit we discussed the permitting history of the properties and reviewed the extant condition and extent of development. The purpose of this letter is to delineate, for the purposes of facilitating resolution, the Coastal Act violations on the subject properties based upon information synthesized from Commission files, historic aerial photographs, previous site inspections, and our meeting.<sup>2</sup> Since this case involves multiple properties, large acreages, and a large amount of unpermitted development undertaken over time in various locations, in order to help delineate the options for resolution of each, we have divided the subject unpermitted development into discrete sections in this letter. For the reasons stated above, the most efficient way

<sup>2</sup> Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

to address the subject violations will likely be in the form of a comprehensive Consent Cease and Desist and Restoration Order (discussed further in the "Resolution" section of this letter).

**CDP 5-89-743**

During our meeting you suggested that you have permits for six residences and guest houses on six delineated development areas across the subject properties pursuant to Coastal Development Permit ("CDP") 5-89-743. However, CDP No. 5-89-743 did not in fact permit six residences and guest houses; rather, it delineated six development areas within which development could potentially occur at some point in the future, after such development was authorized by the required coastal development permit.

CDP No. 5-89-743 was approved by the Commission on April 17, 1991 and applied to APN Nos. 4465-002-021, 4465-001-028, 4465-001-029, 4465-002-012, 4465-005-032, and 4465-001-036. This permit was to resolve violations on the subject properties at that time as well as to permit one 7,346 sq ft single family residence and guest house on APN 4465-002-021. To address Coastal Act violations at the time, which included the extensive unpermitted grading of roads in Environmentally Sensitive Habitat Area (ESHA), CDP No. 5-89-743 delineated the six development areas across the six parcels that would be the least environmentally damaging locations to build, and allowed the unpermitted roads that accessed these areas to remain while requiring the unpermitted roads that would not be used to access these development areas to be restored.

Special Condition 3 of CDP No. 5-89-743 required that the permittee execute and record an offer to dedicate an easement for open space, view preservation and habitat protection. This easement was recorded on August 16, 1990 as Instrument No. 91 203066. The easement includes all portions of the subject property that were identified as within the Significant Oak Woodland (SOW) and Environmentally Sensitive Habitat Area (ESHA) as demarcated in Exhibit 5 to the staff report. This easement limits permissible development in the designated areas to that which was explicitly approved in the permit, specifically stating:

*[t]here shall be no new subdivision, construction or expansion of roads, construction, grading, landscaping...vegetation removal or placement of structures other than paths and picnic tables explicitly permitted in this permit within the easement area.*

Thus CDP No. 5-89-743 circumscribed the development areas and, pursuant to Special Condition 3, required that the permittee deed restrict the remainder of the properties such that no future development could occur in these areas, and specifically to avoid any potential development in these protected areas. Special Condition 6 further details the permitting status of future development within the designated development areas:

*Within each of these single family development areas the applicant shall be restricted to no more than one single family house, one guest house, and appurtenant structures, which shall be permitted only in accordance with the Policies of Chapter 3 of the Coastal Act and the certified Malibu Land Use Plan. No residential development, pools, stables, tennis courts, fencing or other appurtenant structures*

*shall be located outside of these single family development areas. All development shall be subject to coastal Development Permits [emphasis added].*

Additionally, CDP No. 5-89-743 authorized the construction of one 7,345 sq ft single family residence, pool, pond, pump house, and 850 sq foot guest house on APN 4465-002-021, as well as the construction of an 800 sq ft caretaker trailer; stables; gardens; and kennels. As no CDPs have been approved and effectuated since this original permit, any development undertaken that is inconsistent with this permit or was not specifically approved by it constitutes a violation of the Coastal Act.

#### The 'Women's Facility'

It appears that Los Angeles County Building and Safety issued a building permit, on March 6, 1997, for the construction of a 4,971 sq ft house and garage on APN 4465-001-036, and that this development was subsequently completed and "finaled" on August 13, 1999. As you are aware, this permit provided authorization for the development by Los Angeles County Building and Safety, it did not however relieve the requirement that a CDP also be obtained prior to construction. Unfortunately, there was no legal authorization sought under the Coastal Act and its permit requirements. Staff has searched Commission records and has been unable to find a CDP authorizing this development. It appears that this unpermitted residence and associated structures may be located within a delineated development area (as detailed above) and thus could potentially be authorized, "after-the fact", under the coastal development permitting process if found to be consistent with the provisions of the Coastal Act. In any event, retention (or removal, for that matter) of the residence and appurtenant structures requires a CDP, which you do not have. One purpose of requiring CDPs under the Coastal Act is to provide for analysis of development prior to its construction and to condition said development to ensure consistency with pertinent Coastal Act requirements. Since no such permit was obtained for this development, we cannot say with certainty whether the extant development would be approvable as it is, but this matter could potentially be resolved by obtaining "after-the fact" authorization under the Coastal Act for said development.

#### The 'Tree House'

The small house also located on APN 4465-001-036 west of the stream from the so-called 'Women's Facility' is located outside of any of the six development areas delineated pursuant to CDP No. 5-89-743. Unfortunately, this structure is additionally within an ESHA/Significant Oak Woodland (SOW) mitigation area that is subject to an irrevocable open space deed restriction prohibiting any development. A review of Commission records and Los Angeles County Building and Safety records failed to produce any evidence that this development was ever permitted by either the Commission or Los Angeles County. Additionally, the development is located within a riparian/oak woodland area and therefore does not comply with the normally required 100 ft setback. It is therefore unlikely that the Commission would find this development consistent with the ESHA protection policies enumerated in Chapter 3 of the Coastal Act (or with the previously issued CDP), and Staff would thus be unable to recommend after-the-fact approval of this residence. This matter could be resolved by removal of the unpermitted development and restoration of the affected area to its pre-violation condition. Said removal and restoration will require authorization under the Coastal Act.

### The 'A-Frame'

Also on APN 4465-001-036, located northeast of the women's facility, the 'A-frame' residence is additionally situated outside of any delineated development area in an area subject to an open space deed restriction. Special Condition 4 of CDP No. 5-89-743 provides that within these areas subject only to open space deed restrictions (as opposed to ESHA/SOW mitigation area open space deed restrictions as mentioned above),

*The applicant may apply for a coastal development permit to carry out limited rural development including the removal of vegetation for agricultural purposes, planting fruit trees, the construction of trails, construction of public monuments or public or private picnic areas or similar low intensity uses [emphasis added].*

As with the Tree House, review of Commission records and Los Angeles County Building and Safety records failed to produce any evidence that this development was ever permitted by either the Commission or Los Angeles County. Moreover, because the A-frame residence is located within the area subject to the open space easement and does not conform to the type of allowable uses specifically delineated in both the permit and the deed restriction, Commission staff would be unable to recommend after-the-fact approval of this structure.

Additionally, the paved road that is used to access the A-frame from the women's facility was not permitted in CDP No. 5-89-743. Review of aerial photographs reveals that the road was graded sometime after 1994 and was paved after 2005. This road is therefore unpermitted, and, because its sole function is to access an unpermitted residence, it is unlikely that it could be permitted as it would not be found consistent with Chapter 3 policies of the Coastal Act or the previously issued CDP. **Therefore, this matter could be resolved by removal of the unauthorized structure and road and restoration of the affected area to its pre-violation condition. Said removal and restoration will require authorization under the Coastal Act.**

### Storage Container and Associated Road/Pad

Located on the same parcel as the aforementioned unpermitted development (APN 4465-001-036), continuing northwest from the women's facility, is a paved road that accesses a cleared area upon which a storage container is located. This road was not listed as an approved road in Exhibit 3 of CDP No. 5-89-743 and, therefore, was approved pursuant to that permit. The road, cleared area, and storage container are also located within the open space easement. **Therefore, to be permissible, this development would need to be demonstrated to be consistent with Special Condition 4 of CDP No. 5-89-743 and Chapter 3 of the Coastal Act. If such a showing cannot be made, this road, pad, and storage container would need to be removed and the affected area restored; subject to authorization under the Coastal Act.**

### Pump House

CDP No. 5-89-743 authorized a small pump shed on APN 4465-002-021 adjacent to the guest house. This shed has since been enlarged and converted into a two-story residence which extends into designated ESHA subject to the ESHA/SOW mitigation open space deed restriction. Commission records indicate that this conversion and enlargement was never permitted. Because this structure is located within ESHA and therefore does not conform to the normally required 100 ft setback, the Commission would be unlikely to be able to find this residence consistent with the ESHA protection policies in Chapter 3 of the Coastal Act and staff would, therefore, be unable to recommend after-the-fact approval. **This matter can be resolved by removal of all development not authorized by CDP No. 5-89-743 and restoration of the affected area to its pre-violation condition; subject to authorization under the Coastal Act.**

### Meditation Trailers

Also located on APN 4465-002-021, southeast of the Guest House and Pump House, are two meditation trailers. These trailers are located outside of any of the delineated development areas and in an area subject to the open space deed restriction. The approved plans for CDP No. 5-89-743 indicate that a horse corral and three small barns were permitted in the approximate location that the trailers are now located. **In order to obtain after-the-fact approval of these trailers, a showing would need to be made that they substantially conform with the approved plans, are consistent with Special Condition 4 of CDP 5-89-743, and are consistent with the policies enumerated in Chapter 3 of the Coastal Act. Failure to make such a showing would necessitate removal of the subject development and restoration of the affected area; subject to authorization under the Coastal Act.**

### Parking Area

Also on APN 4465-002-021, southwest of the men's facility, a 16,000 sq ft addition was made to the parking area sometime during 2008. This addition was made within the riparian canopy of a blue-line stream and involved cutting, filling and grading adjacent to the stream; removal of (and damage to) native vegetation, including sycamore and oak trees; the placement of concrete within the stream channel; and the installation of two culverts within the stream. This development is located within riparian ESHA, and partially within an area subject to the ESHA/SOW mitigation area open space deed restriction. Because the parking area and associated development is within the riparian canopy and therefore does not conform to requisite ESHA setback, the Commission is not likely to find it consistent with Chapter 3 ESHA protection policies of the Coastal Act, or with the previously issued CDP. Staff would, therefore, be unable to recommend after-the-fact approval. **Resolution of this matter will necessarily involve removal of the unpermitted development and restoration of the affected area to its pre-violation condition; subject to Coastal Act authorization.**

### Resolution

Since the violations on the subject properties (that are the subject of this letter) involve both development that could possibly be conditionally authorized "after-the-fact" in some form, and development that is likely not approvable at all because it is inconsistent with the terms and conditions of a previously issued CDP and/or inconsistent with the Coastal Act (and, therefore, requires removal and restoration); and since retention of approvable development and/or removal and restoration of development not approvable require authorization under the Coastal Act, the most expeditious way of resolving this matter would likely be through a comprehensive Consent Cease and Desist Order and a Consent Restoration Order ("consent order"). A consent order is similar to a settlement agreement. A consent order would provide you with an opportunity to resolve this matter comprehensively and consensually and to have input into both the approval process and timing of removal of the unpermitted development and restoration of the subject property. A consent order would also allow you to negotiate a penalty amount with Commission staff. We would like to discuss this option with you.

In any event, we would like to work with you to resolve these issues and would like to discuss with you options to do so. Please immediately stop all unpermitted development activity on the subject property and contact me by **August 12, 2011** to discuss resolution of this violation.

While we are hopeful that we can resolve this matter amicably and are pleased with your cooperation thus far, please be advised that the Coastal Act has a number of potential remedies to address such violations of the Coastal Act including the following:

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. 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. Pursuant to Section 30811, the Commission may also order restoration of the property. A violation of a cease and desist order or restoration order can result in civil fines of up to \$6,000 for each day in which the violation persists.

Additionally, Sections 30803 and 30805 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) 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 per violation. 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 each violation persists. Because notice was posted on site informing you that removal of major vegetation requires a permit under the Coastal Act, any additional unpermitted vegetation removal, grading, or development could be construed as a 'knowing and intentional' violation of the Coastal Act.

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

Thank you for your prompt attention to, and cooperation in, this matter. We look forward to hearing from you by **August 12, 2011**. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (805) 585-1800.

Sincerely,



Heather Johnston  
South Central Coast District Enforcement Officer

cc: Lisa Haage, Chief of Enforcement, CCC  
N. Patrick Veasart, Enforcement Supervisor, CCC  
Steve Hudson, District Manager, CCC  
Barbara Carey, Supervisor, Planning and Regulation, CCC  
Alex Helperin, Staff Counsel, CCC  
Kevin Petrowsky, Los Angeles County Building and Safety  
Cindy Wood, California Department of Fish and Game  
Sean Skeries, Los Angeles County Regional Planning

## CALIFORNIA COASTAL COMMISSION

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



August 15, 2011

Michael Segal  
United World of the Universe Foundation  
500 S. Broadway  
Santa Monica CA 90401

Rick Zbur  
Latham & Watkins  
355 South Grand Avenue  
Los Angeles CA 90071-1560

RE: V-4-08-054, 2900 S. Kanan Dume Road, Malibu, unincorporated Los Angeles County; APNs  
4465-002-021, 4465-001-036, 4465-001-028, 4465-002-012, 4465-005-032

Dear Messers Segal and Zbur:

Thank you for meeting with me on August 2<sup>nd</sup>, 2011 at 2900 Kanan Dume Road, Malibu ('subject property'). I appreciate your time and expressed willingness to work with staff to rectify Coastal Act violations on the subject property. The intent of this letter is to detail, for the purposes of facilitating resolution, the materials which Commission staff consider necessary to achieve a complete understanding of the subject development, on site operation, and impacts associated therewith.

As previously explained, the most efficient way to address the subject violations will likely be in the form of a comprehensive Consent Cease and Desist and Restoration Order ('Consent Order'). When the below described materials have been prepared and aggregated, we would like to schedule a meeting in our office, with both permitting and enforcement staff, to discuss terms and conditions of the Consent Order and associated coastal development permit.

#### 1. Women's Facility

Staff has previously related to you that all existing development on the subject property requires a coastal development permit (CDP), or, absent a permit must be removed and the area restored. As you have expressed a desire to seek after-the-fact authorization to retain the single family residence on APN 4465-001-036 ('women's facility'), to obtain a permit for this development you will need to prepare the plans and materials requisite for a complete CDP application. An agreed-upon time-frame for the completion of this CDP application will be delineated in the Consent Order.

However, in order to ensure that this Consent Order accurately captures all elements and impacts of this development, staff requests certain materials be provided for review in advance of the CDP

Exhibit 8  
CCC-15-CD-04 &  
CCC-15-RO-04  
Page 1 of 3

application. As such, please submit to staff scaled as-built plans of the women's facility, as well as plans detailing grading undertaken to create the pad upon which the facility sits and the adjacent graded slopes, including cut and fill. These plans are necessary to ensure that the Consent Order accurately characterizes the development for which after-the-fact approval is being sought.

Please bear in mind that in evaluating whether existing, unpermitted development is approvable, Commission staff will assess the proposed development in light of extant review criterion. In the Santa Monica Mountains, where the subject property is located, the Commission has, in past permit actions, typically limited development areas to a maximum of 10,000 sq ft. This figure includes the flat graded pad, and the graded slope adjacent to the pad, including accessory structures but excluding the driveway and fire department turnaround. Moreover, development is required to be situated in a location that is the least ecologically damaging given the topography, vegetation, hydrology and geology of the developable area.

