

**CALIFORNIA COASTAL COMMISSION**

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# W 9.3 & 9.5

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original staff report

## ADDENDUM

June 5, 2015

TO: Coastal Commissioners and Interested Parties

FROM: Lisa Haage, Chief of Enforcement

SUBJECT: ADDENDUM TO **ITEM NOS. W 9.3 & 9.5** – CONSENT CEASE & DESIST ORDER NO. CCC-15-CD-03 AND CONSENT RESTORATION ORDER NO. CCC-15-RO-03 (FRONT RUNNER LLC)  
FOR THE COMMISSION MEETING OF **June 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 Mountains Recreation and Conservation Authority, dated June 2, 2015*
2. *Letter of Support from Mountains Restoration Trust, dated June 2, 2015*
3. *Letter of Support from Los Angeles County, Zoning Enforcement West, dated June 3, 2015*

### Changes to staff report for CCC-15-CD-03 AND CCC-15-RO-03

Commission staff recommends correcting a minor typographical error to the Staff Recommendations and Findings for Consent Cease and Desist Order No. CCC-15-CD-03 and Consent Restoration Order CCC-15-RO-03. Language to be added is shown in **bold and underlined**, and language to be deleted is shown in ~~strike-through~~, as shown below:

Page 7, footnote 1, should read as follows:

1 Of the OTDs required over the ~~six~~ **seven** properties, only ~~five~~ **six** were recorded. The OTD for the remaining property located adjacent to Saddle Peak Road with APN 4438-033-059, to the north of the Property, was never recorded. The ~~five~~ properly recorded OTDs **over the six properties** were accepted by the Mountains Recreation and Conservation Authority on May 15, 2006.



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

June 2, 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-03**  
**Consent Restoration Order No. CCC-15-RO-03**

Dear Mr. Del Arroz:

The Mountains Recreation and Conservation Authority (MRCA) expresses its support for the subject Consent Orders regarding the unpermitted developments and Coastal Act violations on the 79.3-acre parcel in upper Las Flores Canyon, just south of Saddle Peak Road (APN 4438-033-012). Degradation of biological and recreational resources will persist on this 79.3-acre parcel as long as the unpermitted developments remain. Thus, time is of the essence in remediating and restoring these resources to their natural state as much as possible.

Section 6.0 of the Consent Orders requires the Respondents to coordinate with the MRCA on a Trails Plan to determine the new location of the Corrected Public Access Easements and Public Access Trail, and dedicate to the MRCA an additional parcel (APN 4438-039-014). The MRCA appreciates the opportunity to coordinate with the Respondents and looks forward to working with the Respondents to satisfy Section 6.0 of the Consent Orders in a timely manner.

The relocation of the existing public access trail easements and the additional dedication of APN 4438-039-014 will ensure trail linkage opportunities for the regionally significant Backbone Trail and the Tuna Canyon Trail, as well as enhance wildlife movement in the Las Flores Canyon watershed.

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

Sincerely,

Rorie Skei  
Chief Deputy Executive Officer



3815 Old Topanga Canyon Road  
Calabasas, CA 91302  
Tel: 818-591-1701  
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A California Public  
Benefit Corporation  
To Preserve, Protect and  
Enhance the Natural  
Resources of the  
Santa Monica Mountains

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June 2, 2015

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Re: Cease & Desist Order No. CCC15-CD-03 &  
Restoration Order No. CCC15-RO-03

Property: Below Saddle Peak Road, Topanga, Los Angeles County  
APN 4438-033-012

Dear Commission Members,

Mountains Restoration Trust supports the California Coastal Commission staff and its findings as outlined in the Staff Report: Recommendations and Findings for Consent Cease and Desist and Consent Restoration Orders referenced above.

We have reviewed the plan and find that it is comprehensive and thorough, taking into consideration the impacted areas. The site in question is located in the Santa Monica Mountains, contains oak woodland, chaparral, riparian vegetation, and streams, all providing habitat to environmentally sensitive species, and an integral part of the Las Flores watershed.

We applaud the work of your staff.

Sincerely,

Debra Sharpton  
Executive Director

**Del Arroz, John@Coastal**

---

**From:** Shawn Skeries <sskeries@planning.lacounty.gov>  
**Sent:** Wednesday, June 03, 2015 9:44 AM  
**To:** Del Arroz, John@Coastal  
**Cc:** Jose De La Rosa  
**Subject:** V-4-10-017

Mr. Del Arroz,

My supervisor Jose De La Rosa, and I reviewed the proposed resolutions on your staff report regarding Violation File: V-4-10-017. We both agreed that the measures will be in great help to conserve the natural resources in the Santa Monica Mountains. The measure which outlines dedicated trail easements will benefit mountain users for generations to come. Please consider this email as our support to the resolution measures.

regards,

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

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# W9.3 & 9.5

**Staff:** J. Del Arroz-SF  
**Staff Report:** 5/28/2015  
**Hearing Date:** 6/10/2015

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

**Consent Cease and Desist Order No.:** CCC-15-CD-03

**Consent Restoration Order No.:** CCC-15-RO-03

**Related Violation File:** V-4-10-017

**Entity and Persons Subject to these Consent Orders:** Front Runner LLC

**Property Location:** Property below Saddle Peak Road, Topanga, Los Angeles County (Assessor's Parcel Number 4438-033-012)

**Violation Description:** Grading of slopes for construction and expansion of private trails; grading and deposition of fill to install and cover shipping or storage containers; construction of a foot-bridge; placement of all shipping or storage containers and placement of a 50 foot diameter circular stone configuration; and the removal of major vegetation; all without permits.

**Substantive File Documents:**

1. Public documents in Cease and Desist and Restoration Order files Nos. CCC-15-CD-03 and CCC-15-RO-03
2. Exhibits 1 through 15 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 pertains to unpermitted development that occurred in the Santa Monica Mountains on a 79.3 acre parcel, located below Saddle Peak Road, in unincorporated Los Angeles County, Los Angeles County Assessor's Parcel Number 4438-033-012 ("the Property") (Exhibit 1). 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 described in more detail below, the unpermitted development that is the subject of these proceedings includes, but is not necessarily limited to: grading of slopes for construction and expansion of private trails; grading and deposition of fill to install and cover shipping or storage containers; construction of a foot-bridge; placement of all shipping or storage containers; placement of stone in a circular configuration; and the removal of major vegetation ("Unpermitted Development").

The Unpermitted Development caused impacts to sensitive habitat through the clearance of sensitive chaparral, coastal sage scrub, oak woodland, and riparian habitats over a large area on a parcel that is otherwise undeveloped. Unpermitted grading has resulted in alteration of natural landforms and caused erosion, which has impacted the chaparral, coastal sage scrub, and riparian habitats and potentially impacted the stability of the site. The development does not minimize visual impacts, but instead impacts the defining visual characteristics of the area – the steep topography and the native vegetation that covers it. Therefore, the Unpermitted Development has impacted visual resources, including public views from Saddle Peak Road, a Scenic Route designated by the Santa Monica Mountains Local Coastal Program ("SMM LCP"), as well as habitat and site stability.

The Property is owned by Front Runner LLC. Front Runner LLC and the current and future members of the LLC are the entities and persons that are the subject to these proceedings (hereinafter referred to as "Respondents"). Commission staff has worked closely with the Respondents to reach an amicable resolution to these matters to resolve the Coastal Act violations described above. Through the execution of these Consent Orders, Respondents have agreed to, among other things: 1) remove the physical items that were placed or allowed to come to rest on the Property as a result of the Unpermitted Development, 2) install temporary erosion control measures, 3) conduct restorative grading, 4) revegetate impacted areas with native plants appropriate for the habitat on the Property, 5) dedicate trail easements which will improve public access on the Property and the adjacent property to the east by providing a linkage for the Tuna Canyon Trail; 6) convey fee title interest in an approximately 15.8 acre property in close proximity to the Property to the Mountains Recreation and Conservation Authority ("MRCA") for conservation and public trail purposes; 7) install public access and educational signs to enhance public access opportunities; and 8) resolve civil liabilities under the Coastal Act by paying a monetary settlement in the amount of \$220,000. Therefore, staff recommends that the Commission **issue** these Consent Orders, which would establish a process for Respondents to resolve the violations described above. Motions and resolutions may be found on page 4 of this staff report.

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## APPENDICES

Appendix A Proposed Consent Cease and Desist and Restoration Orders

## EXHIBITS

Exhibit 1	Biological Resources in the Vicinity of the Property; Property Location
Exhibit 2	Planned Trails in the Vicinity of the Property
Exhibit 3	Aerial Photograph Dated December 16, 2010 and January 10, 2014
Exhibit 4	Photographs From Site Visits on July 20 and July 22, 2010 and January 5, 2011
Exhibit 5	Notice Prior to Issuance of an EDCDO and Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings, dated July 22, 2010
Exhibit 6	Executive Director Cease and Desist Order, dated July 23, 2010
Exhibit 7	CDP 5-84-274, as Amended by CDP Amendment 5-84-274-A1
Exhibit 8	Locations of Trail Easements Recorded Pursuant to CDP 5-84-274
Exhibit 9	Map of Easements and Potential Trail Alignments Prepared by MRCA, dated August 26, 2014
Exhibit 10	Letter to Mr. Shawn Skeries, Los Angeles County Department of Regional Planning, dated November 24, 2014
Exhibit 11	Vegetation Map by the National Park Service
Exhibit 12	Posted Field Notice of Violation, dated July 20, 2010
Exhibit 13	Location of Property to Be Transferred to MRCA
Exhibit 14	Acceptance of Offer to Dedicate (Instrument No. 06-1199184) and Offer to Dedicate (Instrument No. 87-919179) (without attachment)
Exhibit 15	Acceptance of Offer to Dedicate (Instrument No. 06-1199187) and Offer to Dedicate (Instrument No.87-884618)

## **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-03 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in 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-03, as set forth below, and adopts the findings set forth below on grounds that development has occurred without the requisite coastal development permit, 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-03 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in 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-03, 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**

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

The Property is located in the eastern Santa Monica Mountains, in the upper Topanga area, and located approximately 2.8 miles inland of the Malibu coastline. The 79.3 acre parcel is located below Saddle Peak Road, which is designated as a Scenic Route in the SMM LCP, and within the sparsely developed Las Flores Canyon. The Property and the surrounding areas are characterized primarily by undeveloped hillside terrain covered with mostly pristine chaparral, coastal sage scrub, riparian, and oak woodland vegetation.

The public access located nearest to the site is a trailhead for the Backbone Trail, located approximately 0.5 miles to the northwest. The Backbone Trail is a 64 mile long trail that crosses the Santa Monica Mountains from Ventura County to the City of Los Angeles, and offers sweeping views of the ocean and the scenic rugged topography of the area. Additionally, there is a recorded trail easement on the Property and recorded trail easements on adjacent parcels to the north and east. As described in Section C, below, these easements were recorded pursuant to CDP 5-84-274 to allow for the future construction of the Tuna Canyon Trail, a trail identified in the SMM LCP. When constructed, the Tuna Canyon Trail will provide an important regional trail connection by linking trail segments near the Malibu coastline with the Backbone Trail. (Exhibit 2).



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

The Unpermitted Development includes, but may not necessarily be limited to: grading of slopes for construction and expansion of private trails; grading and deposition of fill to install and cover shipping or storage containers; construction of a foot-bridge; placement of all shipping or storage containers; placement of a 50 foot diameter circular stone configuration; and the removal of major vegetation; all without a Coastal Development Permit (“CDP”). Details of the Unpermitted Development are further explained below.

a) Removal of major vegetation:

Including the impacts from the placement of shipping or storage containers and grading of private trails discussed below, the Unpermitted Development resulted in the clearance of approximately 3.8 acres of native vegetation, including chaparral, coastal sage scrub, oak woodland, and riparian habitat. The vegetation removed as a result of the Unpermitted Development constitutes major vegetation and ESHA, as discussed in the discussion of Environmentally Sensitive Habitat Areas (ESHA), below.

b) Shipping or Storage Containers:

Native vegetation was cleared and the Property was graded using heavy equipment, including a backhoe and bulldozer (Exhibit 4, page 2), to place the shipping or storage containers. Soil and debris from the clearance of native vegetation was pushed down slopes to expand level areas (Exhibit 4, pages 5 and 6). At least eight large shipping or storage containers were placed on the Property: six north of the unpermitted graded trail and two south of the graded trail. Each container is approximately 20 feet long, 8 feet wide, and 8 feet tall. Soil was placed around and over some of the containers, partially burying them.

c) Grading of Trails:

The grading that occurred on the property had the effect of creating a private trail between approximately 10 and 30 feet wide and approximately 0.9 miles long. The private trail begins at the end of the driveway for the adjacent residence at 23000 Saddle Peak Rd and continues to the bottom of Las Flores Canyon on the Property. Grading the trail resulted in clearance of sensitive habitat, and impacts to adjacent habitat from erosion. The native vegetation that was removed appears to have been placed in piles adjacent to the private trail (Exhibit 4, page 5), or removed from the Property. In grading the trail, Respondents cut into the rock strata. In some cases, excavation included cuts of approximately 10 feet in height (Exhibit 4, page 6). A back-hoe and bulldozer, as well as hand tools were used to conduct the grading. Commission staff observed heavy equipment including bulldozers on the site during the July 20, 2010 site visit, and hand tools, including pickaxes, machetes, and line trimmers during the July 22, 2010 site visit.

d) Footbridge:

A wood footbridge, measuring approximately 15 feet long by 10 feet wide, was placed across a tributary to Las Flores Creek, resulting in the potential for erosion and alteration to the banks of the stream (Exhibit 4, page 9).

e) Circular Stone Configuration:

At some point between April 2011 and August 2012, after notification through the issuance of the 2010 Notice Letter that the placement of structures, vegetation clearance, and grading on the Property were violations of the Coastal Act and after the EDCDO was issued, additional vegetation removal and grading occurred and then rock was placed on the ground in a 50 foot diameter circular area, in the area that had been cleared of vegetation (Exhibit 3, page 2).

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

### **1) PERMIT HISTORY ON ADJACENT PROPERTY**

#### CDP No. 5-84-274

CDP No. 5-84-274 was issued on February 25, 1987 to David Goodstein and Tom Watson for the subdivision of a single 60 acre lot into 14 lots. The 60 acre Goodstein/Watson property was located adjacent to the Property (Exhibit 8). The Commission's action on CDP No. 5-84-274 required, among other things, Goodstein and Watson to mitigate for the impacts of the subdivision on recreational resources by recording an offer to dedicate ("OTD") a public access trail across one of the 14 lots of the Goodstein/Watson property (Exhibit 14), and on six properties not associated with CDP 5-84-274, located to the west of the subdivided property, including the property that is the subject of this enforcement action (Exhibit 15)<sup>1 2</sup>.

#### CDP 4-05-029-W

CDP 4-05-029-W was issued on October 13, 2005 to David & Terry Steinman and Charles Henemeyer, prior owners of the Property and an adjacent property to the east, for a lot line adjustment between the Property and the parcel immediately to the east (APN 4438-039-014) to exchange an equal area of land between the parcels. Although a certificate of compliance for the lot line adjustment was issued by the Department of Regional Planning for the County of Los Angeles on October 28, 2004, the new parcel boundaries have not been recorded and are therefore not reflected on the parcel maps produced by the Los Angeles County Assessor's Office.

### **2) ENFORCEMENT HISTORY**

In response to reports of grading and placement of shipping containers on the Property, on July 8, 2010, Commission staff investigated the reports and observed, from public vantage points near the Property, the undertaking of unpermitted development. No CDP was issued by the

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<sup>1</sup> Of the OTDs required over the six properties, only five were recorded. The OTD for the remaining property located adjacent to Saddle Peak Road with APN 4438-033-059, to the north of the Property, was never recorded. The five properly recorded OTDs were accepted by the Mountains Recreation and Conservation Authority on May 15, 2006.

<sup>2</sup> The trail easement which was recorded on the Property and on the adjacent property to the east would traverse steep grades and require extensive switchbacks and grading. However, through these Consent Orders, Respondents have agreed to record new trail easements, in consultation with MRCA. The revised trail easements will ensure that the Tuna Canyon Trail will be constructed in a manner that reduces impacts to sensitive habitat and provides a better public trail.

Commission for any of the development and no local approvals for the development were issued by Los Angeles County.

On July 20, 2010, Commission staff posted on the gate of the adjacent property to the east, the entrance to both the Property and the adjacent property, a field “Notice of Violation” – a written notification to inform Respondents of the violations and to request that they contact Commission staff immediately so as to prevent further impacts to sensitive habitat from occurring (Exhibit 12). On the morning of July 21, 2010, Respondent’s representative contacted Commission staff, and staff informed Respondents that development had occurred without a CDP, in violation of the Coastal Act, and that any further development required a CDP. In response, Respondents agreed to cease development. However, on the afternoon of July 21, 2010, Commission staff received reports that construction work had resumed. On July 22, 2010, Commission staff met with Respondents at the Property and during this time staff observed the Unpermitted Development on the Property. After the tour of the Property, Commission staff provided oral notification to Respondents of the Executive Director’s Intent to issue an Executive Director Cease and Desist Order, pursuant to Section 30809 of the Coastal Act<sup>3</sup>. On July 22, 2010, the Executive Director of the Commission sent a letter confirming the oral notice that was provided earlier that day and also notifying Respondents of the Executive Director’s intent to commence Cease and Desist and Restoration Order Proceedings (“NOI”). The NOI required a response that included: 1) a written confirmation to immediately and completely cease all development, as defined by Section 30106 of the Coastal Act, unless authorized by a CDP or an Order issued by the Commission or the Executive Director; 2) oral and written confirmation that development has ceased; 3) oral and written confirmation of removal of earth moving equipment from the property; 4) written commitment to provide an interim erosion control and restoration plan; 5) written commitment to implement the interim erosion control and restoration plan; and 6) an agreement to seek approval of a CDP for any future development. Respondents did not respond in a “satisfactory manner”<sup>4</sup> to the deadline listed in the NOI, which deadline was by 10:00 A.M. July 23, 2010. Therefore, pursuant to Section 30809, on July 23, 2010, the Executive Director issued a Cease and Desist Order (“EDCDO”) ordering the Respondents to: 1) cease and desist from performing any development on the Property unless authorized by the Commission; 2) submit an interim erosion control plan for areas where Unpermitted Development occurred; and 3) submit plans for the restoration of the areas impacted by the Unpermitted Development. The EDCDO was valid for 90 days, expiring on October 21, 2010.

Although Respondents submitted a plan for the installation of interim erosion control measures to reduce the effects of erosion on the site, and implemented this plan, at that time, Commission staff and Respondents were not able to reach an agreement on the full resolution of the Coastal Act violations, including the steps needed to remove the unpermitted structures and restore areas of the Property impacted by the Unpermitted Development.

Periodically, over subsequent months, Commission staff and Respondents discussed options for resolving the Coastal Act issues. Over the last several months, Commission staff and

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<sup>3</sup> Coastal Act Section 30809 (b) allows for notification of the Executive Director’s intent to issue an Executive Director Cease and Desist Order to be provided by oral notice when it is followed by a written confirmation.

<sup>4</sup> 14 CCR Section 13180(a)

Respondents worked cooperatively to reach an amicable resolution of the matter, and on May 22, 2015, Respondents agreed to and signed the Consent Orders, which are being presented to the Commission for its approval today.

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

### **1) STATUTORY PROVISIONS**

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

The statutory authority for issuance of these Consent Cease and Desist Orders 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 these Consent Restoration Orders 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**

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 in relevant part as follows:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land...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 previously explained in Section A.2, the areas cleared of vegetation, and the areas of native vegetation in the vicinity of the cleared vegetation, consisted of native riparian, chaparral, coastal sage scrub and woodland vegetation and constitute ESHA. Therefore, this native vegetation was ecologically significant and especially valuable, and the clearance of the vegetation constituted clearance of major vegetation.

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. Commission staff has researched our records and determined that no CDP was issued for the development.

The violations occurred prior to the effective certification of the Local Coastal Program for the Santa Monica Mountains on October 10, 2014. Thus, the CDP was required "from the commission," as stated in section 30810. The Commission therefore has jurisdiction to issue cease and desist and restoration orders to address these violations pursuant to Section 30810(a)(1) of the Coastal Act. In a letter dated November 24, 2014, Commission staff confirmed with Los Angeles County that the Commission has primary enforcement authority to address the Coastal Act violations within the County's jurisdiction at the site (Exhibit 10).

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

As described below, the Unpermitted Development is inconsistent with the following policies of the Coastal Act: Section 30231 (biological productivity and water quality), Section 30240 (environmentally sensitive habitat areas), Section 30251 (scenic and visual qualities), and Section 30253 (hazards/geologic stability).

**Environmentally Sensitive Habitat Areas**

The Property is located on the top and along the slopes of a ridge in the Santa Monica Mountains. The landscape on the Property and in the vicinity of the site is characterized by large swaths of mostly undeveloped, densely vegetated and rugged terrain, traversing steep ridges and deep canyons. Las Flores Creek and unnamed tributaries to Las Flores Creek cross the Property.



These streams are designated as ESHA/SERA by the SMM LCP and Las Flores Creek is designated as a “blue-line stream” by the U.S. Geological Survey.

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.*

The SMM LCP designates the property as Sensitive Environmental Resource Area (SERA), a term used in the LCP to designate the location of ESHA. 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”) along Las Flores Creek, 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 northwestern portion of the parcel, and H3 habitat (defined by the LCP as areas that would otherwise be designated as H2 habitat, but for

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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.

disturbance from lawfully-established development) located in the far northeastern portion of the property generally where the Unpermitted Development occurred<sup>8</sup>.

In 2001 the National Park Service (NPS) completed an ambitious vegetation mapping effort in the Santa Monica Mountains<sup>9</sup>, including all of the Property and surrounding areas. The NPS mapping effort involved relatively fine scale mapping (minimum mapping unit approximately 1 acre) of plant community species alliances. The NPS map (Exhibit 11) shows the area to be dominated by native chaparral habitats intermixed with coastal sage scrub habitats and riparian habitats. The dominant vegetation association in this area is bigpod ceanothus-laurel sumac chaparral. In addition to the dominant bigpod ceanothus-laurel sumac association, the Property also supports large swaths of greenbark ceanothus, laurel sumac-California buckwheat, greenbark ceanothus-bigpod ceanothus, and California bay-California walnut-greenbark ceanothus. Other chaparral species observed include chamise, *Adenostoma fasciculatum*; redshank, *Adenostoma sparsifolium*; toyon, *Heteromeles arbutifolia*; Catalina cherry, *Prunus ilicifolia*; coast live oak, *Quercus agrifolia*; and laurel sumac, *Malsoma laurina*. During a 4/5/2011 site visit, staff observed a California species of special concern, the Coast Horned Lizard, *Phrynosoma coronatum*, within chaparral habitat on the Property.

The Commission's staff ecologist, Dr. Jonna Engel, visited the site on April 5, 2011, reviewed photos of the property taken on 4/23/2015, and reviewed the NPS vegetation map and the SMM LCP SERA map and determined that the entire parcel, except for the paved driveway near Saddle Peak Road and the area shown on the NPS map as urban shrub, rises to the level of ESHA because it consists of large, pristine swaths of chaparral, coastal sage scrub, oak woodland and riparian habitats that are connected to larger areas of pristine and unfragmented similar native habitat beyond the Property. She determined that the unpermitted development occurred within the large, pristine swaths of native habitat and therefore were areas of ESHA prior to when the unpermitted development occurred.

