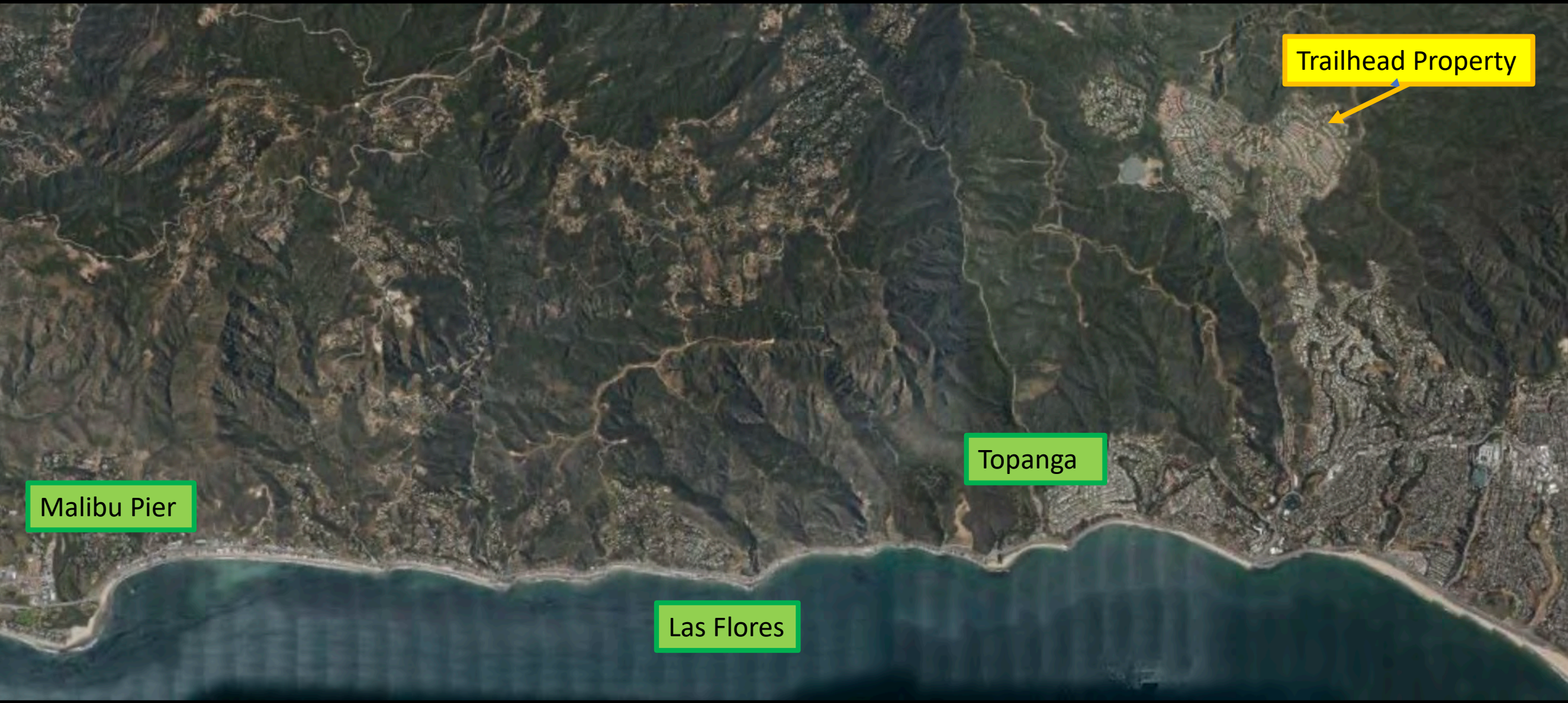


Trailhead Property: General Location



Malibu Pier

Las Flores

Topanga

Trailhead Property

Palisades Highlands Development



8

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

NOTICE OF INTENT TO ISSUE PERMIT

On July 17, 1979, by a vote of 12 to 0, the California Coastal Commission granted to Headland Properties, Inc.

Permit A- 381-78, subject to the attached conditions, for development consisting of division of 101 acres into single-family residential lots, condominium lots, and an open-space lot; grading and installation of streets, drainage facilities and utilities

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

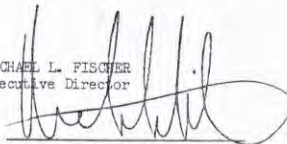
The development is within the coastal zone in Los Angeles County at south of terminus of Palisades Drive, north of Lachman Lane, Palisades Highlands, Pacific Palisades, City of Los Angeles

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 1, 2, 3, imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your understanding, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on August 2, 1979.

NO CONSTRUCTION IS AUTHORIZED BY THIS
DOCUMENT—THIS IS NOT A PERMIT

MICHAEL L. FISCHER
Executive Director



By Thomas Ray Lerman

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit A- 381-78, and fully understands its contents, including all conditions imposed.

Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

Permit A-381-78, is subject to the following conditions:

A. Standard Conditions.

1. Assignment of Permit. This permit may not be assigned to another person except as provided in the California Administrative Code, Title 14, Section 13170.

2. Notice of Receipt and Acknowledgment. Construction authorized by this permit shall not commence until a copy of this permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of its contents, is returned to the Commission.

3. Expiration. If construction has not commenced, this permit will expire two (2) years from the date on which the Commission voted on the application. Application for extension of this permit must be made prior to the expiration date.

4. Construction. All construction must occur in accord with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviations from the approved plans must be reviewed by the Commission pursuant to California Administrative Code, Title 14, Sections 13164-13168.

5. Interpretation. Interpretation or revisions of the terms or conditions of this permit must be reviewed by the State Coastal Commission or its Executive Director. All questions regarding this permit should be addressed to the State Commission office in San Francisco unless a condition expressly authorizes review by the Regional Commission or its staff.

B. Special Conditions.

1. Prior to recordation of final subdivision maps or start of construction, the applicant shall submit for the review and written approval of the Executive Director revised plans providing:

a. A survey performed by a Licensed Surveyor or Registered Professional Engineer describing an urban limit line enclosing (1) the areas in Tract 31935 approved for residential development in this action and (2) the areas in the balance of the 968 acre, Phase II site found generally appropriate for residential development (for consideration in future permit applications) - as generally shown in Exhibit 11.

b. Tract 31935 shall be limited to a maximum of 180 dwelling units, 30 single-family dwellings, and 150 multiple-unit dwellings each located entirely within the urban limit line as generally shown in Exhibit 11. The applicant may reduce the number of multiple-unit dwellings and replace them with single-family dwellings but shall not locate units outside of the urban limit line. No grading or other development, except as provided below shall be performed outside of the urban limit line.

c. An emergency access road and pedestrian-bicycle path shall be provided as generally indicated in Exhibit 11, between the southern terminus of public roadways serving Tract 31935 and the southern boundary of such tract. The road shall be designed and constructed so as to require the minimum amount of land form alteration and to provide an emergency entry to and exit from the Palisades Highlands development. The road shall be wide enough to accommodate two lanes of vehicles, but at no point shall the graded width exceed 40 ft. Except as necessary to accommodate pedestrian and bicycle use, the road shall not be paved. Non-emergency use by vehicles shall be precluded.

Permit A-381-78

d. Subject to the review and approval of the Executive Director, in areas outside of urban limit line, minor grading may be performed to re-contour previously graded land; paved or unpaved pathways and other incidental improvements for low intensity recreation may be constructed; minor facilities to provide public or utility services which do not require significant grading may be installed if alternative locations are not feasible; vegetation within 100 ft. of any residential structure may be removed or altered for fire protection purposes.

e. Slope areas exposed by grading or other construction shall be revegetated with primarily endemic drought and fire resistant vegetation. Landscaping shall be provided to reduce visibility of future residential units from Topanga State Park.

2. All construction shall be in conformance with the approved plans. A Registered Professional Engineer or Licensed Engineering Geologist shall certify that all grading is in conformance with the approved plans.

3. Prior to the recordation of final subdivision maps, the applicant shall record instruments in a form approved in writing by the Executive Director. Such instruments shall be considered covenants running with the land in favor of the people of the State of California, shall be recorded free of prior liens and encumbrances except tax liens and shall bind the applicants and all successors in interest. The content of such instruments shall provide specifically as follows:

a. Prevent further division of lands for residential purposes outside of the urban limit line.

b. Prevent development outside of the urban limit line except as permitted by this permit.

c. Waive all claims against the public for damages due to flood, fire or geologic instability which may arise as a consequence of approval of development of Tracts 30453 and 21601.

d. Offer to grant a scenic conservation or open space easement to preserve the natural open space and scenic values of undeveloped and ungraded lands in (1) Tract 31935 which are not within lots created for residential use, and (2) in that portion of the balance of the 968-acre Phase II site which is outside of the urban limit line. The offer shall be irrevocable for a term of 21 years and be made in favor of a public agency or private non-profit association approved by the Executive Director.

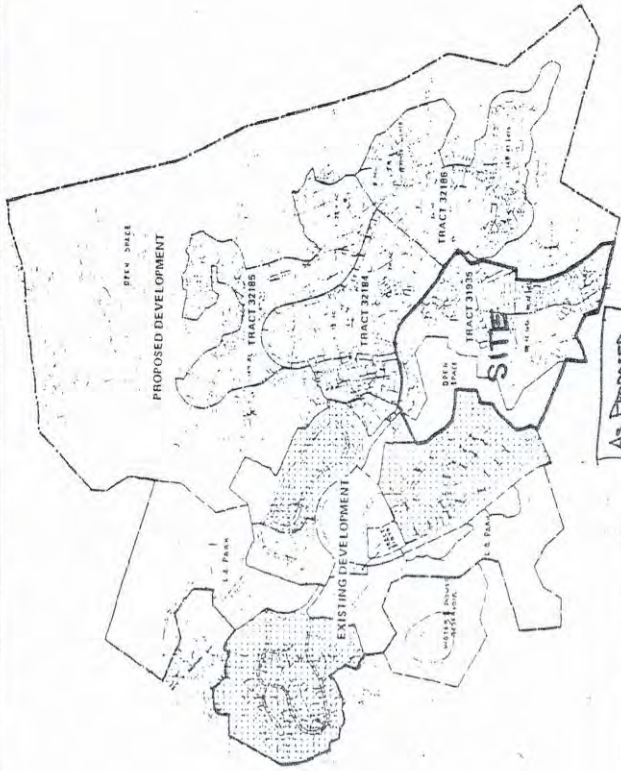
e. Offer to grant easements to allow public non-motorized recreational use of the emergency access road in Tract 31935. The offer shall be irrevocable for a term of 21 years and be made in favor of a public agency or private non-profit association approved by the Executive Director.

f. Offer to grant fee title to the 100-acre park site designated by the developer and located between Tracts 31073 and 31074 as shown on Exhibit 4. The offer shall be irrevocable for a term of 21 years and shall be made in favor of a public agency or private non-profit association approved by the Executive Director.

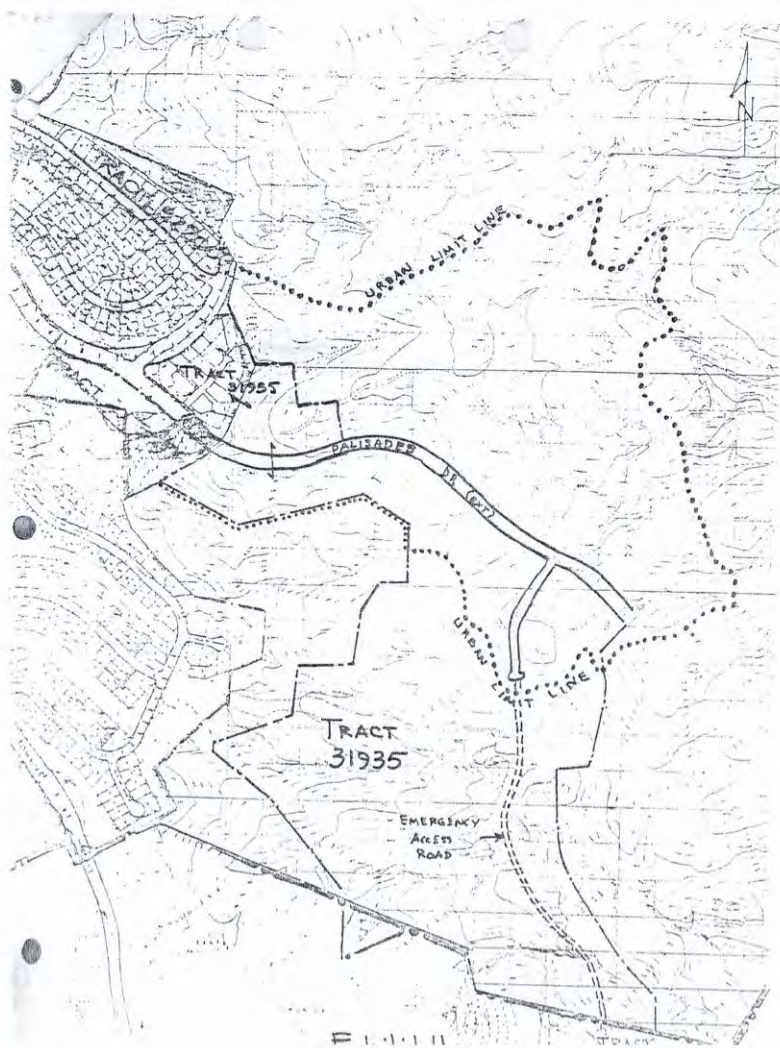
SITE PLAN - PALISADES HIGHLANDS PROPOSED DEVELOPMENT

1445

2



AS PROPOSED



Grading and Construction of Palisades Highlands Development (1977)



An Ordinance authorizing acceptance of dedication or conveyance of real property for park and recreational purposes to serve future inhabitants of proposed subdivisions and providing that the land so dedicated may be credited against dedications or fees required for said proposed subdivisions, and consenting to the relinquishment of an agreement right to obtain a dedication of certain other real properties for park and recreational purposes.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Headland Properties, Incorporated and Palisades Resources Incorporated have filed tentative tract maps and preliminary Parcel maps and will file additional tentative tract maps and preliminary parcel maps and will file final subdivision maps and parcel maps for the subdivision of certain lands located in the Pacific Palisades area of the City of Los Angeles. Said lands proposed for subdivision are shown on the map attached to Council File No. 73-2040 S which number appears at the end of this ordinance, and which map is identified as "Master Plan, Palisades Highlands" and is dated February 4, 1981. The said lands proposed subdivision are outlined in red on said map and are also identified by the following numbers:

Tract No. 41661, P.M. 14109, P.M. 14108

Tract No. 41662, P.M. 3947 Tract No.

41709, Tract No. 41710, Tract No. 31935,

Tract No. 32184, and unnumbered "P.M."

COASTAL COMMISSION
A-381-78-A13

EXHIBIT # 13
PAGE 1 OF 5

1 lying between Tract No. 41710 and 31934,

2 Tract 34923, and Tract No. 31070.

3 Sec. 2. As a condition of said subdivisions, Headland
4 Properties must dedicate or convey to the City of Los Angeles 25
5 acres of real property for park and recreational purposes, which
6 25 acres are identified on said map as "to be dedicated to L.A.
7 City Park." It must also dedicate or convey to the State of
8 California 95.4 acres of real property, which real property is
9 identified on said map as "to be dedicated to State of California,"
10 and an additional approximately 857 acres identified on the map
11 with the letters "A," "B," "D," "E," and "G." The 25 acres of
12 land to be dedicated or conveyed to the City of Los Angeles will
13 satisfy all requirements of California Government Code Section
14 66477 and Los Angeles Municipal Code Section 17.12 (known as
15 "Quimby" statute and ordinance) for dedication of land for park
16 and recreational purposes as a condition of subdivision of the
17 lands proposed for subdivision. Pursuant to Los Angeles Municipal
18 Section 17.12-F-2, it is intended that the dedication or conveyance
19 of said 25 acre parcel as a condition of the first subdivision of
20 any of the lands proposed for subdivision shall also satisfy the
21 park and recreational dedication requirement for all of the lands
22 proposed for subdivision. It is, however, the desire of the City
23 that should the dedications or conveyances to the State of
24 California not be made, revoked, terminated, or rejected, then the
25 City shall have the opportunity to obtain all of the parcels or any
26 portions thereof which were "to be dedicated to the State of
27 California" or which are identified with the "D,"
28 "E," and "G" as City-owned recreation and park or open space land,

COASTAL COMMISSION

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EXHIBIT # 13

PAGE 2 OF 5

1 should it choose to obtain same.

2 Sec. 3. The Council of the City of Los Angeles hereby
3 finds and determines that the public interest and convenience
4 requires the dedication or conveyance of the said 25 acre parcel
5 of real property to the City of Los Angeles for park and recreational
6 purposes; and pursuant to Section 17.12-F-2 of the Los Angeles
7 Municipal Code the Council authorizes the acceptance of said land
8 as a credit for the dedication requirement for all of the parcels
9 proposed for subdivision, as identified above, or any resubdivision
10 or subsidiary subdivision thereof; and if the City of Los Angeles
11 receives clear title to said 25 acre parcel of land for park and
12 recreational purposes as a condition of the first subdivision,
13 no further dedication of lands or payment of fees in lieu thereof
14 shall be required as a condition of subdivision of any of the
15 other parcels identified on said map as proposed for subdivision.
16 Provided, that this acceptance is authorized only if concurrently
17 with the conveyance or offer of dedication of the 25-acre parcel,
18 an offer is made to the City of Los Angeles for recreation and park
19 and/or open space purposes describing all of the land identified
20 as "A," "B," "C," "D," "E," and "G" on said map, said offer to be
21 irrevocable, but said offer shall provide that it may be accepted
22 only as to such portions of the land for which the conveyance or
23 offer of dedication to the State of California is revoked, expired,
24 or rejected by the State of California.

25 Sec. 4. The Council of the City of Los Angeles further
26 approves of the release of a promise made by Headland Properties
27 Incorporated in April, 1969 to donate approximately 150 acres of
28 land to the Department of Recreation and Parks.

COASTAL COMMISSION
A-381-78-A13
EXHIBIT # 13
PAGE 3 OF 5

1 the Board of Recreation and Park Commissioners on September, 1969,
2 as the conveyances to the City and State mentioned above all satisfy
3 the objectives of said promise.

4 Sec. 5. The Department of Recreation and Parks and/or
5 the City Engineer are authorized to receive and record a grant
6 deed or deeds to the real property identified as "to be dedicated
7 for L.A. City Park" conveying same to the City of Los Angeles
8 for park or recreational purposes and to receive and record offers
9 of dedication of the land which is "to be dedicated to the State
10 of California" and also which is identified with the letters "A,"
11 "B," "D," "E," and "G," which offers of dedication shall be
12 conditioned as described above.

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CA 146

COASTAL COMMISSION

A-381-78-A13

EXHIBIT # 13
PAGE 4 OF 5

- 4 -

Sec. 6 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles at its meeting of MAY 7 - 1981

REX E. LAYTON, City Clerk,

By Edward W. Ackerman
Deputy.

Approved _____

Sam R. Bunker
Mayor.

Approved as to Form and Legality

April 23 1981
BURT PINES, City Attorney,

By Norman L. Roberts
NORMAN L. ROBERTS, Asst. City Attorney

File No. 73-2040 S

City Clerk Form 23

COASTAL COMMISSION
A-381-78-A13

EXHIBIT # 13
PAGE 5 OF 5

REPORT OF GENERAL MANAGER


NO. 370-89


DATE June 26, 1989

C.D. _____

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: Santa Ynez Canyon Park: Acceptance of
Offer of Dedication and Grant Deed for
a Trailhead Facility Site and Trail
Easement from Headland Properties Associates

*JB  GWR _____
SNJ _____ DG _____
SEK _____ JT _____
JR _____



General Manager

Approved _____ Disapproved _____ Further Report _____

RECOMMENDATION:

That the Board:

1. Accept the Grant Deed and proposed improvements as listed in this report from Headland Properties Associates for a Trailhead Facility Site and Trail Easement within Tract 32184 in the Palisades Highlands and adjacent to our Santa Ynez Canyon Park; and,
2. Direct the Board Secretary to transmit the Grant Deed to the Department of Public Works, Title Officer, for recordation, and subsequently to transmit a copy of the recorded deed to Headland Properties Associates.

SUMMARY:

In conjunction with their development of the Palisades Highlands located northerly of Sunset Boulevard off of Palisades Drive and adjacent to our Santa Ynez Canyon Park, the developers, Headland Properties Associates have offered to dedicate and have provided the Department with a Grant Deed (on file in the Board Office) for a Trailhead Facility Site and a Trail Easement over a portion of their Tract 32184. The subject trailhead and easement were a condition of the Tentative Tract Map imposed by the City's Planning Department and the California Coastal Commission permit to be used as a hiking trail connection to the adjacent Topanga State Park.

REPORT OF GENERAL MANAGER

PG. 2

NO. 370-89

The Trailhead Facility Site and pedestrian hiking trail are being graded by the developer in accordance with a plan approved by the City's Department of Building and Safety.

Staff recommends acceptance of the Trailhead Facility Site subject to Headland Properties Associates agreeing to provide the following:

1. Provide plans for the Trailhead Facility for our Department's review and approval which will include paving and striping of the parking lot, sanitary facilities, drinking fountain, wrought iron fencing and rolling gates, trees and benches.
2. Homeowners association for the Palisades Highlands to be totally responsible for the maintenance of the pedestrian hiking trail and to insure inclusion of this item in the Covenants, Conditions and Restrictions (CC&R's) of the Homeowners Association.
3. Provide arrangements with the homeowners association for their security officers to open and close the parking lot gates between dawn and dusk.

The Trailhead Facility Site will accommodate up to six (6) passenger vehicles and upon acceptance of the Grant Deed, our Department will be responsible for its operation, maintenance and repair. Representatives of Headland Properties Associates have tentatively agreed to the above conditions for acceptance of the grant deed.

The Assistant General Manager, Pacific Region, and Councilman Marvin Braude of the Eleventh Council District concur with staff's recommendation.

CITY PLANNING
COMMISSION

WILLIAM G. LUDDY
PRESIDENT

THEODORE STEIN, JR.
VICE-PRESIDENT

WILLIAM R. CHRISTOPHER

SUZETTE NEIMAN

FERNANDO TORRES-GIL

RAMONA HARO
SECRETARY

ROOM 503, CITY HALL
(213) 485-5071

CITY OF LOS ANGELES
CALIFORNIA



RECEIVED
MAYOR

JUN 18 1993

DEPARTMENT OF
CITY PLANNING

ROOM 561, CITY HALL
200 N. SPRING ST.
LOS ANGELES, CA 90012-4801

KENNETH C. TOPPING
DIRECTOR

MELANIE FALLON
CHIEF DEPUTY DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

ROBERT Q. JENKINS
DEPUTY DIRECTOR

(213) 485-5073
FAX (213) 237-0552

DECISION DATE:

FEB 27 1991

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Headlands Properties Assoc.
P.O. Box 705
Pacific Palisades, CA 90272

VTN West Inc.
8540 Balboa Boulevard, Suite 200
Northridge, CA 91325

MODIFICATION OF RECORDED MAP

Tract No. 32184

Council District No. 11

Date of Recordation June 1, 1989

In accordance with the provision of Sections 17.03C, 17.11 and 17.14 of the Los Angeles Municipal Code, the Advisory Agency considered a modification request concerning the conditions of approval and a revised map of recorded Tract No. 32184, located at the northeast end of Palisades Drive in the Brentwood-Pacific Palisades District.

The subdivider's representative has requested: the modification of Conditions of Approval and the approval of a revised map to permit to recordation of 36 single family lots in lieu of 37 condominium units on the site shown on lot 44 of Tract No. 32184, changes in street names, conversion of public streets to private streets and increase in street widths.

After a thorough review of the request and the recommendations of the Subdivision Committee, it was the determination of the Advisory Agency to grant the request, approve the revised map stamp-dated February 8, 1991 and to revise the conditions of approval as follows:

Revise the opening paragraph to read:

1. Revise Condition No. 4 to read:

4. That 3-foot sidewalk, street tree and street lighting easements be dedicated along all public streets and around the cul-de-sacs.

2. Revise Condition No. 12m to read:

12m. Where not in conflict with the above, the recommendations contained in the reports dated October 13, 1980, by the consulting geologist, James E. Slosson (CEG 22) of Slosson and Associates and

7. Add a new Condition No. 48 to read:

48. That the private street easement width for proposed Calle Montecito and Calle Alicante east of Calle Deborah be increased to minimum 34 feet together with minimum 39-foot radius easement line cul-de-sacs.

8. Add a new Condition No. 49 to read:

49. That the private street easement width for proposed Avenida Ashley be increased to minimum 44 feet with a minimum 39-foot radius easement line cul-de-sac.

9. Add a new Condition No. 50 to read:

50. That an amended map showing the revised layout be recorded satisfactory to the City Engineer.

10. Add a new Condition No. S-3(n) to read:

S-3(n) Improve the 44-foot private street (Avenida Ashley) being provided by the construction of the following:

- (1) Concrete curbs, concrete gutters and 4-foot concrete sidewalks adjacent to the curbs with trees and lights behind the sidewalks. Additional sidewalk construction shall be required at the locations of all fire hydrants to provide 7-foot concrete walks with transitions on each side.
- (2) Suitable surfacing to provide a 36-foot roadway.
- (3) Suitable improvement of the cul-de-sac.

11. Add a new Condition No. S-3(o) to read:

S-3(o) Improve the 34-foot private street (Calle Montecito and Calle Alicante east of Calle Deborah) being provided by the construction of the following:

- (1) Concrete curbs, concrete gutters, a 4-foot concrete sidewalk adjacent to the curb adjoining the side of the street being developed with direct access to the lots and a 2-foot concrete area on the opposite side for maintenance purposes. Trees and lights shall be located behind the sidewalk. Additional sidewalk construction shall be required at the locations of all fire hydrants to provide 7-foot concrete walks with transitions on each side.
- (2) Suitable surfacing to provide minimum 28-foot roadways.
- (3) Suitable improvement of the cul-de-sacs.

12. Add a new Condition No. S-3(p) to read:

S-3(p) Improve the 56-foot private street (Calle Del Cielo) being provided by the construction of the following:

- (1) Concrete curbs, concrete gutters, and 4-foot concrete sidewalk along the westerly side. Trees and lights shall be located adjacent to the sidewalk. Additional sidewalk construction shall be required at the locations of all fire hydrants to provide 7-foot concrete walks with transitions on each side.
- (2) Suitable surfacing to provide minimum 20-foot roadways on each side of an 8-foot landscaped median island.
- (3) Suitable improvement of the street intersections.

13. Add a new condition No. S-3(q) to read:

S-3(q) Improve the 54-foot private street (Calle Deborah) being provided by the construction of the following:

- (1) Concrete curbs, concrete gutters, and 4-foot concrete sidewalk along the easterly side southerly of Calle de Nancy and along the westerly side northerly of Calle de Nancy. Trees and lights shall be located adjacent to the sidewalk. Additional sidewalk construction shall be required at the locations of all fire hydrants to provide 7-foot concrete walk with transitions on each side.
- (2) Suitable surfacing to provide minimum 20-foot roadways on each side of a 6-foot landscaped median island.
- (3) Suitable improvements of the intersection with Calle Alicante.

14. Add new Condition No. 51 to read:

That satisfactory arrangements shall be made with the Department of Building and Safety with respect to grading in conformance with the Grading Ordinance of the Los Angeles Building Code prior to the recordation of the final map.*

- a. All previous conditions of the tract, Department letter dated October 4, 1989, March 23, 1990, July 26, 1990, and the Modification Approval dated December 24, 1990 shall be followed during grading.
- b. The graded slope within the off-site Open-Space lot is classified as non-structural and shall be planted in accordance with the Landform Planting plan dated December 14, 1990 by the L.A. Group, Inc., and the Landform Grading Guidelines.
- c. The Homeowner Association requirement shall include all necessary repairs and maintenance to the off-site fill slope adjoining lots 53 and 54.

- d. A valid permit shall be obtained for all past and future grading.
- e. An all-weather paved access roadway at a minimum width of 10 feet shall be constructed which provides vehicular access to the subject slope for purposes of repair and maintenance.
- f. The access to the slopes below Lots 53 and 54 and debris basins above Lots 53 and 67 shall be included within an access and maintenance easement recorded as part of the CC & Rs for the tract. The CC & Rs shall contain a map to define the area of maintenance and access.

*

NOTE:

It is the intention of the Deputy Advisory Agency that all grading requirements be complete prior to the sale of any individual lot and prior to the issuance of any building permit on this site, unless building permits are required as part of the grading of the property.

15. Add new Condition No. 13r to read:

- 13r. The design and location of all security gates shall be reviewed to the satisfaction of the Advisory Agency, Department of Transportation and the Fire Department prior to recordation of the amended final map. Gates shall be designed to automatically open should there be a power failure in the area, so that Fire Department personnel will have immediate access through the gate systems.

16. Revise Condition No. 24 to read:

- 24. That prior to recordation of Units III and IV, the subdivider shall offer to dedicate the trail head facilities shown on the tentative tract map to the same agency that accepts land stipulated in Condition No. 20.

Concurrent with the recording of Unit V, the subdivider shall dedicate either the necessary land or an acceptable easement for use of the trail and trail head facilities in a manner acceptable to the Advisory Agency.

That covenants and agreements be recorded to ensure that access to the trail head be open to the public at large between the hours of dawn and dusk seven days a week, per provisions of Section 63.44B14 of the Los Angeles Municipal code.

17. Add new Condition No. 52 to read:

- 52. That prior to the recordation of the amended final map, the applicant provide the Advisory Agency with a certification of the lot averaging undertaken for the project, along with a list of the lot areas and dimensions and the benefits to be derived from such averaging as provided for in Section 17.05 of the Los Angeles Municipal Code and thereafter the Advisory Agency will determine which lot(s) may be averaged. (Hillside cases).

18. Add new Condition No. 53 to read:

53. That sanitary sewer easements be dedicated full-width of the proposed private streets.

19. Add new Condition No. 54 to read:

54. That the private street easements be made part of the adjoining lots to the satisfaction of the City Engineer.

20. Add new Condition No. 55 to read:

55. That the streets be posted in a manner prescribed in Section 18.07 of the Los Angeles Municipal Code (Private Street regulations).

Retain all of the other conditions currently in effect without any change.

RECORDED MAP FINDINGS:

The following findings are made pursuant to Subsection 17.59D of the Los Angeles Municipal Code.

1. That there are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary.

In the course of grading and preparing for this site, in conjunction with the entire grading of the tract area, it has become apparent that single family lots in this location would be preferable to condominiums from a land use point of view.

2. That the modifications do not impose any additional burden on the fee owner of the property.

This change is being made at the owner's request.

3. That the modifications do not alter any right, title or interest in the real property reflected on the record map.

The Advisory Agency is not aware of any right, title or interest alterations in the real property that may result from these modifications.

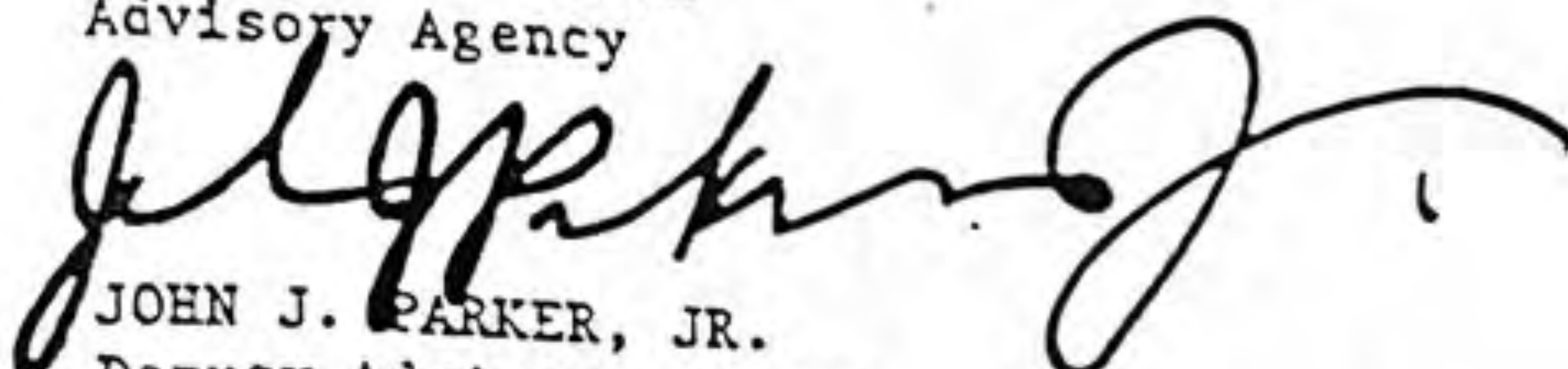
4. That the map and conditions as modified conform to the provisions of Government Code Section 66474 and of the Los Angeles Municipal Code.

The project as modified will be consistent with the intent and purpose of the Subdivision Map Act and Municipal Code.

5. That the decision maker has given consideration, among other factors, to the effects of the modifications on surrounding properties.

The site is a portion of a larger tract project predominantly developed with similar characteristics.

Melanie S. Fallon
Advisory Agency



JOHN J. PARKER, JR.
Deputy Advisory Agency

JJP:AC:ca

NOTE: This modification action will become effective 10 days from the decision date as noted in this letter unless an appeal to the City Planning Commission has been received, accepted as complete and appeal fees paid at a public office of the Department of City Planning prior to the above 10-day time limit. Such appeal must be submitted in triplicate on Form CP-6500 and approved by the City Planning Division of Land Section.

Any question should be directed to Subdivision staff at (213)485-6171.

City of Los Angeles
DEPARTMENT OF BUILDING AND SAFETY
REQUEST FOR TEMPORARY
CERTIFICATE OF OCCUPANCY

DISTRICT OFFICE:
☐ LA
☐ VN
☒ WLA
☐ SP

DISTRIBUTION

☐ Owner
☒ Petitioner
☐ M.S.S.
☐ M.S.
☒ B.I. KOPP
☐ B.M.I.
☐ Other
☐ ELEC.
☐ PLBG.
☐ HTG/A.C.
☐ ELEV.
☐ D.A.D.
☐ F.D.
☐ P.V.

REQUIRED INFORMATION: Please print in ink or type.

✓ Owner: HEADLAND PROPERTIES
 ✓ Address: P.O. Box 705
PACIFIC PALISADES Zip 90272
 Phone: (310) 457-2351
 ✓ Petitioner: JERRY SHERMAN
 ✓ Address: 14852 VENTURA BLVD #201
SHERMAN OAKS Zip 91403
 Phone: (818) 501-3391

JOB ADDRESS: 16701 Calle ALICANTE

PMT.#: 93LA04422 TYPE: V:IN
 USE(S): Restrooms OCC. B-2
(2)

STORIES: 1 # SUB-LEVELS: —

Request is for: ☒ Entire Building OR ☐ Portion of Building Described as:

FEES:
☐ Each I, H, & B Occupancy per floor = \$ 65.00
1 floors X \$ 65.00 fee
☐ R-1 Occupancy per floor = \$ —
— floors X \$ — fee
☐ Each A Occupancy per area per floor = \$ —
— rooms/areas X \$ — fee
 Issuance Fee (Incl. Core/Shell, R-3 Occ.) = \$ 100.00
 Subtotal = \$ 165.00
 O.S.S. Fee (2% of Subtotal) = \$ 3.30
 Fees Verified JP TOTAL = \$ 178.20

ENTIRE BUILDING DESCRIPTION: # Stories-
 Type- VN Size- 16 X 16
 Occupancy- B-2 Use- Restrooms
 Occ. Load-

DESCRIPTION OF PORTION TO BE OCCUPIED:

Floor #-
 Suite #-
 Core & Shell ONLY-
 Other-
 Occ. Load-

With an Expiration Date of:
JULY 6, 1994 (SIX MONTHS)
 (May Not Exceed 6 Months)

I CERTIFY THAT:

- (1) All handicap requirements are provided in and to the spaces to be occupied under this request.
- (2) All fire resistive-construction & apparatuses are complete and operable.
- (3) All exiting, fire protection and life safety systems are complete and unobstructed.
- (4) All required parking is provided for the space(s) to be occupied under this request.
- (5) All building systems required for occupancy are safe (including gas, electrical, elevators etc.)
- (6) All public works improvements are completed.

Signature of Applicant

Date

Position

01/06/94 09:22:25AM WLD1 T-5807 C 06
 TEMP C OF 0 165.00
 SYS DEV FEE 9.90
 ONE STOP SURCH 3.30
 TOTAL 178.20
 CHECK 178.20

— CASHIER USE ONLY —

Department Action: In accordance with Section 91.0315(e) the request is granted in as much as the Superintendent of Building finds that no substantial hazard will exist from the occupancy.

Division Concurrence	Print Name	Sign Name	Date
✓ Building Inspector	* R. KOPP	R. Kopp	1-6-94
✓ Electrical	SEE B-8		
✓ Plumbing	* W. WULF	W. Wulf	1/6/94
Heating & A.C.	NA		
Fire Sprinkler	NA		
Elevator	NA		
Pressure Vessel	NA		
✓ Grading	* L. PORTER	L. Porter	1-6-94
Fire Department	NA		
✓ P.W. Engineering	M. ISK. RONS	M. Isk. Rons	1-6-94
✓ Disabled Access	SEE B-8		

When all required endorsements are obtained submit this application to the office specified above in Room _____ prior to 8:30 a.m. for approval/authorization to occupy the space requested. ALSO, be prepared to pay the fee indicated above. (Make checks payable to Dept. of Building and Safety).

Approved By

Date

Position

RECORDING REQUESTED BY

L.A. Dept. Recreation & Parks

MAIL TAX STATEMENT TO

L.A. Dept. Recreation & Parks

200 N. Main Street

1200 City Hall East

Los Angeles, CA 90012

WHEN RECORDED MAIL TO

Name
Street
Address
City
State
Zip

Los Angeles Dept. of
Recreation & Parks
1200 City Hall East
200 North Main Street
Los Angeles, California 90012

ORDER NO.

ESCROW NO.

RECORDERS USE ONLY

GRANT DEED

(PARTNERSHIP)

The undersigned grantor(s) declare(s) :

Documentary transfer tax is \$_____.

() Computed on full value of property conveyed, or

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

() Unincorporated area () City of _____

Tax Parcel No. _____

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
HEADLAND PROPERTIES ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP
hereby GRANTS to the City of Los Angeles Department of Recreation
and Parks

the real property in the County of Los Angeles, State of California, described as:

Parcel No. 1

Lot 77 Tract 32184 as per the map of said Tract filed in
Book 1182, Pages 20 through 27 inclusive, of Maps in the
Official Records of the County of Los Angeles, State of California

Parcel No. 2

An easement for pedestrians and bicycle trail purposes over
the real property described on Exhibit "A" attached hereto and
incorporated herein by this reference

HEADLAND PROPERTIES ASSOCIATES, A
California Limited Partnership

By: HEADLAND DEVELOPMENT CORPORATION,
A California Corporation

Its: General Partner

Dated: February 16, 1994

By:

W. Charles Chastain

W. Charles Chastain, Vice President

By:

Brett LaShelle

Brett LaShelle, Assistant Secretary

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On February 16, 1994

before me, the undersigned, a Notary Public in and for said
County and State, personally appeared

W. CHARLES CHASTAIN
AND BRETT LASHELLE

known to me to be _____ of the partners of the partnership
that executed the within instrument, and acknowledged to
me that said partnership executed the same.

WITNESS my hand and official seal.

Naomi H. Meadows
Notary Public in and for said County and State.

Notary Seal



OFFICIAL NOTARY SEAL
NAOMI H. MEADOWS
Notary Public - California
LOS ANGELES COUNTY
My Comm. Expires AUG 25, 1995

EXHIBIT "A"

February 15, 1994
W. O. # 2532-06
VTN LGL # 94-03

Legal Description

That portion of Lots 41 and 42, Tract No. 32184 as per the map of said tract filed in Book 1182, pages 20 through 27 inclusive, of Maps and that portion of Rancho San Vicente Y Santa Monica per the map recorded in Book 3, pages 30 and 31 of patents, Official Records of the County of Los Angeles all being in the City of Los Angeles, County of Los Angeles and State of California, described as follows:

Being a 10 foot wide strip of land lying 5 feet on each side of the following described centerline:

Beginning at a point on the Easterly line of that 28 foot and variable width easement to the City of Los Angeles and the Department of Water and Power of the City of Los Angeles as shown on the map of said Tract No. 32184, said point being distant 138.45 feet Northeasterly along the arc of a curve concave Northwesterly having a radius of 289.00 feet from its Southwesterly terminus through which a radial line bears North $46^{\circ}56'01''$ West, a radial line through said Point of Beginning bears North $74^{\circ}22'53''$ West: thence leaving said easement sideline and said curve

1. South $73^{\circ}27'01''$ East 8.70 feet; thence
2. South $1^{\circ}39'26''$ West 31.91 feet; thence
3. South $8^{\circ}35'57''$ West 45.11 feet; thence
4. South $19^{\circ}10'30''$ West 106.36 feet to the beginning of a tangent curve concave Easterly having a radius of 40.00 feet; thence Southerly
5. along the arc of said curve through a central angle of $55^{\circ}10'59''$ an arc distance of 38.53 feet; thence tangent to said curve
6. South $36^{\circ}00'29''$ East 153.95 feet; thence
7. South $42^{\circ}35'31''$ East 120.76 feet; thence
8. North $47^{\circ}39'48''$ East 15.27 feet; thence
9. North $17^{\circ}01'30''$ West 57.14 feet; thence

EXHIBIT "A"

Page 2

10. North $8^{\circ}44'21''$ West 49.20 feet; thence
11. North $58^{\circ}50'03''$ East 6.69 feet; thence
12. South $53^{\circ}35'37''$ East 14.18 feet; thence
13. South $41^{\circ}34'34''$ East 81.36 feet to a point on the Easterly boundary line of said Tract No. 32184, said point being distant South $9^{\circ}04'02''$ West 143.78 feet from the Northerly terminus of that certain course shown as bearing North $9^{\circ}04'02''$ East 882.02 feet on the map of said tract; thence continuing along said last course
14. South $41^{\circ}34'34''$ East 1.03 feet; thence
15. North $63^{\circ}16'08''$ East 7.69 feet; thence
16. North $11^{\circ}53'12''$ West 19.67 feet to a point on said Easterly boundary line of Tract No. 32184, said point being distant South $9^{\circ}04'02''$ West 121.57 feet from the Northerly terminus of said course bearing North $9^{\circ}04'02''$ East 882.02 feet on said map; thence continuing along said last course
17. North $11^{\circ}53'12''$ West 88.29 feet to the beginning of a tangent curve concave Easterly having a radius of 20.00 feet; thence Northerly
18. along the arc of said curve through a central angle of $72^{\circ}44'51''$ an arc distance of 25.40 feet; thence tangent to said curve
19. North $60^{\circ}51'39''$ East 31.60 feet to a point on the Easterly tract boundary of said Tract No. 32184, being distant 3.33 feet from the Southerly terminus of that certain course along said boundary shown as bearing North $1^{\circ}27'00''$ East 693.50 feet on said map; thence continuing along said course
20. North $60^{\circ}51'39''$ East 52.29 feet to a point distant South $35^{\circ}19'05''$ East 75.20 feet from the intersection of the common line between said Lots 41 and 42 of Tract No. 32184 and said Tract No. 32184 boundary, said point of ending also being on the Southeasterly line of a future dedication to City of Los Angeles for park, bearing North $35^{\circ}19'05''$ West 160.05 feet.

The sidelines of said easement shall be prolonged or foreshortened so as to terminate Westerly in the Easterly line of said easement to the City of Los Angeles per the map of said Tract No. 32184 and Easterly in said Southeasterly line of future dedication to the City of Los Angeles for park.



Order No.
Escrow No.
Loan No.

WHEN RECORDED MAIL TO:
ATTN JOAN A THOMAS
Los Angeles Dept. of
Recreation & Parks
1330 City Hall East
200 North Main Street
Los Angeles, California 90012

MAIL TAX STATEMENTS TO:

Los Angeles Dept. of
Recreation & Parks
1290 City Hall East
200 North Main Street
Los Angeles, California 90012

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$

..... Computed on the consideration or value of property conveyed; OR

..... Computed on the consideration or value less liens or encumbrances
remaining at time of sale.

Signature of Declarant or Agent determining tax — Firm Name

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Headland Properties Associates, A California Limited Partnership

hereby GRANT(S) to The City of Los Angeles Department of Recreation and Parks

the real property in the City of Los Angeles
County of Los Angeles

, State of California, described as

Parcel No. 1: Lot 77 Tract 32184 as per the map of said Tract filed in Book 1182, Pages
20 through 27 inclusive, of Maps in the Official Records of the County of Los Angeles,
State of California.

Parcel No. 2: An easement for pedestrian hiking trail purposes only over the real property
described on Exhibit "A" attached hereto and incorporated herein by this reference.

Dated August 29, 1995

STATE OF CALIFORNIA }
COUNTY OF Los Angeles } ss.

On August 29, 1995 before me,

personally appeared W. Charles Chastain
and Brett La Shelle

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 signa-
ture(s) on the instrument the person(s) or the entity upon behalf of which
the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Naomi H. Mendez

MAIL TAX STATEMENTS AS PREPARED BY E

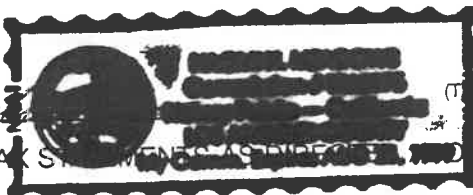
HEADLAND PROPERTIES ASSOCIATES, A
California Limited Partnership

By: HEADLAND DEVELOPMENT CORPORATION,
A California Corporation

Its: General Partner

By: W. Charles Chastain, Vice President

By: Brett La Shelle, Assistant Secretary

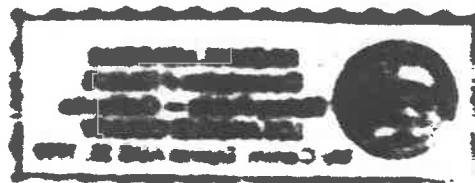


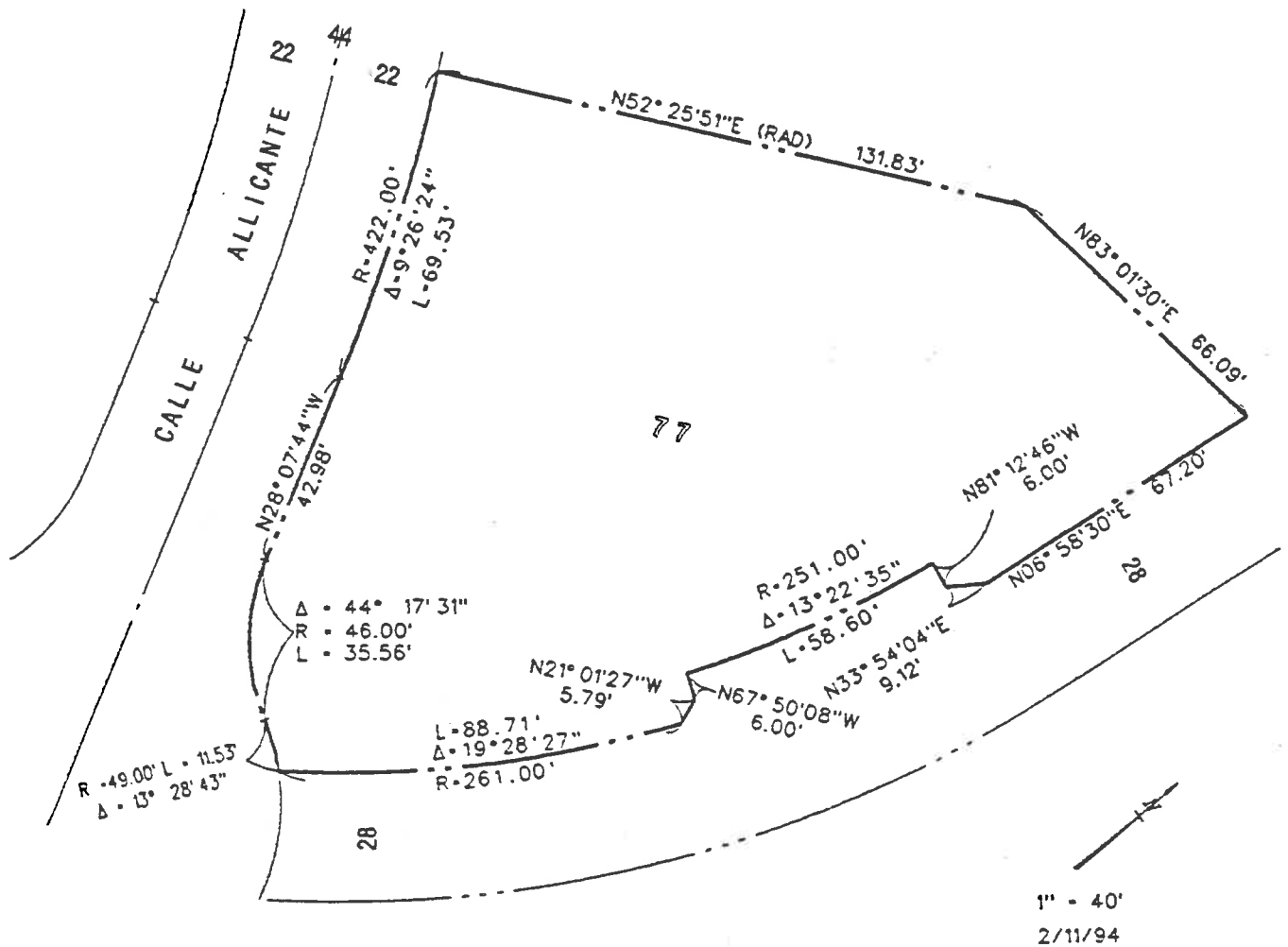
(This area for official notarial seal)



First American Title Insurance Company

A subsidiary of The First American Financial Corporation





LOT 77 TR. NO. 32184 MB 1182 2027

PLAT TO ACCOMPANY LEGAL DESCRIPTION

(Signature)

Rancho San Vicente
Y Santa Monica
30/31 Patents
Bk 3 pg 4

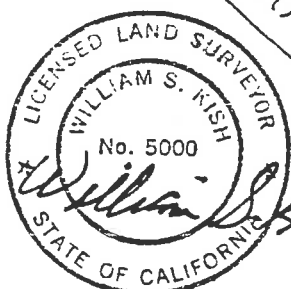
SE'ly line of Future
City dedication to
of Los Angeles
for park
N35°19'05"
75.20'

Tract No. 32184
MB 1182-20/27

Lot 41

Calle Alicante (private street)

Scale: 1"=50'



PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"

Portion of Tr. No. 32184 MB1182 20/27 & Rancho San Vicente Y Santa Mommica per 3 30/31 Pat.