Providing the above-mentioned materials for the women's facility will allow staff to analyze existing development to ensure consistency with the standards enumerated in Chapter 3 of the Coastal Act.

## 2. Operations

In addition to the plans for the women's facility, please provide staff with a characterization of the Canyon at Peace Park rehabilitation operation which occupies the subject property. This description should detail the use and operation of the facility, including the number of full-time staff, part-time staff, maximum capacity of guests, as well as septic and parking requirements.

The purpose of this enumeration is to ensure that the Consent Order accounts for and adequately mitigates for additional ecological impacts, if any, associated with the operation of the rehabilitation facility in lieu of single family residences on the subject property.

## 3. Parking

In light of the expressed desire of the Canyon at Peace Park to have an on-site parking lot, please provide staff with information on the nature of the proposed development. This should include proposed alternative locations, the size of the parking area, as well as appropriate mitigation to offset development impacts.

## 4. Lot Legality

Finally, at the time CDP 5-89-743 was issued in May 10, 1990, the lots currently known as APN Nos. 4465-005-036 and 4465-005-037 were a unified parcel identified as APN 4465-005-032. Please provide staff with evidence that these lots were legally created pursuant to applicable laws, including the Coastal Act, in effect at the time the lot was subdivided.

## Resolution

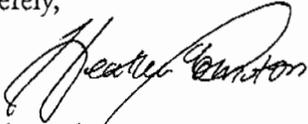
Once the aforementioned materials have been aggregated and provided to staff, we can then meet to discuss the terms and conditions of both a consent order. A consent order is similar to a settlement

agreement. A consent order would provide you with an opportunity to address penalties associated with this violation. A consent order would additionally resolve this matter comprehensively and consensually and to have input into the approval process, timing of removal of the unpermitted development, restoration of the subject property, and requisite mitigation.

Please contact me by August 29, 2011 to discuss timing. We would like to keep this moving along and would like to receive the above materials and schedule a meeting to discuss the details of resolving this matter as soon as possible.

Thank you for your prompt attention to, and cooperation in, this matter. We look forward to hearing from you. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (805) 585-1800.

Sincerely,



Heather Johnston  
South Central Coast District Enforcement Officer

cc: Lisa Haage, Chief of Enforcement, CCC  
N. Patrick Veasart, Enforcement Supervisor, CCC  
Steve Hudson, District Manager, CCC  
Barbara Carey, Supervisor, Planning and Regulation, CCC  
Alex Helperin, Staff Counsel, CCC  
Kevin Petrowsky, Los Angeles County Building and Safety  
Cindy Wood, California Department of Fish and Game  
Sean Skeries, Los Angeles County Regional Planning

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885

**Via Certified and Regular Mail**

March 19, 2012

Rick Zbur  
Latham & Watkins LLP  
355 South Grand Avenue  
Los Angeles, CA 90071  
(Certified Receipt No. 7010 2780 0001 3432 9557)

Fred Segal  
500 S. Broadway  
Santa Monica CA 90401  
(Certified Receipt No. 7010 2780 0001 3432 9984)

United World of the Universe Foundation  
500 S. Broadway  
Santa Monica CA 90401  
(Certified Receipt No. 7010 2780 0001 3432 9991)

Michael Segal  
500 S. Broadway  
Santa Monica CA 90401  
(Certified Receipt No. 7005 0390 0001 2128 0446)

Fred Segal Scholarship Camp  
500 S. Broadway  
Santa Monica CA 90401  
(Certified Receipt No. 7005 0390 0001 2128 0453)

**Subject: Notice of Intent to Commence Cease and Desist Order and Restoration Order Proceedings**

**Location:** 2900 S. Kanan Dume Road, Malibu, unincorporated Los Angeles County; APNs 4465-002-021; 4465-001-036; 4465-001-028; 4465-002-012; 4465-005-036 and 4465-005-037 (formerly collectively known as 4465-005-032); and 4465-001-029.

**Violation Description:** Unpermitted development including, but not limited to, cut and fill of slopes; installation of two stream culverts; installation of a guardrail; expansion of a parking lot and creation of a fire department access; placement of concrete within a stream channel; placement of structures along riparian corridor; unpermitted subdivision;

March 19, 2012

construction of multiple residences; conversion of a pump house into a residence; placement of meditation trailers; and grading and paving of roads in areas containing environmentally sensitive habitat.

Dear Messers Segal and Zbur:

I am directing this notice to Michael Segal as the registered agent of the United World of the Universe Foundation and the Fred Segal Scholarship Camp, as the personal representative of Fred Segal; and to Rick Zbur as counsel for the Canyon at Peace Park (lessee of a portion of the subject properties). Commission Staff appreciates the efforts of the aforementioned parties thus far to work cooperatively towards a resolution of the alleged Coastal Act violations on the properties described above, as identified in our letters dated June 2, 2011, and July 21, 2011, and in our conversations. As we have stated in previous correspondence and communications, we would like to continue to work with you to resolve these issues amicably and remain willing and ready to discuss options that could involve agreeing to a consensual resolution to the Coastal Act violations on the properties at issue, such as entering into consent cease and desist and restoration orders. The purpose of this letter is to notify you of my intent, as the Executive Director of the California Coastal Commission ("Commission"), to commence proceedings for issuance of cease and desist and restoration orders to address unpermitted development, development inconsistent with a permit, and failure to take actions required by a permit, in order to resolve the aforementioned Coastal Act violations through formal enforcement actions, either through a consent or regular order proceeding, and to continue the process of discussions that my staff and you have already begun.

Commission staff has confirmed that unpermitted development and development inconsistent with coastal development permit ("CDP") No. 5-89-743 has been undertaken; and conversely, actions required by that permit have not occurred; on seven parcels at 2900 S. Kanan Dume Road, Malibu, described as Los Angeles County Assessor's Parcel Numbers 4465-002-021; 4465-001-036; 4465-001-028; 4465-002-012; 4465-005-036 and 4465-005-037 (formerly jointly known as 4465-005-032)<sup>1</sup>; and 4465-001-029 (collectively, "Subject Property").

This unpermitted development includes, but may not be limited to: cutting, filling, and grading of slopes in a riparian corridor; expansion of a parking lot and creation of a fire department turn around; construction of an access road; installation of two culverts in an intermittent blue line stream; subdivision of one parcel into two; installation of guardrails; placement of concrete within the stream channel, resulting in damage to native vegetation, including chaparral as well as sycamore and oak trees; conversion of an approximately 10-foot by 10-foot pump house into a single family residence on APN 4465-001-021; placement of structures along the riparian corridor north of the single family residence permitted in the 1989 CDP; construction of two residences on APN 4465-001-036; construction of a residence on APN 4465-001-028; and grading and paving of roads in an environmentally sensitive habitat area ("ESHA"). In addition to being unpermitted, much of this development also occurred in areas of the property subject to open space or ESHA/Significant Oak Woodland (SOW) mitigation area easements recorded pursuant to Special Condition 3 of CDP 5-

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<sup>1</sup> The Commission uses the current County APNs herein for convenience but does not, thereby, agree that the areas currently designated as APNs 4465-005-036 and 4465-005-037 constitute separate legal lots.

89-743. Finally, the permittee and successors-in-interest have also failed to take actions required by the conditions of CDP No. 5-89-743 as necessary for its approval.

The parties subject to these proceedings are the United World of the Universe Foundation, Fred Segal, Michael Segal, the Fred Segal Scholarship Camp, and the Canyon at Peace Park, as summarized in Table 1.

Table 1

PARCEL NUMBER	UNPERMITTED DEVELOPMENT	OWNER(S)
4465-001-028	<ul style="list-style-type: none"> <li>▪ Construction of an unpermitted residence (“A Frame”) in an area subject to an open space easement.</li> <li>▪ Failure to restore ‘superfluous’ roads as required by Special Condition 1 of CDP 5-89-843</li> <li>▪ Grading and paving of a road to the unpermitted residence</li> <li>▪ Construction of a “grotto”</li> <li>▪ Placement of structures along riparian corridor north of Men’s Facility</li> </ul>	United World of the Universe Foundation
4465-005-037	<ul style="list-style-type: none"> <li>▪ Illegal creation of lot designated 4465-005-037 via unpermitted subdivision of ‘parent’ lot, previously designated as 4465-005-032, into this lot and the one designated 4465-005-036.</li> </ul>	Fred Segal Scholarship Camp
4465-005-036	<ul style="list-style-type: none"> <li>▪ Illegal creation of lot designated 4465-005-036 via unpermitted subdivision of ‘parent’ lot, previously designated as 4465-005-032, into this lot and the one designated 4465-005-037.</li> </ul>	Fred Segal
4465-002-012	<ul style="list-style-type: none"> <li>▪ Failure to restore ‘superfluous’ roads as required by Special Condition 1 of CDP 5-89-843</li> </ul>	Fred Segal Scholarship Camp
4465-002-021	<ul style="list-style-type: none"> <li>▪ Unpermitted addition to, and conversion of, a pump house into a residence</li> <li>▪ Grading and paving of a parking area within riparian ESHA</li> <li>▪ Installation of two culverts into a blue line stream</li> <li>▪ Expansion of a parking lot within a riparian area</li> </ul>	Fred Segal

	<ul style="list-style-type: none"> <li>▪ Construction of a fire department turn around</li> <li>▪ Installation of a guardrail</li> <li>▪ Placement of meditation trailers near Kanan Dume Road</li> </ul>	
4465-001-036	<ul style="list-style-type: none"> <li>▪ Construction of an unpermitted residence and associated landscaping (“Women’s Facility”)</li> <li>▪ Grading of a road northwest of the unpermitted residence</li> <li>▪ Construction of unpermitted residence within a designated significant oak woodland (“Tree House”)</li> </ul>	United World of the Universe Foundation
4465-001-029	<ul style="list-style-type: none"> <li>▪ Failure to restore ‘superfluous’ road pursuant to Special Condition 1 of CDP 5-89-843</li> </ul>	Fred Segal

Pursuant to Section 30600 (a) of the Coastal Act, with limited exceptions not applicable here, 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 set forth below:

*“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 described instances of development include, but are not limited to, grading, paving, placement of concrete within a stream, installation of culverts and guardrails, expansion of a parking lot and construction of a fire department turn around, subdivision of land, and construction of residences, each of which constitutes development under the above definition from the Coastal Act and, therefore, requires a CDP. As noted above, development activity conducted in the Coastal Zone without a valid CDP constitutes a violation of the Coastal Act. In addition, some of the development at issue was subject to requirements of previously issued CDPs and is inconsistent with their terms. Finally, the permittee and successors-in-interest have failed to take actions required by the conditions of CDP No. 5-89-743 as necessary for its approval. Development that is inconsistent

with, and failure to take actions required by, previously issued permit whose benefits the permittee has enjoyed are also violations of the Coastal Act.

The Santa Monica Mountains, where the Subject Property is located, comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California. 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. 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 undisturbed. However, within the Santa Monica Mountains, this ecosystem is remarkably intact, despite the fact that it is closely surrounded by some 17 million people. Therefore, the Commission has found, in numerous permit and enforcement actions, that the Mediterranean ecosystem in the Santa Monica Mountains, and especially riparian areas occurring therein, is rare and particularly valuable because of its relatively pristine character, physical complexity, and resultant biological diversity.

The purpose of these enforcement proceedings is to address development on the Subject Property that was not authorized pursuant to the Coastal Act, and permit requirements that were not performed. The proceedings will propose to address these matters through the issuance of Cease and Desist and Restoration Orders ("Orders") that will direct the owner(s) and lessee of the Subject Property to: 1) cease from performing any additional unpermitted development activity (development not authorized pursuant to, or exempt from, the Coastal Act), 2) remove unpermitted development according to an approved removal plan, and 3) restore the impacted area pursuant to an approved restoration plan. In addition to removal of the unpermitted development, Commission staff is willing to discuss resolution of the remainder of the violation via the settlement of monetary claims, and whether it is appropriate and consistent with the Coastal Act to allow the applicant to apply to the Commission to retain limited elements of development, in which case the Orders will set a schedule for such an application.

### Violation History

The Commission granted CDP 5-89-743 to Fred Segal on May 10, 1990. In an effort to address past violations on the Subject Property and plan for anticipated future development, this permit was somewhat unusual in that it treated the property as a whole and thus not only approved development on APN 4465-002-021, but also delineated a development plan, as well as some identified development preclusions, for the five<sup>2</sup> adjacent 40 acre lots. Development authorized by the permit included the construction of a single family residence ("Men's Facility") with a pool, pond, and guest house; the installation of a caretaker's trailer and stables, gardens, and kennels; the grading and paving of roads used to access the abovementioned residences, and the installation of rock work and culverts into a riparian area.

One of those 40-acre lots was designated as APN 4465-005-032. Parcel maps from 1985 depict APN 4465-005-032 as a single parcel, and CDP 5-89-743 did not authorize its division. In fact, it

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<sup>2</sup> As discussed more comprehensively below, when this permit was issued the subject property was comprised of six parcels. In the intervening years since 1990 however, an attempt was made to subdivide APN 4465-005-032 into 4465-005-036 and 4465-005-037.

required the recordation of open space easements on the aforementioned parcel. However, by 1992 when a title report was submitted to Commission staff to assess compliance with permit conditions, the parcel had been illegally subdivided into two parcels known now as APNs 4465-005-036 and 4465-005-037.

It appears that by 1994 a small number of the unpermitted roads were allowed to overgrow and return to a more natural state. The guesthouse, Men's facility, and caretakers' trailers had been constructed and placed pursuant to the 1989 CDP. Additionally, however, an unpermitted structure was erected along the riparian corridor on the westerly spur road, which emanates from the east of the Men's facility and terminates on a knoll overlooking the Men's facility.

By 2001 a water tank had been installed adjacent to the guest house, and the small "pump enclosure" northwest of the guesthouse had been converted into a two-story 1,250 sq ft residence. Additionally, a water-tank and three trailers were now placed on the road adjacent to Kanan Dume Road, where barns and corrals were to be located pursuant to the 1989 CDP. Further, by this time, the road that had theretofore provided access along the oak woodland from the Men's Facility to the graded development area to the west was now paved. This road was additionally extended further west as an unpaved, graded segment continuing to follow the border of the oak woodland. A road stretching approximately 800ft was also graded and paved from this development area north along the base of a hill to a flattened area. Finally, by 2001 a large unpermitted house, garage, and guest house were built approximately within the prescribed development pad which lies to the west of the Men's Facility and from which emanate the above mentioned unpermitted roads. All of this development was done without the benefit of the required CDPs.

In 2008, Commission staff received reports of violations on the Subject Property indicating that a parking lot had been extended within a riparian area, and within the protected area of oak trees. Additionally, violation reports indicated that culverts had been placed in the blue-line stream adjacent to the parking area. None of the activities had received a CDP. In 2010, the Canyon at Peace Park (lessees of a portion of the Subject Property) submitted an incomplete coastal development permit application (CDP 4-10-023) for after-the-fact authorization of development including cutting, filling, and grading of slopes in a riparian corridor, as well as installation of a guardrail, and construction of a parking lot and fire department access. Because this CDP application contained unpermitted development, was determined to be incomplete, and was therefore returned to the applicant, Commission enforcement staff followed up on the returned application to ascertain how the unpermitted development would be addressed.