The Unpermitted Development adversely impacted approximately 3.8 acres of riparian, chaparral, coastal sage scrub and oak woodland habitats. The Unpermitted Development

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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. H1 habitat consists of areas of highest biological significance, rarity, and sensitivity. H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. 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. Portions of Respondent's Property have been designated as H3 habitat; however, with the exception of the urban shrub area and the paved driveway, this designation reflects the state of Respondent's Property as altered by Unpermitted Development. Review of the Property must be analyzed as if the Unpermitted Development had not occurred; and therefore, the entirety of Respondent's Property, except for the paved driveway at the entrance to the property and the area of urban shrub, is ESHA (See also policy CO-40 of the SMM LCP). Except for those areas that have been altered by development, the Properties are covered primarily with large, contiguous swaths of chaparral constituting ESHA/SERA.

<sup>9</sup> CDFG California Native Plant Society, T. Keeler-Wolf, and J. Evens. 2006. Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs in Ventura and Los Angeles Counties, California. Submitted to National Park Service, January 2006

(vegetation clearing and grading) eliminated mature vegetation that served as food, foraging habitat, and shelter for many species of native animals, eliminated and disturbed numerous physical and biological habitat services and functions, and left the cleared and graded area vulnerable to the negative impacts associated with erosion. Therefore, the Unpermitted Development resulted in the significant disruption of ESHA by removing the native vegetation. Section 30240 of the Coastal Act requires that only uses dependent on the resource be allowed in ESHA. However the Unpermitted Development, including grading and placement of large shipping or storage containers, does not constitute a resource-dependent use. Furthermore, the Unpermitted Development also impacted areas adjacent to the cleared and graded areas by creating erosion leading to the potential deposition of sediment into tributaries to Las Flores Creek. Therefore, the Unpermitted Development has resulted in impacts to ESHA and has significantly disrupted habitat values on the site, 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>10</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 creation of bare soil, changes to the topography of the site, and increases in erosion across the Property. Bare soils increase the amount of water that reaches Las Flores Creek and tributaries to the creek and the speed it gets there, the amount of sediment that reaches the stream, and the stream's capacity for erosion of

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<sup>10</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.

the stream bed and banks. Photographs from a site visit on January 5, 2011 show that significant erosion has occurred, which will ultimately cause sediment to flow downhill, leading to potential impacts to Las Flores Creek (Exhibit 4, pages 7 and 8). 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. Installation of a foot bridge and placement of fill and rock within the stream corridor may also reduce the light that reaches the stream bed, alter the stream flow, and reduce the area of the stream bed and banks available for habitat. These impacts reduce the biological productivity and the quality of coastal waters and reduce optimum populations of marine organisms. Therefore, the unpermitted development impacts the biological productivity of the Las Flores Creek watershed, inconsistent with Section 30231 of the Coastal Act and the water quality policies of the SMM LCP.

### **Scenic and Visual Qualities**

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The recreational opportunities in the Santa Monica Mountains encourage millions of people each year to visit the mountains and beaches in the area<sup>11</sup>. Most visitors drive along the canyon roads either to access State and National Parks and beaches or as a form of recreation in itself. The Santa Monica Mountains are a highly scenic area and offer expansive views of natural ridgelines, large rock formations, and expansive hillsides covered with vast, contiguous areas of native chaparral, coastal sage scrub, and woodland vegetation. The SMM LCP specifically recognized the scenic character of the views in this portion of the Santa Monica Mountains by designating Saddle Peak Road a “Scenic Route.”

The Unpermitted Development is sited on visually prominent ridgelines that are visible from public vantage points along Saddle Peak Road, and the Backbone Trail. The development does not minimize visual impacts, but instead impacts the defining visual characteristics of the area – the steep topography and the native vegetation which covers it. The unpermitted grading altered natural landforms, creating, for example, level areas for the placement of shipping or storage containers. The Unpermitted Development has resulted in large areas of bare earth. In addition, the placement of shipping or storage containers of varying colors, contrast sharply with the scenic nature of the surrounding undeveloped, naturally vegetated hillsides and canyons (Exhibit

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<sup>11</sup> SMM LCP, Conservation and Open Space Element

4, page 3). Therefore, the unpermitted development is inconsistent with Section 30251 of the Coastal Act and the view protection 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 resulted in significant amounts of grading on the steep slopes of the Property, and includes cuts into slopes (Exhibit 4, page 6). Grading has increased the angle of slopes and the weight which the slope must support, or cut away soil supporting slopes located above the cut, potentially impacting the stability of the Property. Topographic changes on the site and the removal of vegetation have contributed to increased runoff and erosion. Therefore, the Unpermitted Development has 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.

### **(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 upland and riparian habitats, water quality and biological productivity of streams, and stability of the steep slopes on the Property, and the scenic coastal views present from public viewpoints are afforded protection under Coastal Act Sections 30231, 30240, 30251, 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 the alteration of natural land forms, which is not visually compatible with the character of surrounding areas. As of this time, that 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 resources protection policies found in Chapter 3 of the Coastal Act. 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. Further, the Consent Orders require Respondents to transfer a 15.8 acre off-site property to the MRCA for habitat protection and public trail improvements, and revise the location of existing public trail easements and construct public access and educational signage to improve public access opportunities within Las Flores Canyon. These Consent Orders also allow for Respondents to apply for approval after-the-fact of the circular stone configuration and the footbridge. Therefore, the Consent Orders are consistent with the Chapter 3 policies of the Coastal Act, and their issuance is consistent with Coastal Act Section 30810(b).

3) BASIS FOR RECORDATION OF A NOTICE OF VIOLATION

Under the Coastal Act, a Notice of Violation (“NOVA”) may be recorded against property that has been developed in violation of the Coastal Act. The NOVA is recorded in the office of the county recorder where the property is located and appears on the title to the property. The NOVA serves a protective function by notifying prospective purchasers that a Coastal Act violation exists on the property and that anyone who purchases the property may be responsible for the full resolution of the violation. The statutory authority for the recordation of a NOVA is set forth in Coastal Act Section 30812. In this case, as part of the Consent Orders, Respondents

have agreed that a NOVA will be recorded after the issuance of these Consent Orders. This NOVA will be rescinded as soon as the violations are fully resolved, as provided for in both 30812 and the Consent Orders, themselves.

## **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. Front Runner LLC, is the owner of the property identified by the Los Angeles County Assessor's Office as APN 4438-033-012. The Property is located within the Coastal Zone.
2. Front Runner LLC undertook development, as defined by Coastal Act Section 30106, on the Property without a coastal development permit. The Unpermitted Development includes, but may not necessarily be limited to: grading of slopes for construction and expansion of private trails; grading and deposition of fill to install and cover shipping or storage containers; construction of a foot-bridge; placement of all shipping or storage containers and placement of a 50 foot diameter circular stone configuration; and the removal of major vegetation.
3. The Unpermitted Development is inconsistent with PRC sections 30231, 30240, 30251, and 30253 and the certified Local Coastal Program ("LCP") for the Santa Monica Mountains area of unincorporated Los Angeles County.
4. 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.
5. A Notice of Violation was posted at the entrance to the Property on July 20, 2010, and on the morning of July 21, 2010, Commission Staff informed a representative of Front Runner LLC that the Unpermitted Development had occurred without a required CDP and was therefore a violation of the Coastal Act.
6. On July 22, 2010, pursuant to Section 30809 of the Coastal Act Commission staff provided oral notice, followed by written confirmation, to Respondents of the Executive Director's intent to issue an Executive Director Cease and Desist Order. Respondent did not respond to the notice in a "satisfactory manner," and the Executive Director issued a Cease and Desist Order on July 23, 2010.
7. On July 22, 2010, the Executive Director sent a Notice of Intent to Commence Cease and Desist and Restoration Order Proceedings.
8. 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.
9. 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-03 AND CONSENT  
RESTORATION ORDER CCC-15-RO-03**

1.0 CONSENT CEASE AND DESIST ORDER CCC-15-CD-03

Pursuant to its authority under California Public Resources Code ("PRC") § 30810, the California Coastal Commission ("Commission") hereby orders and authorizes Front Runner LLC and any of its current and future members, and their successors, assigns, employees, agents, and contractors, and anyone acting in concert with any of the foregoing (collectively referred to as "Respondents") to:

- 1.1 Cease and desist from engaging in any further development, as that term is defined in PRC § 30106, that requires a coastal development permit under the Coastal Act (unless exempt) on any of the property identified in Section 4.3 below ("the Property"), unless authorized pursuant to, or authorized in accordance with, the Coastal Act, PRC §§ 30000-30900, which includes through these Consent Orders.
- 1.2 Remove, pursuant to and consistent with the terms of an approved removal plan discussed in Section 5.3, below, and pursuant to the terms and conditions set forth herein, all physical items placed or allowed to come to rest on the Property as a result of any unpermitted development, as defined in Section 4.8, below ("Unpermitted Development"), including, but not limited to: all shipping or storage containers; and fill placed over said shipping or storage containers.
- 1.3 Comply in a timely manner with all the terms and conditions of all other mandatory approvals or permits for the work required herein that are issued by Federal, State and local agencies having authority over that work, consistent with these Consent Orders.
- 1.4 Refrain from any attempts to limit or interfere with: (a) lawful public use of (i) the public access easements created by the Offers to Dedicate recorded on June 4, 1987 and June 10, 1987 (Instrument Nos. 87-884618 and 87-919179) and the acceptances of the Offers to Dedicate recorded on June 1, 2006 (Instrument Nos. 06-1199184 and 06-1199187) until the time that the easements are extinguished; or (ii) any public access easements that will be created pursuant to Section 6.6, below; or (b) use by the holder(s) of the public easements to maintain the easements and make them available for public use.
- 1.5 Fully and completely comply with the terms and conditions of Consent Restoration Order CCC-15-RO-03, as set forth in Section 2.0, below.

2.0 CONSENT RESTORATION ORDER CCC-15-RO-03

Pursuant to its authority under PRC § 30811, the Commission hereby orders and authorizes Respondents to restore the Property by complying with the restoration requirements described in Sections 5 through 7, below, including taking all restorative

actions listed therein, including, among other things: (1) undertaking remedial grading as specified in Section 5.4, below; (2) revegetating the Restoration Area, as defined in Section 4.6 below and generally depicted on Exhibit A, with native plant species; (3) executing a monitoring program; (4) implementing erosion control measures; and (5) improving public access on the site by establishing new, revised public trail easements on the Property and the adjacent property identified as APN 4438-039-014 in a superior location to the existing legal easements for purposes of developing public access by a) recording a new public trail easement on the Property, and b) causing the owner of the property identified as APN 4438-039-014 to record a new public trail easement on that property<sup>1</sup>.

### 3.0 NATURE OF ORDERS AND OF CONSENT

3.1 Through the execution of Consent Cease and Desist Order CCC-15-CD-03 and Consent Restoration Order CCC-15-RO-03 (collectively referred to as "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, as outlined in these Consent Orders. Any development subject to Coastal Act permitting requirements that is not specifically authorized under these Consent Orders or otherwise exempt requires a coastal development permit. Nothing in these Consent Orders guarantees or conveys any right to development 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, below.

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

### PROVISIONS COMMON TO BOTH ORDERS

#### 4.0 DEFINITIONS

4.1 **Consent Orders.** Consent Cease and Desist Order No. CCC-15-CD-03 and Consent Restoration Order No. CCC-15-RO-03 are collectively referred to in this document as Consent Orders.

4.2 **Respondents.** The Respondents are Front Runner LLC and any of its current and future members, and their successors, assigns, employees, agents, and contractors, and anyone acting in concert with any of the foregoing. The Respondents are jointly and severally subject to all the requirements of these Consent Orders.

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<sup>1</sup> Respondents have obtained such a right from the owner of the property identified as APN 4438-039-014 and said owner has agreed to record said easement.

**4.3 Property.** The capitalized term “Property” refers to the property that is the subject of these Consent Orders, which is described as follows: the vacant parcel of land near Saddle Peak Road currently designated by the Los Angeles County Assessor’s Office as Assessor Parcel Number 4438-033-012, in Topanga, Los Angeles County.

**4.4 Corrected Public Access Easements.** The “Corrected Public Access Easements” refers to the easements that do not yet exist, but that will be created, pursuant to Section 6.0 of these Consent Orders.

**4.5 Public Access Trail.** The “Public Access Trail” refers to a public pedestrian and equestrian trail that may be constructed and improved in the future by the easement holder. The Public Access Trail shall be located within the Corrected Public Access Easements.

**4.6 Restoration Area.** The Restoration Area comprises all areas on the Property on which the Restoration Plan, described in Section 5, is to be implemented, and all areas upon which the restoration will occur in order to address the effects of Unpermitted Development which occurred on the Property. Exhibit A to these Consent Orders includes depictions of areas of “Passive Restoration” and “Active Revegetation”, both of which are included in the Restoration Area.

**4.7 Saddle Peak Trail.** Exhibit A depicts the general location of the Saddle Peak Trail on the Property, which is a trail on private property used by Respondents, which Respondents believe is a private trail<sup>2</sup>, and not located within the existing public easements referred to in Section 1.4 of these Consent Orders, or the new easements and trail defined in Sections 4.4 and 4.5. Pursuant to Section 5.4 and 5.5 of the Consent Orders, the Saddle Peak Trail will be restored to the topography that existed before the Unpermitted Development occurred and revegetated, consistent with these Consent Orders.

**4.8 Unpermitted Development.** The capitalized phrase “Unpermitted Development,” as used in these Consent Orders, refers to all development, as that term is defined in PRC § 30106, that required a coastal development permit but for which no coastal development permit was obtained, that occurred within the area generally depicted as the Restoration Area on Exhibit A to these Consent Orders, and includes but is not necessarily limited to the following activities: grading of slopes for construction and expansion of private trails; grading and deposition of fill to install and cover shipping or storage containers; construction of a foot-bridge<sup>3</sup>; placement of all shipping or storage containers; placement of an approximately 50-foot diameter circular stone configuration placed on the ground, which Respondents describe as a “labyrinth”; and the removal of major vegetation.

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<sup>2</sup> The Commission takes no position on whether there are any public rights to the Saddle Peak Trail

<sup>3</sup> The Commission is not asserting when the footbridge was installed. Respondents assert that the footbridge was installed prior to their ownership.

**4.9 Passive Revegetation Areas.** Areas on the Property where only limited grading and planting shall occur pursuant to Sections 5.4 and 5.5 of these Consent Orders. The Passive Revegetation Areas are shown on Exhibit A to these Consent Orders.

5.0 RESTORATION PLAN

5.1 GENERAL PROVISIONS

A. Within 90 days of issuance of these Consent Orders, Respondents shall submit, for the review and approval of the Commission's Executive Director ("Executive Director"), a plan to restore the Property impacted by the Unpermitted Development ("Restoration Plan"). The Restoration Plan shall address all of the Unpermitted Development specifically described in Section 4.8. The Restoration Plan shall include the following elements and requirements describing the measures that will be taken by Respondents to achieve the following:

- (1) implementation of measures to prevent erosion ("Erosion Control Plan");
- (2) removal of all physical items placed or allowed to come to rest on the Property as a result of the Unpermitted Development ("Removal Plan");
- (3) restoration of the Property's topography as closely as possible to the topography that existed prior to the Unpermitted Development ("Remedial Grading Plan");
- (4) restoration of habitat in areas where Unpermitted Development occurred ("Revegetation Plan"); and
- (5) execution of monitoring and contingency plans to ensure successful implementation of the restoration efforts ("Monitoring Plan").

B. The Restoration Plan shall include a specific description of all activities that are proposed, including all proposed removal activities, in accordance with Section 5.3; all proposed remedial grading, in accordance with Section 5.4; and all proposed restoration of habitat, including all proposed revegetation activities, in accordance with Section 5.5.

C. The Restoration Plan shall be prepared by a qualified restoration ecologist(s) or resource specialist(s) ("Specialist"), and the Remedial Grading and Removal Plans shall be approved by a licensed geotechnical engineer(s) or other qualified professional(s) ("Engineer"). Prior to the preparation of the Restoration Plan, Respondents shall submit for the Executive Director's review and approval the qualifications of the proposed Specialist and Engineer, including a description of the proposed Specialist's and Engineer's educational background, training and experience. 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.



D. The Restoration Plan shall include an estimated schedule/timeline of activities covered in the Restoration Plan consistent with the deadlines in these Consent Orders, the procedures to be used, and identification of the parties who will be conducting the restoration activities. The schedule/timeline of activities shall specify that the construction of the erosion control features, removal work, and remedial grading work shall take place only during the dry season (April 1-November 1). However, pursuant to the provisions of Section 17.0, below, if the Executive Director determines that extension of such deadline would not result in impacts to water quality and sensitive habitat, such as if it is demonstrated that work would not contribute to erosion, no measureable rainfall is expected, and work can be completed before next rainfall, this period may be extended for a period to be reviewed and approved by the Executive Director. The schedule/timeline of activities covered by the Restoration Plan shall be in accordance with the deadlines included in Sections 5.0 through 5.6.

E. The Restoration Plan shall include a detailed description of all equipment to be used. All tools utilized shall be hand tools (except for tools utilized to conduct remedial grading work and removal of the shipping or storage containers) unless the Specialist and/or Engineer demonstrates to the satisfaction of the Executive Director that mechanized equipment is needed and will not significantly impact resources protected under the Coastal Act, including, but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation. These Consent Orders do not authorize the use of mechanized equipment in Passive Revegetation Areas. If the use of mechanized equipment is proposed, the Restoration Plan shall include limitations on the hours of operation for all equipment and a contingency plan that addresses: (1) impacts from equipment use, including disruption of areas where revegetation will occur, and responses thereto; (2) potential spills of fuel or other hazardous releases that may result from the use of mechanized equipment and responses thereto; (3) any water quality concerns; and (4) the presence of any bird protected by any state or federal law, through provisions, including surveys, and if any such birds are located, measures to ensure that use of mechanized equipment does not impact these birds. 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.

F. The Restoration Plan shall identify the location of the disposal site(s) for the disposal of all materials removed from the Property 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, if any, must be disposed of at a suitable licensed disposal facility.

G. The Restoration Plan shall identify the Restoration Area, which shall be generally consistent with the area depicted on Exhibit A. The Restoration Area shall include all areas impacted by the Unpermitted Development, including, but not limited to, the areas upon which the grading and vegetation removal occurred, and where the shipping or

storage containers and any debris piles were placed, as well as any areas on which the staging of restoration-related equipment is proposed. 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, pursuant to Section 5.6, below.

H. Respondents shall complete implementation of each phase of the Restoration Plan within the schedule specified therein, and by the deadlines included in Sections 5.0 through 5.6 of these Consent Orders, unless there are circumstances beyond the Respondents' control in implementing the plans or other requirements in the Consent Orders require delay, in which case Respondents shall request an extension of deadlines pursuant to Section 17, below. Respondents shall complete all work described in the Removal, Remedial Grading, and Revegetation Plans within no more than 120 days of the date of the Executive Director's letter to Respondents approving the Restoration Plan.

I. Within 30 days of the completion of the work described in each subcomponent of the Restoration Plan (the Erosion Control Plan (Section 5.2), the Removal Plan (Section 5.3), Remedial Grading Plan (Section 5.4), and Revegetation Plan (Section 5.5)), Respondents shall submit, according to the procedure set forth under Section 5.6, a written report, prepared by a qualified Specialist, for the review and approval of the Executive Director, documenting all restoration work performed on the Property.

## 5.2 EROSION CONTROL PLAN

A. As part of the Restoration Plan, Respondents shall include an Erosion Control Plan, prepared by a Specialist and/or Engineer who is approved pursuant to Section 5.1.C. The Erosion Control Plan shall address ground disturbance caused by the Unpermitted Development and during any construction or restoration activities and during the establishment of the vegetation planted pursuant to Section 5.5.

B. The Erosion Control Plan shall indicate that all 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, 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 15 days of the date of the Executive Director's letter to Respondents approving the Restoration Plan and prior to conducting any removal or grading activities pursuant to these Consent Orders. Additionally, in those areas where erosion control measures may be immediately necessary, Respondents shall install said measures in a timely manner so as to avoid further resource impacts.

### 5.3 REMOVAL PLAN

A. Also as part of the Restoration Plan, Respondents shall include a Removal Plan to govern the removal and offsite disposal of all physical items placed or allowed to come to rest on the Property as a result of Unpermitted Development required to be removed pursuant to these Consent Orders, including but not limited to: fill and debris piles, and all shipping or storage containers. The Removal Plan shall demonstrate that Respondents shall remove all interim erosion control measures, including but not limited to: plastic netting, stakes, sandbags, and plastic and sand dispersed from sandbags, that were placed on the Property prior to the date of these Consent Orders.

B. The Removal Plan shall include a site plan showing the location and identity of all items or materials that were placed or came to rest on the Property as a result of Unpermitted Development to be removed from the Property. The Removal Plan shall ensure that all locations of unpermitted development are depicted consistent with the definitions contained in Section 4.0.

C. The Removal Plan shall indicate that removal of the physical items which resulted from the Unpermitted Development shall occur consistent with the requirements of these Consent Orders, including the Remedial Grading Plan and Revegetation Plan in Sections 5.4 and 5.5.

D. The Removal Plan shall indicate that removal activities shall not disturb areas outside the Restoration Area, to the maximum extent possible. 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.

E. The Removal Plan shall indicate that Respondents shall commence removal of the physical items placed or allowed to come to rest on the Property as a result of the Unpermitted Development by commencing implementation of the Removal Plan within

no more than 35 days of the date of the Executive Director's letter to Respondents approving the Restoration Plan. Respondents shall complete removal of the physical items placed or allowed to come to rest on the Property as a result of the Unpermitted Development within 30 days of commencing removal.

#### 5.4 REMEDIAL GRADING PLAN

A. As part of the Restoration Plan, Respondents shall include a Remedial Grading Plan. The Remedial Grading Plan shall have as its goal the restoration of the Property to the topography which existed before the Unpermitted Development occurred, while minimizing the size of the area and the intensity of the impacts associated with any proposed remedial grading and ensuring that the stability of the site is not reduced from the condition that existed prior to the Unpermitted Development. If historic data or topographical maps are not available for this location, Respondents shall propose an approximation of the topography which existed prior to the Unpermitted Development based on undisturbed slopes in the area, for the review and approval of the Executive Director. If such approach is used, the Engineer shall submit in writing that the proposed approximation is the most accurate depiction of what the topography looked like prior to the occurrence of Unpermitted Development.

B. The Remedial Grading Plan shall demonstrate how the proposed remedial grading will restore the Property to the topography that existed before the Unpermitted Development occurred with the exception that within the Passive Revegetation Areas, grading shall: (1) only occur to address erosion and the removal of sidecast material (2) shall be conducted using hand tools only; and (3) shall not impact native habitat which has naturally reestablished. 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 Property before and after the grading disturbance which resulted from the Unpermitted Development. The Remedial Grading Plan shall identify the source and date of the data that produced the pre- and post-disturbance topography.

C. If the Engineer determines that alterations to the topography which existed prior to the Unpermitted Development are necessary to: (1) prevent erosion across the Property; (2) ensure the successful restoration of the habitat on the Property; and/or (3) allow for feasible use of the Public Access Trail and Saddle Peak Trail, consistent with these Consent Orders, the Remedial Grading Plan shall depict the changes to the original topography which are determined to be necessary. The Remedial Grading Plan shall include a narrative report that explains the justification for needing to alter the topography from the original contours.

D. The Remedial Grading Plan shall indicate that the areas of the site and surrounding areas that are currently undisturbed shall not be disturbed by the activities described in the Remedial Grading Plan.

E. The Remedial Grading Plan shall indicate that Respondents shall commence implementation of the Remedial Grading Plan within 15 days after final implementation of the Removal Plan. Respondents shall complete remedial grading within 30 days of commencing implementation of the Remedial Grading Plan.