EXHIBIT "A"

February 15, 1994
W. O. # 2532-06
VTN LGL # 94-03

Legal Description

That portion of Lots 41 and 42, Tract No. 32184 as per the map of said tract filed in Book 1182, pages 20 through 27 inclusive, of Maps and that portion of Rancho San Vicente Y Santa Monica per the map recorded in Book 3, pages 30 and 31 of patents, Official Records of the County of Los Angeles all being in the City of Los Angeles, County of Los Angeles and State of California, described as follows:

Being a 10 foot wide strip of land lying 5 feet on each side of the following described centerline:

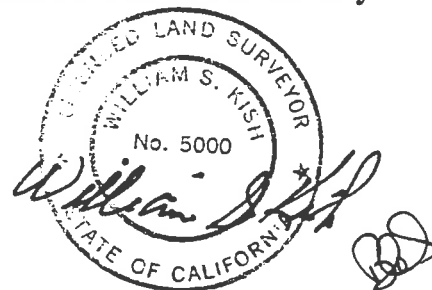
Beginning at a point on the Easterly line of that 28 foot and variable width easement to the City of Los Angeles and the Department of Water and Power of the City of Los Angeles as shown on the map of said Tract No. 32184, said point being distant 138.45 feet Northeasterly along the arc of a curve concave Northwesterly having a radius of 289.00 feet from its Southwesterly terminus through which a radial line bears North $46^{\circ}56'01''$ West, a radial line through said Point of Beginning bears North $74^{\circ}22'53''$ West: thence leaving said easement sideline and said curve

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6. South $36^{\circ}00'29''$ East 153.95 feet; thence
7. South $42^{\circ}35'31''$ East 120.76 feet; thence
8. North $47^{\circ}39'48''$ East 15.27 feet; thence
9. North $17^{\circ}01'30''$ West 57.14 feet; thence

EXHIBIT "A"

10. North 8°44'21" West 49.20 feet; thence
11. North 58°50'03" East 6.69 feet; thence
12. South 53°35'37" East 14.18 feet; thence
13. South 41°34'34" East 81.36 feet to a point on the Easterly boundary line of said Tract No. 32184, said point being distant South 9°04'02" West 143.78 feet from the Northerly terminus of that certain course shown as bearing North 9°04'02" East 882.02 feet on the map of said tract; thence continuing along said last course
14. South 41°34'34" East 1.03 feet; thence
15. North 63°16'08" East 7.69 feet; thence
16. North 11°53'12" West 19.67 feet to a point on said Easterly boundary line of Tract No. 32184, said point being distant South 9°04'02" West 121.57 feet from the Northerly terminus of said course bearing North 9°04'02" East 882.02 feet on said map; thence continuing along said last course
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18. along the arc of said curve through a central angle of 72°44'51" an arc distance of 25.40 feet; thence tangent to said curve
19. North 60°51'39" East 31.60 feet to a point on the Easterly tract boundary of said Tract No. 32184, being distant 3.33 feet from the Southerly terminus of that certain course along said boundary shown as bearing North 1°27'00" East 693.50 feet on said map; thence continuing along said course
20. North 60°51'39" East 52.29 feet to a point distant South 35°19'05" East 75.20 feet from the intersection of the common line between said Lots 41 and 42 of Tract No. 32184 and said Tract No. 32184 boundary, said point of ending also being on the Southeasterly line of a future dedication to City of Los Angeles for park, bearing North 35°19'05" West 160.05 feet.

The sidelines of said easement shall be prolonged or foreshortened so as to terminate Westerly in the Easterly line of said easement to the City of Los Angeles per the map of said Tract No. 32184 and Easterly in said Southeasterly line of future dedication to the City of Los Angeles for park.



REPORT OF GENERAL MANAGER

NO. 405-95

DATE September 6, 1995

CD 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SANTA YNEZ CANYON PARK: PROPERTY ADJUSTMENTS AND
REJECTION OF ADDITIONAL PROPERTY

J. Andervich _____
D. Gonzalez _____
R. Sessinghaus _____
M. Mollinedo _____

P. Bryant _____
*D. Zamrzla DRZ
S. Klippel _____
E. Porter _____

9638
Kurtie
General Manager

Approved 10-18-95 Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

- 6-26-95
30-minute
marked
- 1) ✓ Rescind previous Board Report 370-89 and adopt the Resolution and draft ordinance (on file in the Board Office) approving a Quitclaim Deed for the reconveyance of property referenced in the above action back to Headland Properties Associates; and,
 - 2) Accept a new Grant Deed from Headland Properties Associates for a revised location for a Trailhead Facility Site and Trail Easement within Tract 32184 in the Palisades Highlands as dedicated park property; and,
 - 3) Direct the Board Secretary to forward the Resolution, draft ordinance and a copy of this report to the City Attorney and the Mayor, and request that the City Attorney prepare necessary action for the City Council to adopt the Resolution by ordinance; and,
 - 4) Authorize the Board President and Secretary to execute the quitclaim deed upon adoption of the ordinance, and direct the Board Secretary to have the Grant Deed and the Quitclaim Deed recorded and subsequently transmit a copy of the recorded Deeds to Headland Properties Associates; and,
 - 5) Reject the offer from Headland Properties Associates for the dedication of an additional 74.5 acres of steep hillside chaparral land located between the Palisades Highlands development and Topanga State Park.

SUMMARY:

On June 26, 1989 (Report 370-89), the Board accepted a Grant Deed from Headland Properties Associates of a 0.05 acre site proposed

REPORT OF GENERAL MANAGER

PG. 2

No. 405-95

for the Temescal Ridge Trailhead facility, and a trail easement over a portion of Headland's Tract 32184 development in Pacific Palisades referred to as the Palisades Highlands. The dedication, development and construction of the trailhead facility as well as the trail easement which connects with the trail system leading to the Topanga State Park, were environmental mitigation measures imposed by the California Coastal Commission in order for Headland to obtain a Coastal Development Permit. The trailhead facility was to include a paved parking lot including handicap spaces, sanitary facilities, a drinking fountain, wrought iron fencing, gates, trees and benches.

Shortly after acceptance, the deed for the trailhead property and the easement were recorded with the Los Angeles County Registrar Recorder. Headland subsequently notified the Department that they were proposing to change the location of the trailhead facility site, due to soil erosion problems, to another lot of equal size and value which was across from and closer to the Temescal Ridge Trailhead. Headland obtained approval from Department staff, the City's Planning Department, and all other concerned agencies to relocate the proposed trailhead facility to the new site location. The trailhead facility was subsequently constructed at its current site in accordance with plans approved by our Department, the completed facility inspected by staff and found to be in order.

In accordance with City Charter Section 170 (b)(1), the City Attorney advised that the appropriate procedure for the reconveyance is to rescind the Board's previous action and approve a Resolution for a Quitclaim Deed to reconvey the original deeded trailhead property and trail easement back to Headland Properties Associates. The reconveyance will require approval of the Resolution by the City Council via ordinance. Concurrently, the Board should accept and dedicate for park purposes the new trailhead facility site and trail easement.

Additionally, Headlands Properties Associates has offered to deed to our Department 74.50 acres of hillside property which surrounds their Palisades Highlands development and acts as a buffer zone between their tract and Topanga State Park. The proposed property is virtually inaccessible steep hillside chaparral which is unusable for recreation purposes and only creates additional liability and maintenance problems for our Department in regards to erosion problems and Fire Department brush clearance requirements. The State turned down an offer from Headlands on acceptance of this property because of its proximity to the private residences and the additional maintenance burden.

REPORT OF GENERAL MANAGER

PG. 3

No. 405-95

Ordinance 155,203 (May 7, 1981) which pertains to the subject tract development and proposed subdivision, authorizes acceptance of dedication or conveyance of real property for park and recreational purposes. The ordinance required that Headland Properties dedicate 25 acres to the City for park and recreational purposes in order to satisfy all Quimby requirements for the entire tract. In 1972, Headland deeded 48.46 acres to the Department which was dedicated as Santa Ynez Canyon Park, and in 1981, they deeded an additional adjacent 25.17 acres. In 1989, the Department accepted 264.76 acres of steep hillside property which abuts the easterly and westerly sides of Palisades Drive northerly of Sunset Boulevard for a total of 338.39 acres. Headland Properties was also required to dedicate 95.4 acres to the State, which has also been accomplished.

The ordinance further states that if the State does not accept the other remaining properties, that the City shall have "the opportunity" to obtain or "may" accept all or a portion of the remaining property as City-owned recreation and park or open space land, "should it choose to obtain same". Additionally, in reviewing the Tract Conditions for Tract 32184, staff determined that Headland Properties was required to include a 150 foot fire buffer zone easement in the Covenants, Conditions and Restrictions (CC&R's) for the homeowners association. A review of the CC&R's and Reservation of Easements for the Summit at Palisades Highlands revealed that there are no requirements for the homeowners to maintain the subject fire buffer zone easement.

Based upon the above information, staff recommends that the Board reject the offer of dedication of 74.5 acres from Headland Properties Associates.

The Assistant General Manager, Pacific Region, and Councilmember Marvin Braude within whose Council District Santa Ynez Canyon Park is located, were consulted and concur with staff's recommendations.

This page is part of your document - DO NOT DISCARD



20100262929



Pages:
0011

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

02/26/10 AT 11:34AM

FEES:	46.00
TAXES:	NEPR
OTHER:	0.00
PAID:	NEPR



LEADSHEET



201002260030016

00001983941



002558981

SEQ:
01

DAR - Counter (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

E534541

1

RECORDING REQUESTED BY:

Chicago Title Company

Mail Tax Statements to *file*
WHEN RECORDED MAIL TO:

HEADLAND PROPERTIES ASSOCIATES, LLC
11726 San Vicente Boulevard, Suite 235
Los Angeles, California 90029



SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

Grant Deed

TITLE ORDER NO.: 71066439-X49

APN's

4431-040-012; -017; -019
4431-008-005; -094
4431-014-010
4431-039-010; -012
4431-035-018
4431-042-025
4431-039-029

4431-023-012, 67, 11.

3

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

HEADLAND PROPERTIES ASSOCIATES, LLC
11726 San Vicente Boulevard, Suite 235
Los Angeles, California 90049

GRANT DEED

The undersigned grantor declares:



Documentary transfer tax shown by unrecorded separate affidavit pursuant to R&T Code §11932

() computed on full value of property conveyed, or

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

x *City of Los Angeles*

FOR VALUE RECEIVED, HEADLAND PROPERTIES ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP ("Grantor"), grants to HEADLAND PROPERTIES ASSOCIATES, LLC, a California limited liability company ("Grantee"), all that certain real property (the "Property") situated in the County of Los Angeles, State of California, described on Exhibit A attached hereto and by this reference incorporated herein.

THE PROPERTY IS CONVEYED TO GRANTEE SUBJECT TO:

(a) All liens, encumbrances, easements, covenants, conditions and restrictions of record, including any matters shown on any subdivision or parcel map affecting the Property;

(b) All exceptions appearing in a certain policy of title insurance for the Property issued to the Grantee as of the date hereof;

(c) All matters which would be revealed or disclosed in an accurate survey of the Property;

(d) All matters which would be revealed or disclosed by a physical inspection of the Property;

(e) Interests of tenants in possession;

(f) Liens for taxes for real property and personal property, and any general or special assessments against the Property; and

(g) Zoning ordinances and regulations and any other laws, ordinances, or governmental regulations restricting or regulating the use, occupancy or enjoyment of the Property.

4

IN WITNESS WHEREOF, Grantor has executed this Grant Deed effective as of the date it is recorded in the Official Records of Los Angeles County.

HEADLAND PROPERTIES ASSOCIATES,
A CALIFORNIA LIMITED PARTNERSHIP

By: Headland-Pacific Palisades, LLC,
a California limited liability company
Sole General Partner

By: Metropolitan Life Insurance Company,
a New York corporation
Managing Member

By: [Signature]
Title: Director

State of California

County of Los Angeles

On February 5, 2010, before me, Diana K. Dantic, NOTARY PUBLIC, personally appeared John D. Menne who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature [Signature] (Seal)



5

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

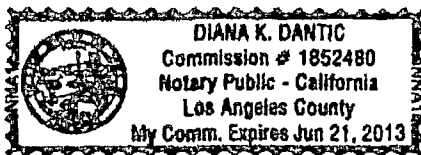
State of California

County of Los Angeles

On February 5, 2010 before me, Diana K. Dantic, Notary Public

personally appeared John D. Menne

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



Place Notary Seal Above

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

WITNESS my hand and official seal

Signature Diana K. Dantic

OPTIONAL

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

Description of Attached Document

Title or Type of Document _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

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

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

6

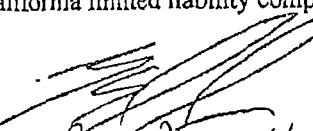
NOTICE OF ACCEPTANCE

The real property conveyed by the attached Grant Deed is hereby accepted by Grantee.

HEADLAND PROPERTIES ASSOCIATES, LLC,
a California limited liability company

By:

Its


Edward Miller
Manager

State of California

County of

Los Angeles

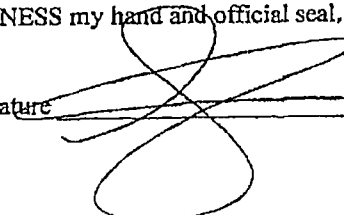
(ESP)

On February 10th, 2010, before me, Elma F. Barrow ^{public} ~~Notary~~, personally appeared Edward John Miller, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

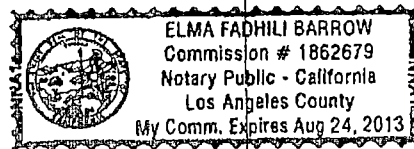
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,

Signature



(Seal)



CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles

On 02/17/2010 before me, Elma Fadhilli Barrow (Notary Public)
(Here insert name and title of the officer)

personally appeared Edward Miller

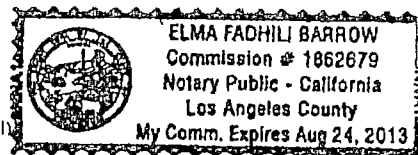
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

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

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Quitclaim Deed

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they - is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits; otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - Indicate title or type of attached document, number of pages and date.
 - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

EXHIBIT A

8

PARCEL 1:

LOTS "C" AND "D" OF TRACT NO. 31071, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 817 PAGES 58 THROUGH 75 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL UNDERLYING MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WITHOUT, HOWEVER, THE RIGHT OF ENTRY ON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME FROM ANY PORTION OF SAID LAND WHICH IS 500 FEET OR MORE BELOW THE GROUND SURFACE AND ALSO WITH THE FULL RIGHT TO DRILL UNDER OR THROUGH SAID LAND AT ANY POINT OR POINTS 500 FEET OR MORE BELOW THE GROUND SURFACE FOR THE EXPLORATION, DEVELOPMENT, AND REMOVAL OF THE SAME, AS EXCEPTED AND RESERVED BY GEORGE E. VOLLMERS, TRUSTEE, IN DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 528, OFFICIAL RECORDS, AND BY DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 532, OFFICIAL RECORDS.

PARCEL 2:

LOT 129 OF TRACT NO. 31075, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 838, PAGES 7 TO 15 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL UNDERLYING MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WITHOUT, HOWEVER, THE RIGHT OF ENTRY ON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME FROM ANY PORTION OF SAID LAND WHICH IS 500 FEET OR MORE BELOW THE GROUND SURFACE AND ALSO WITH THE FULL RIGHT TO DRILL UNDER OR THROUGH SAID LAND AT ANY POINT OR POINTS 500 FEET OR MORE BELOW THE GROUND SURFACE FOR THE EXPLORATION, DEVELOPMENT, AND REMOVAL OF THE SAME, AS EXCEPTED AND RESERVED BY GEORGE E. VOLLMERS, TRUSTEE, IN DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 528, OFFICIAL RECORDS, AND BY DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 532, OFFICIAL RECORDS.

PARCEL 3:

LOT 52 OF TRACT NO. 32186, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1122 PAGES 58 TO 65 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

9

EXCEPT THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY TERMINUS OF THE NORTHERLY LINE OF LOT 3 OF AMENDED MAP OF TRACT NO. 32184, AS PER MAP RECORDED IN BOOK 1182 PAGES 20 TO 27 INCLUSIVE OF MAPS, IN SAID COUNTY RECORDER'S OFFICE AS BEARING NORTH 89° 13' 53" EAST 124.72 FEET ON SAID MAP; THENCE CONTINUING ALONG THE WESTERLY PROLONGATION OF SAID NORTHERLY LINE

1. SOUTH 89° 13' 53" WEST 6.50; THENCE
2. SOUTH 5° 49' 05" EAST 55.84 FEET; THENCE
3. SOUTH 19° 01' 42" EAST 45.82 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 3; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LOT 3
4. NORTH 12° 42' 08" WEST 67.34 FEET; THENCE
5. NORTH 1° 03' 00" EAST 33.28 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY TERMINUS OF THE NORTHEASTERLY LINE OF LOT 4 OF SAID AMENDED MAP OF TRACT NO. 32184, SHOWN AS BEARING NORTH 72° 05' 22" WEST 117.12 FEET ON SAID MAP; THENCE ALONG THE NORTHWESTERLY PROLONGATION OF SAID NORTHEASTERLY LINE

1. NORTH 72° 05' 22" WEST 7.00 FEET; THENCE
2. SOUTH 16° 55' 14" WEST 49.97 FEET TO THE SOUTHWESTERLY TERMINUS OF THAT COURSE SHOWN AS BEARING SOUTH 24° 54' 44" WEST ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 4; THENCE ALONG SAID COURSE
3. NORTH 24° 54' 44" EAST 50.34 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY TERMINUS OF THE NORTHEASTERLY LINE OF LOT 5 OF SAID AMENDED MAP OF TRACT NO. 32184, SHOWN AS BEARING NORTH 49° 42' 09" WEST 101.18 FEET ON SAID MAP; THENCE ALONG THE NORTHWESTERLY PROLONGATION OF SAID LINE

10

1. NORTH 49° 42' 09" WEST 4 00 FEET, THENCE
2. SOUTH 38° 58' 23" WEST 82 92 FEET TO THE SOUTHWESTERLY TERMINUS OF THAT COURSE SHOWN AS BEARING NORTH 41° 44' 14" EAST ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID LOT 5; THENCE ALONG SAID COURSE
3. NORTH 41° 44' 14" EAST 82 92 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM ALL UNDERLYING MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WITHOUT, HOWEVER, THE RIGHT OF ENTRY ON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME FROM ANY PORTION OF SAID LAND WHICH IS 500 FEET OR MORE BELOW THE GROUND SURFACE AND ALSO WITH THE FULL RIGHT TO DRILL UNDER OR THROUGH SAID LAND AT ANY POINT OR POINTS 500 FEET OR MORE BELOW THE GROUND SURFACE FOR THE EXPLORATION, DEVELOPMENT, AND REMOVAL OF THE SAME, AS EXCEPTED AND RESERVED BY GEORGE E. VOLLMERS, TRUSTEE, IN DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 528, OFFICIAL RECORDS, AND BY DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 532, OFFICIAL RECORDS.

PARCEL 4:

LOT 65 OF TRACT NO. 44651, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1131 PAGES 7 TO 14 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL UNDERLYING MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WITHOUT, HOWEVER, THE RIGHT OF ENTRY ON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME FROM ANY PORTION OF SAID LAND WHICH IS 500 FEET OR MORE BELOW THE GROUND SURFACE AND ALSO WITH THE FULL RIGHT TO DRILL UNDER OR THROUGH SAID LAND AT ANY POINT OR POINTS 500 FEET OR MORE BELOW THE GROUND SURFACE FOR THE EXPLORATION, DEVELOPMENT, AND REMOVAL OF THE SAME, AS EXCEPTED AND RESERVED BY GEORGE E. VOLLMERS, TRUSTEE, IN DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 528, OFFICIAL RECORDS, AND BY DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 532, OFFICIAL RECORDS.

PARCEL 5.

LOTS 41, 42, 43 AND 77 OF AMENDED TRACT NO. 32184, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1182 PAGES 20 TO 27 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL UNDERLYING MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WITHOUT, HOWEVER, THE RIGHT OF ENTRY ON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME FROM ANY PORTION OF SAID LAND WHICH IS 500 FEET OR MORE BELOW THE GROUND SURFACE AND ALSO WITH THE FULL RIGHT TO DRILL UNDER OR THROUGH SAID LAND AT ANY POINT OR POINTS 500 FEET OR MORE BELOW THE GROUND SURFACE FOR THE EXPLORATION, DEVELOPMENT, AND REMOVAL OF THE SAME, AS EXCEPTED AND RESERVED BY GEORGE E. VOLLMERS, TRUSTEE, IN DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 528, OFFICIAL RECORDS, AND BY DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 532, OFFICIAL RECORDS.

PARCEL 6:

LOT "L", SHOWN AS CALLE NANCY (NOW KNOWN AS VIA PACIFICA), AND LOT "H", SHOWN AS CALLE ALICANTE (NOW KNOWN AS VIA LA COSTA), AS SHOWN ON THE MAP OF AMENDED TRACT NO. 32184, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1182 PAGES 20 TO 27 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT FROM LOT "H", THAT PORTION LYING NORTHERLY OF THE WESTERLY PROLONGATION OF LOT 41 OF SAID AMENDED TRACT NO. 32184.

ALSO EXCEPT THEREFROM ALL UNDERLYING MINERALS, OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WITHOUT, HOWEVER, THE RIGHT OF ENTRY ON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME FROM ANY PORTION OF SAID LAND WHICH IS 500 FEET OR MORE BELOW THE GROUND SURFACE AND ALSO WITH THE FULL RIGHT TO DRILL UNDER OR THROUGH SAID LAND AT ANY POINT OR POINTS 500 FEET OR MORE BELOW THE GROUND SURFACE FOR THE EXPLORATION, DEVELOPMENT, AND REMOVAL OF THE SAME, AS EXCEPTED AND RESERVED BY GEORGE E. VOLLMERS, TRUSTEE, IN DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 528, OFFICIAL RECORDS, AND BY DEED RECORDED DECEMBER 30, 1960 IN BOOK D-1079 PAGE 532, OFFICIAL RECORDS.

END OF LEGAL DESCRIPTION

This page is part of your document - DO NOT DISCARD



20131775032



Pages:
0002

Recorded/Filed In Official Records
Recorder's Office, Los Angeles County,
California

12/17/13 AT 02:59PM

FEES:	15.00
TAXES:	1,960.00
OTHER:	0.00
PAID:	1,975.00



LEADSHEET



201312172890009

00008657575



005938691

SEQ:
79

DAR - Mail (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY

COUNTY OF LOS ANGELES
DEPARTMENT OF TREASURER
AND TAX COLLECTOR

AND WHICH RECORDED MAIL TO

HENRI LEVY
810 CORD CIRCLE
BEVERLY HILLS, CA 90210

12/17/2013



20131775032

2

Document Transfer Tax - computed on full value of property conveyed \$ 385.00
City Transfer Tax \$ 1,575.00
Survey Fee \$ 0.00

Leah Gibson
Signature of Declarant

TAX DEED TO PURCHASER OF TAX-DEFAULTED PROPERTY

On which the legally levied taxes were a lien for FISCAL YEAR 1999 - 2000
and for nonpayment were duly declared to be in default. DEFAULT NUMBER 4431-039-029

This deed, between the Treasurer and Tax Collector of Los Angeles County ("SELLER") and
HENRI LEVY - A MARRIED MAN AS HIS SOLE & SEPARATE PROPERTY

("PURCHASER"), conveys to the PURCHASER the real property described herein which the SELLER sold to the
PURCHASER BY AGREEMENT on **October 22, 2013** pursuant to a statutory power of sale in accordance with the
provisions of Division 1, Part 6, Chapter 7, Revenue and Taxation Code, for the sum of \$ 350,000.00
No taxing agency objected to the sale.

In accordance with the law, the SELLER hereby grants to the PURCHASER that real property situated in said county,
State of California, last assessed to, **HEADLAND PROPERTIES ASSOCIATES L LC**

described as follows: **ASSESSOR'S PARCEL NUMBER 4431-039-029**

TR=32184A LOT 77

STATE OF CALIFORNIA } ss.
County of Los Angeles

EXECUTED ON **December 5, 2013**

MARK J. SALADINO
TREASURER AND TAX COLLECTOR
of the County of Los Angeles,
State of California

By *[Signature]*
Deputy Tax Collector

On **December 5, 2013**, before me personally appeared **KATHLEEN GLOSTER** who proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s)
acted, executed the instrument. I certify under penalty of perjury under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Location: City of LOS ANGELES

Sale No. 2013A Item No. 06834

Dean C. Logan
REGISTRAR-RECORDER/COUNTY CLERK
of the County of Los Angeles,
State of California

By *Leah Gibson*
Deputy County Clerk



This page is part of your document - DO NOT DISCARD



20140047667



Pages:
0005

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

01/15/14 AT 02:08PM

FEES:	31.00
TAXES:	0.00
OTHER:	0.00
PAID:	31.00



LEADSHEET



201401150940018

00008762358



005986998

SEQ:
01

DAR - Counter (Upfront Scan)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY:

1205-1207 Wooster Street, LLC

AND WHEN RECORDED MAIL TO
& MAIL TAX STATEMENT TO:

1205-1207 Wooster Street, LLC
4936 Triggs Street
Commerce, CA 90022

APN: 4431-039-029

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Recording Requested by:

1205-1207 Wooster Street, LLC

When Recorded Mail To:

1205-1207 Wooster Street, LLC

4936 Triggs Street

Commerce, CA 90022

| Space above this line for Recorder's use

APN: 4431-039-029

GRANT DEED

THE UNDERSIGNED GRANTOR DECLARES:

DOCUMENTARY TRANSFER TAX IS \$-0-*****

(X) COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR

() COMPUTED ON FULL VALUE, LESS VALUE OF LIENS AND ENCUMBRANCES

REMAINING AT THE TIME OF THE SALE

() UNINCORPORATED AREA: (X) CITY OF LOS ANGELES, AND

FOR VALUABLE CONSIDERTAION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,

HENRI LEVY, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY

HEREBY GRANTS TO

1205-1207 WOOSTER STREET, LLC, a CALIFORNIA LIMITED LIABILITY COMPANY

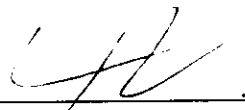
THE FOLLOWING DESCRIBED REAL PROPERTY IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT A

**** THE GRANTOR AND GRANTEE IN THIS CONVEYANCE ARE COMPRISED OF THE SAME PARTIES WHO CONTINUE TO HOLD THE SAME PROPORTIONATE INTEREST IN THE PROPERTY, R&T CODE § 11923(D)

DATED: January 14, 2014

GRANTOR'S SIGNATURE:


HENRI LEVY

* See attached California All-purpose Acknowledgment

EXHIBIT A

LEGAL DESCRIPTION

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

PARCEL 1:

LOT 77, OF TRACT NO. 32184, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1182 PAGE(S) 20 TO 27 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPT THEREFROM, TOGETHER WITH THE RIGHT TO GRANT AND TRANSFER ALL OR A PORTION OF THE SAME.

I. ALL OIL RIGHTS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND RIGHTS TO ALL OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, TO ALL GEOTHERMAL HEAT AND TO ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING (COLLECTIVELY, "SUBSURFACE RESOURCES"); AND

II. THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE AND OPERATE FOR AND TO PRODUCE, STORE AND REMOVE ANY OF THE SUBSURFACE RESOURCES ON OR FROM SAID LOT, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN SAID LOT, WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF SAID LOT, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS WITHIN OR BEYOND THE EXTERIOR LIMITS OF SAID LOT, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, BUT WITHOUT THE RIGHT TO DRILL, MINE EXPLORE, OPERATE, PRODUCE, STORE OR REMOVE ANY OF THE SUBSURFACE RESOURCES THROUGH OR IN THE SURFACE OF THE UPPER FIVE HUNDRED FIFTY FEET (550') OF THE SUBSURFACE OF SAID LOT, AS RESERVED IN DEEDS.

PARCEL 2:

NONEXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS, DRAINAGE, MAINTENANCE, REPAIRS AND FOR OTHER PURPOSES, ALL AS DESCRIBED IN THE DECLARATION, THE MASTER DECLARATION AND THE DRIVE DECLARATION, ANY AMENDMENTS THERETO.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of LOS Angeles

On January 14, 2013 before me, Stacy Song-Yi Han, Notary Public

personally appeared Henri Levy

Here Insert Name and Title of the Officer

Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature: [Signature]

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Grant Deed APN: 4431-039-029

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



JOSEPH KELLY
TREASURER AND TAX COLLECTOR

COUNTY OF LOS ANGELES TREASURER AND TAX COLLECTOR

KENNETH HAHN HALL OF ADMINISTRATION
225 NORTH HILL STREET, ROOM 130
LOS ANGELES, CALIFORNIA 90012
TELEPHONE: (213) 974-7245 FAX: (213) 680-3648



HOME PAGE
TTC.LACOUNTY.GOV

PROPERTY TAX PORTAL
LACOUNTYPROPERTYTAX.COM

March 31, 2016

Headland Properties Associates, LLC
c/o Joseph P. Guarrasi, Chief Financial Officer and Secretary
11726 San Vicente Blvd., #235
Los Angeles, CA 90049

Dear Mr. Guarrasi:

RE: EXCESS PROCEEDS
ASSESSOR'S IDENTIFICATION NUMBER: 4431-039-029
SALE NUMBER 2013A ITEM NUMBER 6834

This is to inform you that your claim for excess proceeds resulting from the sale of the above-referenced property at the Tax Collector's Public Auction held on October 21, 2013 **has been approved for the amount of \$329,521.79.**


The distribution was according to the California Revenue and Taxation Code Section 4675. The excess proceeds is distributed in order of priority of parties of interest who submitted a claim prior to expiration of one year following the recordation of the tax collector's deed to the purchaser.

If you do not agree with our approval, you have **90 days from the date of this letter to file legal action with the Superior Court. Otherwise, the excess proceeds will be released to all approved claimants pursuant to California Revenue and Taxation Code Section 4674.** If any action or proceeding is filed, the Treasurer and Tax Collector's Office must be notified in writing immediately.

Should you have questions, please contact the Excess Proceeds Unit at (213) 974-7245, Monday through Friday, between the hours of 8:00 a.m. to 5:00 p.m.

Very truly yours,

JOSEPH KELLY
Treasurer and Tax Collector


Belen Panganiban
Tax Defaulted Land Unit
Secured Property Tax Division

7012 3050 0001 7570 3553



COUNTY OF LOS ANGELES
AUDITOR CONTROLLER'S SPECIAL WARRANT
WARRANT CLEARANCE FUND, LOS ANGELES, CALIFORNIA

TS 0023553217

THE TREASURER OF THE COUNTY OF LOS ANGELES
500 W. TEMPLE ST. ROOM 502, LOS ANGELES, CA 90012

June 02, 2016

NOT PAYABLE AFTER TWO
YEARS FROM DATE ISSUED

CONTROLLED DISBURSEMENT
PAYABLE THROUGH BANK OF AMERICA, N.A.
NORTH BROOK, ILLINOIS

PAY TO THE ORDER OF:

70-2328
0719

HEADLAND PROPERTIES ASSOC. LLC
11726 SAN VICENTE BLVD., #235
LOS ANGELES, CA 90049

Amount

\$*****333,114.65

MISC-TRT

528

PAY: Three Hundred Thirty Three Thousand One Hundred Fourteen
And 65/100 Dollars

APPROVED
JOHN NAIMO, AUDITOR-CONTROLLER BY

⑈0023553217⑈ ⑆071923284⑆ 87659⑈ 15848⑈

DETACH HERE ↑

↑ DETACH HERE ↑

↑ DETACH HERE ↑

↑ DETACH HERE ↑

COUNTY OF LOS ANGELES REMITTANCE ADVICE

PAYEE NAME

HEADLAND PROPERTIES ASSOC. LLC

PAYEE NUMBER

MISC-TRT

HANDLING CODE

7

PAYMENT REFERENCE NUMBER

TWR-TT-R1615200021

DISB CAT

528

ISSUE DATE

06/02/2016

AMOUNT

\$333,114.65

WARRANT NUMBER

0023553217

REFUND DUE TO EXCESS PROCEEDS TO A TAX SALE ITEM
NUMBER REFERENCED:

4431039029

FOR INFORMATION CALL (213) 893-0102

NOT NEGOTIABLE

NOT NEGOTIABLE

NOT NEGOTIABLE

received
6/7/2016

For more information about this payment, please contact
Treasurer-Tax Collector Default Land Unit AT (213) 974-7245.

NOT NEGOTIABLE

NOT NEGOTIABLE

NOT NEGOTIABLE

TEMESCAL RIDGE TRAILHEAD
PARK FACILITY INSPECTED (Print)

M. BERTRAND
COMPLETED BY (PRINT)

9-23-15 11:00
DATE/TIME

Score	ITEM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
30 (1-4)	Field	Condition/Safety Concerns		
	Restrooms	Floors		
		Fixtures		
0 (1-4)	Play Area	Condition/Safety Concerns		
		Equipment		
		Sand		
	**Building Maintenance: ←(place Building Average Score total from reverse here)			
30 (1-4)	Litter and Trash			
		Overall Appearance		
0 (1-4)	Ball Diamonds/Sports Fields/Sports Courts			
		Condition/Safety Concerns		
0 (1-4)	Turf	Color, Edged and Trimmed		
		Condition/Safety Concerns		
		Holes or Bare Spots		
0 (1-4)	Picnic Area	Condition/Safety Concerns		
		Furniture: Tables, benches,		
		BBQ Grills		
0 (1-4)	Irrigation	Wet/Dry Areas		
	Management	Condition		
		Safety Concerns		
2.5 (1-4)	Hardscapes	Free of sand, debris, weeds		
	Parking Lot	Condition/Safety Concerns		
2.5 (1-4)	Landscaping	Condition		
		Pruned		
		Weeded		
FINAL AVERAGE SCORE (1-4): Add total scores. Divide by number of applicable categories with a score. 4 = Excellent 3 = Good 2 = Poor 1 = Fail				

Drinking Fountain Assessment: GOOD

Park Furniture Assessment: N/A

Lake Assessment: N/A

Trees (hangers, branch obstructions, stakes):

NONE PRESENT

Follow Up (comments, job orders, disposition):

TEMESCAL RIDGE TRAILHEAD
PARK FACILITY INSPECTED (Print)

M. BARTMAN
COMPLETED BY (PRINT)

12-11-14 12:00
DATE/TIME

Score	ITEM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
2.0 (1-4)	Field Condition/Safety Concerns	GOOD		
	Restrooms Floors	FLOORS (AND) WALKS DIRTY		
	Restrooms Fixtures	GOOD		
0 (1-4)	Play Area Condition/Safety Concerns			
	Play Area Equipment	N/A		
	Play Area Sand			
**Building Maintenance: ← (place Building Average Score total from reverse here)				
3.0 (1-4)	Litter and Trash Overall Appearance	GOOD NONE / PRESENT		
0 (1-4)	Ball Diamonds/Sports Fields/Sports Courts Condition/Safety Concerns	N/A		
	Ball Diamonds/Sports Fields/Sports Courts Surfaces and Equipment			
0 (1-4)	Turf Color, Edged and Trimmed			
	Turf Condition/Safety Concerns	N/A		
	Turf Holes or Bare Spots			
	Turf Gophers			
0 (1-4)	Picnic Area Condition/Safety Concerns	N/A		
	Picnic Area Furniture: Tables, benches,			
	Picnic Area BBQ Grills			
0 (1-4)	Irrigation Wet/Dry Areas			
	Management Condition	N/A		
	Management Safety Concerns			
2.5 (1-4)	Hardscapes Free of sand, debris, weeds	NEEDS WEEDING / PRUNING		
2.5 (1-4)	Parking Lot Condition/Safety Concerns	GOOD		
2.5 (1-4)	Landscaping Condition	POOR IT NEEDS DETAILING		
	Landscaping Pruned	POOR		
	Landscaping Weeded	POOR		
2.5	FINAL AVERAGE SCORE (1-4): Add total scores. Divide by number of applicable categories with a score. 4 = Excellent 3 = Good 2 = Poor 1 = Fail			

Drinking Fountain Assessment: GOOD

Park Furniture Assessment: NR

Lake Assessment:

Trees (hangers, branch obstructions, stakes): NONE PRESENT

Follow Up (comments, job orders, disposition):

Temescal Ridge Trailhead
PARK FACILITY INSPECTED (Print) *RH's.*

P. Robideau
COMPLETED BY (PRINT)

1/15/14
DATE/TIME

Score	ITEM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
<i>3.0</i> (1-4)	Field	Condition/Safety Concerns		
	Restrooms	Floors		
		Fixtures		
<i>(1-4)</i>	Play Area	Condition/Safety Concerns		
		Equipment		
		Sand		
<i>3.0</i>	**Building Maintenance: ←(place Building Average Score total from reverse here)			
<i>(1-4)</i>	Litter and Trash			
	Overall Appearance			
<i>(1-4)</i>	Ball Diamonds/Sports Fields/Sports Courts			
		Condition/Safety Concerns		
		Surfaces and Equipment		
<i>(1-4)</i>	Turf	Color, Edged and Trimmed		
		Condition/Safety Concerns		
		Holes or Bare Spots		
		Gophers		
<i>(1-4)</i>	Picnic Area	Condition/Safety Concerns		
		Furniture: Tables, benches,		
		BBQ Grills		
<i>(1-4)</i>	Irrigation	Wet/Dry Areas		
	Management	Condition		
		Safety Concerns		
<i>3.0</i> (1-4)	Hardscapes	Free of sand, debris, weeds		
	Parking Lot	Condition/Safety Concerns		
<i>2.5</i> (1-4)	Landscaping	Condition		
		Pruned		
		Weeded		
<i>3.0</i>	FINAL AVERAGE SCORE (1-4): Add total scores. Divide by number of applicable categories with a score.			
	4 = Excellent 3 = Good 2 = Poor 1 = Fail			

Drinking Fountain Assessment: *good*

Park Furniture Assessment: *N/A*

Trees (hangers, branch obstructions, stakes): *none present*

Follow Up (comments, job orders, disposition):

TAMERSON RIDGE TRAILHEAD

MIKE FUSANO
COMPLETED BY (PRINT)3/24/15
DATE/TIME

PARK FACILITY INSPECTED (Print)

Score	ITEM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
2.5 (1-4)	Field Restrooms	Condition/Safety Concerns Floors Fixtures	GOOD NEED CLEANING GOOD	
0 (1-4)	Play Area	Condition/Safety Concerns Equipment Sand	NA	
0 (1-4)	**Building Maintenance: ← (place Building Average Score total from reverse here)		NA	
3.0 (1-4)	Litter and Trash	Overall Appearance	GOOD	
0 (1-4)	Ball Diamonds/Sports Fields/Sports Courts	Condition/Safety Concerns Surfaces and Equipment	NA	
0 (1-4)	Turf	Color, Edged and Trimmed Condition/Safety Concerns Holes or Bare Spots Gophers	NA	
0 (1-4)	Picnic Area	Condition/Safety Concerns Furniture: Tables, benches. BBQ Grills	NA	
0 (1-4)	Irrigation Management	Wet/Dry Areas Condition Safety Concerns	NA	
2.5 (1-4)	Hardscapes	Free of sand, debris, weeds	LEADS NEEDING / PAINTING	
2.5 (1-4)	Parking Lot	Condition/Safety Concerns	GOOD	
2.0 (1-4)	Landscaping	Condition Pruned Weeded	POOR POOR POOR	
FINAL AVERAGE SCORE (1-4): Add total scores. Divide by number of applicable categories with a score. 4 = Excellent 3 = Good 2 = Poor 1 = Fail				

Drinking Fountain Assessment: GOOD

Park Furniture Assessment: NA

Lake Assessment: NA

Trees (hangers, branch obstructions, stakes): NONE

Follow Up (comments, job orders, disposition):

TEMESCAL RIDGE TRAILHEAD
PARK BUILDING INSPECTED (Print)

M. BERHARD
COMPLETED BY (PRINT)

12-17-11 12:00
DATE/TIME

Score	ROOM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
0 (1-4)	Restrooms Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
0 (1-4)	Kitchen Floors, Walls, Ceilings: Windows & Screens: Fixtures: Cabinets: Condition:	N/A		
0 (1-4)	Clubroom Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Gym Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Stage: Condition:	N/A		
0 (1-4)	Office Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Other Room Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
2.5 1-4	Outside Walls and Ceilings: Porch & Walks: Drinking Fountain: Windows & Screens: Fixtures: Condition:	POOL / NEEDS WASHING GOOD GOOD N/A GOOD GOOD		
1-4 C	Other Structures Specify Structure: Condition:			

**BUILDING AVERAGE SCORE (1-4): Add individual scores. Divide by number of applicable categories.

4 = Excellent 3 = Good 2 = Poor 1 = Fail

mesa/medina/shared/forms/1-07

Follow Up (comments, job orders, disposition):

TEMBESCAL RIDGE TRAILHEAD
PARK FACILITY INSPECTED (Print)

M. BERTRAND
COMPLETED BY (PRINT)

6-26-11 11:30
DATE/TIME

Score	ITEM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
3.0 (1-4)	Field Restrooms Condition/Safety Concerns Floors Fixtures	GOOD GOOD / NEED A WASHING GOOD		
0 (1-4)	Play Area Condition/Safety Concerns Equipment Sand	N/A		
0	**Building Maintenance: ←(place Building Average Score total from reverse here)	N/A		
3.0 (1-4)	Litter and Trash Overall Appearance	NONE / PRESENT		
0 (1-4)	Ball Diamonds/Sports Fields/Sports Courts Condition/Safety Concerns Surfaces and Equipment	N/A		
0 (1-4)	Turf Color, Edged and Trimmed Condition/Safety Concerns Holes or Bare Spots Gophers	N/A		
0 (1-4)	Picnic Area Condition/Safety Concerns Furniture: Tables, benches, BBQ Grills	N/A		
0 (1-4)	Irrigation Management Wet/Dry Areas Condition Safety Concerns	N/A		
2.5 (1-4)	Hardscapes Free of sand, debris, weeds	NEEDS WEEDING AND PRUNING		
2.5 (1-4)	Parking Lot Condition/Safety Concerns	GOOD		
2.5 (1-4)	Landscaping Condition Pruned Weeded	POOR POOR POOR		
2.3	FINAL AVERAGE SCORE (1-4): Add total scores. Divide by number of applicable categories with a score. 4 = Excellent 3 = Good 2 = Poor 1 = Fail			

Drinking Fountain Assessment: GOOD

Park Furniture Assessment: N/A

Lake Assessment: N/A

Trees (hangers, branch obstructions, stakes):

NONE PRESENT

Follow Up (comments, job orders, disposition):

TEMESCAL RIDGE TRAILHEAD
PARK BUILDING INSPECTED (Print)

M. BERTRAND
COMPLETED BY (PRINT)

DATE/TIME

Score	ROOM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
6 (1-4)	Restrooms Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
6 (1-4)	Kitchen Floors, Walls, Ceilings: Windows & Screens: Fixtures: Cabinets: Condition:	N/A		
0 (1-4)	Clubroom Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Gym Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Stage: Condition:	N/A		
0 (1-4)	Office Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Other Room Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
3.0 (1-4)	Outside Walls and Ceilings: Porch & Walks: Drinking Fountain: Windows & Screens: Fixtures: Condition:	POOR / LOTS OF COBWEBS GOOD GOOD N/A GOOD GOOD		
(1-4)	Other Structures Specify Structure: Condition:			
3.0 (total)	**BUILDING AVERAGE SCORE (1-4): Add individual scores. Divide by number of applicable categories. 4 = Excellent 3 = Good 2 = Poor 1 = Fail			

mesa/medina/shared/forms/1-07

Follow Up (comments, job orders, disposition):

DEBUCAL RIDGE TRAIL HEAD

MIKE PUSANO

3/24/15

PARK BUILDING INSPECTED (Print)

COMPLETED BY (PRINT)

DATE/TIME

Score	ROOM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
0 (1-4)	Restrooms Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
0 (1-4)	Kitchen Floors, Walls, Ceilings: Windows & Screens: Fixtures: Cabinets: Condition:	N/A		
0 (1-4)	Clubroom Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Gym Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Stage: Condition:	N/A		
0 (1-4)	Office Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Other Room Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
0 (1-4)	Outside Walls and Ceilings: Porch & Walks: Drinking Fountain: Windows & Screens: Fixtures: Condition:	N/A		
0 (1-4)	Other Structures Specify Structure: Condition:	N/A		
(total)	**BUILDING AVERAGE SCORE (1-4): Add individual scores. Divide by number of applicable categories. 4 = Excellent 3 = Good 2 = Poor 1 = Fail			

mesa/medina/shared/forms/1-07

Follow Up (comments, job orders, disposition):

Turnersall Ridge Trailhead
PARK BUILDING INSPECTOR (Print) *rrh's*

P. Robideaux
COMPLETED BY (PRINT)

1/15/14
DATE/TIME

Score	ROOM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
0 (1-4)	Restrooms Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
0 (1-4)	Kitchen Floors, Walls, Ceilings: Windows & Screens: Fixtures: Cabinets: Condition:	N/A		
0 (1-4)	Clubroom Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Gym Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Stage: Condition:	N/A		
0 (1-4)	Office Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Other Room Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
3.0 (1-4)	Outside Walls and Ceilings: Porch & Walks: Drinking Fountain: Windows & Screens: Fixtures: Condition:	good / clean good good N/A N/A good		
0 (1-4)	Other Structures Specify Structure: Condition:			
(total) 3.0	**BUILDING AVERAGE SCORE (1-4): Add individual scores. Divide by number of applicable categories. 4 = Excellent 3 = Good 2 = Poor 1 = Fail			

mesa/medina/shared/forms/1-07

Follow Up (comments, job orders, disposition):

TEMEXCAL RIDGE TRAILHEADM. BERTON
COMPLETED BY (PRINT)12-17-11 12:00
DATE/TIME

PARK BUILDING INSPECTED (Print)

Score	ROOM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
0 (1-4)	Restrooms Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
0 (1-4)	Kitchen Floors, Walls, Ceilings: Windows & Screens: Fixtures: Cabinets: Condition:	N/A		
0 (1-4)	Clubroom Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Gym Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Stage: Condition:	N/A		
0 (1-4)	Office Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
0 (1-4)	Other Room Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
2.5 (1-4)	Outside Walls and Ceilings: Porch & Walks: Drinking Fountain: Windows & Screens: Fixtures: Condition:	POOL / NEEDS WASHING GOOD GOOD N/A GOOD GOOD		
1-4) C	Other Structures Specify Structure: Condition:			
total 2.5	**BUILDING AVERAGE SCORE (1-4): Add individual scores. Divide by number of applicable categories.			
	4 = Excellent 3 = Good 2 = Poor 1 = Fail			

mesa/medina/shared/forms/1-07

Follow Up (comments, job orders, disposition):

TEMESCAL RIDGE TRAILHEAD

M. BERNARD

8-23-15 11:00

PARK BUILDING INSPECTED (Print)

COMPLETED BY (PRINT)

DATE/TIME

Score	ROOM	COMMENTS	SAFETY CONCERNS	ACTION ITEMS
(1-4) 0	Restrooms Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
(1-4) 0	Kitchen Floors, Walls, Ceilings: Windows & Screens: Fixtures: Cabinets: Condition:	N/A		
(1-4) 0	Clubroom Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
(1-4) 0	Gym Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Stage: Condition:	N/A		
(1-4) 0	Office Floors, Walls, Ceilings: Windows & Screens: Fixtures: Furniture: Cabinets: Condition:	N/A		
(1-4) 0	Other Room Floors, Walls, Ceilings: Windows & Screens: Fixtures: Condition:	N/A		
(1-4) 3.0	Outside Walls and Ceilings: Porch & Walks: Drinking Fountain: Windows & Screens: Fixtures: Condition:	POOR / NEED TO BE WASH DOWN GOOD GOOD GOOD GOOD GOOD		
(1-4) 0	Other Structures Specify Structure: Condition:			
(total)	**BUILDING AVERAGE SCORE (1-4): Add individual scores. Divide by number of applicable categories. 4 = Excellent 3 = Good 2 = Poor 1 = Fail			

mesa/medina/shared/forms/1-07

Follow Up (comments, job orders, disposition):