On October 19, 2010, Commission staff sent Notice of Violation letters to the Canyon at Peace Park, Fred Segal Scholarship Camp, and the United World of the Universe Foundation requesting the submittal of a complete permit application for the unpermitted development. These letters explained that the subject unpermitted activities constitute "development" under the Coastal Act and that development without a CDP is in violation of the Coastal Act, and they requested the parties contact Commission staff to discuss their willingness to resolve the violations. At the request of the Canyon at Peace Park, Commission staff stayed enforcement action to allow for the processing of a then-pending permit application with Los Angeles County, which would have addressed a portion of the unpermitted development. This application was never completed.

Commission staff sent an additional Notice of Violation to the United World of the Universe Foundation and the Fred Segal Trust on June 2, 2011, requesting that unpermitted development be ceased and that Commission staff be contacted to discuss resolution. Commission staff met with Mr. Segal on June 14, 2011 on the Subject Property to discuss the unpermitted development and possible mechanisms for resolving the Coastal Act violations.

Commission staff again met regarding this matter and toured the Subject Property on August 2, 2011, with Mr. Segal, his representatives, and Los Angeles County staff in order to observe the nature and extent of the unpermitted development and document the extent and composition of vegetation surrounding impacted areas. As Commission staff has discussed with you, to comprehensively address the various components of unpermitted development and sensitive resources on the Subject Property, it is appropriate and expeditious to resolve this matter through the cease and desist and restoration order process.

### Cease and Desist Order

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

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

Section 30810(b) of the Coastal Act states that the Cease and Desist Order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with the Coastal Act- including removal of any unpermitted development or material.

As previously discussed, Section 30600(a) of the Coastal Act states that, in addition to obtaining any other permit by law, any person wishing to perform or undertake any development in the Coastal Zone must obtain a CDP. "Development" is defined by 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 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 unpermitted development described herein clearly constitutes "development" within the meaning of the above-quoted definition, is not otherwise exempt from permitting requirements under the Coastal Act, and therefore is subject to the permit requirement of Section 30600(a). A CDP was not issued to authorize the subject unpermitted development. Therefore, the activities at

issue required a permit from the Commission and none was obtained, so the criteria of Section 30810(a) of the Coastal Act have been met. Moreover, as discussed above, some of the unpermitted development is also inconsistent with permits previously issued by the Commission, and so also qualifies under that subsection of section 30810 as well. For these reasons, I am issuing this Notice of Intent to commence Cease and Desist Order proceedings. The procedures for the issuance of cease and desist orders are described in Sections 13180 through 13188 of the Commission's regulations, which are codified in Title 14 of the California Code of Regulations.

The proposed Cease and Desist Order will direct Michael Segal, Fred Segal, the United World of the Universe Foundation, the Fred Segal Scholarship Camp, and the Canyon at Peace Park and others subject to the control and/or in a legal relationship with the aforementioned parties to 1) cease and desist from maintaining any development on the Subject Property not authorized pursuant to the Coastal Act; 2) cease and desist from engaging in any further development on the Subject Property unless authorized pursuant to the Coastal Act; and 3) take all steps, as identified, necessary to comply with the Coastal Act.

### Restoration Order

Section 30811 authorizes the Commission to order restoration of a site in the following terms:

*In addition to any other authority to order restoration, the commission...may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission..., the development is inconsistent with this division, and the development is causing continuing resource damage.*

Pursuant to Section 13191 of the Commission's regulations, I have determined that the specified activities meet the criteria of Section 30811 of the Coastal Act, based on the following:

- 1) Unpermitted development has occurred, including, but not limited to, grading and paving of roads; removal of native and riparian vegetation; illegal lot subdivision; construction of unpermitted residence in riparian ESHA; grading and paving for an expanded parking lot within and adjacent to a blue-line stream; installation of culverts in a blue-line stream; construction of unpermitted residence in a significant oak woodland (as mapped in the 1986 Santa Monica Mountains Land Use Plan); construction of unpermitted residence and appurtenant structures; failure to restore unpermitted roads as mandated by coastal development permit (CDP) 5-89-743; placement of structures; and installation of invasive, non-native vegetation.
- 2) This development is inconsistent with the resource protection policies of the Coastal Act, including, but not limited to the following:
  - a. 30240 (protecting and limiting the use of environmentally sensitive habitat areas, or ESHA, and limiting ESHA adjacent development)
  - b. 30231 (protecting biological productivity and water quality)
  - c. 30236 (limiting alteration of watercourses)
- 3) The unpermitted development remains in place and is thereby causing continuing resource damage, as defined by Section 13190 of the Commission's regulations. The impacts from the unpermitted development remain unmitigated; therefore, the damage to resources protected by the Coastal Act is continuing.

March 19, 2012

For the reasons stated above, I have decided to commence proceedings for the Commission's issuance of a Restoration Order to restore the Subject Property. The procedures for the issuance of Restoration Orders are described in Sections 13190 through 13197 of the Commission's regulations, which are codified in Title 14 of the California Code of Regulations.

### Response Procedure

In accordance with Section 13181(a) and 13191(a) of the Commission's Regulations, you have the opportunity to respond to the Commission staff's allegations as set forth in this notice of intent to commence Cease and Desist and Restoration Order proceedings by completing the enclosed Statement of Defense (SOD) form. **The SOD form must be returned to the Commission's San Francisco office, directed to the attention of Heather Johnston, no later than, April 10, 2012.** However, should this matter be resolved via a settlement agreement, a statement of defense form would not be necessary. In any case, and in the interim, staff would be happy to accept any information you wish to share regarding this matter.

Commission staff currently intends to schedule the hearings for the Cease and Desist and Restoration Order during the Commission's June 2012 Huntington Beach hearing.

### Civil Liability/ Exemplary Damages

You should be aware that the Coastal Act includes a number of penalty provisions for unpermitted development. Section 30820(a)(1) provides for civil liability to be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission in an amount that shall not exceed \$30,000 and shall not be less than \$500 for each instance of development that is in violation of the Coastal Act. Section 30820(b) provides that additional civil liability may be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission when the person intentionally and knowingly performs or undertakes such development, in an amount not less than \$1,000 and not more than \$15,000 per day for each day in which each violation persists. Section 30821.6 provides that a violation of a cease and desist order, including an EDCDO, or a restoration order can result in civil fines of up to \$6,000 for each day in which the violation persists. Section 30822 provides for additional exemplary damages.

### Resolution

As we have stated in previous correspondence and communications, we would like to work with you to resolve these issues amicably, and to continue the discussions we have had in the past regarding this matter. One option that you may want to consider is agreeing to consent orders. Consent cease and desist and restoration orders would provide you with an opportunity to have more input into the process and timing of restoration of the Subject Property and mitigation of the damages caused by the unpermitted activity, and could potentially allow you to negotiate a penalty amount with the Commission staff in order to resolve the complete violation without any further formal legal action. Consent cease and desist and restoration orders would provide for a permanent resolution of this matter and restoration of the Subject Property. If you are interested in discussing the possibility of agreeing to consent orders, please contact or send correspondence to the attention of Heather Johnston in the Commission's San Francisco office by no later than April 10, 2012, to discuss

March 19, 2012

options to resolve this case. Again, should we settle this matter, you do not need to expend the time and resources to fill out and return the SOD form mentioned above.

Should you have any questions regarding any of the above items, please contact Heather Johnston at (415) 904-5293.

Sincerely,



CHARLES LESTER  
Executive Director  
California Coastal Commission

Enclosure: Statement of Defense Form

cc: Lisa Haage, Chief of Enforcement, CCC  
N. Patrick Veasart, Enforcement Supervisor, CCC  
Steve Hudson, District Manager, CCC  
Barbara Carey, Supervisor, Planning and Regulation, CCC  
Alex Helperin, Staff Counsel, CCC  
Heather Johnston, Statewide Enforcement Analyst, CCC  
Michael Noyes, Deputy-in-Charge Office of the District Attorney, LA County Code Enforcement  
Sean Skeries, Zoning Enforcement, LA County Regional Planning

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(213) 590-5071

Page 1 of 9  
Date: April 17, 1991  
Permit No. 5-89-743

COASTAL DEVELOPMENT PERMIT

RECEIVED  
NOV 25 1991  
CALIFORNIA  
COASTAL COMMISSION

On March 15, 1990, the California Coastal Commission granted to FRED SEGAL

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

Development plan for six adjacent 40 acre lots. Plan includes identification of six single family development areas, and recordation of open space easements, and the pavement of a 2.5 mile loop access roads, and extend a road .5 miles up to a knoll.

Currently proposed construction project includes the construction of a 7,346 sq. ft. single family house, pool, pond, and 850 sq. ft guest house on lot 4465-2-21, and the legalization of a conditional certificate of compliance on lot 4465-2-12, and construction of an 800 sq. ft. caretaker unit (trailer), pump house, stables, garden and kennels. The project proposes landscape and access improvements in addition to the roads, including two trails, two cement picnic areas, widening of the roads at the switchback turns, removal of loose landslide material exposed by the road widening and its use for stonework gutters, grade and pave parking area next to Kanan Dume Road, place boulders and three horse barns next to Kanan Dume Road, install posts along roadsides, landscape, thin vegetation under oaks, drill wells and build culverts and install rock facing on stream banks, brush and extend pads for guest house and a future peace pagoda.

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

The development is within the coastal zone in Los Angeles County at 2300 Kanan Dume Road, Malibu

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director

By: *Pam*

Title: Staff Analyst

ACKNOWLEDGMENT

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Permittee

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

1. Restoration of superfluous roads.

All roads that do not serve approved wells and residential development areas are denied. Roads serving no contemplated development or not approved at the time of this permit are shown in exhibit 4.

2. Enhancement of undesignated stream corridors to environmentally Sensitive Habitat.

Prior to recordation of deed restrictions, the applicant shall calculate the area of land occupied by culverts and rock work within the ESHA (Exhibit 4) and shall provide plans to replace the area on an acre for acre basis within stream corridors on the property that are not now mapped ESHA. If such area is not equivalent, the applicant shall return to the Commission with plans to purchase and restore an equivalent area offsite.

Exhibit 10

CCC-15-CD-04 & CCC-15-RO-04

Page 3 of 10

3. Open Space Dedication --Environmentally Sensitive Habitat/Woodland

Prior to transmittal of the Coastal Development Permit, the applicant as landowner shall execute and record a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for open space, view preservation and habitat protection.

Such easement shall include all portions of the applicant's property that are within the Significant Oak Woodland and Environmentally Sensitive Habitat Area, identified in Exhibit 5. The easement shall also include the approved ESHA restoration area identified pursuant to condition 2. Pursuant to this condition the applicant shall survey the FSHA, the Oak Woodland and ESHA enhancement areas on each of the six lots subject to this application and shall record a map with the easement described in metes and bounds.

The easement shall restrict the applicant from all development within the Environmentally Sensitive Habitat/Woodland open space easement except for development explicitly approved in this permit, including roads, culverts, picnic tables and paths.

The offer shall provide for controlled public pedestrian access from Kanan Dume Road along the road through the Significant Oak Woodland down the eastern slope (see exhibit 7) and over interior roads connecting to any public monument or picnic area approved by the Commission. Such access shall not be open until a public agency or non-profit association approved by the Executive Director has accepted responsibility for control, maintenance and liability for such access. The offer shall be recorded free of prior liens and encumbrances except for tax liens which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

4. Open Space Dedication protection of watershed and wildlife corridors

Prior to transmittal of the Coastal Development Permit, the applicant as landowner shall execute and record a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for protection of watershed and wildlife corridors, and view protection.

Such easement shall include all portions of the applicant's property subject to this permit except for a) areas located within the Significant Oak Woodland and Environmentally Sensitive Habitat Area identified in Exhibit 5 and ESHA restoration area subject to the easement imposed in condition 2; and b) also not including single family development areas identified in exhibits 4 and 6, and the disturbed area adjacent to Kanan Dume Road also identified in exhibit 6. The easement shall be described in metes and bounds.

The offer shall provide for controlled public pedestrian access from Kanan Dume Road along the road through the Significant Oak Woodland down the eastern slope (see exhibit 7) and over interior roads connecting to any public monument or picnic area that may be approved by the Commission. Such access shall not be open until a public agency or non-profit association approved by the Executive Director has accepted responsibility for control, maintenance and liability for such access. The easement shall be recorded free of prior liens and encumbrances except for tax liens which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

5. No Future Subdivisions

Prior to transmittal of the permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, The deed restriction shall provide for no more than six "single family development areas", identified in Exhibit 6. The deed restriction shall provide that the applicant may apply for a Coastal Development Permit to adjust the lot line between lots 4465-1-29 and 4465-2-12, transferring all development rights for residential development on lot 4465-1-29 (the pagoda site) to building site five on lot 4465-2-12 (Certificate of Compliance 88-1547). Until this adjustment, is approved, the lot known as parcel 4465-1-29 shall be not be sold or transferred separately unless it is reserved for open space and low intensity public access use. With the exception of the above noted lot line adjustment, no further subdivision shall occur on the property subject to this application. The deed restriction shall be binding on heirs and assigns and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed.

6. Future Development

Prior to transmittal of the permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, The deed restriction shall provide for

1) No more than six "single family development areas" and one stable area identified in Exhibit 6. Within each of these single family development areas the applicant shall be restricted to no more than one single family house, one guest house, and appurtenant structures, which shall be permitted only in accordance with the Policies of Chapter 3 of the Coastal Act and the certified Malibu land Use Plan. No residential development, pools, stables, tennis courts, fencing or other appurtenant structures shall be located outside of these single family development areas and the one stable area. All development shall be subject to Coastal Development Permits. No grading or development on these sites shall be approved unless the Commission or its successor in interest finds the development consistent with Chapter 3 of the Coastal Act.

Development of dwelling units on the single family development areas is contingent upon approval by the Los Angeles County Fire Department of the existing roads as sole and sufficient access to the sites. Development of the sixth unit (single family development area 5) shall not occur unless the lot line adjustment removing all residential development rights from parcel 4465-1-29 has been executed through a Coastal Development Permit by the Commission or its successor in interest.

The deed restriction shall also provide that Coastal Development Permit No. 5-89-743 is for the approved development only and that any future improvements or additions on the property including erecting fences, clearing of vegetation, brushing or grading (except as described below) will require a new Coastal Development Permit from the Commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 30 feet outward from the approved residences guest house and stables and selective thinning of vegetation within a 100 foot radius of the approved residence, stables and guest house as required by the Los Angeles County Fire Department if executed in conformance with the approved landscaping plan is permitted and shall not require a new permit.

2) Within the area subject for the offer of open space and the protection of environmentally sensitive habitat described in condition 3, there shall be no new subdivision, construction or expansion of roads, construction, grading, landscaping (other than according to the revegetation plan required by condition 8 of this permit), vegetation removal or placement of structures other than paths and picnic tables explicitly permitted in this permit within the easement area. The applicant may thin chaparral and remove dead wood no more than 100 feet of enclosed structures with hand tools, but may not thin undergrowth or remove dead wood outside of that perimeter.