## 5.5 REVEGETATION PLAN

A. As part of the Restoration Plan, Respondents shall include a Revegetation Plan, which identifies all areas which have been impacted by Unpermitted Development and outlines the measures necessary to revegetate all areas of the Property from which native vegetation was disturbed or removed as a result of Unpermitted Development. These Consent Orders do not require revegetation to occur within the Passive Revegetation Areas with the exception of: (1) installation of container plants and/or dispersal of native seeds in areas that consist of bare soil and are not vegetated; and (2) installation of container plants and/or dispersal of native seeds where necessary to ensure the Passive Revegetation Area will meet the performance standards established pursuant to Section 5.5.F within the corresponding monitoring period.

B. The Revegetation Plan shall include detailed descriptions, including graphic representations, narrative reports, and photographic evidence as necessary, of the vegetation in the Restoration Area prior to any Unpermitted Development and the current vegetation on the Property. The Revegetation Plan shall demonstrate that the areas impacted by the Unpermitted Development will be restored using plant species endemic to and appropriate for that area of the site, including chaparral and riparian plant species of the Santa Monica Mountains. The Specialist shall recommend removal of non-native plants outside the Restoration Area if they determine that such non-native plants could impact or limit the success or the establishment of native plants within the Restoration Area.

C. The Revegetation Plan shall be based on multiple 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 Property, and shall include coastal prairie, coastal sage scrub, and chaparral habitats. The Revegetation Plan shall include a detailed description of the Reference Site including rationale for selection, location, and species composition. The Reference Site shall be located as near as feasibly 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. Based on these goals, the Revegetation Plan shall identify the species that are to be planted (plant "palette"), and provide a rationale for and description of the size and number of container plants and the rate and method of seed application. The Revegetation Plan shall indicate that plant propagules must come from local native stock. If plants, cuttings, or seed are obtained from a nursery, the

nursery must certify that they are of local origin and are not cultivars, and the Revegetation Plan shall provide specifications for preparation of nursery stock (e.g., container size & shape to develop proper root form, hardening techniques, watering regime, etc.). Technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.) shall also be included.

D. The Revegetation Plan shall address all areas on the Property impacted by the Unpermitted Development as generally depicted on Exhibit A. The Revegetation Plan shall include a detailed description of the methods that will be used to restore the habitats on the Property to a condition consistent with the performance standards established by these Consent Orders. The Revegetation Plan shall state the methods that will be used to aerate the soil compacted by the Unpermitted Development. The Revegetation Plan shall explain how the proposed approach will result in native vegetation on the Property with a similar plant density, total cover and species composition to that of the Reference Site, within 5 years from the initiation of revegetation activities.

E. 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; (4) the location of the Reference Site; and (5) the location of photograph sites that will provide reliable photographic evidence for annual monitoring reports, as described in Section 5.6.B herein.

F. The Revegetation Plan shall include a detailed explanation of the performance standards that will be used to determine the success of the restoration for each respective native habitat type. These performance standards will be based on the Reference Site for each respective native habitat type. The performance standards shall identify that "x" total percent cover of the appropriate native habitat shall be present, that "y" percent cover of the top two or three dominant species identified in the appropriate habitat shall be present, and that "z" total species of the appropriate native habitat shall be present. The performance standards shall identify that no woody non-native species shall be present, and no more than 5 percent total cover of non-woody, non-native, invasive species shall be present. Within the maximum 5 foot wide area of the Saddle Peak Trail and Public Access Trail the performance standards shall require that vegetation will consist of native species found in coastal prairie and/or coastal sage scrub, and that occur within the surrounding habitats. Within the maximum 5 foot wide area of the Saddle Peak Trail and Public Access Trail, the performance standards may allow for a greater abundance of low-stature, hardy native species to account for pedestrian and equestrian use of the trails. In all other areas outside the Saddle Peak Trail and Public Access Trail, the performance standards shall require that the vegetation will consist of native species found in coastal sage scrub and/or chaparral habitats and that occur within the surrounding habitats. The methods used to determine whether the restoration meets the performance standards shall be described in sufficient detail to enable an independent specialist to duplicate it.

G. The Revegetation Plan shall include a schedule for installation of plants in and removal of non-native plants from the Restoration Area. Respondents shall remove, at a schedule defined in the Restoration Plan, invasive plant species to ensure they do not persist in the Restoration Area. If the planting schedule requires planting to occur at a certain time of year beyond the deadlines set forth herein in order to achieve optimal growth of the vegetation, the Executive Director may, at the written request of Respondents, extend the deadlines as set forth in Section 17.0 of these Consent Orders. The Revegetation Plan shall demonstrate that all non-native vegetation within the areas subject to revegetation, in addition to those areas that are identified as being subject to disturbance as a result of the removal of physical items placed or allowed to come to rest as a result of any Unpermitted Development, remedial grading and revegetation activities, will be eradicated prior to any remedial grading and revegetation activities on the Property.

H. The Revegetation Plan shall specify the methods to be used during and after restoration to stabilize the soil and make it capable of supporting native vegetation. 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.

I. 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. Respondents shall use the minimum amount of artificial inputs, such as irrigation, fertilizer or herbicides, necessary to support the establishment of the plantings for successful restoration. No permanent irrigation system is allowed in the Restoration Area; however, temporary above ground irrigation to provide for the establishment of the plantings is allowed for a maximum of three years or until the revegetation has become established, whichever occurs first. If, after the three-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 the duration of the proposed extension.

J. The Revegetation Plan shall indicate that Respondents shall commence revegetation by implementing the Revegetation Plan within no more than 80 days of the date of the Executive Director's letter to Respondents approving the Restoration Plan. Respondents shall complete revegetation of the property within 30 days of implementation of the Revegetation Plan.

## 5.6 MONITORING PLAN

A. As part of the Restoration Plan, Respondents shall include a Monitoring 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 area. The Monitoring Plan shall specify that



the restoration Specialist shall conduct at least four site visits annually for the duration of the monitoring period set forth in Section 5.6.B, at intervals specified in the Restoration Plan, for the purposes of inspecting and maintaining, at a minimum, the following: all erosion control measures; non-native and invasive species eradication; trash and debris removal; original and/or replacement plantings. Monitoring and maintenance activities shall be conducted in a way that does not impact habitat on the Property or adjacent properties. Any such impacts shall be addressed in the appropriate annual report required pursuant to Section 5.6.B, and shall be remedied by the Respondents to ensure successful remediation.

B. The Monitoring Plan shall indicate that Respondents shall submit, on an annual basis and during the same one-month period each year (no later than December 31st of the first year), for five years from the date of completion and implementation of all elements of the Revegetation Plan, according to the procedure set forth under Section 8.0, a written report, for the review and approval of the Executive Director, prepared by a qualified Specialist, evaluating compliance with the approved Restoration Plan. The annual reports shall include notes from the Specialist's periodic inspections and recommendations and requirements for additional restoration activities, as necessary, in order for the project to meet the objectives of the Restoration Plan. These reports shall also include photographs taken annually, at the same time of year, from the same pre-designated locations (as identified on the maps submitted pursuant to Section 5.5.E) indicating the progress of recovery in the Restoration Area. 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 24.0 of these Consent Orders.

C. The Monitoring Plan shall indicate that 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 has failed to meet the goals and/or performance standards specified in the Restoration Plan, Respondents shall submit a revised or supplemental Restoration Plan for review and approval by the Executive Director. The revised Restoration Plan shall be prepared by a qualified Specialist, and shall specify measures to correct those portions of the remediation that have failed or are not in conformance with the original approved Restoration Plan. The Executive Director will then determine whether the revised or supplemental restoration plan must be processed as a coastal development permit, a new Restoration Order, or a modification of these Consent Orders. After the revised or supplemental 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 in coordination with the Executive Director until the goals of the original approved Restoration Plan have been met. Following Respondents fully implementing the revised Restoration Plan, the duration of the monitoring period, as set forth in Section 5.6.B, 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 reporting periods.



D. At the end of the five-year monitoring period (or other duration, if the monitoring period is extended pursuant to Section 5.6.C), Respondents shall submit, according to the procedure set forth under Section 8.0, a final detailed report prepared by a qualified Specialist for the review and approval of the Executive Director. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations (as identified on the maps submitted pursuant to Section 5.5.E) documenting implementation of the respective components of the Restoration Plan, as well as photographs of the Property before the work commenced and after it was completed. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the requirements of the approved Restoration Plan, Respondents shall submit a revised or supplemental Restoration Plan, in accordance with the requirements of Section 5.6.C of these Consent Orders, and the monitoring program shall be revised accordingly.

## 6.0 TRAILS PLAN AND DEDICATION OF PUBLIC ACCESS EASEMENTS

In coordination with the Mountains Recreation and Conservation Authority ("MRCA"), Respondents shall prepare a plan pursuant to the requirements of this section (the "Trails Plan") and shall execute and record easement deeds to dedicate the Corrected Public Access Easements to the MRCA based on the approved version of the Trails Plan and Section 6.6, below. By signing these Consent Orders, Respondents affirm that they have obtained the legal ability to cause the owner of the property currently designated with APN 4438-039-014 to record the Corrected Public Access Easements, and that the Respondents will take the actions necessary to ensure the recordation occurs.

6.1 The Trails Plan shall be (a) prepared by a licensed professional with experience in trail construction; (b) based upon MRCA's determination of where the Corrected Public Access Easements and Public Access Trail shall be located, consistent with Section 6.3 and 6.4 of these Consent Orders<sup>4</sup>; (c) approved by the MRCA and (d) thereafter, but still within 180 days of issuance of these Consent Orders, submitted for the review and approval of the Executive Director. The Trails Plan shall be designed to delineate the location of: (1) the Public Access Trail, for areas between points A and B on Exhibit A to these Consent Orders; and (2) the Corrected Public Access Easements; such that they are consistent with the requirements below and the other requirements of these Consent Orders. The Public Access Trail shall be a 5 foot wide, natural surface, public pedestrian and equestrian trail that blends seamlessly with the natural environment and topography as much as possible, and reduces impacts to sensitive habitat in the vicinity of the trail.

6.2 The Trails Plan shall include a topographic map with contours at 2 foot intervals, for the length of the Corrected Public Access Easements. The map shall include a depiction of: the locations of trails that are currently present on the Property; the locations of the Public Access Trail for areas between points A and B, and the Corrected Public Access

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<sup>4</sup> Respondents have received a letter from MRCA dated May 22, 2015 indicating that they intend to complete its determination of the location of the Corrected Public Access Easements within 120 days of issuance of these Consent Orders.

Easements, and the general location of the Saddle Peak Trail after native vegetation has established pursuant to Section 5.5.B; the locations of areas that will not be returned to the topography that existed prior to the Unpermitted Development pursuant to Section 5.4.C; parcel lines; and existing trail easements on adjacent parcels.

6.3 The Trails Plan shall designate the location of the Public Access Trail for areas between points A and B. Where doing so would maximize the protection of habitat and advance public access, the Public Access Trail may be sited within the area of disturbance of the existing unpermitted trails. The Trails Plan shall include a narrative that explains how the proposed trail corridor is consistent with the requirements of the Restoration Plan and the Trails Plan.

6.4 In recognition of the issues with the location of the existing public trail easements on the Property (traveling from the northwest to southeast corners of the lot) and on the southwest corner of the adjacent property to the east (currently designated as APN 4438-039-014), the Trails Plan shall delineate the alignment of the Corrected Public Access Easements that will be created on the Property (between the northwest and southeast portions of the Property) and the adjacent property to the east. The Corrected Public Access Easements shall be: (1) 20 feet wide on the Property, except for the area designated on Exhibit A to these Consent Orders, which shall be 30 feet wide; and (2) 20 feet wide on the property currently designated as APN 4438-039-014. The Corrected Public Access Easements shall be located: (1) no more than 30 feet from the trail, for the portion of the Corrected Public Access Easements that are near the trail that currently exists on the Property; and (2) within the polygon labeled "Limited Area for Placement of Future 20 Foot Easement" on Exhibit B to these Consent Orders, for the portion of the Corrected Public Access Easements located to the east of Point B on Exhibit A to these Consent Orders. Pursuant to Section 19, Respondents shall allow MRCA, upon 24 hours notice, to conduct on-site, field surveys on the Property and the property designated as APN 4438-039-014, to determine the location of the Corrected Public Access Easements so the final trail alignment will allow for pedestrian and equestrian use, and will minimize impacts to sensitive habitat. Respondents shall participate with MRCA in this process to ensure adequate pedestrian and equestrian use of the trail and to ensure impacts to sensitive habitat are minimized.

6.5 The Trails Plan shall also include a sheet, to scale, composed of the most recent and readily available high quality aerial image of the site, but in no case older than 3 years from the date of issuance of these Consent Orders, which has been overlain with the location of trails that currently exist on the Property, and the proposed location of the new Public Access Trail (for areas between points A and B) and Corrected Public Access Easements.

6.6 Within 120 days of the approval of the Trails Plan by the Executive Director, Respondents shall make a direct dedication to the MRCA of public pedestrian and equestrian trail easements, by recording fully executed easement deeds and declaration of restrictions, in a form and content acceptable to the Executive Director, over the

location of the Corrected Public Access Easements as described in Section 6.4. The easements shall prohibit development, as defined in PRC §30106, except for development that has been approved and/or authorized by the Commission or Los Angeles County under applicable law, including the Coastal Act and certified Local Coastal Program, and that consists of the following types of development: (1) habitat restoration; (2) removal of unpermitted development; or (3) construction or maintenance of public hiking and equestrian trails or public access signage by the easement holder. The dedication shall include a formal legal description and graphic depiction of the parcel on which the easements are to be located and a metes and bounds legal description and corresponding graphic depiction prepared by a licensed surveyor of the easement areas. The dedication shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed.

6.7 The Trails Plan shall include provisions (hereinafter "Extinguishment Provisions") for the extinguishment of the existing public access easements (hereinafter, the "Existing Easements") created by the Offers to Dedicate recorded on June 4, 1987 and June 10, 1987 (Instrument Nos. 87-884618 and 87-919179, respectively), and the acceptances of those Offers to Dedicate recorded on June 1, 2006 (Instrument Nos. 06-1199184 and 06-1199187), after the proper recordation of the Corrected Public Access Easements and confirmation that it is running in the chain of title for the subject property and recorded free of prior liens and encumbrances. The Extinguishment Provisions will provide that, in order to obtain Executive Director authorization for the extinguishment of the Existing Easements, following recordation of the Corrected Public Access Easements, Respondents shall provide an updated preliminary report dated after the date of the recordation. After the Respondents demonstrate to the satisfaction of the Executive Director that the Corrected Public Access Easements: (1) have been properly recorded, (2) are recorded free of any and all prior liens and encumbrances that the Executive Director required to be subordinated or eliminated, and (3) are running in the chains of title for both the Property and the property currently designated as APN 4438-039-014), and only then, the Executive Director will authorize the extinguishment of the Existing Easements. MRCA is not a party to these Orders; however, by resolution on November 5, 2014, MRCA authorized the extinguishment of the existing easements contingent upon recordation of new adequate replacement trail easements.

6.8 As part of the Trails Plan, Respondents shall submit a Public Access Signage Plan for the review and approval of the Executive Director. The Public Access Signage Plan shall include the design, size, content, and proposed mountings for at a minimum the following public access signs: (1) a public interpretive sign describing chaparral and coastal sage scrub habitats in the Santa Monica Mountains; (2) a public interpretive sign describing the variety of animals that inhabit coastal sage scrub/chaparral and riparian plant communities in the Santa Monica Mountains; (3) a public interpretive sign describing the historical presence of Native American groups in the Santa Monica Mountains; and (4) public access sign(s) identifying the location of the Public Trail, the location and distance of the nearest public roadways, and with the phrase "Please stay on trail; Respect adjacent private property". The interpretive signs shall provide educational

information regarding the area through photographs, diagrams, and text, and the Public Access Signage Plan shall include references for that information. All public access signs shall display the standard "Coastal Access Logo" and an acknowledgement of the Commission's role in providing the public access signage. Within 90 days of approval of the Trails Plan, Respondents shall complete fabrication of the public access signs and mounting systems. Within 10 days of completion of fabrication of the public access signs and mountings, Respondents shall submit a letter for the review and approval of the Executive Director which confirms that MRCA has received the final manufactured public access signs and mountings.

## 7.0 SUBMITTAL OF AFTER-THE-FACT COASTAL DEVELOPMENT PERMIT APPLICATIONS

### 7.1 Circular Stone Configuration.

A. Within 150 days of the effective date of these Consent Orders, Respondents shall submit to Los Angeles County, and shall not withdraw or impede final action in any way on, a 'complete' coastal development permit application for after-the-fact approval of the circular stone configuration located on the northeast portion of the Property, should they wish to retain it. By agreeing to these Consent Orders, Respondents assert that they are not aware of any materials or structures buried under or in the vicinity of the circular stone configuration.

B. Respondents shall comply with the terms and conditions of any permit issued pursuant to the application submitted under Section 7.1(A), above, within 2 years of final action by Los Angeles County, or by the Commission on appeal.

C. If, within 150 days of the effective date of these Consent Orders, Respondents have not applied to Los Angeles County to retain the Circular Stone Configuration as part of the permit application required by Section 7.1(A), above, then by that same date (150 days after 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 the removal of the circular stone configuration. If the requirement for a plan listed in the prior sentence is triggered, that plan shall be consistent with the provisions set forth in Section 5.0, above.

D. In the event Los Angeles County, or the Commission on appeal, denies the coastal development permit application submitted under this section, or if Respondents do not comply with the permit within 2 years of issuance, Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Revegetation, and Monitoring Plan for the removal of the circular stone configuration and the restoration of any areas impacted by the removal of that development. This Restoration Plan shall be submitted within 90 days of final action on said denial, and shall be consistent with the provisions set forth in Section 5.0, above.

## 7.2 Footbridge.

A. Within 150 days of the effective date of these Consent Orders, Respondents shall submit to Los Angeles County, and shall not withdraw or impede final action in any way on, a 'complete' coastal development permit application for after-the-fact approval of the footbridge currently on the Property located across a tributary to Las Flores Creek, should they wish to retain it. Respondents shall obtain all legally required government approvals, including said approvals from the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and MRCA as the holder of the trail easement.

B. Respondents shall comply with the terms and conditions of any permit issued pursuant to the application submitted under Section 7.2(A), above, within two (2) years of final action by Los Angeles County, or by the Commission on appeal.

C. If, within 150 days of the effective date of these Consent Orders, Respondents have not applied to Los Angeles County to retain the footbridge as part of the permit application required by Section 7.2(A), above, then by that same date (150 days after 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 the removal of the footbridge. If the requirement for a plan listed in the prior sentence is triggered, that plan shall be consistent with the provisions set forth in Section 5.0, above.

D. In the event Los Angeles County, or the Commission on appeal, denies the coastal development permit application submitted under this section, or if Respondents do not comply with the permit within 2 years of issuance, Respondents shall submit, for the review and approval of the Commission's Executive Director, a Removal, Erosion Control, Revegetation, and Monitoring Plan for the removal of the footbridge and the restoration of any areas impacted by the removal of that development. This Restoration Plan shall be submitted within 90 days of final action on said denial, and shall be consistent with the provisions set forth in Section 5.0, above.

## 8.0 NOTICE AND CORRESPONDENCE

All plans, reports, photographs and any other materials required by these Consent Orders shall be sent to:

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

With a copy sent to:  
California Coastal Commission  
Attn: Andrew Willis  
200 OceanGate, Suite 1000  
Long Beach, CA 90802

Unless Respondents provide to Commission staff written confirmation of a change in contact information, all correspondence to Respondents shall be sent to:

Front Runner, LLC  
5310 Beethoven Street  
Los Angeles, CA 90066

With a copy sent to legal counsel:  
Thomas D. Roth  
Law Offices of Thomas D. Roth  
One Market, Spear Tower  
Suite 3600  
San Francisco, California 94105

#### 9.0 COMPLIANCE WITH LAWS

All work to be performed under these Consent Orders shall be done in compliance with all applicable laws.

#### 10.0 RECORDATION OF A NOTICE OF VIOLATION

Respondents do not object to recordation by the Executive Director of a notice of violation, pursuant to PRC § 30812(b). Accordingly, a notice of violation will be recorded after issuance of these Consent Orders. No later than 30 days after the Commission determines that Respondents have fully complied with these Consent Orders, and has received from Respondents the rescission fee required by the County Recorder's Office, the Executive Director shall record a notice of rescission of the notice of violation, pursuant to PRC § 30812(f). The notice of rescission shall have the same effect as a withdrawal or expungement under Code of Civil Procedure § 405.61.

#### 11.0 DELIVERABLES

The Executive Director may require revisions to deliverables under these Consent Orders, and 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.

#### 12.0 COMMISSION JURISDICTION

The Commission has jurisdiction over resolution of the Coastal Act violations described in Section 4.8 pursuant to PRC §§ 30810 and 30811. In light of the desire to settle these matters, Respondents agree not to contest the Commission's jurisdiction to issue or enforce these Consent Orders.

### 13.0 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 §§ 13181 and 13191 of Title 14 of the California Code of Regulations ("14 CCR") and have agreed not to contest the legal and factual bases, the terms of, 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 July 22, 2010. Specifically, Respondents have agreed not to contest the issuance or enforcement of these Consent Orders at a public hearing or any other proceeding.

### 14.0 EFFECTIVE DATE AND TERMS OF THE CONSENT ORDERS

The effective date of these Consent Orders is the date the Commission votes to issue these Consent Orders. These Consent Orders shall remain in effect permanently unless and until rescinded by the Commission.

### 15.0 FINDINGS

These Consent Orders are issued on the basis of the findings adopted by the Commission at its June, 2015 meeting, 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.

### 16.0 SETTLEMENT/COMPLIANCE OBLIGATION

16.1 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 \$120,000. Respondents shall pay the monetary settlement in 3 payments, with the first payment of \$40,000 made by March, 1, 2016, the second payment of \$40,000 made by December, 1, 2016, and the third payment of \$40,000 made by June, 1, 2017.. The settlement monies shall be deposited in the Violation Remediation Account of the California Coastal Conservancy Fund (see PRC§ 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, for the purpose of conservation and/or preservation of natural habitat and/or public access improvements in the Santa Monica Mountains. The settlement monies shall be submitted to the Commission's San Francisco Office, at the address provided in Section 8.0 to the attention of John Del Arroz of the Commission, payable to the account designated under the Coastal Act, and shall include a reference to these Consent Orders by number.

16.2 In light of the intent of the parties to resolve these matters in settlement, Respondents have agreed to pay a monetary amount of \$100,000 to the Mountains Recreation and Conservation Authority to an account created and designated for the installation and improvement of public hiking and equestrian trails in Las Flores Canyon. Respondents shall pay the monetary settlement in 2 payments, with the first payment of \$50,000 made by September 8, 2015, and the second payment of \$50,000 made by April 1, 2016. At the time of each transmittal, a copy of the transmittal and the \$50,000 check to the Mountains Recreation and Conservation Authority shall be submitted to the Commission's San Francisco Office, at the address provided in Section 8.0 to the attention of John Del Arroz of the Commission.

16.3

A. Within 180 days of the issuance of these Consent Orders, Respondents shall execute and record in the County Recorder's Office for Los Angeles County a grant deed to convey fee title to the 15.82 acre property designated by the Los Angeles County Assessor's Office as Assessor Parcel Number 4438-033-059, in Topanga, Los Angeles County, to the MRCA for habitat conservation and public trail construction. The grant deed shall be conveyed at no cost or expense to MRCA. Such grant deed shall be in a form and content approved by the Executive Director prior to recordation. Within 7 days of recordation, Respondents shall, via written letter pursuant to Section 8.0, confirm that the grant deed has been recorded.