Location	Type	Meter info	Record Period
16701 Via La Costa	Water	49104722	Bill Date: 11/1/2010 to Present
16701 Via La Costa	Sewer	N/A	Bill Date: 11/1/2010 to Present
16701 1/2 Via Las Palmas	Electric	FM00009-01099396	Bill Date: 9/28/2010 to Present

*500 ft away from 16701 Via La Costa, Not sure if this address relate it

		Location	16701 Via La Costa	16701 Via La Costa
		Type	Water	Sewer
IET 15*175	Bill Date	4/14/2014	\$ 4.11	\$ 10.49
IET 15*282 JV 15*45	Bill Date	5/12/2014	\$ -	\$ -
IET 15*300	Bill Date	6/3/2014	\$ -	\$ -
IET 15*306	Bill Date	7/3/2014	\$ 9.44	\$ 24.46
IET 15*464	Bill Date	8/5/2014	\$ -	\$ -
IET 15*754	Bill Date	9/4/2014	\$ (0.19)	\$ 0.76
IET 15*1082	Bill Date	10/1/2014	\$ 2.59	\$ 7.43
IET15*1490	Bill Date	11/1/2014		
IET15*1743	Bill Date	12/3/2014	\$ (4.84)	\$ 14.87
IET 15*1855	Bill Date	1/5/2015	\$ 5.17	\$ 14.87
IET 15*1999	Bill Date	2/2/2015	\$ (0.01)	\$ -
IET15*2164	Bill Date	3/4/2015	\$ 3.97	\$ 11.16
IET15*2572	Bill Date	4/6/2015	\$ 2.64	\$ 7.43
IET15*2636	Bill Date	5/4/2015	\$ 3.97	\$ 11.16
IET15*2949	Bill Date	6/2/2015	\$ 2.70	\$ 7.43
IET16*118	Bill Date	7/6/2015	\$ 4.05	\$ 11.16
IET16*319	Bill Date	8/3/2015	\$ 9.46	\$ 26.02
IET16*550	Bill Date	9/1/2015	\$ (4.01)	\$ (10.68)
IET16*742	Bill Date	10/2/2015	\$ 5.50	\$ 15.84
IET16*971	Bill Date	11/3/2015		
IET16*1218	Bill Date	12/4/2015	\$ 2.79	\$ 7.92
IET16*1618	Bill Date	1/6/2016	\$ 1.38	\$ 3.96
IET16*1723	Bill Date	2/3/2016	\$ 4.21	\$ 11.88
IET16*2012	Bill Date	3/2/2016		
IET16*2285	Bill Date	4/6/2016	\$ (0.04)	\$ -
IET16*2680	Bill Date	5/4/2016	\$ -	
IET17*0018	Bill Date	6/2/2016	\$ 5.83	\$ 11.88
IET17*135	Bill Date	6/30/2016		
IET17*463	Bill Date	8/1/2016	\$ 4.22	\$ 7.92
IET17*687	Bill Date	8/31/2016	\$ 11.21	\$ 16.84
IET17*1085	Bill Date	10/5/2016	\$ (11.58)	\$ (20.28)
IET17*1892	Bill Date	11/2/2016	\$ -	\$ -
IET17*1898	Bill Date	12/3/2016		
IET17*1964	Bill Date	1/5/2017	\$ -	\$ -
IET17*2091	Bill Date	2/3/2017	\$ 2.83	\$ 4.22
	Bill Date	3/6/2017	\$ 2.84	\$ 4.22
IET17*2341	Bill Date	4/4/2017	\$ (0.01)	\$ -
IET17*2789	Bill Date	5/4/2017	\$ -	\$ -
IET17*2931	Bill Date	6/2/2017	\$ 8.48	\$ 12.66
IET18*113	Bill Date	7/3/2017	\$ 2.81	\$ 4.22
IET18*360	Bill Date	8/1/2017	\$ 2.83	\$ 4.22
IET18*622	Bill Date	9/1/2017	\$ 10.44	\$ 13.43
IET18*904	Bill Date	10/2/2017	\$ -	\$ -
IET18*1131	Bill Date	10/31/2017	\$ 3.50	\$ 4.49
IET18*1379	Bill Date	12/4/2017	\$ 6.98	\$ 8.98
IET18*1590	Bill Date	1/3/2018		
IET18*1790	Bill Date	1/31/2018	\$ 3.50	\$ 4.49
IET18*2073	Bill Date	3/5/2018	\$ -	\$ -
IET18*2260	Bill Date	3/30/2018	\$ 3.47	\$ 4.49
IET18*2622	Bill Date	5/2/2018	\$ 3.50	\$ 4.49
IET18*2925	Bill Date	6/1/2018	\$ 3.50	\$ 4.49
IET19*122	Bill Date	6/30/2018	\$ 3.49	\$ 4.49
IET19*368	Bill Date	7/31/2018	\$ -	\$ -
IET19*615	Bill Date	8/30/2018	\$ 4.36	\$ 4.78
IET19*813	Bill Date	10/1/2018	\$ 4.37	\$ 4.78
IET19*1041	Bill Date	10/30/2018	\$ 4.36	\$ 4.78
IET19*1195	Bill Date	11/30/2018		
IET19*1472	Bill Date	12/31/2018	\$ 8.73	\$ 9.55
IET19*1714	Bill Date	1/31/2019	\$ (0.02)	\$ 0.01
IET19*1974	Bill Date	3/1/2019	\$ 4.35	\$ 4.78
IET19*2233	Bill Date	4/1/2019	\$ 4.37	\$ 4.77
IET19*2525	Bill Date	5/1/2019	\$ 4.35	\$ 4.78
IET20*14	Bill Date	6/3/2019	\$ 8.72	\$ 9.55
IET20*214	Bill Date	7/2/2019	\$ 4.37	\$ 4.78
IET20*472	Bill Date	7/31/2019		
IET20*907	Bill Date	8/30/2019	\$ 15.79	\$ 15.13
IET20*981	Bill Date	9/30/2019	\$ 5.41	\$ 5.09
IET20*1162	Bill Date	10/30/2019	\$ 5.42	\$ 5.09
IET20*1387	Bill Date	12/4/2019		
IET20*1534	Bill Date	1/2/2020	\$ 5.41	\$ 5.08
IET20*1876	Bill Date	1/30/2020	\$ 5.41	\$ 5.09
IET20*2108	Bill Date	3/2/2020	\$ 5.47	\$ 5.09
IET20*	Bill Date	3/31/2020	\$ 84.71	\$ 81.36
IET20*	Bill Date	5/1/2020	\$ 5.46	\$ 5.09

		Location	16701 1/2 Via Las Palmas
		Type	Electric
IET15*00157	Bill Date	4/14/2014	\$ 41.10
IET15*0280	Bill Date	5/12/2014	\$ 41.10
IET15*0296	Bill Date	6/3/2014	\$ 80.72
IET15*0305	Bill Date	7/1/2014	\$ 41.13
IET 15*476	Bill Date	8/5/2014	
IET15*765	Bill Date	9/4/2014	\$ 40.97
IET15*1105	Bill Date	10/1/2014	\$ 81.21
IET15*1481	Bill Date	11/1/2014	
IET15*1737 JV GEN15*155	Bill Date	12/3/2014	\$ 41.39
IET15*1854	Bill Date	1/5/2015	\$ 40.97
IET15*2002	Bill Date	2/2/2015	\$ 41.24
IET15*2242	Bill Date	3/4/2015	\$ 41.11
IET15*2554	Bill Date	4/7/2015	\$ 41.37
IET15*2633	Bill Date	5/4/2015	\$ 41.37
IET15*2946	Bill Date	6/2/2015	\$ 41.37
IET16*143	Bill Date	7/6/2015	\$ 41.37
IET16*326	Bill Date	8/3/2015	\$ 41.29
IET16*560	Bill Date	9/1/2015	\$ 81.37
IET16*747	Bill Date	10/2/2015	\$ 41.29
IET16*976	Bill Date	11/3/2015	
IET16*1223	Bill Date	12/4/2015	\$ 41.38
IET16*1623	Bill Date	1/6/2016	\$ 41.38
IET16*1728	Bill Date	2/3/2016	\$ 51.09
IET16*2017	Bill Date	3/2/2016	\$ 41.37
IET16*2290 & GEN16*192	Bill Date	4/5/2016	\$ 41.37
IET16*2685	Bill Date	5/4/2016	\$ 41.37
IET17*23	Bill Date	6/4/2016	\$ 79.23
IET17*139	Bill Date	6/30/2016	
IET17*468	Bill Date	8/1/2016	\$ 41.97
IET17*692 & GEN17*114	Bill Date	8/31/2016	\$ 81.86
IET17*1090	Bill Date	10/5/2016	
IET17*1542	Bill Date	11/2/2016	\$ 41.54
IET17*1548	Bill Date	12/5/2016	\$ 41.67
IET17*1720	Bill Date	1/5/2017	\$ 41.66
IET17*2097	Bill Date	2/3/2017	\$ 41.79
IET17*2197	Bill Date	3/6/2017	\$ 41.94
IET17*2337	Bill Date	4/4/2017	\$ 41.66
IET17*2795	Bill Date	5/4/2017	\$ 41.66
IET17*2937	Bill Date	6/2/2017	\$ 41.67
IET18*119	Bill Date	7/3/2017	\$ 41.66
IET18*366	Bill Date	8/1/2017	\$ 41.69
IET18*628	Bill Date	9/1/2017	\$ 87.18
IET18*910	Bill Date	10/2/2017	\$ 42.84
IET18*1137	Bill Date	10/31/2017	\$ 42.84
IET18*1385	Bill Date	12/4/2017	\$ 42.98
IET18*1596	Bill Date	1/3/2018	
IET18*1796	Bill Date	1/31/2018	\$ 42.98
IET18*2079	Bill Date	3/5/2018	\$ 42.98
IET18*2266	Bill Date	3/30/2018	\$ 43.12
IET18*2628	Bill Date	5/2/2018	\$ 81.68
IET18*2931	Bill Date	6/1/2018	\$ 42.98
IET19*128	Bill Date	6/30/2018	\$ 43.00
IET19*374	Bill Date	7/31/2018	\$ 45.16
IET19*621	Bill Date	8/30/2018	\$ 45.41
IET19*819	Bill Date	10/1/2018	\$ 45.57
IET19*1047	Bill Date	10/30/2018	\$ 45.41
IET19*1201	Bill Date	11/30/2018	
IET19*1478	Bill Date	12/31/2018	\$ 45.56
IET19*1719	Bill Date	1/31/2019	\$ 45.87
IET19*1979	Bill Date	3/1/2019	\$ 45.72
IET19*2238	Bill Date	4/1/2019	\$ 45.87
IET19*2530	Bill Date	5/1/2019	\$ 45.87
IET20*11	Bill Date	6/3/2019	\$ 93.11
IET20*215	Bill Date	7/2/2019	
IET20*483	Bill Date	7/31/2019	\$ 45.96
IET20*903	Bill Date	8/30/2019	\$ 95.39
IET20*971	Bill Date	9/30/2019	\$ 47.67
IET20*1124	Bill Date	10/30/2019	\$ 47.48
IET20*1381	Bill Date	12/4/2019	\$ 429.91
IET20*1533	Bill Date	1/2/2020	\$ 58.87
IET20*1801	Bill Date	1/30/2020	\$ 47.63
IET20*2071	Bill Date	3/2/2020	\$ 47.63
IET20*	Bill Date	3/31/2020	\$ 47.63
IET20*	Bill Date	5/1/2020	\$ 47.79

			Location	16701 Via La Costa	16701 Via La Costa
			Type	Water & Sewer	Water & Sewer
IV30288431	Bill Date	8/31/2010			
IV30288431	Bill Date	9/30/2010			
IV30288431	Bill Date	11/1/2010	\$	9.43	\$ 38.89
IV30288453	Bill Date	12/2/2010	\$	14.15	
IV30288453	Bill Date	1/4/2011	\$	14.15	
IV30288467	Bill Date	2/2/11	\$	14.24	
IV 30288494	Bill Date	3/4/2011	\$	14.24	
IV30288516	Bill Date	4/1/11	\$	14.24	
IV30288544	Bill Date	5/2/11	\$	19.06	
IV30288565	Bill Date	6/1/11	\$	23.84	
IET12*0164	Bill Date	6/30/11	\$	14.30	
IET12*0398	Bill Date	8/1/11	\$	14.19	
IET12*0820	Bill Date	8/30/11	\$	18.91	
IET12*1219	Bill Date	9/29/11	\$	18.91	
IET12*1399	Bill Date	10/31/11	\$	18.82	
IET12*1449	Bill Date	12/2/11	\$	14.11	
IET12*1787	Bill Date	1/4/12	\$	14.11	
IET12*2387	Bill Date	2/2/12	\$	18.87	
IET12*2578	Bill Date	3/2/12	\$	18.87	
IET12*2848	Bill Date	4/2/12	\$	18.87	
IET 12*3200	Bill Date	5/1/12	\$	19.37	
IET12*3496	Bill Date	5/31/12	\$	14.63	
IET13*0176	Bill Date	6/29/12	\$	19.51	
IET12*404	Bill Date	7/31/12	\$	19.87	
IET 13*0778	Bill Date	8/29/2012	\$	9.95	
IET 13*1059	Bill Date	9/28/2012	\$	14.93	
IET 13*1293	Bill Date	10/30/2012	\$	19.91	
IET 13*1716	Bill Date	12/1/2012	\$	14.93	
IET 13*2301	Bill Date	1/3/2013	\$	14.93	
IET 13*2041	Bill Date	2/1/2013	\$	14.97	
IET 13*2277	Bill Date	3/4/2013	\$	14.97	
IET 13*2636	Bill Date	4/2/2013	\$	14.97	
IET13*2870	Bill Date	5/1/2013	\$	20.00	
IET13*3144	Bill Date	5/31/2013	\$	10.00	
IET13*0139	Bill Date	7/1/2013	\$	15.00	
IET 14*0532	Bill Date	7/31/2013	\$	10.28	
IET 14*1781 JV 14*121	Bill Date	8/29/2013	\$	10.30	
IET 14*2592 JV 14*190	Bill Date	10/22/2013			
IET 14*2592 JV 14*191	Bill Date	12/20/2013	\$	14.67	
IET 15*84	Bill Date	2/7/2014	\$	53.71	
IET 15*151 JV 15*32	Bill Date	3/21/2014	\$	14.60	

			Location	16701 1/2 Via Las Palma
			Type	Electric
IV 30288432	Bill Date	9/28/2010	\$	72.55
IV 30288432	Bill Date	10/28/2010	\$	36.47
IV30288454	Bill Date	11/30/2010	\$	47.80
IV30288454	Bill Date	12/30/2010	\$	48.75
IV30288466	Bill Date	1/31/2011	\$	46.51
IV30288495	Bill Date	3/2/11	\$	48.52
IV30288517	Bill Date	3/30/11	\$	45.06
IV30288545	Bill Date	4/28/11	\$	36.43
IV30288566	Bill Date	5/27/11	\$	36.43
IET 12*0171	Bill Date	6/28/11	\$	36.32
IET 12*0402	Bill Date	7/28/11	\$	36.34
IET 12*0824	Bill Date	8/26/11	\$	36.35
IET 12*1251	Bill Date	9/27/11	\$	36.35
IET 12*1398	Bill Date	10/27/11	\$	36.20
IET 12*1447	Bill Date	11/30/11	\$	36.32
IET 12*1786	Bill Date	12/30/11	\$	36.43
IET 12*2401	Bill Date	1/31/12	\$	36.54
IET 12*2588	Bill Date	2/29/12	\$	36.32
IET12*2845	Bill Date	3/29/12	\$	36.54
IET12*3199	Bill Date	4/27/12	\$	36.43
IET 12*3505	Bill Date	5/29/12	\$	36.32
IET 13*0174	Bill Date	6/27/12	\$	36.43
IET 13*0409	Bill Date	7/27/12	\$	36.34
IET 13* 0774	Bill Date	8/27/2012	\$	36.20
IET 13* 1027	Bill Date	9/26/2012	\$	36.35
IET 13*1290	Bill Date	10/26/2012	\$	36.20
IET 13*1732	Bill Date	11/29/2012	\$	36.33
IET13*1714	Bill Date	12/31/2012	\$	37.95
IET 13* 2036	Bill Date	1/30/2013	\$	39.48
IET 13*2264	Bill Date	2/28/2013	\$	39.36
IET 13*2635	Bill Date	3/29/2013	\$	39.36
IET 13*2868	Bill Date	4/29/2013	\$	39.25
IET 13*3111	Bill Date	5/29/2013	\$	39.36
IET 14*0140	Bill Date	6/27/2013	\$	39.13
IET 14* 0508	Bill Date	7/29/2013	\$	39.27
IET*1871GEN14*128	Bill Date	8/29/2013	\$	40.79
IET14*2484GEN14*181	Bill Date	10/24/2013	\$	40.97
IET14*2752GEN14*193	Bill Date	12/16/2013	\$	41.10
IET15*025GEN15*09	Bill Date	2/7/2014	\$	91.89
IET15*120	Bill Date	3/12/2014	\$	41.10

Unmaintained Trailhead Property (2017)



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
REGULAR AND CERTIFIED MAIL**

August 3, 2016

1205-1207 Wooster Street LLC

c/o Adam S. Rossman

4936 Triggs Street

Commerce, CA 90022

Sent Via Email to mkrief@charter.net and adamrossman66@gmail.com

Violation File Number: V-5-16-0106

Property location: 16701 Via La Costa, Los Angeles CA; Los Angeles County
(APN 4431-039-029)

Permit Violation and

Unpermitted Development¹:

The placement of a locked gate or other structure that blocks access to a public parking lot and public restroom facility and the locking of the public restrooms, at the Temescal Ridge Trailhead, and in violation of CDP No. A-381-78, as amended.

Dear Mr. Rossman

As you may know, the California Coastal Act² 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. 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; 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.

¹ Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

² 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.

This letter is to confirm our August 2, 2016 phone conversation with Mr. Marc Krief, realtor for the owner of the property located at 16701 Via La Costa in the Pacific Palisades area of the City of Los Angeles, Los Angeles County Assessor's Parcel Number ("APN") 4431-039-029 ("subject property"), in which we explained that the locked gates and restrooms constitute a violation of the Coastal Act and Coastal Development Permit No. A-381-78, as amended. We also explained that the subject property must remain as open space and pursuant to CDP No. A-381-78 as amended the public parking lot and restrooms must remain open for public use and I informed Mr. Krief that under California Real Estate Law he is required to disclose this information to any potential buyers. This letter is also to notify you of the Coastal Act violations on the subject property and to inform you of the Coastal Development Permit history associated with this property and the surrounding subdivision, including that the Commission required, through its approval of CDP No. A-381-78, as amended ("the Permit"), that the applicant construct a public parking lot and public restroom facilities on the subject property, and that the subject property be included in the public park system. We understand that the subject property is currently in escrow and this letter is to also inform you that the closure of the public amenities on the subject property are a violation of the Coastal Act and the Permit, and the development of a single family home or any other structure would also be inconsistent with the terms and conditions of the Permit and could not be approved. The subject property must remain as open space and the public amenities must remain open and available for public use, as discussed in more detail below.

Our staff has confirmed that unpermitted development activities and development inconsistent with the Permit have occurred on the above-listed property owned by 1205-1207 Wooster Street LLC including, but not limited to, the placement of a locked gate or other structure that blocks access to a public parking lot and public restroom facility and the locking of the public restrooms, at the Temescal Ridge Trailhead, and in violation of CDP No. A-381-78, as amended. These activities occurred on the subject property in violation of the terms and conditions of the Permit. The subject property is located within the Coastal Zone.

Unpermitted Development

Commission staff has researched our permit files and finds no evidence that coastal development permits have been issued to close the public restroom and parking facilities that were required to be built, and were built, as a condition of the Permit. Pursuant to Section 30600(a), any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit in addition to any other permit required by law. Any development activity conducted in the Coastal Zone, unless otherwise exempt, which is not the case here, without a valid coastal development permit constitutes a violation of the Coastal Act.

"Development" is defined, in relevant part, by Coastal Act Section 30106 as:

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

about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations....(emphasis added)

The above-described activities involve unpermitted closure of a public parking lot and restroom facility and placement or erection of solid materials, including locked fencing that blocks entry to the public area, all of which involve violations of the access policies of the Coastal Act. Thus, the above-described activities constitute development under the Coastal Act.

Background

The Commission granted Coastal Development Permit No. A-381-78 to Headlands Properties in 1979 for grading, construction of roads and placement of utilities to accommodate a 230-unit residential tract within an "Urban Limit Line" established by the CDP, in the Santa Monica Mountains in the Pacific Palisades area of the City of Los Angeles. There were several subsequent amendments to this permit, the most pertinent of which is addressed below.

The underlying CDP was amended on May 21, 1980, and authorized four tracts, established the total number of dwelling units at 740, created an extended Urban Limit Line, allowed massive grading for roadways and building pads within that Urban Limit Line, authorized the construction of a church and two sites for commercial development (2 acres total), and required the dedication in fee of approximately 1,000 acres of public open space, the area outside the Urban Limit Line, to State Parks, the City of Los Angeles Department of Recreation and Parks, and/or a private, non-profit corporation acceptable to the Executive Director. Special Condition 7 of CDP A-381-78-A required the applicant to construct public trailhead facilities, including a 6-10 car public parking lot, gates, public access signs, and public restroom facilities, so as to provide foot trail access to Temescal Ridge and the Temescal Ridge Trail. All facilities were to be constructed to specifications of the State Department of Parks and Recreation and turned over to the Department for operation and maintenance. Later amendments to the Permit reaffirmed this requirement to construct the public improvements on the subject property.

Because the Trailhead facilities were not located on lands contiguous to the Topanga State Park Acquisition, the applicant requested to amend the condition to substitute the City of Los Angeles as the recipient of the Trailhead area, along with responsibility for its maintenance. As a result, the Commission imposed Special Condition 8d of A-381-78-A7 and later strengthened it through Special Condition 2 of A-381-78-A11, which states:

Temescal Ridge Trailhead: *Concurrent with the construction of streets and utilities approved in this tract, the applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, a 12 car parking facility and public restroom. The final designs must be reviewed by the accepting agency prior to construction. The trailhead may be transferred to the City of Los Angeles Department of Recreation and Parks for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director. The applicant or its successor in interest shall maintain the trail and engineered slope to Temescal Ridge from Calle Nancy as part of the other open space maintenance agreed to in this permit. More*

specifically the applicant shall provide a public access/recreation signage program subject to the review and approval of the Executive Director, that provides that, at a minimum, signs will be conspicuously and appropriately placed to adequately identify the location of the Temescal Ridge Trailhead. The program shall include, at a minimum, posted signs located on both sides of Chastain Parkway West at the intersection of Calle Deborah. Signs shall also be posted at the intersections of Chastain Parkway West/Palisades Road, Calle Deborah/Calle Nancy and Calle Deborah/Calle Allicante.

The applicant submitted the proposed plans on June 18, 1993 for the construction of the public parking lot, restroom, and signage on the subject property, as required by the Permit, and the Executive Director approved these plans. The applicant then constructed the public amenities on the subject property thereafter and, up until the unpermitted activities occurred, these facilities were open and available to the public and were heavily used by the public to access the Temescal Ridge Trail.

Public Access Violation

The unpermitted development at issue is inconsistent with the public access policies of the Coastal Act, including the following policy:

Section 30210 states:

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

The subject unpermitted development obstructs public access because the parking lot that is obstructed by the unpermitted gate at issue affords public pedestrian access to the Temescal Ridge Trail and other heavily used public hiking trails in the adjacent Topanga State Park. In fact, conditions of the Permit effectuated an obligation on the part of the owner of the subject property to maintain the recreational facilities located on the property and to keep those facilities open and available to the public. This requirement runs with the land regardless of whether the City accepted the conveyance and regardless of transfers of the property to subsequent owners. Section 30821 authorizes the Commission to impose civil penalties on anyone who violates the Coastal Act's public access provisions, with exceptions not applicable here. The penalties imposed can be up to \$11,250 per day for each day that each violation persists. We would like to resolve these issues and secure the removal of the above-described impediments to public access.

Resolution

In some cases, violations involving unpermitted development may be resolved administratively by removal of the unpermitted development and restoration of any damaged resources. Therefore, in order to resolve this matter administratively, you must remove the unpermitted development and restore the site to its pre-violation condition by removing the locked gate to the parking lot and unlocking the restrooms. In addition, as noted above, Section 30821 authorizes

the Commission to impose civil penalties on anyone who violates the Coastal Act's public access provisions. The penalties imposed can be up to \$11,250 per day for each day that each violation persists, for up to five years.

In order to resolve this matter in a timely manner and reduce the possibility of a monetary penalty or fine, we are requesting the immediate removal of the unpermitted development and restoration of the site. Please contact me by no later August 10, 2016, regarding how you intend to resolve this violation.

Enforcement Remedies

Although we would prefer to resolve this matter amicably, please be aware that Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that requires a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist.

A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. Section 30811 also provides the Coastal Commission the authority to issue a restoration order to address violations at a site. A violation of a cease and desist order or restoration order can result in civil fines of up to \$6,000 for each day in which the violation persists.

Additionally, Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) provides that any person who undertakes development in violation of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500 per violation. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 per violation for each day in which each of the violations persist.

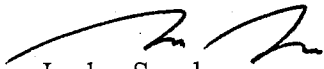
Furthermore, this letter is to provide you with notice that there are unresolved Coastal Act violations on the subject property. While liability for Coastal Act violations attaches to the person or persons originally responsible for said violations (and continues to do so even if they no longer own the property), liability additionally attaches to whomsoever owns the property upon which a Coastal Act violation persists (see *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* [1984], 153 Cal. App.3d 605, 622). Therefore, any new owner(s) of the subject property will assume liability for, and the duty to correct, any remaining violations. Under California Real Estate law, if you plan to sell the subject property, it is incumbent upon you to inform any potential new owner(s) of the same. To that end, Section 30812 authorizes the Executive Director to record a Notice of Violation against any property determined to have been developed in violation of the Coastal Act. If the Executive Director chooses to pursue that course, you will first be given notice of the Executive Director's intent to record such a notice. If a notice of violation is ultimately recorded against your property, it will serve as notice of the violation to all successors in interest in that property.

August 3, 2016

Page 6 of 6

Thank you for your attention to this matter. We look forward to working with you to resolve this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at 562-590-5071.

Sincerely,



Jordan Sanchez
Enforcement Officer
California Coastal Commission

cc: Lisa Haage, Chief of Enforcement, CCC
Andrew Willis, Enforcement Supervisor, CCC
Al Padilla, Regulatory Permit Supervisor, CCC
Ralph Avila, Senior Planner, City of Los Angeles
Marc Krief, Realtor for property owner

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
SENT VIA REGULAR AND CERTIFIED MAIL**

August 10, 2016

Cal-Coast Companies
Edward J. Miller and Joseph P. Guarrasi
11726 San Vicente Blvd., Suite 235
Los Angeles, CA 90049
Certified Mail No. 70012510000158720953
Sent via email to jguarrasi@cal-coast.com

Violation File Number: V-5-16-0106

Property location: 16701 Via La Costa, Los Angeles CA; Los Angeles County
(APN 4431-039-029)

Permit Violation and
Unpermitted Development¹:

1) Failure to transfer property (as identified above) to a public or non-profit agency approved by the Executive Director of the Commission and 2) placement of a locked gate or other structure that blocks access to a public parking lot and public restroom facility, and the locking of the public restrooms, in violation of CDP No. A-381-78, as amended.

Dear Mr. Miller and Mr. Guarrasi:

As you likely know, the California Coastal Act² 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. 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; 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.

¹ Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

² 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.

This letter is to bring to your attention that unpermitted development and development inconsistent with Coastal Development Permit ("CDP") No. A-381-78, as amended ("the Permit") has occurred on property located at 16701 Via La Costa in the Pacific Palisades area of the City of Los Angeles, Los Angeles County Assessor's Parcel Number ("APN") 4431-039-029 (referred to herein as, "subject property"), including the failure to comply with conditions requiring that the subject property be held by an entity appropriate to ensure public access and public amenities were maintained, as required by the Permit. As you know, the Permit required the owner and developer, Headlands Properties Associates LLC (and its successors in interest), to deed this property to the City of Los Angeles Department of Recreation and Parks ("the City"), or if needed, to transfer the subject property to another public or non-profit agency approved by the Executive Director of the Commission.

Unfortunately, it appears that you did not comply with this condition, which has resulted in the sale of the subject property to a private entity via a tax default sale, in direct conflict with the permit requirements. In addition, at some time after that sale, gates at the entrance to the public parking lot were locked and the public restrooms were closed, resulting in loss of public access and public amenities, in violation of the Coastal Act and the Permit.

This letter is to notify you of the Coastal Act violations on the subject property and to remind you of the Coastal Development Permit history associated with the subject property and the surrounding subdivision. As you know, the Commission required, through its approval of the Permit, that Headland Properties Associates LLC, now known as Cal-Coast Companies ("the Applicant"), construct a public parking lot and public restroom facility on the subject property, and that the subject property be transferred in fee to the City of Los Angeles or other public or non-profit agency, and be included in the public park system. Despite this, we understand that the subject property is currently owned by a private individual wishing to develop the property with residential development, and it appears that the City did not record the Grant Deed offered by Headlands dated February 16, 1994. After this time, it appears that the Applicant did not comply with the specific provisions in the Permit which would apply in such an event. The Permit required Headlands to transfer the subject property to another public or non-profit agency approved by the Executive Director if the City chose not to accept it, and the failure to do so constitutes a violation of the Permit and the Coastal Act. To that end, even if the City did not accept the offer, the Applicant was, and still is, responsible for complying with the Permit and in doing so ensure that the subject property is transferred to another public or non-profit agency approved by the Executive Director.

Based on the Tax Deed to Purchaser of Tax Defaulted Property by the County of Los Angeles Department of Treasurer and Tax Collector ("Department"), dated December 5, 2013, the subject property was last assessed as being owned by the Applicant, providing support that the subject property was never transferred to another public or non-profit agency pursuant to the Permit. Furthermore, it appears that the Applicant failed to pay property taxes on the subject property, and although the Department sent written notices to the Applicant informing them of an eminent seizure of the subject property, the Applicant failed to notify the Executive Director of this matter, or take steps to transfer the property to an alternate public or non-profit agency, as required. As the Applicant was the last listed owner of the subject property, and if it was their intent to cease payment of property taxes, the Applicant should have complied with the permit condition, as discussed above. To that end, and as discussed in more detail below, Commission

staff remains very concerned over the Tax Default Sale that has occurred and subsequent closure of public access to the trailhead facilities, and the violations of the Permit.

Unpermitted Development

Commission staff has researched our permit files and finds no evidence that CDPs have been issued to close the public restroom and public parking facilities that were required to be built, and were built, as a condition of the Permit. Moreover, since this unpermitted activity involves actions inconsistent with a condition of a CDP, to authorize such development would require an amendment to that CDP. We note that under Section 13166 of the Commission's regulations, it appears that staff could not even accept such an amendment application. Section 13166(a) reads as follows:

The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

Clearly any such amendment request would lessen or avoid the intended purpose of the original public access provisions. Pursuant to Section 30600(a), any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit in addition to any other permit required by law. Any development activity conducted in the Coastal Zone, unless otherwise exempt, which is not the case here, without a valid coastal development permit constitutes a violation of the Coastal Act.

"Development" is defined, in relevant part, by Coastal Act Section 30106 as:

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

Our staff has confirmed that unpermitted development and development inconsistent with the Permit have occurred on the subject property, including, but not limited to, the failure of the Applicant to comply with the public access provisions of the Permit, including the requirements to transfer the subject property to another public or non-profit agency approved by the Executive Director, placement of a locked gate or other structure that blocks access to a public parking lot and public restroom facility, and the locking of the public restrooms, at the subject property, all

in violation of the Permit. These activities occurred on the subject property in violation of the terms and conditions of the Permit. The subject property is located within the Coastal Zone.

The above-described activities involve unpermitted closure of a public parking lot and public restroom facility and placement or erection of solid materials, including locked fencing that blocks entry to the public area, all of which are development requiring authorization under the Coastal Act. Yet, as noted above, the development was not only unpermitted, it was directly inconsistent with the requirements of the Permit for the larger subdivision. Thus, the above-described activities constitute development under the Coastal Act.

Background

The Commission granted Coastal Development Permit No. A-381-78 to Headland Properties Associates LLC in 1979 for grading, construction of roads and placement of utilities to accommodate a 230-unit residential tract within an "Urban Limit Line" established by the CDP, in the Santa Monica Mountains in the Pacific Palisades area of the City of Los Angeles. There were several subsequent amendments to this permit, some of which are summarized below.

The underlying CDP was first amended on May 21, 1980, and authorized four tracts, established the total number of dwelling units at 740, created an extended Urban Limit Line, allowed very large and significant grading for roadways and building pads within that Urban Limit Line, authorized the construction of a church and two sites for commercial development (2 acres total), and required the dedication in fee of approximately 1,000 acres of public open space, the area outside the Urban Limit Line, to State Parks. Special Condition 7 of CDP A-381-78-A required Headlands to construct public trailhead facilities, including a 6-10 car public parking lot, gates, public access signs, and public restroom facilities, so as to provide foot trail access to Temescal Ridge and the Temescal Ridge Trail. All facilities were to be constructed to specifications of the State Department of Parks and Recreation and turned over to the State Parks for operation and maintenance. Later amendments to the Permit reaffirmed this requirement to construct the public improvements on the subject property.

Because the Trailhead facilities were not located on lands contiguous to the Topanga State Park acquisition, the applicant requested to amend the condition to substitute the City of Los Angeles as the recipient of the Trailhead area, including the subject property, along with responsibility for its maintenance. As a result, the Commission imposed Special Condition 8d of A-381-78-A7 and later strengthened it through Special Condition 2 of A-381-78-A11, which states:

Temescal Ridge Trailhead: Concurrent with the construction of streets and utilities approved in this tract, the applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, a 12 car parking facility and public restroom. The final designs must be reviewed by the accepting agency prior to construction. The trailhead may be transferred to the City of Los Angeles Department of Recreation and Parks for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director. The applicant or its successor in interest shall maintain the trail and engineered slope to Temescal Ridge from Calle Nancy as part of the other open space maintenance agreed to in this permit. More specifically the applicant shall provide a public access/recreation signage program subject to the review and approval of the Executive Director, that provides that, at a minimum, signs will be conspicuously and appropriately placed to adequately identify the location of the Temescal

Ridge Trailhead. The program shall include, at a minimum, posted signs located on both sides of Chastain Parkway West at the intersection of Calle Deborah. Signs shall also be posted at the intersections of Chastain Parkway West/Palisades Road, Calle Deborah/Calle Nancy and Calle Deborah/Calle Allicante.

The Applicant submitted to the Executive Director the proposed plans on June 18, 1993, for the construction of the public parking lot, restroom, and signage on the subject property, as required by the Permit. The Applicant then constructed the public amenities on the subject property and, up until the unpermitted activities occurred, these facilities were open and available to the public and were heavily used by the public to access the Temescal Ridge Trail.

Public Access Violation

The unpermitted development at issue is inconsistent with the public access policies of the Coastal Act, including the following policy:

Section 30210 states:

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

The subject unpermitted development completely blocks public access because the parking lot that is obstructed by the unpermitted gate at issue provides the ability for the public to access the Temescal Ridge Trail and other heavily used public hiking trails in the adjacent Topanga State Park. In fact, conditions of the Permit effectuated an obligation on the part of the owner of the subject property to maintain the recreational facilities located on the subject property and to keep those facilities open and available to the public. This requirement runs with the land regardless of whether the City accepted the conveyance and regardless of transfers of the property to subsequent owners.

Section 30821 authorizes the Commission to impose civil penalties on anyone who violates the Coastal Act's public access provisions, with exceptions not applicable here. The penalties imposed can be up to \$11,250 per day for each day that each violation persists.

Resolution

In some cases, violations involving unpermitted development may be resolved administratively by removal of the unpermitted development and restoration of any damaged resources. Therefore, in order to resolve this matter administratively, you must comply with the Permit and fulfill your responsibility to transfer the subject property to another public or non-profit agency acceptable to the Executive Director, pursuant to Special Condition 2 of CDP No. A-381-78-A11. In addition, as noted above, Section 30821 authorizes the Commission to impose civil penalties on anyone who violates the Coastal Act's public access provisions. The penalties imposed can be up to \$11,250 per day for each day that each violation persists, for up to five years.

In order to resolve this matter in a timely manner and reduce the possibility of or limit the accrual of a monetary penalty, we are requesting the immediate removal of the unpermitted development and opening of the public parking lot and public restroom facility. Please contact me by no later than **August 15, 2016**, regarding how you intend to fully resolve these violations.

Enforcement Remedies

Although we would prefer to resolve this matter amicably, please be aware that Coastal Act Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that requires a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist.

Coastal Act section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. Section 30811 also provides the Coastal Commission the authority to issue a restoration order to address violations at a site. A violation of a cease and desist order or restoration order can result in civil fines of up to \$6,000 (Coastal Act section 30821.6(a)) for each day in which the violation persists.

Additionally, Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. In addition to the penalties provided for in Section 30821, as discussed above, Section 30820(a)(1) provides that any person who undertakes development in violation of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500 per violation. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 per violation for each day in which each of the violations persist, in addition to exemplary damages pursuant to Section 30822 of the Coastal Act.

Furthermore, this letter is to provide you with notice that there are unresolved Coastal Act violations on the subject property. While liability for Coastal Act violations attaches to the person or persons originally responsible for said violations (and continues to do so even if they no longer own the property), liability additionally attaches to whomsoever owns the property upon which a Coastal Act violation persists (see *Leslie Salt Co. v. San Francisco Bay Conservation and Development Com.* [1984], 153 Cal. App.3d 605, 622). Therefore, any new owner(s) of the subject property will assume liability for, and the duty to correct, any remaining violations. To that end, Section 30812 authorizes the Executive Director to record a Notice of Violation against any property determined to have been developed in violation of the Coastal Act. If the Executive Director chooses to pursue that course, you will first be given notice of the Executive Director's intent to record such a notice. If a notice of violation is ultimately recorded against your property, it will serve as notice of the violation to all successors in interest in that property.

Again, we would like to work with you to resolve this matter amicably and as quickly as possible to restore the public access amenities that are required by the Permit. Thank you for your

August 10, 2016

Page 7 of 7

attention to this matter. We look forward to working with you to resolve this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at 562-590-5071.

Sincerely,



Jordan Sanchez
Enforcement Officer
California Coastal Commission

cc: Lisa Haage, Chief of Enforcement, CCC
Aaron McLendon, Deputy Chief of Enforcement, CCC
Andrew Willis, Enforcement Supervisor, CCC
Al Padilla, Regulatory Permit Supervisor, CCC
Ralph Avila, Senior Planner, City of Los Angeles
Son Leao, Tax Services Specialist, LA County Tax Assessor

KRISHEL LAW FIRM
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4500 Park Granada, Suite 202
Calabasas, CA 91302
(818) 883-8759

Attorney for Plaintiffs
Henri Levy and
1205-1205 Wooster Street, LLC

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

HENRI LEVY; 1205-1207 WOOSTER
STREET, LLC

Plaintiff,

v.

CITY OF LOS ANGELES; COUNTY
OF LOS ANGELES; STATE OF
CALIFORNIA; HEADLAND
PROPERTIES ASSOCIATES LLC;
METROPOLITAN LIFE INSURANCE
COMPANY (form of entity unknown);
METLIFE, INC. AND DOES 1-100

Defendants.

CASE NO. 21SMCV00964

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND EQUITABLE RELIEF
FOR:**

**1. DECLARATORY RELIEF
2. DECLARATORY RELIEF
3. DECLARATORY RELIEF
4. QUIET TITLE
5. NEGLIGENCE
6. NEGLIGENCE
7. QUANTUM MERUIT
8. TRESPASS TO PERSONAL
PROPERTY**

Plaintiffs allege as follows:

1. Plaintiff Henry Levy ("Levy") is a resident of Los Angeles County, California.
2. Plaintiff 1205-1207 WOOSTER STREET, LLC ("Wooster") is the owner of the property located at 16701 Via La Costa, Pacific Palisades, CA 90272.
3. Defendant Headland Properties Associates, LLC ("HPA, LLC") is a limited liability company doing business in Los Angeles County California. HPA, LLC is 99% owned by defendant Metropolitan Life Insurance Company (form of entity unknown)

1 (“MLIC”). Defendant MetLife, Inc. (“MLI”) is listed as the “ultimate controlling entity” over
2 MLIC and/or HPA, LLC.

3 4. Defendant County of Los Angeles (“County”) is responsible for the acts and
4 omissions of its agents, including but not limited to, the Office of Finance and LA. County
5 Tax Collector as described herein, all of which occurred in Los Angeles County. Prior to
6 filing this action, Plaintiff submitted a formal claim to the County pursuant to the California
7 Government Claims Act. Within six months prior to the filing of this complaint, the County
8 rejected the claim or is deemed under the law, to have rejected the claim.

9 5. Defendant City of Los Angeles (“City”) is responsible for the acts and
10 omissions of its agents, all of which occurred in Los Angeles County. Prior to filing this
11 action, Plaintiff submitted a formal claim to the City pursuant to the California Government
12 Claims Act. Within six months prior to the filing of this complaint, the City rejected the
13 claim or is deemed under the law, to have rejected the claim.

14 6. Defendant State of California (“State”) is responsible for the acts and
15 omissions of its agents, including but not limited to, the California Natural Resources
16 Agency and the California Coastal Commission as described herein, all of which occurred in
17 Los Angeles County. Prior to filing this action, Plaintiff submitted a formal claim to the
18 State pursuant to the California Government Claims Act. Within six months prior to the
19 filing of this complaint, the State rejected the claim or is deemed under the law, to have
20 rejected the claim.

21 7. The true names and capacities, whether individual, corporate, partnership,
22 associate, or otherwise, of defendants DOES 1 through 100, inclusive, are unknown to Cross
23 Complainant, who therefore sues these defendants by such fictitious names. Cross
24 Complainant is informed and believes and therein alleges that each DOE defendant herein is
25 liable to Plaintiffs for the acts and omissions alleged herein below, and the resulting injuries
26 to Plaintiffs, and damages sustained by Plaintiffs.

27 8. Plaintiffs are informed and believes, and based upon this information and belief
28 alleges, that each Defendant is, and at all relevant times was, the agent, servant, employee,

1 and/or co-conspirator of the other Defendants, and that each defendant and unnamed co-
2 conspirator was acting within the course and scope of his or its authority as the agent,
3 servant, employee, and/or co-conspirator of the other Defendants; that each Defendant is
4 jointly and severally liable to Complainant for the damages sustained as a proximate result of
5 his or its conduct and that each and every act or omission of any defendant herein was
6 ratified, expressly and/or impliedly, by each of the other Defendants herein. Therefore,
7 Defendants refers to all Defendants in this complaint, named or unnamed, collectively, as
8 “Defendants.”

9 COMMON ALLEGATIONS

10 10. According to public records, Defendant Headland Properties Associates LLC
11 (“HPA-LLC”) purported to obtain title to a property located at 16701 Via La Costa, Pacific
12 Palisades, CA 90272 (“the Property”) via grant deed in 2010, from a developer of the
13 Property called “Headland Properties Associates a California limited partnership” (“HPA-
14 LP”) (“the HPA to HPA grant deed”).

15 11. On October 22, 2013, Plaintiff Henri Levy (“Levy”) purchased the property at
16 a Los Angeles County tax-defaulted real property auction for \$350,000.00 (“the Auction”).
17 About one month later, on or about January 14, 2014, Levy transferred the property to his
18 limited liability company, Plaintiff “1205-1207 Wooster Street, LLC.”

19 12. According to Defendant State of California (“State”) by and through the
20 California Natural Resources Agency and the California Coastal Commission (collectively,
21 “CCC”) some time after the Auction, HPA-LLC, filed an Excess Proceeds claim with
22 Defendant County and received \$333,114.56 from Defendant County; those proceeds
23 represented the purported value of the property, less back taxes paid at the Auction by
24 Plaintiff Levy.

25 13. In or about July 2016, Plaintiffs Levy/Wooster agreed to sell the Property to a
26 third party buyer for \$1,300,000.00. In the midst of this sale, Levy/Wooster were contacted
27 by Defendant CCC. On or about August 3, 2016, the CCC issued a “Notice of Violation of
28 the California Coastal Act” to Wooster. In this notice, the CCC, by and through “Jordan

1 Sanchez Enforcement Officer” told Wooster that the Property was subject to the jurisdiction
2 of CCC. Mr. Sanchez also stated in that letter that Coastal Development Permit “A-381-78”
3 (“the Permit”) was violated as a result of Levy/Wooster’s “unpermitted development” which
4 consisted of the installation of a gate placed on the property, and the locking of restrooms on
5 the Property. At no time prior to the Auction were Plaintiffs aware of the alleged Permit or
6 its alleged restrictions.

7 14. By letter dated September 23, 2016, Mr. Sanchez added a new violation and
8 now stated that pursuant to the Permit, the Property was “required to be transferred to a
9 public or non-profit agency” and that “until the Property is transferred to a public or non-
10 profit agency” Wooster would be liable for daily fines of up to \$11,250 per day. The CCC
11 letter concluded by stating “failure to transfer the property to a public or non-profit agency
12 acceptable to the...Coastal Commission constitutes a violation of the Coastal Act” and that
13 “penalties...will continue to accrue until the issue at hand is resolved.”

14 15. By letter dated March 15, 2017, Mr. Sanchez stated that “It is our
15 understanding that the City of Los Angeles operated and maintained the public restroom and
16 parking lot as the Permit required for 17 years.” In this letter, Mr. Sanchez stated that as a
17 result of Wooster’s actions, the Property “remains privatized, constituting a continuing
18 violation of the Coastal Act as long as Wooster refused to transfer the Property to a public or
19 non-profit agency approved by CCC.”

20 16. In a letter dated February 15, 2018, the CCC by and through “John Ainsworth,
21 Chief of Enforcement” demanded the Property be transferred to a public or non-public
22 agency and that failure to so transfer constituted a Coastal Act violation.

23 17. In a letter dated December 12, 2018 to Levy, the CCC by and through “Heather
24 Johnston, Chief of Enforcement” stated “No mistake has been made by the Commission; the
25 ongoing obligations to comply with the coastal development permit are clear...” In a letter
26 dated March 4, 2019 Ms. Johnston wrote “I can assure you no mistake by Commission staff
27 has been found...” That letter also stated and informed Plaintiffs: “...after the sale of
28 the...Property at tax auction, HPA (the entity that had record title to the property prior to the

1 foreclosure, and which had defaulted on the property taxes) filed an Excess Proceeds claim
2 with the Los Angeles County Treasurer and Tax Collector and received \$333,114.56 from the
3 sale – the value of the property at this sale, less back taxes. This is both law and standard
4 practice after a tax sale and was not, in fact, done in error...” The letter ended by once again
5 demanding that Wooster transfer the Property “to the City of Los Angeles...” By letter dated
6 December 5, 2019, Ms. Johnston wrote to Mr. Levy and stated: “the restrictions...imposed by
7 ...[the Permit]...do in fact persist and apply to you as current owner of [the Property].”

8 18. In September 2020, for the first time ever, the CCC provided Plaintiffs with a
9 copy of an unrecorded grant deed that Plaintiffs had never before seen; this grant deed was
10 concealed by the City, the County and the State from public view at all time prior to the
11 Auction and to this date, has never been recorded. **The grant deed purports to show HPA-**
12 **LP transferring title to the Property to “the City of Los Angeles Department of**
13 **Recreation and Parks” in 1994 (“the City grant deed”) – 19 years prior** to the Auction and
14 **22 years prior** to CCC’s demands that Levy/Wooster transfer that exact same proper to the
15 City. CCC admitted the City grant deed was executed and delivered in furtherance of the
16 Permit requirements that allegedly requires the property to be deeded to the City or another
17 public agency.

18 19. From 1994 until the present, neither Defendant City, County nor State, ever
19 recorded any document with the Los Angeles County Recorders’ Office that would notify
20 potential purchasers (like Plaintiffs) of the existence of the City grant deed. The existence of
21 the City grant deed would have notified the world, including Plaintiffs:

22 1) the Auction never should have taken place because the Property was potentially
23 owned by the City;

24 2) the Property was tax exempt and not even subject to any County initiated tax
25 delinquent auctions;

26 3) the existence of the alleged CCC Permit “requirements” on the Property.

27 Because the City grant deed was never recorded, Plaintiffs were unaware of its
28 existence when it purchased the property and unaware of the above items 1-3.