3) Within the area dedicated for open space and protection of watershed and wildlife corridors, described in condition 4, the applicant may thin chaparral and remove dead wood with hand tools no farther than 100 feet of permitted enclosed structures. The applicant shall be restricted from urban and residential development, including mechanical grading, construction of roads, residential dwelling units, or appurtenant structures such as fences, tennis courts or stables or any other development as defined by section 30106 within the watershed/wildlife corridor. The applicant may apply for a coastal development permit to carry out limited rural development including the removal of vegetation for agricultural purposes, planting fruit trees, the construction of trails, construct public monuments or public or private picnic areas or similar low intensity uses. Such uses may be permitted with a Coastal Development permit providing the Commission finds that a) that the development is consistent with the preservation of watershed cover and wildlife corridors, and b) is otherwise consistent with Coastal Act policies. The deed restriction shall be binding on heirs and assigns and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed.

7. Grading and construction methods

Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

The applicant shall agree to protect the streams, woodlands and habitat during construction. Pursuant to this agreement, the applicant shall provide construction plans, including plan notes on the final working drawings and provisions of the construction contract that state that portions of the oak woodland abutting the construction site shall be fenced prior to any construction or grading, and no earth shall be stockpiled so that siltation occurs. The fence shall be set back from the canopy. Before construction begins the applicant shall submit signed statements from the contractor that he understands the purpose of these restrictions and will abide by them. During construction, no parking, storage of equipment or stockpiling of materials or excavated soils shall occur under the trees, or within the dripline of the canopy.

8. Landscaping Plan

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

(a) All areas disturbed by the proposed project, including proposed graded slopes and pads, on the subject site shall be planted and maintained for erosion control and for compatibility with the ESHA. No invasive non-native plants shall be used for this purpose. Invasive plants are listed in Native plant society pamphlet below; natives are listed in standard reference texts or in the same California Native Plant society publication (Nov 23 1988 California Native Plant society publication "Recommended Native Plant species for Landscaping Wildland Corridors in the Santa Monica Mountains".

(b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting within 50 feet of the Open space easement should be of native plant species indigenous to the Santa Monica Mountains. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all areas including restoration areas disturbed by the proposed project.

(c) All areas within the Oak canopy and riparian corridor (ESHA) shall be allowed to reestablish with native plants found in southern California Coastal Riparian and Oak woodlands (Munz). The plans shall show revegetation and preservation of those portions of the ESHA that have been disturbed with indigenous native riparian plants. The objective of the plan shall be to restore riparian habitat, establish landscape cover for erosion control, provide wildlife cover, and minimize fire danger to approved structures.

(d) Within stream corridors, (FSHA) the plan shall retain existing trees and other vegetation. In disturbed portions, the applicant shall include revegetation of the stream corridor understory with plants indigenous to the Santa Monica Mountains and identified as endemic to riparian woodlands in standard texts and surveys (Munz). The applicant shall remove all introduced plants and stone planters from the stream corridors. (bougainvillea and cotoneaster). The applicant may leave one picnic table and the existing foot path.

(e) Within oak woodland slopes. The plans shall provide for removal of introduced plants (bougainvillea) from the roadside within the mapped oak woodland (Exhibit 5) and re-establishment of appropriate native Southern California Coastal riparian and oak woodland plants (as defined in standard reference texts or in the Nov. 23 1988 California Native Plant Society publication "Recommended Native Plant species for wildlife corridors of the the Santa Monica Mountains).

(f) Vegetation removal within 30 to 100 feet of the proposed structures shall be accomplished by hand and shall not exceed the minimum standards as set forth by Los Angeles County Fire Department regulations.

9. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geologic Investigation dated October 2, 1989 by Geosystems (GS88-1050) shall be incorporated into all final design and construction including grading, septic systems and drainage,

all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to the issuance of the coastal development permit, the applicant shall submit evidence for the review and approval of the Executive Director of the consultant's review and approval of all final design and construction plans.

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

10. Site specific conditions

Prior to transmittal of a permit the applicant shall submit revised plans for the review and approval of the Executive Director. These plans shall show:

a) Revised house plans for the proposed single family house and appurtenant structures showing no development with the exception of the driveway closer than 50 feet from the surveyed line of the Riparian oak canopy (easement). Development to be set back includes the house, all fill, all cuts and all retaining walls, pools and ponds. The specimen oak east of the road is not part of the oak canopy. The plans shall delete structures not located within the immediate vicinity of the house that are contiguous to the FSHA, including the tennis courts and corral.

b) Revised plans for seepage pits. These plans shall further show no seepage pits closer than 100 feet from the identified oak canopy (FSHA) and no closer than 50 feet from the Significant Oak woodland. and no leach fields closer than 50 feet from the oak canopy. No grading or construction except for approved roads trails and picnic tables may occur closer than 50 feet from the riparian oak canopy, or within fifty feet of the dripline of the woodland on the upper slope (Significant Oak Woodland).

c) Plans shall show no portion of the structure more than 35 feet above existing natural grade.

11. Applicant's Assumption of Risk

Prior to transmittal of permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide (a) that the applicant understands that the site may be subject to extraordinary hazard from fire and flooding, and landslide and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of

liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazard. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.

12. Fire Department Approval of Roads

Prior to transmittal of the permit the applicant shall provide approval in writing for the six single family development sites from the Los Angeles County Fire Department. The approval shall include 1) clearance for the proposed structures on Assessor's Parcel Number 4465-1-36 (pending with county) 4465-2-21(main house, guest house and stables), , and 4465-2-12 (caretakers cottage), 2) the construction and fire safety criteria for approvable structures on lots 4465-1-28 and 4465-5-32, and a statement that no further widening or improvement of the roads identified in Exhibit 4 will be necessary if the criteria are followed, and that the single family development area on lot 4465-5-32 may gain access from other routes and will not require a road extension from APN 4465-2-12, which would traverse a significant oak woodland.

13. Timing of Condition Compliance

All requirements specified in the foregoing conditions that the applicant is required to satisfy as prerequisites to the issuance of this permit must be met by October, 1990. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will terminate this permit.

NOTE: The above conditions were previously adopted by the Commission on March 15, 1990 and are reproduced here for information purposes only.

Note: Exhibits B, D, and E to this Offer to Dedicate, including the staff report for CDP 5-89-743, a copy of Coastal Act Section 30106, and a notary acceptance template, have been omitted from this Exhibit. Originals of this OTD maintained in Commission public files.

RECORDING REQUESTED BY  
AND RETURN TO:  
California Coastal Commission  
631 Howard Street, Fourth Floor  
San Francisco, California 94105

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

1 MIN. 10 A.M. FEB 11 1991  
PAST

IRREVOCABLE OFFER TO DEDICATE OPEN-SPACE EASEMENT

AND

DECLARATION OF RESTRICTIONS

FREE R

THIS IRREVOCABLE OFFER TO DEDICATE OPEN-SPACE EASEMENT AND  
DECLARATION OF RESTRICTIONS (hereinafter referred to as the "Offer") is made  
this 16th day of August, 1990, by I. S. Fred Seal  
(hereinafter referred to as the "Grantor")

I. WHEREAS, Grantor is the legal owner of a fee interest of certain  
real property located in the County of Los Angeles, State of  
California, and described in the attached EXHIBIT A (hereinafter referred to  
as the "Property"); and

II. WHEREAS, all of the Property is located within the coastal zone  
as defined in §30103 of the California Public Resources Code (hereinafter  
referred to as the "Public Resources Code"); and

III. WHEREAS, the California Coastal Act of 1976 (hereinafter  
referred to as the "Act") creates the California Coastal Commission (herein-  
after referred to as the "Commission") and requires that any coastal  
development permit approved by the Commission must be consistent with the  
policies of the Act set forth in Chapter 3 of Division 20 of the Public  
Resources Code; and

IV. WHEREAS, pursuant to the Act, Grantor applied to the Commission  
for a permit to undertake development as defined in the Act on the Property; and

V. WHEREAS, on March 13, 1990, the Commission, acting on  
behalf of the People of the State of California and pursuant to the Act,

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STATE OF CALIFORNIA  
STD 113 (REV. 8-72)

1 granted a coastal development permit number 5-89-743 (hereinafter  
2 referred to as the "Permit") in accordance with the provisions of Staff  
3 Recommendation and Findings, attached hereto as EXHIBIT B and hereby  
4 incorporated by reference, subject to the following condition (hereinafter  
5 referred to as the "Condition"): 4. Open Space Dedication protection of watershed and  
6 wildlife corridors

7 Such easement shall include all portions of the applicant's property subject  
8 to this permit except for a) areas located within the Significant Oak Woodland  
9 and Environmentally Sensitive Habitat Area identified in Exhibit 5 and ESHA  
10 restoration area subject to the easement imposed in condition 2; and b)  
11 also not including single family development areas identified in exhibits 4  
12 and 6, and the disturbed area adjacent to Kanan Dume Road also identified in  
13 exhibit 6. The easement shall be described in metes and bounds.

14 Prior to transmittal of the Coastal Development Permit, the applicant as  
15 landowner shall execute and record a document, in a form and content  
16 acceptable to the Executive Director, which irrevocably offers to dedicate to  
17 a public agency or private Association acceptable to the Executive  
18 Director, an easement for protection of watershed and wildlife corridors, and  
19 view protection.

20 The offer shall provide for controlled public pedestrian access from Kanan  
21 Dume Road along the road through the Significant Oak Woodland down the  
22 eastern slope (see exhibit 7) and over interior roads connecting to any  
23 public monument or picnic area that may be approved by the Commission.  
24 Such access shall not be open until a public agency or non-profit  
25 association approved by the Executive Director has accepted responsibility  
26 for control, maintenance and liability for such access. The easement  
27 shall be recorded free of prior liens and encumbrances except for tax  
liens which the Executive Director determines may affect the interest  
being conveyed. The offer shall run with the land in favor of the  
People of the State of California, binding all successors and assignees,  
and shall be irrevocable for a period of 21 years, such period running  
from the date of recording.

VI. WHEREAS, the Commission has placed the Condition on the permit  
1) to preserve the open space and scenic values present on the property and  
so as to prevent the adverse direct and cumulative effects on coastal  
resources and public access to the coast which could occur if the Property  
were not restricted in accordance therewith and 2) because in the absence  
of the protections provided by the Condition the finding required by Public  
Resources Code §30604(a) that the proposed development is in conformity with  
the provisions of Chapter 3 of the Act could not be made; and

VII. WHEREAS, Grantor has elected to comply with the Condition and  
execute this Offer so as to enable Grantor to undertake the development  
authorized by the Permit.

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NOW THEREFORE, in consideration of the granting of the Permit to the Grantor by the Commission, Grantor hereby irrevocably offers to dedicate to the People of the State of California, an open-space easement in gross and in perpetuity over the Property as follows:

1. DESCRIPTION. The easement offered hereby affects that portion of the Property All parcels except the development areas and the Environmentally Sensitive Habitat/ Woodland areas and as specifically described in EXHIBIT C, attached hereto and incorporated herein by reference (hereinafter referred to as the Protected Land).

2. PURPOSE. The easement is for the purpose of preserving the light, air, view, and scenic qualities over and upon the Protected Land.

3. DURATION, ACCEPTANCE AND TRANSFERABILITY. This irrevocable offer of dedication shall be binding upon the owner and the heirs, assigns, or successors in interest to the Property described above for a period of 21 years. This Offer may be accepted by any agency of the State of California, a political subdivision, or a private association acceptable to the Executive Director of the Commission (hereinafter referred to as the "Grantee"). Such acceptance shall be effectuated by recordation by the Grantee of an acceptance of this Offer in the form attached hereto as EXHIBIT E. Upon such recordation of acceptance, this Offer and terms, conditions, and restrictions shall have the effect of a grant of open-space and scenic easement in gross and perpetuity for light, air, view and the preservation of scenic qualities over the Protected Land that shall run with the land and be binding on the heirs, assigns, and successors of the Grantor. After acceptance, this easement may be transferred to and held by any entity which qualifies as a Grantee under the criteria hereinabove stated. Acceptance of the Offer is subject to a covenant which runs with the land, providing that the Grantee may not abandon

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1 the easement until such time as Grantee effectively transfers said easement  
2 to an entity which qualifies as a Grantee under the criteria hereinabove  
3 stated.

4 4. USE OF THE PROPERTY. Upon recordation of this Offer and thereafter  
5 in perpetuity the use of the Protected Land shall be limited to natural open  
6 space for habitat protection, private recreation, and resource conservation  
7 uses. No development as defined in Public Resources Code §30106, attached  
8 hereto as EXHIBIT D and incorporated herein by reference, including but not  
9 limited to removal of trees and other major or native vegetation, grading,  
10 paving, installation of structures such as signs, buildings, etc., or  
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12  
13 shall occur or be allowed on the Protected Land with the exception of the  
14 following subject to applicable governmental regulatory requirements:

15 (a) the removal of hazardous substances or conditions or  
16 diseased plants or trees;

17 (b) the removal of any vegetation which constitutes or  
18 contributes to a fire hazard to residential use of neighboring properties,  
19 and which vegetation lies within 100 feet of existing or permitted residential  
20 development;

21 (c) the installation or repair of underground utility lines and  
22 septic systems;

23 (d) Other: Controlled public pedestrian access from Kanan Dune  
24 Road and over interior roads and paths connecting to any public monument or  
picnic area which may be approved by the Commission.

25 5. RIGHT OF ENTRY. The Commission, any Grantee accepting this Offer,  
26 or their respective agents may enter onto the Property at times reasonably  
27 acceptable to the Grantor to ascertain whether the use restriction set forth

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1 above are being observed.

2 6. BENEFIT AND BURDEN. This Offer shall run with and burden the  
3 Property and all obligations, terms, conditions, and restrictions running  
4 with the land and shall be binding upon and inure to the benefit of the  
5 successors and assigns of both the Grantor and Grantee, whether voluntary or  
6 involuntary.

7 7. REMEDIES. Any act, conveyance, contract, or authorization by the  
8 Grantor whether written or oral which uses or would cause to be used or  
9 would permit use of the Protected Land contrary to the terms of this Offer  
10 will be deemed a violation and a breach hereof. The Grantor, any Grantee  
11 accepting this Offer and any offeree of this Offer may pursue any and all  
12 available legal and/or equitable remedies to enforce the terms and conditions  
13 of the Offer and easement and their respective interest in the property.  
14 In the event of a breach, any forbearance on the part of any such party to  
15 enforce the terms and provisions hereof shall not be deemed a waiver of  
16 enforcement rights regarding any subsequent breach.

17 8. TAXES AND ASSESSMENTS. Grantor agrees to pay or cause to be paid  
18 all real property taxes and assessments levied or assessed against the  
19 Property. It is intended that this irrevocable offer and the use restrictions  
20 contained herein shall constitute enforceable restrictions within the meaning  
21 of a) Article XIII, §8, of the California Constitution; and b) §402.1 of  
22 the California Revenue and Taxation Code or successor statute. Furthermore,  
23 this Offer, easement and restrictions shall be deemed to constitute a  
24 servitude upon and burden to the Property within the meaning of §3712(d)  
25 of the California Revenue and Taxation Code, or successor statute, which  
26 survives a sale of tax-deeded property.