B. The grant of fee title shall be recorded free of prior liens and encumbrances, other than existing easements for roads, trails, and utilities, that the Executive Director determines may adversely affect the interest being conveyed. Any such liens or encumbrances that the Executive Director determines may adversely affect the interest being conveyed shall be extinguished or subordinated simultaneously with the recordation of the grant deed.

C. Within 30 days of recording the grant deed, Respondents shall submit to the Executive Director a copy thereof certified by County Recorder's Office as the version that was recorded and a preliminary report issued by a licensed title insurance company with an effective date that is after the date the grant deed recorded, demonstrating that MRCA is the record owner of the property and that MRCA's title is in priority position with respect to any remaining liens or encumbrances that the Executive Director determined could adversely affect the interest being conveyed.

D. If, after 210 days of the issuance of these Consent Orders, Respondents have not recorded the grant deed required pursuant to Section 16.3.A, Respondents shall pay a monetary settlement in the amount of \$300,000. Respondents shall pay the monetary settlement within 210 days of issuance of these Consent Orders. The settlement monies shall be deposited in the Violation Remediation Account of the California Coastal Conservancy Fund (see PRC§ 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, for the purpose of conservation and/or preservation of natural habitat and/or public access improvements in the Santa Monica Mountains. The settlement monies shall



be submitted to the Commission's San Francisco Office, at the address provided in Section 8.0 to the attention of John Del Arroz of the Commission, payable to the account designated under the Coastal Act, and shall include a reference to these Consent Orders by number.

16.4 Strict compliance with these Consent Orders by all parties subject hereto 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 17.0, will constitute a violation of these Consent Orders and shall result in Respondents being liable for stipulated penalties in the amount of \$500 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 PRC §§ 30820, 30821.6, 30821, and 30822 as a result of the lack of compliance with the Consent Orders and for the underlying Coastal Act violations described herein.

#### 17.0 DEADLINES

Prior to the expiration of any deadline established by these Consent Orders, Respondents may request from the Executive Director an extension of the unexpired deadline. Such a request shall be made in writing at least 10 days in advance of the deadline and directed to the Executive Director in care of John Del Arroz at the address identified in Section 8.0, above. The Executive Director may grant an extension of deadlines upon a showing of good cause, 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, including the potential for time required for other government agencies to process a complete application submitted by Respondents, and for time required for MRCA to determine the location of the Corrected Public Access Easements and Public Access Trail. A violation of deadlines established pursuant to these Consent Orders will result in stipulated penalties, as provided for in Section 16.4, above.

#### 18.0 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.

#### 19.0 SITE ACCESS

A. Respondents shall provide access to the Property to Commission staff and any agency having jurisdiction over the work being performed under these Consent Orders to inspect

the restoration activities and areas potentially affected by the restoration activities at all reasonable times, upon twenty four (24) hours notice, except when the Executive Director determines there is an emergency or no feasible way to provide such notice. Notice shall be provided to the appropriate representative(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 Property on which the violations are located, and on areas of the Property adjacent to the location of the violations to view the areas where development is being performed pursuant to the requirements of these Consent Orders for purposes including, but not limited to, inspecting records, operating logs, and contracts relating to the Property; overseeing, inspecting, and reviewing the progress of Respondents' implementation of the Restoration Plan; and ensuring compliance with the terms of these Consent Orders.

B. Respondents shall provide, within 10 days of the issuance of these Consent Orders, written documentation from the property owner of the adjacent property to the east (currently designated as APN 4438-039-014), that the Respondents, and other parties including Commission staff and MRCA staff, have permission, upon twenty four (24) hours notice to Respondents, to access the property currently designated as APN 4438-039-014 to determine the location of the Public Access Trail and Corrected Public Access Easements, and that they agree not to impede Respondents, Commission staff, or MRCA staff from accessing the property for purposes of determining the location of the Public Access Trail and Corrected Public Access Easements.

## 20.0 GOVERNMENT LIABILITIES

Neither the State of California, the Commission, nor its employees shall be liable for injuries or damages to persons or properties 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.

## 21.0 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 agree not to seek a stay pursuant to PRC § 30803(b) or to challenge the issuance and enforceability of these Consent Orders in a court of law or equity.

## 22.0 SETTLEMENT OF CLAIMS

The Commission and Respondents agree that these Consent Orders settle the Commission's monetary claims for relief from Respondents for the violations of the

Coastal Act described in Section 4.8, above, occurring prior to the date of these Consent Orders and addressed in these Consent Orders (specifically including claims for civil penalties, fines, or damages under the Coastal Act, including under Public Resources Code §§ 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 beyond those defined in Section 4.8 above.

23.0 SUCCESSORS AND ASSIGNS

These Consent Orders shall run with the land binding Respondents and all successors in interest, heirs, assigns, and future owners of the Property. Respondents shall provide notice to any immediate successors, assigns, and potential purchasers of the Property of any remaining obligations under these Consent Orders, including notice that this obligation will require them to do the same with respect to their successors, assigns and potential purchasers of the Property.

These Consent Orders constitute both an administrative order issued to Respondents personally and a contractual obligation between Respondents and the Commission, and therefore shall remain in effect until all terms are fulfilled, regardless of whether Respondents have a financial interest in the Property or any other property in the Coastal Zone.

24.0 MODIFICATIONS AND AMENDMENTS

Except as provided for in Section 17.0, and for minor, immaterial matters subject to agreement between the Executive Director and Respondents, these Consent Orders may be modified or amended only in accordance with the standards and procedures set forth in 14 CCR §§ 13188(b) and 13197.

25.0 APPLICABLE LAW

These Consent Orders shall be interpreted, construed, governed and enforced under and pursuant to the laws of the State of California.

26.0 LIMITATION OF AUTHORITY

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. Failure to enforce any provision of these Consent Orders shall not serve as a waiver of the ability to enforce those provisions or any others at a later time.

Consent Cease and Desist Order No. CCC-15-CD-03

Consent Restoration Order No. CCC-15-RO-03

Page 24 of 24

Correspondingly, Respondents have entered into these Consent Orders and waived their right to contest the factual and legal basis for issuance of these Consent Orders, and the enforcement thereof according to their terms. Respondents have agreed not to contest the Commission's jurisdiction to issue and enforce these Consent Orders.

27.0 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.

28.0 STIPULATION

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

IT IS SO STIPULATED AND AGREED:

Leta Paz  
Leta Paz, Managing Member Front Runner LLC

5-22-15  
Dated

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

Charles Lester, Executive Director

          
Dated





CONSULTANTS:

PROJECT TITLE:

FRONTRUNNER

LOCATION:  
APN 4438-033-012  
TOPANGA  
LOS ANGELES COUNTY

SHEET TITLE:

MAP 1  
RESTORATION  
AREA PLAN  
SHEET 1

Imagery: December 2010  
USGS

DATE: 2015.5.21  
COPYRIGHT 2015 BY RANA CREEK  
IF DRAWING IS NOT 11 X 17 IT IS REDUCED





CONSULTANTS:

PROJECT TITLE:

FRONTRUNNER

LOCATION:  
APN 4438-033-012  
TOPANGA  
LOS ANGELES COUNTY

SHEET TITLE:

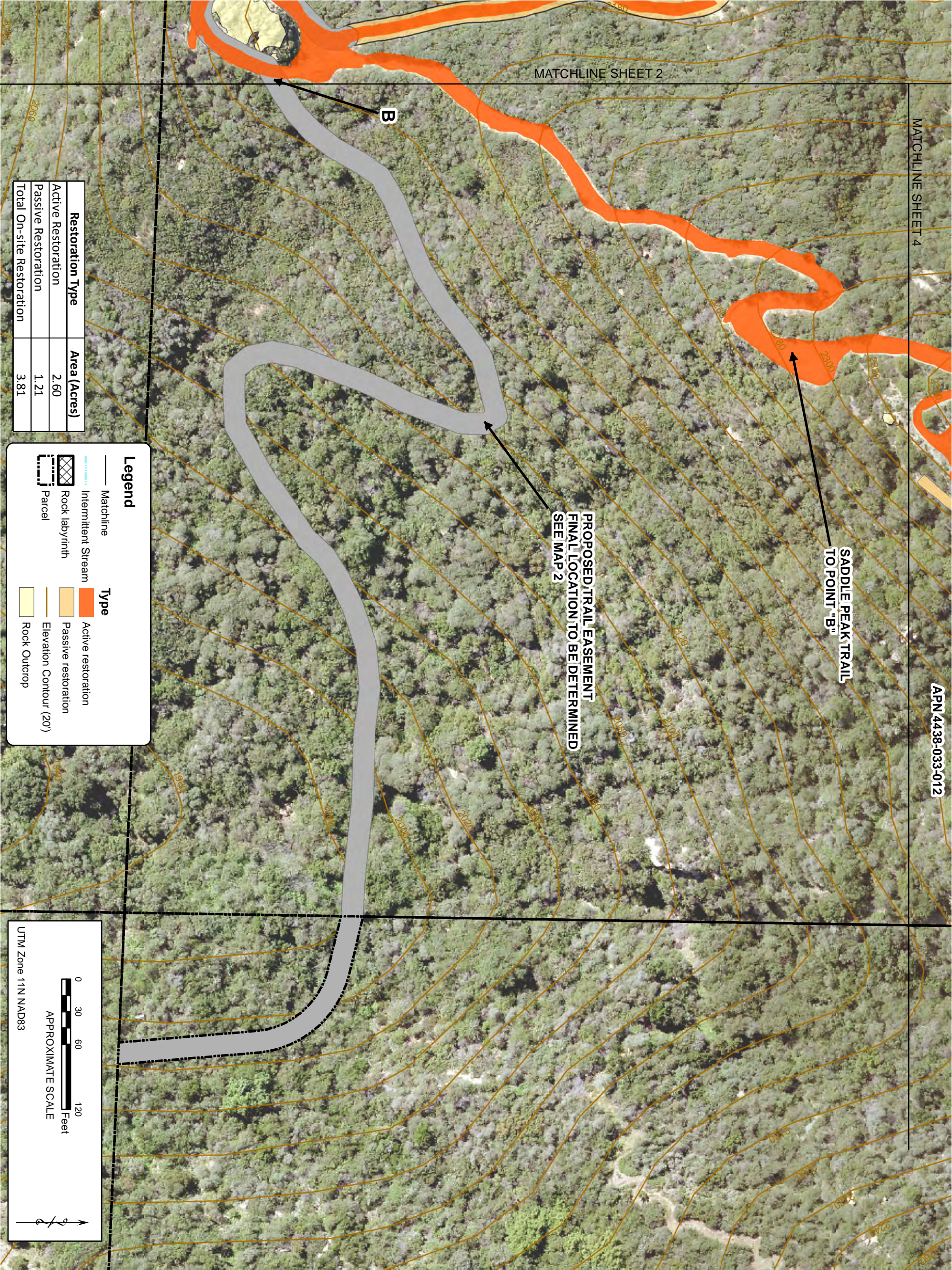
Imagery: December 2010  
USGS

DATE: 2015.5.21

COPYRIGHT 2015 BY RANA CREEK  
IF DRAWING IS NOT 11 X 17 IT IS REDUCED



EXHIBIT A



CONSULTANTS:

PROJECT TITLE:

FRONTRUNNER

LOCATION:  
APN 4438-033-012  
TOPANGA  
LOS ANGELES COUNTY

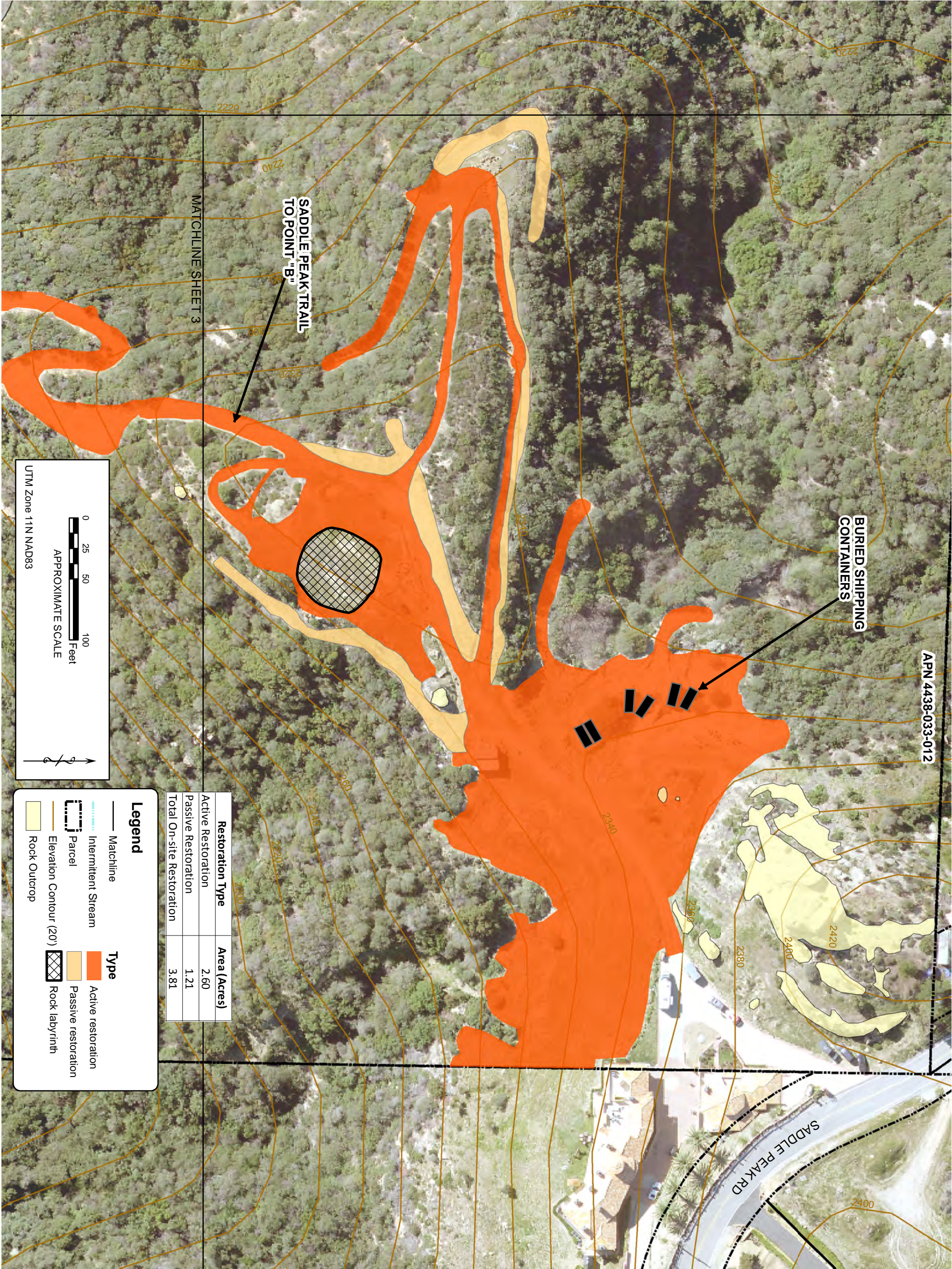
SHEET TITLE:

MAP 1  
RESTORATION  
AREA PLAN  
SHEET 3

Imagery: December 2010  
USGS

DATE: 2015.5.21  
COPYRIGHT 2015 BY RANA CREEK  
IF DRAWING IS NOT 11 X 17 IT IS REDUCED





APN 4438-033-012

Restoration Type	Area (Acres)
Active Restoration	2.60
Passive Restoration	1.21
Total On-site Restoration	3.81

**Legend**

— Matchline

— Intermittent Stream

▭ Parcel

— Elevation Contour (20')

■ Rock Outcrop

Type

■ Active restoration

■ Passive restoration

▤ Rock labyrinth



rana creek

LIVING

ARCHITECTURE

10101e Court Suite C-5

Monterey, CA 93940

info@rchitectureliving.com

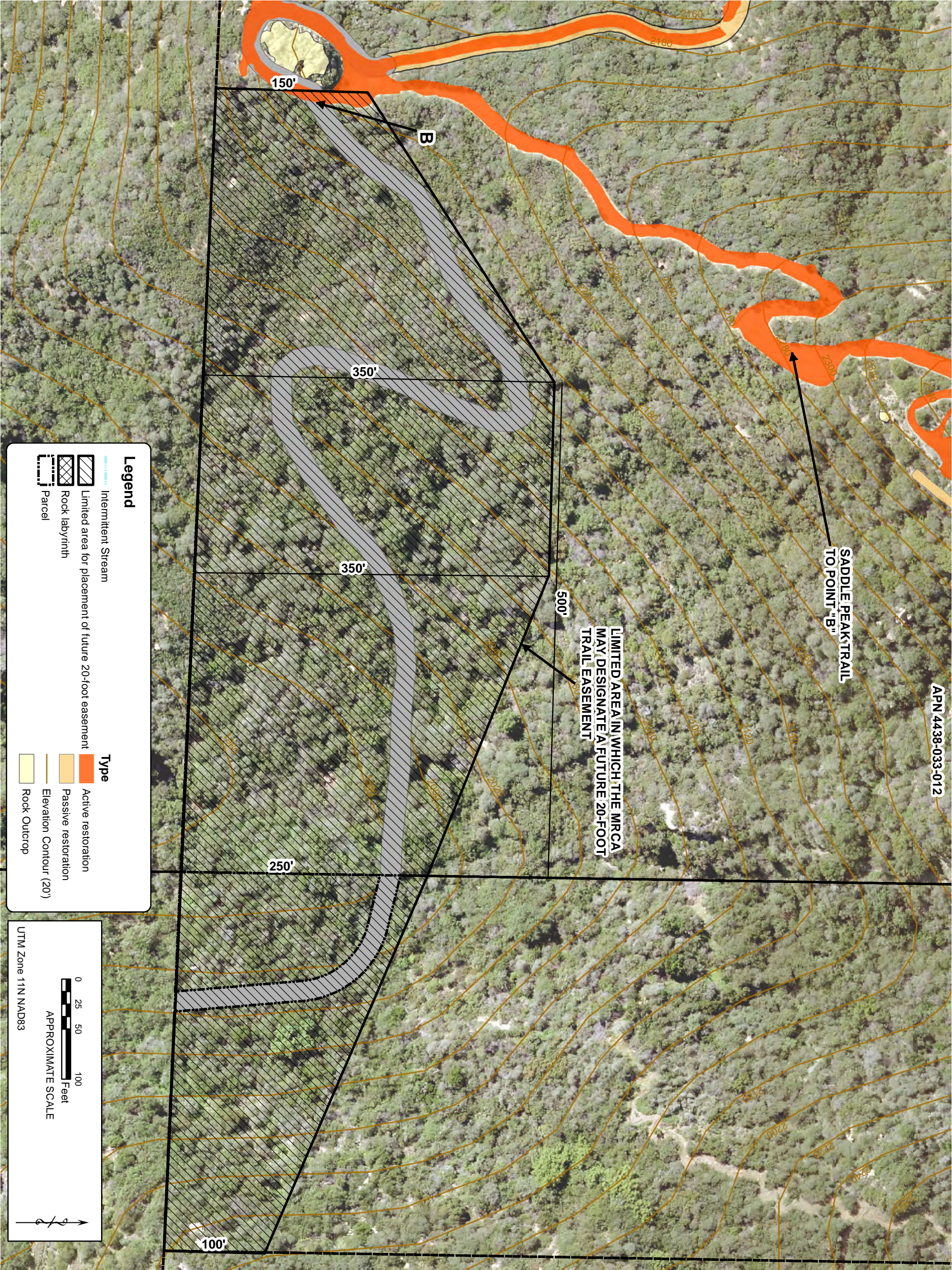
Ph: 831.653.3620

Fax: 831.464.1704

CONSULTANTS:	
PROJECT TITLE:	FRONTRUNNER
LOCATION:	APN 4438-033-012 TOPANGA LOS ANGELES COUNTY
SHEET TITLE:	MAP 1 RESTORATION AREA PLAN SHEET 4
Imagery:	December 2010 USGS
DATE:	2015.5.21
COPYRIGHT 2015 BY RANA CREEK IF DRAWING IS NOT 11 X 17 IT IS REDUCED	



EXHIBIT B



CONSULTANTS:

PROJECT TITLE:

FRONTRUNNER

LOCATION:  
APN 4438-033-012  
TOPANGA  
LOS ANGELES COUNTY

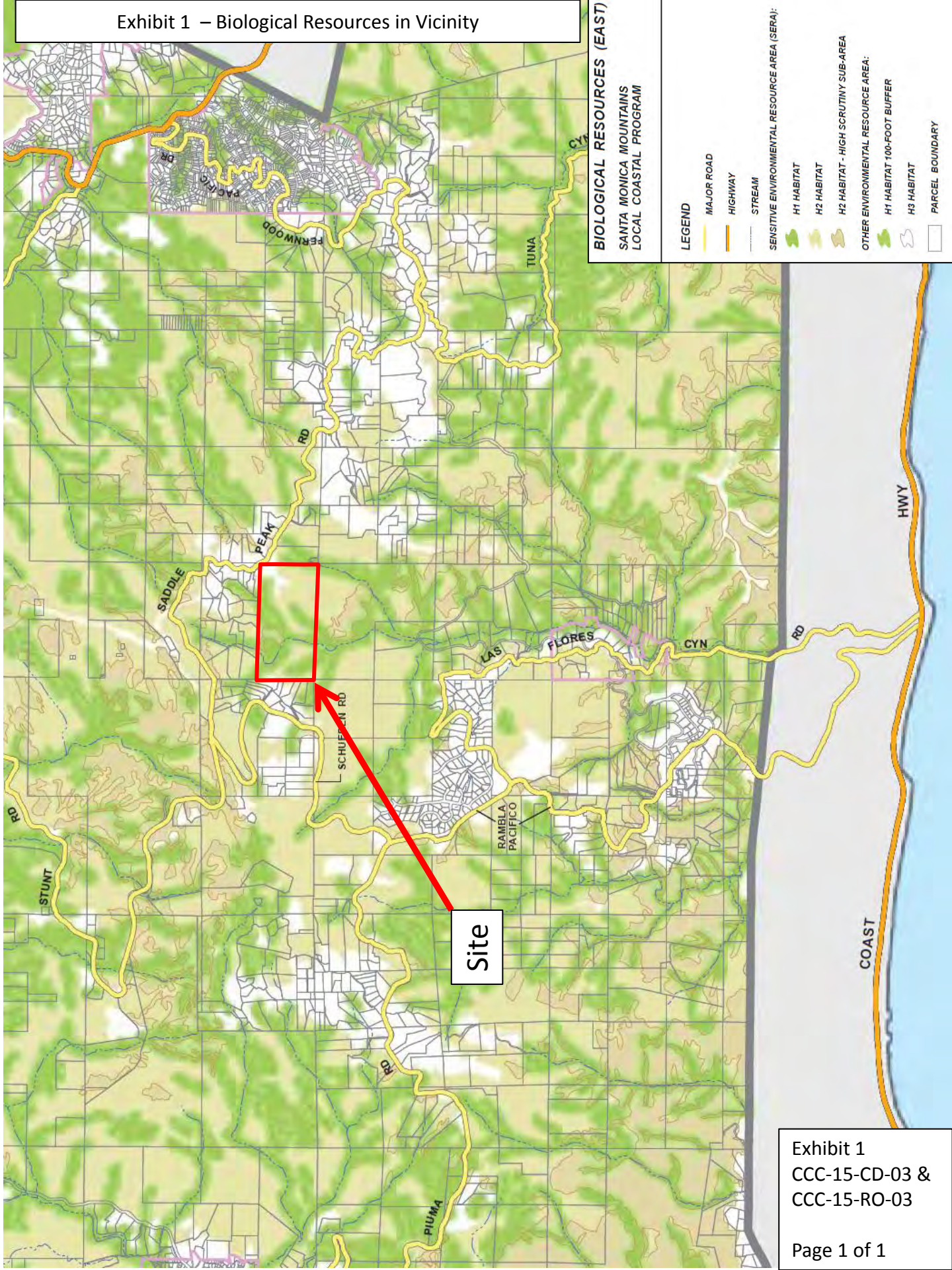
SHEET TITLE:

MAP 2  
DEPICTION OF LIMITED  
AREA IN WHICH THE MRCA  
MAY DESIGNATE A FUTURE  
20-FOOT TRAIL EASEMENT  
SHEET 1

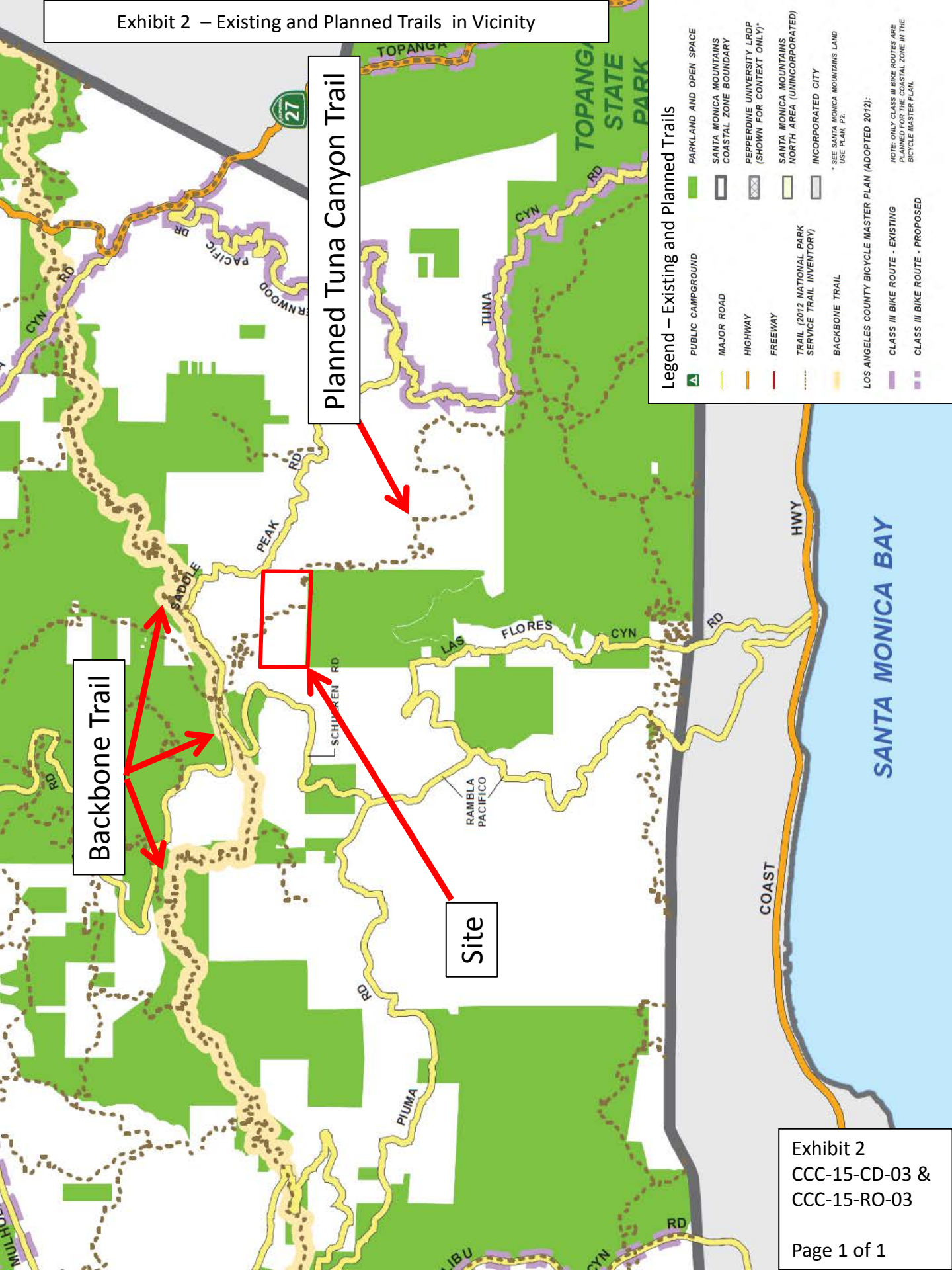
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USGS

DATE: 2015.5.21  
COPYRIGHT 2015 BY RANA CREEK  
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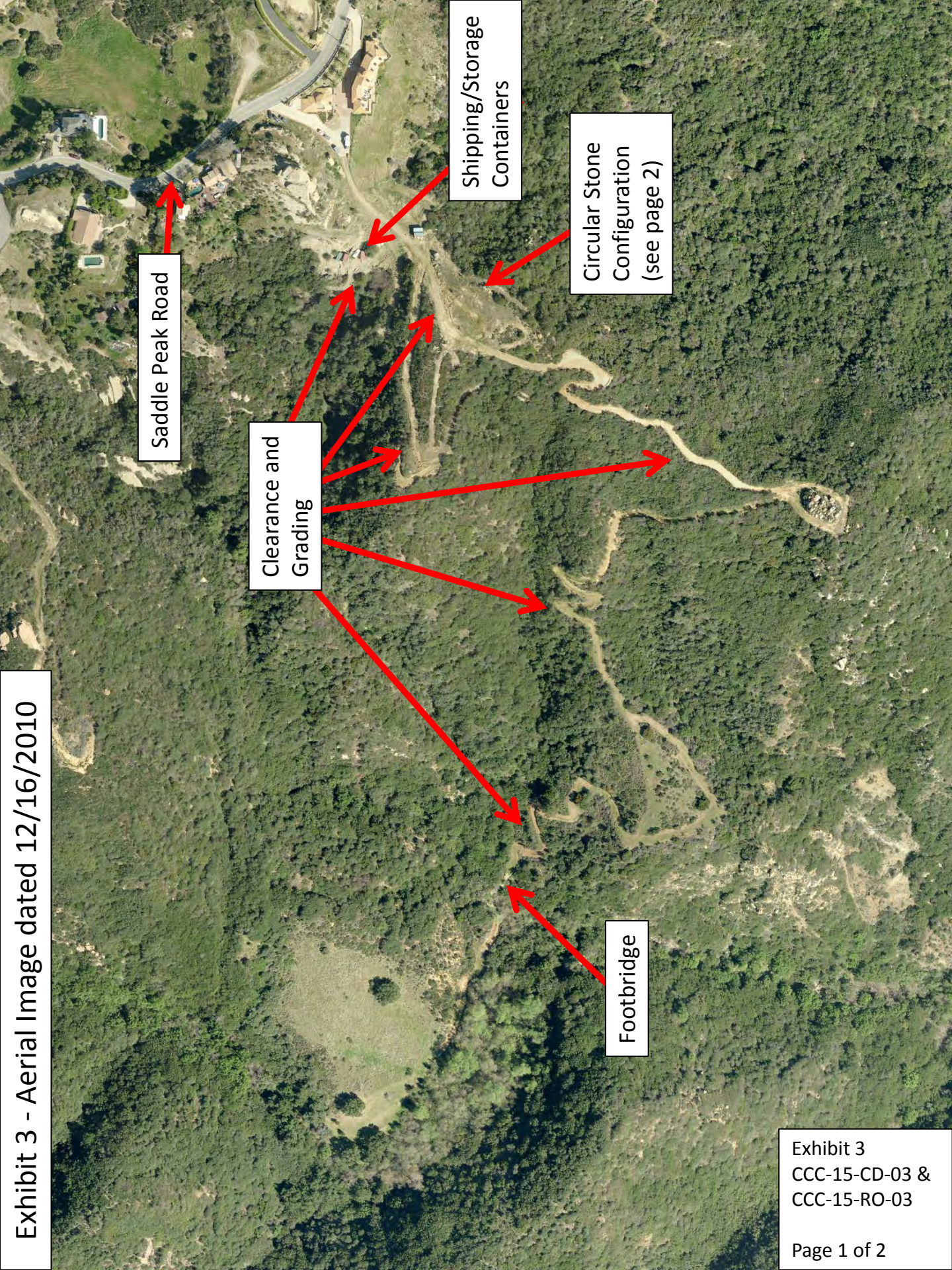












Saddle Peak Road

Shipping/Storage  
Containers

Circular Stone  
Configuration  
(see page 2)

Clearance and  
Grading

Footbridge

Exhibit 3 - Aerial Image dated 12/16/2010

Exhibit 3  
CCC-15-CD-03 &  
CCC-15-RO-03

Page 1 of 2





Circular Stone  
Configuration

Exhibit 3 - Aerial Image dated 01/10/2014

© Pictometry 2000-2014

Exhibit 3  
CCC-15-CD-03 &  
CCC-15-RO-03

Page 2 of 2



7/20/10 View from area near Schueren Road



7/20/10 View from area near Schueren Road





7/20/10 View from area near Schueren Road



7/20/10 Mechanized Equipment Visible from Saddle  
Peak Road



7/22/10 Grading, looking east towards Saddle Peak Road



7/22/10 Placed shipping containers



## Exhibit 4 – Site Visit Photographs



1/5/11 Erosion near shipping containers



7/22/10 Fill covering container structures





7/22/10 Placement of fill and cleared vegetation next to native vegetation



7/22/10 Grading





7/22/10 Grading and cuts into slope



7/22/10 Cleared vegetation placed adjacent to trail





1/5/11 Clearing of vegetation adjacent to trail

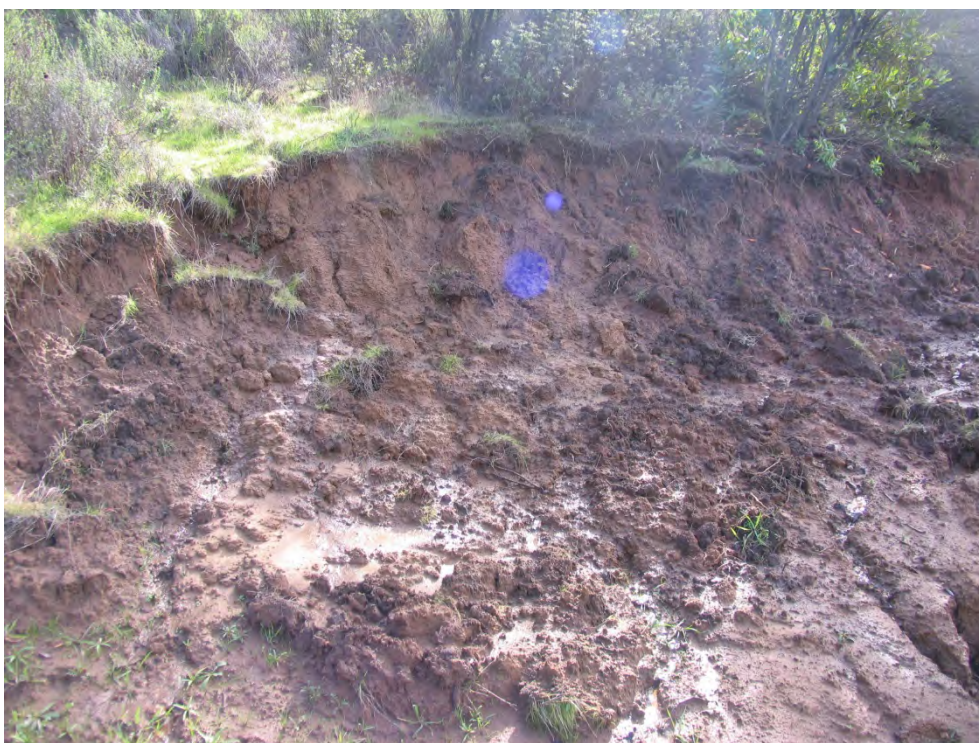


1/5/11 Erosion near trail





1/5/11 Erosion on trail



1/5/11 Erosion near trail





7/22/10 Unpermitted Bridge



7/22/10 Clearance of vegetation

**CALIFORNIA COASTAL COMMISSION**

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



Via Certified and Regular Mail and Electronic Delivery<sup>1</sup>

July 22, 2010

Klee Irwin  
23000 Saddle Peak Rd  
Topanga, Ca 90290  
Certified Mail # 7002 0510 0000 1331 5589

Morphic Science, Inc.  
23000 Saddle Peak Rd  
Topanga, CA 90290  
Certified Mail # 7002 0510 0000 1331 5596

Front Runner, LLC  
23000 Saddle Peak Rd  
Topanga, CA 90290  
Certified Mail # 7002 0510 0000 1331 5602

Morphic Science, Inc.  
c/o Molly Dorton  
23000 Saddle Peak Rd  
Topanga, CA 90290  
Certified Mail # 7002 0510 0000 1331 5619

Morphic Science, Inc.  
5310 Beethoven St.  
Los Angeles, CA 90066  
Certified Mail # 7002 0510 0000 1331 5572

CSC Lawyers Incorporating Service  
2730 Gateway Oaks Dr., Ste 100  
Sacramento, CA 95833  
Certified Mail # 7002 0510 0000 1331 5565

**Subject: Notice Prior to Issuance of Executive Director Cease  
and Desist Order for Violation No. V-4-10-017 and Notice**

<sup>1</sup> Ms. Molly Dorton, acting in her capacity as a representative of Morphic Science, Inc., Front Runner, LLC, and Klee Irwin, asserted to Commission staff that e-mail was the preferred and adequate method of delivery for this notice.

**of Intent to Commence Cease and Desist and  
Restoration Order Proceedings**

Locations: 23000 Saddle Peak Rd, Topanga  
  
Lot with APN 4438-039-014 in Los Angeles County and  
  
Vacant Lot with APN 4438-039-012 in Los Angeles County

Violation Description: Unpermitted grading; removal of native chaparral vegetation; construction of roads and structures in, or adjacent to, a Blue Line Stream designated by the USGS; clearing and removal of riparian vegetation; placement and partial burying of large container structures; destruction of environmentally sensitive habitat.

Dear Morpich Science Inc., Front Runner, LLC, Ms. Dorton, and Mr. Irwin<sup>2</sup>:

Background

The California Coastal Act<sup>3</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 blue-line stream watersheds); 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.

The properties referenced under "Locations" at the top of this letter are within the statutorily defined Coastal Zone and therefore among the properties the Commission is charged to protect. In addition, the Santa Monica Mountains, where these properties are located, are home to 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

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<sup>2</sup> Ms. Molly Dorton represented to Commission staff that she was the representative of the owners of these parcels, including Morpich Science, Inc. She further represented to Commission staff that the property at 23000 Saddle Peak Road was owned by Morpich Science, of which Klee Irwin is the principal officer. She further represented that the adjacent parcel APN 4438-039-012 is owned by Front Runner, LLC, of which Klee Irwin is the sole officer.

<sup>3</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.



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>4</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 discussed below are "especially valuable" under the Coastal Act.

The properties subject to this notice support a contiguous area of chaparral. The majority of the properties, including the area affected by the unpermitted grading and vegetation removal, are comprised of coastal chaparral. Because of their rarity and ecological value, contiguous 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 incredibly fragile and adversely impacted by any form of development.

### Notice

The purpose of this letter is to confirm the oral notification given this morning to Ms. Dorton by Commission staff, Andrew Willis and Aaron Smith, of our intention to issue an Executive Director Cease and Desist Order regarding the unpermitted development referenced above and more specifically described below, and directing you to immediately stop the work described above. In this morning's conversation, Mr. Willis and Mr. Smith also explained to Ms. Dorton that the unpermitted grading, removal of native chaparral vegetation, construction of roads and structures in or adjacent to a Blue Line Stream as designated by the USGS, clearing and removal of riparian vegetation, placement of and partial burying of large container structures, and destruction of environmentally sensitive habitat, all constitute development as defined by the Coastal Act and that the activity was not authorized in a Coastal Development Permit. Mr. Willis and Mr. Smith also identified whom to contact at the Commission to respond to the oral notification. Pursuant to Section 30809 of the Coastal Act, this letter is confirmation of the oral notice provided to Ms. Dorton, on behalf of the property owner, of my intent, as the Executive Director of the California Coastal Commission ("Executive Director"), to:

- 1) issue an Executive Director Cease and Desist Order ("EDCDO") directing you to cease and desist from conducting any further unpermitted development and from undertaking or maintaining any unpermitted development inconsistent with the Coastal

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<sup>4</sup> National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

Act, including, but not limited to unpermitted grading, removal of native chaparral vegetation, construction of roads in or adjacent to a blue line stream, placement of structures adjacent to and crossing a blue line stream, placement and partial burying of large container structures, and destruction of environmentally sensitive habitat, and 2) to commence proceedings for issuance of Cease and Desist and Restoration Orders to restore the subject properties to the conditions that existed prior to the occurrence of the unpermitted development.

The unpermitted development that precipitated this notice includes but may not be limited to unpermitted grading, unpermitted removal of native chaparral vegetation, unpermitted construction of roads in or adjacent to a blue line stream, unpermitted placement and partial burying of large "container" structures, construction of a bridge structure adjacent to and crossing a blue line stream and the unpermitted destruction of ESHA. These activities constitute development as defined by the Coastal Act (§ 30106) and require a Coastal Development Permit ("CDP") before they can legally occur, as is explained below:

Section 30600(a) 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 CDP. "Development" is defined by Section 30106 as follows:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land...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...*

The unpermitted development clearly constitutes "development" within the meaning of the above-quoted definition and therefore is subject to the permit requirement of section 30600(a). A CDP was not issued to authorize the subject unpermitted development.

All activities defined in this section of the Coastal Act require a permit under the Coastal Act when conducted within the Coastal Zone, unless otherwise exempt. These unpermitted development activities are occurring on properties owned by Morpheic Science, Inc. and Front Runner, LLC(hereinafter referred to as "Subject Properties"), which are within the Coastal Zone.

### **History of the Violation Investigation**

On the afternoon of July 8, 2010, Commission staff, in response to complaints from neighbors and residents, investigated potential Coastal Act violations on the Subject Properties. Coastal Commission staff witnessed the grading of roads in riparian and chaparral habitat on properties west of Saddle Peak Road near the intersection of Saddle Peak Road and Stunt Road, on Assessor's Parcel Numbers 4438-039-014 and

4438-039-012, in unincorporated Los Angeles County. From public vantage points, staff observed grading, removal of native chaparral vegetation, construction of roads in and adjacent to a blue line stream, placement and partial burying of storage containers, and destruction of ESHA. After this site visit, Commission staff searched Commission records and determined that no CDP had been applied for or issued for these activities and that the Subject Properties are within the retained permit jurisdiction of the Commission.

On the evening of July 20, 2010, Mr. Aaron Smith, of our staff, visited the site and observed additional grading of roads in and adjacent to a blue line stream, removal of native chaparral, grading, and destruction of ESHA. Because he could not enter the Subject Properties, Mr. Smith posted a "Notice of Violation" (a written notification printed in both English and Spanish) on the gate leading onto the Subject Properties, in our effort to notify you of the violations and in an attempt to stop the work as quickly as possible to prevent further destruction of environmentally sensitive habitat caused by the unpermitted development. The Notice of Violation requested that the property owner contact Mr. Smith before 10 A.M. on July 21, 2010.

On the morning of July 21, 2010 at 9:57 A.M., Ms. Molly Dorton contacted Mr. Smith regarding the Notice of Violation. Ms. Dorton was informed that the grading, removal of native chaparral vegetation, construction of roads in and adjacent to a blue line stream, and destruction of Environmentally Sensitive Habitats constituted development without a required Coastal Development Permit and were therefore violations of the Coastal Act. Ms. Dorton agreed to stop work on all development on the properties. She was informed that any further development, including activities undertaken towards restoration of the site, would require a Coastal Development Permit.

Late on the afternoon of July 21, 2010, staff received reports that road construction work had resumed. The reports indicated a continuation of development after the property owner had received the Notice of Violation, was made aware of the Coastal Act requirements and the fact that such activities were a violation of the Coastal Act, and moreover, had represented to staff that all development would cease.

On the morning of July 22, 2010, Coastal Commission staff members Andrew Willis and Aaron Smith entered the Subject Properties by permission of Ms. Dorton to conduct an evaluation of the development. Staff members observed unpermitted grading, placement and partial burial of large storage containers, construction of roads through chaparral and riparian habitats, cutting and clearing of native vegetation adjacent to the graded road, construction of a bridge adjacent to and crossing a blue line stream, and clearing of native riparian vegetation adjacent to a blue line stream. All of the above referenced development occurred in chaparral and riparian habitats designated as ESHA. The development involving placement of containers, grading, construction of roads, and removal of native vegetation is primarily located on the parcel denoted APN # 4438-039-012. The storage containers are placed on flat areas graded out of the hillside without a permit and from which native vegetation was removed without a

permit. The containers are partially buried by loose fill and the adjacent areas have been cleared of all native vegetation. The road begins at the residence at 23000 Saddle Peak Rd and continues to the bottom of Las Flores Canyon, terminating at Las Flores Creek. There has been extensive excavation into the rock strata adjacent to the road as it winds down Las Flores Canyon. The landform alteration was accomplished by hand and by using a back-hoe and bulldozer. The road ultimately terminates on the east bank of Las Flores Creek. Hand tools, including pickaxes, machetes, and line trimmers were visible adjacent to the creek.

After the tour of the site, Commission staff informed Ms. Dorton of the extent and nature of the violations on the properties and of the necessity for cessation of development activities. Ms. Dorton again represented to staff that all work had ceased. At this time, Commission staff orally notified Ms. Dorton of the Executive Director's Intent to issue an Executive Director Cease and Desist Order, pursuant to Section 30809 of the Coastal Act, as noted above. Ms. Dorton was also informed that the activities constituted development under the Coastal Act, lacked a permit and therefore was a violation of the Coastal Act, needed to be stopped immediately and that failure to do so would potentially give rise to additional penalties, and was told whom at the Commission to contact for further information. She was also informed that the EDCDO would include interim erosion control and restoration orders necessary to minimize the impact of development to ESHA.

The Subject Properties contain oak woodland, chaparral, riparian vegetation, and blue line streams, all of which provide habitat for numerous sensitive plant and animal species. Such habitat areas are protected by a number of the policies of the Coastal Act, including those embodied in Sections 30240 (environmentally sensitive habitat areas), 30236 (alteration of streams), 30230 (marine resources), 30231 (Biological productivity and the quality of coastal waters), and 30233 (wetlands). The unpermitted development has damaged, and will continue to damage these sensitive coastal resources protected by the Coastal Act.

Therefore, because one or more of you have undertaken, and are threatening to undertake, activity that requires a CDP from the Commission without securing a CDP, and to ensure that unpermitted activity ceases and that coastal resources are protected against such unpermitted development, I am commencing these proceeding against you to issue an EDCDO.

### **Executive Director Cease and Desist Order**

Section 30809 of the Coastal Act authorizes the Executive Director to issue an order directing a person to cease and desist if, among other things, that person "has undertaken, or is threatening to undertake, any activity that (1) may require a permit from the [C]ommission." The grading, road construction, and vegetation removal on the Subject Properties constitute development activity that requires a CDP.

Commencement of development without such a permit constitutes a violation of the Coastal Act.