1 20. Despite the existence of the City grant deed, neither the City of Los Angeles,
2 County of Los Angeles nor State of California, by and through the CCC ever took any action,
3 nor objected or questioned the validity of the HPA-HPA grant deed executed some sixteen
4 years *after* the City grant deed. Had either the City, County or State initiated any court action
5 or recorded any public notices against the Property concerning the invalidity of the HPA-
6 HPA grant deed or that the City grant deed existed, the entire world, including Plaintiffs
7 would have know the property was not subject to a tax delinquent auction. Instead, all of
8 these governmental entities chose to stay silent and to affirmatively conceal, the City grant
9 deed's existence which by definition, concealed the invalidity of the Auction and the alleged
10 permit "requirements." As a result of this to take any action, Plaintiffs were unaware of the
11 Permit requirements or the City grant deed when they purchased the property at the tax lien
12 auction

13 21. Although the State contends the Coastal Development Permit required the
14 property to be transferred to a governmental entity or approved non-profit entity, at no time
15 did either the State or the CCC ever record a notice of violation on the subject property with
16 the Los Angeles County Recorder's Office, that would have informed potential purchasers
17 (like Plaintiffs) about the existence of the alleged CCC violation that allegedly existed on the
18 property, to wit, the prior property owners' (HPA) alleged failure to transfer the property to a
19 governmental entity. As a result of this failure to record, Plaintiffs were unaware of any such
20 requirement when they purchased the property at the tax lien auction.

21 22. If the CCC's violation notices sent to Plaintiffs Levy/Wooster are determined
22 to be accurate, the Property is tax exempt and the Auction never should have taken place and
23 Levy never should have been allowed to purchase the Property at the Auction. Furthermore,
24 the City, County, State and CCC were all on notice that an unsuspecting person like Levy
25 could potentially buy the property at the Auction because the exact same fiasco had already
26 occurred affecting at least one and possibly two previous unsuspecting buyers during at least
27 one and possibly two prior tax default auctions on the same property. The County was
28

required to refund the purchase price to these buyers and rescind the auctions because the property was tax exempt and never should have been auctioned. (“the rescinded auctions”).

23. Notwithstanding the rescinded auctions, neither the City, County, or State ever took any remedial or corrective action, including recording the City grant deed, recording of any notices of violations for HPA's failure to convey the property to a governmental entity or approved non-profit entity, or any other notice, or took any steps to insure yet *another* improper auction did not take place and to insure yet another unsuspecting bidder (like Levy) did not become entangled in the chaos surrounding the subject property. Had Levy known of the facts asserted by the CCC in their notices of violations, or that HPA was required to transfer the property, or had it known of the City grant deed, or that the auction was improper and never should have taken place, he never would have bid at the Auction and taken title to the Property.

24. As of this date, Plaintiff Wooster continue to pay yearly property taxes on the Property, has never disclaimed possession of the property and is the record owner of the Property.

FIRST CAUSE OF ACTION

Declaratory Relief

(By all Plaintiffs Against State of California and DOES 1-10)

25. Plaintiffs incorporates by reference paragraphs 1 through 24 as though set forth in full.

26. Plaintiffs contend and Defendant State, by and through the Natural Resources Agency and the CCC, deny the following:

a) From 1994 until the present, the State never recorded any document with the Los Angeles County Recorders' Office that would notify potential purchasers (like Plaintiffs) of the existence of the City grant deed. The State never took any action (since at least 1994) to enforce the transfer of title "requirement" in the Permit, despite knowing the City grant deed was never recorded and/or that the City grant deed did not comply with the transfer of title requirement stated in the Permit.

1 b) The existence of the City grant deed would have notified all potential bidders at
2 the auction, including Plaintiffs that: 1) the Auction never should have taken place; 2) the
3 Property was tax exempt and not subject to any County initiated tax delinquent auctions;

4 c) The alleged Coastal Development Permit was so convoluted, vague, ambiguous
5 and unintelligible, that it was and is impossible for a reasonable person/buyer investigating
6 the subject property, to decipher the permit's purported "requirement" that the subject
7 property is allegedly required to be conveyed to a governmental entity or an approved non-
8 profit entity; therefore, the purported restriction is invalid and unenforceable pursuant to
9 among other things, *Government Code* Section 27281.5(a)(b), *Civil Code* 1468, *Code of Civil*
10 *Procedure* Section 336(b), *Civil Code* Section 784. The State is also estopped from
11 enforcing any such permit requirements on the subject property as a result.

12 d) Despite the existence of the City grant deed, neither the City of Los Angeles,
13 County of Los Angeles nor State of California, by and through the CCC ever took any action,
14 nor objected or questioned the validity of the HPA-HPA grant deed executed some sixteen
15 years *after* the City grant deed. Had either the City, County or State initiated any court action
16 or recorded any public notices against the Property concerning the invalidity of the HPA-
17 HPA grant deed, the entire world, including Plaintiffs would have know the property was not
18 subject to a tax delinquent auction. Instead, all of these governmental entities chose to stay
19 silent and to affirmatively conceal, the City grant deed's existence which by definition,
20 concealed the invalidity of the Auction and the alleged permit "requirements."

21 e) Neither the State nor CCC ever recorded a notice of violation with the Los
22 Angeles County Recorder's Office alleging the prior owner's (HPA) failure to convey the
23 property to a governmental entity or non-profit entity, which according to CCC is a violation
24 of Coastal Development Permit "A-381-78"; and they also failed to record any other
25 document that would have otherwise notified potential bidders at the Auction, that the CCC
26 was claiming a violation of the Permit had occurred and was continuing.

27 e) Had Levy known of the facts asserted by the CCC in its their notices of
28 violations or had it known of the City grant deed, or that the auction was improper and never

1 should have taken place, or that the Permit allegedly required the property to be transferred to
2 a governmental or non-profit entity, or that HPA was in violation for failure to transfer the
3 property to an approved entity, he never would have bid at the Auction and taken title to the
4 Property.

5 f) As a result of all of the foregoing, Plaintiffs are entitled to a preliminary and
6 permanent injunction against the State from attempting to in any manner enforce the alleged
7 permit requirements, including the restrictions on development that may be contained in the
8 Permit, the imposition of any penalties, fines, mandating transfer of title to any governmental
9 or other entity, or any other enforcement actions relating to the Permit.

10 g) Plaintiffs are entitled to use and/or sell the Property free and clear of all CCC
11 alleged permit requirements.

12 h) Plaintiffs are not obligated to maintain the property in its current condition nor
13 obligated to transfer the Property as allegedly required by the Permit.

14 i) If the court determines Plaintiffs are subject to the permit requirements, then to
15 prevent a grave injustice from occurring, Defendants are required to compensate Plaintiffs in
16 an amount to be determined at trial.

17 27. Declaratory relief is necessary and appropriate at this time so that the parties
18 may ascertain their rights under the Tax Deed and the CCC Permit.

19 **SECOND CAUSE OF ACTION**

20 Declaratory Relief

21 (By all Plaintiffs Against County of Los Angeles and DOES 11-20)

22 28. Plaintiffs incorporates by reference paragraphs 1 through 27 as though set forth
23 in full.

24 29. In the alternative to the claims set forth herein, Plaintiff seeks declaratory relief
25 against the County so that it may ascertain its rights pertaining in and to the property.
26 Plaintiffs contend and Defendant County denies, the following:

27 a) The Auction was improper and never should have occurred because of the
28 Property's tax exempt status. (Cal. Const., art. XIII, § 3, subds. (a), (b).)

1 b) If in fact the subject property is deemed to be exempt from taxation, the tax
2 deed purporting to convey such property for nonpayment of taxes, is void. If the tax deed as
3 alleged herein is declared void, a jurisdictional defect in the tax deed exists, thereby entitling
4 Plaintiffs to a refund of the property's purchase price pursuant to *Rev. & Tax. Code* Section
5 3729, 905(a). If the tax deed contains a jurisdiction defect, any statute of limitations that
6 would otherwise apply to Plaintiffs' claim against the County, is wholly inapplicable.

7 **THIRD CAUSE OF ACTION**

8 Declaratory Relief

9 (By all Plaintiffs Against City of Los Angeles and DOES 21-30)

10 30. Plaintiffs incorporates by reference paragraphs 1 through 29 as though set forth
11 in full.

12 31. In the alternative to the relief sought in this Complaint, Plaintiff seeks
13 declaratory relief against the City that it may ascertain its rights pertaining in and to the
14 property. Plaintiffs contend and Defendant City denies, the following:

15 a) The Auction never should have occurred because the City was in possession of
16 the City grant deed, but never recorded it or any other notice alerting the public of its
17 existence and/or effect on the Property or that it otherwise disclaimed ownership of the
18 Property.

19 b) Plaintiffs have continued to pay taxes on the property and continue to hold title
20 to the property

21 c) The City grant deed is subordinate to the Tax Deed.

22 **FOURTH CAUSE OF ACTION**

23 Quiet Title

24 (By Wooster Against Defendant City and State and DOES 31-40)

25 32. Plaintiffs incorporates by reference paragraphs 1 through 31 as though set forth
26 in full.

27 33. Because of the potential for conflicting claims to title pertaining to all or a
28 portion of the subject property, Plaintiffs are entitled to an order that its title is superior to

1 any interest that is claimed by Defendant City or State and that whatever claims either of
2 these entities may have are subordinate to Plaintiffs title, including but not limited to a ruling
3 that Plaintiffs are entitled to use and or sell the Property free and clear of all alleged Permit
4 requirements and that the City grant deed is subordinate to Plaintiff's tax deed.

5 **FIFTH CAUSE OF ACTION**

6 Negligence

7 (By all Plaintiffs Against State and DOES 41-50)

8 34. Plaintiffs incorporates by reference paragraphs 1 through 33 as though set forth
9 in full.

10 35. Prior to the auction, Defendant State was all fully aware that the Property was
11 tax-exempt and not subject to a tax default auction. The unrecorded City grant deed was not
12 actually discovered by Plaintiffs until September 2020. Given the existence of the city grant
13 deed, and the State's knowledge of it, the State owed a duty to inform the public of the
14 property's tax exempt status and of the City grant deed's existence, because among other
15 things, the Property had been previously improperly auctioned to other unsuspecting
16 members of the public at least one, and possibly twice.

17 36. Furthermore, and despite the existence of the City grant deed, the State never
18 took any action, nor objected or questioned the validity of the HPA-HPA grant deed executed
19 some sixteen years *after* the City grant deed – a transfer that itself, according to the CCC was
20 a violation of the Permit. Had the State initiated any court action or recorded any public
21 notices against the Property concerning the invalidity of the HPA-HPA grant deed or that
22 HPA was in violation of the Permit because of its failure to transfer the property to an
23 approved governmental or non-profit entity, Plaintiffs would have known the property was
24 not subject to a tax delinquent auction. Instead, the State chose to stay silent and to
25 affirmatively conceal, the City grant deed's existence which by definition, concealed the
26 invalidity of the Auction and the alleged permit "requirements."

27 37. As a result of the foregoing, the State breached its duty to inform the public
28 that the property was tax exempt and was subject to the City grant deed and that the property

1 was in violation of the Permit because of HPA's failure to properly transfer title. As a
2 proximate result of the State's breach, Plaintiff Levy purchased the property fully unaware of
3 the property's tax exempt status and the City grant deed.

4 38. If it is determined by the court that the restrictions and permit requirements
5 claimed by the CCC are valid and enforceable, then Plaintiff will have paid \$350,000.00 for a
6 Property that never should have been auctioned. The CCC has refused to allow Plaintiffs to
7 sell or develop the property or to do anything with the property except execute a grant deed
8 of the Property to the City or some other approved entity for exactly *zero consideration* in
9 return. As a result, Plaintiffs have been damaged in the amount of at least \$2 million dollars,
10 which includes loss of the purchase price, loss of profits on the planned sale of the Property,
11 loss of rental or other income that could have been generated by the property, plus interest.

12 SIXTH CAUSE OF ACTION

13 Negligence

14 (By all Plaintiffs Against City, and DOES 51-60)

15 39. Plaintiffs incorporates by reference paragraphs 1 through 38 as though set forth
16 in full.

17 40. Prior to the auction, Defendant City was aware the Property was tax-exempt
18 and not subject to a tax default auction given the existence of the unrecorded City grant deed.
19 That unrecorded City grant deed was not seen (and therefore actually discovered) by
20 Plaintiffs until September 2020. The City owed a duty to inform the public of the property's
21 tax exempt status and the City grant deed especially given the fact that the Property had been
22 improperly auctioned to other unsuspecting members of the public at least one, and possibly
23 twice.

24 41. Despite the existence of the City grant deed, the City of Los Angeles never
25 took any action, nor objected or questioned the validity of the HPA-HPA grant deed executed
26 some sixteen years *after* the City grant deed. Had either the City initiated any court action or
27 recorded any public notices against the Property concerning the invalidity of the HPA-HPA
28 grant deed, the entire world, including Plaintiffs would have know the property was not

1 subject to a tax delinquent auction. Instead, the City chose to stay silent and to affirmatively
2 conceal, the City grant deed's existence which by definition, concealed the invalidity of the
3 Auction and the alleged permit "requirements."

4 42. The City breached its duty to inform the public that the property was tax
5 exempt and was subject to the City grant deed. As a proximate result of that breach, Plaintiff
6 Levy purchased the property fully unaware of the property's tax exempt status.

7 43. If it is determined by the court that the restrictions and permit requirements
8 claimed by the CCC are valid and enforceable or that the City, then Plaintiff will have paid
9 \$350,000.00 for a Property that never should have been auctioned. The CCC has refused to
10 allow Plaintiffs to sell or develop the property or to do anything with the property except
11 execute a grant deed of the Property to the City or some other approved entity for exactly
12 *zero consideration* in return. As a result, Plaintiffs have been damaged in the amount of at
13 least \$2 million dollars, which includes loss of the purchase price, loss of profits on the
14 planned sale of the Property, loss of rental or other income that could have been generated by
15 the property, plus interest.

16 **SEVENTH CAUSE OF ACTION**

17 Quantum Meruit

18 (By all Plaintiffs Against HPA LLC, MLIC, MLI and DOES 61-70)

19 44. Plaintiffs incorporates by reference paragraphs 1 through 43 as though set forth
20 in full.

21 45. HPA, LLC unjustly received a benefit that it is not entitled to retain because it
22 had no lawful right or claim to the Excess Proceeds. HPA was fully aware the Property was
23 tax exempt and that the auction never should have taken place. Indeed, HPA had previously
24 delivered the City Grant Deed so when the auction took place, it did not even believe it
25 owned own the property when the auction took place.

26 46. Plaintiff Levy paid the property taxes on the property that never should have
27 been auctioned. HPA received the Excess Proceeds only because of the Plaintiff's payment
28 of the taxes. The Excess Proceeds should have been paid to Plaintiffs because they were

1 entitled not only to a return of the Excess Proceeds, they were entitled to the return of the
2 property taxes they paid. It was the Plaintiffs payment of the taxes that allowed HPA, LP and
3 HPA, LLC to receive the Excess Proceeds.

4 47. In documents filed with the New York Insurance Department of the State of
5 New York, Defendant MetLife, Inc. is listed as the “ultimate controlling entity” over MLIC
6 and/or HPA, LLC.

7 48. Based on the foregoing, Defendants HPA, LLC as directed, instructed and/or
8 ratified after the fact, by defendant MLI and MLIC, improperly received the Excess Proceeds
9 in the amount of \$333,114.56 and that should be restored to Plaintiffs.

10 **EIGHTH CAUSE OF ACTION**

11 **Trespass to Personal Property**

12 (By all Plaintiffs Against HPA LLC, MLIC, MLI and DOES 71-80)

13 49. Plaintiffs incorporates by reference paragraphs 1 through 48 as though set forth
14 in full.

15 50. HPA, LLC unjustly received a benefit that it is not entitled to retain because it
16 had no lawful right or claim to the Excess Proceeds. HPA was fully aware the Property was
17 tax exempt and that the auction never should have taken place. Indeed, HPA had previously
18 delivered the City Grant Deed so when the auction took place, it did not even believe it
19 owned own the property when the auction took place.

20 51. Plaintiff Levy paid the property taxes on the property that never should have
21 been auctioned. HPA received the Excess Proceeds only because of the Plaintiff’s payment
22 of the taxes. The Excess Proceeds should have been paid to Plaintiffs because they were
23 entitled not only to a return of the Excess Proceeds, they were entitled to the return of the
24 property taxes they paid. It was the Plaintiffs payment of the taxes that allowed HPA, LP and
25 HPA, LLC to receive the Excess Proceeds.

26 52. In documents filed with the New York Insurance Department of the State of
27 New York, Defendant MetLife, Inc. is listed as the “ultimate controlling entity” over MLIC
28 and/or HPA, LLC.

1 53. Based on the foregoing, Defendants HPA, LLC as directed, instructed and/or
2 ratified after the fact, by defendant MLI and MLIC, improperly received the Excess Proceeds
3 in the amount of \$333,114.56 and that should be restored to Plaintiffs.

4 **ON THE FIRST CAUSE OF ACTION:**

5 1. For a declaration that:

6 a) Plaintiffs are entitled to a preliminary and permanent injunction against the State
7 from attempting to in any manner enforce the alleged permit requirements, including the
8 restrictions on development that may be contained in the Permit, the imposition of any
9 penalties, fines, mandating transfer of title to any governmental or other entity, or any other
10 enforcement actions relating to the Permit.

11 b) Plaintiffs are entitled to use and/or sell the Property free and clear of all CCC
12 alleged permit requirements.

13 c) Plaintiffs are not obligated to maintain the property in its current condition nor
14 obligated to transfer the Property as allegedly required by the Permit.

15 d) If the court determines Plaintiffs are subject to the permit requirements, then to
16 prevent a grave injustice from occurring, Defendants are required to compensate Plaintiffs in
17 an amount to be determined at trial.

18 **ON THE SECOND CAUSE OF ACTION:**

19 2. For a declaration that:

20 A jurisdictional defect in the tax deed exists, thereby entitling Plaintiffs to a refund of
21 the property's purchase price pursuant to *Rev. & Tax. Code* Section 3729, 905(a).

22 **ON THE THIRD CAUSE OF ACTION:**

23 3. For a declaration that:

24 a) The City grant deed is subordinate to the Tax Deed.

25 **ON THE FOURTH CAUSE OF ACTION:**

26 4. For an order quieting title to the Property stating that:

27 a) Plaintiffs are entitled to use and or sell the Property free and clear of alleged
28 Permit requirements.

1 b) the City grant deed is subordinate to Plaintiff's tax deed.

2 **ON THE FIFTH and SIXTH CAUSE OF ACTION:**

3 5. For an award of general and special damages exceeding \$2 million

4 **ON THE SEVENTH AND EIGHTH CAUSE OF ACTION:**

5 6. For an award of damages in the amount of \$333,114.56 plus interest at the legal rate.

6 **ON ALL CAUSES OF ACTION**

7 7. For an order confirming Cross complainant's interest in the property.

8 8. For costs of suit incurred herein;

9 9. For such other relief the court deems proper and appropriate;

10 10. For attorneys' fees permitted by law.

11

12

DATED: January 21, 2022

KRISHEL LAW FIRM

13

//Daniel Krishel

14

By: _____
DANIEL L. KRISHEL
Attorney for Plaintiffs

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1 **PROOF OF SERVICE**
2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in County of Los Angeles, State of California. I am over the age of 18 and
4 not a party to the within action. On 1/21/22, I served the document(s) described as **FIRST**
5 **AMENDED SUMMONS AND COMPLAINT** on interested parties in this action by placing a
6 true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United
7 States Postal Service mail at Los Angeles, California addressed as follows:

8 **VIA EMAIL**

9 Nicholas R. Colletti
10 ncolletti@ccmslaw.com

11 PJ Shemtoob
12 pj.shemtoob@lacity.org

13 Hayley Peterson
14 Hayley.Peterson@doj.ca.gov

15 — (BY MAIL) I am readily familiar with this business's practice for collection and processing
16 of correspondence for mailing, and that correspondence will be deposited with the United
17 States Postal Service on the date hereinabove in the ordinary course of business at Los
18 Angeles, California.

19 (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the above
20 addressee.

21 — (FEDERAL) I declare that I am employed in the office of this Court at whose direction
22 the service was made.

23 X (STATE) I declare under penalty of perjury under the laws of the State of California that
24 the above is true and correct.

25 Executed on 1/21/22, at Los Angeles, California.

26 // Daniel Krishel

27 DANIEL KRISHEL

AMENDED
SUMMONS
(CITACION JUDICIAL)

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

CITY OF LOS ANGELES; COUNTY OF LOS ANGELES; (See attachment)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

HENRI LEVY; 1205-1207 WOOSTER STREET, LLC

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Los Angeles Superior Court, 1725 Main Street
Santa Monica, CA 90401

CASE NUMBER: (Número del Caso):
21SMCV00964

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Daniel Krishel, 4500 Park Granada, Suite 202, Calabasas, CA 91302 818 883 8759

DATE:
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date)

Page 1 of 1

SHORT TITLE:

CASE NUMBER:

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐

Plaintiff

☒

Defendant

☐

Cross-Complainant

☐

Cross-Defendant

STATE OF CALIFORNIA; HEADLAND PROPERTIES ASSOCIATES LLC; METROPOLITAN LIFE INSURANCE COMPANY (form of entity unknown); METLIFE, INC. AND DOES 1-100

Page ____ of ____

Page 1 of 1

ADDITIONAL PARTIES ATTACHMENT
Attachment to Summons

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

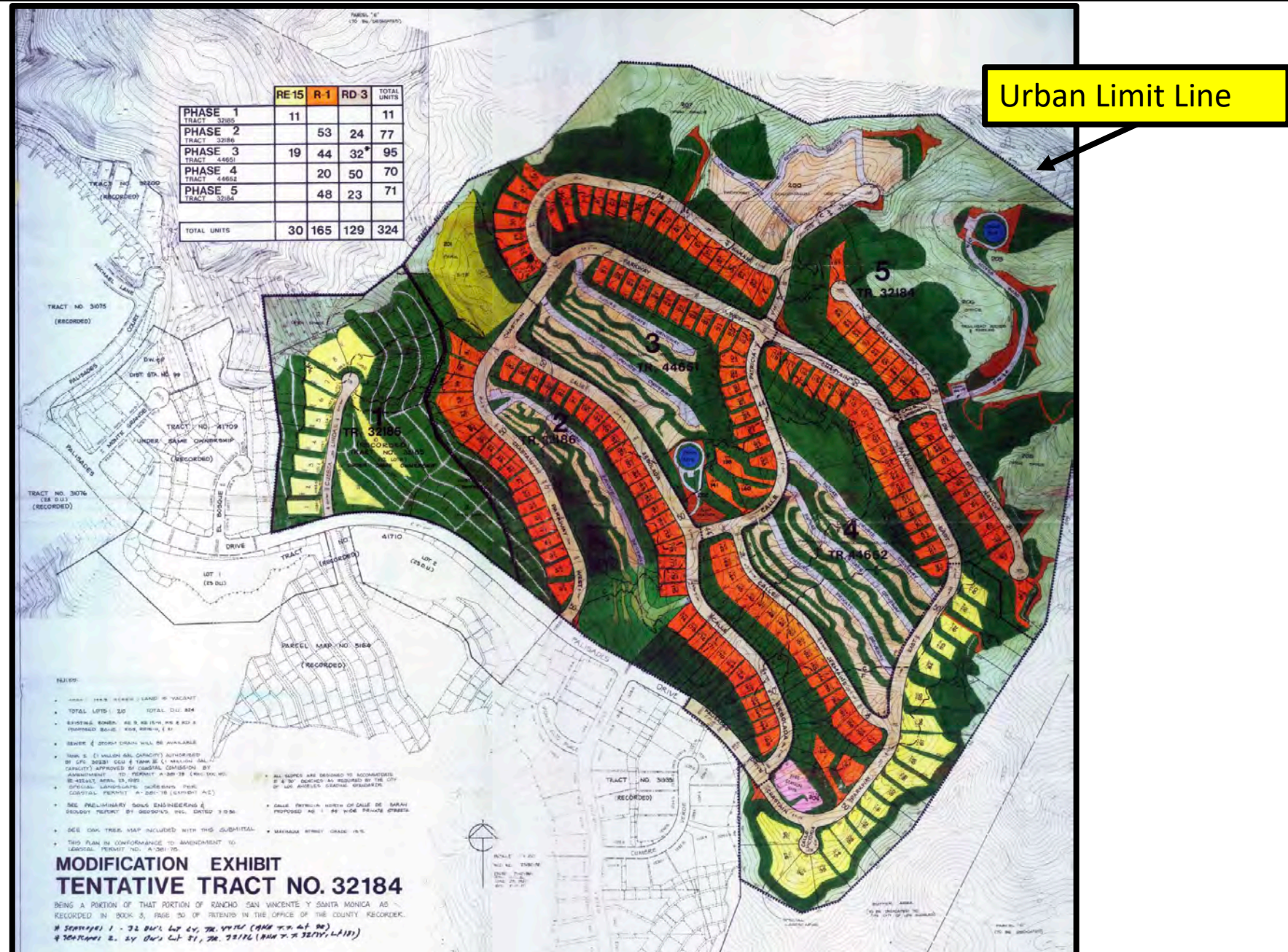
Trailhead Property Location



Trailhead Property Amenities



Urban Limit Line (Prior to CDP A-381-78A9)



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

REVISED FINDINGS
AMENDMENT TO PERMIT.

Permit No. 381-78
(Headland Properties)
Amendment Approved: 5/21/80
Findings Adopted: 6/4/80

AMENDMENT

APPLICANT:

Headland Properties Inc.

DEVELOPMENT

LOCATION:

Palisades Drive, Pacific Palisades, City of Los Angeles

AMENDMENT

DESCRIPTION:

(See Conditions and Findings)

COMMISSION

ACTION:

Amendment Approved: May 21, 1980; Findings Adopted June 4, 1980

I. Approval With Conditions.

The Commission hereby grants an amendment to the permit as described below, subject to the conditions below, on the grounds that, as conditioned, the amendment will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions

The permit is subject to the following conditions:

1. Scope of Approval.

a. This permit amendment authorizes subdivision of 4 tracts of Palisades Highlands, for up to 740 residential units, a two-acre commercial site and a 7-acre institutional site, grading for all streets and lots, installation of drainage and utilities and construction of residential units as described in the attached Findings and Declarations. All grading, structural development, and subdivided lots shall be located entirely within the urban limit line, as described in the surveys and maps prepared by VTN Engineers and submitted by Applicant to the Coastal Commission on March 21 and 26, 1980, and identified in the Coastal Commission files as approved Applicants Exhibits A-1, B-1 and B-2, except as provided below. (See Exhibits 4 and 5).

Upon notice to the Executive Director, the applicant may reduce the number of multiple family units and replace them with single-family units. The Executive Director shall approve such minor modifications to the project provided that there is no increase in the area graded or in the amount of traffic generated by the project, there is no interference with the provision in this permit for low and moderate income housing, and the modifications are otherwise consistent with this approval.

b. Concurrent with the development of Tract 31935, the applicant shall construct an emergency access road and pedestrian-bicycle path as generally indicated in Exhibit 4, between the southern terminus of public roadways serving Tract 31935 and the southern boundary of applicant's property. The road shall be designed and constructed so as to require the minimum amount of land form alteration and to provide/emergency entry to and exit from the Palisades Highlands development. The road shall be wide enough to accommodate two lanes of vehicles and meet the minimum specifications of the City of Los Angeles but at no point should the road width exceed 20 ft. Cuts and fills required for the construction of the road shall be the minimum required by the City of Los Angeles.

c. Subject to the review and approval of the Executive Director, in areas outside of urban limit line : minor grading may be performed to re-contour previously graded land; paved or unpaved pathways and other incidental improvements for low intensity recreation may be constructed; minor facilities to provide public or utility services which do not require significant grading may be installed if alternative locations are not feasible; vegetation within 100 ft. of any residential structure may be removed or altered for fire protection purposes.

2. Dedication. Within 10 days following the issuance of this permit, Applicant and Palisades Resources, Inc. (a co-applicant) shall record offers to dedicate to the State of California all of the property lying outside the urban limit line. Such offers shall be of a form and content approved in writing by the Executive Director. Such offers of dedication shall be irrevocable for a period of 7 years, except in the event of revocation of this permit. As final maps for the respective four tracts (noted below) are recorded, said offers shall be irrevocable as to specified parcels for 21 years thereafter and shall require dedication in fee of such specified parcels upon acceptance by the State of California or its agent. The offers of dedication shall contain the following provisions as to the parcels specified below:

a. Canyon Park. Concurrent with the recordation of a final map for Tract 34923 and prior to construction of residential units on such tract, the applicant shall record an irrevocable offer to dedicate the full fee interest in approximately 120 acres of land in Santa Ynez Canyon north of the existing City park and west of Palisades Drive (areas C and C-1 in Exhibit 2). With the exception of tax liens and the prior offer of dedication of such property to the City of Los Angeles Park Commission, the dedication shall be free of all prior liens and encumbrances. The applicant shall use best efforts to secure the waiver of the City Parks Commission to such prior offer of dedication. However to promote the most efficient and orderly operating and maintenance of these parklands, the applicant may withdraw the offer in favor of the State with regards only to the approximately 25 acres south of Avenida de la Montura (area C-1, Exhibit 4) and adjacent to the existing City park, provided that the City Park Commission accepts the dedication of area C-1 for operation as a City park.

b. Gateway. Concurrent with the recordation of a final map subdividing the Gateway Tract, Palisades Resources, Inc., shall record an irrevocable offer to dedicate the full fee interest in approximately 297 acres of land outside of the urban limit line on the Gateway tract established pursuant to Condition 1 above (generally shown as areas A and B in Exhibits 2 and 5).

c. Tract 31935. Within 30 days following the recordation of a final map subdividing Tract 31935 the applicant shall record an irrevocable offer to dedicate the full fee interest in the approximately 386 acres adjoining the portion of Tract 31935 to be developed (shown as areas D and G in Exhibit 2).

d. Tract 32184. Within 30 days following the recordation of the final map subdividing the first unit of Tract 32184 the applicant shall record an irrevocable offer to dedicate a full fee interest in the approximately 338 acres shown as area E in Exhibit 2.

e. Permit Expiration. In the event the obligation of Palisades Resources, Inc., and applicant to dedicate all of the property lying outside the urban limit line does not occur within seven(7) years after issuance of this permit, applicant shall be obligated to surrender and abandon this permit upon expiration of such seven year period and this permit shall have no further force or effect insofar as this permit pertains to any property not then subject to a final subdivision map.

f. Road Easements. Prior to recordation of any final maps for the authorized development, the applicant shall grant to the State of California all of the applicant's interests in road easements through Topanga State Park, including Palisades Drive extension to Mollholland Drive and Temescal Canyon Road towards Sunset Boulevard.

3. Restrictions. Concurrent with the recordation of final maps as noted in 2a, 2b, 2c, and 2d above, the applicant shall record an instrument covering such parcels in a form approved in writing by the Executive Director. Such instrument shall be considered a covenant running with the land in favor of the people of the State of California, shall be recorded free of prior liens and encumbrances except tax liens and shall bind the applicant and all successors in interest. Such instrument shall provide specifically as follows:

a. Prevent further division of such dedication parcels for any purposes except park purposes outside of the urban limit line.

b. Prevent development outside of the urban limit line except as permitted by this permit or for park purposes.

c. Waive all claims against the public for damages due to flood, fire or geologic instability which may arise as a consequence of approval of development within the permitted tracts.

4. Landscaping Plans. The Applicant has submitted landscaping plans and specifications for Tract 31935 and 32184, which have been reviewed and approved by the Executive Director. The final landscaping plans shall provide that slope areas exposed by grading or other construction shall be revegetated with primary endemic

drought and fire resistant vegetation. On Tracts 31935 and 32184, landscaping shall be designed to screen and soften the visual impact of the project as seen from Topanga State Park. The areas of special landscaping concern (identified in Exhibit 4) shall be screened from view by a combination of berms and extra vegetation in conformance with the preliminary landscaping plan submitted by the applicant. No further review of landscaping plans for Tracts 31935 and 32184 is required. Landscaping plans for the Gateway shall be submitted for review and approval by the Executive Director prior to the start of construction of any units on the Gateway.

5. Archaeological Site. Prior to the development of Tract 32184, the applicant shall undertake or fund a thorough examination and test excavation of Archaeological Site LAn - 666 as recommended in the archaeological investigation performed by Roberts S. Greenwood in June of 1976. The examination and test excavation shall be performed under the direction of a qualified Archaeologist. Development of Tract 32184 shall not proceed until excavation of all significant features of site LAn - 666 is complete. The Archaeologist shall be notified of and allowed to observe all brush clearing and grading operations within the permitted development. All contractors and construction personnel shall be advised of the potential existence of other archaeological resources; all work shall be halted and professional consultation be obtained promptly if prehistoric materials are encountered or suspected in the process of development.

6. Housing. Prior to issuance of the permit, the applicant shall enter into an agreement with the Coastal Commission to provide for affordable housing as stated below. The agreement shall bind the applicant and any successors in interest and shall be recorded as a covenant to run with the land, with no prior liens other than tax liens. The agreement shall be recorded as a covenant on the 75 unit residential site on the Gateway (as shown in Exhibit 5) and Lot 193, Tract 32184 as shown on Exhibit 4. The agreement shall provide:

a. The applicant shall either provide 60 units of affordable dwelling units, subject to resale controls, at prices which are affordable to low and moderate income persons earning from 50-120% of median income on Lot 193, Tract 32184, or 100 units of affordable housing in the same manner on the Gateway site if and when that site is rezoned to allow such development.

b. When and if the Gateway tract is rezoned to allow for the provision of the 100 affordable units described above, the restriction on Lot 193, Tract 32184 shall terminate.

c. Upon issuance of a certificate of occupancy as to 60 affordable housing units on Lot 193, Tract 32184 or 100 affordable housing units on the affordable housing site in the Gateway the agreement shall terminate as to the 75 unit residential site in the Gateway.

d. If five (5) years after the date of the rezoning of the affordable housing site in the Gateway no construction has commenced for affordable housing thereon and if applicant thereafter dedicates the fee interest in the affordable housing site to a public housing agency the agreement to construct such affordable units shall terminate as of the date of recordation of such dedication.

e. Prior to the applicant commencing construction of the affordable housing or prior to the dedication referred to in paragraph d, applicant shall enter into an agreement, approved by the Executive Director, with a public housing authority or other agency acceptable to the Executive Director, providing that such agency agrees to construct if necessary and administer the affordability (resale) controls provided for in the Commission agreement.

f. The units shall be priced to be affordable to the range from 50-120% of median income so that an equal number of units is available in each of the following price ranges: 50%, 60%, 70%, 80%, 90%, 100%, 110%, and 120%. At least one third of the units in each range shall be three bedroom units of at least 1000 square feet. All other units, if any, shall be at least 600 square feet. Up to two thirds of all the units may be designated for elderly, and at least one third shall be designated for families.

g. The sales price in each range shall be determined by the following formula:

$$\text{Sales Price} = \frac{(1/3)(\text{median income})(\text{family size adjustment})(\text{income range}) - (\text{Homeowners Association Dues} + \text{Insurance Premiums})}{(\text{Debt Service Constant Percent})(\text{Loan to Value Ratio}) + 1\%}$$

The family size adjustment shall be as follows: for a one bedroom unit, 80% (.8); for a two bedroom unit, 95% (.95); for a three bedroom unit, 108.5% (1.085). Median income shall be the median income for a family of four as last calculated by HUD prior to the issuance by the Department of Real Estate of the Public Report for the units.

h. The affordable units shall be offered for sale subject to controls on resale, substantially as provided in the Commission's guidelines, subject to the approval of the Executive Director, in order to assure continued affordability.

i. No residential development shall take place on the 75 unit residential site in the Gateway until such site shall have been released from the agreement in accordance with either 6c or 6d above.

7. Park Facilities. Concurrent with the grading of Lots 86 and 87 of Tract 32184, the applicant shall construct trailhead facilities (including a 6-10 car parking lot, gates and signs) in vicinity of said Lots 86 and 87 substantially as shown in Applicant's Exhibit A-1, so as to provide foot trail access to an existing trail on Temescal Ridge. The applicant shall also construct a restroom facility in the vicinity of Palisades Highlands at a location designated by the State Department of Parks and Recreation in Topanga State Park or on the dedicated lands. If the applicant is unable to construct the restroom prior to completion of Tract 32184, the applicant may post a bond in an amount sufficient to fund construction by the State if such facilities are determined to be necessary by the Department of Parks and Recreation. All facilities shall be constructed to the usual specifications of the Department of Parks and Recreation, and shall be turned over to the Department for operation and maintenance.

III. FINDINGS AND DECLARATIONS:

The Commission finds and declares as follows:

1. Amendment Description. The proposed amendment to this development permit consists of expanding its scope to authorize: (a) the division of acres on Tract 31935 into 137 lots for 133 single-family dwellings, 2 lots for a total of 50 condominiums (the condominiums may require a local government rezoning at a later date), one recreation lot and a 30-acre open space lot; (b) the division of 115 acres on the remaining undeveloped portion of the Palisades Highlands (Tract 32184) into 260 lots for 257 single-family dwellings, 1 site for 60 condominiums, a recreation lot and an approximately 8-acre open-space lot; (c) the division of approximately 322 acres in the "Gateway" area (immediately northerly of the intersection of Sunset Boulevard and Palisades Drive) into six separate parcels: a 10 acre site for 75 market price residential units; about 7.5 acres for church, school, or similar public serving institutional use; a commercial and parking site of approximately 2.5 acres; a site of approximately 5 acres for 100 units of affordable housing; and 2 parcels for permanent open space totalling 297 acres to be dedicated to the public; (d) the development of a 6 acre graded site into 64 condominium units on Tract 34923. The project would include approximately 3.5 million cubic yards of grading in the Palisades Highlands, and additional, comparatively minor, grading in the Gateway, for streets and building pads, and installation of drainage facilities, utilities, streets, landscaping, and improvement of the active recreational site in Tract 31935 (Exhibit 4); (e) a 1 acre recreation site adjacent to the westerly boundary of Tract 31935; and, (f) construction of single family dwellings and condominium units on each of the permitted tracts consistent with applicable City zoning standards.

The Palisades Highlands portion of the project site is vacant and in a natural state except for a small area on the north end of Tract 31935 where some grading and slope work was performed in connection with off-site improvements for another tract. The site is within Palisades Highlands which is 2 to 3 miles north of the shoreline on the southern slopes of the Santa Monica Mountains in the City of Los Angeles. Existing development in Palisades Highlands is set into a bowl graded out of Santa Ynez Canyon; the proposed tracts would be above and to the east of the existing development and along, below, and northerly of the ridge separating Santa Ynez Canyon from Pulga and Temescal Canyons.

The Gateway project site is located on both sides of Palisades Drive, immediately north of its intersection with Sunset Boulevard in the Pacific Palisades area of the City of Los Angeles. It is approximately one mile from the shoreline, and is not between the first public road and the sea. The site is adjacent to existing developed areas, and lies south of Palisades Highlands, at the southerly terminus of the Santa Monica Mountains in this part of Los Angeles. Except for Palisades Drive and a small frame structure on Parcel 1 used by applicant's employees, the site is vacant. The areas proposed for development were previously graded in conjunction with the construction of Palisades Drive and related facilities. About 35 acres of the site proposed for development are essentially level so that minimal additional grading will be required, and no alteration of significant landforms will occur. About 297 acres of the Gateway are in a natural state and would not be graded or otherwise developed.

The Palisades Highlands portion of the project authorized in this amendment is the ninth and tenth of 10 major tracts approved or proposed in Palisades Highlands. The first eight tracts, containing 1018 dwelling units on 417 acres, ("Phase I" of the overall Headland project), are nearly complete. Included in this action is the approval of 64 condominium units on a 6 acre tract (Tract 34923), which is the last vacant site in Phase I. This site was once designated for commercial use. Because the Gateway will include about 2 acres of neighborhood commercial uses, the Commission can approve residential development on all of Tract 34923.

This action of the Commission authorizes 500 units in the Phase II area of Palisades Highlands, to be concentrated on about 185 acres in two separate tracts. The permit includes development of up to 183 dwelling units on Tract 31935, grading of roads and building pads and installation of necessary subdivision improvements (streets, sewers, drains, utilities, and recreational facilities) for up to 50 high density condominiums on about 6 acres and 133 single-family dwellings (RE-15 zoning). The Commission also approves, subject to conditions, development of 317 dwelling units on Tract 32184, grading of roads and building pads and installation of necessary subdivision improvements (streets, sewers, drains and utilities) for 60 high density condominiums on about 6 acres and 257 single-family dwellings (R-1 and RE-15 zoning) on the remainder of the tract. As proposed, this project -- 500 dwelling units on 185 acres -- would have a net density of 2.71 d.u./acre. Conditions requiring dedication of substantially more than 800 acres for State park purposes will reduce the effective density to significantly less than 1 d.u. per 2 acres. Current City zoning would allow 2.93 d.u./acre. This project was specifically exempted from application of the slope-density formula applied by the City to most other hillside projects within the area. However if the slope-density formula had been applied, development would have been limited to approximately 300 units in Phase II.

Finally, this action authorized all subdivision, minor grading, installation of subdivision improvements and construction of up to 175 multiple family residential units on 15 acres of the Gateway tract. The Gateway is also to be prepared for the development of about 25,000 square feet of neighborhood commercial uses and parking on a 3 acre site and community-institutional uses on a 7 acre site. Construction of institutional and commercial structures is not authorized by this permit, as sufficient detail of design has not yet been specified. As permitted, the residential components of the Gateway project, involving a total of 175 dwelling units on 15 acres, would have a net density of 11.66 d.u./acre. Conditions requiring dedication of 297 acres for open space park purposes reduce the effective density to 1 d.u./1.8 acres.

The Gateway portion of the project is not compatible with existing City zoning. Rezoning will be necessary to implement this portion of the project, and the conditions of this permit require the applicant to use best efforts to obtain it. While rezoning should be obtainable within 2 years, if the City of Los Angeles is willing to take such action, the need for rezoning will necessarily delay implementation of the project. For this reason, the Commission has allowed 7 years for the commencement of construction under this permit. The Commission finds that the departures from existing City zoning required by this action are reasonable and necessary to bring the project into conformity with the policies of the Coastal

Act. Without them, the project could not be approved. The City's slop-density formula would have limited development on this site to about 50 residential units. However all 175 units approved in this action can be sited within already graded areas. The Commission has approved this higher density in order to reduce the amount of development in the Phase II area of Palisades Highlands, thereby reducing the total amount of landform alteration. In addition, the higher density allows the applicant to provide 100 units of low and moderate cost housing at this site which is more convenient to bus lines, commercial uses and other community services, than would be sites in Palisades Highlands.

Conditions on this approval require the applicant to construct an emergency access road south from Tract 31935 to the southerly boundary of the applicant's property (adjoining the AMH project site), provide 100 units of low and moderate cost housing (especially for the elderly and families), to dedicate title to between 1067 and 1180 acres (depending on the final grading and tract boundaries) for public park purposes, and to vacate easements for road extensions through Topanga State Park. The Commission recognized that the four tracts are proposed for development in an integrated development plan. Thus the Commission has issued a single permit authoring all development (except as specified) necessary to complete these four tracts and does not intend that the applicant or his successor return for further permits, except for construction the commercial and institutional structures or the gateway. Minor changes in design or unit which have no adverse affect on Coastal resources and which do not conflict with this approval, will be approved administratively by the Executive Director. Like all major land development projects, the project authorized by this permit will proceed in at least four major stages (one for each of the noted tracts). The conditions require permanence of stated obligations (dedications, construction of facilities) phased with the development of associated tracts. However it is the intent of this Commission that this permit be considered a comprehensive and final approval, and not be voidable once any portion of the approved development is undertaken unless the applicant fails to comply with the conditions. As the development plan is integrated, so are the dedications required by the conditions. For it is only with the dedication of these lands for permanent preservation of visual and landform resources and for public recreational use that the Commission can find the development of the four tracts on balance most protective of significant coastal resources. The dedication of these lands also provides a conclusion to the issue of continuing development in the area. With the approval of this amendment with the dedication of open space areas outside the last four tracts, the Commission and the applicant have achieved a compromise beneficial both to the public and to the developer, resolving once and for all the major Coastal Act issues of location and intensity of development, traffic impacts, amount of grading and provision of low and moderate cost housing. Therefore it is intended that once any portion of the permit is exercised or any offer dedication made, that the entire development and dedication plan proceed to completion as expeditiously as possible.

2. Coastal Resources. The major issue in the Commission's July, 1979 action were: the density of the project as it affected the traffic impact on access to the coast, the extent of grading and alteration of natural land forms as it affected scenic habitat and recreational resources and the provision of housing opportunities for persons of low and moderate incomes. Approvals of this amendment authorizes an increase in the number of units in the total project from about 600 to about 740 units, with proportionately greater impacts on the local traffic network, substantial increase in the area to be graded in the Phase II (i.e., Tract 31935 and 32184) area of Palisades Highlands from about 100 acres to about 185 acres. However, the projects originally proposed and authorized by the City's District Plan for this area would have contained 1850 units on 445 acres. In all cases the balance of the 968-acre Phase II site would be either dedicated as open space or dedicated for park purposes. Both the July, 1979 permit and this amendment provide for 100 units of affordable housing to be located on the Gateway Tract.

a. Traffic. By limiting approval of units in the Highlands and by further finding that only 500 other units in addition to the 64 townhomes on Tract 34923 and 1 residential estate can be approved in the area, the Commission can find that the ultimate direct and cumulative traffic impacts would be substantially reduced to less than about 5000 vehicle trips per day.

As conditioned by the Commission to limit the total number of dwelling units to 175, the Gateway portion of the project will have an adverse impact on local and regional traffic circulation. If all 175 residential units were market price, the project might be expected to generate about 1650 vehicle trips per day. However, since 100 units will be for persons of low and moderate income, this estimate can be reduced substantially, since such persons generally own fewer cars and use those they own less frequently. Vehicle trip generation will be further mitigated by the provision of a 2.5-acre commercial and parking site which will reduce the need for residents to travel elsewhere to secure needed goods and services. Since the commercial site will serve the Palisades Highlands as well, it will also reduce to some extent vehicle trips over Sunset Boulevard and Pacific Coast Highway by residents in developments there. The total traffic generated by the 4 tracts will amount to about 6500 vehicle trips per day. The traffic impacts from development permitted as a result of this action is significant. Because of these impacts, these projects could not be approved but for the fact that the projects as conditioned will provide beneficial impacts by preserving natural landforms, habitats, scenic vistas, granting free of charge to the public substantial lands with significant recreational potential, and providing needed affordable housing in this area of the coastal zone.

b. Alteration of Natural Landforms. The 183-unit Tract 31935 development is designed to require about 1.5 million cubic yards (mcy) of grading, most of which is a cut to remove a hillside required in order to extend Palisades Drive, the only access to the proposed new tracts. The 317-unit Tract 32184 development is designed to require about 2 million cubic yards (mcy) of grading. The developed portions of the Gateway property under the project approved here would be limited to relatively flat areas adjacent to Palisades Drive; Grading will be minimized and no material alteration of natural landforms will occur. There are no views to or along the ocean from anywhere in the area to be developed on the Gateway tract; and hillside areas will be left virtually untouched.

The project EIR for the entire project originally proposed in Phase II notes that an additional 8.0 mcy of grading would be performed to build roadways and pads for an additional 1850 units. The presently revised plan for an additional 317 DU's in the

remainder of Palisades Highlands would require only about 3.5 -
my, a reduction of more than 50%. Although grading for Tract 31935 averages about
1875 cubic yards of cut and fill for each dwelling unit, a large portion of this grading
is necessary in order to satisfy the Secondary Access Road connection. Because of the
need to make the road connection, the overall reduction of grading in the total project
area and the fact that grading and lot placement has been sensitively designed to protect
landforms (including the "Split Rock" formation in Tract 31935) and views of particular
significance, it is determined by the Commission that this landform alteration is con-
sistent with Section 30251 of the Coastal Act. Visual impact of the grading will be
mitigated by revegetation of exposed slopes and lots consistent with Coastal Act policies,
and in conformity with approved landscaping plans.

The project would result in permanent alteration of approximately 145 acres of the
185 acres in Tracts 31935 and 32184. A firm Urban Limit Line is to be established with
permanently preserved buffer areas designed to project the integrity of the local
wildlife systems from both construction and residential impacts.

The project will result in alteration of only approximately 25 acres out of the total
322 acre Gateway property. The substantial acreage left intact will protect the integrity
of local wildlife systems from construction and residential/commercial impacts. Based
upon this fact the Commission finds this project does not involve any significant dis-
ruption of habitat values and is compatible with the continuance of surrounding habitat
areas, so that it is consistent with the policies of Section 30240 of the Coastal Act.

The project is visually compatible with both the surrounding areas adjacent to
Sunset Boulevard, which contain existing residential and commercial development, and with
the Palisades Highlands to the north. The Commission finds that the minimal landform
alterations involved are mitigated by the permanent preservation of far larger areas in a
natural state. Within these conditions, the Commission finds that development on the
Gateway would be consistent with the policies of the Coastal Act.