27 9. MAINTENANCE. The Grantee shall not be obligated to maintain,

1 improve, or otherwise expend any funds in connection with the Property or  
2 any interest or easement created by this Offer. All costs and expenses for  
3 such maintenance, improvement, use, or possession, except for costs incurred  
4 by Grantee for monitoring compliance with the terms of this easement, shall  
5 be borne by the Grantor.

6 10. LIABILITY AND INDEMNIFICATION. This conveyance is made and  
7 accepted upon the express condition that the Grantee, its agencies,  
8 departments, officer, agents, and employees are to be free from all liability  
9 and claim for damages by reason of any injury to any person or persons,  
10 including Grantor, or property of any kind whatsoever and to whomsoever  
11 belonging, including Grantor, from any cause or causes whatsoever, except  
12 matters arising out of the sole negligence of the Grantee, while in, upon,  
13 or in any way connected with the Property, Grantor hereby convenanting and  
14 agreeing to indemnify and hold harmless the Grantee, its agencies, departments,  
15 officers, agents, and employees from all liability, loss, cost, and  
16 obligations on account of or arising out of such injuries or losses however  
17 occurring. The Grantee shall have no right of control over, nor duties and  
18 responsibilities with respect to the Property which would subject the Grantee  
19 to any liability occurring on the land by virtue of the fact that the right  
20 of the Grantee to enter the land is strictly limited to preventing uses  
21 inconsistent with the interest granted and does not include the right to  
22 enter the land for the purposes of correcting any dangerous condition as  
23 defined by California Government Code §830.

24 11. SEVERABILITY. If any provision of these restrictions is held  
25 to be invalid or for any reason becomes unenforceable, no other provision  
26 shall be thereby affected or impaired.

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Executed on this 17th day of August, 1990  
at Santa Monica Calif

BY: \_\_\_\_\_  
SIGNATURE OF GRANTOR  
  
\_\_\_\_\_  
TYPE OR PRINT NAME OF ABOVE

BY: F.S. Fred Segal  
SIGNATURE OF GRANTOR  
  
F.S. FRED SEGAL  
TYPE OR PRINT NAME OF ABOVE

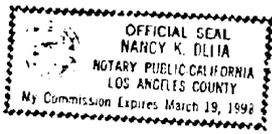
\* \* NOTE TO NOTARY PUBLIC \* \*

If you are notarizing the signatures of persons signing on behalf of a corporation, partnership, etc., please use the correct notary acknowledgement form as explained in your Notary Public Law Book.

STATE OF CALIFORNIA )  
COUNTY OF Los Angeles )<sup>ss</sup>

On this 17th day of August, in the year 1990, before me  
Nancy K. Delia, a Notary Public, personally appeared  
F.S. Fred Segal, personally known to me, or  
proved to me on the basis of satisfactory evidence, to be the person(s)  
whose name is subscribed to this instrument, and acknowledges that he/she/they  
executed it.

Nancy K. Delia  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE



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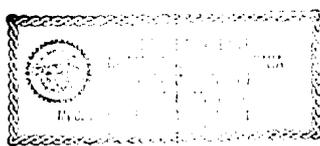
This is to certify that the Offer to Dedicate set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to the action of the Commission when it granted Coastal Development Permit Number 5-89-743 on March 13, 1990 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: 12/18/90

John Bowers  
John Bowers, Staff Counsel  
California Coastal Commission

STATE OF CALIFORNIA )  
                                  )ss  
COUNTY OF SAN FRANCISCO )

On this 18th day of December in the year 1990, before me, Deborah L. Bove, a Notary Public, personally appeared John Bowers, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed this instrument as STAFF COUNSEL of the CALIFORNIA COASTAL COMMISSION and acknowledged to me that the CALIFORNIA COASTAL COMMISSION executed it.



Deborah L. Bove  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE

91 203066

EXHIBIT A

LEGAL DESCRIPTION  
Parcels referenced by Tax Assessor numbers

Parcel 1 APN 4465-1-29

The Southeast Quarter of the Northeast Quarter of Section 19, Township 1 South, Range 18 West, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the Official Plat of said land filed in the District Land Office, April 4, 1900

Excepting therefrom one-half of all minerals, oil, petroleum, asphaltum, gas, coal, and other hydro-carbon substances in, on, within and under said land and every part thereof, but without surface right of entry, as reserved by Marblehead Land Company, in deed recorded January 15, 1964, in Book 22613 Page 298, Official Records.

Parcel 2 APN 4465-2-21

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, APRIL 4, 1900.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613 PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER THE FOLLOWING DESCRIBED LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY.

Parcel 3 APN 4465-5-32

91 203066

A PARCEL OF LAND SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTH HALF THAT IS DISTANT NORTH 89 DEGREES 59 MINUTES 16 SECONDS WEST 2184.88 FEET FROM THE SOUTHEAST CORNER OF SAID NORTH HALF; THENCE NORTH 1 DEGREES 51 MINUTES 43 SECONDS WEST 301.50 FEET; THENCE NORTH 42 DEGREES 00 MINUTES 00 SECONDS WEST 170.00 FEET TO A POINT HEREAFTER REFERRED TO AS POINT A; THENCE NORTH 48 DEGREES 00 MINUTES 00 SECONDS; EAST 414.08 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WESTERLY LINE OF THE EASTERLY 60 ACRES OF SAID NORTH HALF; SAID POINT OF INTERSECTION BEING A TRUE POINT OF BEGINNING; THENCE NORTH 48 DEGREES 00 MINUTES 00 SECONDS EAST 116.66 FEET TO A POINT THAT IS DISTANT NORTH 48 DEGREES 00 MINUTES 00 SECONDS EAST 530.74 FEET FROM THE ABOVE MENTIONED POINT A, BEING THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 200 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.40 FEET; THENCE TANGENT NORTH 37 DEGREES 00 MINUTES 00 SECONDS EAST 207.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 200 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 122.17 FEET; THENCE TANGENT NORTH 2 DEGREES 00 MINUTES 00 SECONDS EAST 142.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 83.78 FEET; THENCE TANGENT NORTH 50 DEGREES 00 MINUTES 00 SECONDS EAST 35.48 FEET TO AN INTERSECTION WITH THE EAST-WEST CENTER LINE OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 55 MINUTES 50 SECONDS WEST ALONG SAID EAST-WEST CENTER LINE 376.42 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WESTERLY LINE OF THE EASTERLY 60 ACRES OF SAID NORTH HALF; THENCE SOUTH 2 DEGREES 50 MINUTES 10 SECONDS EAST 624.13 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

Parcel 4 APN 4465-2-12

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1, SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDRO-CARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613, PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPTING AND RESERVING ONE-FOURTH OF ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER, IN AND FLOWING THROUGH SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY NATHAN O. PARKER AND JOYCE T. PARKER, HUSBAND AND WIFE, AND MARJORIE S. WIRE, A WIDOW, IN DEED RECORDED JANUARY 4, 1966 AS INSTRUMENT NO. 1815.

Parcel 5 APN 4465-1-28

91 203066

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDRO-CARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613 PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPTING AND RESERVING ONE-FOURTH OF ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER, IN AND FLOWING THROUGH SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY NATHAN O. PARKER AND JOYCE T. PARKER, HUSBAND AND WIFE, AND MARJORIE S. WIRE, A WIDOW, IN DEED RECORDED JANUARY 4, 1966 AS INSTRUMENT NO. 1815.

Parcel 6 APN 4465-1-56

Lot 2, the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section 19, township 1 south, range 18 west, San Bernardino base and meridian, in the county of Los Angeles state of California.

EXCEPT THEREFROM that portion lying westerly and southwesterly of Kanan Dume Road as said road is more particularly described as parcel 2-33 in that certain resolution and order of the board of supervisors of said county, a certified copy of which was recorded on December 22, 1977 as instrument No. 77-1415005, official records of said county.

EXHIBIT C  
OPEN SPACE FOR PROTECTION OF WATERSHED AND WILDLIFE CORRIDORS  
Parcels referenced by Tax Assessor numbers

Parcel 1 APN 4465-1-29

The Southeast Quarter of the Northeast Quarter of Section 19, Township 1 South, Range 18 West, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the Official Plat of said land filed in the District Land Office, April 4, 1900

Excepting therefrom one-half of all minerals, oil, petroleum, asphaltum, gas, coal, and other hydro-carbon substances in, on, within and under said land and every part thereof, but without surface right of entry, as reserved by Marblehead Land Company, in deed recorded January 15, 1964, in Book 22613 Page 298, Official Records.

Parcel 2 APN 4465-2-21

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, APRIL 4, 1900.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613 PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER THE FOLLOWING DESCRIBED LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY.

Parcel 3 APN 4465-4-30

91 203066

A PARCEL OF LAND SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTH HALF THAT IS DISTANT NORTH 89 DEGREES 59 MINUTES 16 SECONDS WEST 2184.88 FEET FROM THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE NORTH 1 DEGREE 51 MINUTES 43 SECONDS WEST 301.50 FEET; THENCE NORTH 42 DEGREES 00 MINUTES 00 SECONDS WEST 170.00 FEET TO A POINT HEREFTER REFERRED TO AS POINT A; THENCE NORTH 48 DEGREES 00 MINUTES 00 SECONDS; EAST 414.08 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WESTERLY LINE OF THE EASTERLY 60 ACRES OF SAID NORTH HALF; SAID POINT OF INTERSECTION BEING A TRUE POINT OF BEGINNING; THENCE NORTH 48 DEGREES 00 MINUTES 00 SECONDS EAST 116.66 FEET TO A POINT THAT IS DISTANT NORTH 48 DEGREES 00 MINUTES 00 SECONDS EAST 530.74 FEET FROM THE ABOVE MENTIONED POINT A, BEING THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 200 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.40 FEET; THENCE TANGENT NORTH 37 DEGREES 00 MINUTES 00 SECONDS EAST 207.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 200 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 122.17 FEET; THENCE TANGENT NORTH 2 DEGREES 00 MINUTES 00 SECONDS EAST 142.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 83.78 FEET; THENCE TANGENT NORTH 50 DEGREES 00 MINUTES 00 SECONDS EAST 35.48 FEET TO AN INTERSECTION WITH THE EAST-WEST CENTER LINE OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 55 MINUTES 50 SECONDS WEST ALONG SAID EAST-WEST CENTER LINE 376.42 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WESTERLY LINE OF THE EASTERLY 60 ACRES OF SAID NORTH HALF; THENCE SOUTH 2 DEGREES 50 MINUTES 10 SECONDS EAST 624.13 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

Parcel 4 APN 4465-2-12

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH RANGE 18 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDRO-CARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613 PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPTING AND RESERVING ONE-FOURTH OF ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER, IN AND FLOWING THROUGH SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY NATHAN O. PARKER AND JOYCE T. PARKER, HUSBAND AND WIFE, AND MARJORIE S. WIRE, A WIDOW, IN DEED RECORDED JANUARY 4, 1966 AS INSTRUMENT NO. 1815.

Parcel 5 APN 4465-1-28

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDRO-CARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613 PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPTING AND RESERVING ONE-FOURTH OF ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER, IN AND FLOWING THROUGH SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY NATHAN O. PARKER AND JOYCE T. PARKER, HUSBAND AND WIFE, AND MARJORIE S. WIRE, A WIDOW, IN DEED RECORDED JANUARY 4, 1966 AS INSTRUMENT NO. 1815.

Parcel 6 APN 4465-1-36

**91 203066**

Lot 2, the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section 19, township 1 south, range 18 west, San Bernardino base and meridian, in the county of Los Angeles state of California.

EXCEPT THEREFROM that portion lying westerly and southwesterly of Kanan Dume Road as said road is more particularly described as parcel 2-33 in that certain resolution and order of the board of supervisors of said county, a certified copy of which was recorded on December 22, 1977 as instrument No. 77-1415005, official records of said county.

EXCEPTING THE FOLLOWING :

EASEMENT AREA FOR ESHA AND SOW

Beginning at the Northeast Corner of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian; thence West along the westerly prolongation of the northerly line of said quarter quarter section to a point distant 630 feet N 89 55'50 E from said Northeast corner said point being the true point of beginning;

thence N 89 55'50"E, 50 feet; thence N 15 00'00"E, 60 feet;  
thence S 60 00'00"E, 80 feet; thence N 90 00'00"E, 190 feet;  
thence S 30 00'00"E, 90 feet; thence N 90 00'00"W, 200 feet;  
thence S 60 00'00"W, 180 feet; thence S 30 00'00"E, 400 feet;  
thence S 30 00'00"W, 210 feet; thence S 60 00'00"E, 140 feet;  
thence S 45 00'00"W, 300 feet; thence N 90 00'00"W, 340 feet;  
thence S 30 00'00"W, 210 feet; thence N 90 00'00 W, 60 feet;  
thence N 30 00'00"W, 140 feet; thence N 60 00'00"W, 190 feet;  
thence N 00 00'00" , 300 feet; thence S 60 00'00"W, 120 feet;  
thence S 00 00'00" , 210 feet; thence S 60 00'00"W, 230 feet;  
thence N 60 00'00"W, 120 feet; thence South to a point on the southerly line of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian being S 89 42'26"W distant 460 feet from the southeast corner of said quarter quarter section; thence westerly along said southerly line S 89 42'26" 200 feet;  
thence N 30 00'00"E, 240 feet; thence N 60 00'00"E, 150 feet;  
thence N 15 00'00"E, 210 feet; thence N 90 00'00"E, 110 feet;  
thence N 30 00'00"E, 250 feet; thence N 60 00'00"E, 410 feet;  
thence S 60 00'00"E, 70 feet; thence N 60 00'00"E, 380 feet;  
thence N 00 00'00" , 150 feet; thence N 90 00'00"W, 110 feet;  
thence North to the true point of beginning; and

Beginning at the Southeast Corner of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian; thence East S 89 42'26 W along the southerly line of said quarter quarter section 440 feet said point being the true point of beginning;

thence N 30 00'00"W, 200 feet; thence N 60 00'00"W, 370 feet;  
thence N 30 00'00"W, 270 feet; thence N 60 00'00"W, 100 feet;  
thence N 30 00'00"W, 270 feet; thence N 60 00'00"E, 110 feet;  
thence S 30 00'00"E, 300 feet; thence N 90 00'00"E, 280 feet;  
thence S 30 00'00"E, 160 feet; thence N 60 00'00"E, 250 feet;  
thence N 30 00'00"W, 260 feet; thence S 60 00'00"W, 90 feet;  
thence N 90 00'00"W, 290 feet; thence N 60 00'00"W, 360 feet;  
thence N 90 00'00"W, 210 feet;

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thence North to a point on the westerly prolongation of the Northerly line of the N.W. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian being S 89 45'52"W distant 400 feet from the Northwest corner of said quarter section; thence westerly along said Northerly prolongation to a point S 89 45'52"W 780 feet west of the said Northwest corner;

thence N 30 00'00"W, 560 feet; thence N 30 00'00"E, 250 feet;  
 thence N 90 00'00"E, 150 feet; thence N 15 00'00 W, 270 feet;  
 thence N 15 00'00"E, 240 feet; thence S 15 00'00"E, 250 feet;  
 thence S 75 00'00"E, 50 feet; thence S 15 00'00"E, 430 feet;  
 thence S 60 00'00"E, 320 feet; thence S 30 00'00"E, 250 feet;  
 thence N 60 00'00"E, 200 feet; thence S 60 00'00 E, 120 feet;  
 thence South to a point on the Northerly line of the N.W. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian being East N 89 45'52"E distant 200 feet from the Northwest corner of said quarter section;

thence easterly along said Northerly line to a point N 89 45'52"E 380 feet east of the said Northwest corner;

thence S 60 00'00"E, 310 feet; thence S 30 00'00"E, 230 feet;  
 thence S 60 00'00" , 90 feet; thence N 90 00'00"E, 30 feet;  
 thence N 30 00'00"E, 20 feet; thence S 30 00'00"E, 210 feet;  
 thence N 90 00'00"E, 110 feet; thence N 30 00'00"E, 140 feet;  
 thence N 00 00'00" , 160 feet; thence N 30 00'00"E, 90 feet;  
 thence N 30 00'00"W, 60 feet; thence N 00 00'00" , 400 feet;  
 thence N 90 00'00"E, 90 feet; thence S 00 00'00" , 540 feet;  
 thence S 15 00'00"W, 210 feet; thence S 30 00'00"W, 230 feet;  
 thence S 30 00'00"E, 170 feet; thence N 60 00'00"E, 200 feet;  
 thence S 00 00'00" , 160 feet; thence S 30 00'00"E, 140 feet;  
 thence South to a point on the southerly line of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian being East N 89 42'26"E distant 190 feet from the Southwest corner of said quarter section;

thence westerly along said Southerly line and its westerly prolongation S 89 42'26"W to the true point of beginning.