Section 30809(b) of the Coastal Act states:

*The cease and desist order shall be issued only if the person or agency has failed to respond in a satisfactory manner to an oral notice given in person or by telephone, followed by a written confirmation, or a written notice given by certified mail or hand delivered to the landowner or the person performing the activity.*

Section 13180(a) of the Commission's regulations (which are in Title 14, Division 5.5 of the California Code of Regulations) defines the term "satisfactory manner" as that term is used in Section 30809(b) as being "a response which is made in the manner and within the timeframe specified in the notice that **either**:

- 1) provides information sufficient to demonstrate to the satisfaction of the Executive Director that either (A) the activity specified in the notice does not meet the criteria of section 30809(a)... or (B) the person(s) to whom the notice was directed is/are not responsible for the activity; or**
- 2) (A) provides all information concerning the activity requested by the notice, (B) results in an immediate and complete cessation of all work on the project specified in the notice, and (C) includes an agreement by the recipient(s) of the notice, followed by actions which fully carry out such agreement, to comply in the manner and within the timeframe as specified in the notice with any request to undertake measures for the purpose of preventing irreparable injury to the area in which the activity is located.**

**The required manner and timeframe for your response is listed immediately below, along with the required substance. To prevent the issuance of the Executive Director Cease and Desist Order to you, you must submit your response orally and writing by 10:00 AM, July 23, 2010, and it must include:**

1. Written commitment to immediately and completely cease and desist from performing any development, as defined by section 30106, on the Subject Properties, including, but not limited to, grading, removal of major vegetation, or placement of fill, unless authorized by the Commission through a CDP or an Order issued by the Executive Director or the Commission;
2. Oral and written confirmation that all such activities have indeed ceased, and a commitment to perform no further unpermitted development at the Subject Properties. This confirmation should be provided by telephone to Aaron Smith at (805) 585-1812 and followed by a written confirmation faxed to Aaron Smith at (805) 641-1732;

3. Oral and written confirmation that all earth moving equipment including, but not limited to, bulldozers, backhoes, and graders, have been removed from the Subject Properties. This confirmation should be provided by telephone to Aaron Smith at (805) 585-1812 and followed by a written confirmation faxed to Aaron Smith at (805) 641-1732;
4. Written commitment to provide an interim erosion control and restoration plan by 4:00 PM July 26, 2010 to be reviewed and approved by Commission staff. The plan must include:
  - A. Two copies of a proposed interim erosion control plan covering any and all areas of the site where unpermitted development was conducted including, but not limited to, grading, placement and/or burial of storage containers, vegetation removal, and road construction. Such measures shall include, but may not be limited to installation of temporary erosion control measures, such as jute rolls and netting, to ensure, among other things, no sediment leaves the disturbed areas and the creeks and watersheds on and adjacent to the Subject Properties are protected against impacts due to the unpermitted development. The erosion control plan must include a provision that erosion control measures will be monitored several times a day during any rain event to ensure that the measures are working properly. This plan will be reviewed by the Executive Director of the Coastal Commission, and may require amendments pursuant to any comments provided;
  - B. A detailed work schedule. This schedule will be reviewed by the Executive Director of the Coastal Commission, and may require amendments pursuant to any comments provided;
  - C. Two copies of a permanent, comprehensive erosion control plan prepared by a civil engineer. This plan will be reviewed by the Executive Director of the Coastal Commission, and may require amendments pursuant to any comments provided;
  - D. A detailed restoration plan to restore any habitat area damaged by unpermitted development. The restoration plan shall be prepared by a restoration ecologist/resource specialist with expertise in restoring chaparral habitat in the Santa Monica Mountains area. The restoration plan shall address all steps necessary to protect the adjacent creeks and associated habitat, as well as chaparral habitat on the subject properties, and restore the area fully, including restoration of the graded areas and of all vegetation impacted (using a nearby undisturbed ESHA as a comparison site). This plan will be reviewed by the Executive Director of the Coastal Commission, and may require amendments pursuant to any comments provided.

5. Written commitment to implement the approved plans (the interim erosion control plan, the comprehensive erosion control plan, and the restoration plan) pursuant to the approved terms and timetable.
6. An agreement to seek approval through the coastal development permitting process for CDPs for any future development at the Subject Properties.

**If you do not provide a response that satisfies these criteria and immediately cease the unpermitted activities, an EDCDO may be issued to you, the violation of which could subject you to additional penalties.** The Executive Director Cease and Desist Order may be subject to such terms and conditions as the Executive Director may determine are necessary to avoid irreparable injury to any area within the jurisdiction of the Commission pending action by the Commission under Section 30810 and 30811 of the Coastal Act (which grants the Commission the authority to issue its own Cease and Desist and Restoration Orders). The Executive Director Cease and Desist Order shall be effective upon its issuance.

#### **Notice of Intent to Commence Commission Cease and Desist and Restoration Order Proceedings**

I am also notifying you of my intent to commence proceedings for issuance by the Commission of a Cease and Desist and Restoration Order to direct you to cease and desist from undertaking further unpermitted development on the Subject Properties and to restore the Subject Properties to the conditions that existed prior to the occurrence of the unpermitted development.

#### **Cease and Desist Order**

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

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

The Executive Director of the Commission is issuing this notice of intent to commence Cease and Desist Order proceedings to require you to cease and desist from conducting any further unpermitted development and to take actions to ensure compliance with the Coastal Act. The Subject Properties where the unpermitted development occurred are located in the Santa Monica Mountains, at 23000 Saddle



Peak Road and north-adjacent to 23000 Saddle Peak Road, Topanga<sup>5</sup>. The Subject Properties are comprised of moderate to steep sloping hillside terrain, and located in the Las Flores Canyon watershed. Two ephemeral streams exist on the Subject Properties.

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 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 of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land...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...*

The unpermitted development clearly constitutes "development" within the meaning of the above-quoted definition and therefore is subject to the permit requirement of section 30600(a). A CDP was not issued to authorize the subject unpermitted development.

For these reasons, the criteria of Section 30810(a) of the Coastal Act have been met and I am sending this letter to initiate proceedings for the Commission to determine whether to issue a Cease and Desist Order.

Based on Section 30810(b) of the Coastal Act, 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.

#### Restoration Order

Section 30811 of the Coastal Act 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.*

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<sup>5</sup> These notices also apply to both APNs at issue in this matter. See definition of subject properties, above.



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 consisting of grading the properties has occurred.
- 2) This development is inconsistent with numerous resource protection policies of the Coastal Act, including, but not limited to the following:
  - a) Section 30231 (biological productivity and water quality),
  - b) Section 30240 (environmentally sensitive habitat areas or ESHA),
  - c) Section 30236 (water supply and flood control)
  - d) Section 30230 (marine resources),
  - e) Section 30233 (wetlands)
  - f) Section 30251 (scenic and visual qualities), and
  - d) Section 30253 (hazards/geologic stability).
- 3) The unpermitted development is causing continuing resource damage, as defined by Section 13190 of the Commission's regulations. The unpermitted development has impacted the resources listed in the previous paragraph (item number two). Such impacts meet the definition of damage provided in Section 13190(b): "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 existence of the unpermitted development will lead to adverse impacts to this area of the Santa Monica Mountains, including the disruption of sensitive habitat, impacts to the biologic productivity within and water quality of the streams below the graded areas, increases in geologic instability of the properties and surrounding properties, and effects to the scenic qualities of this area.

In addition, the continuation of the unpermitted development, as listed above, will create further adverse impacts to water quality, the scenic and visual qualities of this natural area, ESHA, and would create and/or contribute to erosion of the site and adjacent areas and cause increased instability across the properties. The impacts from the unpermitted development continue to exist at the subject properties; therefore, the damage to resources protected by the Coastal Act is continuing.

For the reasons stated above, I have decided to commence proceedings for a Restoration Order before the Commission in order to restore the Subject Properties to the condition they were in before the unpermitted development occurred.

The procedures for the issuance of Restoration Orders are described in Sections 13190 through 13197 of the Commission's regulations. Section 13196(e) of the Commission's regulations states the following:

*Any term or condition that the Commission may impose which requires removal of any development or material shall be for the purpose of restoring the property affected by the violation to the condition it was in before the violation occurred.*

Accordingly, any Restoration Order that the Commission may issue will have as its purpose the restoration of the Subject Properties to the conditions that existed prior to the occurrence of the unpermitted development described above.

In accordance with Sections 13181(a) and 13191(a) of the Commission's Regulations, you have the opportunity to respond to the Commission staff's allegations 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 Long Beach office (200 Oceangate, 10<sup>th</sup> Floor, Long Beach CA 90802), directed to the attention of Aaron McLendon, no later than August 11, 2010.**

You should be aware that Section 30820(a) 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 violation. 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 each violation persists.

Please note that continued unpermitted development after receipt of a Notice of Violation may constitute a knowing and intentional violation of the Coastal Act. Such violations, as mentioned above, are subject to fines of not less than \$1,000 and not more than \$15,000 for each day in which each violation persists.

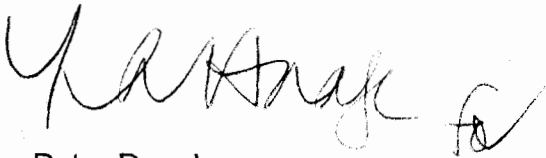
In addition, the Commission may commence an action to record a Notice of Violation against the Subject Properties, pursuant to section 30812 of the Coastal Act.

The Commission staff currently intends to schedule the hearings for the Cease and Desist Order during the Commission's September 2010 meeting in Eureka, California. If you have any questions regarding this letter or the enforcement case please call

Aaron Smith at (805) 585-1812 or Andrew Willis at (562) 590-5071 or via writing at contact 200 Oceangate, 10<sup>th</sup> Floor, Long Beach, CA 90802.

We would like to work with you to resolve these issues amicably and remain willing and ready to discuss options that could involve agreeing to a "consent order". A consent order is similar to a settlement agreement. A consent order would provide you with an opportunity to have input into the process and timing of restoration of the Subject Properties and mitigation of the damages caused by the unpermitted activity, and could potentially allow you to negotiate a penalty amount with Commission staff in order to resolve the complete violation without any further formal legal action. If you are interested in discussing the possibility of a consent order, please contact or send correspondence to the attention of Aaron McLendon, at (562) 590-5071 or at 200 Oceangate, 10<sup>th</sup> Floor, Long Beach, CA 90802, to discuss options to resolve this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Douglas", followed by a small flourish.

Peter Douglas  
Executive Director

cc: Aaron McLendon, Statewide Enforcement Analyst  
Lisa Haage, Chief of Enforcement  
Alex Helperin, Staff Counsel  
John Ainsworth, Deputy Director  
Steve Hudson, South Central Coast District Manager

Enc. Statement of Defense Form for Cease and Desist Order and Restoration Order



**CALIFORNIA COASTAL COMMISSION**

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

**STATEMENT OF DEFENSE FORM**

**DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, (FURTHER) ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU. IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.**

**YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE COMMISSION ENFORCEMENT STAFF.**

This form is accompanied by a notice of intent to initiate cease and desist order and restoration order proceedings before the commission. This document indicates that you are or may be responsible for or in some way involved in either a violation of the commission's laws or a commission permit. The document summarizes what the (possible) violation involves, who is or may be responsible for it, where and when it (may have) occurred, and other pertinent information concerning the (possible) violation.

This form requires you to respond to the (alleged) facts contained in the document, to raise any affirmative defenses that you believe apply, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the (possible) violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps, drawings, etc. and written declarations under penalty of perjury that you want the commission to consider as part of this enforcement hearing.

You should complete the form (please use additional pages if necessary) and return it **no later than August 11, 2010** to the Commission's enforcement staff at the following address:

**Aaron McLendon, Legal Division,  
California Coastal Commission  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, California 90802**

If you have any questions, please contact **Aaron McLendon** at **(562) 590-5071**.

- 1. Facts or allegations contained in the notice of intent that you admit (with specific reference to the paragraph number in such document):**

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- 2. Facts or allegations contained in the notice of intent that you deny (with specific reference to paragraph number in such document):**

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- 3. Facts or allegations contained in the notice of intent of which you have no personal knowledge (with specific reference to paragraph number in such document):**

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[illegible]

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**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2 219  
VOICE AND TDD (415) 904-5 200  
FAX (415) 904-5 400



**Sent Via Certified and Regular Mail and Hand Delivery (to first four addressees)**

July 23, 2010

Klee Irwin  
23000 Saddle Peak Rd  
Topanga, Ca 90290  
Certified Mail # 7006 2760 0005 5883 6610

Morphic Science, Inc.  
23000 Saddle Peak Rd  
Topanga, CA 90290  
Certified Mail # 7006 2760 0005 5883 6627

Front Runner, LLC  
23000 Saddle Peak Rd  
Topanga, CA 90290  
Certified Mail # 7006 2760 0005 5883 6634

Morphic Science, Inc.  
c/o Molly Dorton  
23000 Saddle Peak Rd  
Topanga, CA 90290  
Certified Mail # 7006 2760 0005 5883 6641

Morphic Science, Inc.  
5310 Beethoven St.  
Los Angeles, CA 90066  
Certified Mail # 7006 2760 0005 5883 6658

CSC Lawyers Incorporating Service  
2730 Gateway Oaks Dr., Ste 100  
Sacramento, CA 95833  
Certified Mail # 7006 2760 0005 5883 6665

Subject: **Executive Director Cease and Desist Order No. ED-10-CD-02**

Date Issued: July 23, 2010

Expiration Date: October 21, 2010

Violation File No.: V-4-10-017

Properties Locations: 23000 Saddle Peak Rd, Topanga  
Lot APN # 4438-039-014 in Los Angeles County and  
Vacant Lot APN # 4438-039-012 in Los Angeles County

Violations Descriptions: Unpermitted grading; clearing and removal of native chaparral, riparian, and oak woodland vegetation; construction of roads and placement of fill in, or adjacent to, a United States Geologic Service-designated blue line stream and construction of a bridge and placement of fill in a stream; placement of large container structures and partial burying of those structures; and destruction of environmentally sensitive habitat.

## I. ORDER

Pursuant to my authority under the California Coastal Act<sup>1</sup> Section 30809, I hereby order you, as the legal owners of the properties identified as 23000 Saddle Peak Rd., Topanga, Assessor's Parcel No. 4438-39-014, Los Angeles County, and a vacant lot identified as Assessor's Parcel No. 4438-039-012, Los Angeles County ("Subject Properties"), your employees, agents and contractors, and any other persons acting in concert with you, to cease and desist from undertaking further unpermitted development or maintaining existing unpermitted development on the site, including but not limited to unpermitted grading, removal of native chaparral, oak woodland, and/or riparian vegetation, construction of roads in or adjacent to a blue line stream, placement of structures adjacent to and crossing a stream, placement and partial burying of large container structures, and destruction of environmentally sensitive habitat area ("ESHA"), as that term is defined in the Coastal Act. In addition, I hereby order you to comply with the following terms and conditions to avoid irreparable injury to the Subject Properties pending any possible action by the California Coastal Commission ("Commission") under Section 30810 and 30811 of the Coastal Act:

1. Immediately and completely cease and desist from performing any development, as that term is defined by section 30106, on the Subject Properties, including, but not limited to, grading, removal of major vegetation, placement of structures, including but not limited to containers and/or bridges, grading or construction of roads, or placement of fill, unless authorized by the Commission through a coastal development permit or an order issued by the Executive Director or the Commission;
2. Submit a proposed interim erosion control plan covering any and all areas of the site where unpermitted development was conducted including, but not limited to, grading,

<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.

placement and/or burial of storage containers, vegetation removal, and road and bridge construction. Such measures shall include, but may not be limited to installation of temporary erosion control measures, such as jute rolls and netting, to ensure, among other things, no sediment leaves the disturbed areas and the creeks and watersheds on and adjacent to the Subject Properties are protected against impacts due to the unpermitted development. The erosion control plan must include a provision that erosion control measures will be monitored several times a day during any rain event to ensure that the measures are working properly. The erosion control plan shall indicate the date that erosion control measures must be removed from the Subject Properties. This plan will be reviewed by the Executive Director of the Coastal Commission, and may require amendments pursuant to any comments provided.

3. Submit a restorative grading plan to return the original topography of the property to the condition that existed prior to any disturbance that occurred after the effective date of the Coastal Act. The erosion control plan shall include a topographical survey, from a licensed surveyor, showing pre- and post-violation conditions. The plan shall show that the Subject Properties will be graded to their pre-violation conditions. Implementation of the restorative grading plan shall be undertaken in a manner that avoids all impacts to existing habitat and vegetation on the Subject Properties, as well as any habitat and vegetation restored pursuant to this Executive Director Cease and Desist Order ("Order").
4. Submit a plan to remove the storage containers from the Subject Properties. Removal of the storage containers shall not result in the removal or disturbance of vegetation and any earth movement shall be limited to the minimum necessary to remove the containers.
5. Submit a plan to remove the unpermitted bridge constructed across the stream on the Subject Properties. Removal of the bridge shall not result in the removal or disturbance of vegetation and any earth movement shall be limited to the minimum necessary to remove the bridge.
6. Submit a detailed restoration plan to restore any vegetation and habitat area damaged by unpermitted development. The restoration plan shall be prepared by a restoration ecologist/resource specialist with expertise in restoring chaparral habitat in the Santa Monica Mountains area. The restoration plan shall address all steps necessary to protect the adjacent creeks and associated habitat, as well as chaparral, riparian, and oak woodland habitat on the Subject Properties, and restore the area fully, including restoration of the graded areas, areas impacted by road and bridge construction and of all vegetation impacted (using a nearby undisturbed ESHA comprised of the relevant plant community as a comparison site). The plan shall show that the area restored shall achieve 90 percent coverage by native vegetation within 3 years of the date of restoration of the site has commenced. This plan will be reviewed by the Executive Director of the Coastal Commission, and may require amendments pursuant to any comments provided.



7. All grading, removal, and temporary and permanent erosion control plans shall be prepared by a licensed civil engineer, approved by the Los Angeles County Department of Public Works and any other local, state, or federal government agency having jurisdiction over this matter.
8. All plans listed above in Section I. 2-6 shall be submitted for the review and approval of the Executive Director of the Commission by no later than August 6, 2010.
9. Within 7 days of the approval by the Executive Director of the documents submitted under this Order, or within such additional time as the Executive Director may grant for good cause in accordance with the requirements of Section I.7 herein, you shall commence implementation of the approved plans, unless a deadline is otherwise specified in the plan as approved by the Executive Director.
10. All work conducted under this order shall be completed no later than 90 days from the date such work commenced, consistent with the deadlines in Section 9 above, and in accordance with the terms of submitted plans as approved by the Executive Director.
11. Within 7 days from completion of the work required under this Order, you shall submit a report, including photographic evidence, documenting the completion of the work authorized by this Order. Photographs shall be taken that adequately represent the disturbed areas of the site. If after reviewing the report required by this Order, the Executive Director determines that the work required by this Order failed in whole or in part, you shall undertake any work that is required to ensure compliance with the approved plans or the requirements of this Order.
12. Prior to the expiration of any given deadline established by this Order, you may request from the Executive Director an extension of the unexpired deadline. Such a request shall be made in writing ten days in advance of the deadline and directed to the Executive Director in the San Francisco office of the Commission. The Executive Director may grant an extension of any deadline upon a showing of good cause, if the Executive Director determines that you have diligently worked to comply with their obligations under this Order but cannot meet deadlines due to unforeseen circumstances beyond your control.
13. The Executive Director may require revisions to deliverables required under this Order. You shall revise any such deliverables consistent with the Executive Director's specifications and resubmit them for further review and approval by the Executive Director within ten days of receipt of a modification request from the Executive Director.

Failure to comply with any of the terms and conditions as stated above will constitute a violation of this order and result in penalties, as provided for in Section 30821.6 of the Coastal Act including, but not limited to, civil fines not to exceed \$6,000 per day in which that violation

persists. These penalties are in addition to other penalties and relief applicable under the Coastal Act.

## II. Background

The California Coastal Act 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 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, riparian, stream, and oak woodland habitats); 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.

The properties referenced under "Properties Locations" at the top of this Order are within the statutorily defined Coastal Zone and therefore among the properties the Commission is charged to protect. In addition, the Santa Monica Mountains, where these properties are located, are home to 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>2</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 discussed below are "especially valuable" under the Coastal Act.

The properties subject to this Order support a contiguous area of chaparral. The majority of the properties, including the area affected by the unpermitted grading and vegetation removal, are comprised of coastal chaparral. Because of their rarity and ecological value, contiguous areas supporting species of chaparral are considered ESHA under the Coastal Act.

In addition, the Subject Properties contain a portion of a USGS-designated blue line stream. These persistent stream systems run for the majority of the year and represent a micro-

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<sup>2</sup> National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

environment within the larger Mediterranean ecosystem of the Santa Monica Mountains. The Coastal Act recognizes stream and riparian habitats to be ESHA because of the essential role that stream habitats and riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance.

Allowable development within ESHA is limited because such areas are incredibly fragile and adversely impacted by any form of development.

### III. PERSONS SUBJECT TO THE ORDER

The persons subject to this Order are Morphic Science, Inc., Front Runner LLC, Klee Irwin, Molly Dorton, and anyone conducting development on their behalf or on their above-referenced properties, their employees, agents, contractors, and anyone acting in concert with the foregoing.

### IV. IDENTIFICATION OF THE PROPERTIES

The properties that are the subject of this Order are located at 23000 Saddle Peak Rd., Topanga, Assessor's Parcel No. 4438-39-014, Los Angeles County, and a vacant lot identified as Assessor's Parcel No. 4438-039-012, Los Angeles County.

### IV. DESCRIPTION OF VIOLATIONS

Unpermitted grading; clearing and removal of native chaparral, riparian, and oak woodland vegetation; construction of roads and placement of fill in, or adjacent to, a USGS designated Blue Line Stream and construction of a bridge and placement of fill in a stream; placement of large container structures and partial burying of those structures; and destruction of environmentally sensitive habitat.

### V. EXECUTIVE DIRECTOR'S AUTHORITY TO ACT

The Executive Director of the Commission is issuing this Order pursuant to Executive Director's authority under PRC Sections 30809(a).

### VI. FINDINGS

The unpermitted development includes unpermitted grading; clearing and removal of native chaparral, riparian, and oak woodland vegetation; construction of roads and placement of fill in, or adjacent to, a USGS designated Blue Line Stream and construction of a bridge and placement of fill in a stream; placement of large container structures and partial burying of those structures; and destruction of environmentally sensitive habitat. The development has occurred, and the effects thereof continue to exist, on the Subject Properties in violation of the Coastal Act.



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 ("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 of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land...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...*

The unpermitted development clearly constitutes "development" within the meaning of the above-quoted definition and therefore requires a CDP. The activities referenced above and in Section IV were undertaken without the necessary CDP, nor was a permit applied for.

The unpermitted development is also not exempt from the Coastal Act's permitting requirements under Section 30610 of the Coastal Act and/or Title 14, California Code of Regulations Sections 13250-13253.

On the afternoon of July 8, 2010, Commission staff, in response to complaints from neighbors and residents, investigated potential Coastal Act violations on the Subject Properties. Coastal Commission staff witnessed graded roads in place in riparian and chaparral habitat on properties west of Saddle Peak Road near the intersection of Saddle Peak Road and Stunt Road, on Assessor's Parcel Numbers 4438-039-014 and 4438-039-012, in unincorporated Los Angeles County. From public vantage points, staff observed grading, removal of native chaparral vegetation, construction of roads in and adjacent to a blue line stream, placement and partial burying of storage containers, and destruction of ESHA. After this site visit, Commission staff searched Commission records and determined that no CDP had been applied for or issued for these activities and that the Subject Properties are within the retained permit jurisdiction of the Commission.