Although the amended permit allows for a significantly greater graded area, it is
more protective of the undeveloped areas as they will be dedicated to park purposes.
Thus, on balance the Commission finds that the project is protective of natural landforms,
and, as conditioned, is consistent with Sections 30240 and 30251 of the Coastal Act.

c. Affordable Housing. Section 30213 of the Coastal Act provides that:

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

The Commission's Interpretive Guideline on New Construction of Housing, adopted
on 22 January 1980, generally requires that 25 percent of the units in new residential
developments be set aside for persons of low and moderate income. The Gateway development
being approved in this action, considered by itself, significantly exceeds this minimum
requirement by providing affordable housing which is 133 percent of the market price
units proposed (100 vs. 75).

However, this Gateway project is being approved as part of a series of actions
by the Commission intended to provide for the coordinated development, consistent with
Coastal Act policies, of the Gateway and the remaining undeveloped portions of the

Palisades Highlands. This combined development adds a total of 640 new market rate residential units to the housing supply in the Pacific Palisades area. (183 units on Tract 31935 (Appeal No. 381-78); 64 units on Tract 34923; 317 units in the remainder of the Phase II area of the Highlands; and 75 in the Gateway). The 100 units of affordable housing are only 15.6 percent of this total; and, were it not for the other significant public benefits provided by the project, the Commission could not find that the Coastal Act's affordable housing requirement had been met.

Section 30007.5 specifically contemplates balancing of competing Coastal Act policies, and requires that conflicts be resolved in a manner which is most protective of coastal resources. With respect to affordable housing, the Interpretive Guideline on New Construction of Housing specifically provides that the Commission may require a smaller percentage of affordable housing where a project includes significant other public benefits such as "extraordinary public access or parkland dedications". The Commission finds that the Gateway and Palisades Highlands projects being approved together clearly provide such extraordinary public benefits of open space park dedication and habitat and landform preservation that reduction of the general 25 percent requirement is appropriate.

The Interpretive Guideline on New Construction of Housing also requires the Commission to consider community need for lower cost housing. The Commission notes that Pacific Palisades has a relatively high proportion of demand for housing for elderly persons. Consequently the Commission has required that up to 2/3 of the units be reserved for this group. The Commission finds that the Gateway Tract is an appropriate location to provide the project's inclusionary units as it is located on the Sunset Blvd. bus line, across the street from a neighborhood commercial center, and within 1/4 mile of both a large food store and the beach.

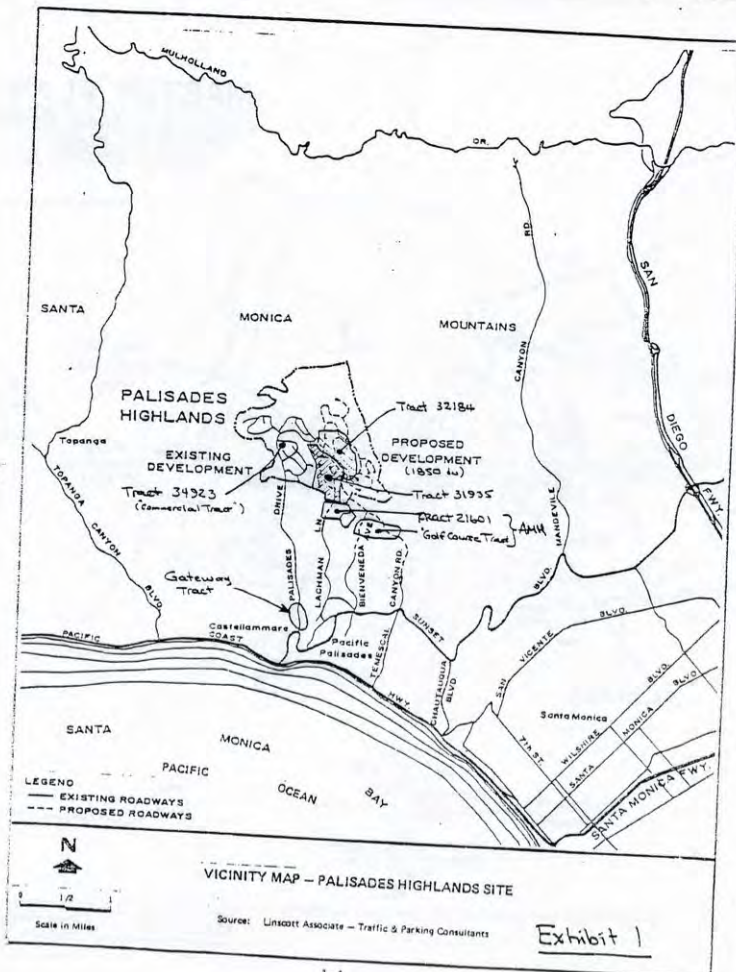
Because the Gateway Tract is not zoned for multiple unit development, however, there is some potential that the affordable housing would not be allowed. Therefore, the Commission has required that a 6-acre condominium site in Tract 32184, large enough for about 60 units, be held available to provide an alternative location for inclusionary housing units. If the Gateway Tract is not rezoned for higher densities (RD-1.5 or RD-2) the condominium site in Tract 32184 would be used as the site for 60 units of affordable housing. It is the intent of this condition to provide assurance that low and moderate cost housing units be constructed by the applicant and provided for purchase by qualified members of the public within a resale control program administered by a local housing agency. Although the Commission prefers that affordable units be sited in the Gateway, if such location is not allowed, a lesser number (60 units) must be provided in the Palisades Highlands Phase II area. In the event that the applicant is either unable or unwilling to construct the units, within 5 years, securing City rezoning for the higher density affordable units (i.e. to RD-2), the applicant may dedicate the site to a local housing agency provided that the applicant receives housing agency agreement to construct and maintain the units and the Executive Director of the Commission approves such agreement. The Commission recognizes that agreement of the housing agency may depend upon the applicant providing sufficient funds to enable the agency to complete the project expeditiously and actually provide the housing opportunities such a provision is entirely within the intent of this condition. Without this condition, the Commission could not find that the development of the four tracts subject to this action would be consistent with the mandate of Section 30213 which states "...housing opportunities for persons of low and moderate income shall be protected, encouraged and where feasible, provided."

d. Archaeological Resources. The archaeological survey performed for the EIR on the Phase II area, noted that there are two significant pre-historical sites in the area. One of these, site LAN-666 is located within the area to be totally altered during grading for Tract 32184. The other site is outside the area to be developed. The EIR survey noted:

The milling stone site LAN-666 is a highly significant cultural resource with the potential for contributing important data for research into the cultural history of the Santa Monica Mountains and the broader sequence of development in Southern California.

The report recommended that the site be excavated and analyzed prior to grading, as a mitigation for its destruction. Conditions on this approval incorporate the recommendations of this report in conformance with Section 30244 of the Coastal Act. Only with these conditions can the Commission find the project consistent with the policies of the Coastal Act. The report also notes the potential existence of other archeological resources. Therefore the Commission's conditions require that the applicant notify a qualified archeologist before starting any grading or brush clearing in the Phase II area (Tracts 31935 and 32184), allow the archeologist to be present to observe such operations, and to require that work stop if new archeological sites are found, while appropriate mitigation is undertaken. Only with these conditions can the Commission find the proposed development of Tracts 31935 and 32184 consistent with the policies of the Coastal Act.

4. Precedent. As the Commission noted in its findings in July of 1978, these tracts may be approved only because the significant impacts of buildout have been identified and mitigated to the maximum extent feasible, in a comprehensive review of all potential large scale development in Pacific Palisades. The Commission is fully aware that the scope of these approvals is one which is generally more appropriate to a Local Coastal Program. However, because of the already extensive planning and permit reviews of this project by the City of Los Angeles the City's reluctance to further review this area in its Local Coastal Program and the extent of mitigation as offered by the applicant and confirmed by the conditions, the Commission finds these projects may be approved prior to certification of the City's LCP. In conformance with Section 30625 of the Coastal Act, this decision shall guide preparation of the Local Coastal Program for this area.



VICINITY MAP - PALISADES HIGHLANDS SITE

Exhibit 1

MASTER PLAN

REVISED OPEN SPACE DEDICATION

MODIFIED MAY 31, 1980

HEADLAND PROPERTIES, INC.

A FUTURE OPEN SPACE DEDICATION

TR 34923

Gateway
Tract

1000' W

SUNSET
BLVD

7500
SUNSET
BLVD

TR 31935

TR 32184

G-361 AC.

July 79
Urban Limit
Line

NEW
Urban Limit
Line

RIOCE

TEHACHA

E
1000 AC.

C
95 AC

1000' W



SEE PLANNING
PAGE 10, 11, 12



Areas of Special
Land Use Concern

Exhibit 2 (MODIFIED)

6/4/8

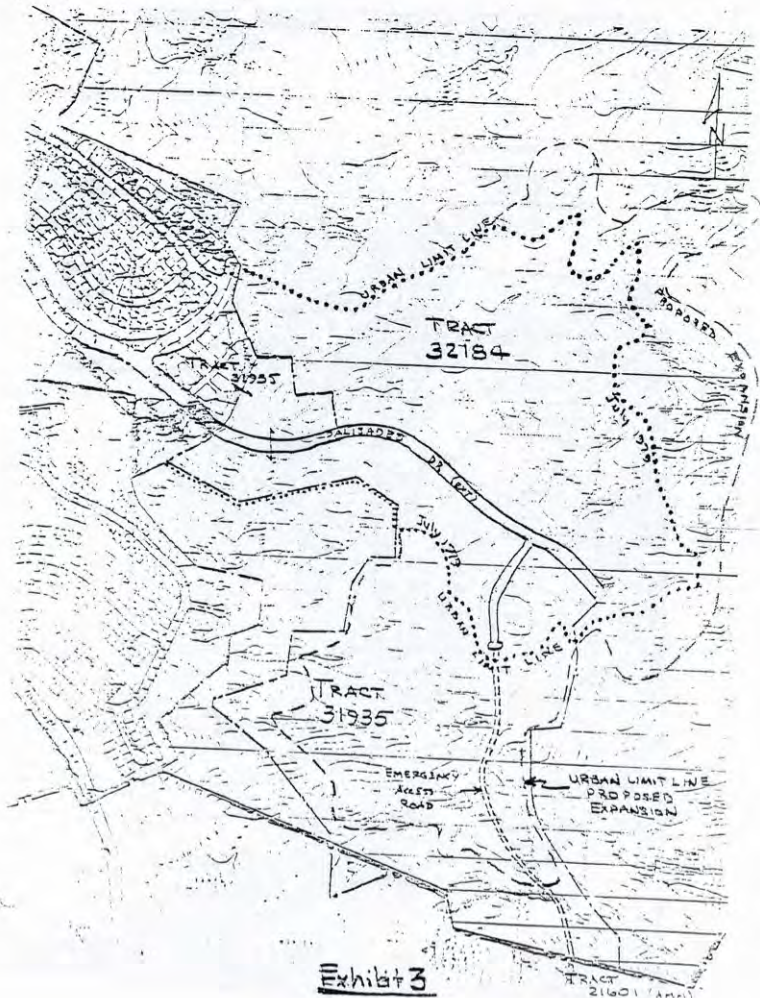


Exhibit 3

PALISADE, HIGHLANDS EXHIBIT A-1

PLANNED 1970

- 1. OPEN SPACE (UNIMPROVED)
- 2. OPEN SPACE (IMPROVED)
- 3. OPEN SPACE (IMPROVED) - 10% MIN.
- 4. OPEN SPACE (IMPROVED) - 20% MIN.
- 5. OPEN SPACE (IMPROVED) - 30% MIN.
- 6. OPEN SPACE (IMPROVED) - 40% MIN.
- 7. OPEN SPACE (IMPROVED) - 50% MIN.
- 8. OPEN SPACE (IMPROVED) - 60% MIN.
- 9. OPEN SPACE (IMPROVED) - 70% MIN.
- 10. OPEN SPACE (IMPROVED) - 80% MIN.
- 11. OPEN SPACE (IMPROVED) - 90% MIN.
- 12. OPEN SPACE (IMPROVED) - 100% MIN.

OPEN SPACE (UNIMPROVED) DEPOSITED
600
Census Tract
(Approximate Acreage)
Municipal 304

Expanded
Urban Limit
(Proposed)

Urban Limit
Line of
A-381-78

Trailhead

31935

32164

Salt
Rock

Emergency
Access
Road

Exhibit 4

PALISADES HIGHLANDS
GATEWAY PLOT PLAN
EXHIBIT B-2

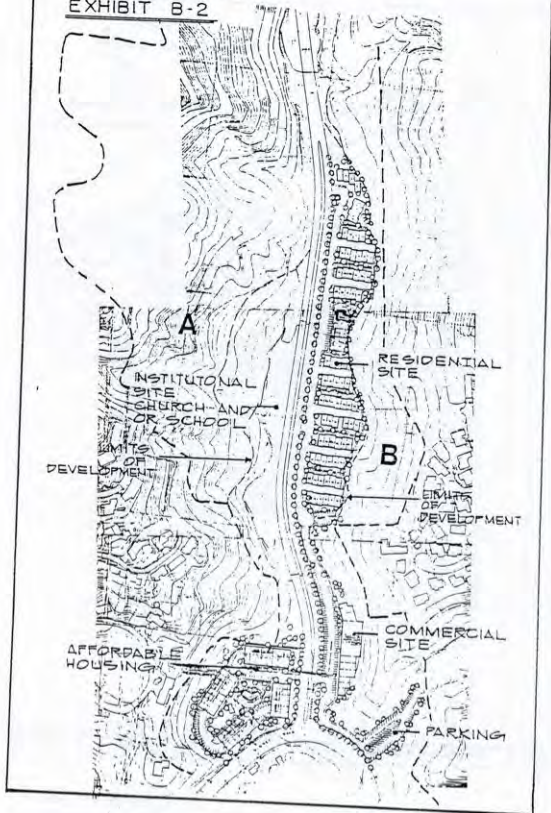


Exhibit 5

EXHIBIT D
TRACT NO. 34923

Formerly Tr 31070
"Commercial Tract"

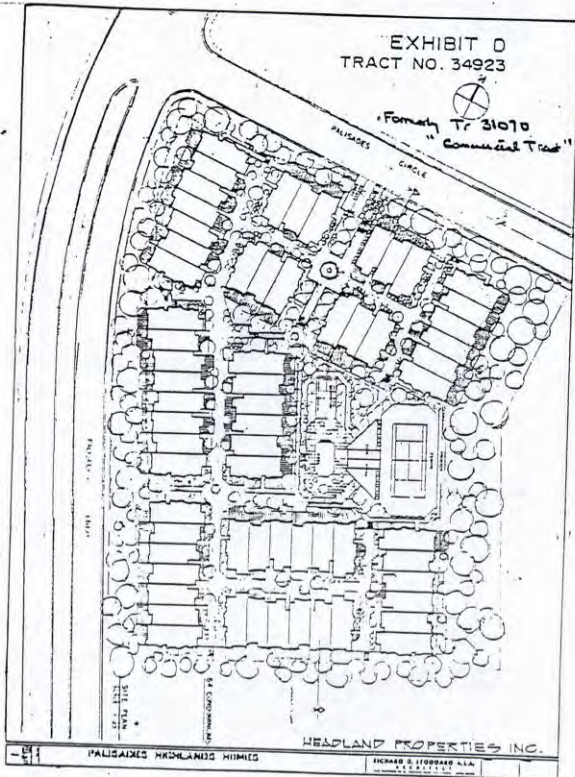


Exhibit 6

CALIFORNIA COASTAL COMMISSION

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

FILED: 9/29/87
49th DAY: 11/4/87
180th DAY: 3/14/87
STAFF: Emerson *AS*
STAFF REPORT: 11/23/87
HEARING DATE: 12/9/87



AMENDMENT

REGULAR CALENDARSTAFF REPORT AND RECOMMENDATION

Application: Appeal Number 381-78A9 (Headland Properties, Inc.)

Applicant: Headland Properties/Palisades Resources

Agent: C Yelverton

PO Box 705
Pacific Palisades, CA
Los Angeles County

Description: Amend permit for 740 unit subdivision, including construction of condominiums and creation of single family lots, construction of low and moderate income housing, open space dedications, commercial center, church and school. In 144.3 acre tract known as 32184: amend the urban limit line and grading plan, increase the number of dwelling units permitted in Tract 32184 to compensate for loss of lots in other tracts and to reach the total build-out of 740 units permitted in 381-78 and modify condition 7, conveying trailhead facilities to the City of Los Angeles instead of State Parks. In tract 31935, merge open space lot known as parcel D with an internal recreation site.

Site: Approximately 1300 acres in Santa Ynez Canyon, west of Temescal ridge and east of Topanga State Park, and north of Sunset Boulevard in the Pacific Palisades District of the City of Los Angeles.

Substantive File Documents:

- 1) Pacific Palisades Community Plan, City of Los Angeles
- 2) A-381-78; Amendments 1-7

- 3) Geo-Soils, "1-40 scale grading plan, geotechnical report for new tract number 32184," Aug 18, 1976
- 4) Slosson, James, "Geological Report, Tract 32184, Palisades Highlands," 13 October, 1980
- 5) Appeal number 380-78 (AMH)
- 6) England & Nelson Summary of Significant Ecological Areas Report (1976)
- 7) "Significant Ecological Areas of the Santa Monica Mountains, report," Richard Dean Friesen, LA County Museum of Natural History Foundation
- 8) National Park Service, Santa Monica Mountains National Recreation Area, Draft Land Protection Plan; Acquisition Plan.
- 9) Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone (November 1978).
- 10) Radtke, Klaus, "A Homeowner's Guide to Fire and Watershed Management at the Chaparral/Urban Interface," County of Los Angeles, 1982
- 11) Santa Monica Mountains Comprehensive Planning Commission, "Santa Monica Mountains National Recreation Area Recreation Transportation System Element," Aug. 1979

STAFF RECOMMENDATION

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act

II. STANDARD CONDITIONS: See Appendix I (Standard Amendment Conditions)

III. SPECIAL CONDITIONS:

1) Limits of amendment

This amendment pertains to the items specified below only, and does not affect the remainder of the approval or the remainder of the adopted conditions of the Commission. Changes in the permit will be made in the Conditions identified in brackets and contradictory information deleted.

a) The urban limit line and tract boundary and dedication areas shall be as shown in the "Modification Exhibit" by VTN Inc shown on PH 87-4 and "Master Plan" PH 87-14. [1(a)]

b) The applicant shall be authorized to construct up to 324 units in tract 32184, including as many as 129 condominium units. The Executive Director may approve minor reallocation among the types of units and minor changes of design of the subdivision within the revised urban limit line. [1(a)]

c) Parcel D may be combined with the private recreation site of parcel map 5164 as private open space. [2(c)]

d) The applicant shall demonstrate to the Executive Director that adequate legal instruments exist to maintain the slope and open space areas identified in map PH87-4. The applicant has agreed to maintain the slope areas adjacent to the development, and upon completion of development to transfer this obligation to the Homeowners' association(s) in accordance with City conditions 13j, 21 22, and 23. Some of this land is subject to landscaping conditions and fire control setbacks.

The applicant or the successor in interest shall maintain the slope areas shown on PH 87-4, and areas identified for special planting using native, fire-resistant vegetation of the Oak Savannah, Coastal sage scrub and chaparral communities, and fuel modification and erosion control techniques approved by the Executive Director.

Within the areas designated as slope areas on the PH87-4 plan there shall be no structures with the exception of park and maintenance facilities such as trails, drainage channels, park furniture and vehicle entry gates. The grading shall be limited to that approved in this amendment.

To protect State Park lands from conflict with the fire control needs of the community, Headlands Properties or its successor in interest shall either

redesign the lot lines so that no private lot lies closer than 200 feet from the land dedicated to the State Park system

or shall develop and record on the final tract map, an easement that retains the right of entry and maintenance of privately held slope areas within 200 feet of the State Park for the homeowners association. The restriction shall prevent future homeowners from construction of combustible structures within the area identified as slope area. The easement or restrictions shall be subject to the review and approval of the Executive Director be binding on heirs, assigns, and be recorded free of prior liens, and shall be valid for the duration of the subdivision [new condition in response to private maintenance of open space]

2) Completion of Trail Access Improvements [Clarification of condition 7]

Prior to transmittal of the authorization of this amendment the applicant shall provide evidence of the completion of the following improvements to the accessibility of the dedicated open space areas. The improvements shall be approved by the Executive Director and shall conform to the design standards of the accepting agency :

- a) Split Rock. In the area known as Split Rock south of tract 31935, the applicant shall complete the approved trail and access and landscaping plans approved during the 1981 amendment process. The applicant shall include landscaping with native plants to screen tract 32184 from the Split Rock Access area, and shall construct appropriate signs to identify the trailhead, at the emergency access road and at the place the trail departs the access road.
- b) Trailer Canyon. The applicant shall provide a trailhead area, including signs and designated parallel parking area for the Trailer Canyon trail, along Michael Drive
- c) Upper Santa Ynez Canyon. The applicant shall provide, subject to the review and approval of the Executive Director, appropriate trail head signs identifying the street side entrance to Santa Ynez Canyon unit of Topanga State Park along Vereda de La Montura. The applicant shall also construct in cooperation with State Parks, minor trail improvements, including non-slip rock surfacing where the trail crosses the concrete lined channel
- d) Temescal Ridge Trailhead. The applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, parking facility and bathroom concurrent with the construction of streets and utilities approved in this tract. The final designs must be reviewed by the accepting agency prior to construction. The trailhead may be transferred to the City of Los Angeles Department of Recreation and Parks for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director. The applicant or its successor in interest shall maintain the trail and engineered slope to Temescal Ridge from Calle de Nancy as part of the other open space maintenance agreed to in this permit

- e) Topanga State Park Trail information signs. The applicant shall enter into an agreement with the Department of Parks and Recreation or the City of Los Angeles and shall fund the construction of a trailhead information display at the Gateway Commercial site, consistent with that proposed on permit 5-87-836 (Palisades Highlands Plaza).

2) landslides

In the even of unexpected landslides or mass wasting, that would either damage resources previously believed to be protected or require redesign of the project, the applicant shall submit a list of changes and corrective measures as an amendment to the permit. It is understood that immediate corrective measures may be authorized by the Executive Director as an Emergency Permit.

3) Archaeology site

Prior to transmittal of the amended permit, the applicant shall comply with the archaeology condition [5] which now states:

Prior to the development of Tract 32184, the applicant shall undertake or fund a thorough examination and test excavation of Archaeological Site LAN-666 as recommended in the archaeological investigation performed by Robert S. Greenwood in June of 1976. The examination and test excavation shall be performed under the direction of a qualified archaeologist. Development of Tract 32184 shall not proceed until excavation of all significant features of site LAN-666 is complete. The archaeologist shall be notified of and allowed to observe all brush clearing and grading operations within the permitted development. All contractors and construction personnel shall be advised of the potential existence of other archaeological resources; all work shall be halted and professional consultation be obtained promptly if prehistoric materials are encountered or suspected in the process of development.

Consistent with the archaeology condition, the applicant shall submit for the review and approval of the Executive Director an archaeological excavation plan. The plan shall be prepared with the review and approval of professionally qualified archaeologists who work in the Santa Monica Mountains and by the Native American Heritage Commission and by Native American group(s) identified by the Native American Heritage Commission as having review and monitoring responsibility for this area. The plan shall include:

- a) Pre-excavation assessment of the remainder of LAN 666, the site identified on 32184. The assessment shall include three test pits. The location of the test pits and their excavation shall be decided by all parties.

- b) Excavation with review and approval of archaeologist peers, the Native American Heritage Commission and appropriate Native American groups, filing of appropriate records in accordance with the rules and procedures of the Native American Heritage Commission and established professional practice.
- c) Continued notification of the archaeologist and concerned Native American groups before brushing, and monitoring of the grading operations by the archaeologist and concerned Native Americans. If there is an additional discovery of archaeological resources, work will stop and an additional mitigation plan will be prepared, following the steps of identification, assessment, peer review and execution.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description and History

This amendment is a request to amend the urban limit line and make other, more technical changes to an approved subdivision involving four tracts and approximately 1300 acres in the Santa Monica Mountains directly north of the developed portion of Pacific Palisades. This action is the eighth amendment of a series of amendments. The first amendment, 381-78A amended a permit allowing 200 units to allow 740 units on approximately 1300 acres in the Santa Monica Mountains. This action established an urban limit line, and included parks, open space dedications over approximately 1077 acres of mountainous terrain, streets, a trailhead, a commercial development and a church, and other improvements.

In order to approve these 740 units consistent with Coastal Act requirements, the Commission imposed conditions to reduce grading, landform alteration, removal of cover, traffic impacts, visual impacts and conflict with adjacent recreational resources. The basic strategy of approval was to reduce the number of units to 740 and cluster these units in a natural bowl and along the access road, Palisades Drive. In the conditions, the Commission drew an urban limit line around the developed area and required the developer to dedicate the land outside the urban limit line to the State of California.

This amendment would change the urban limit line on the last tract, tract 32184, consisting of 144 acres of developable land on which the applicant has an approval to construct 317 units. The amendment would increase the area within it by about ten acres. Principally the line would be extended on the northwest corner of the tract, just under Temescal Ridge, to allow the inclusion of a water tank approved in the original approval and to allow the nose of a hill above the tank to be trimmed back for stability. This trimming will extend about thirty feet up and 220 feet laterally. In addition, the applicant proposes trimmed slopes and buttress fills below the tank and a trimmed slope to the south of this cut, on the next hill, which would extend

about 130 feet above a cul de sac known as Calle de Nancy vertically, doubling a previously approved cut, and extending 60 feet vertically above the previous urban limit line. The applicant has submitted information that shows that the cut is necessary to remove breccia and poorly consolidated material on a dip slope above planned condominiums. Thirteen estate lots are protected by the cut, but the cut would have been necessary to protect previously approved development.

The applicant points out that grading in other parts of the project will be eliminated, creating open space areas within the tract and that the net increase of land within the urban limit line is minimal.

In addition the applicant proposes to add seven units to the total of this tract to make up for units lost on other tracts, raise the proportion of condominiums to allow 129, and modify the trailhead condition so that the City of Los Angeles can accept the trailhead proposed below Temescal Ridge at Calle de Nancy. Another proposal, to combine lot D with an open space lot approved in the previous tract, was authorized by A-78-378 A7.

As part of this amendment, staff recommends improvement of the access to the dedicated areas within the tracts by the placement of trailhead signs, and completion of landscaping and trail improvement projects that have been started. As a condition of acceptance of open space areas, State Parks required a 200 foot setback from other development. This approval includes in condition one a requirement that this set back be maintained with native, fire-resistant vegetation, and that no structures be permitted within it. This condition is necessary because at some locations the newly created lots have boundaries that lie slightly within the 200 foot buffer area.

Finally, in 378-A7 the Commission approved dedication of areas outside of the urban limit line to private associations approved by the Executive Director. This was a result of public agencies' reluctance to accept hazardous slope areas. When the area was dedicated to public agencies, this retains control over this land. With this approval, the Commission is approving several "open space" lots and slope areas near the periphery of development that will not be dedicated, and may include engineered slopes or unstable areas left in natural condition. The applicant states that these lots will be maintained by the homeowners association, and the City approval includes conditions to record covenants over these lots to maintain them. In order to reduce the visual impact of cut slopes, fuel modification areas and berms, the Commission is requiring them to be planted with native, fire-resistant vegetation. The Commission is requiring that the applicant demonstrate that this land will be maintained and restricted by the home owners association.

The applicant has completed dedications outside the urban limit line to State Parks and to the City of Los Angeles. This amendment reflects changes in the tract boundary that were the result of discussions on the fire protection and geologic and maintenance requirements of the tract. The conditions imposed on this amendment will extend development and maintenance controls to lands that cannot be accepted by public agencies. It will not reduce the lands available for public recreation.

This permit has been activated by the applicant. The permit issued in May of 1980 before the final offers to dedicate were recorded and the final grading plans were drawn up. This was possible because some of the development would have no direct effect on the dedicated areas and because of the financial uncertainties of such a large project. During in these last seven years, the applicant has constructed and subdivided the condominiums on tract 34923 and recorded maps subdividing two of the other tracts, the Gateway tract and the 183 unit tract, tract 31935. Grading and construction has begun both in the Gateway and on tract 31935. The Gateway tract was divided into four parcels, including two parcels approved for condominium tracts, one of which is a market rate tract and one of which will be a low and moderate income development. In the Gateway, grading on the two condominium developments and the commercial and institutional sites has begun and construction on the low income units on tract 41661 has begun. On March 31, 1982 the applicant recorded the first of three portions of the second tract, tract 31935. This was tract 41709. Two other portions of this tract were subsequently recorded as tracts 41710 and 31935. Construction has begun on single family houses and on multiple units on interior tracts that are part of 31935. The Commission staff also approved the grading plan for the first unit in 32184, tract 32185.

B. Amendment procedures.

Under Section 13166 of the Regulations the Executive Director must reject the application for an amendment if it would lessen or avoid the intended effect of a partially approved or conditioned permit.

The intended effect of the urban limit line is to lessen disruption of the hillsides of the Santa Monica mountains, and to contain the damage of urbanization within one portion of th property. In addition to reducing traffic impacts on PCH, this limitation will preserve the views to and of Temescal Ridge, an important recreational destination, now in the hands of State parks. The original permit states in its scope of approval:

1. Scope of Approval.

- a. This permit amendment authorizes subdivision of four tracts of Palisades Highlands, for up to 740 residential units, a two-acre commercial site and a seven-acre institutional site, grading for all streets and lots, installation of drainage and utilities and construction of residential units as described in the attached Findings and Declarations. All grading, structural development, and subdivided lots shall be located entirely within the urban limit line, as described in the surveys and maps prepared by VTN Engineers and submitted by applicant to the Coastal Commission on March 21 and 26, 1980, and identified in the Coastal Commission files as approved applicant's Exhibits A-1, B-1, and B-2, except as provided below (see Exhibits 4 and 5).

Upon notice to the Executive Director, the applicant may reduce the number of multiple family units and replace them with single family units. The Executive Director shall approve such minor modifications to the project provided that there is no increase in the area graded or in the amount of traffic generated by the project, there is no interference with the provision in this permit for low and moderate income housing, and the modifications are otherwise consistent with this approval.

This amendment is material because it changes the scope of approval of the project. The applicant contends that this change in the urban limit line does not lessen or avoid the intent of the conditions, because the applicant is not proposing a large change—ten acres out of 144 acres—and new information on geologic safety that requires some of the changes.

The applicant states that this information had not been prepared at the time of the original approval and was not available to the applicant or the Commission. Therefore the Executive Director has accepted this amendment, but has recommended conditions so that the changes will not lessen or avoid the intent of the conditions.

C. Hazards.

The reasons the applicant gives for the proposed changes are based on geological hazards. Since the original approval, the applicant has been forced to abandon nine lots on the western end of the bowl, and has discovered that the stability of of the tank and the eastern lots can only be gained by trimming back slopes above development to prevent landslides from coming down from above.

The geology reports state that the hills are made of Monterey formation limestones and breccias and that the bedding planes dip in the same direction as the slope, only a little steeper A(see exhibit 6). The applicant proposes to trim these slopes back, extending the cut up the hills.

Section 30253 requires:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development

(4) Minimize energy consumption and vehicle miles traveled

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses

Based on these sections of the Coastal Act, the applicant proposes to amend his project. The Commission notes that there was a slide during construction of the adjacent tract, and that extensive geological information has confirmed the applicant's position. The tank was approved with the original approval. The Commission examined an alternative, which would be to eliminate Calle de Nancy below the 130 foot cut, but there is development downslope of the road and the thirteen lots, approved development that would still require either the trimmed slope or a massive retaining wall.

Therefore the Commission approves this amendment in order to assure the safety of the site and imposes other access and landscaping conditions to minimize the recreational and visual impacts of the landform alteration. The Commission notes that this development was already partially constructed at the time of the original approval on the basis of a total reconstruction of the hillsides; and that the original approval allowed 3.5 million cubic yards grading.

Finally the Commission notes that the allocation of hazards in the future has caused some of the other changes in the project. Changes in dedication patterns have occurred because State parks could not accept the responsibility of a landslide above houses. As a result the homeowners association and the applicant will assume this responsibility and the method chosen to reduce this hazard is to reconstruct certain slopes, buttress others and trim back others. In addition the Commission notes that within the tract boundary, lots 201 and 207 have been removed from development and conveyed to the homeowners association because of hazards. These lots still lie within the urban limit line, but because of geologic hazard will be owned and maintained as open space lots by the applicant, and the successor in interest, the homeowners association. As conditioned by the City and in condition one, these lots will be maintained to enhance views and to reduce fire impacts and will not be subject to development. They are among the areas designated slope areas.

As conditioned the development is consistent with Section 30253.

D. Habitat

In its original approval the Commission took note of the habitat value of the site, and the designation of Temescal Canyon as an SFA. Upper Santa Ynez Canyon was dedicated to State parks because of its sycamore woodland, and landscaping was required to use "endemic" vegetation. Section 30240 requires the protection of habitat and under the terms and conditions of the permit, habitat was preserved outside of the urban limit lines.

This amendment results in a greater area, being disturbed. The final grading plans show the removal of 117-144 acres of native vegetation, 2,069,700 cubic yards cut and an equal amount of fill. Fire control practices will require clearance or fuel modification in a 150 foot wide band.

The Commission finds that the choice of vegetation for screening and replanting slope areas can significantly increase the compatibility of the development with the surrounding natural areas. The Commission also finds that setting back structures 200 feet from the State Parks dedicated lands, can reduce conflict between the fire department and the maintenance of the dedicated land to maintain current wildlife and visual resources. As conditioned in condition one, to maintain fire resistant native vegetation in the 200 foot buffer from state parks and on the visible slope areas, the amendment is consistent with the objectives of the original approval in terms of habitat preservation and consistent with Section 30240.

E. Visual Impacts.

The visual impacts of the project were a major concern during initial discussions and subsequent the to construction. Section 30251 states:

Section 30251:

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 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.

This development has involved major alterations of landforms. The present 144 acre unit, with 324 units, will involve 3.5 million cubic yards of earth movement, or ten thousand cubic yards per unit. This amount will be moved with or without the amendment.

The project is visible from Saddle Peak, Topanga State Park, Temescal Ridge and Trippet ranch. The purpose of the urban limit line is to confine the landform alteration into a bowl and limit the damage.

With this approval two cuts reach much higher, and are that much more visible from recreation areas. The cut above the tank will reach to 1690, below Temescal ridge at 1774, but sixty feet above the tank. The cut above Calle de Nancy reaches to 1690—above the tank height. These both will be visible from Trippet Ranch, the main unit of Topanga State Park.

The Commission notes below in the hazards section that the applicant has produced information justifying these cuts in terms of the protection of

development approved in the original permit from hazards. The Commission finds, however, that these more extensive cuts will have a visual impact on the landscape of the mountains and on the view from recreation areas. Part of this impact will be mitigated by using native plants in the landscaping and by using a mixture of heights in the landscaping as required by the City of Los Angeles. Native plants are the same color as the surrounding vegetation, and once established can obscure, but not eliminate the geometric lines of the cuts. This is required in Condition 1. In addition, the Commission finds that the impact on publicly owned lands is severe enough that only increased accessibility to other parts of the project, such as Trailer Canyon, Santa Ynez Canyon and Split Rock can mitigate the reduction in recreational value of those lands. These improvements are required in Condition 2.

As conditioned the visual impacts on public recreational areas is partially mitigated.

F. Recreation

The applicant was required in the original permit to mitigate the conversion of lands with recreation potential to housing by the dedication of lands with recreational value to the State. As amended in 381-78-A7 so that the recreation lands go to the State, the lands with visual backdrop value and trailheads go to the City, and lands within the development or immediately adjacent to subdivided lots go to the Homeowners, the project has had recreational benefits for the residents and for the residents of the state.

The trails in the project area link up with trails in the Santa Monica Mountains, and are part of a trail system envisioned to increase access to the mountains. Within the project there are four places where trails through dedicated areas cross new city streets. The original permit required improvements on two of them Split Rock and Temescal Ridge, and the applicant has prepared plans to provide trails and trailhead improvements at these locations. The applicant proposes an excellent parking lot and trailhead below the water tank at Temescal Ridge trailhead to be constructed as part of the subdivision, and to be conveyed to the City of Los Angeles.

At two others, recently accepted by the State of California, there is no clear indication that there is a trail. These are at Santa Ynez Canyon and at Trailer canyon. Finally, flood control improvements have made one small section of the trail up Santa Ynez Canyon slick and difficult.

The change in the ratio of the development to permit more condominiums increases the need for public and common open space to benefit the residents of the development. With the development of the tract, with its large houses and winding roads, the way from outside the tract to the trailheads is difficult to find for anyone not a resident of the immediate area. Finally, there is some reduction in the visual value of other lands reserved for recreation under 10221 as a result of the extension of grading.

The Commission finds that a proper signing program at trailheads and at the Gateway at the major arterial will improve the accessibility of the trails and lessen confusion about the location of trail entrances. As conditioned the project will enhance recreational access to the trail system of the Santa Monica Mountains, and will reserve lands suitable for recreation, dedicated trails.

G. Archaeology

Section 30244 of the Coastal Act requires the Commission to preserve historic and archaeological resources. There are two archaeological sites within the area of the project, one of them LAN 666 will be obliterated as part of the grading of this tract. Three quarters of it was already destroyed by a landslide created by off-site grading. The applicant has agreed to pay mitigation money for the damage as part of the city permit.

As part of both the Coastal permit and the City permit, the applicant was required to excavate LAN 666 and to notify an archaeologist before brushing or grading.

There is some debate about the value of the remaining site, but all agree that because of the grading planned, it will be destroyed. The Commission finds that in order to continue to authorize grading on the site it must add to the archaeology condition, conditions to clarify the methods and procedures of archaeological excavation and mitigation approved as part of this permit. As conditioned with an additional archaeology condition, the project will preserve historical and archaeological resources as much as is now possible consistent with Section 30244 of the Coastal Act.

H. Access

In order reduce impact on access on coastal roads, the total number of units in the development was reduced. This proposed change in the project will not change the number of units in the project.

This amendment will not change any of the traffic paradigms of the project. It will have a marginal effect upon public use and enjoyment of the area of the mountains in which the subdivision is located because traffic from the approved units, and overflow parking will compete with members of the public who are using the trailheads for access to Trippet ranch and other parts of the Santa Monica Mountains NRA trail system. This competition can be reduced by reserving and clarifying the role of the internal subdivision streets as part of the recreational access system as required in the original permit.

Approval of the homeowners association as managers of the open space areas raises questions of access. The reason that public agencies were originally approved as managers of these areas is that only public agencies have an obligation to allow continued public use of the areas. Homeowners association do not have a charter obligation to manage areas for the general public. Two areas subject to this amendment have open space value and will be conveyed to

homeowners. Area D has been found both by Parks and Recreation and by the City of Los Angeles to have no recreational value, except for a visual one. Its visual value will be preserved by the application of condition one.

The Temescal trail crosses a cut slope that will be maintained by the Homeowners' association. Condition 1 and 2 require the applicant to maintain this trail and the native vegetation on the slope. As conditioned to improve trail access, the management of the slope areas and open space areas by the Homeowners' Association will not reduce access and recreational use of the area.

4295A

Appendix I Existing permit

September 16, 1987:PE/do

AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. A-381-78A7Page 1 of 4

On February 25, 1987, by a vote of 9 to 0 with 1 abstention, the California Coastal Commission granted to Palisades Resources, Inc and Headland Properties, Inc

an amendment to Permit A-381-78, subject to the conditions set forth below, for changes to the development or conditions imposed on the existing permit granted on July 17, 1979, and further amended, including an amendment granted on May 21, 1980. Changes approved by this amendment consist of authorization of subdivision of four tracts of Palisades Highlands, for up to 740 residential units, a two-acre commercial site and a seven-acre institutional site, grading for all streets and lots, installation of drainage utilities and construction of residential units, extension of time limit to May 21, 1994, more specifically described in the application file in the Commission offices.

DESCRIPTION AND SITE:

The development is within the Coastal Zone in Los Angeles County at Palisades Drive, Pacific Palisades, City of Los Angeles

After public hearing held on February 25, 1987, the Commission found that, as conditioned, the proposed amendment is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; will not prejudice the ability of the local government having jurisdiction over the area to prepare a local Coastal Program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; if between the sea and the public road nearest the sea, is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976; either (1) will not have any significant adverse impact on the environment or (2) there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the development as approved may have on the environment

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. Scope of Approval.
 - a. This permit amendment authorizes subdivision of four tracts of Palisades Highlands, for up to 740 residential units, a two-acre commercial site and a seven-acre institutional site, grading for all streets and lots, installation of drainage and utilities and construction of residential units as described in the attached Findings and Declarations. All grading, structural development, and subdivided lots shall be located entirely within the urban limit line, as described in the surveys and maps prepared by VTN Engineers and submitted by applicant to the Coastal Commission on March 21 and 26, 1980, and identified in the Coastal Commission files as approved applicant's Exhibits A-1, B-1, and B-2, except as provided below (see Exhibits 4 and 5)

Upon notice to the Executive Director, the applicant may reduce the number of multiple family units and replace them with single family units. The Executive Director shall approve such minor modifications to the project provided that there is no increase in the area graded or in the amount of traffic generated by the project, there is no interference with the provision in this permit for low and moderate income housing, and the modifications are otherwise consistent with this approval.

- b. Concurrent with the development of Tract 31935, the applicant shall construct an emergency access road and pedestrian bicycle path as generally indicated in Exhibit 4, between the southern terminus of public roadways serving Tract 31935 and the southern boundary of applicant's property. The road shall be designed and constructed so as to require the minimum amount of landform alteration and to provide emergency entry to and exit from the Palisades Highlands development. The road shall be wide enough to accommodate two lanes of vehicles and meet the minimum specifications of the City of Los Angeles but at no point should the road width exceed 20 feet. Cuts and fills required for the construction of the road shall be the minimum required by the City of Los Angeles.
- c. Subject to the review and approval of the Executive Director, in areas outside of urban limit line: minor grading may be performed to re-contour previously graded land; paved or unpaved pathways and other incidental improvements for low intensity recreation may be constructed; minor facilities to provide public or utility services which do not require significant grading may be installed if alternative locations are not feasible; vegetation within 100 feet of any residential structure may be removed or altered for fire protection purposes.

2. Dedication.

Prior to the extension of the date of surrender and abandonment (expiration date), the applicant shall record offers to dedicate open space lands specified in Condition 2. In each of the offers, the accepting agency shall include the City of Los Angeles or a private non-profit association acceptable to the Executive Director as specified in the revised condition. The expiration date of the interim offer to dedicate that applies to area E shall be extended an additional seven years, until May 21, 1994. Consistent with Condition 2, the applicant shall record offers to dedicate the areas where tracts have already been recorded, that is, offers pertaining to areas A, B, C, C-1, D, and G. The offers shall be irrevocable for a period of 21 years from the date of recordation of the offers. These offers shall also reflect the change in possible accepting agencies in the revised Condition 2.

After the applicant records these changes in the offers to dedicate in a manner acceptable to the Executive Director, the expiration date of the permit (date of surrender and abandonment) shall be extended to May 21, 1994. If the process of dedication is not complete by that time, the applicant shall abandon the permit.

2. Canyon Park. Concurrent with the recordation of a final map for Tract 34923 and prior to construction of residential units on such tract, the applicant shall record an irrevocable offer to dedicate the full fee interest in approximately 120 acres of land in Santa Ynez Canyon north of the existing City park and west of Palisades Drive (Areas C and C-1 in Exhibit 2) With the exception of tax liens and the prior offer of dedication of such property to the City of Los Angeles Park Commission, the dedication shall be free of all prior liens and encumbrances. The applicant shall use best efforts to secure the waiver of the City Parks Commission to such prior offer of dedication. However to promote the most efficient and orderly operation and maintenance of these parklands, the applicant may

withdraw the offer in favor of the State with regards only to the approximately 25 acres south of Avenida de la Montura (area C-1, Exhibit 4) and adjacent to the existing City park, provided that the City Park Commission accepts the dedication of area C-1 for operation as a City park.

b. Gateway. Concurrent with the recordation of a final map subdividing the Gateway Tract, Palisades Resources, Inc., shall record an irrevocable offer to dedicate the full fee interest in approximately 297 acres of land outside of the urban limit line on the Gateway tract established pursuant to condition 1 above (generally shown as areas A and B in Exhibits 2 and 5).

Tract 31935. Within 30 days following the recordation of a final map subdividing tract 31935, the applicant shall record an irrevocable offer to dedicate the full fee interest in the approximately 386 acres adjoining the portion of Tract 31935 to be developed (shown as areas D and G in Exhibit 2).

d. Tract 32184. Within 30 days following the recordation of the final map subdividing the final unit of Tract 32184 the applicant shall record an irrevocable offer to dedicate a full fee interest in the approximately 338 acres shown as area F in Exhibit 2.

- e. Permit Expiration. In the event the obligation of Palisades Resources, Inc., and applicant to dedicate all of the property lying outside the urban limit lines does not occur before May 21, 1994, applicant shall be obligated to surrender and abandon this permit on May 22, 1994, and this permit shall have no further force or effect insofar as this permit pertains to any property not then subject to a final subdivision map.
- f. Road Easements. Prior to recordation of any final maps for the authorized development, the applicant shall grant to the State of California all of the applicant's interests in road easements through Topanga State Park, including Palisades Drive extension to Mulholland Drive and Temescal Canyon Road towards Sunset Boulevard.

3. Restrictions.

Concurrent with the recordation of final maps as noted in 2a, 2b, 2c, and 2d above, the applicant shall record an instrument covering such parcels in a form approved in writing by the Executive Director. Such instrument shall be considered a covenant running with the land in favor of the People of the State of California, shall be recorded free of prior liens and encumbrances except tax liens and shall bind the applicant and all successors in interest. Such instrument shall provide specifically as follows:

- a. Prevent further division of such dedication parcels for any purposes except park purposes outside of the urban limit line.
- b. Prevent development outside of the urban limit line except as permitted by this permit or for park purposes.
- c. Waive all claims against the public for damages due to flood, fire or geologic instability which may arise as a consequence of approval of development within the permitted tracts.

4. Landscaping Plans.

The applicant has submitted landscaping plans and specifications for Tract 31935 and 32184, which have been reviewed and approved by the Executive Director. The final landscaping plans shall provide that slope areas exposed by grading or other construction shall be revegetated with primary endemic drought and fire resistant vegetation. On Tracts 31935 and 32184, landscaping shall be designed to screen and soften the visual impacts of the project as seen from Topanga State Park. The areas of special landscaping concern (identified in Exhibit 4) shall be screened from view by a combination of berms and extra vegetation in conformance with the preliminary landscaping plan submitted by the applicant. No further review of landscaping plans for Tracts 31935 and 32184 is required. Landscaping plans for the Gateway shall be submitted for review and approval by the Executive Director prior to the start of construction of any units on the Gateway.

5. Archaeological Site

Prior to the development of Tract 32184, the applicant shall undertake or fund a thorough examination and test excavation or Archaeological Site (AN-666 as recommended in the archaeological investigation performed by Robert S. Greenwood in June of 1976. The examination and test excavation shall be performed under the direction of a qualified archaeologist. Development of Tract 32184 shall not proceed until excavation of all significant features of site (AN-666 is complete. The archaeologist shall be notified of and allowed to observe all brush clearing and grading operations within the permitted development. All contractors and construction personnel shall be advised of the potential existence of other archaeological resources; all work shall be halted and professional consultation be obtained promptly if prehistoric materials are encountered or suspected in the process of development.

6. Housing

Prior to issuance of the permit, the applicant shall enter into an agreement with the Coastal Commission to provide for affordable housing as stated below. The agreement shall bind the applicant and any successors in interest and shall be recorded as a covenant to run with the land, with no prior liens other than tax liens. The agreement shall be recorded as a covenant on the 75-unit residential site on the Gateway (as shown in Exhibit 5) and lot 193, Tract 32184 as shown on Exhibit 4. The agreement shall provide:

- a. The applicant shall either provide 60 units of affordable dwelling units, subject to resale controls, at prices which are affordable to low and moderate income persons earning from 50 - 120 percent of median income on lot 193, Tract 32184, or 100 units of affordable housing in the same manner on the Gateway site if and when that site is rezoned to allow such development.
- b. When and if the Gateway tract is rezoned to allow for the provision of the 100 affordable units described above, the restriction on lot 193, Tract 32184 shall terminate.
- c. Upon issuance of a certificate of occupancy as to 60 affordable housing units on lot 193, Tract 32184 or 100 affordable housing units on the affordable housing site in the Gateway, the agreement shall terminate as to the 75-unit residential site in the Gateway.
- d. If five (5) years after the date of the rezoning of the affordable housing site in the Gateway no construction has commenced for affordable housing thereon and if the applicant thereafter dedicates the fee interest in the affordable housing site to a public housing agency, the agreement to construct such affordable units shall terminate as of the date of recordation of such dedication.