ESHA MITIGATION AREA

Beginning at a point distant 200 feet N 57 00'00"W from the Southeast corner of the S.W. quarter of the N.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian, said point being the true point of beginning;

thence N 00 00'00" , 100 feet; thence N 90 00'00"E, 25 feet;  
 thence S 00 00'00" , 100 feet; thence S 90 00'00"W, 25 feet.  
 to the true point of beginning

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DEVELOPMENT AREAS

SITE #1 MAIN HOUSE SITE

Beginning at a point distant 830 feet N 89 45'52" E from the Northwest corner of the N.W. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian, thence S 00 00'00" , 140 feet; said point being the true point of beginning;

thence N 45 00'00"W, 170 feet; thence S 37 00'00"E, 440 feet; thence N 45 00'00"E, 230 feet; thence North to the true point of beginning.

SITE #2

Beginning at a point distant 550 feet N 01 59'28" E from the Northwest corner of the N.W. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian, said point being the true point of beginning;

thence S 45 00'00"W, 360 feet; thence S 45 00'00"E, 170 feet; thence N 45 00'00"E, 380 feet; thence N 45 00'00"W, 170 feet, to the true point of beginning.

SITE #3

Beginning at the Southeast corner of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian; thence East 950 feet S 89 59'15" E from the Southeast corner along a prolongation of said southerly line of said quarter quarter section; thence N 00 00'00", 150 feet, said point being the true point of beginning;

thence N 45 00'00"E, 240 feet; thence N 45 00'00 W, 140 feet; thence S 45 00'00"W, 240 feet; thence S 45 00'00"E, 140 feet, to the true point of beginning.

SITE #4

Beginning at a point distant 470 feet N 89 45'52" E from the Northwest corner of the N.W. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian, said point being the true point of beginning;

thence S 60 00'00"E, 100 feet; thence N 30 00'00"E, 200 feet; thence N 60 00'00"W, 200 feet; thence S 30 00'00"W, 100 feet; thence S 60 00'00"E, 100 feet to the true point of beginning.

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GET HOUSE SITE

Beginning at a point distant 530 feet S 01 59'25" W from the Northwest corner of the N.W. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian, thence N 90 00'00"E, 370 feet; said point being the true point of beginning;

thence N 75 00'00"E, 125 feet; thence S 15 00'00"E, 100 feet; thence S 75 00'00"W, 125 feet; thence N 15 00'00"W, 100 feet, to the true point of beginning.

KANAN AREA

Beginning at a point distant 440 feet S 89 42'06" W from the Southeast corner of the N.W. quarter of the S.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian, said point being the true point of beginning;

thence N 30 00'00"W, 200 feet; thence N 60 00'00"W, 370 feet; thence N 30 00'00"W, 270 feet; thence N 60 00'00"W, 100 feet; thence S 45 00'00"W, 80 feet; thence South to a point on the Southerly line distant, 729 feet from said Southeast corner; thence East along said southerly line to the true point of beginning.

PAGODA SITE

Beginning at the Southwest corner of the S.E. quarter of the N.E. quarter of Section 19, T1S, R 18 W, San Bernadino Meridian; thence East 540 feet N 89 45'52" W from the Southwest corner along said southerly line of said quarter quarter section; thence N 00 00'00", 140 feet, said point being the true point of beginning;

thence N 30 00'00"E, 240 feet; thence N 60 00'00"W, 125 feet; thence S 30 00'00"W, 240 feet; thence S 60 00'00"E, 125 feet, to the true point of beginning.

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SITE #5

Beginning at the Southeast corner of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 1E W, San Bernadino Meridian; thence West 660 feet S 49 42'26" W from the Southeast corner along said southerly line of said quarter section; thence N 20 00'00" E, 640 feet; thence N 60 00'00" W, 200 feet, said point being the true point of beginning;

thence N 00 00'00" , 290 feet; thence N 30 00'00" W, 180 feet; thence S 00 00'00" , 290 feet; thence S 30 00'00" E, 180 feet, to the true point of beginning.

SITE #6

Beginning at the Southeast corner of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 1E W, San Bernadino Meridian; thence West 660 feet S 49 42'26" W from the southeast corner along said southerly line of said quarter section; thence N 30 00'00" E, 180 feet, said point being the true point of beginning;

thence N 30 00'00" E, 460 feet; thence N 60 00'00" W, 250 feet; thence S 30 00'00" W, 460 feet; thence S 60 00'00" E, 250 feet, to the true point of beginning.

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COASTAL PERMIT 5 89 743 SEGAL

8 of 8

D DEVELOPMENT AREAS

CC 1755  
APN 4465129

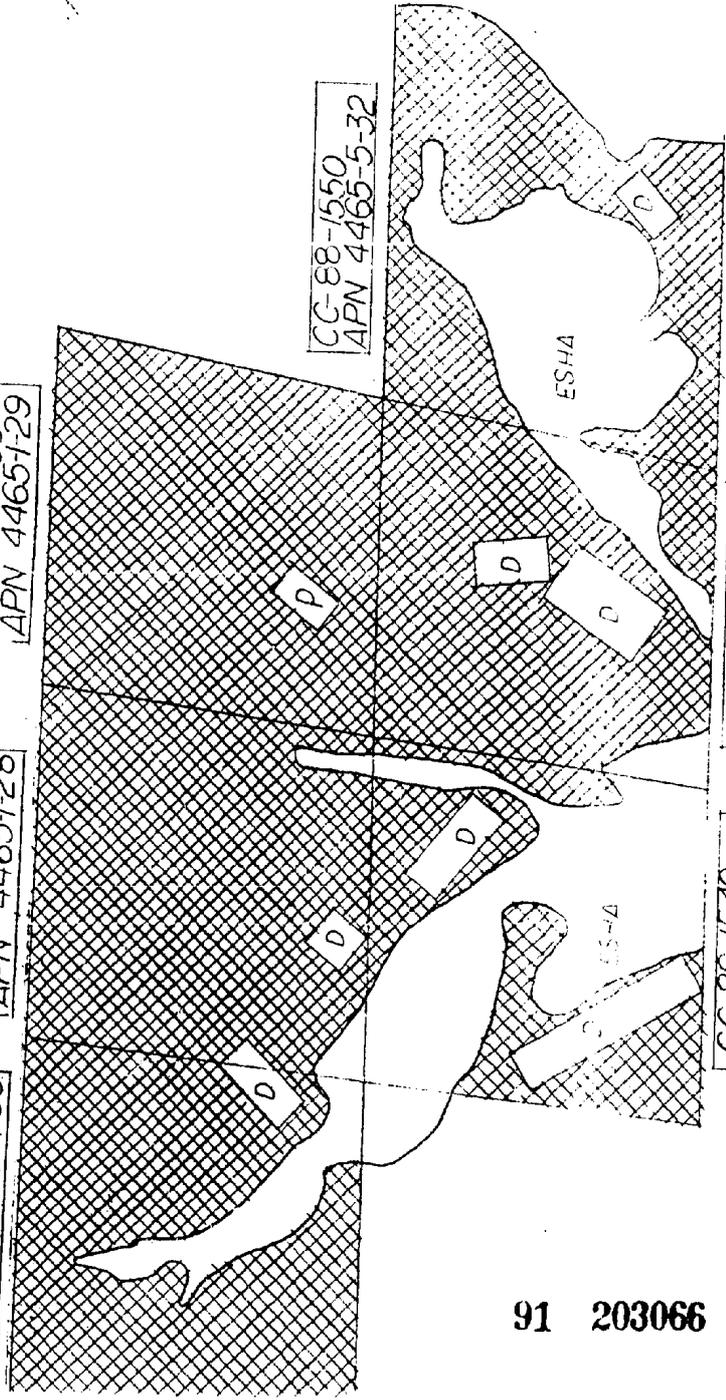
CC-88-1548  
APN 4465128

CC-89-0614  
APN 4465-1-36

CC-88-1550  
APN 4465-5-32

CC 88 1547  
APN 4465 2 12

CC-88-1549  
APN 4465-2-21



91 203066

OPEN SPACE PROTECTION WATER RESERVE WIND EEF

Note: Exhibits B, D, and E to this Offer to Dedicate, including the staff report for CDP 5-89-743, a copy of Coastal Act Section 30106, and a notary acceptance template, have been omitted from this Exhibit. Originals of this OTD maintained in Commission public files.

RECORDING REQUESTED BY  
AND RETURN TO:  
California Coastal Commission  
631 Howard Street, Fourth Floor  
San Francisco, California 94105

91 203065

RECORDED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA  
MIN. PAST. 10am FEB 11 1991

IRREVOCABLE OFFER TO DEDICATE OPEN-SPACE EASEMENT

AND

DECLARATION OF RESTRICTIONS

FREE F

THIS IRREVOCABLE OFFER TO DEDICATE OPEN-SPACE EASEMENT AND  
DECLARATION OF RESTRICTIONS (hereinafter referred to as the "Offer") is made  
this 14th day of August, 1990, by I. S. Fred Segal  
(hereinafter referred to as the "Grantor")

I. WHEREAS, Grantor is the legal owner of a fee interest of certain  
real property located in the County of Los Angeles, State of  
California, and described in the attached EXHIBIT A (hereinafter referred to  
as the "Property"); and

II. WHEREAS, all of the Property is located within the coastal zone  
as defined in §30103 of the California Public Resources Code (hereinafter  
referred to as the "Public Resources Code"); and

III. WHEREAS, the California Coastal Act of 1976 (hereinafter  
referred to as the "Act") creates the California Coastal Commission (herein-  
after referred to as the "Commission") and requires that any coastal  
development permit approved by the Commission must be consistent with the  
policies of the Act set forth in Chapter 3 of Division 20 of the Public  
Resources Code; and

IV. WHEREAS, pursuant to the Act, Grantor applied to the Commission  
for a permit to undertake development as defined in the Act on the Property; and

V. WHEREAS, on March 13, 1990, the Commission, acting on  
behalf of the People of the State of California and pursuant to the Act,

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STATE OF CALIFORNIA  
STD 113 (REV 8-72)  
OSP

1 granted a coastal development permit number 5-89-743 (hereinafter  
2 referred to as the "Permit") in accordance with the provisions of Staff  
3 Recommendation and Findings, attached hereto as EXHIBIT B and hereby  
4 incorporated by reference, subject to the following condition (hereinafter

5 referred to as the "Condition"): 3. Open Space Dedication--Environmentally Sensitive  
6 Habitat/Woodland

7 Prior to transmittal of the Coastal Development Permit, the applicant as  
8 landowner shall execute and record a document, in a form and content  
9 acceptable to the Executive Director, which irrevocably offers to dedicate  
10 to a public agency or private association acceptable to the Executive  
11 Director, an easement for open space, view preservation and habitat  
12 protection.

13 The easement shall restrict the applicant from all development within the  
14 Environmentally Sensitive Habitat/Woodland open space easement except for  
15 development explicitly approved in this permit, including roads, culverts,  
16 picnic tables and paths.

17 Such easement shall include all portions of the applicant's property that  
18 are within the Significant Oak Woodland and Environmentally Sensitive  
19 Habitat Area, identified in Exhibit 5. The easement shall also include  
20 the approved ESHA restoration area identified pursuant to condition 2.  
21 Pursuant to this condition the applicant shall survey the ESHA, the Oak  
22 Woodland and ESHA enhancement areas on each of the six lots subject to  
23 this application and shall record a map with the easement described in  
24 metes and bounds.

25 The offer shall provide for controlled public pedestrian access from Kanan  
26 Dume Road along the road through the Significant Oak Woodland down the  
27 eastern slope (see exhibit 7) and over interior roads connecting to any  
public monument or picnic area approved by the Commission. Such access  
shall not be open until a public agency or non-profit association approved  
by the Executive Director has accepted responsibility for control,  
maintenance and liability for such access. The offer shall be recorded  
free of prior liens and encumbrances except for tax liens which the  
Executive Director determines may affect the interest being conveyed. The  
offer shall run with the land in favor of the People of the State of  
California, binding all successors and assignees, and shall be irrevocable  
for a period of 21 years, such period running from the date of recording.

VI. WHEREAS, the Commission has placed the Condition on the permit

1) to preserve the open space and scenic values present on the property and  
so as to prevent the adverse direct and cumulative effects on coastal  
resources and public access to the coast which could occur if the Property  
were not restricted in accordance therewith and 2) because in the absence  
of the protections provided by the Condition the finding required by Public  
Resources Code §30604(a) that the proposed development is in conformity with  
the provisions of Chapter 3 of the Act could not be made; and

VII. WHEREAS, Grantor has elected to comply with the Condition and  
execute this Offer so as to enable Grantor to undertake the development  
authorized by the Permit.

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NOW THEREFORE, in consideration of the granting of the Permit to the Grantor by the Commission, Grantor hereby irrevocably offers to dedicate to the People of the State of California, an open-space easement in gross and in perpetuity over the Property as follows:

1. DESCRIPTION. The easement offered hereby affects that portion of the Property All parcels in the water course areas and over a majority of the east facing slopes off of Kanan. and as specifically described in EXHIBIT C, attached hereto and incorporated herein by reference (hereinafter referred to as the Protected Land).

2. PURPOSE. The easement is for the purpose of preserving the light, air, view, and scenic qualities over and upon the Protected Land.