On the evening of July 20, 2010, Mr. Aaron Smith, of our staff, visited the site and observed additional grading of roads in and adjacent to a blue line stream, removal of native chaparral, grading, and destruction of ESHA. Because he could not enter the Subject Properties, Mr. Smith posted a "Notice of Violation" (a written notification printed in both English and Spanish) on the gate leading onto the Subject Properties, in our effort to notify you of the violations and in an attempt to stop the work as quickly as possible to prevent further destruction of environmentally sensitive habitat caused by the unpermitted development. The Notice of Violation requested that the property owner contact Mr. Smith before 10 A.M. on July 21, 2010.

On the morning of July 21, 2010 at 9:57 A.M., Ms. Molly Dorton contacted Mr. Smith regarding the Notice of Violation. Ms. Dorton was informed that the grading, removal of native chaparral vegetation, construction of roads in and adjacent to a blue line stream, and destruction of ESHA

constituted development without a required CDP and were therefore violations of the Coastal Act. Ms. Dorton agreed to stop all development on the properties. She was informed that any further development, including activities undertaken towards restoration of the site, would require a CDP.

Late on the afternoon of July 21, 2010, staff received reports that road construction work had resumed. The reports indicated a continuation of development after the property owner had received the Notice of Violation, was made aware of the Coastal Act requirements and the fact that such activities were a violation of the Coastal Act, and moreover, had represented to staff that all development would cease.

On the morning of July 22, 2010, Coastal Commission staff members Andrew Willis and Aaron Smith entered the Subject Properties by permission of Ms. Dorton to conduct an evaluation of the development. Staff members observed unpermitted grading, placement and partial burial of large storage containers, construction of roads through chaparral and riparian habitats, cutting and clearing of native vegetation adjacent to the graded road, construction of a bridge adjacent to and crossing a blue line stream, and clearing of native riparian vegetation adjacent to a blue line stream. All of the above referenced development occurred in chaparral and riparian habitats designated as ESHA. The development involving placement of containers, grading, construction of roads, and removal of native vegetation is primarily located on the parcel denoted APN # 4438-039-012. Areas of hillside were graded flat and vegetation removed. The storage containers were subsequently installed on these flat areas. The containers are partially buried by loose fill and the adjacent areas have been cleared of all native vegetation. The road begins at the residence at 23000 Saddle Peak Rd and continues to the bottom of Las Flores Canyon, terminating at Las Flores Creek. There has been extensive excavation into the rock strata adjacent to the road as it winds down Las Flores Canyon. The landform alteration was accomplished by hand and by using a back-hoe and bulldozer. The road ultimately terminates on the east bank of Las Flores Creek. Hand tools, including pickaxes, machetes, and line trimmers were visible adjacent to the creek.

After the tour of the site, Commission staff informed Ms. Dorton of the extent and nature of the violations on the properties and of the necessity for cessation of development activities. Ms. Dorton again represented to staff that all work had ceased. At this time, Commission staff orally notified Ms. Dorton of the Executive Director's Intent to issue an Executive Director Cease and Desist Order, pursuant to Section 30809 of the Coastal Act, as noted above. Ms. Dorton was also informed that the activities constituted development under the Coastal Act, lacked a permit and therefore was a violation of the Coastal Act, needed to be stopped immediately and that failure to do so would potentially give rise to additional penalties, and was told whom at the Commission to contact for further information. She was also informed that the Order would include interim erosion control and restoration orders necessary to minimize the impact of development to ESHA.

On July 22, 2010, the Executive Director of the Commission sent you a Notice Prior to Issuance of an EDCDO ("NOI"). As indicated in the NOI, the unpermitted development is inconsistent

with resource protection policies of the Coastal Act, including but not limited to the following sections:

- a) Section 30231 (biological productivity and water quality),
- b) Section 30240 (environmentally sensitive habitat areas or ESHA),
- c) Section 30236 (water supply and flood control)
- d) Section 30230 (marine resources),
- e) Section 30233 (wetlands)
- f) Section 30251 (scenic and visual qualities), and
- g) Section 30253 (hazards/geologic stability).

The NOI gave you the opportunity to provide assurances which would obviate the need to issue this Order. The NOI stated, in part:

*“Section 13180(a) of the Commission’s regulations (which are in Title 14, Division 5.5 of the California Code of Regulations) defines the term “satisfactory manner” as that term is used in Section 30809(b) as being “a response which is made in the manner and within the timeframe specified in the notice that either:*

- 1) provides information sufficient to demonstrate to the satisfaction of the Executive Director that either (A) the activity specified in the notice does not meet the criteria of section 30809(a)... or (B) the person(s) to whom the notice was directed is/are not responsible for the activity; or*
- 2) (A) provides all information concerning the activity requested by the notice, (B) results in an immediate and complete cessation of all work on the project specified in the notice, and (C) includes an agreement by the recipient(s) of the notice, followed by actions which fully carry out such agreement, to comply in the manner and within the timeframe as specified in the notice with any request to undertake measures for the purpose of preventing irreparable injury to the area in which the activity is located.*

*The required manner and timeframe for your response is listed immediately below, along with the required substance. To prevent the issuance of the Executive Director Cease and Desist Order to you, you must submit your response orally and writing by 10:00 AM, July 23, 2010...”*

Unfortunately, you did not respond to the NOI by the deadline at all, either in writing or orally, and specifically, you did not commit to cease unpermitted development at the Subject Properties and did not agree to submit the necessary information to our office. You did not provide a response by telephone or in writing by 10:00am July 23, 2010, and therefore did not respond to the requirements of the NOI in a “satisfactory manner”.<sup>3</sup>

<sup>3</sup> Section 13180(a) of the Commission’s regulations (Title 14 of the California Code of Regulations) defines the phrase “satisfactory manner,” as that term is used in PRC Section 30809(b), as being, in part, “a response which is made in the manner and within the timeframe specified in the notice.”



I have determined that you have undertaken development that requires a permit without first securing a permit and development inconsistent with an existing CDP. I have also determined that you failed to respond to the NOI in a "satisfactory manner". Therefore I am issuing this order to direct you to cease and desist from undertaking further unpermitted development or maintaining existing unpermitted development on the Subject Properties. In addition, pursuant to Section 30809(c) of the Coastal Act, I am issuing this order to require you to submit plans for the restoration and remediation of the Subject Properties and carry out those plans once approved by the Executive Director.

#### VII. COMPLIANCE OBLIGATION

Strict compliance with this order by all parties subject thereto is required. Failure to comply strictly with any term or condition of this order may result in the imposition of civil penalties up to Six Thousand Dollars (\$6,000) per day for each day in which violation persists and other such penalties and relief as provided for in the Coastal Act.

#### VIII. APPEAL

Pursuant to PRC section 30803(b), any person or entity against whom this order is issued may file a petition with the Superior Court seeking a stay of this order.

#### IX. EFFECTIVE DATE

This order shall be effective upon its issuance and shall expire 90 days from the date this Order was issued.

Should you have any questions regarding this matter, please contact Aaron McLendon, Statewide Enforcement Analyst, at (562) 590-5071.

Executed in San Francisco, California on July 23, 2010.

Signed,



PETER M. DOUGLAS  
Executive Director  
California Coastal Commission

cc: Aaron McLendon, Statewide Enforcement Analyst  
Lisa Haage, Chief of Enforcement  
Alex Helperin, Staff Counsel

John Ainsworth, Deputy Director

Steve Hudson, South Central Coast District Manager

Pat Veesart, Southern California Enforcement Supervisor

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 WEST BROADWAY, SUITE 380  
LONG BEACH, CA 90802  
(213) 590-5071



COASTAL DEVELOPMENT PERMIT NO. 5-84-274F  
Page 1 of 5 5-84-274A  
5-84-274

On February 25, 1987, the California Coastal Commission granted to  
David Goodstein and Thomas Watson  
this permit for the development described below, subject to the attached  
Standard and Special Conditions.

Subdivision of 3 parcels into 14 lots, construction of 3 driveways, following  
firebreaks.

Location: + 2300 Saddlepeak Road, Malibu, Los Angeles County  
APN: 4438-33-46; 4438-33-47

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director  
and

A handwritten signature in dark ink, appearing to read "Peter Douglas", written over a horizontal line.

**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.

## ACKNOWLEDGEMENT

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

Date

Signature of Permittee

Exhibit 7

CCC-15-CD-03 & CCC-15-RO-03



#### STANDARD CONDITIONS:

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

#### SPECIAL CONDITIONS:

##### 1 Trail Dedication.

Prior to the transmittal of this permit the applicants shall submit evidence of recordation of an irrevocable offer to dedicate a trail easement acceptable to the Executive Director and the Santa Monica Mountains Trails Council in order to provide for hiking equestrian trail access. Such easement shall be a strip of real property now in other ownership following the approximate alignment shown in Exhibit Q, principally,

- a. along the southern slope of the applicant's property on one or both of the lots shown as Lot 16 and Lot 17 on the Tentative Tract Map Number 34964 approved by the County of Los Angeles on June 30, 1983

b. across parcel 4438-33-12 from the eastern property line and the trail located in Section (a), following the approximate alignment shown in Exhibit Q to the north side at or near the property line of 4438-37-5

c. along the southern slope of parcels: 4438-37-5, 4438-37-4 4438-37-3, 4438-37-2 following approximately parallel to the easterly property line.

d. connecting the trail described in (c) above to Saddle Peak Road along the approximate alignment of Exhibit Q above, through parcel 4438-33-59

The easement offered shall follow the location of the Tuna Canyon Trail as submitted by the Santa Monica Mountains Trails Council (Exhibit G), not less than 20 feet in width and shall include a detailed map showing its specific location. Said map and offer shall accompany a detailed design of the trail approved by Los Angeles County Department of Recreation and Parks. The easement shall include all areas necessary for construction use and maintenance of the proposed trail, as shown on the design. Said offer shall be recorded free of prior liens except tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed.

## 2. Viewing Park, Trail Improvement.

The applicant shall submit documents ensuring the construction and maintenance of the picnic viewing park and to provide funds to a public agency to purchase improvements and maintain trails as submitted as part of this application and as approved by the amendment of February 25, 1987. The applicant shall provide for the recordation of an offer to dedicate the viewing park, to a public agency or nonprofit association for public recreational use and access approved by the Executive Director. Said offer shall be an irrevocable offer to dedicate, and shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed. Upon approval of these documents, the applicant shall proceed to construct the park and the trail improvements or convey funds to the Santa Monica Mountain Conservancy for this construction and improvements consistent with condition 2(e), record all necessary documents and post all necessary bonds.

The detailed conditions for dedication, construction, and maintenance follow:

a. The easement identified in Exhibit R, Viewing Park shall be offered for dedication to a public agency or private association acceptable to the Executive Director, in a manner approved by the accepting agency.

b. Said dedication shall be described in metes and bounds and accompanied by a map consistent with Exhibit R.

c. Said dedications shall be accompanied by an agreement for the maintenance of the viewing park. The agreement shall be between the applicants, the accepting agency, and the Commission and shall be backed by bonds or CC and R's or there surety approved by the Executive Director. The applicants shall guarantee maintenance of the Viewing park for the life of the project approved in 5-84-274, which is no less than 60 years. The agreement shall be binding on heirs and assigns of the applicants, and future owners of each of the 14 lots. The mechanism may be consistent with that imposed in A-266-77 (Isthmus Landowners.)

d. The viewing park shall include an improved access from Saddle Peak Road, a bench, tables, landscaping with fire resistant native Santa Monica Mountains vegetation, and a trash receptacle.

e. Prior to transmittal of permit, applicant shall comply with one of the following:

(a) submit funds in the amount of \$54,468 for deposit in an interest-bearing trust account approved by the Executive Director. The Santa Monica Mountains Conservancy or another non-profit or public agency designated by the Executive Director and the California Coastal Commission shall be named as co-beneficiaries of the account, with all interest earned payable to the co-beneficiaries; or

(b) submit an irrevocable Letter of Credit or other financial instrument acceptable to the Executive Director in the amount of \$54,468. Such instrument shall be interest-bearing, with interest payable to the beneficiaries; the California Coastal Commission and the Santa Monica Mountains Conservancy or another non-profit or public agency designated by the Executive Director shall be named as co-beneficiaries. This financial instrument shall be renewed annually until such time as the funds are transferred to the recipient agency to fund the purposes set forth in this condition.

The primary purpose of the account and/or financial instrument shall be to fund the improvement of that portion of the Tuna Canyon Trail dedicated in easements as a result of permit 5-84-274 (Goodstein & Watson). Permitted uses of the funds shall be limited to costs associated with the physical improvement of the dedicated easement area, such as design and engineering, construction costs (labor and materials), and user amenities such as benches and interpretive signs. If excess funds remain after completion of this segment of the trail, such funds may be used for final surveys of the trail easement, to obtain additional segments of the Tuna Canyon Trail or another trail within close proximity to the subject property (including Solstice

Exhibit 7  
CCC-15-CD-03 & CCC-15-RO-03



and Corral Canyon trails), or for design and construction of other trail segments within a two mile radius.

3. Open-Space Easements.

Prior to transmittal of the permit the applicant shall submit a deed restriction for recording free of prior liens and binding on heirs and assigns. It shall (a) dedicate open space areas shown in Exhibit T for open space, conservation, views and habitat protection, (b) shall preclude development or clearance except for trail use, for a road constructed with a Coastal Development Permit to give access to the adjacent parcel, or for maintenance of the fire break and for 100 feet of clearance around proposed structures, (c) shall agree not to interfere with current pedestrian use of the fire break, and use by the Los Angeles Fire Department.

4. Transfer of Development Credits.

Prior to the transmittal of a permit, the applicant shall submit all necessary documents pursuant to Section VII of the Malibu/Santa Monica Mountains Interpretive Guidelines indicating the provision of 11 (eleven) Transfer of Development Credits, one per each new lot.

3044A

**FILE COPY****CALIFORNIA COASTAL COMMISSION**

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

CORRECTEDAMENDMENT TO COASTAL DEVELOPMENT PERMITDate January 31, 1992Permit Number 5-84-274 issued to BRYAN AND JUNE ZWAN

for: The subdivision (5-84-274, Goodstein & Watson) involved dividing three parcels totaling 60 acres into 14 parcels. Also approved were three access roads and the location of the building sites. Special conditions involved: a) a trail easement for the Tuna Canyon Trail, b) a viewing area and park area, c) an open space easement, and d) transfer of development credits. A later amendment was proposed and approved by the Commission to substitute an in lieu payment for the viewing area.

at 23000 Saddle Peak Rd., Malibu

has been amended to include the following change:

The applicant is proposing to amend item 3 to delete part c of the special conditions, which reads: "c) shall agree not to interfere with current pedestrian use of the fire break, and use by the Los Angeles Fire Department."

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

PETER M. DOUGLAS  
Executive Director

By: Robin Maloney-RamesTitle: Staff AnalystACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by the conditions as amended of Permit No. 5-84-274.

Date \_\_\_\_\_

Signature \_\_\_\_\_

RR:tn  
3547E

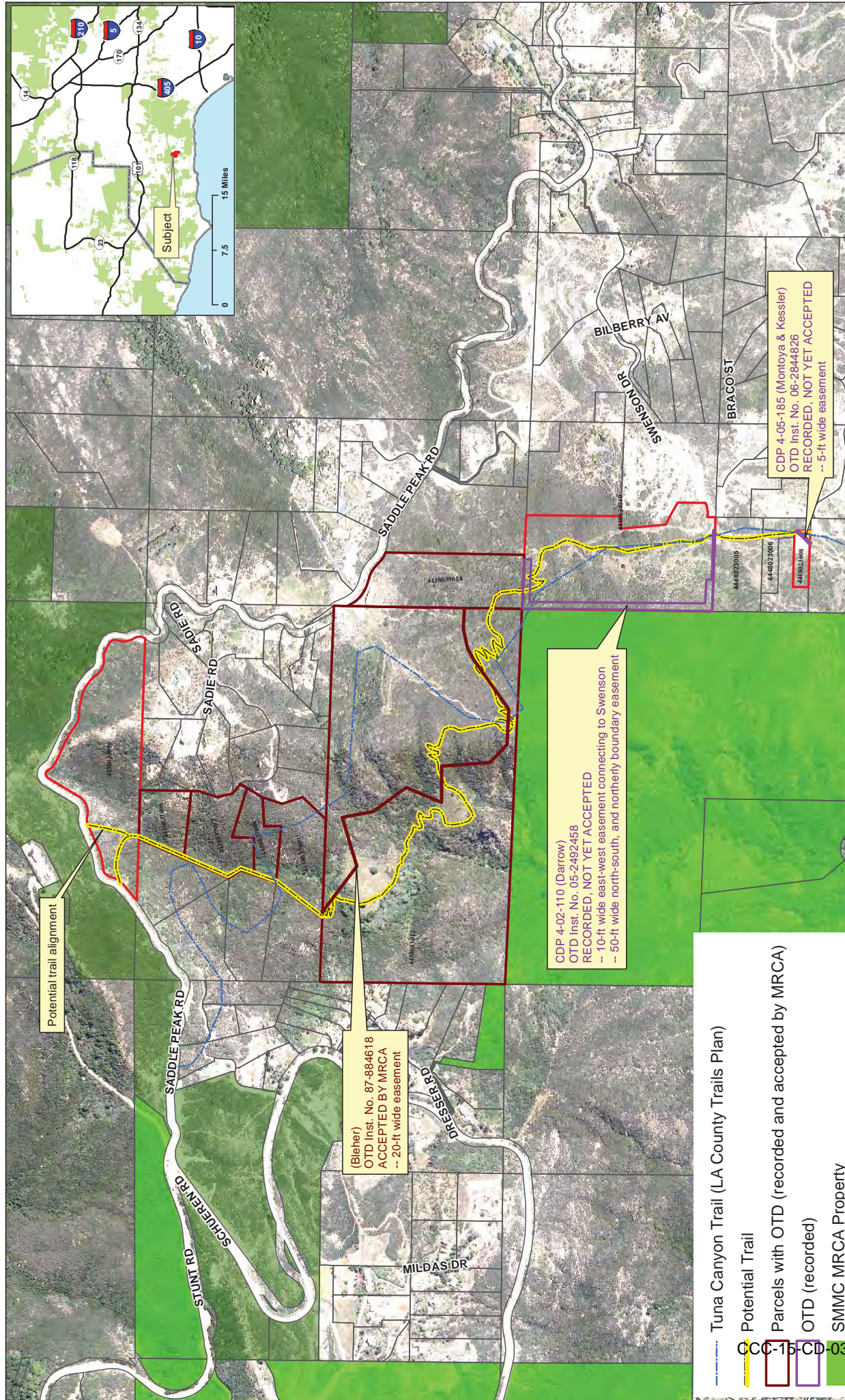
Exhibit 7  
CCC-15-CD-03 & CCC-15-RO-03



**Black Line shows trail easements required by CDP 5-84-274**

Exhibit 8  
CCC-15-CD-03 &  
CCC-15-RO-03





# Tuna Canyon Trail from Saddle Peak Road



**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



November 24, 2014

LA County Dept. of Regional Planning  
Attn: Shawn Skeries.  
320 West Temple St.  
Los Angeles, CA 90012


Subject: Coastal Act Violations located at 23010 Saddle Peak Road,  
Unincorporated Los Angeles County, APN 4438-033-012

Violation Description: Unpermitted development, including but not limited to:  
grading; removal of native chaparral vegetation;  
construction of roads and structures in, or adjacent to, a  
"Blue Line Stream"; clearing and removal of riparian  
vegetation; placement and partial burying of large shipping  
containers; destruction of environmentally sensitive habitat;  
and placement of stone and hardscape.

Dear Mr. Skeries:

This letter is to confirm our conversation on November 5, 2014, in which we jointly agreed that the Commission has enforcement jurisdiction to address the Coastal Act violations present at 23010 Saddle Peak Road (Assessor's Parcel Number 4438-033-012). Commission staff will be scheduling Cease and Desist and Restoration Order proceedings at an upcoming Commission hearing to resolve the Coastal Act violations at the site. Commission staff will continue to coordinate with you regarding resolution of these Coastal Act violations and ensuring consistency with the Coastal Act and the County's certified Local Coastal Program. Thank you very much for your assistance and continued cooperation regarding this matter.

Sincerely,

  
John Del Arroz  
Statewide Enforcement Analyst









## AVISO DE VIOLACION

NO REMOVER ESTE AVISO

Fecha: 7/20/2010 Hora: 7:30 PM  
 Lugar: 23000 SADDLE PEAK RD  
TOPANGA, CA

La Comisión Costera de California ha inspeccionado esta propiedad y tiene argumentos para considerar que la actividad descrita a continuación implica una actividad de desarrollo como esta definido en el Acta de la Costa de California (Sección 30106 del Código de Recursos Públicos de California), y por consiguiente requiere de un "Permiso de Desarrollo Costero" para poder proceder con dicha actividad, o es una violación a un permiso previamente aprobado:

REMOVAL OF NATIVE VEGETATION  
UNPERMITTED GRADING /  
LANDFORM ALTERATION

CONTACT (805) 585-1812 BY  
10 A.M. WEDNESDAY 7/21/2010

Si esta actividad no se **INTERRUMPE INMEDIATAMENTE**, usted puede estar sujeto a sanciones civiles de hasta \$15,000 diarios por cualquier violación intencional y conocida del Acta Costera de California en adición a otras penalidades que ya puedan existir.

Además, la Sección 30812 del Código de Recursos Públicos de California, autoriza al Director Ejecutivo de la Comisión Costera de California a registrar una Notificación de Infracción en contra de esta propiedad.

Por favor contacte inmediatamente a la Comisión Costera de California: (805) 585-1812

Comisión Costera de California  
 Oficina del Distrito Nor-Central  
 89 South California St., Suite 200  
 Ventura, CA 93001  
 (805) 585-1800

AARON SMITH  
 Oficial de Cumplimiento



## NOTICE OF VIOLATION

DO NOT REMOVE THIS CARD

Date: 7/20/2010 Time: 7:30 PM

Location: 23000 SADDLE PEAK RD  
TOPANGA, CA

THE CALIFORNIA COASTAL COMMISSION has inspected this property and has reason to believe that the following activity either constitutes development, as defined by the California Coastal Act (Section 30106 of the California Public Resources Code), and requires a coastal development permit in order to proceed; or it violates the conditions of a previously issued permit:

REMOVAL OF NATIVE VEGETATION  
UNPERMITTED GRADING /  
LANDFORM ALTERATION

CONTACT (805) 585-1812 BY  
10 A.M. WEDNESDAY 7/21/2010

Please be advised that if you do not **STOP ALL WORK** on this project immediately, you may be subject to civil penalties up to \$15,000 per day for a knowing and intentional violation of the Coastal Act in addition to other penalties which may already apply.

In addition, Section 30812 of the California Public Resources Code authorizes the Executive Director of the Coastal Commission to record a Notice of Violation against this property.