- e. Prior to the applicant's commencing construction of the affordable housing or prior to the dedication referred to in Paragraph d, applicant shall enter into an agreement, approved by the Executive Director, with a public housing authority or other agency acceptable to the Executive Director, providing that such agency agrees to construct, if necessary, and administer the affordability (resale) controls provided for in the Commission agreement.
- f. The units shall be priced to be affordable to the range from 50 - 120 percent of median income so that an equal number of units is available in each of the following price ranges: 50%, 60%, 70%, 80%, 90%, 100%, 110%, and 120%. At least one-third of the units in each range shall be three bedroom units of at least 1,000 square feet. All other units, if any, shall be at least 60 square feet. Up to two-thirds of all the units may be designated for elderly and at least one-third shall be designated for families.
- g. The sales price in each range shall be determined by the following formula:

$$\text{Sales Price} = \frac{(1/3) (\text{Median Income})(\text{Family Size Adjustment})(\text{Income Range}) - (\text{Homeowners Association Dues} + \text{Insurance Premiums})}{(\text{Debt Service Constant Percent}) (\text{Loan to Value Ratio}) + 1\%}$$

The family size adjustment shall be as follows: for a one bedroom unit, 80% (.8); for a two bedroom unit, 95% (.95); for a three bedroom unit, 108.5% (1.085). Median income shall be the median income for a family of four as last calculated by HUD prior to the issuance by the Department of Real Estate of the Public Report for the units.

- h. The affordable units shall be offered for sale subject to controls on resale, substantially as provided in the Commission's guidelines, subject to the approval of the Executive Director, in order to assure continued affordability.
- i. No residential development shall take place on the 75-unit residential site in the Gateway until such site shall have been released from the agreement in accordance with either 6c or 6d above.

7. Park Facilities

Concurrent with the grading of lots 86 and 87 of Tract 32184, the applicant shall construct trailhead facilities (including a 6 - 10 car parking lot, gates and signs) in vicinity of said lots 86 and 87 substantially as shown in applicant's Exhibit A-1, so as to provide foot trail access to an existing trail on Temescal Ridge. The applicant shall also construct a restroom facility in the vicinity of Palisades Highlands at a location designated by the State Department of Parks and Recreation in Topanga State Park or on the dedicated lands. If the applicant is unable to construct the restroom prior to completion of Tract 32184, the

applicant may post a bond in an amount sufficient to fund construction by the State if such facilities are determined to be necessary by the Department of Parks and Recreation. All facilities shall be constructed to the usual specifications of the Department of Parks and Recreation, and shall be turned over to the Department for operation and maintenance.

4295A



**MODIFICATION EXHIBIT
TENTATIVE TRACT NO. 32184**

PLANNING DEPARTMENT
CITY OF HIGHLAND PARK
1000 N. GARDEN ST.
HIGHLAND PARK, CALIF. 91766

NOTE: REDUCED SCALE 1"=400'
PROPOSED CHANGES IN URBAN LIMIT LINE DATE: 1-17-81
AND SPACE DEDICATION - PALISADES
HIGHLANDS - September 18, 1981

TOTALS:	(a) 17.2 AC (PROP. DRY)
	(b) 1.8 AC (LA. DRY)
	(c) 10.4 AC

Exhibit 3a

changes in urban limit line

AMENDMENT REQUEST FORM

RECEIVED
SEP 22 1987

1. Permit Number 381-78
2. Applicant's Name HEADLAND PROPERTIES, INC.
Address 1950 Palisades Drive, P. O. Box 705
Pacific Palisades, CA 90272 (213) 459-2351
(area code) (Telephone No.)
3. Project Address
1950 Palisades Drive
Pacific Palisades, California 90272
4. Items necessary to file an Amendment Request (attach to this form):
- A. Two sets of plans stamped with Approval in Concept (if construction is involved).
 - B. Approval in Concept Form (if construction is involved).
 - C. Notification of Owners and Occupants (as in original application, updated if necessary).
Stamped envelopes addressed for each. The envelopes must be plain, business size (9 1/2 x 4 1/8), with first class postage. METERED STAMPED ENVELOPES CANNOT BE ACCEPTED.
 - D. Estimated Cost of Amended Project \$ _____.
 - E. Filing fee of \$25.00.

5. Describe Proposed Amendment:

This application for amendment is made for the purpose of:

- (1) Adjustment and relocation of a portion of the Urban Limit Line established by Permit 381-78 on May 21, 1980 and as shown on Exhibit A-1 of the permit;
(2) Authorization for grading, construction of improvements, drainage and related utility systems and construction of residential dwelling units, recreation facilities within the relocated Urban Limit Line; (3) Authorization to merge open space Dedication Parcel "D" with recorded Parcel Map 5164 Recreation Site;
(4) Authorization to increase the number of dwelling units permitted in Tract 32184 in order that the total build out of 740 dwelling units permitted by 381-78 can be accomplished, and (5) modify condition 7 of 381-78 Trailhead facilities by authorizing conveyance of the constructed improvements to the City of Los Angeles for its operation and maintenance.

SEE ATTACHED DESCRIPTION

Charles A. Yelverton
Applicant's Signature
Charles A. Yelverton

September 18, 1987
Date



1/23/85 mr
SCD: 4/12/84
SWS

Exhibit 4 application

ATTACHMENT

Application for Coastal Permit Amendment
A-381-78-A9 - Palisades Highlands

APPLICATION REQUESTS

A. ADJUSTMENT AND RELOCATION OF "URBAN LIMIT LINE"

It is requested that the Coastal Commission authorize adjustment and relocation of the "Urban Limit Line" in Palisades Highlands as established by its actions for Permit A-381-78 adopted on May 21, 1980 and shown on Exhibit A-1 enclosed herewith as Exhibit PH87-16 to this application.

The adjusted and relocated "Urban Limit Line" to be established by this request is depicted on Exhibit PH87-1 (A-1-A) included herewith. The limit of development defined by the proposed "Urban Limit Line" (shown in green on the exhibit) encompasses lands designated as portions of Open Space Dedication Parcel "G" as defined in the May 21, 1980 Coastal Permit along the easterly boundary of Tentative Tract 32184. The relocated "Urban Limit Line" along the northerly boundary of approved Tentative Tract 32184 encompasses lands that were approved for development in the 1980 permit authorization by the Commission.

Bases of Change in Urban Limit Line

Permit A-381-78, authorized on May 21, 1980, included all of Tracts 31935 and 32184 and approved a total of 500 dwelling units (183 and 317 respectively) for the two tracts in Palisades Highlands. Exhibit A-1 of that permit depicted the proposed development of the two tracts based upon design parameters and constraints known at that time. Tract 31935 had been extensively analyzed and comprehensive geological, soils, drainage and stability of slopes studies had been made by consultant geologists, soil engineers, engineers and others engaged in data accumulation for preparation of grading and improvement plans for the subdivision.

In addition, critical evaluation of Tract 31935 had been made by agencies of the City of Los Angeles prior to approval of the Tentative Tract Map in 1977 and the Commission's final action in 1980.

Tract 32184, however, had been similarly analyzed only to the extent to ascertain that its feasibility of development was reasonably determined. Detailed, large scale, subsurface geological and soil engineering investigative studies and calculations had not been performed for the proposed graded slopes nor had detailed slope stability analyses been performed for the steep, natural slopes ascending easterly above the tract or the slopes descending northwesterly below the proposed subdivision development.

Compliance with A-381-78

Following the Commission's May 21, 1980 authorization for Permit A-381-78 revised Tentative Tract Maps for Tracts 31935 and 32184 were prepared in accordance with conditions of the Commission's action and re-submitted to the City of Los Angeles for subdivision design review. Revised Tract 31935 was expeditiously reviewed, approved, permits were issued by the City, and grading and construction of improvements commenced. The tract was completed in 1984.

Tentative Tract 32184, revised to incorporate conditions of A-381-78, was submitted to the City of Los Angeles in 1982. On March 8, 1983, the Tentative Tract Map (Exhibit PH87-13) was conditionally approved by the City Deputy Advisory Agency. The City Planning Commission confirmed the Tentative Tract Map approval on April 28, 1983 with the City Council concurrence on July 3, 1983 (Exhibit PH87-12). A zone change for the subdivision was approved by the City Council on July 23, 1983. The change of Zone Map and Ordinance No. 158.063 are enclosed as Exhibit PH87-11.

Required Design Changes - Tract 32184

Conditions of approval for Tentative Tract 32184 required that additional, detailed geological and soil engineering studies be performed for the graded and natural slopes particularly on the east, northeast and northwest perimeters of the tract prior to permit issuance and final map unit recordation.

The City Departments of Building and Safety, Public Works, and Water and Power required extensive surface and subsurface exploratory studies and analyses to be performed on the natural slopes ascending easterly above the tract boundary and underlying the Department of Water and Power water storage tank and access road located at 1620 feet elevation east of the tract.

Similarly, the Departments of Building and Safety and Public Works and the project consultants determined that steep topographic relief of the descending slopes located below the northwesterly portion of the tract required further study to more adequately ascertain future stability of that area.

During the period 1983-1985 extensive geological and soil engineering exploratory work and engineering analyses were performed by the project geologists and soil engineers for the two areas described. As a result of the additional investigative evaluation it was determined that modifications in the proposed tract grading were necessary.

C. DWELLING UNIT ADJUSTMENT

Coastal Permit A-381-78 authorized on May 21, 1980 permits a dwelling unit buildout on two new tracts in Palisades Highlands of 500 dwelling units as follows:

Tract 31935 - 183 DU
(133 SF and 50 Condos)

Tract 32184 - 317 DU
(Discretionary Mix SF and Multiple residential)

In addition 64 condominium units were authorized for Tract 34923 and one single family unit was approved for the "High Site" located northerly of Tracts 31075 and 32200.

A total of 565 dwelling units were therefore approved for the ultimate completion of the Palisades Highlands properties.

Tract 34923

As a result of the necessity to conform to various requirements of the City of Los Angeles to provide fire access driveways, recreational facilities, and related common areas, the actual buildout on Tract 34923 consisted of only 60 of the authorized 64 dwelling units.

Tract 31935

As a consequence of grading and improvements of the residential estate lots in Tract 31935, the building areas on 6 of the lots were greatly reduced in size. Because of the severely reduced building site areas, the lot yield was reduced by a total of three by merger of the 6 lots into three building sites. A net loss of three (3) dwelling units therefore occurred (Exhibits PH87-19 a,b).

Inasmuch as Permit A-381-78 authorizes 565 dwelling units, the seven (7) DU lost in the buildout on Tracts 34923 and 31935 are to be added into the total buildout in Tract 32184, provided that the Coastal Commission grants this request, concurs with actions of the City of Los Angeles, and authorizes a total of 324 dwelling units for Tract 32184.

PRIOR ACTIONS OF THE COASTAL COMMISSION

Vested Rights (1977)

Following legislative adoption of the California Coastal Act in late 1976, Headland Properties, Inc. filed an application for vestment of development rights on the Palisades Highlands property. The vested rights application filed in early 1977 was based upon approvals for development obtained from the City of Los Angeles prior to enactment of the Coastal Act. Approval of a Master Plan of Development consisting of 1,856 dwelling units in addition to those already completed, construction of major road systems, drainage systems and other infrastructure and completion of approximately 50 percent of the project as a whole were interpreted to be adequate for the vesting interests.

Upon review of the application, it was determined by the Coastal Commission that sufficient development work had not been accomplished to exempt the remaining portion of the undeveloped project from requirements of the Coastal Act and that Coastal Permits would be necessary for continued project development.

Application 381-78 (Tract 31935) (1979)

In accordance with the Coastal Commission determination concerning the vested rights issue and based upon approvals made by the City of Los Angeles, Headland Properties, Inc. prepared and filed Coastal Permit Application 381-78 for Tract 31935 in 1978. The tract as proposed consisted of 150 single family residential building lots, two lots for construction of 50 condominium units, a recreation lot and an open space lot and the necessary grading and installation of streets, drainage and related utility systems.

After public hearings were conducted by the South Coast Regional Commission, the project was approved. Appeals of the Regional Commission action were made, and on November 14, 1978, the State Commission opened hearings on the appeals.

At the public hearing on July 17, 1979, the Commission authorized Permit 381-78, which substantially modified the development project, changed the dwelling unit mix to 150 multiple dwelling units (condominiums) and 30 single family residential building sites, and established a very restrictive "Urban Limit Line". This "Urban Limit Line" effectively eliminated all further development on the remaining 968 acres of the ownership (Exhibit PH 87-15(h)).

The severely limited permit was rejected by Headland Properties, Inc., and negotiations ensued in efforts to modify the Commission's action.

Amendment 381-78-A2 (1980)

During the period 1979-80 a series of meetings and discussions were held between representatives of Headland Properties, Inc., the Coastal Commission staff, and elected officials of the State of California in attempts to negotiate a total development plan for all of the property in the Palisades Highlands and Gateway areas under control of Land Resources, Inc., parent company of the applicant.

The described activities culminated at the May 21, 1980 hearing of the Coastal Commission with authorization of Coastal Permit No. A-381-78 issued to Headland Properties, Inc.-Palisades Resources, Inc., as co-applicants (Exhibit PH 87-15 (g)).

The amended permit authorized the subdivision of four (4) additional tracts in Palisades Highlands and the Gateway. A total of 740 residential units, a two (2) acre commercial site and a seven (7) acre institutional site, grading for all streets and lots, installation of drainage, utilities and construction of residential units were approved. Exhibits A-1, B-1 (Exhibit PH-16) depict the authorized development Master Plan and the relocated Urban Limit Line.

In addition to the above, the Commission approved Landscape and Irrigation Plans for Tracts 31935 and 32184 as shown on Exhibit PH 87-17 (Exhibit A-2).

Special conditions of the amended permit included: Construction of an emergency access road and pedestrian/bicycle path southerly of Tract 31935; preparation and recordation of offers to dedicate to the State of California all property outside the Urban Limit Line; relinquishment of existing cross-mountain road easements; investigation of an identified archaeological site within proposed Tract 32184; provide 100 units of affordable housing in the Gateway; and construction of trailhead facilities adjacent to Tract 32184 and the to be dedicated open space lands.

The amended permit was accepted by the applicants on August 8, 1980.

Further Amendments to A-381-78 (1980-1987)

An amendment dated June 18, 1980 authorized construction of a 25,000 square foot commercial building with 175 parking spaces on Parcel Map 5371. The amendment also authorized construction of a single family dwelling unit on Parcel Map 3947 located northerly of Tract 32200 in Palisades Highlands.

This amendment (A-381-78-A3) was based upon preliminary architectural plans prepared for the site subsequent to the May 21, 1980 authorization that were not available at that time (Exhibit PH 87-15(f)).

Amendment A-381-78-A4 was authorized by the Commission on July 22, 1980, based upon preliminary architectural plans, for construction of a church and school with 158-car parking lot on Parcel Map 5372 (Exhibit PH 87-15(e)).

On August 27, 1985, the Commission denied an amendment request to A-381-78 which was filed for the purpose of modifying the affordable housing condition included in the May 21, 1980 amendment (Exhibit PH 87-15(d)).

Amendment A-381-78-A5, authorized on May 15, 1986, approved: Minor adjustment in the "Limit of Development Boundary" in the Gateway; additional grading within the new limit of development; reduced the area of Dedication Parcels "A" and "B" by approximately seven (7) acres; and approved the conveyance of Dedication Parcels "A" and "B" to the City of Los Angeles in lieu of the State Department of Parks and Recreation (Exhibit PH 87-15(c)).

Amendment A-381-78-A6 authorized changes in construction of the church/school facilities previously authorized on Parcel Map 5372 on December 11, 1986 (Exhibit PH87-15(b)).

Conditions of A-381-78-A6 limits the amendment to the institutional site only. Special condition 2 requires: An agreement to provide a total of 302 parking spaces for the facilities prior to completion of the church; construction of a parking structure for a minimum of 80 parking spaces prior to occupancy of the sanctuary; and agreement to permit parking use in the southerly parking lot to recreational visitors except during church services or special events.

Acknowledgement and acceptance of the amendment conditions was made by the applicant on February 26, 1987.

Amendment A-381-78-A7 application was filed by Headland Properties, Inc.-Palisades Resources, Inc. (co-applicants) on December 3, 1986 for the purpose of extending the date of permit expiration from May 21, 1987 to May 21, 1994 (condition 2 of 381-78-A) (Exhibit PH87-15(a)).

Following public hearing of the Commission on February 25, 1987, the amendment was approved with authorization of the permit to be extended to May 21, 1994. Condition 2 was amended to require recordation of offers to dedicate open space lands specified in the original permit. The Commission's action in approving the time extension for the permit further modified Condition 2 to permit the Offers of Dedication to include the City of Los Angeles or non-profit associations as recipients of the open space lands as acceptable to the Executive Director of the Commission.

This modification of Condition 2 authorizes the permittees to convey portions of the open space to the California Department of Parks and Recreation in accordance with the State's proposed acquisition to Topanga State Park (Exhibit PH87-10) and the remainder with exception of Parcel "D" to the City of Los Angeles. With approval of the Executive Director, Parcel "D" will be merged with Parcel Map 5164 for conveyance as a permanent recreation site for Palisades Highlands Homeowners. All other conditions of A-381-78-A remain in effect except where specifically modified by A-381-78-A7.

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OPEN SPACE DEDICATIONS

Condition No. 2 imposed by the Coastal Commission in its action authorizing Permit 381-78A on May 21, 1980 required that the applicants (Headland Properties, Inc.-Palisades Resources, Inc.) dedicate open space lands to the State of California. The open space to be conveyed to the State was identified in the exhibits attached to the Commission Findings adopted on June 4, 1980 (Exhibit PH87-2) consisting of approximately 1100 acres contained in Dedication Parcels A, B, C, D, E and G. The open space parcels were to be conveyed concurrent with Final Subdivision Map recordings as the project was sequentially completed.

Permit 381-78A authorized conveyance of Parcel C-1 (25 acres) to the City of Los Angeles for addition to Santa Ynez Canyon Park. That conveyance was made to the City in September, 1981 by Grant Deed and accepted by the City by Ordinance No. 155.203. The City Ordinance accepting the park dedication further provides that in the event the State of California fails to accept the designated open space lands the lands shall be conveyed to the City of Los Angeles in the manner and sequence stipulated in Coastal Permit 381-78A.

Offers of Dedication - Negotiations

Offers of Dedication, for the dedication parcels defined in Permit 381-78A, were executed by the applicants, approved by the Commission Executive Director as provided by the permit, and recorded in the Office of the Los Angeles County Recorder in January, 1981. These recorded instruments are on file in the Commission's offices.

Following the Coastal Commission's authorization of Permit 381-78A on May 21, 1980 to Headland Properties, Inc. and Palisades Resources, Inc. (co-applicants/permittees), efforts were made by the permittees to convey the designated open space lands to the State of California Department of Parks and Recreation in accordance with the permit. Dedication Parcel "C" located in Upper Santa Ynez Canyon and contiguous to existing Topanga State Park and connected to the City's Santa Ynez Canyon Park was offered to the California Department of Parks and Recreation at the time of Final Map recordation for Tract 34923 in May, 1981.

For various reasons, the State Department of Parks and Recreation chose not to accept dedication of any of the designated open space parcels as defined in Permit 381-78A.

Because of the reluctance of State Parks and Recreation to accept conveyance of the open space lands, a series of meetings, conferences, and discussions was initiated in 1982 by the permittees in an effort to determine how the open space lands could be conveyed to the State as required by Permit 381-78A or to ascertain other options or alternatives that might be available to the permittees to fulfill conditions of the permit.

Participants in the described meetings and discussions included: Representatives of the Coastal Commission staff; the Department of Parks and Recreation;

City Council of the City of Los Angeles; Pacific Palisades Residents Association; Temescal Canyon Association; Sierra Club; Friends of the Santa Monica Mountains; Santa Monica Mountains Conservancy; representatives of members of the State Legislature; and other interested individuals and organizations.

Proposed Grant Deed Conveyances to the State

Negotiations culminated in late 1985 with determination by the State Department of Parks and Recreation that that Agency would accept conveyance of a portion of the designated open space. The Department issued a map entitled TOPANGA STATE PARK - PROPOSED ACQUISITION - PALISADES HEIGHTS (HIGHLANDS) AREA (Drawing No. PA-1239) dated November, 1985. Accompanying the map are legal descriptions which define the area of open space to be accepted in Palisades Highlands (Portions of Dedication Parcels "G" and "E" and all of Parcel "C"). A total of approximately 568 acres have been accepted by State Parks and Recreation for addition to Topanga State Park (Exhibit PH87-10).

Proposed Grant Deed Conveyances to City of Los Angeles

In accordance with the aforementioned negotiated agreement, the remainder portions of Dedication Parcels "G" and "E", consisting of 52.0 acres and 72.96 acres respectively, and all of Dedication Parcels "A" and "B" would be deeded to the City of Los Angeles (Department of Recreation and Parks). A total of about 420 acres would thus be conveyed to the City of Los Angeles with the actual grant deeds being executed in sequence with recordation of Final Tract Maps of lands contiguous to the recorded maps.

Merger of Parcel "D" and Parcel Map 5164

Because Dedication Parcel "D", consisting of about 37 acres of steep, undevelopable natural hillside land, is surrounded on the east, west and north by fully developed residential properties, the State and City have both determined that Parcel "D" is unacceptable for acquisition as public open space. Therefore, Parcel "D" is to be merged with recorded Parcel Map 5164 (Recreation Site). The merger would be accomplished as a Lot Merger procedure under the Division of Land Regulations of the City of Los Angeles.

Other Open Space Areas

Tentative Tract 32184 contains lots that are designated as "open space" (Lots 208, 209, 210) which, in part, consist of graded slopes. These lots are located in the northeast portion of the subdivision and along its perimeter contiguous to lands to be conveyed to the City of Los Angeles for open space. The water storage tank, pump station facilities and access road for maintenance of the water system lies within the open space lot area. Because maintenance of the graded slopes, drainage

systems and landscaping are required to be performed by the property owners within the subdivisions, these "open space" lots are to be retained in the tracts as shown on the Tentative Tract Map and Phasing Plan for Tract 32184 (Exhibits PH87-4 and PH87-5).

Trailhead Facilities

Construction of trailhead facilities (including a 6-10 car parking lot, gates, signs, and restroom facilities) so as to provide foot trail access to Temescal Ridge is required under Condition 7 of Permit 381-78A (May 21, 1980). All facilities are to be constructed to specifications of the State Department of Parks and Recreation and turned over to the Department for operation and maintenance.

Inasmuch as the Trailhead facilities cannot be located on lands contiguous to the proposed Topanga State Park Acquisition (Exhibit PH87-10) and is separated therefrom by several hundred feet of open space to be conveyed to the City of Los Angeles, it is apparent that Condition 7 should be amended to substitute the City of Los Angeles as the recipient of the Trailhead area along with responsibility for its maintenance.

The proposed site and improvements is located easterly of the original site shown on Exhibit A-1 approved on May 21, 1980 (Exhibit PH87-16). Facilities, particularly parking and access, are greatly improved with a greater capacity for parking on-site. The Trailhead is removed entirely from the residential properties in the subdivision along the north side of the access road to the Department of Water and Power water system and storage reservoir (See Exhibits PH87-4 and PH87-5).

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071



Filed: July 13, 1993
49th Day: Aug. 31, 1993
180th Day: Jan. 09, 1994
Staff: JLR/LB
Staff Report: July 27, 1993
Hearing Date: Aug. 11-13, 1993
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: A-381-78-A11

APPLICANT: Headland Properties Associates
1950 Palisades Drive
P.O. Box 705
Pacific Palisades, Ca. 90272

AGENT:

PROJECT LOCATION: Vicinity of the intersection of Chastain Parkway West and Calle Deborah, Pacific Palisades

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Amend Permit No. A-381-78 for a 740 unit residential 1300 acre subdivision including construction of condominiums and creation of single-family lots, open space dedications, commercial center, church and school.

DESCRIPTION OF AMENDMENT: The applicant proposes to construct six security gates, a guardhouse and the removal of one security gate. The proposed amendment is located within the last phase of a proposed 74-unit single-family development.

LOCAL APPROVALS RECEIVED: Approval in Concept-City of Los Angeles

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act. A Special Condition requires the applicant to install adequate signs, conspicuously posted, to identify the location of the Temescal Ridge Trailhead, a public accessway, which was conditionally required in the original coastal permit. Additionally, the proposed amendment is conditioned to require a time limit for the applicant to complete the trailhead improvements and to remove one security gate.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUBSTANTIVE FILE DOCUMENTS:

- 1) Pacific Palisades Community Plan, City of Los Angeles
- 2) A-381-78; Amendments 1-10.
- 3) Appeal number 380-78 (AMH)
- 4) England & Nelson Summary of Significant Ecological Areas Report (1976).
- 5) "Significant Ecological Areas of the Santa Monica Mountains, report," Richard Dean Friesen, LA County Museum of Natural History Foundation.
- 6) National Park Service. Santa Monica Mountains National Recreation Area, Draft Land Protection Plan; Acquisition Plan.
- 7) Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone (November 1978).
- 8) Radtke, Klaus, "A Homeowner's Guide to Fire and Watershed Management at the Chaparral/Urban Interface," County of Los Angeles, 1982.
- 9) Santa Monica Mountains Comprehensive Planning Commission, "Santa Monica Mountains National Recreation Area Recreation Transportation System Element," Aug. 1979.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the

development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

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

III. SPECIAL CONDITIONS

1. Limits of Amendment

This amendment pertains to the items specified below only, and does not affect the remainder of the approval or the remainder of the adopted conditions of the Commission. Changes in the permit will be made in the Conditions identified.

2. Completion of Trail Access Improvements

Prior to transmittal of the authorization of this amendment the applicant shall provide evidence that the following improvements to the accessibility of a dedicated open space area will be completed according to the time schedule indicated below, but in all events, before construction of residential units authorized by this amendment in Tract 32184 begins.

The improvements shall be approved by the Executive Director and shall conform to the design standards of the accepting agency.:

Temescal Ridge Trailhead. Concurrent with the construction of streets and utilities approved in this tract, the applicant shall construct the improvements proposed for the Temescal Ridge Trailhead, including signs, a ten car parking facility and public restroom. The final designs must be reviewed by the accepting agency prior to construction. The trailhead may be transferred to the City of Los Angeles Department of Recreation and Parks for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director. The applicant or its successor in interest shall maintain the trail and engineered slope to Temescal Ridge from Calle de Nancy as part of the other open space maintenance agreed to in this permit.

More specifically, the applicant shall provide a public access/recreation signage program, subject to the review and approval of the Executive Director, that provides that, at a minimum, signs will be conspicuously and appropriately placed to adequately identify the location of the Temescal Ridge Trailhead. The program shall include, as a minimum, posted signs located on both sides of Chastain Parkway West at the intersection of Calle Deborah. Signs shall also be posted at the intersections of Chastain Parkway West/Palisades Road, Calle Deborah/Calle Nancy and Calle Deborah/Calle Alicante.

3. Compliance with Approval

Development approved or required by the above stated conditions of approval for the trailhead improvements and placement of the signs must be completed by the applicant within 180 days of Commission action on this Coastal Permit Amendment application and the removal of the gate and pilasters at Chastain Parkway West and Calle Deborah must be completed within 60 days. Failure to comply with this requirement within the time period specified, or with such additional time as may be granted by the Executive Director for good cause, will result in the termination of this Coastal Permit Amendment.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description, Location and Background

The applicant is requesting an amendment to Permit No. A-381-78 which permitted a 1300 acre subdivision to create 740 residential units, open space dedications, a commercial center, church and school. The applicant proposes to construct six security gates, a guardhouse and to remove one security gate (See Exhibit C). The proposed gates are located within the last phase of a proposed 74-unit single-family development.

The proposed amendment is located north of Sunset Boulevard, approximately three miles inland of the ocean in the Brentwood/Pacific Palisades district of the City of Los Angeles. The site is located in Tract 32184, the last phase of the Palisades Highlands development. The applicant is presently completing the grading and street/utility improvements. The applicant will build 76 single-family homes, and dedicate 4 open space lots and a public trailhead lot. Following is a more detailed description of the amendment request as submitted by the applicant:

Specifically, it is requested that the Coastal Commission authorize Amendment A-381-78 (A-11) which would approve the construction and maintenance seven (7) security gates and main entry guardhouse to be located as follows:

- Double paired main entry/exit gates and guardhouse on Calle de Cielo at Chastain Parkway.
- Card key operated exit gates at the intersection of Calle de Sarah and Chastain Parkway.
- Entry/exit gates at the intersections of Calle de Nancy at Calle Deborah.
- Entry/exit gates at the intersections of Calle Alicante at Calle Deborah.

Upon completion of grading and construction of improvements within Tract 32184 "The Enclave" the existing security gate located on Calle Deborah at Chastain Parkway will be permanently removed so as to provide free and unrestricted vehicular and pedestrian access to the public Trailhead Facility and Trail to be located on Lot 77, Tract 32184.

The entire underlying permit is for 740 residential units on 1300 acres with major grading and public dedications. The permit, which was activated in 1980, includes four tracts located within the Santa Monica Mountains directly north of the developed portion of Pacific Palisades, a planning subarea of the City of Los Angeles. The previously approved permit includes an urban limit line, parks, open space dedications over approximately 1077 acres of mountainous terrain, streets, a trailhead, a commercial development and a church, and other improvements. The most recent amendment adjusted the urban

limit line for the 144.3 acre tract known as tract 32184, the last tract to develop, which would provide for 324 units, enlarging the boundary of the area that could be graded by ten acres. Grading on this tract has commenced because the conditions of a previous amendment were met (See Exhibit D).

In order to approve 740 units consistent with Coastal Act requirements, the Commission originally imposed conditions in 1980 to reduce grading, landform alteration, removal of cover, traffic impacts, visual impacts and conflict with adjacent recreational resources. The basic strategy of approval was to reduce the number of units to 740 and cluster these units in a natural bowl and along the access road, Palisades Drive. In the conditions, the Commission drew an urban limit line around the developed area and required the developer to dedicate the land outside the urban limit line to the State of California.

B. Requirements for a Coastal Development Permit.

The applicant inadvertently constructed three of the subject six security gates (See Exhibit C) on the basis that a coastal development permit was not necessary. However, after various discussions with staff, the applicant agreed to file an amendment request.

Section 30106 of the Coastal Act defines development and Section 30600 requires that all development in the coastal zone receive a coastal development permit, in addition to all permits received from other governmental agencies. Gates and guard houses are development and require permits.

When the Commission approved permit A-381-78A and as further amended in A-381-78-A10, it imposed Standard Condition No. 3, regarding compliance, which stated:

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval. (Emphasis added)

Also, in permit A-380-78A, Special Condition No. 1 established the Scope of Approval. This condition applied to and was not removed in all subsequent amendments, up to and including amendment A-380-78A-10. The Scope of Approval authorized the following:

... the subdivision of up to 740 residential units, a two-acre commercial site and a seven-acre institutional site, grading for all streets and lots, installation of drainage and utilities and construction of residential units as described in the Findings and Declarations.

Staff reviewed all tract plans and landscaping plans and found no entry controlled guard gates and guard houses indicated or described on project vehicular streets on the VTN engineers plan noted as Exhibits A-1, B-1, and B-2. Based on all of the above, it was concluded that a permit amendment was

necessary in order to construct gates or guardhouses on the above noted streets.

C. Public Recreation/Access

The applicant was required in the original permit to mitigate the conversion of lands with recreation potential to housing by the dedication of lands with recreational value to the State. As amended in 381-78-A7 so that the recreation lands go to the State, the lands with visual backdrop value and trail-heads go to the City, and lands within the development or immediately adjacent to subdivided lots go to the homeowners, the project has had recreational benefits for both the residents and the general public.

The trails in the project area link up with trails in the Santa Monica Mountains, and are part of a trail system envisioned to increase access to the mountains. Within the total project there are four places where trails through dedicated areas cross new City streets. Additionally, the original permit required improvements on two of them, Split Rock and Temescal Ridge, and the applicant has prepared plans to provide trails and trailhead improvements at these locations. The applicant has now completed most of the improvements required in that condition, with the exception of the signs, and of the trailheads that depend on the grading and roads to be completed first. In February, 1988 the applicant completed the Split Rock improvements. Because flood control improvements have made one small section of the trail up Santa Ynez Canyon slick and difficult, the applicant has installed stepping stones to improve access up Santa Ynez Canyon. Regarding the Temescal Ridge trailhead, the applicant proposes a 10-car parking lot and trailhead located below the water tank at Temescal Ridge to be constructed as part of this subdivision, and to be conveyed to the City of Los Angeles.

As previously discussed, the security gates have been inadvertently constructed without a coastal permit. The existing three guardhouse/security gates, as presently located and designed will significantly restrict and discourage public access to a trailhead that was previously required by the Commission. When the public's right of entrance is not clear and explicit, the public will not be encouraged to enter what appears to be a private locked-gate community. During previous discussions with the applicant, the staff and applicant agreed that if the security gate at Chastain Parkway West and Calle Deborah was removed, the public would have an unrestricted and unimpeded vehicular access along Calle Deborah to the trailhead. With the removal of that gate, the other nearby proposed security gates (two existing) will not adversely impact public access, provided that the amendment is conditioned to include an adequate public information signage program. The location of those six gates provides local internal traffic circulation within the subdivision and will not impact public access.

The proposed security gates, along with the removal of one gate, have been designed and located so as to provide an unimpeded accessway along Calle Deborah to the Temescal Ridge Trailhead (See Exhibit C). However, the street pattern of the subdivision is complex and circuitous, which could lead to

visitors driving in circles, trying to find the entranceway to the public trail located at Temescal Ridge. Without an adequate signage program, the proposed subdivision security gates will intimidate rather than encourage use of the public trailhead. Therefore the Commissions finds that the applicant shall be required to provide an adequate signage program identifying the access way/trailhead located at Temescal Ridge. The Commission further finds that a proper signage program located near the trail head will improve assessability of the trails and lessen confusion about the location of the trail entrance. Finally, as conditioned, the Commission finds that the placement of the signs, prior to construction of the residential units, will not unduly delay recreational access to the trail system of the Santa Monica Mountains.

D. Public Views and Habitat

The visual impacts of the project were a major concern during initial discussions and subsequent to construction. The visual impact was removal of watershed areas, which was also an impact on habitat. The previous amendment A-381-78-A9, which was conditioned to preserve access to habitat areas, results in a greater area being disturbed. The final grading plans show the removal of 117-144 acres of native vegetation, 2,069,700 cubic yards cut and an equal amount of fill. Fire control practices also required clearance or fuel modification in a 150 foot wide band.

In granting a previous amendment, the Commission found that trail improvements and other refinements to the access component of the project would balance the grading requirements. The previous approval required dedications, trails and trailhead improvements in order to give the public back some view areas in areas previously inaccessible while allowing the urbanization and grading of mountain landscape. The building pads, which are presently graded, will not provide public views from the streets once the houses are constructed. As conditioned, to maintain control of the signs but allow the development to proceed, the amended permit still carries out the purpose of preserving access to a viewing area i.e., the Temescal Ridge trailhead area.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development

Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles has not yet developed a Local Coastal Program or a Land Use Plan for the Pacific Palisades area that has been certified by the Commission. The proposed security gates has been conditioned to mitigate its impacts on coastal access. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The approval of the proposed security gates, as conditioned to provide a public access signage program, will not cause any significant adverse impacts on the environment or coastal access. There are no negative impacts that have not been adequately mitigated by special conditions of approval. Therefore, the Commission finds that approval of the proposed amendment, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

G. Unpermitted Development

Although some of the development has taken place prior to submission of this amendment request, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred. The Commission will act on this application without prejudice and will act on it as if none of the existing development had previously occurred.

Currently, three of the proposed six security gates have been constructed without a valid coastal. As previously discussed, the existing three gates, because of their location and design, create significant adverse impacts on public access to the trailhead. However, the proposed amendment, as conditioned, is consistent with the public access provisions of the Coastal Act.

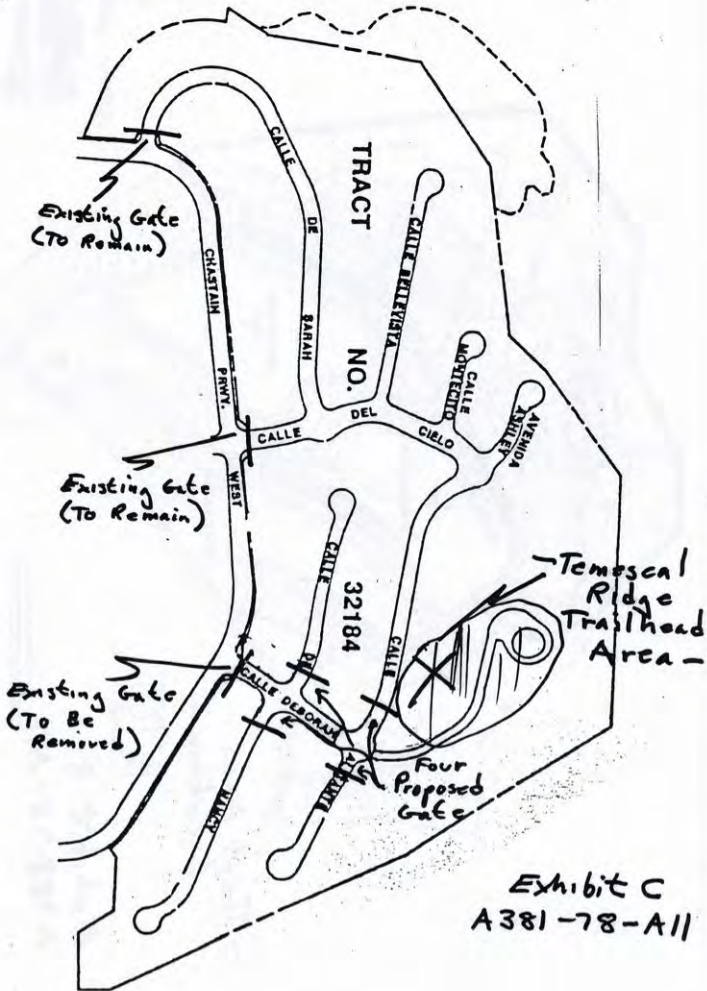


Exhibit C
A381-78-A11

III. SPECIAL CONDITIONS:

1) Limits of amendment

This amendment pertains to the items specified below only, and does not affect the remainder of the approval or the remainder of the adopted conditions of the Commission. Changes in the permit will be made in the Conditions identified.

2) Completion of Trail Access Improvements [Clarification of condition 7]

Prior to transmittal of the authorization of this amendment the applicant shall provide evidence that the following improvements to the accessibility of the dedicated open space areas will be completed according to the time schedule indicated below, but in all events, before construction of condominium units authorized by this amendment in Tract 32184 begins.

The improvements shall be approved by the Executive Director and shall conform to the design standards of the accepting agency.:

- a) Split Rock. Prior to transmittal of the amendment, in the area known as Split Rock south of tract 31935, the applicant shall complete the approved trail and access and landscaping plans approved during the 1981 amendment process. The applicant shall include landscaping with native plants to screen tract 32184 from the Split Rock Access area, and shall construct appropriate signs to identify the trailhead, at the emergency access road and at the place the trail departs the access road.
- b) Trailer Canyon. During the construction of the approved roads the applicant shall provide a trailhead area, including signs and designated parallel parking area for the Trailer Canyon trail, along Michael Drive.
- c) Upper Santa Ynez Canyon. Prior to transmittal of the authorized amendment, the applicant shall agree to provide, subject to the review and approval of the Executive Director, appropriate trail head signs identifying the street side entrance to Santa Ynez Canyon unit of Topanga State Park along Vereda de La Montura. Prior to construction of the roads and utilities the applicant shall either enter into a contract with a private contractor approved by the Department of Parks and Recreation or with a public agency to manufacture and install permanent signs. In cooperation with State Parks, the applicant shall also construct minor trail improvements, including non-slip rock surfacing where the trail crosses the concrete lined channel.

- Previous Conditions
on Amendment
A-381-78-A10

A381-78-A11
Exhibit D
2 of 2

- d) Temescal Ridge Trailhead. Concurrent with the construction of streets and utilities approved in this tract, the applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, parking facility and bathroom. The final designs must be reviewed by the accepting agency prior to construction. The trailhead may be transferred to the City of Los Angeles Department of Recreation and Parks for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director. The applicant or its successor in interest shall maintain the trail and engineered slope to Temescal Ridge from Calle de Nancy as part of the other open space maintenance agreed to in this permit.
- e) Topanga State Park Trail information signs. Prior to construction of residential units authorized by this amendment the applicant shall enter into an agreement with the Department of Parks and Recreation or the City of Los Angeles and shall deposit with a public agency or into an escrow account approved by the Executive Director funds sufficient to provide for the construction of a trailhead information display at the Gateway Commercial site, consistent with that proposed on permit 5-87-836 (Palisades Highlands Plaza).

AB81-78-A11
Exhibit D
20f2

A-381-78-A11

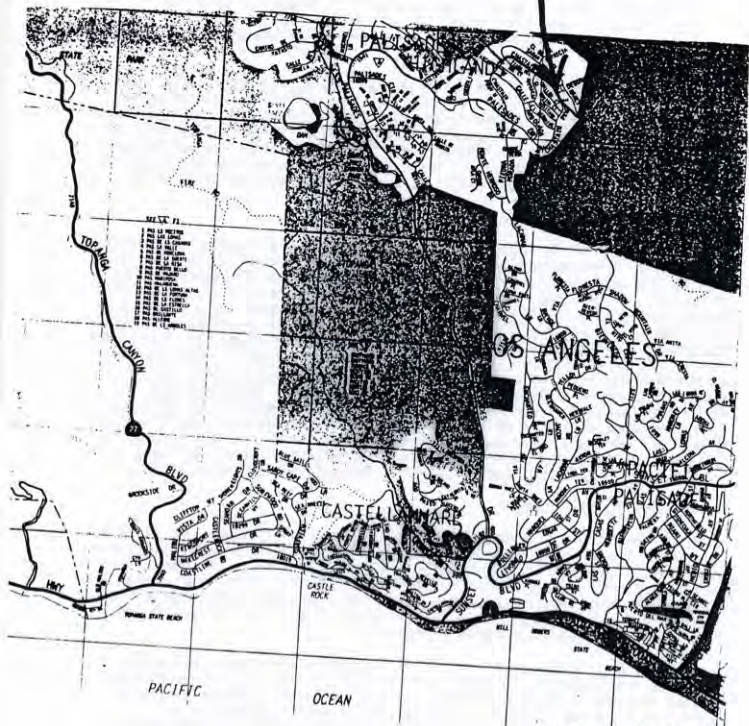


Exhibit A
A-381-78-A11
Vicinity Map

February 16, 1994

RECEIVED

California Coastal Commission
South Coast Area
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90802-4416

FEB 22 1994

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST HIGHLANDS

Attention: Mr. Charles Damm
Deputy Executive Director
Mr. James T. Ryan
Staff Analyst

Subject: COASTAL DEVELOPMENT PERMIT A-381-78 (All)
PALISADES HIGHLANDS TEMESCAL RIDGE TRAILHEAD
AND TRAIL EASEMENTS CONVEYANCES - TRACT 32184

Gentlemen:

In accordance with the conditions of approval by the California Coastal Commission in authorizing Coastal Development Permit A-381-78 (All) Headland Properties Associates hereby transmits copies of an executed Partnership Grant Deed with accompanying documents which convey to the City of Los Angeles the referenced Trailhead Facility and Trail Easements, as required.

The Temescal Ridge Trailhead Facility has been constructed in compliance with the City Recreation and Parks Department approved plans and a Temporary Certificate of Occupancy has been issued by the City Department of Building and Safety.

Maintenance of the Trailhead Facility will be provided by the City, however, security of this site during off hours will be maintained by the Palisades Highlands Homeowners Association Security Patrol. The Trail and easement will be maintained as an on-going activity of the Homeowners Association Maintenance Program as provided in the Tract 32184 Covenants, Conditions and Restrictions.

The public access/recreation signage system is to be installed at the locations designated in Special Condition No. 2 (August 12, 1993 Commission Action). However, the City Recreation and Parks Department will construct the signs and provide for their installation in accordance with the Department's standards for design.

Headland Properties Associates will continue to maintain the Temescal Ridge Trailhead Facility and Trail until such time as the City Recreation and Parks Commission Department and City Council have officially recorded the Grant Deed and accepted the conveyances.


Page 2
California Coastal Commission
South Coast Area
February 16, 1994

I trust that the enclosed documents will be of sufficient detail to meet your needs at this time.

If you have any questions concerning this matter, please call me at your convenience.

Very truly yours,

HEADLAND PROPERTIES ASSOCIATES


Charles A. Yelverton
Vice President

CAY/ldf


Recording Requested By

COUNTY OF LOS ANGELES
DEPARTMENT OF TREASURER
AND TAX COLLECTOR

05 1795291

2-

And When Recorded Mail to

TREASURER AND TAX COLLECTOR
SECURED PROPERTY TAX DIVISION
TAX-DEFAULTED LANDS
225 N. HILL STREET, RM 126
LOS ANGELES, CA 90012

NOTICE OF POWER TO SELL TAX-DEFAULTED PROPERTY

which, pursuant to law was declared to be Tax-Defaulted on JUNE 30, 2000

for the nonpayment of delinquent taxes in the amount of \$ 464.14

for the fiscal year 1999-2000. Default Number 4431 039 029

Notice is hereby given by the Treasurer and Tax Collector of Los Angeles County that five or more years have elapsed since the duty assessed and legally levied taxes on the property described herein were declared in default and that the property is subject to sale for nonpayment of taxes and will be sold unless the amount required to redeem the property is paid to the Treasurer and Tax Collector of said County before sale. The real property subject to this notice is assessed to HEADLAND PROPERTIES ASSOC

and is situated in said county, State of California,
described as follows. 4431 039 029
(Assessor's Parcel Number)

TR-32184A LOT 77

MARK J. SALADINO,
TREASURER AND TAX COLLECTOR
of the County of Los Angeles,
State of California

STATE OF CALIFORNIA
County of Los Angeles

} ss.

By

John McKinney
Deputy Tax Collector

On JULY 29, 2005, before me personally appeared JOHN MCKINNEY
personally known to me (or proved to me on the basis of satisfactory evidence) to be the perso (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 on behalf of which the person(s) acted, executed the instrument.
IN WITNESS WHEREOF, I have here set my hand

Sale No. 2006A

CONNY B. McCORMACK
REGISTRAR-RECORDER/COUNTY CLERK
of the County of Los Angeles,
State of California

By

Cynthia Hopam
Deputy County Clerk



OFFICE OF THE ASSESSOR

TO: Robert Lardge
Acting Senior Property Assessment Specialist
Legal Services Section

FROM: Alex Reyes
Property Assessment Specialist
Legal Services Section

DATE: MARCH 16, 2006

SUBJECT: APN 4431-039-029

It was found, upon review of the documentation provided, that the above parcel was a trailhead that was dedicated and accepted by the City of Los Angeles based on Instrument Numbers 81-631478 and 81-631479 recorded on June 24, 1981. This finding was stated in a memorandum dated April 14, 1989 by Mr. Kenneth C. Topping, Director of Planning Department to Joel Breitbart, Assistant General Manager, Department of Recreation and Parks regarding the offer of Dedication and Grant Deed for a Trailhead Facility Site and Trail Easement from Headland Properties. These two deeds entitled Offer of Dedication had been verified by Mapping Services and described the above parcel as a trailhead site that was accepted by the City of Los Angeles under Ordinance No. 155,203 adopted by the City Council of City of Los Angeles on May 7, 1981 and finalized by the City Attorney and Headland Properties, Inc. representative.

On the basis of the above findings, it is recommended that the above parcel be converted to a 900 parcel and auction sale be rescinded by the Tax Collector.

From: Deondria Barajas
Sent: Thursday, November 21, 2019 10:35 AM
To: Johnston, Heather@Coastal
Subject: RE: Headlands Trailhead Property

Hello Heather,

In your email you requested the following:

1. What sort of documentation you have that the requisite legal notices were sent to Headlands Properties Associates prior to the tax sale?
2. Any further information on the date and person(s)/entities that purchased the property at the prior sale and then annulled the purchase.

Legal Notices

Due to the age of the sale, we no longer have a complete tax sale file for 2013 or the sale that we cancelled in 2006. However, we were able to retrieve our 2013 Parties of Interest list identifying the name of the parties with interest in the property AIN 4431-039-029 (highlighted on the attach) which also includes the mailing address where we sent notice. In addition, a copy of a certified mail receipt we retrieved as part of our notice for the 2010 sale, we included confirming receipt of our tax sale notice at an address that we also sent notice in 2013.

Rescinded Sale

As it pertains to the rescission of the 2006 tax sale, the Tax Collector rescinded the sale based on information provided by the Office of the Assessor in a memo dated March 20, 2006 (see attached). The purchaser at the February 13, 2006 tax sale was Entrust Admin Custodian FBO.

Please let me know if you need further assistance. Although we have limited documents related to this period, we will assist in any matter we can.

Deondria Barajas
Operations Chief
Secured Property Tax Division
Los Angeles County Treasurer and Tax Collector
225 N. Hill Street, Room 130
Los Angeles, California 90012

Telephone: (213) 974-0070 / Fax: (213) 680-3648 /
Email: dbarajas@ttc.lacounty.gov

Pay Online at <http://lacountypropertytax.com/> Safe. Secure. Convenient.

Heather,

With the exception of our Excess Proceeds notices which we process in-house, prior to 2016, we did not maintain record of our computer generated tax sale notices. Attached is a copy of our Subject to Power to Sale recorded in 2005 and our Excess Proceeds notices.