3. DURATION, ACCEPTANCE AND TRANSFERABILITY. This irrevocable offer of dedication shall be binding upon the owner and the heirs, assigns, or successors in interest to the Property described above for a period of 21 years. This Offer may be accepted by any agency of the State of California, a political subdivision, or a private association acceptable to the Executive Director of the Commission (hereinafter referred to as the "Grantee"). Such acceptance shall be effectuated by recordation by the Grantee of an acceptance of this Offer in the form attached hereto as EXHIBIT E. Upon such recordation of acceptance, this Offer and terms, conditions, and restrictions shall have the effect of a grant of open-space and scenic easement in gross and perpetuity for light, air, view and the preservation of scenic qualities over the Protected Land that shall run with the land and be binding on the heirs, assigns, and successors of the Grantor. After acceptance, this easement may be transferred to and held by any entity which qualifies as a Grantee under the criteria hereinabove stated. Acceptance of the Offer is subject to a covenant which runs with the land, providing that the Grantee may not abandon

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1 the easement until such time as Grantee effectively transfers said easement  
2 to an entity which qualifies as a Grantee under the criteria hereinabove  
3 stated.

4 4. USE OF THE PROPERTY. Upon recordation of this Offer and thereafter  
5 in perpetuity the use of the Protected Land shall be limited to natural open  
6 space for habitat protection, private recreation, and resource conservation  
7 uses. No development as defined in Public Resources Code §30106, attached  
8 hereto as EXHIBIT D and incorporated herein by reference, including but not  
9 limited to removal of trees and other major or native vegetation, grading,  
10 paving, installation of structures such as signs, buildings, etc., or  
11

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13 shall occur or be allowed on the Protected Land with the exception of the  
14 following subject to applicable governmental regulatory requirements:

15 (a) the removal of hazardous substances or conditions or  
16 diseased plants or trees;

17 (b) the removal of any vegetation which constitutes or  
18 contributes to a fire hazard to residential use of neighboring properties,  
19 and which vegetation lies within 100 feet of existing or permitted residential  
20 development;

21 (c) the installation or repair of underground utility lines and  
22 septic systems;

23 (d) Other: Roads, culverts, picnic tables and paths approved by  
24 this permit, including controlled pedestrian access from Kahan Road along interior  
roadways connecting a public monument or picnic area which may be approved by the  
Commission as shown on Exhibit F attached hereto and incorporated herein by reference.

25 5. RIGHT OF ENTRY. The Commission, any Grantee accepting this Offer,  
26 or their respective agents may enter onto the Property at times reasonably  
27 acceptable to the Grantor to ascertain whether the use restriction set forth

1 above are being observed.

2 6. BENEFIT AND BURDEN. This Offer shall run with and burden the  
3 Property and all obligations, terms, conditions, and restrictions running  
4 with the land and shall be binding upon and inure to the benefit of the  
5 successors and assigns of both the Grantor and Grantee, whether voluntary or  
6 involuntary.

7 7. REMEDIES. Any act, conveyance, contract, or authorization by the  
8 Grantor whether written or oral which uses or would cause to be used or  
9 would permit use of the Protected Land contrary to the terms of this Offer  
10 will be deemed a violation and a breach hereof. The Grantor, any Grantee  
11 accepting this Offer and any offeree of this Offer may pursue any and all  
12 available legal and/or equitable remedies to enforce the terms and conditions  
13 of the Offer and easement and their respective interest in the property.  
14 In the event of a breach, any forbearance on the part of any such party to  
15 enforce the terms and provisions hereof shall not be deemed a waiver of  
16 enforcement rights regarding any subsequent breach.

17 8. TAXES AND ASSESSMENTS. Grantor agrees to pay or cause to be paid  
18 all real property taxes and assessments levied or assessed against the  
19 Property. It is intended that this irrevocable offer and the use restrictions  
20 contained herein shall constitute enforceable restrictions within the meaning  
21 of a) Article XIII, §8, of the California Constitution; and b) §402.1 of  
22 the California Revenue and Taxation Code or successor statute. Furthermore,  
23 this Offer, easement and restrictions shall be deemed to constitute a  
24 servitude upon and burden to the Property within the meaning of §3712(d)  
25 of the California Revenue and Taxation Code, or successor statute, which  
26 survives a sale of tax-deeded property.

27 9. MAINTENANCE. The Grantee shall not be obligated to maintain,

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1 improve, or otherwise expend any funds in connection with the Property or  
2 any interest or easement created by this Offer. All costs and expenses for  
3 such maintenance, improvement, use, or possession, except for costs incurred  
4 by Grantee for monitoring compliance with the terms of this easement, shall  
5 be borne by the Grantor.

6 10. LIABILITY AND INDEMNIFICATION. This conveyance is made and  
7 accepted upon the express condition that the Grantee, its agencies,  
8 departments, officer, agents, and employees are to be free from all liability  
9 and claim for damages by reason of any injury to any person or persons,  
10 including Grantor, or property of any kind whatsoever and to whomsoever  
11 belonging, including Grantor, from any cause or causes whatsoever, except  
12 matters arising out of the sole negligence of the Grantee, while in, upon,  
13 or in any way connected with the Property, Grantor hereby covenanting and  
14 agreeing to indemnify and hold harmless the Grantee, its agencies, departments,  
15 officers, agents, and employees from all liability, loss, cost, and  
16 obligations on account of or arising out of such injuries or losses however  
17 occurring. The Grantee shall have no right of control over, nor duties and  
18 responsibilities with respect to the Property which would subject the Grantee  
19 to any liability occurring on the land by virtue of the fact that the right  
20 of the Grantee to enter the land is strictly limited to preventing uses  
21 inconsistent with the interest granted and does not include the right to  
22 enter the land for the purposes of correcting any dangerous condition as  
23 defined by California Government Code §830.

24 11. SEVERABILITY. If any provision of these restrictions is held  
25 to be invalid or for any reason becomes unenforceable, no other provision  
26 shall be thereby affected or impaired.

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Executed on this 17<sup>th</sup> day of August, 1990,

at Indio, California

BY: \_\_\_\_\_  
SIGNATURE OF GRANTOR

BY: [Signature]  
SIGNATURE OF GRANTOR

\_\_\_\_\_  
TYPE OR PRINT NAME OF ABOVE

F.S. Fred Segal  
TYPE OR PRINT NAME OF ABOVE

**\*\* NOTE TO NOTARY PUBLIC \*\***

If you are notarizing the signatures of persons signing on behalf of a corporation, partnership, etc., please use the correct notary acknowledgement form as explained in your Notary Public Law Book.

STATE OF CALIFORNIA )  
COUNTY OF Los Angeles )<sup>ss</sup>

On this 17<sup>th</sup> day of August, in the year 1990, before me

Nancy K. Delia, a Notary Public, personally appeared

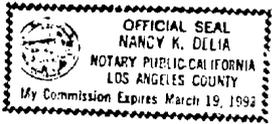
F.S. Fred Segal, personally known to me, or

proved to me on the basis of satisfactory evidence, to be the person(s)

whose name is subscribed to this instrument, and acknowledges that he/she/they

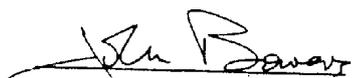
executed it.

Nancy K. Delia  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE



1 This is to certify that the Offer to Dedicate set forth above is  
2 hereby acknowledged by the undersigned officer on behalf of the California  
3 Coastal Commission pursuant to the action of the Commission when it granted  
4 Coastal Development Permit Number 5-89-743 on March 13, 1990  
5 and the California Coastal Commission consents to recordation thereof by its  
6 duly authorized officer.

7 Dated: 12/18/90

8   
9 John Bowers, Staff Counsel  
10 California Coastal Commission

11 STATE OF CALIFORNIA )  
12 ) ss  
13 COUNTY OF SAN FRANCISCO )

14 On this 18th day of December in the year 1990,  
15 before me, Deborah L. Bove, a Notary Public, personally  
16 appeared John Bowers, personally known to me, or  
17 proved to me on the basis of satisfactory evidence, to be the person who  
18 executed this instrument as STAFF COUNSEL of the CALIFORNIA COASTAL COMMISSION  
19 and acknowledged to me that the CALIFORNIA COASTAL COMMISSION executed it.



21 Deborah L. Bove  
22 NOTARY PUBLIC IN AND FOR  
23 SAID COUNTY AND STATE

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EXHIBIT A

LEGAL DESCRIPTION  
Parcels referenced by Tax Assessor numbers

Parcel 1 APN 4465-1-29

The Southeast Quarter of the Northeast Quarter of Section 19, Township 1 South, Range 18 West, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the Official Plat of said land filed in the District Land Office, April 4, 1900

Excepting therefrom one-half of all minerals, oil, petroleum, asphaltum, gas, coal, and other hydro-carbon substances in, on, within and under said land and every part thereof, but without surface right of entry, as reserved by Marblehead Land Company, in deed recorded January 15, 1964, in Book 22613 Page 298, Official Records.

Parcel 2 APN 4465-2-21

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, APRIL 4, 1900.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613 PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER THE FOLLOWING DESCRIBED LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY.

Parcel 3 APN 4465-5-30

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A PARCEL OF LAND SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTH HALF THAT IS DISTANT NORTH 89 DEGREES 59 MINUTES 16 SECONDS WEST 2184.88 FEET FROM THE SOUTHEAST CORNER OF SAID NORTH HALF; THENCE NORTH 1 DEGREE 43 SECONDS WEST 301.50 FEET; THENCE NORTH 42 DEGREES 00 MINUTES 00 SECONDS WEST 170.00 FEET TO A POINT HEREAFTER REFERRED TO AS POINT A; THENCE NORTH 48 DEGREES 00 MINUTES 00 SECONDS; EAST 414.08 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WESTERLY LINE OF THE EASTERLY 60 ACRES OF SAID NORTH HALF; SAID POINT OF INTERSECTION BEING A TRUE POINT OF BEGINNING; THENCE NORTH 48 DEGREES 00 MINUTES 00 SECONDS EAST 116.66 FEET TO A POINT THAT IS DISTANT NORTH 48 DEGREES 00 MINUTES 00 SECONDS EAST 530.74 FEET FROM THE ABOVE MENTIONED POINT A, BEING THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 200 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 38.40 FEET; THENCE TANGENT NORTH 37 DEGREES 00 MINUTES 00 SECONDS EAST 207.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 200 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 122.17 FEET; THENCE TANGENT NORTH 2 DEGREES 00 MINUTES 00 SECONDS EAST 142.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 100 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 83.78 FEET; THENCE TANGENT NORTH 50 DEGREES 00 MINUTES 00 SECONDS EAST 35.48 FEET TO AN INTERSECTION WITH THE EAST-WEST CENTER LINE OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 55 MINUTES 50 SECONDS WEST ALONG SAID EAST-WEST CENTER LINE 376.42 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WESTERLY LINE OF THE EASTERLY 60 ACRES OF SAID NORTH HALF; THENCE SOUTH 2 DEGREES 50 MINUTES 10 SECONDS EAST 624.13 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

Parcel 4 APN 4465-2-12

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1, SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDRO-CARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613, PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPTING AND RESERVING ONE-FOURTH OF ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER, IN AND FLOWING THROUGH SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY NATHAN O. PARKER AND JOYCE T. PARKER, HUSBAND AND WIFE, AND MARJORIE S. WIRE, A WIDOW, IN DEED RECORDED JANUARY 4, 1966 AS INSTRUMENT NO. 1815.

Parcel 5 APN 4465-1-28

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ONE-HALF OF ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDRO-CARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED JANUARY 15, 1964, IN BOOK 22613 PAGE 298, OFFICIAL RECORDS.

ALSO EXCEPTING AND RESERVING ONE-FOURTH OF ALL CRUDE OIL, PETROLEUM, GAS, BREA, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER, IN AND FLOWING THROUGH SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY NATHAN O. PARKER AND JOYCE T. PARKER, HUSBAND AND WIFE, AND MARJORIE S. WIRE, A WIDOW, IN DEED RECORDED JANUARY 4, 1966 AS INSTRUMENT NO. 1815.

Parcel 6 APN 4465-1-36

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Lot 2, the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of section 19, township 1 south, range 18 west, San Bernardino base and meridian, in the county of Los Angeles state of California.

EXCEPT THEREFROM that portion lying westerly and southwesterly of Kanan Dume Road as said road is more particularly described as parcel 2-33 in that certain resolution and order of the board of supervisors of said county, a certified copy of which was recorded on December 22, 1977 as instrument No. 77-1415005, official records of said county.

EXHIBIT C  
OPEN SPACE FOR ENVIRONMENTALLY SENSITIVE HABITAT/WOODLAND

EASEMENT AREA FOR ESHA AND SOW

Beginning at the Northeast corner of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 1E W, San Bernadino Meridian; thence west along the westerly prolongation of the northern line of said quarter quarter section to a point distant 600 feet N 89 55'50" E from said Northeast corner said point being the true point of beginning;

thence N 89 55'50" E, 50 feet; thence N 15 00'00" E, 60 feet;  
thence S 60 00'00" E, 80 feet; thence N 90 00'00" E, 100 feet;  
thence S 40 00'00" E, 90 feet; thence N 90 00'00" W, 200 feet;  
thence S 60 00'00" W, 180 feet; thence S 30 00'00" E, 400 feet;  
thence S 35 10'00" W, 210 feet; thence S 60 00'00" E, 140 feet;  
thence S 45 00'00" W, 300 feet; thence N 90 00'00" W, 340 feet;  
thence S 30 00'00" W, 210 feet; thence N 90 00'00" W, 60 feet;  
thence N 30 00'00" W, 140 feet; thence N 60 00'00" W, 190 feet;  
thence N 00 00'00" , 300 feet; thence S 60 00'00" W, 120 feet;  
thence S 00 00'00" , 210 feet; thence S 60 00'00" W, 230 feet;  
thence N 60 00'00" W, 100 feet; thence South to a point on the southerly line of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 1E W, San Bernadino Meridian being S 89 42'26" W distant 460 feet from the Southeast corner of said quarter quarter section; thence westerly along said Southerly line S 89 42'26" 200 feet;  
thence N 30 00'00" E, 240 feet; thence N 60 00'00" E, 250 feet;  
thence N 15 00'00" E, 210 feet; thence N 90 00'00" E, 110 feet;  
thence N 30 00'00" E, 250 feet; thence N 60 00'00" E, 410 feet;  
thence S 60 00'00" E, 70 feet; thence N 60 00'00" E, 380 feet;  
thence N 00 00'00" , 150 feet; thence N 90 00'00" W, 110 feet;  
thence North to the true point of beginning; and

Beginning at the Southeast Corner of the N.E. quarter of the S.E. quarter of Section 19, T1S, R 1E W, San Bernadino Meridian; thence East S 89 42'26" W along the southerly line of said quarter quarter section 440 feet said point being the true point of beginning;

thence N 30 00'00" W, 200 feet; thence N 60 00'00" W, 270 feet;  
thence N 30 00'00" W, 270 feet; thence N 60 00'00" W, 100 feet;  
thence N 30 00'00" W, 270 feet; thence N 60 00'00" E, 110 feet;  
thence S 30 00'00" E, 300 feet; thence N 90 00'00" E, 280 feet;  
thence S 30 00'00" E, 160 feet; thence N 60 00'00" E, 250 feet;  
thence N 30 00'00" W, 260 feet; thence S 60 00'00" W, 90 feet;  
thence N 90 00'00" W, 290 feet; thence N 60 00'00" W, 360 feet;  
thence N 90 00'00" W, 210 feet;