Please contact the California Coastal Commission immediately at: 805-585-1812

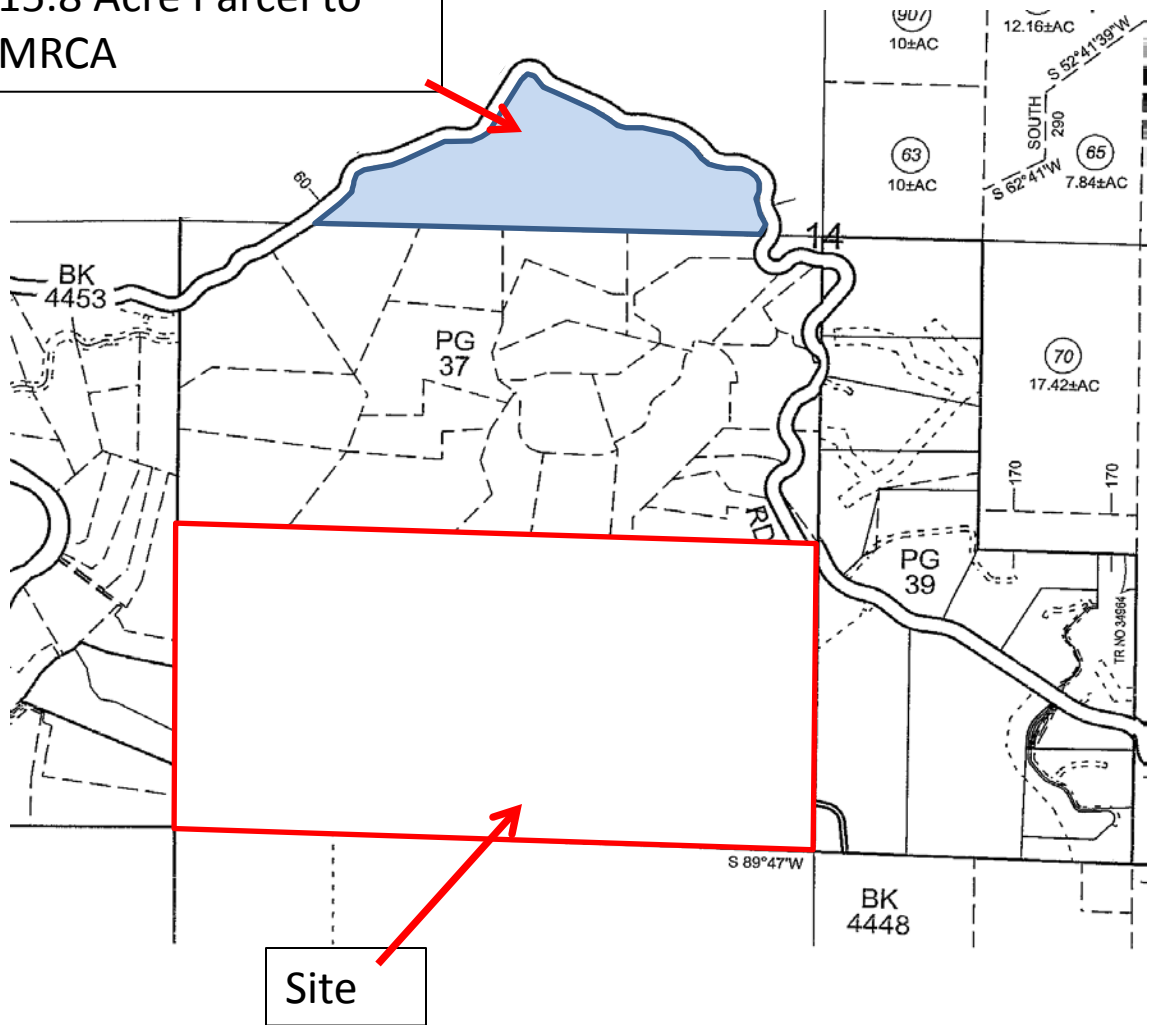
California Coastal Commission  
 South Central District Office  
 89 South California St., Suite 200  
 Ventura, CA 93001  
 (805) 585-1800

AARON SMITH  
 ENFORCEMENT OFFICER

7/20/2010

Notice of Violation placed at the entrance to the property

15.8 Acre Parcel to  
MRCA



06/01/06

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
CALIFORNIA COASTAL COMMISSION  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508  
(Legal Division)

06 1199184

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

CDP 5-84-274  
Goodstein

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Irrevocable Offer to Dedicate executed by R. Thomas Watson, Co-Executor of the Estate of David B. Goodstein, and Martin Heller, Co-Executor of the Estate of David B. Goodstein, and recorded on June 10, 1987 as Instrument Number 87-919179 of the Official Records of Los Angeles County, is hereby accepted by the Mountains Recreation and Conservation Authority, a joint powers authority created and existing under the Joint Exercise of Powers Act (Government Code § 6500 et seq.) and a public agency, pursuant to authority conferred by resolution of the Mountains Recreation and Conservation Authority adopted on April 5, 2006, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: May 15, 2006

MOUNTAINS RECREATION AND  
CONSERVATION AUTHORITY

By: Lisa Sogher  
LISA SOGHER  
Deputy Executive Officer

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

On May 15, 2006, before me, Shannon Murray, a  
Notary Public, personally appeared Lisa Sogher, personally known to  
me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Shannon Murray  
NOTARY PUBLIC





ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION  
OF ACCEPTANCE OF IRREVOCABLE 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 § 6500 et seq.), and a public agency, is acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Irrevocable Offer to Dedicate executed by R. Thomas Watson, Co-Executor of the Estate of David B. Goodstein, and Martin Heller, Co-Executor of the Estate of David B. Goodstein, and recorded on June 10, 1987 as Instrument No. 87-919179, in the office of the County Recorder of Los Angeles County.

Dated: Apr. 6, 2006

California Coastal Commission

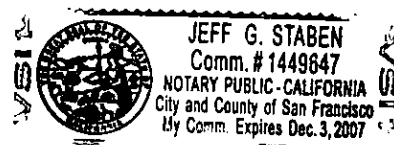
John Bowers  
John Bowers, Staff Counsel

STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

On 04/06/06, before me, Jeff G. Staben, 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(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Jeff G. Staben  
NOTARY PUBLIC



06 1199184

# Chicago Title Company

ORIGINAL

Return Original and  
Recording Requested By:  
State of California  
California Coastal Commission  
631 Howard Street, 4th Floor  
San Francisco, California 94105

87- 919179

RECORDED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA  
31 MIN. 10 A.M. JUN 10 1987  
PAST.

FREE 34C

## IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, The Estate of David B. Goodstein is/are  
the record owner(s), hereinafter referred to as "owner(s)", of the real  
property located in the County of Los Angeles,

State of California, legally described as particularly set forth in  
attached Exhibit A hereby incorporated by reference and hereinafter  
referred to as the "subject property"; and

II. WHEREAS, the California Coastal Act of 1976 (hereinafter referred  
to as the "Act") creates the California Coastal Commission (hereinafter  
referred to as the "Commission") and requires that any coastal development  
permit approved by the Commission or local government as defined in Public  
Resources Code Section 30109 must be consistent with the policies of the Act  
set forth in Chapter 3 of Division 20 of the Public Resources Code; and

III. WHEREAS, the People of the State of California have a legal  
interest in the lands seaward of the mean high tide line; and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the  
owner(s) applied to the Commission for a coastal development permit to  
undertake development as defined in the Act within the coastal zone of the  
County of Los Angeles, on the subject property; and

V. WHEREAS, a coastal development permit no. 5-84-274 was

531 3241-74 (31)

1 granted on (6) September 14, 1984, by the Commission in  
2 accordance with the Staff Recommendation and Findings (7) (Exhibit B) attached  
3 hereto and hereby incorporated by reference, subject to the following  
4 condition: (8)

5  
6 Attached hereto as Exhibit D and incorporated  
7 herein by reference.  
8  
9  
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16

17 VI. WHEREAS, the subject property is a parcel traversed by a trail used  
18 for public recreation and access and under the policy of Section 30223 of the  
19 California Coastal Act of 1976, upland areas necessary to support coastal  
20 recreational uses shall be reserved for such uses, where feasible; and

21 VII. WHEREAS, under the policies of Sections 30210 through 30212 of the  
22 California Coastal Act of 1976, public access through the coastal zone is to  
23 be maximized; and

24 VIII. WHEREAS, the Commission found that but for the imposition of the above  
25 condition, the proposed development could not be found consistent with the  
26 public access policies of Section 30210 through 30212 and 30223 of the  
27



1 California Coastal Act of 1976 and that therefore in the absence of such  
2 a condition, a permit could not have been granted;

3 NOW THEREFORE, in consideration of the granting of permit  
4 no. 5-84-274 to the owner(s) by the Commission, the owner(s) hereby  
5 offer(s) to dedicate to the People of California an easement in  
6 perpetuity for the purposes of hiking and equestrian trail  
7 for public use  
8 located on the subject property following the location of the Tuna  
9 Canyon Trail and to be not less than 20 feet wide

10 \_\_\_\_\_ and as  
11 specifically set forth by attached Exhibit C hereby incorporated by  
12 reference.

13 This offer of dedication shall be irrevocable for a period of  
14 twenty-one (21) years, measured forward from the date of recordation, and  
15 shall be binding upon the owner(s), their heirs, assigns, or successors  
16 in interest to the subject property described above. The People of the  
17 State of California shall accept this offer through the local government  
18 in whose jurisdiction the subject property lies, or through a public  
19 agency or a private association acceptable to the Executive Director of  
20 the Commission or its successor in interest.

21 //

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27

Acceptance of the offer is subject to a covenant which runs with the land, providing that any offeree to accept the easement may not abandon it but must instead offer the easement to other public agencies or private associations acceptable to the Executive Director of the Commission for the duration of the term of the original offer to dedicate. The grant of easement once made shall run with the land and shall be binding on the owners, their heirs, and assigns.

Executed on this 1<sup>st</sup> day of APRIL, 1987  
at Los Angeles, California.

Signed R. Thomas Watson  
R. Thomas Watson, Co-Executor of  
the Estate of David B. Goodstein

Executed on this 7TH day of APRIL, 1987,  
at FORT LEE, New York 7 /

Signed Martin Heller  
Martin Heller, Co-Executor of  
the Estate of David B. Goodstein

Type or Print Name of Above

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF LOS ANGELES        )

On April 1, 1987, before me, the undersigned,  
a Notary Public in and for said State, personally appeared  
R. THOMAS WATSON, personally known to me or proved to  
me on the basis of satisfactory evidence to be the person  
who executed the within instrument as Co-Executor of the  
Estate of David B. Goodstein that executed the within  
instrument, and acknowledged to me that such Estate executed  
the same.

WITNESS my hand and official seal.



Kim R. Zueger  
Notary Public



STATE OF New Jersey )  
COUNTY OF Bergen ) ss.

On April 7, 1987, 1987, before me, the undersigned,  
a Notary Public in and for said State, personally appeared  
MARTIN HELLER, personally known to me or proved to me  
on the basis of satisfactory evidence to be the person  
who executed the within instrument as Co-Executor of the  
Estate of David B. Goodstein that executed the within  
instrument, and acknowledged to me that such Estate executed  
the same.

WITNESS my hand and official seal.

Rita G. Horner  
Notary Public

RITA G. HORNER  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires July 25, 1987

1  
2 This is to certify that the Offer to Dedicate set forth above is  
3 hereby acknowledged by the undersigned officer on behalf of the California  
4 Coastal Commission pursuant to authority conferred by the California Coastal  
5 Commission when it granted Coastal Development Permit  
6 No. 5-84-274 on September 14, 1984 and the California  
7 Coastal Commission consents to recordation thereof by its duly authorized  
8 officer.

9 Dated: May 22, 1987

10 John Bowers  
11 John Bowers, Staff Counsel  
12 California Coastal Commission

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO ) ss

On this 22nd day of May, in the year 1987, before me the  
undersigned 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.

87 919179



Gary Lawrence Holloway  
Notary Public in and for  
Said State and County

9

LEGAL DESCRIPTION

Parcel One:

The west half of the northwest quarter of the southeast quarter of Section 14, Township 1 South, Range 17 West, San Bernardino meridian, County of Los Angeles, State of California according to the official plat of the survey of said land on file in the Bureau of Land Management.

Parcel Two:

The southwest quarter of the southeast quarter of Section 14, Township 1 South, Range 17 West, San Bernardino meridian, County of Los Angeles, State of California according to the official plat of the survey of said land on file in the Bureau of Land Management, excepting therefrom 50% of all oil, gas, hydrocarbon and mineral rights in and under said property but without the right of surface entry as reserved in a deed recorded November 24, 1976 as Instrument No. 5842 in the official records of Los Angeles County and also excepting therefrom 50% of all oil, gas, hydrocarbon and mineral rights in and under said property being conveyed but without the right of surface entry as reserved in a deed recorded November 24, 1976 as Instrument No. 5844 in the official records of Los Angeles County.

87

919179  
Exhibit 14



EXHIBIT "C"

An easement over that portion of the land described in EXHIBIT "A", 20 feet wide, lying 10 feet on either side of the following described centerline:

Beginning at a point in the west line of said land, being also the west line of the southwest quarter of the southeast quarter of section 14, Township 1 South, Range 17 West, S.B.M., said point being distant along said west line 386.10 feet from the southwest corner of said southwest quarter; thence leaving said west line South 83\*28' East 13.50 feet: thence South 48\*45' East 270.00 feet; thence South 0\*32' East 213.42 feet more or less to a point in the south line of said southwest quarter, said point being distant along said south line 218.56 feet more or less from the southwest corner of said southwest quarter.

The sidelines of said easement are to be lengthened or shortened to terminate in the northerly and easterly lines of said land.

5/15/87

32

1. Trail Dedication.

Prior to the transmittal of this permit the applicants shall submit evidence of recordation of an irrevocable offer to dedicate a trail easement acceptable to the Executive Director and the Santa Monica Mountains Trails Council in order to provide for hiking equestrian trail access. Such easement shall be a strip of real property now in other ownership following the approximate alignment shown in Exhibit Q, principally,

- a. along the southern slope of the applicant's property on one or both of the lots shown as Lot 16 and Lot 17 on the Tentative Tract Map Number 34964 approved by the County of Los Angeles on June 30, 1983
- b. across parcel 4438-33-12 from the eastern property line and the trail located in Section (a), following the approximate alignment shown in Exhibit Q to the north side at or near the property line of 4438-37-5
- c. along the southern slope of parcels: 4438-37-5, 4438-37-4, 4438-37-3, 4438-37-2 following approximately parallel to the easterly property line
- d. connecting the trail described in (c) above to Saddle Peak Road along the approxiamte alignment of Exhibit Q above, through parcel 4438-33-59.

The easement offered shall follow the location of the Tuna Canyon Trail as submitted by the Santa Monica Mountains Trails Council (Exhibit G), not less than 20 feet in width and shall include a detailed map showing its specific location. Said map and offer shall accompany a detailed design of the trail approved by Los Angeles County Department of Recreation and Parks. The easement shall include all areas necessary for construction use and maintenance of the proposed trail, as shown on the design. Said offer shall be recorded free of prior liens except tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed.

06/01/06

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
CALIFORNIA COASTAL COMMISSION  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508  
(Legal Division)

06 1199187

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

CDP 5-84-274  
Bleher

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions executed by Heiko Bleher By Cristina Taras Barra, his attorney-in-fact, and recorded on June 4, 1987, as Instrument Number 87-884618 of the Official Records of Los Angeles County, is hereby accepted by the Mountains Recreation and Conservation Authority, a joint powers authority created and existing under the Joint Exercise of Powers Act (Government Code § 6500 et seq.) and a public agency, pursuant to authority conferred by resolution of the Mountains Recreation and Conservation Authority adopted on April 5, 2006, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: May 15, 2006

MOUNTAINS RECREATION AND  
CONSERVATION AUTHORITY

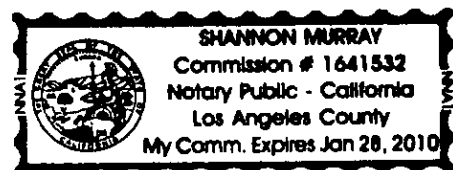
By: Lisa Soghor  
LISA SOGHOR  
Deputy Executive Officer

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

On May 15, 2006, before me, Shannon Murray, a  
Notary Public, personally appeared Lisa Soghor, personally known to  
me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Shannon Murray  
NOTARY PUBLIC





06/01/06

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION  
OF ACCEPTANCE OF IRREVOCABLE OFFER TO DEDICATE  
PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS

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 § 6500 et seq.), and a public agency, is acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions executed by Heiko Bleher By Cristina Taras Barra, his attorney-in-fact, and recorded on June 4, 1987 as Instrument No. 87-884618, in the office of the County Recorder of Los Angeles County.

Dated: APR 1. 6, 2006

California Coastal Commission

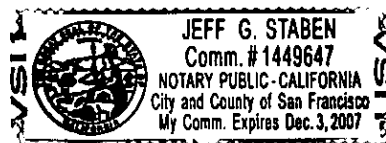
John Bowers  
John Bowers, Staff Counsel

STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

On 04/06/06, before me, Jeff G. Staben, 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(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Jeff G. Staben  
NOTARY PUBLIC



06 1199187

CHICAGO TITLE  
800 SO. FIGUEROA ST.  
SUITE 1170  
LOS ANGELES, CALIF. 90017

COPY of Document Recorded  
87- 884618  
not been compared with original.  
Original will be returned when  
processing has been completed. C  
LOS ANGELES COUNTY REGISTERED RECORDER

IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT

AND  
DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND  
DECLARATION OF RESTRICTIONS (hereinafter "offer") is made this 15th day  
of February 1985, by HEIKO BLEHER  
(herinafter referred to as "Grantor").

- I. WHEREAS, Grantor is the legal owner of a fee interest of certain real properties 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 Section 30103 of the California Public Resources Code (which code is hereinafter referred to as the "Public Resources Code") a
- III. WHEREAS the California Coastal Act of 1976, (hereinafter referred to as the "Act") creates the California Coastal Commission (hereinafter referred to as the "Commission").
- IV. WHEREAS, this Offer to Dedicate is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said Offer, when accepted, shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1

NOW THEREFORE, For value received, the Grantor hereby offer(s) to dedicate to a public agency or private association acceptable to the Executive Director of the California Coastal Commission, an easement in perpetuity for the purposes of public access for hiking and equestrian use, located on the subject property as described in Exhibit B, hereby incorporated by reference.

1. BENEFIT AND BURDEN. This Offer shall run with and burden the Property and all obligations, terms conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective

8700011-71

limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all successors and assigns. This offer shall benefit the State of California, accepting agency or association and the public, including, but not limited to, all The People of the State of California.

2. DECLARATION OF RESTRICTIONS. The Grantor is restricted from interfering with the use by the public of the area subject to the offered easement for public access. This restriction shall be effective from the time of acceptance of the easement herein described.

3. CONSTRUCTION OF VALIDITY. If any provision of these restrictions is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

4. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this Offer shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

5. TERM. This irrevocable offer of dedication shall be binding for a period of 21 years. Upon recordation of an acceptance of this Offer by the Grantee, this Offer and terms, conditions, and restrictions shall have the effect of a grant of access easement in gross and perpetuity that shall run with the land and be binding on the parties, heirs, assigns, and successors. The People of the State of California may accept this offer through the local government in whose jurisdiction the subject property lies, or through a public agency or a private association acceptable to the Executive Director of the Commission or its successor in interest.

Acceptance of the Offer is subject to a covenant which runs with the land, providing that any offeree to accept the easement may not abandon it but must instead offer the easement to other public agencies or private associations acceptable to



the Executive Director of the Commission for the duration of the term of the original Offer to Dedicate.

Executed on this 15th day of February, 1985, at Malibu CA, California.

Dated: \_\_\_\_\_

Signed

Heiko Bleher by Cristina Taras Barra  
Owner Bone, his attorney in fact  
HEIKO BLEHER BY CRISTINA TARAS BARRA,  
his attorney-in-fact

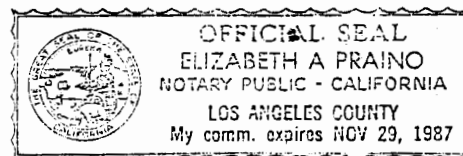
\_\_\_\_\_  
Type or Print

Signed \_\_\_\_\_

\_\_\_\_\_  
Type or Print

STATE OF CALIFORNIA } SS.  
COUNTY OF Los Angeles  
On February 15, 1985 before me,  
the undersigned, a Notary Public in and for said County and State,  
personally appeared CRISTINA TARAS BARRA  
☐ personally known to me;  
☒ proved to me on the basis of satisfactory evidence,  
whose name is subscribed to the within instrument, as  
the Attorney HEIKO BLEHER in fact of \_\_\_\_\_  
and acknowledged  
to me that she subscribed the name \_\_\_\_\_  
of HEIKO BLEHER thereto as  
principal and her own name \_\_\_\_\_ as Attorney in fact.  
Signature Elizabeth A. Praino

Elizabeth A. Praino  
Name (Typed or Printed)  
Notary Public in and for said County and State  
1-121 MAINE ATTORNEY IN FACT



FOR NOTARY SEAL OR STAMP

// proved to me on the basis of satisfactory evidence to be the person(s) whose name is subscribed to this instrument, and acknowledged that he/she/they executed it.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR SAID COUNTY  
AND STATE.

I 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 authority conferred by the California Coastal Commission and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: May 22, 1987

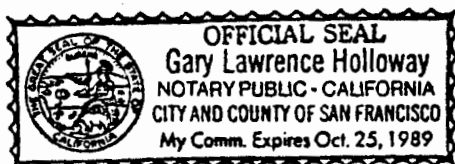
John Bowers

John Bowers, Staff Counsel

California Coastal Commission

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO ) ss

On this 22<sup>nd</sup> day of May, in the year 1987, before me the undersigned 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.



Gary Lawrence Holloway  
Notary Public in and for  
Said State and County

EXHIBIT "A"

The South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of section 14, Township 1 South, Range 17 West of the 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.

This Legal Description is from Chicago Title Insurance Company Title Report Dated 1/ 7/87 Order No. 8700011-73.

4/17/87



EXHIBIT "B"

An easement over that portion of the land described in EXHIBIT "A", 20 feet wide, lying 10 feet on either side of the following described centerline:

Beginning at a point in the north line of said land, being also the north line of the south half of the southwest quarter of section 14, Township 1 South, Range 17 West, S.B.M., said point being distant along said north line 2176.04 feet more or less from the northeast corner of said south half; thence leaving said north line South 53\*40' East 410.77 feet; thence North 73\*16' East 368.42 feet; thence South 9\*11' East 224.00 feet; thence South 36\*22' East 268.30 feet; thence South 23\*08' West 275.12 feet; thence North 88\*28' East 258.84 feet; thence South 4\*50' East 355.32 feet; thence South 49\*39' East 162.58 feet; thence South 86\*10' East 243.21 feet; North 55\*20' East 528.41 feet; thence North 76\*55' East 148.63 feet; thence South 83\*28' East 167.52 feet more or less to a point in the east line of said south half, said point being distant along said east line 933.40 feet more or less from the northeast corner of said south half.

The sidelines of said easement are to be lengthened or shortened to terminate in the northerly and easterly lines of said land.

5/15/87

STATE FIRM  
(903)  
101AC

② 11.76- $\lambda_2$ .

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13.1.70  
(25)

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13.6

ATCHIN  
OF

2

 $\lambda$ 

NOTE: CROSS-HATCHING REPRESENTS THAT PORTION OF THE TRAIL BEING DEDICATED BY THE OWNER OF THE PROPERTY WHOSE NAME APPEARS BELOW.

BLEHER

TIS, R.17W.

FOR PREV. ASSAULT. SEE: 496-44

FIRE CISTERN SITE  
(CASE)  
DETAIL  
SCALE 1"=50'  
3/13/51  
13382  
Saddle Peak Rd.  
D 55274  
OR 4132-36

SEE 4438-37

$$\begin{array}{r} 67.36^{\pm}Ac. \\ 1.33^{\pm} \times 5A. \\ \hline 66.03^{\pm}Ac. \end{array}$$

NORTH

8064. |  
KARLEN

CCC-15-CD-03 &amp; CCC-15-CD-04

001997

Page 9 of 9