The tax sale history shows that we sold the property at our 2006A Public Auction, but subsequently cancelled the sale after learning that the Office of the Assessor planned to change the parcel status to a "900" parcel. Communications with the City of Los Angeles it had planned to record Offer of Dedication deeds showing that the City of Los Angeles owned the property. Based on the same communications with the City of Los Angeles and the Office of the Assessor, we excluded the property from our 2007A, 2009A and 2010A Public Auctions.

The City of Los Angeles failed to record the deed, thus preventing the Assessor from moving forward with changing the parcel status. This failure to act meant that the property continued to be eligible for tax sale, and that the TTC could be out of compliance with State law. Pursuant to Revenue and Taxation Code Section 3692, the Tax Collector shall attempt to sell property within four years of the time that the property becomes subject to sale for nonpayment of taxes and if there are no acceptable bids at the attempted sale, then attempt to sell the property at intervals of no more than six years until the property is sold. Therefore, to make sure we were in compliance, we offered the property at our 2012A and 2013A Public Auctions; we received not bids at the 2012A, and sold the property at the 2013A.

After selling the property in 2013 for more than the minimum bid amount, we received a claim for excess proceeds and approved \$333,114.65 for Headland Properties Assoc. LLC. We issued the excess proceeds in June 2016.

Please let me know if we can be of further assistance.

Deondria Barajas
Operations Chief
Secured Property Tax Division
Los Angeles County Treasurer and Tax Collector
225 N. Hill Street, Room 130
Los Angeles, California 90012

Telephone: (213) 974-0070 / Fax: (213) 680-3648 /
Email: dbarajas@ttc.lacounty.gov

Pay Online at <http://lacountypropertytax.com/> *Safe. Secure. Convenient.*

2. Article Number

7178 2701 9737 1572 6099

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

8/24/12

C. Signature



☒ Agent
☐ Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

2010A 4366 4431 039 029 NOA
HEADLAND PROPERTIES ASSOCIATES
LLC
11726 SAN VICENTE BLVD STE 235
LOS ANGELES CA 90049-5045

WOOSTER LLC

810 Cord Circle .Beverly Hills CA 90048
(310) 774-1628

January 9, 2019

Ms. Heather Johnston
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: 16701 Via La Costa, Pacific Palisades
APN # 4431039029
County Auction Purchase 10/22/2013 - \$351,000

Dear Ms. Johnston:

On behalf of Wooster LLC, thank you for your willingness to discuss a resolution to the matter of this property.

If we are going to discuss Coastal Act violations with respect to this property, we need to begin from the issue of ownership. At the time of auction, the only documentation we had among several bureaucracies was that the City stated it was a "legal lot." We have a letter from the City of Los Angeles, City Planning and Building & Safety dated 1/10/2014, in response to Ben Kalaf's letter of inquiry (11/27/2013) regarding the site's zoning, which states the property is a "buildable lot." Coastal Commission should have copies of these documents and they should be in the Commission file.

Government agencies sell property all the time, so the fact that there were bathrooms and a parking lot on the property was not meaningful. The only limitation noted a standard slope restriction. No funds were ever provided for maintenance and no keys to the property ever made available. It was only some time later that "ownership" became questionable, which when the City quit cleaning the property and there were public complaints, that the Coastal Commission took an interest in the property. The first point of discussion then should be some type of admittance by the bureaucracies that clearly an error has been made and that Henry and I, as the wronged party, should be compensated in some fashion, and not vice versa. (See attached Statement of Facts.)

With that in mind, we are no longer represented by Mr. Rossman, and we are presently searching for a new attorney with greater familiarity with California property law to protect our rights. We made this decision in conjunction with Mr. Rossman when the Coastal Commission began its threats of \$11,000 daily fines. Needless to say, we were distraught over the apparent inability of any bureaucracy to understand our plight of spending \$350,000 to become embroiled in this disastrous situation... over which we had no control and no governmental body was apparently willing to listen.

To outline more specifically our contacts:

- In October of 2013 we contacted Barbara at the City of Ventura Coastal Commission (805-585-1800) who was very helpful in indicating we should be speaking with the Long Beach office. Ben Kalaf contacted her again last week and she remembered the conversation.
- Following the 2013 call, we immediately contacted an individual at the Long Beach Commission office who stated we would need to submit the standard procedure building "package" prepared by an architect for Commission review. Nothing else was said regarding any Coastal Commission interest in the property. Again, just last week Ben contacted this office and spoke with Sherry or Sheryl regarding the property at 16701 Via La Costa. She stated nobody has submitted any package, which is the first thing you have to do. Again, there was no mention of any complications regarding building on the property.
- Late in 2014, Sergio Marquez at the County Tax Collector's office specifically told us an error had been made because there had been no communication between County and State regarding the property. As a result a discussion took place between those two parties, and they have changed the rules and regulations as to how they sell these properties... specifically due to this situation over this property. Consequently, the Tax Collector will now inquire with all governmental agencies prior to placing a property for sale. He told me there had been a discussion regarding this very property such that the Tax Collector will no longer sell anything until ask all agencies concerned if they have any interest in the property. Perhaps you personally aren't aware of this discussion and change, but someone at the Coastal Commission should know of this and should have taken the appropriate steps regarding this property.

If you, as a representative of the Coastal Commission, are unaware of this change, please let us know of this in writing so we can let the Tax Collector know an effort needs to be made to clarify matters between the agencies. If the changes did take place, that should serve as notice that the Commission was aware of the error regarding our purchase of the property.

Mr. Marquez was always open to a resolution of some type.

- As with the other agencies, if you contact the City of Los Angeles, City Planning, they will still tell you this is a legal vacant lot, no special restrictions beyond the slope limitation.

To complicate matters further, we approached the tax collector's office in 2014. Sergio Marquez dug into the file and explained the original owner, Edward Miller of Headland LLC, stated he had given up on the property and quit claimed it back to the City of Los Angeles. Initially unaware of this fact, and also unaware the Coastal Commission was claiming the property, the tax collector sold the parcel for unpaid taxes.

Marquez is open to resolving the matter, but it's even more complicated in that the tax collector's office was scammed in some fashion by someone purporting to be Edward Miller of Headland LLC, the previous owner, and returned the funds to some unknown party acting as Edward Miller – who totally claims no knowledge of the situation. He did provide me with his contact information, which is 310-990-6589, emiller@cal-coast.com.

Much of this was explained to Ben by the City Manager of Los Angeles who stated it wasn't his business and referred Ben to Sid at Parks & Recreation.

Regarding the bathroom situation, once again, who actually owns the property? The City of Los Angeles knows nothing about it apparently. In fact, we spoke with Sid and Mike of Parks & Recreation who indicated they had not had a cleaning detail officially assigned to the property for years, but had failed to notify the actual teams doing the cleaning to stop and hence it just kept getting cleaned. It was not until we brought it to their attention that they actually stopped cleaning.

We did have the property cleaned on one or two occasions, but we certainly haven't been reimbursed by anyone and if we're not the true owners it's difficult to justify. Even more true when we're being threatened with violations and fines. In fact, both bathrooms were open when the property was auctioned. We also posted a sign for the neighborhood with Ben Kalaf's contact information. To this point, any number of text messages have been received we would be happy to share with you should you want to see them. We have opened the gate for parking as requested.

In closing Ben Kalaf will be happy to speak with you prior to any meeting. But beyond your threats of fines and violations, is it possible to discuss means of actually resolving the issue? And as we both seem to be aware of the other's position, is not a meeting of all involved parties more direct? Still, you may feel free to contact Ben at your convenience, his number is 818-646-3030.

As noted in my earlier letter, you may want to consider inviting to the meeting these additional parties who have had an involvement with the property:

Mr. Richard Llewellyn, Jr.
City Administrative Officer
200 N. Main St. Suite 1500
Los Angeles, CA 90012-4137

Sergio Marquez
L.A. County Treasurer & Tax Collector
225 N Hill Street
Los Angeles, CA 90012
213-974-1680, fax 213-680-3648
smarquez@ttc.lacounty.gov

California Coastal Commission, et al.
January 9, 2019
Page 4

Department of Building & Safety
City of Los Angeles
201/221 North Figueroa Street
Los Angeles, CA 90012

L.A. City Parks & Recreation Dept.
201 N Figueroa, 4th Floor
Mike, 213-202-2633
Sid, 213-202-2608

And perhaps also someone from the local South Coast District Office in Long Beach. Meanwhile, it might perhaps be easier for you to set things up, but we will be happy to do so, if you prefer.

Sincerely,

Henri Levy
Managing Partner, Wooster LLC

Ben Kalaf
Partner in Property Ownership

STATEMENT OF FACTS

- 1) Henry Levy purchased the property (then transferred it to Wooster LLC) at auction from a government agency, as such, we believed we were not going to be misled or cheated.
- 2) Various government agencies made the mistake, not us, by selling property.
- 3) We are the party that spent \$350,000, not the government, and that money has been held hostage to government error for five years.
- 4) Even until today various government agencies are telling us we need to chase them and beg them for our money, and all still refusing to admit their joint errors and, if you call them regarding the property, have not corrected their records on the property and give out erroneous information.
- 5) As far closing the facility, we did that for only one day, and only AFTER the city stopped cleaning it and neighbors complained, which is why we closed it in the first place.
- 6) The fact that the Coastal Commission and the County changed their way of doing business after this specific incident clearly indicates that internally government agencies realize a mistake has been made but they are doing nothing to correct it apparently to avoid admitting the error.
- 7) The Coastal Commission and the County made the same exact error of selling the property and returning the funds to the buyers, TWICE before this. We were the third party where the same mistake as, which the County has admitted.
- 8) The government agencies knew the mistake had been made for the third time with us, but went ahead and gave our money to someone who had nothing to do with the property and now various agencies are telling us we need to hire attorneys and spend additional funds to get our money back.
- 9) We welcome the government taking us to court to see how a judge can be convinced the government is the wrong party and why you have been holding our funds hostage without return.
- 10) Wooster LLC is now searching for an attorney with expertise in property law.

Unmaintained Trailhead Property (2022)



LAW OFFICES OF
ADAM S. ROSSMAN
449 S. BEVERLY DRIVE
SUITE 210
BEVERLY HILLS, CALIFORNIA 90212

TEL: (310) 592-4837
FACSIMILE: (310) 623-1941
EMAIL: adamrossman66@gmail.com

August 18, 2016

Via Email & US Mail –Certified/Return Receipt
Jordan.Sanchez@coastal.ca.gov

California Coastal Commission
South Coast District Office
Attn: Jordan Sanchez
200 Oceangate
Suite 1000
Long Beach CA 90802-4302

RE: 16701 Via La Costa, Pacific Palisades, CA 90272
APN: 4431-039-029

Dear Mr. Sanchez:

This office is legal counsel for 1205-1207 Wooster Street, LLC, A California limited liability company ("Wooster"), the owner of the real property located at 16701 Via La Costa, Pacific Palisades, CA 90272 (the "Property")

Reference is made to (a) your and your supervisor, Aaron's telephone discussion approximately two (2) weeks ago with Ben Kalaf, a licensed California general contractor assisting the ownership with the development of the Property and (b) your letter of August 3, 2016.

Confirming your telephone discussion with Ben Kalaf, on behalf of the California Coastal Commission you agreed that the Coastal Commission would abate the daily fine referenced in your letter until we are able to resolve the matter of ownership of the Property. As a result and as a good faith gesture, please note that we have already removed the fence around the bathroom, opened the Property to the public and have cleaned the Property. However, you must contact the City of Los Angeles to have them open up the bathrooms. We do not have a key.

In response to your claim that the State of California owns the Property, attached please find a Tax Deed to Purchaser of Tax Defaulted Property recorded December 17, 2013 as Instrument No. 20131775032 in the Los Angeles County Recorder's Office issued by the County of Los Angeles Treasurer Tax Collector proving the Property was legally purchased by Henri Levy, a member and manager of Wooster for \$351,000.00 close to three years ago at a Los Angeles County Tax Default Auction held on October 21-22, 2013. Mr. Levy subsequently transferred ownership to 1205-1207 Wooster Street, LLC.

Prior to purchasing the Property, we verified with the City of Los Angeles and paid for their written certification that the Property is a legal lot with no obstructions to building a single family residence thereon. We also have additional material from Los Angeles City Planning and Zoning Departments authorizing us to build a house on the Property. None of this material discloses anything about the Coastal Commission or the State of California having an ownership interest in

the Property. All of this information is in sharp contrast with your statements that you had no information about the unpaid property taxes which led to the County of Los Angeles to sell the Property at the Tax Default Auction. Moreover, there does not appear to be any record on title to the Property that ownership of the Property was ever transferred to the State of California, which would have put the world on constructive notice that the State of California owned the Property, and would have stopped purchasers such as the current ownership from purchasing the Property at the Tax Default Auction.

As an additional bit of background, when we first saw the Property it had a parking lot and public toilet. Although we made numerous attempts to locate someone in the Los Angeles City or County government to learn about these improvements, we could not find anyone who could answer any questions about the Property. For some time, the City of Los Angeles was cleaning the Property, but that stopped (perhaps when the City learned the Property had a new owner). At that point the public toilet became filthy, began to stink, and essentially unusable.

We photographed the Property, cleaned a portion of it (we have been unable to locate the key to the men's room with any city maintenance yard, and we have spoken to many people about it), and put a lock on the gate to keep it clean. People began jumping the gate and using the area anyway, and this continues to be an ongoing situation. As Mr. Kalaf told you on the phone, this step apparently instigated many complaints from the public, which ultimately ended up with you, the Coastal Commission, and prompted your August 3, 2016 letter.

Please note that since Wooster reached a decision as to what to build on the Property, we have expended funds on an architect, engineers, soil surveys, and related costs. In addition, the Property was recently in escrow for close to \$1,300,000.00 and shows a value on Zillow.com of \$1,800,000.00. Moreover, Wooster has paid the property taxes for the past few years as well. Should the State of California claim it owns the Property, we will anticipate compensation commensurate with a condemnation/eminent domain proceeding.

It makes no sense why these government agencies, whether they be on the City, County or State level, would mislead the public and engage in possible fraud in an effort to bilk individuals out of \$351,000.00 plus funds to maintain and improve the Property. Accordingly, if necessary, ownership will need to pursue claims and defend itself against adverse claims.

Nevertheless, we look forward to working with to reach a solution to this dilemma. Your assistance will be greatly appreciated.

Nothing contained herein shall be waiver of any of Wooster's rights in law and equity all of which are expressly reserved hereby.

I look forward to hearing from you.

Very Truly Yours,



Adam S. Rossman

Enclosure
cc: Client

This page is part of your document - DO NOT DISCARD



20131775032



Pages:
0002

Recorded/Filed In Official Records
Recorder's Office, Los Angeles County,
California

12/17/13 AT 02:59PM

FEES:	15.00
TAXES:	1,960.00
OTHER:	0.00
PAID:	1,975.00



LEADSHEET



201312172890009

00008657575



005938691

SEQ:
79

DAR - Mail (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

E492380

**COUNTY OF LOS ANGELES
DEPARTMENT OF TREASURER
AND TAX COLLECTOR**

AND WHICH RECORDED MAIL TO

**HENRI LEVY
810 CORD CIRCLE
BEVERLY HILLS, CA 90210**



2

Document Transfer Tax - computed on full value of property conveyed \$ 385.00
City Transfer Tax \$ 1,575.00
Survey Fee \$ 0.00

Le Roba Merson
Signature of Declarant

TAX DEED TO PURCHASER OF TAX-DEFAULTED PROPERTY

On which the legally levied taxes were a lien for FISCAL YEAR 1999 - 2000
and for nonpayment were duly declared to be in default. DEFAULT NUMBER 4431-039-029

This deed, between the Treasurer and Tax Collector of Los Angeles County ("SELLER") and
HENRI LEVY - A MARRIED MAN AS HIS SOLE & SEPARATE PROPERTY

("PURCHASER"), conveys to the PURCHASER the real property described herein which the SELLER sold to the PURCHASER BY AGREEMENT on **October 22, 2013** pursuant to a statutory power of sale in accordance with the provisions of Division 1, Part 6, Chapter 7, Revenue and Taxation Code, for the sum of \$ 350,000.00
No taxing agency objected to the sale.

In accordance with the law, the SELLER hereby grants to the PURCHASER that real property situated in said county, State of California, last assessed to, **HEADLAND PROPERTIES ASSOCIATES L LC**

described as follows: **ASSESSOR'S PARCEL NUMBER 4431-039-029**

TR=32184A LOT 77

STATE OF CALIFORNIA } ss.
County of Los Angeles

EXECUTED ON **December 5, 2013**

MARK J. SALADINO
TREASURER AND TAX COLLECTOR
of the County of Los Angeles,
State of California
By *[Signature]*
Deputy Tax Collector

On **December 5, 2013**, before me personally appeared **KATHLEEN GLOSTER** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s) acted, executed the instrument. I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Location: City of LOS ANGELES

Sale No. 2013A Item No. 06834

Dean C. Logan
REGISTRAR-RECORDER/COUNTY CLERK
of the County of Los Angeles,
State of California

By *Le Roba Merson*
Deputy County Clerk



This page is part of your document - DO NOT DISCARD



20140047667



Pages:
0005

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

01/15/14 AT 02:08PM

FEES:	31.00
TAXES:	0.00
OTHER:	0.00
PAID:	31.00



LEADSHEET



201401150940018

00008762358



005986998

SEQ:
01

DAR - Counter (Upfront Scan)



THIS FORM IS NOT TO BE DUPLICATED

E220504

RECORDING REQUESTED BY:

1205-1207 Wooster Street, LLC

AND WHEN RECORDED MAIL TO
& MAIL TAX STATEMENT TO:

1205-1207 Wooster Street, LLC
4936 Triggs Street
Commerce, CA 90022

APN: 4431-039-029

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Recording Requested by:

1205-1207 Wooster Street, LLC

When Recorded Mail To:

1205-1207 Wooster Street, LLC

4936 Triggs Street

Commerce, CA 90022

Space above this line for Recorder's use

APN: 4431-039-029

GRANT DEED

THE UNDERSIGNED GRANTOR DECLARES:

DOCUMENTARY TRANSFER TAX IS \$-0-*****

(X) COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR

() COMPUTED ON FULL VALUE, LESS VALUE OF LIENS AND ENCUMBRANCES
REMAINING AT THE TIME OF THE SALE

() UNINCORPORATED AREA: (X) CITY OF LOS ANGELES, AND

FOR VALUABLE CONSIDERTAION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,

HENRI LEVY, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY

HEREBY GRANTS TO

1205-1207 WOOSTER STREET, LLC, a CALIFORNIA LIMITED LIABILITY COMPANY

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE CITY OF BEVERLY HILLS, COUNTY
OF LOS ANGELES, STATE OF CALIFORNIA:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT A

**** THE GRANTOR AND GRANTEE IN THIS CONVEYANCE ARE COMPRISED OF THE SAME
PARTIES WHO CONTINUE TO HOLD THE SAME PROPORTIONATE INTEREST IN THE
PROPERTY, R&T CODE § 11923(D)

DATED: January 14, 2014

GRANTOR'S SIGNATURE:


HENRI LEVY

* see attached california All-purpose Acknowledgment

EXHIBIT A

LEGAL DESCRIPTION

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

PARCEL 1:

LOT 77, OF TRACT NO. 32184, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1182 PAGE(S) 20 TO 27 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPT THEREFROM, TOGETHER WITH THE RIGHT TO GRANT AND TRANSFER ALL OR A PORTION OF THE SAME.

I. ALL OIL RIGHTS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND RIGHTS TO ALL OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, TO ALL GEOTHERMAL HEAT AND TO ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING (COLLECTIVELY, "SUBSURFACE RESOURCES"); AND

II. THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE AND OPERATE FOR AND TO PRODUCE, STORE AND REMOVE ANY OF THE SUBSURFACE RESOURCES ON OR FROM SAID LOT, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN SAID LOT, WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF SAID LOT, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS WITHIN OR BEYOND THE EXTERIOR LIMITS OF SAID LOT, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, BUT WITHOUT THE RIGHT TO DRILL, MINE EXPLORE, OPERATE, PRODUCE, STORE OR REMOVE ANY OF THE SUBSURFACE RESOURCES THROUGH OR IN THE SURFACE OF THE UPPER FIVE HUNDRED FIFTY FEET (550') OF THE SUBSURFACE OF SAID LOT, AS RESERVED IN DEEDS.

PARCEL 2:

NONEXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS, DRAINAGE, MAINTENANCE, REPAIRS AND FOR OTHER PURPOSES, ALL AS DESCRIBED IN THE DECLARATION, THE MASTER DECLARATION AND THE DRIVE DECLARATION, ANY AMENDMENTS THERETO.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of LOS ANGELES

On JANUARY 14, 2013 before me, STACY Song-Yi Han, Notary Public

Here Insert Name and Title of the Officer

personally appeared Henri Levy

Name(s) of Signer(s)



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

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

WITNESS my hand and official seal.

Signature: [Signature]

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Grant Deed APN: 4431-039-029

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



September 23, 2016

1205-1207 Wooster Street LLC
c/o Adam S. Rossman
4936 Triggs Street
Commerce, CA 90022

Sent via Email to adamrossman66@gmail.com

Violation File Number: V-5-16-0106

Property location: 16701 Via La Costa, Los Angeles CA; Los Angeles County
(APN 4431-039-029)

Permit Violation and
Unpermitted Development:

1) Failure to transfer property (as identified above) to a public or non-profit agency approved by the Executive Director of the Commission, and 2) the placement of a locked gate or other structure that blocks access to a public parking lot and public restroom facility and the locking of the public restrooms, at the Temescal Ridge Trailhead, and in violation of CDP No. A-381-78, as amended.

Dear Mr. Rossman:

Thank for your letter dated August 18th, 2016 in response to our Notice of Violation letter dated August 3rd, 2016, and for speaking with our staff on August 4th, 2016. We also appreciate that you've opened the gate that was blocking access to the public parking lot and public restrooms described above. Commission staff continues to be optimistic that this matter will be resolved amicably. Initially though, through this letter we would like to provide our response to your August 18th letter and also correct some of the statements you attributed to us in your letter.

Daily Penalties are Accruing

The transfer of 16701 Via La Costa ("the Property") to 1205-1207 Wooster Street LLC ("Wooster") via the Tax Default Sale is inconsistent with the terms and conditions of Coastal Development Permit A-381-78 ("the Permit"), as amended. Pursuant to the Permit, the trailhead facilities including the public restrooms and public parking lot, and underlying property, located at 16701 Via La Costa were required to be transferred to a public or non-profit agency that is acceptable to the Executive Director of the Commission for purposes of management as a public amenity. Wooster is not a "public or non-profit agency approved by the Executive Director". Therefore, until the Property is transferred to a public or non-profit agency acceptable to the Executive Director of the Coastal Commission to maintain and operate the public restroom and public parking lot, non-compliance with the conditions of a coastal development permit will

continue, and administrative penalties provided for in Section 30821, which are up to \$11,250 per day fine for blocking public access will continue to accrue.

To the contrary, in the third paragraph of your letter, you reference Commission staff's telephone conversation with Mr. Kalaf in which you assert that staff "agreed that the Coastal Commission would abate the daily fine referenced in your [Commission staff's] letter until we are able to resolve the matter of ownership of the property." This does not accurately reflect staff's position, as conveyed to Mr. Kalaf. Our position regarding accrual of penalties pursuant to Section 30821 is summarized above. Staff never agreed to abate the \$11,250 per day fine for blocking public access pursuant to Section 30821 of the Coastal Act. Staff did however convey to Mr. Kalaf that the penalties will accrue until this matter is resolved.

The Site is Subject to Requirements of a CDP

In the fourth paragraph of your letter you assert that Commission staff claimed the State of California owns the Property (16701 Via La Costa). Neither in our August 3rd letter, nor over the phone, did we claim that the State of California owns or has ever owned the Property. However, the Property is subject to the requirements of CDP No. A-381-78, as amended, which are described in the Background section of our August 3rd Notice of Violation letter. In the August 3rd letter, we also provided you with the history of the Permit, which authorized the entire subdivision where the Property is located. We pointed out that:

Special Condition 7 of CDP A-381-78-A required the applicant to construct public trailhead facilities, including a 6-10 car public parking lot, gates, public access signs, and public restroom facilities, so as to provide foot trail access to Temescal Ridge and the Temescal Ridge Trail. All facilities were to be constructed to specifications of the State Department of Parks and Recreation and turned over to the Department for operation and maintenance. Later amendments to the Permit reaffirmed this requirement to construct the public improvements on the subject property.

Because the Trailhead facilities were not located on lands contiguous to the Topanga State Park Acquisition, the applicant requested to amend the condition to substitute the City of Los Angeles as the recipient of the Trailhead area, along with responsibility for its maintenance. As a result, the Commission imposed Special Condition 8d of A-381-78-A7 and later strengthened it through Special Condition 2 of A-381-78-A11, which states:

Temescal Ridge Trailhead: Concurrent with the construction of streets and utilities approved in this tract, the applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, a 12 car parking facility and public restroom. The final designs must be reviewed by the accepting agency prior to construction. The trailhead may be transferred to the City of Los Angeles Department of Recreation and Parks for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director. The applicant or its successor in interest shall maintain the trail and engineered slope to Temescal Ridge from Calle Nancy as part of the other open space maintenance agreed to in this permit. More specifically the applicant shall provide a public access/recreation signage program subject to the review and approval of the Executive Director, that provides that, at a minimum, signs will be conspicuously and appropriately placed to adequately identify the location of the Temescal Ridge Trailhead. The program shall include, at a minimum, posted signs located on both sides of Chastain Parkway West at the intersection of Calle Deborah. Signs shall also be posted at the intersections of Chastain Parkway West/Palisades Road, Calle Deborah/Calle Nancy and Calle Deborah/Calle Allicante. [Underlined for emphasis]

As you know, the developer of the subdivision authorized by CDP No. A-381-78, Headlands Properties Associates ("Applicant") constructed the required parking lot and bathroom on the Property. It is our understanding that the City operated and maintained the public restrooms and parking lot as the Permit required. For over 20 years, the subject property has been a popular public amenity enjoyed by hikers and visitors to Topanga State Park. The existence of the public restroom and its extensive use, should have been ample reason for you to thoroughly investigate the history of the site and in doing so, note the Commission's requirement that this site remain a public facility.

No Commission Authorization to Construct Private Development

In your letter, you claim that the City of Los Angeles certified that "the Property is a legal lot with no obstructions to building a single family residence thereon" and you have "additional material from Los Angeles City Planning and Zoning Departments authorizing us to build a house on the Property".

Initially, we note that the property has been transferred to you without benefit of the required coastal development permit, and, as explained below, said transfer is required by the Permit to be approved by the Executive Director of the Commission. However, as also explained below, the Executive Director would not approve transfer of this property to you as such a transfer is inconsistent with the Permit. Commission staff was unaware of the recent auction of the property sale at the time of the auction, and the transfer appears to be directly inconsistent with the terms of the Permit. The Executive Director was never asked to, nor did he, approve this transfer, as is required by the terms and conditions of the Permit. A transfer of this property to a private entity, which is required by the Permit to be transferred to a public agency or non-profit organization for public use, would require an amendment to the Permit, and none was applied for nor obtained. Additionally, we note that under Section 13166 of the Commission's regulations, it appears that staff could not even accept such an amendment application. Section 13166(a) reads as follows:

The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

Clearly any amendment request to convert the public trailhead facility to a private home site would lessen or avoid the intended effect of the Permit, and in particular, the public access conditions of the Permit that were attached to the Permit to ensure the project's consistency with the Coastal Act.

Additionally, we explained to Mr. Kalaf that if the City of Los Angeles issued a CDP to develop or build a single family home on the Property, that permit would be in contravention with the requirements of the Permit that require that the Property be maintained as a public facility, as we explained in our August 3rd letter:

In fact, conditions of the Permit effectuated an obligation on the part of the owner of the subject property to maintain the recreational facilities located on the property and to keep those


facilities open and available to the public. This requirement runs with the land regardless of whether the City accepted the conveyance and regardless of transfers of the property to subsequent owners.

Mr. Kalaf claimed that he contacted Coastal Commission staff to discuss the potential of developing the public trailhead site with a private residence. It appears that Mr. Kalaf spoke with a member of our clerical staff and that he received general information about the Coastal Development Permit process. An informal conversation with a member of staff about the CDP process in general falls far short of the requirements to undertake private development on the Property, as we understand is your intention. As noted above, in order to transfer the site to a private entity and develop the site with a private residence, an amendment to CDP No. A-381-78 would be required to be issued by the Commission, after a public hearing, and moreover, because of the proposal's inconsistency with the terms of a previously issued CDP, it is likely that staff would reject such a proposal to amend the CDP.

As noted above, failure to transfer the property to a public or non-profit agency acceptable to the Executive Director of the Coastal Commission constitutes a violation of CDP No. A-381-78 and the public access provisions of the Coastal Act. Thus, penalties under Coastal Act Section 30821 will continue to accrue until the issue at hand is resolved. We are optimistic that this situation can be resolved amicably and quickly through the transfer of the property to a public or non-profit agency acceptable to the Executive Director. We are of course happy to work with you to ensure the transfer is completed as soon as possible. However, as noted above and in our previous letter, we have provided you with notice that penalties under Section 30821 are accruing and to halt such accrual the property must be transferred to a public or non-profit agency acceptable to the Executive Director.

Thank you for your attention to this matter. Please contact me by October 3, 2016 with how you intend to resolve this violation. I can be reached at 562-590-5071.

Sincerely,



Jordan Sanchez
Enforcement Officer
California Coastal Commission

cc: Lisa Haage, Chief of Enforcement, CCC
Andrew Willis, Enforcement Supervisor, CCC
Steve Hudson, Deputy Director, CCC
Al Padilla, Regulatory Permit Supervisor, CCC

LAW OFFICES OF
ADAM S. ROSSMAN
449 S. BEVERLY DRIVE
SUITE 210
BEVERLY HILLS, CALIFORNIA 90212

TEL: (310) 592-4837
FACSIMILE: (310) 623-1941
EMAIL: adamrossman66@gmail.com

October 11, 2016

Via Email & US Mail –Certified/Return Receipt
Jordan.Sanchez@coastal.ca.gov

California Coastal Commission
South Coast District Office
Attn: Jordan Sanchez
200 Oceangate
Suite 1000
Long Beach CA 90802-4302

RE: 16701 Via La Costa, Pacific Palisades, CA 90272
APN: 4431-039-029

Dear Mr. Sanchez:

As you now know, this office is legal counsel for 1205-1207 Wooster Street, LLC, A California limited liability company ("Wooster"), the owner of the real property located at 16701 Via La Costa, Pacific Palisades, CA 90272 (the "Property")

I am in receipt of your letter dated September 23, 2016. Please consider this letter Wooster's response.

In order for a covenant or restriction to run with the land, it must be recorded on title to the property. (See Civil Code § 1468(d) which requires that "the instrument containing such covenants is recorded in the office of the recorder of each county in which such land or some part thereof is situated." This requirement also applies to Coastal Development Permits.

"Coastal development permits. The California Coastal Commission's transfer of development credits program includes a mechanism for enforceably restricting development of some parcels of land in exchange for development approvals on other property. Implementation of the program is by recordation of restrictions on the affected property reciting that future development rights have been extinguished and that the restrictions run with the land and are binding on all successor owners of the burdened property, and are required to be referenced in subsequent deeds conveying the affected property. These restrictions are enforceable as covenants running with the land despite noncompliance with the statutory scheme of the Civil Code, which is applicable only to "covenants contained in grants" and not to conditions contained in coastal development permits."

6 Cal. Real Est. § 16:7 (4th ed.)

Contrary to the assertion set forth in your letter and in your email today, after extensive review of all documents recorded against the title to the Property, at no time did the Coastal Commission, any other local or State governmental entity or the original developer, Headlands Properties, Inc.,

record any document on title confirming Special Condition 8d of Coastal Permit A-381-78-A7 that lot 77 of Tract Map 31284 could be used for no other purpose other than as a parking lot and bathroom or that the owner of said parcel would be required to be either governmental entity or a non-profit corporation. Contrary to your representation, none of this language is found in any iteration of the CC&Rs or amendments thereto recorded against the Property. Accordingly, it does not appear that the restrictions in the Coastal Development Permit are covenants or restrictions running with the land as they were never recorded. A copy of an interactive preliminary title report is attached for your reference. Again not one of the documents recorded sets forth the restrictions the Coastal Commission is now trying to enforce against Wooster.

Moreover, we must remember that my client purchased the Property at a tax default sale. Under CA Revenue & Taxation Code § 3712, *the deed [received at a tax default sale] conveys title to the purchaser free of all encumbrances of any kind existing before the sale, except:... (e) Unaccepted, recorded, irrevocable offers of dedication of the property to the public or a public entity for a public purpose, and recorded options of any taxing agency to purchase the property or any interest therein for a public purpose.*"

In interpreting R&T Code § 3712, one noted real property treatise noted:

Exceptions to priority of lien; other interests on the real property. Although the tax lien has priority over all private liens and encumbrances, certain real property interests are not affected by a sale for taxes and in effect have priority over the tax lien. The purchaser's title at a tax sale is *not* senior to easements (whether or not recorded), water rights held in separate title, restrictions of record, unaccepted and recorded irrevocable offers of dedication, or recorded options of a taxing agency to purchase the property for a public purpose.¹⁷ In other words, the title of a purchaser after a sale of the property to enforce an ad valorem tax lien is subject to such interests if they were properly created and, except in the case of off-record easements, properly of record before the tax lien.

4 Cal. Real Est. § 10:163 (4th ed.)

Again, as set forth above, since no one ever recorded the restrictions which the Coastal Commission now is attempting to enforce against Wooster, those alleged restrictions in Special Condition 8d of Coastal Permit A-381-78-A7, namely limiting the use of the property to a parking lot and bathroom owned by a governmental entity or non-profit entity were wiped out by the sale of the Property at the tax default auction back in October, 2013. Had the Property been owned by a governmental entity, under the California Constitution, Art. XIII, Sec. 3, it would have been exempt from real estate taxation; and, would never have been put up for sale based on the failure of the previous property owner to pay the taxes due over a period of more than five (5) years. However, such is not the case here. The law is clear that in order to provide constructive notice concerning matters on title, those matters must be recorded to be of record.

Accordingly, it is at a minimum unclear how the Coastal Commission has the right to enforce any rights under the Coastal Development Act when any unrecorded restrictions set forth in the CDP at issue was eliminated by the sale of the Property at the tax default auction because the special conditions of the CDP were not recorded against title to lot 77 of Tract Map 31248.

As I have previously informed you, since Wooster reached a decision as to what to build on the Property, it has expended funds on an architect, engineers, soil surveys, and related costs. In addition, the Property was recently in escrow for close to \$1,300,000.00 and shows a value on

California Coastal Commission
Attn: Jordan Sanchez
October 11, 2016
Page 3

years as well. Should the State of California or a local governmental agency intend to claim ownership of the property, it will need to compensate Wooster for its loss accordingly. Otherwise, Wooster should have the right to develop the Property under local zoning laws and in accordance with the Local Coastal Plan in place.

Nothing contained herein shall be waiver of any of Wooster's rights in law and equity all of which are expressly reserved hereby.

I look forward to hearing from you.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Adam S. Rossman', with a long horizontal flourish extending to the right.

Adam S. Rossman

Enclosure

cc: Client

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



March 15, 2017

1205-1207 Wooster Street LLC
c/o Adam S. Rossman
4936 Triggs Street
Commerce, CA 90022
Certified Mail No. 70012510000158720861
Sent via Email to adamrossman66@gmail.com

Violation File Number: V-5-16-0106

Property location: 16701 Via La Costa, Los Angeles CA; Los Angeles County
(APN 4431-039-029)

Permit Violation and
Unpermitted Development:

1) Failure to transfer property (as identified above) to a public or non-profit agency approved by the Executive Director of the Commission, 2) privatization of a public amenity; and 3) operating and locking a gate or other structure that blocks access to a public parking lot and public restroom facility and the locking of the public restrooms, at the Temescal Ridge Trailhead, all in violation of CDP No. A-381-78, as amended.

Dear Mr. Rossman:

Thank you for your letter dated October 11, 2016 in response to our letter dated September 23, 2016. Our September 23rd letter explained in detail that; (1) the property¹ is subject to the requirements of a coastal development permit ("CDP"); (2) until the Coastal Act violations on the site are resolved, daily penalties are accruing pursuant to Section 30821 of the Coastal Act; and (3) there is no Commission authorization to construct private development on the Property. Through this letter, we would like to point you again to the statements in our previous letter, which in some cases are responsive to the points raised in your October 11th letter, and provide additional responses in this letter as well.

As you know, the developer of the subdivision authorized by CDP No. A-381-78, as amended ("the Permit"), Headland Properties Associates, constructed the required parking lot and bathroom at the Property in 1995. For over 20 years, the Property has been a popular public amenity enjoyed by hikers and visitors to Topanga State Park, and pursuant to the Permit, is signed as a public trailhead on both sides of Chastain Parkway West at the intersection of Calle Deborah, and at the intersections of; Chastain Parkway West/Palisades Road, Calle Deborah/Calle Nancy and Calle Deborah/Calle Alicante. It is our understanding that the City of

¹ The property is located at 16701 Via La Costa, Los Angeles CA; Los Angeles County (APN 4431-039-029) herein after referred to as the Property

Los Angeles operated and maintained the public restrooms and parking lot as the Permit required for 17 years.

In your October 11th letter, you claim that the permit conditions have been voided and when you purchased the Property were not aware of permit requirements that pertain to the Property and restrict it to public use. As we have described in previous communications, the Permit requirements remain in full effect. Additionally, for reasons described below, whether you knew or did not know about the Permit requirements, and we believe you were put on notice of the Permit requirements, does not diminish the effectiveness of the requirements. In sum, your arguments are 1) you did not receive notice of the Permit requirements requiring the Property to remain as a public amenity, and 2) the tax default sale at which you purchased the Property wiped out any CDP requirements pertaining to the Property.

You were noticed of the CDP requirements and they remain effective

With regard to the first argument noted above, you assert, essentially, that the Permit requirements are not effective because the Permit was not recorded on the chain of title for this Property and thus you were not aware of the requirements. Your October 11th letter asserts, "in order for a covenant or restriction to run with the land, it must be recorded on title to the property" pursuant to Civil Code Section 1468(d), and, specifically that "this requirement also applies to Coastal Development Permits." However, Civil Code Section 1468 applies to covenants between property owners and has no applicability to the effectiveness of a coastal development permit. The type of covenant to which that section 1468 applies is an agreement entered into by property owners with privity with one another. A coastal development permit is not a covenant of this type. Instead, a coastal development permit contains a set of restrictions and permissions imposed by the Coastal Commission by virtue of its statutory authority, not privity with the property owner.

Your support for the statement that the requirement to record a covenant on title also applies to coastal development permits is a quote from a legal treatise. However, the section of the treatise that you cite in your letter is limited in applicability to the Commission's Transfer Development Credit (TDC) program, as is made clear in the first sentence of the section: "The California Coastal Commission's transfer of development credits program includes a mechanism for enforceably restricting development of some parcels of land in exchange for development approval on other property." The Headlands development did not participate in the TDC program, was not subject to the requirements of this program, and thus this citation is misplaced and irrelevant to the question at hand of whether CDP conditions generally run with the land.

To that question, regardless of whether the permit was recorded on title, the requirements of previously issued CDPs run with the land, as explicitly stated in Standard Condition 7 of the CDP:

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.

Additionally, well established case law supports the position of Commission staff; for example, in *Ojavan Investors v. California Coastal Commission*, (1994) 26 Cal.App.4th 516, 527, the

court ruled that the burdens of permits run with the land once the benefits have been accepted. In this situation, the permittee had received the benefits of the permit, i.e. authorization of the "Headland" subdivision and associated development. Therefore, the "burdens" of the permit, including the designation of certain properties of the community as public recreational properties, also run with the land; in the issuance of CDP No. A-381-78, as amended, the Commission found that "the applicant was required in the original permit to mitigate the conversion of lands with recreational potential to housing by the dedication of lands with recreational value to the State...and trail-heads to the City." To that end, in order to approve the development of this entire subdivision as consistent with Coastal Act requirements, the Commission required the applicant to provide open space dedications and public access improvements, including the construction of the Temescal Ridge trailhead amenities.

Moreover, although notice is not required for the Permit to be effective, you were indeed noticed of the requirements of the CDP prior to your acquisition of the Property. When you acquired the Property, two separate documents recorded in 1981 on the chain of title for this Property reference the CDP, including the 1) Declaration of Restrictive Covenants and Agreement 81-3847 and 2) Offer of Dedication Agreement 89-1560661. The conditions of the Permit describes the requirement for the public trailhead, bathroom and parking lot that were built on the Property prior to your acquisition of the Property and which would have been clearly visible to you upon viewing the Property. Thus, even assuming that such notice was somehow required for the Permit to be effective, the title report for the Property includes reference to the Permit, therefore providing you with constructive notice of the CDP requirements that pertain to the Property. Also, the obvious presence of the public restroom and parking lot and its extensive public use provide actual notice of the public amenities on site and should have been ample reason for you to, at a minimum, thoroughly investigate the history of the site and in doing so, note the Commission's Permit condition requiring this Property to remain as a public facility. For these reasons, you had constructive and actual notice of the requirements to maintain the Property for public use prior to your acquisition of the Property.

The tax sale did not "wipe out" the CDP requirements

Your second assertion is that the Permit conditions were invalidated by the tax sale. You cite California Revenue & Taxation Code Section 3712 as support for this assertion. Section 3712 does state that encumbrances on title are extinguished when the encumbered property is sold at a tax sale; however, for a couple of reasons, this is not the case here. First, as described above, the CDP, as amended, designated the subject property for public recreational use. This designation is not an encumbrance on title that might be invalidated by a tax sale, but rather, a change to the use of the property that is not affected by a tax sale.

Second, violations of the Coastal Act that persist on a property, including violations on the subject property, constitute ongoing public nuisances, as described below, and not encumbrances on title. Thus, the tax sale had no effect on the existence of the nuisance condition or your responsibility to correct the nuisance condition.

Take the privatization of the trailhead facility for example. The trailhead facility has been a popular public amenity, as required by the Permit, for decades and has been operated by the City of Los Angeles as a public amenity for nearly as long. Transfer of the Property to a private entity whose acquisition of the Property was for the stated purpose of constructing a single family

residence on the Property, in other words to privatize the property, constitutes a change of intensity of use and a change of access to the coast.² To wit, during a telephone conversation between Mr. Ben Kalaf, a representative of Wooster, and Commission staff on August 4, 2016, Mr. Kalaf explained that once Wooster informed the City of Los Angeles ("City") of Wooster's ownership of the Property, City crews ceased maintenance activities onsite, thus eliminating the trailhead facility as a functioning public amenity.

Changes in intensity of use and changes to access to the coast constitute development under the Coastal Act. No CDP was obtained for this development, and no CDP was applied for. Any development that is undertaken in the Coastal Act without the required CDP constitutes a violation of the Coastal Act. The public amenity remains privatized, constituting a continuing violation of the Coastal Act. The Coastal Act represents a legislative declaration that acts injurious to the state's natural resources constitute a public nuisance. (Leslie Salt Co. v. San Francisco Bay Conservation etc. Com. (1984) 153 Cal. App.3d 605, 618; CEEED v. California Coastal Zone Conservation Com. (1974) 43 Cal.App.3d 306, 318.) The Coastal Act is a "sensitizing of and refinement of nuisance law." (CEEED, at 319.)

A continuing Coastal Act violation is thus also a continuing public nuisance. A property owner is liable for actions of previous owners who may have created the public nuisances on the property based on Civil Code 3483, which states:

Every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of, such property, created by a former owner, is liable therefore in the same manner as the one who first created it.

The nuisance condition, i.e. privatization of a public amenity, persists on the property, and as the current property owner, you are responsible for correcting it.

Administrative Penalties for public access violations

1) Failure to transfer the Property to a public or non-profit agency approved by the Executive Director of the Commission, 2) privatization of a public amenity; and 3) operation of and locking a gate or other structure that blocks access to a public parking lot and public restroom facility and the locking of the public restrooms, at the Temescal Ridge Trailhead, constitute violations of the Permit and the public access provisions of the Coastal Act and, therefore, the criterion of Section 30821 has been satisfied. The penalties imposed may be in an amount of up to \$11,250, for each violation, for each day each violation has persisted or is persisting. As you know, we have notified you of the violations at issue in previous communications, including letters dated August 3, 2016 and September 23, 2016. As of this date, the Coastal Act violations at issue have not been remedied and penalties continue to accrue.

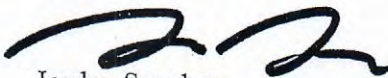
² In order for development of a single-family home on this site to be approved, the underlying CDP would need to be amended to delete the requirement that this property be used and developed for public recreational purposes. The Executive Director of the Commission would have to reject such an amendment request pursuant to California Code of Regulations Section 13166, as such a request would lessen or avoid the intended effect of a previously issued CDP. Please note that even if staff could accept such an amendment request, the application fee for a permit amendment is half the cost of the application fee for the original development, if it were applied for today. Here, staff estimates the application fee to be in excess of \$1,000,000.

Please consider this letter to reiterate our concerns with the violations of issue, and to remind you of our intent to consider pursuit of remedies under the Coastal Act, including administrative penalties pursuant to Section 30821. In order to stop the further accrual of monetary penalties, you must comply with the terms and conditions of CDP No. A-381-78, as amended, including by providing the public access required by the CDP by affecting the transfer of the Property to a government or non-profit entity that is acceptable to the Executive Director for public use.

Commission staff is preparing to refer this case to our headquarters unit for formal action to ensure timely preservation of public rights of access and assessment of monetary penalties under Section 30821. This referral is not intended to supplant the opportunity to resolve this matter consensually; rather, as we have noted in previous communications, our preference is to resolve this quickly and amicably. Please do not hesitate to contact me as soon as possible if you'd like to discuss options for securing the public's right to use this property.

Thank you for your attention to this matter. Please contact me by March 24, 2017 to discuss how you intend to resolve this violation. I can be reached at 562-590-5071.

Sincerely,



Jordan Sanchez
Enforcement Officer

cc: Lisa Haage, Chief of Enforcement, CCC
Andrew Willis, Enforcement Supervisor, CCC
Steve Hudson, Deputy Director, CCC
Al Padilla, Regulatory Permit Supervisor, CCC

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



February 28th, 2017

Cal-Coast Companies
c/o Joseph P. Guarrasi
11726 San Vicente Blvd., Suite 235
Los Angeles, CA 90049
Sent via email to jguarrasi@cal-coast.com

Violation File Number: V-5-16-0106

Property location: 16701 Via La Costa, Los Angeles CA; Los Angeles County
(APN 4431-039-029)

Permit Violation and
Unpermitted Development:

1) Failure to transfer the Temescal Ridge Trailhead lot to a public or non-profit agency approved by the Executive Director; 2) placement of a locked gate that blocks access to a public parking lot and public restroom facility at the trailhead, all of which was done in violation of CDP No. A-381-78, as amended.

Dear Mr. Guarrasi:

Thank you for meeting with Commission staff on September 9th, 2016 to discuss the Notice of Violation sent to you on August 10th, 2016. The intent of this letter is to memorialize our meeting and reiterate our concerns regarding the violations listed above. We're sending this letter to you because you have represented that Cal-Coast Companies is the successor in interest to Headland Properties Associates LLC which was the CDP No. A-381-78 permittee and developer of the Headland community.

During our meeting you explained to staff that the trailhead lot was transferred to a neighborhood homeowners association, and you submitted a letter that affirmed that "the subject above property [the trailhead lot] which upon denial¹ by the City of Los Angeles Department of Recreation and Parks for reasons unknown was quietclaim deeded to the adjoining homeowners association along with many other parcels." You also described Headland's position that said quietclaim deed complied with Special Condition 2 of A-381-78-A11 ("the Permit"), which required construction of a public restroom and a 12 car parking facility on the subject property and that the property be "transferred to the City of Los Angeles Department of Recreation and

¹ City of Los Angeles records indicate that, to the contrary of your statement, the dedication was accepted by the City of Los Angeles Board of Recreation and Park Commissioners on October 18th, 1995 (Board Report No. 405-95) as authorized via Los Angeles City Council Ordinance No. 1552 on May 7th 1981.

Parks for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director".

Staff does not believe that the transfer of the property to the homeowners association satisfied the requirements of the Permit, including for the reasons below. Primarily, the adjoining homeowners association selected by Headland to receive the property is not a public or non-profit agency approved by the Executive Director. What happened subsequent to Headland's transfer of the property to the homeowners association is confirmation that the homeowners association was not an acceptable recipient of the property. Instead of managing the property for public use, as you know, the entity failed to pay the required taxes on the property and the property was sold at a tax default sale to allow the County of Los Angeles to collect unpaid property taxes. Thus, instead of being held and managed for public use by a non-profit organization or government agency, as required by the Permit, the property was sold to a private entity that wishes to construct a single family residence, and thus, non-compliance with the Permit continues.

During our September 9th meeting, staff provided Headland with a path forward to resolve this matter by suggesting that one option would be for Headland to purchase the subject property back from the current owner, and upon doing so, Headland would transfer the property to a public or non-profit agency acceptable to the Executive Director to resolve the above listed violations quickly and consensually. However, Headland has not taken this action, and has provided staff with no indication that they intend to, and the violation persists as a result.