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thence North to a point on the westerly prolongation of the  
 northerly line of the N.W. quarter of the S.E. quarter of  
 Section 19, T1S, R 18 W, San Bernardino Meridian being S 89  
 45'52"W distant 400 feet from the Northwest corner of said  
 quarter quarter section; thence westerly along said Northerly  
 prolongation to a point S 89 45'52"W 740 feet west of the  
 said Northwest corner;  
 thence N 33 00'00"W, 500 feet; thence N 30 00'00"E, 150 feet;  
 thence N 90 00'00"E, 150 feet; thence N 15 00'00"W, 270 feet;  
 thence N 15 00'00"E, 240 feet; thence S 15 00'00"E, 270 feet;  
 thence S 75 00'00"E, 50 feet; thence S 15 00'00"E, 430 feet;  
 thence S 60 00'00"E, 320 feet; thence S 20 00'00"E, 260 feet;  
 thence N 60 00'00"E, 200 feet; thence S 60 00'00"E, 120 feet;  
 thence South to a point on the Northerly line of the N.W.  
 quarter of the S.E. quarter of section 19, T1S, R 18 W, San  
 Bernardino Meridian being East N 89 45'52"E distant 220 feet  
 from the Northwest corner of said quarter quarter section;  
 thence easterly along said Northerly line to a point N 89  
 45'52"E 380 feet east of the said Northwest corner;  
 thence S 60 00'00"E, 310 feet; thence S 30 00'00"E, 230 feet;  
 thence S 00 00'00", 90 feet; thence N 90 00'00"E, 30 feet;  
 thence N 30 00'00"E, 20 feet; thence S 30 00'00"E, 210 feet;  
 thence N 90 00'00"E, 110 feet; thence N 20 00'00"E, 145 feet;  
 thence N 00 00'00", 150 feet; thence N 30 00'00"E, 90 feet;  
 thence N 30 00'00"W, 60 feet; thence N 00 00'00", 400 feet;  
 thence N 90 00'00"E, 90 feet; thence S 00 00'00", 340 feet;  
 thence S 15 00'00"W, 210 feet; thence S 30 00'00"W, 230 feet;  
 thence S 30 00'00"E, 170 feet; thence N 60 00'00"E, 200 feet;  
 thence S 00 00'00", 160 feet; thence S 30 00'00"E, 140 feet;  
 thence South to a point on the southerly line of the N.E.  
 quarter of the S.E. quarter of Section 19, T1S, R 18 W, San  
 Bernardino Meridian being East N 89 42'26"E distant 190 feet  
 from the Southwest corner of said quarter quarter section;  
 thence westerly along said Southerly line and its westerly  
 prolongation S 89 42'26"W to the true point of beginning.

ESHA MITIGATION AREA

beginning at a point distant 200 feet East and 100 feet West from the  
 Southeast corner of the S.W. quarter of the N.E. quarter of  
 Section 19, T1S, R 18 W, San Bernardino Meridian, said point  
 being the true point of beginning;

thence E 30 00'00", 100 feet; thence N 90 00'00"E, 25 feet;  
 thence S 00 00'00", 100 feet; thence S 90 00'00"W, 25 feet,  
 to the true point of beginning

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COASTAL PERMIT 5-89 743 SEGAL

EXH. 1 C

3 of 3

CC-89-0614  
APN 7155-1-29

CC-88-1548  
APN 4465-221

CC-88-1755  
APN 7155-1-29

21 FOOT W/TH AREA

CC-88-1547  
APN 7155-2-12

ESHA SCA AREAS

CC-88-1755  
APN 2465-5-32

CC-88-1549  
APN 4465-221

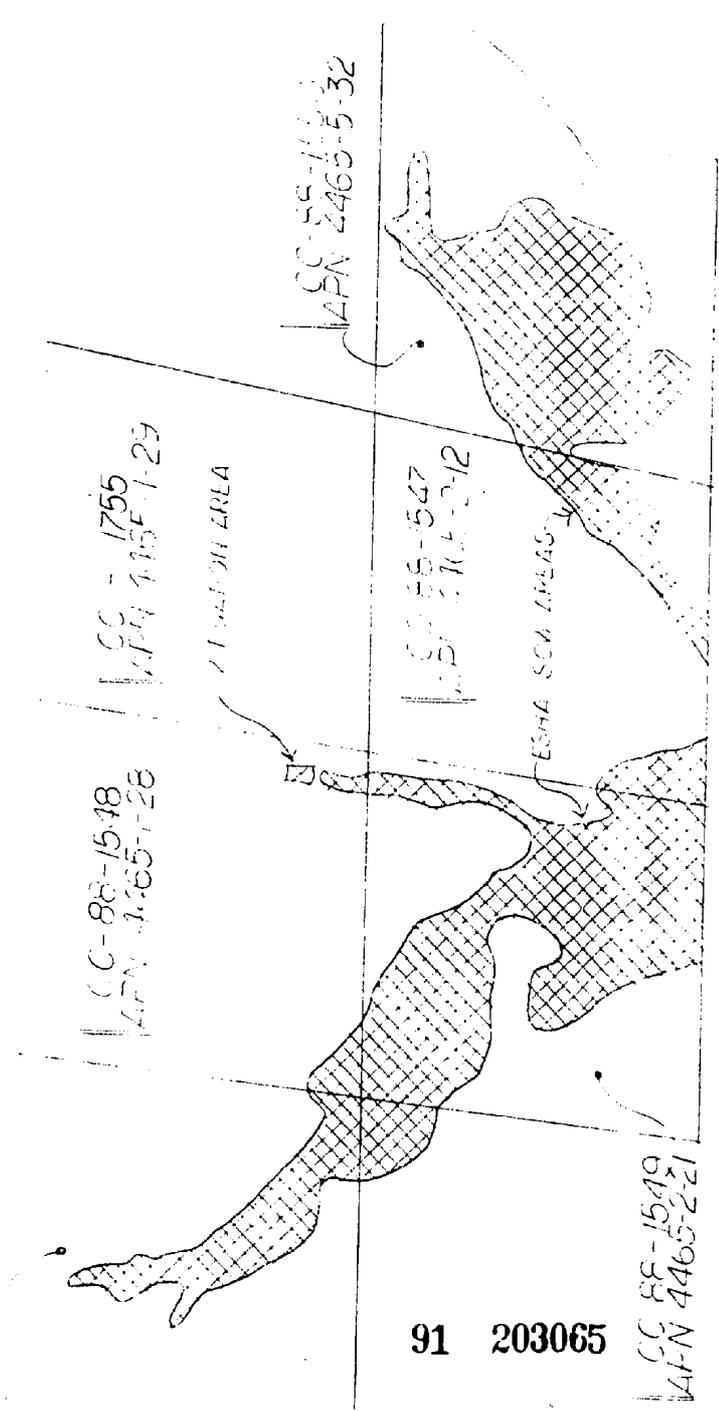
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OPEN SPACE

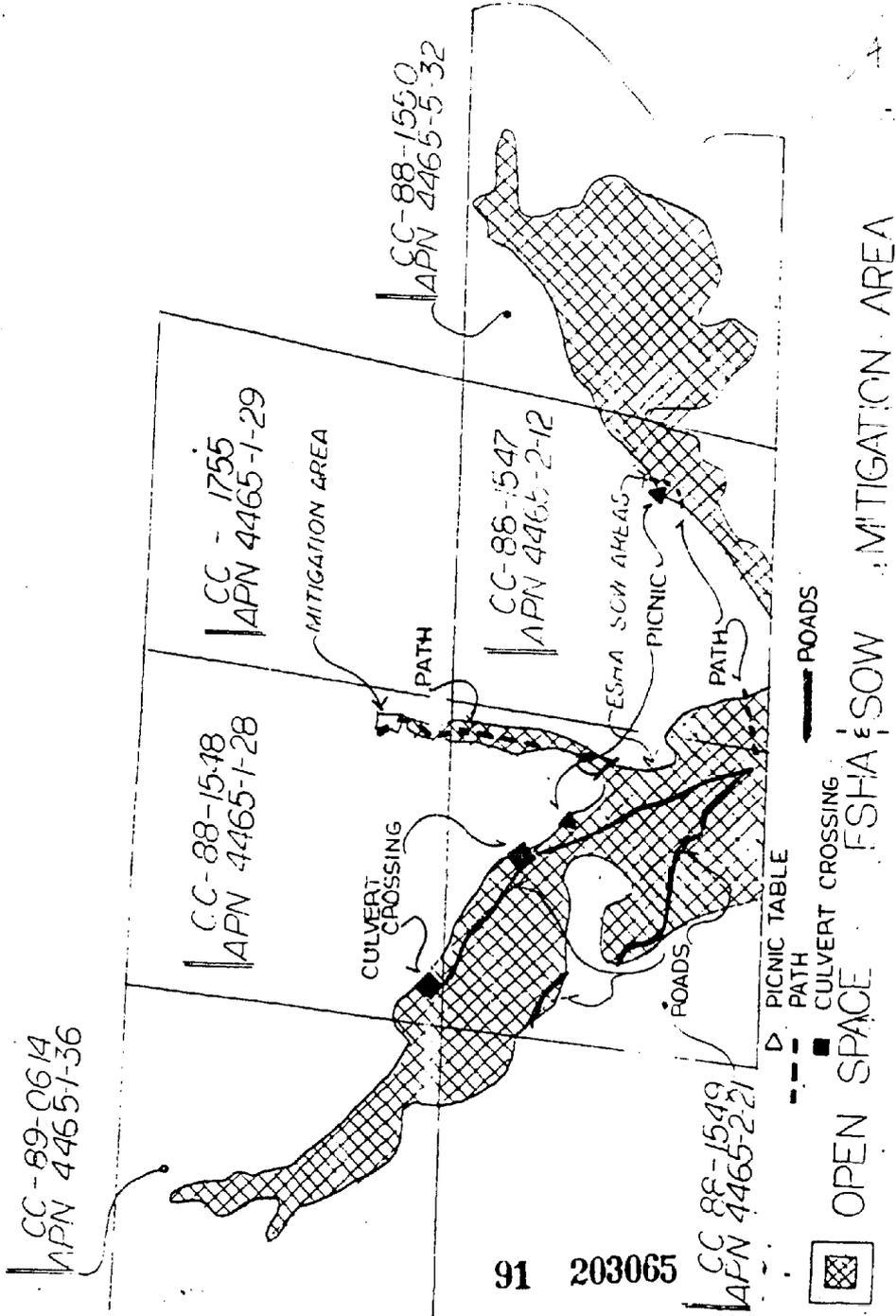
ESHA SCA

MITIGATION AREA



COASTAL PERMIT 5-89-743 SEGAL

EXHIBIT F



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Recorder's Office, Los Angeles County,  
California

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Exhibit 13

CCC-15-CD-04 & CCC-15-RO-04

Page 1 of 3

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

CALIFORNIA COASTAL COMMISSION  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508  
ATTN: LEGAL DIVISION



STATE OF CALIFORNIA OFFICIAL BUSINESS  
**Document entitled to free recordation  
Pursuant to Government Code §27383**

CDP: 5-89-743, Segal  
APNs: 4465-001-28, 29, 36; 4465-002-12, 21; 4465-005-36, 37

CERTIFICATE OF ACCEPTANCE  
OFFER AND DEDICATION OF OPEN-SPACE EASEMENT

This is to certify that the MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a joint powers authority created and existing under the Joint Exercise of Powers Act (Government Code Section 6500 et seq.), and a political subdivision of the State of California, hereby accepts the Irrevocable Offer to Dedicate Open Space Easement and Declaration of Restrictions executed by F. S. Fred Segal, on August 17, 1990 and recorded on February 11, 1991 as Instrument Number 91-203066 of the Official Records in the Office of the Recorder of Los Angeles County.

Dated: August 9, 2011

MOUNTAINS RECREATION & CONSERVATION AUTHORITY

By: Lisa Soghor  
LISA SOGHOR, DEPUTY EXECUTIVE OFFICER

Type Name and Capacity of Above

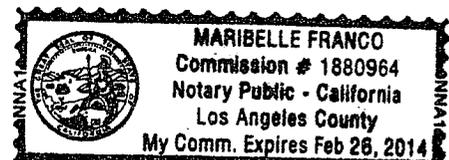
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

On 8-9-2011, before me, MARIBELLE FRANCO, a Notary Public, personally appeared LISA SOGHOR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature M Franco (Seal)



ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION  
OF ACCEPTANCE OF OFFER TO DEDICATE

This is to certify that the MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a joint powers authority created and existing under the Joint Exercise of Powers Act (Government Code Section 6500 et seq.), and a political subdivision of the State of California, is acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Offer to Dedicate executed by F. S. Fred Segal, on August 17, 1990 and recorded on February 11, 1991 as Instrument Number 91-203066 in the office of the County Recorder of Los Angeles.

Dated: 6/13/2011

CALIFORNIA COASTAL COMMISSION

Hope Schmelzter  
Hope Schmelzter, Chief Counsel

STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

On 6/13/11, before me, Jeff G. Staben, a Notary Public, personally appeared HOPE SCHMELTZER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jeff G. Staben (Seal)



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Page 1 of 4

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**Document entitled to free recordation  
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CDP: 5-89-743, Segal  
APNs: 4465-001-28, 29, 36; 4465-002-12, 19, 21; 4465-005-36

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OFFER AND DEDICATION OF OPEN-SPACE EASEMENT

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Dated: August 9, 2011

MOUNTAINS RECREATION & CONSERVATION AUTHORITY  
By: Lisa Seghor  
LISA SEGHOR, DEPUTY EXECUTIVE OFFICER  
Type Name and Capacity of Above

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

On 8-9-2011, before me, MARIBELLE FRANCO, a Notary Public, personally appeared LISA SOGHOR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Maribelle Franco (Seal)



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of LOS ANGELES }

On 8-9-2011 before me, MARBELLE FRANCO, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared LISA SOGHOR  
Name(s) of Signer(s)

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



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

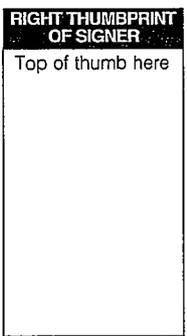
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

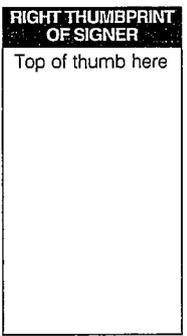
- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



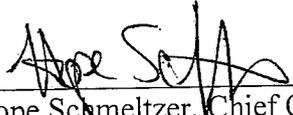
Signer Is Representing: \_\_\_\_\_

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION  
OF ACCEPTANCE OF OFFER TO DEDICATE

This is to certify that the MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a joint powers authority created and existing under the Joint Exercise of Powers Act (Government Code Section 6500 et seq.), and a political subdivision of the State of California, is acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Offer to Dedicate executed by F. S. Fred Segal, on August 17, 1990 and recorded on February 11, 1991 as Instrument Number 91-203065 in the office of the County Recorder of Los Angeles.

Dated: 6/13/11

CALIFORNIA COASTAL COMMISSION

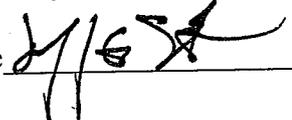
  
Hope Schmeltzer, Chief Counsel

STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

On 6/13/11, before me, Jeff G. Staben, a Notary Public, personally appeared HOPE SCHMELTZER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Signature  (Seal)