As noted above and in our previous letter, failure to transfer the property to a public or non-profit agency acceptable to the Executive Director of the Coastal Commission constitutes a violation of CDP No. A-381-78 and the public access provisions of the Coastal Act. Thus, penalties under Coastal Act Section 30821 will continue to accrue until the issue at hand is resolved. We are optimistic that this situation can be resolved amicably and quickly through the transfer of the property to a public or non-profit agency acceptable to the Executive Director. We are of course happy to work with you to ensure the transfer is completed as soon as possible. However, as noted above and in our previous letter, we have provided you with notice that penalties under Section 30821 are accruing and to halt such accrual the property must be transferred to a public or non-profit agency acceptable to the Executive Director.

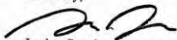
Lastly, staff learned that on September 26th, 2016 Headland sold several lots located within the subdivision's urban limit line and required to remain as open space [including but not limited to APN's 4431-039-010, 4431-040-012, 4431-022-003 and 4431-039-012], to Surfview Estates II, a private entity, whose apparent intent is to construct single-family residences on these lots. The sale of said open space lots for the development of single-family homes is also inconsistent with CDP No. A-381-78, as amended, and constitutes a violation of the Coastal Act. Commission staff is concerned about this recent sale of open space and we would like to discuss resolution of this violation with you in further detail. We're raising this issue here to help ensure that no future sales occur that would further expose Headland to liability for violations of the Coastal Act.

Commission staff is preparing to refer this case to our headquarters unit for formal action to ensure timely transfer of property and assessment of monetary penalties under Section 30821. This referral is not intended to supplant the opportunity to resolve this matter consensually; rather, as we have noted in previous communications, our preference is to resolve this quickly

and amicably. Please do not hesitate to contact me as soon as possible if you'd like to discuss options for transferring this property for public use.

Thank you for your attention to this matter. Please contact me by March 8th, 2017 with how you intend to resolve this violation. I can be reached at 562-590-5071.

Sincerely,



Jordan Sanchez
Enforcement Officer

cc: Lisa Haage, Chief of Enforcement, CCC
Aaron McLendon, Deputy Chief of Enforcement, CCC
Andrew Willis, Enforcement Supervisor, CCC
Al Padilla, Regulatory Permit Supervisor, CCC
Edward J. Miller, Headland Properties Associates LLC

CALIFORNIA COASTAL COMMISSION

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

**VIA CERTIFIED AND REGULAR MAIL**

February 15, 2018

1205-1207 Wooster Street LLC
c/o Adam S. Rossman
4936 Triggs Street
Commerce, CA 90022
(Certified Receipt No. 7017 0530 0000 8132 0580)

Subject: Notice of Intent to Record Notices of Violation, and to Commence Cease and Desist Order Proceedings and Administrative Civil Penalties Proceedings

Property Location: 16701 Via La Costa, Pacific Palisades area of the City of Los Angeles, also identified by Los Angeles County Assessor's Parcel Number 4431-039-029.

Violation Description: The placement of an unpermitted gate and appurtenant development that blocked access to a public parking lot and public restroom facility; the locking of public restrooms at the Temescal Ridge Trailhead; the change in intensity of use from public park to private land, the failure to transfer the property to the City of Los Angeles or other not-for-profit entity approved by the Commission's Executive Director, and the failure to maintain the trailhead, parking lot, and public restroom, in violation of Coastal Development Permit No. A-381-78, as amended, and the resource protection and public access provisions of the Coastal Act.

Dear Mr. Rossman:

As California Coastal Commission ("Commission") staff has made you aware, multiple Coastal Act¹ violations have occurred on, and presently persist on the property located at 16701 Via La Costa, in the Pacific Palisades area of the City of Los Angeles, also identified by Los Angeles County Assessor's Parcel Number ("APN") APN 4431-039-029. Wooster Street LLC (hereinafter "Wooster") is listed as the record owner of the aforementioned property. It is of utmost importance that this matter is resolved expeditiously given that the Temescal Ridge Trailhead, public parking lot,

¹ The Coastal Act is codified in California Public Resources Code sections 30000 to 30900. All further section references are to the Public Resources Code, and thus to the Coastal Act, except where specified that the reference is made to the Commission's regulations.

and public restrooms are situated on this nearly half acre parcel, and have all been variously subject to closure and disrepair since you took possession of this site, resulting in significant adverse impacts to public access. As my staff has expressed to you, we remain ready to work with you to resolve these impediments to public access, among other issues, amicably, and we remain open to discussing the consensual resolution of the matter through a “Consent” Cease and Desist Order and “Consent” Administrative Penalty action (“Consent Orders”), which would then be taken to the Commission for its approval in the context of a formal hearing.

Prior to bringing an order to the Commission (either as a consent or contested order), Commission regulations² provide for issuance of a notification of the decision to initiate formal order proceedings. In accordance with those regulations, this letter notifies you of my intent, as the Executive Director of the Commission, to commence these formal enforcement proceedings to address the Coastal Act violations noted above and described herein, by recording a Notice of Violation against the property at 16701 Via La Costa in the Pacific Palisades, and by issuing either a consent or regular Cease and Desist Order and Administrative Penalty action to Wooster Street LLC.

The intent of this letter is not to discourage settlement discussions; rather it is to provide formal notice of our intent to resolve these issues through the order process, which in no way precludes a consensual resolution. Resolving this matter and providing permanent restoration of access to and maintenance of the Temescal Ridge Trailhead, parking lot and restrooms by a public or non-profit agency is critical and my staff remains ready and willing to continue working with you towards finding a mutually acceptable outcome of this longstanding Coastal Act violation. However, please note that should we be unable to reach an amicable resolution in a timely manner, this letter also lays the foundation for staff to bring a proposal to the Commission unilaterally, which proposal would include the issuance of an Order, the imposition of administrative civil penalties pursuant to Section 30821, and authorizing the Executive Director of the Commission to record a Notice of Violation of the Coastal Act on title to the property.

Background and Coastal Act Violations

In 1978 the Commission granted Coastal Development Permit A-381-78 to Headland Properties Associates (hereinafter “Headlands”) for the grading of roads and the installation of utilities to accommodate a 230 unit residential tract on 1,200 acres of then undeveloped property in the Pacific Palisades. In a 1980 amendment to the permit, A-381-78A, the Commission approved the creation of four tracts, allowed a massive quantity of grading, established the total number of residential units at 740, authorized construction of commercial and instructional sites, and required the dedication of nearly 1,000 acres of land to the California Department of Parks and Recreation, the City of Los Angeles Department of Recreation and Parks and/or an acceptable private, non-profit corporation. Since this time, this permit has been amended more than a dozen times. Of particular relevance to this matter, Special Condition 7 of Amendment 1 states:

² See Sections 13181 and 13191 of Title 14 of the California Code of Regulations.

7. Park Facilities

Concurrent with the grading of Lots 86 and 87 of Tract 32184, the applicant shall construct trailhead facilities (including a 6-10 car parking lot, gates and signs) in vicinity of said Lots 86 and 87 substantially as shown in applicant's Exhibit A-1, so as to provide foot trail access to an existing trail on Temescal Ridge. The applicant shall also construct a restroom facility in the vicinity of Palisades Highlands at a location designated by the State Department of Parks and Recreation in Topanga State Park or on the dedicated lands... All facilities shall be constructed to the usual specification of the Department of Parks and Recreation, and shall be turned over to the Department for operation and maintenance.

Further, Special Condition 2 of Amendment 9 also clarified that the access amendments were actually to precede the construction of the condominiums:

2. Completion of Trail Access Improvements [Clarification of Condition 7]

Prior to transmittal of the authorization of this amendment the applicant shall provide evidence of the completion of the following improvements to the accessibility of the dedicated open space areas. The improvements shall be approved by the Executive Director and shall conform to the design standards of the accepting agency.

...

d) Temescal Ridge Trailhead The applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, parking facility and bathroom concurrent with the construction of streets and utilities approved in this tract....

Finally, Amendment 11 provided more detail as to the public trailhead, signs, parking and restroom:

d) Temescal Ridge Trailhead. Concurrent with the construction of streets and utilities approved in this tract, the applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, a 12 car parking facility and public restroom. The final design must be reviewed by the accepting agency prior to construction. The trailhead may be transferred to the City of Los Angeles Department of Parks and Recreation for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director. The applicant or its successor in interest shall maintain the trail and engineered slope to Temescal from Calle Nancy as part of the other open space maintenance agreed to in this permit. More specifically the applicant shall provide a public access/recreation signage program subject to the review and approval of the Executive Director, that provides that, at a minimum, signs will be conspicuously and appropriately placed to adequately identify the location of the Temescal Ridge Trailhead....

Headlands submitted the proposed plans for the construction of the requisite public parking lot, restroom, and signage on this particular property on June 18, 1993. Once Executive Director approval was granted, construction of the aforementioned public amenities was undertaken and completed on this property pursuant to permit requirements. Even absent the requirement to dedicate this property to the City or other acceptable non-profit organization, this property was and remains the location for the public amenities. In compliance with the CDP, the applicant proposed this property for the public facility and trailhead and the Executive Director approved and authorized the public facilities to be built in this particular location, and no other. No other development, other than the public facilities, can be undertaken on this property. From the point the construction of the public facilities was completed up until the violations at issue in this letter

commenced on or about January 2014, the public had full access to these public amenities, as required by the CDP, as amended.

Commission staff was made aware of the aforementioned violations in mid-2016, at which time "Wooster Street LLC was in escrow to sell the property to another entity, upon receiving complaints from members of the public about closures of the public parking lot, trail head, and restrooms. Note once again that no transfer of the property can occur unless it is to a government entity or non-profit acceptable to the Executive Director of the Commission. Commission enforcement staff immediately contacted the owners of the property to discuss the ongoing Coastal Act violations associated with activities undertaken at the site and followed up with a notice of violation letter on August 3, 2016 to Wooster. In this letter, staff listed the various Coastal Act violations on the property, including the closure of the public restroom and public parking facilities at the Temescal Ridge Trailhead, pointed out the fact that the unpermitted development was also functioning to preclude public use of the Temescal Ridge Trailhead and associated facilities, and noted that these were directly inconsistent with the permit conditions and the public access policies of the Coastal Act. The letter also detailed the procedures by which the various issues should be addressed, and noted the potential ramifications and civil liabilities associated with the unpermitted development under the Coastal Act. Since this initial notice of violation, Commission staff has spoken with partners of and counsel for Wooster to further discuss the unpermitted development and the potential mechanisms of resolution, followed by written correspondence dated September 23, 2016 and March 15, 2017.

As my staff has explained to you, the placement of a locked gate and appurtenant structure that blocks access to the public parking lot and public restroom facility, the locking of public restrooms, and failing to maintain the public restrooms, trailhead, and parking lot, and change in intensity of use from public park to private land, are violations of CDP No. A-381-78, as amended, and have a very serious impact on public access. This trailhead provides access to the Temescal Ridge Trail-- 5.8 miles of very heavily used hiking trails that provide views of the Pacific Ocean and allow the cresting of Temescal Peak, one of the Santa Monica Mountains highest points.

Protecting public access is a major goal and priority of the Coastal Act. For example, Section 30210 of the Coastal Act provides that:

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

The unpermitted development at issue in this matter obstructs public access by both physically blocking use of the trailhead and facilities and by failing to maintain the facilities as required by the permit, and changes the intensity of use of this public area to a private landholding. These permit requirements run with the land and survive a tax default sale - meaning any person or entity holding title is obligated to comply therewith. *See, e.g., Ojavan Investors v California Coastal Commission*, (1994) 26 Cal. App. 4th 516, 527.

The purpose of these enforcement proceedings is to address the ongoing impediments to public use of and access to the Temescal Ridge Trailhead and the Temescal Ridge Trailhead facilities located on the Property, in violation of CDP A-381-78, as amended, and the Coastal Act. These proceedings

will propose to address these matters through the recordation of a Notice of Violation against the property and issuance of an Order that will direct you to, among other things: 1) cease from performing any additional unpermitted development, 2) develop and implement a plan to remove unpermitted development, 3) mitigate for the temporal losses caused by the unpermitted development, 4) cease all activities that block or interfere with public use of Temescal Ridge Trailhead, 5) maintain the Temescal Ridge Trailhead parking lot, signage, trailhead, and restrooms in compliance with CDP A-381-78, as amended, and 6) transfer the property to the City of Los Angeles or a not-for-profit entity approved by the Commission's Executive Director. In addition to the aforementioned items, any resolution of this matter will address Wooster's civil liability. These proceedings will also include recommendations for issuance by the Commission of an Administrative Penalty pursuant to Section 30821 of the Coastal Act.

Cease and Desist Order

By way of background, the Commission's authority to issue cease and desist orders is set forth in Section 30810 of the Coastal Act, which states, in part, the following:

(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.

Section 30810(b) of the Coastal Act states that the cease and desist order may be subject to terms and conditions that the Commission determines are necessary to ensure compliance with the Coastal Act, including removal of any unpermitted development or material.

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....

The various instances of unpermitted development at issue here, including: the placement of an unpermitted gate and appurtenant development that blocked access to a public parking lot and public restroom facility; the locking of public restrooms at the Temescal Ridge Trailhead; the failure to transfer the property to the City of Los Angeles or other not-for-profit entity approved by the Commission's Executive Director, and the failure to maintain the trailhead, parking lot, and public restroom; and the change in intensity of use of the land from public park to privately held land, clearly constitute "development" within the meaning of the above-quoted definition and therefore are subject to the permit requirement of section 30600(a). A CDP or an amendment to the underlying CDP was not issued to authorize the subject unpermitted development. Further, as noted above, the development activities subject to this action are inconsistent with CDP A-381-78, as amended. As the unpermitted development undertaken is inconsistent with the Coastal Act and a previously issued permit, the criterion for issuance of a cease and desist order under Section 30810(a) of the Coastal Act are thus satisfied.

For these reasons, I am issuing this Notice of Intent to commence cease and desist order proceedings. The procedures for the issuance of cease and desist orders are described in Sections 13180 through 13188 of the Commission's regulations. As previously mentioned, these matters may be resolved in a consensual agreement between you and the Commission.

Notice of Violation

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

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

In our letter dated August 3, 2016, in accordance with Coastal Act Section 30812(g), Commission staff notified you of the potential for the recordation of a Notice of Violation against the property. I am issuing this notice of intent to record a Notice of Violation because unpermitted development inconsistent with the Coastal Act and CDP No. A-381-78, as amended, has been undertaken at the property, and because of the ongoing failure to comply with the conditions of the CDP, as amended, and the Coastal Act.

If you object to the recordation of a Notice of Violation in this matter and wish to present evidence to the Commission at a public hearing on the issue of whether a violation has occurred, pursuant to Section 30812(b) the property owner must specifically object, in writing, within 20 days of the postmarked mailing of this notification. The objection should be sent to the attention of Heather Johnston in the Commission's Ventura office at the address listed on the letterhead by **Mach 8, 2018**. Please include the evidence you wish to present to the Commission in your written response and identify any issues you would like us to consider. We are hopeful that we can avoid such a contested matter and work together to address these issues amicably and incorporate any such notice into a consensual resolution.

Administrative Civil Penalties, Civil Liability, and Exemplary Damages

Under Section 30821 of the Coastal Act, in cases involving violations of the public access provisions of the Coastal Act, the Commission is authorized to impose administrative civil penalties by a majority vote of the Commissioners present at a public hearing. In this case, as described above, there are significant violations of the public access provisions of the Coastal Act; therefore the criteria of Section 30821 have been satisfied. The penalties imposed may be in an amount of up to \$11,250, for each violation, for each day in which each violation has persisted or is persisting, for up to five (5) years. If a person fails to pay an administrative penalty imposed by the Commission, under Section 30821(e) the Commission may record a lien on that person's property in the amount of the assessed penalty. This lien shall be equal in force, effect, and priority to a judgment lien.

Furthermore, and as has been explained in prior correspondence, please be advised that the Coastal Act additionally provides for the imposition of civil liability (variously described as fines, penalties, and damages) by the courts for violations of the Coastal Act. 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 a 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 can result in civil fines of up to \$6,000 for each day in which each violation persists. As my staff has previously explained, courts have held that property owners are liable for violations on their property even if they were not directly and actively responsible for creating the situation. Once again, with your cooperation, it is our hope that we may resolve these issues amicably.

Response Procedure

In accordance with Sections 13181(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 Order and Administrative Penalty proceedings by completing the enclosed statement of defense ("SOD") form.

The SOD form must be directed to the attention of Heather Johnston, at the address listed below, not later than **March 8, 2018**:

California Coastal Commission
South Central Coast District
89 S. California Street, Suite 200
Ventura, CA 93001

However, should this matter be resolved via a Consent Order, an SOD form would not be necessary. In any case and in the interim, staff would be happy to accept any information you wish to share regarding this matter and may extend deadlines for submittal of the SOD form to specifically allow additional time to discuss terms of a Consent Order and to resolve this matter amicably. Commission staff currently intends to schedule the hearings of the cease and desist order and administrative penalty proceeding for the Commission's **June 2018** hearing.

Resolution

It is my understanding that there has heretofore been a continued expressed desire to develop the property as a residential lot or be compensated by the State so as to forego this option. As my staff has previously iterated, this stance is not practicable given the various aforementioned constraints imposed on the property by CDP No. A-381-78, as amended, and this property cannot be developed with private development, which would lessen the clear intent of the conditionally approved CDP. However, I again note that we would like to work with you to resolve these issues amicably through the Consent Order process. While requiring compliance with the Coastal Act, a Consent Cease and Desist Order and Consent Administrative Penalty would provide you with the

opportunity to have more input into the process and timing of addressing the violations and mitigating for interim losses of access caused by the unpermitted development. The consent process could potentially allow you to negotiate a penalty amount with Commission staff in order to fully resolve the violations stipulated in the Consent Orders without further formal legal action.

Another benefit of Consent Orders is that in a Consent Order proceeding, Commission staff will be presenting and recommending approval of an agreement between you and staff rather than addressing the violations through a contested hearing. Alternatively, if we are not able to reach a consensual resolution, we will need to proceed with a unilateral order at the next available hearing and we will have to address the civil liabilities via an Administrative Penalty proceeding and possibly through litigation.

Again, should we settle this matter, you do not need to expend the time and resources to fill out and return the Statement of Defense form mentioned above.

If you have any questions regarding this letter or the enforcement case, please call Heather Johnston at (805) 585-1800.

Sincerely,



John Ainsworth
Executive Director

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel
Al Padilla, Regulatory Permit Supervisor
Andrew Willis, Southern California Enforcement Supervisor
Heather Johnston, Statewide Enforcement Analyst

Encl. Statement of Defense Form for Cease and Desist Order and Administrative Penalty Proceeding

CALIFORNIA COASTAL COMMISSION

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

**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 administrative civil penalties 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 March 8, 2018** to the Commission's enforcement staff at the following address:

**Heather Johnston
89 S. California Street
Ste 200
Ventura, CA 32001**

If you have any questions, please contact **Heather Johnston** at **(805) 585-1800**.

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

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

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):

[illegible]

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any document(s), photograph(s), map(s), letter(s), or other evidence that you believe is/are relevant, please identify it/them by name, date, type, and any other identifying information and provide the original(s) or (a) copy(ies) if you can:

[illegible]

[illegible]

This page is part of your document - DO NOT DISCARD



20180343543



Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

04/10/18 AT 12:57PM

Pages:
0006

FEES:	0.00
TAXES:	0.00
OTHER:	0.00
<hr/>	
PAID:	0.00



LEADSHEET



201804102870018

00015028496



008975935

SEQ:
01

DAR - Mail (Intake)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY:
California Coastal Commission

WHEN RECORDED MAIL TO:

CALIFORNIA COASTAL COMMISSION
89 S. California Street, Suite 200
Ventura, CA 93001
Attention: Heather Johnston

Document Number: 15823496

Batch Number: 8975935

[Exempt from recording fee pursuant to Gov. Code § 27383]

DOCUMENT TITLE:

NOTICE OF VIOLATION OF THE COASTAL ACT

Re: Assessor's Parcel Nos. 4431-039-029

Property Owner: 1205-1207 Wooster Street LLC

RECORDING REQUESTED BY
And When Recorded Mail To:

CALIFORNIA COASTAL COMMISSION
89 S. California Street, Suite 200
Ventura, CA 93001
Attention: Heather Johnston

STATE OF CALIFORNIA OFFICIAL BUSINESS
Document entitled to free recordation pursuant to:
California Government Code § 27383

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

On behalf of John Ainsworth, I, Lisa Haage declare:

1. John Ainsworth is the Executive Director of the California Coastal Commission (hereinafter referred to as the "Commission"). The Commission was created by the California Coastal Act of 1976 (hereinafter, "Coastal Act"), which is codified in the California Public Resources Code (hereinafter, "PRC") at sections 30000 to 30900. PRC Section 30812 provides for the Executive Director of the Commission (hereinafter, "Executive Director") to record Notices of Violations of the Coastal Act in the County Recorder's office for the county in which all or part of a property on which a Coastal Act violation has occurred is located. John Ainsworth, as Executive Director of the Commission, has specifically delegated this authority to me to act on his behalf.
2. The real property that is the subject of this notice of violation is the property in unincorporated Los Angeles County, California that is described in Exhibit A attached hereto (the "Property").

The property where the violations of the Coastal Act have occurred is alternatively known as:

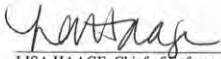
16701 Via La Costa
Pacific Palisades, CA 90272
Los Angeles County APN 4431-039-029

The record owner of the Property is 1205-1207 Wooster Street LLC. The violations consist of the undertaking of development activity without the permit authorization required by the Coastal Act and in direct violation of a previously issued coastal development permit.

3. The Property is located within the Coastal Zone as that phrase is defined in the Coastal Act (PRC Section 30103).
4. The violations of the Coastal Act referenced in this Notice of Violation include, but are not necessarily limited to, the performing of the following development, all of which is unpermitted: 1) the placement of an unpermitted gate and appurtenant development that blocked access to a public parking lot and public restroom facility; 2) the locking of public restrooms at the Temescal Ridge Trailhead; 3) the change in intensity of use from public park to private land; 4) the failure to transfer the property to the City of Los Angeles or other not-for-profit entity approved by the Commission's Executive Director; and 5) the failure to maintain the trailhead, parking lot, and public restroom, in violation of Coastal Development Permit No. A-381-78, as amended, and the resource protection and public access provisions of the Coastal Act.
5. The Commission retains a file on this matter under Violation File No. V-5-16-0106.
6. Commission staff notified the Property owner of record, Wooster Street LLC, of the potential for recordation of a Notice of Violation in a letter dated February 15, 2018. No objection was received by March 8, 2018, the legal deadline for such an objection to be submitted pursuant to PRC section 30812(b). Thus, the Commission has not received a timely objection to the recordation of the Notice of Violation. Therefore, the substantive and procedural requirements set forth in PRC Section 30812 as prerequisites for recordation of this Notice of Violation have been satisfied, and the recording of this notice is authorized and the Executive Director is required to record it.
7. Therefore, the Executive Director of the Commission is recording the Notice of Violation as provided for in the Coastal Act, under PRC Section 30812.

Executed in San Francisco, California, on 13 March 2018.

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



LISA HAAGE, Chief of Enforcement,
California Coastal Commission

Notary acknowledgement on next page.

Exhibit A

APN 4431-039-029

LEGAL DESCRIPTION

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

PARCEL 1:

LOT 77, OF TRACT NO. 32184, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1182 PAGE(S) 20 TO 27 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPT THEREFROM, TOGETHER WITH THE RIGHT TO GRANT AND TRANSFER ALL OR A PORTION OF THE SAME.

I. ALL OIL RIGHTS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND RIGHTS TO ALL OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, TO ALL GEOTHERMAL HEAT AND TO ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING (COLLECTIVELY, "SUBSURFACE RESOURCES"); AND

II. THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE AND OPERATE FOR AND TO PRODUCE, STORE AND REMOVE ANY OF THE SUBSURFACE RESOURCES ON OR FROM SAID LOT, INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS OTHER THAN SAID LOT, WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF SAID LOT, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS WITHIN OR BEYOND THE EXTERIOR LIMITS OF SAID LOT, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, BUT WITHOUT THE RIGHT TO DRILL, MINE EXPLORE, OPERATE, PRODUCE, STORE OR REMOVE ANY OF THE SUBSURFACE RESOURCES THROUGH OR IN THE SURFACE OF THE UPPER FIVE HUNDRED FIFTY FEET (550') OF THE SUBSURFACE OF SAID LOT, AS RESERVED IN DEEDS.

PARCEL 2:

NONEXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS, DRAINAGE, MAINTENANCE, REPAIRS AND FOR OTHER PURPOSES, ALL AS DESCRIBED IN THE DECLARATION, THE MASTER DECLARATION AND THE DRIVE DECLARATION, ANY AMENDMENTS THERETO.

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

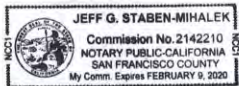
State of California
County of San Francisco

On 13 March 2018, before me, Jeff G. Staben-Mihalek, a Notary Public, personally appeared Lisa Haage who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature



(Seal)

CALIFORNIA COASTAL COMMISSION

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



VIA CERTIFIED AND REGULAR MAIL

March 30, 2018

Joseph Guarrasi
30421 Miraleste Dr.
Rancho Palos Verdes, California 90275

Edward Miller
16865 Calle Bellevista
Pacific Palisades, California 90272

Dear Messer Miller and Guarrasi:

The attached hearing notice document was sent to you at your address of record on February 15, 2018 via both regular and certified mail. This document was additionally sent to you via electronic mail on March 8, 2017. As both mail documents were returned as "undeliverable" and the email went unanswered, as a courtesy, I am including a copy herewith and am extending the deadline within which you have to respond until **April 18, 2018**. Within this timeframe please additionally provide us with your updated address by either responding to this email (Heather.johnston@coastal.ca.gov) or by calling our office at 805.585.1817.

Please also note that Commission staff has been made aware that a number of the lots that were required to be maintained as open space pursuant to CDP A-381-78A have been sold or are in arrears on tax payments. As you are aware, these properties - identified on Map PH87-4, are to be maintained by the Homeowner's Association as open space and planted with native vegetation. Various failing to plant the properties with native vegetation, failing to pay taxes on these properties, and selling them to third parties is not consistent with the permit requirements enumerated in CDP A-381-78A. As we have previously indicated, Section 30812 of the Coastal Act authorizes the Executive Director to record a Notice of Violation against any property determined to have been developed in violation of the Coastal Act. If the Executive Director chooses to pursue that course, you will first be given notice of the Executive Director's intent to record such a notice. If a notice of violation is recorded against these properties, it will serve as notice of the violation to all successors in interest in those properties. In the meantime, please desist from transferring any parcels that are to be held as open space, and please ensure that taxes have been paid on same. Transferring or allowing these properties to be foreclosed upon is a violation of CDP A-381-78A and will be pursued vigorously.

Thank you for your attention to this matter. If you have questions regarding this letter or the pending enforcement cases, please feel free to contact me at 805.585.1817.

Sincerely,
Heather Johnston

Cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-3200
FAX (415) 904-5400
TDD (415) 597-5885

**VIA CERTIFIED AND REGULAR MAIL**

February 15, 2018

Headland Properties Associates
Edward J. Miller and Joseph P. Guarasi
11726 San Vicente Blvd., Suite 235
Los Angeles, CA 90049
(Certified Receipt No. 7017 0530 0000 8132 0573)

Subject: Notice of Intent to Record Notices of Violation, and to Commence Cease and Desist Order Proceedings and Administrative Civil Penalties Proceedings

Property Location: 16701 Via La Costa, Pacific Palisades area of Los Angeles County, also identified by Assessor's Parcel Number 4431-039-029.

Violation Description: The placement of an unpermitted gate and appurtenant development that blocked access to a public parking lot and public restroom facility; the locking of public restrooms at the Temescal Ridge Trailhead; the change in intensity of use from public park to private land, the failure to transfer the property to the City of Los Angeles or other not-for-profit entity approved by the Commission's Executive Director, and the failure to maintain the trailhead, parking lot, and public restroom, in violation of Coastal Development Permit No. A-381-78, as amended, and the resource protection and public access provisions of the Coastal Act.

Dear Messer Miller and Guarasi:

As California Coastal Commission ("Commission") staff has made you aware, multiple Coastal Act¹ violations persist on property located at 16701 Via La Costa, Los Angeles County, also identified by Los Angeles County Assessor's Parcel Number ("APN") APN 4431-039-029. Headland Properties Associates² (hereinafter "Headlands") was listed as the record owner of the aforementioned property

¹ The Coastal Act is codified in California Public Resources Code sections 30000 to 30900. All further section references are to the Public Resources Code, and thus to the Coastal Act, except where specified that the reference is made to the Commission's regulations.

² Edward J. Miller and Joseph P. Guarasi, the principals of Headlands Properties Associates, also operate under the name Cal-Coast Companies; this notice is directed to Headlands Properties Associates as the entity having held title to the property at issue; however, distinction between Cal-Coast Companies and Headlands Properties appears to be in name only. On February 26, 2010, while Messers Miller and Guarasi were still directors, Headlands Properties LP quit claimed the property to their LLC (Headland Properties LLC).

until February 26, 2010, when you quit claimed the property to an entity that you created and control (Headlands Properties Associates, LLC). It is of utmost importance that this matter is resolved expeditiously given that the Temescal Ridge Trailhead, public parking lot, and public restrooms are situated on this nearly half acre parcel, and have all been variously subject to unpermitted closure and extraordinary disrepair, resulting in significant adverse impacts to public access and recreation. As my staff has expressed to you, we remain ready and willing to work with you to resolve these impediments to public access, among other issues, amicably, and we remain open to discussing the consensual resolution of the matter through a "Consent" Cease and Desist Order and Consent Administrative Penalty action ("Consent Orders"), which would then be taken to the Commission for its approval in the context of a formal hearing.

Prior to bringing an order to the Commission (either as a consent or contested order), Commission regulations³ provide for issuance of a notification of the decision to initiate formal order proceedings. In accordance with those regulations, this letter notifies you of my intent, as the Executive Director of the Commission, to commence these formal enforcement proceedings to address the Coastal Act violations noted above and described herein, by recording a Notice of Violation against the property at 16701 Via La Costa in the Pacific Palisades, and by issuing either a consent or regular Cease and Desist Order and Administrative Penalty to Headlands.

The intent of this letter is not to discourage settlement discussions; rather it is to provide formal notice of our intent to resolve these issues through the order process, which in no way precludes a consensual resolution. Resolving this matter and providing permanent restoration of access to- and maintenance of -the Temescal Ridge Trailhead, parking lot and restrooms by a public or non-profit agency is critical and my staff remains ready and willing to continue working with you towards finding a mutually acceptable outcome of this longstanding Coastal Act violation. However, please note that should we be unable to reach an amicable resolution in a timely manner, this letter also lays the foundation for staff to bring a proposal to the Commission unilaterally, which proposal would include the issuance of an order, the imposition of administrative civil penalties pursuant to Section 30821, and authorizing the Executive Director of the Commission to record a Notice of Violation of the Coastal Act on title to the property.

Background and Coastal Act Violations

In 1978 the Coastal Commission granted Coastal Development Permit A-381-78 to Headlands for the grading of roads and the installation of utilities to accommodate a 230 unit residential tract on 1,200 acres of then undeveloped property in the Pacific Palisades. In a 1980 amendment to the permit, A-381-78A, the Commission approved four tracts, allowed a massive quantity of grading, established the total number of residential units at 740, authorized construction of commercial and instructional sites, and required the dedication of nearly 1,000 acres of land to California Department of Parks and Recreation, City of Los Angeles Department of Recreation and Parks and/or an acceptable private, non-profit corporation. Since this time, this permit has been amended over a dozen times. Of particular relevance to this matter, Special Condition 7 of Amendment 1 states:

³ See Sections 13181 of Title 14 of the California Code of Regulations.

7. Park Facilities

Concurrent with the grading of Lots 86 and 87 of Tract 32184, the applicant shall construct trailhead facilities (including a 6-10 car parking lot, gates and signs) in vicinity of said Lots 86 and 87 substantially as shown in applicant's Exhibit A-1, so as to provide foot trail access to an existing trail on Temescal Ridge. The applicant shall also construct a restroom facility in the vicinity of Palisades Highlands at a location designated by the State Department of Parks and Recreation in Topanga State Park or on the dedicated lands... All facilities shall be constructed to the usual specification of the Department of Parks and Recreation, and shall be turned over to the Department for operation and maintenance.

Further, Special Condition 2 of Amendment 9 also clarified that the access amendments were actually to precede the construction of the condominiums:

2. Completion of Trail Access Improvements [Clarification of Condition 2]

Prior to transmittal of the authorization of this amendment the applicant shall provide evidence of the completion of the following improvements to the accessibility of the dedicated open space areas. The improvements shall be approved by the Executive Director and shall conform to the design standards of the accepting agency.

...

d) Temescal Ridge Trailhead The applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, parking facility and bathroom concurrent with the construction of streets and utilities approved in this tract....

Finally, Amendment 11 provided more detail as to the trailhead, signs, parking and restroom:

d) Temescal Ridge Trailhead. Concurrent with the construction of streets and utilities approved in this tract, the applicant shall construct the improvements proposed for the Temescal Ridge Trail head, including signs, a 12 car parking facility and public restroom. The final design must be reviewed by the accepting agency prior to construction. The trailhead may be transferred to the City of Los Angeles Department of Parks and Recreation for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director. The applicant or its successor in interest shall maintain the trail and engineered slope to Temescal from Calle Nancy as part of the other open space maintenance agreed to in this permit. More specifically the applicant shall provide a public access/recreation signage program subject to the review and approval of the Executive Director, that provides that, at a minimum, signs will be conspicuously and appropriately placed to adequately identify the location of the Temescal Ridge Trailhead....

As you are aware, Headlands submitted the proposed plans for the construction of the requisite public parking lot, restroom, and signage on June 18, 1993. Once Executive Director approval was granted, construction of the aforementioned public amenities was undertaken and completed pursuant to permit requirements. Even absent the requirement to dedicate this property to the City or other acceptable not-for profit organization, this property was and remains the location for public amenities. In compliance with the CDP, the applicant proposed this property for the public facility and trailhead and the Executive Director approved and authorized the public facilities to be built in this particular location, and no other. No other development, other than these public facilities, can be undertaken on this property. From the point the construction of the public facilities was completed up until the violations at issue in this letter commenced, the public had full access to these recreational amenities, as required by the CDP, as amended. Headlands transferred the

property into the subsidiary LLC in February of 2010 and forewent payment of taxes, and Wooster Street LLC purchased the property in January of 2014 during a tax sale.

Commission staff was made aware of the aforementioned violations in mid-2016, when Wooster Street LLC (hereinafter “Wooster”) was in escrow to sell the property to another entity, upon receiving complaints from members of the public about closures of the parking lot, trail head, and restrooms. Note once again that no transfer of the property can occur unless it is to a government entity or non-profit acceptable to the Executive Director of the Commission. Commission enforcement staff immediately contacted Wooster to discuss the ongoing Coastal Act violations associated with activities undertaken at the site, followed up with a notice of violation letter on August 3, 2016 to Wooster, and a notice of violation to Headlands on August 10, 2016. In these letters, staff listed the various Coastal Act violations on the property, including the closure of the public restroom and parking facilities at the Temescal Ridge Trailhead, pointed out the fact that the unpermitted development was also functioning to preclude public use of the Temescal Ridge Trailhead and associated facilities, and noted that these activities were directly inconsistent with the CDP, as amended. The letters also detailed the procedures by which the various issues should be addressed, and noted the potential ramifications and civil liabilities associated with the unpermitted development under the Coastal Act, including accruing liabilities under 30821 of the Coastal Act.

As my staff has explained to you, the transfer of the property first to a separate LLC and then to a private entity, placement of a locked gate and appurtenant structure that blocks access to the public parking lot and public restroom facility, the locking of the public restrooms, and failing to maintain the public restrooms, trailhead, and parking lot, are violations of CDP No. A-381-78, as amended, and have a very serious impact on public access. This trailhead provides access to the Temescal Ridge Trail– 5.8 miles of very heavily used hiking trails that offer views of the Pacific Ocean and allow the cresting of Temescal Peak, one of the Santa Monica Mountains highest points.

Protecting access is a major goal and priority of the Coastal Act. For example, Section 30210 of the Coastal Act states:

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

The unpermitted development at issue in this matter obstructs public access by both physically blocking use of the trailhead and facilities and by failing to maintain the facilities as required by the permit, and changes the intensity of use of this public area to a private landholding. These permit requirements run with the land – meaning any person or entity holding title is obligated to comply therewith. See, e.g., *Ojavan Investors v California Coastal Commission*, (1994) 26 Cal. App. 4th 516, 527.

The purpose of these enforcement proceedings is to address the ongoing impediments to public use of and access to the Temescal Ridge Trailhead and the Temescal Ridge Trailhead facilities located on the Property, in violation of CDP A-381-78, as amended, and the Coastal Act. These proceedings will propose to address these matters through the recordation of a Notice of Violation against the property and issuance of an Order (either consent or unilateral) that will direct you to, among other

things: 1) cease from performing any additional unpermitted development, 2) develop and implement a plan to remove unpermitted development, 3) mitigate for the temporal losses caused by the unpermitted development, 4) cease all activities that block or interfere with public use of Temescal Ridge Trailhead, 5) maintain the Temescal Ridge Trailhead parking lot, signage, trailhead, and restrooms in compliance with CDP A-381-78, as amended, and 6) transfer the property to the City of Los Angeles or a not-for-profit entity approved by the Commission's Executive Director. In addition to the aforementioned items, any resolution of this matter will address Headlands' civil liability. These proceeding will also include recommendations for issuance by the Commission of an Administrative Penalty pursuant to Section 30821 of the Coastal Act.

Cease and Desist Order

By way of background, the Commission's authority to issue cease and desist orders is set forth in Section 30810 of the Coastal Act, which states, in part, the following:

(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.

Section 30810(b) of the Coastal Act states that the cease and desist order may be subject to terms and conditions that the Commission determines are necessary to ensure compliance with the Coastal Act, including removal of any unpermitted development or material.

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...

The various instances of unpermitted development at issue here including placement of an unpermitted gate and appurtenant development that blocked access to a public parking lot and public restroom facility; the locking of public restrooms at the Temescal Ridge Trailhead; the failure to transfer the property to the City of Los Angeles or other not-for-profit entity approved by the Commission's Executive Director, and the failure to maintain the trailhead, parking lot, and public restroom; and change in intensity of use of the land from public park to privately held land, clearly constitute "development" within the meaning of the above-quoted definition and therefore are subject to the permit requirement of section 30600(a). A CDP or an amendment to the underlying CDP was not issued to authorize the subject unpermitted development. Further, as noted above, the development activities subject to this action are inconsistent with CDP A-381-78, as amended. As the unpermitted development undertaken is inconsistent with the Coastal Act and a previously issued permit, the criterion for issuance of a cease and desist order under Section 30810(a) of the Coastal Act are thus satisfied.

For these reasons, I am issuing this Notice of Intent to commence cease and desist order proceedings. The procedures for the issuance of cease and desist orders are described in Sections 13180 through 13188 of the Commission's regulations. As previously mentioned, these matters may be resolved in a consensual agreement between you and the Commission.

Notice of Violation

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

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

In our letter dated August 10, 2016, in accordance with Coastal Act Section 30812(g), Commission staff notified you of the potential for the recordation of a Notice of Violation against the property. I am issuing this notice of intent to record a Notice of Violation because unpermitted development inconsistent with the Coastal Act and CDP No. A-381-78, as amended, has been undertaken at the property, and because of the ongoing failure to comply with the conditions of the CDP and the Coastal Act.

Assuming Headlands to be the proper owner of record, if Headlands objects to the recordation of a Notice of Violation in this matter and wishes to present evidence to the Coastal Commission at a public hearing on the issue of whether a violation has occurred, Headlands must specifically object, in writing, within 20 days of the postmarked mailing of this notification. The objection should be sent to the attention of Heather Johnston in the Commission's Ventura office at the address listed on the letterhead by **March 8, 2018**. Please include the evidence you wish to present to the Coastal Commission in your written response and identify any issues you would like us to consider. We are hopeful that we can avoid such a contested matter and work together to address these issues amicably and incorporate any such notice into a consensual resolution.

Administrative Civil Penalties, Civil Liability, and Exemplary Damages

Under Section 30821 of the Coastal Act, in cases involving violations of the public access provisions of the Coastal Act, the Commission is authorized to impose administrative civil penalties by a majority vote of the Commissioners present at a public hearing. In this case, as described above, there are significant violations of the public access provisions of the Coastal Act; therefore the criteria of Section 30821 have been satisfied. The penalties imposed may be in an amount of up to \$11,250, for each violation, for each day in which each violation has persisted or is persisting, for up to five (5) years. If a person fails to pay an administrative penalty imposed by the Commission, under Section 30821(e) the Commission may record a lien on that person's property in the amount of the assessed penalty. This lien shall be equal in force, effect, and priority to a judgement lien.

Furthermore, and as has been explained in prior correspondence, please be advised that the Coastal Act additionally provides for the imposition of civil liability (variously described as fines, penalties,

and damages) for violations of the Coastal Act. 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 a 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 Executive Director Cease and Desist Order, or a restoration order can result in civil fines of up to \$6,000 for each day in which each violation persists. As you know, courts have held that property owners are liable for violations on their property even if they were not directly and actively responsible for creating the situation. Once again, with your cooperation, it is our hope that we may resolve these issues amicably.

Response Procedure

In accordance with Sections 13181(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 Order and Administrative Penalty proceedings by completing the enclosed statement of defense ("SOD") form.

The SOD form must be directed to the attention of Heather Johnston, at the address listed below, not later than **February 1, 2018**:

California Coastal Commission
South Central Coast District
89 S. California Street, Suite 200
Ventura, CA 93001

However, should this matter be resolved via a Consent Order, completing an SOD form would not be necessary. In any case and in the interim, staff would be happy to accept any information you wish to share regarding this matter and may extend deadlines for submittal of the SOD form to specifically allow additional time to discuss terms of a Consent Order and to resolve this matter amicably. Commission staff currently intends to schedule the hearings of the cease and desist order and administrative penalty proceeding for the Commission's June 2018 hearing.

Resolution

I would like to again take the opportunity that my staff is ready and willing to work with you to resolve these issues amicably through the Consent Order process. While requiring compliance with the Coastal Act and the CDP, as amended, a Consent Cease and Desist Order and Consent Administrative Penalty Action would provide you with the opportunity to have more input into the process and timing of addressing the violations and mitigating for interim losses of access caused by the unpermitted development. The consent process could potentially allow you to negotiate a penalty amount with Commission staff in order to fully resolve the violations stipulated in the Consent Orders without further formal legal action.

Another benefit of Consent Orders is that in a Consent Order proceeding, Commission staff will be presenting and recommending approval of an agreement between you and staff rather than addressing the violations through a contested hearing. Alternatively, if we are not able to reach a consensual resolution, we will need to proceed with a unilateral order at the next available hearing and we will have to address the civil liabilities via an Administrative Penalty proceeding and possibly through litigation.

Again, should we settle this matter, you do not need to expend the time and resources to fill out and return the Statement of Defense form mentioned above.

If you have any questions regarding this letter or the enforcement case, please call Heather Johnston at (805) 585-1800.
Sincerely,



John Ainsworth
Executive Director

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel
Al Paldilla, Regulatory Permit Supervisor
Andrew Willis, Southern California Enforcement Supervisor
Heather Johnston, Statewide Enforcement Analyst

Encl. Statement of Defense Form for Cease and Desist Order and Administrative Penalty Proceeding

CALIFORNIA COASTAL COMMISSION

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

**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 administrative civil penalties 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 March 8, 2018** to the Commission's enforcement staff at the following address:

Heather Johnston
89 S. California Street
Ste 200
Ventura, CA 93001

If you have any questions, please contact **Heather Johnston** at **(805) 585-1800**.

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

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

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):

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any document(s), photograph(s), map(s), letter(s), or other evidence that you believe is/are relevant, please identify it/them by name, date, type, and any other identifying information and provide the original(s) or (a) copy(ies) if you can:

5. Any other information, statement, etc. that you want to offer or make:

6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this form to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, and title, and enclose a copy with this completed form):

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California Coastal Commission

Attn: Heather Johnston

89 S. California Street, Ste. 200

Ventura CA 93001

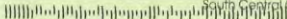
Received

APR 04 2018

California Coastal Commission

South Central Coast Dist. 1

-269950



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph Guarasi
30421 Miraleste Drive
Rancho Palos Verdes, CA 90275



2. Article Number

(Transfer from service)

7017 0530 0000 8132 0498

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail®☐ Priority Mail Express™☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR AND ELECTRONIC MAIL**

May 3, 2018

Headland Properties Associates
Edward J. Miller and Joseph P. Guarrasi
11755 Wilshire Boulevard
Suite 1660
Los Angeles, CA 90025

Edward J. Miller
16865 Calle Bellevista
Pacific Palisades, California 90272

Joseph Guarrasi
30428 Miraleste Drive
Rancho Palos Verdes, California 90275

Dear Mr. Guarrasi:

Thank you for your phone message and email dated April 18, 2018, following receipt of our March 30, 2018 Notice of Intent to Record Notices of Violation, and to Commence Cease and Desist Order Proceedings and Administrative Civil Penalties Proceedings (collectively, "the Notice"). Commission staff called you on April 20, April 25, and May 1, and emailed you on April 20, in an attempt to speak with you about the pending enforcement case against you, Mr. Miller, and Headland Properties Associates.

The purpose of this correspondence is to again try to reach out to you and establish a line of communication with the intent of resolving this matter. As mentioned in the Notice, the Coastal Commission staff is pursuing an enforcement case regarding the property at 16701 Via La Costa, Pacific Palisades (also identified by Los Angeles County Assessor's Parcel Number 4431-039-029) to address a number of activities that are both unpermitted and inconsistent with a previously issued coastal development permit, as amended, including: the transfer of the property first to a separate LLC and then a private entity; placement of a locked gate and appurtenant structure that blocks access to the public parking lot and public restroom facility; the locking of the public restrooms; and the failure to maintain the public restrooms, trailhead, and parking lot.

As previously stated, this matter is of utmost importance given the public access impacts and implications of the aforementioned activities. Please contact staff immediately at 805.585.1817 or at heather.johnston@coastal.ca.gov upon receipt of this letter to discuss resolution of this matter with

Headland Properties Associates – Temescal Ridge Trailhead; May 3, 2018

staff. We are hopeful that this matter can be resolved consensually and expeditiously and look forward to working with you to do so, but in any case, please be aware that Commission staff currently intends to schedule the hearing for the cease and desist order and administrative penalty action for the Commission's June hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Johnston', with a stylized, flowing script.

Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel

From: Edward J. Miller
Sent: Wednesday, May 9, 2018 7:25 PM
To: Johnston, Heather@Coastal
Cc: Edward J. Miller; Joe Guarrasi
Subject: FW: 16701 via La Costa Pacific Palisades 5/3/18 letter

From: Edward J. Miller
Sent: Wednesday, May 09, 2018 7:21 PM
To: heather.johnson@coastal.ca.gov
Cc: Joe Guarrasi <joe@cal-coast.com>; Edward J. Miller <emiller@cal-coast.com>; Tom Clements <tclements@cal-coast.com>; 'Arthur L. Zussman (zuss1@verizon.net)' <zuss1@verizon.net>
Subject: 16701 via La Costa Pacific Palisades 5/3/18 letter

Heather, in response to your letter of May 3, 2018 please be advised that Headland Properties Associates (HPA) no longer has any interest in any property in the Palisades Highlands and hasn't for some time. As conditioned by Para 7. of the Coastal Permit below, The trailhead (16701 Via La Costa) restroom facility was completed and on 02/01/2000 Chicago Title presented to the City of Los Angeles an executed a quick claim deed by Met Life (HPA). The turnover of the facility was completed when officials of the LA City Department of Parks & Recreation picked up the keys to the trailhead bathrooms and parking lot gate, officially taking over the maintenance on 02/08/2000. However, after what I believe was over 10 years of maintenance, Parks and Rec discontinued maintaining this area when LA County incorrectly auctioned the property, and it was purchased by an individual. Unbeknownst to Met Life (HPA), the City apparently did not record the deed. Heather, I hope this helps clarify this matter. Thank You Ed

7. Park Facilities. Concurrent with the grading of Lots 86 and 87 of Tract 32184, the applicant shall construct trailhead facilities (including a 6-10 car parking lot, gates and signs) in vicinity of said Lots 86 and 87 substantially as shown in Applicant's Exhibit A-1, as to provide foot trail access to an existing trail on Temescal Ridge. The applicant shall also construct a restroom facility in the vicinity of Palisades Highlands at a location designated by the State Department of Parks and Recreation in Topanga State Park or on the dedicated lands. If the applicant is unable to construct the restroom prior to completion of Tract 32184, the applicant may post a bond in an amount sufficient to fund construction by the State if such facilities are determined to be necessary by the Department of Parks and Recreation. All facilities shall be constructed to the usual specifications of the Department of Parks and Recreation, and shall be turned over to the Department for operation and maintenance.

COASTAL COMMISSION
A-381-78-A13

EXHIBIT # 14
PAGE 5 OF 12

Edward J. Miller
CEO/President

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR AND ELECTRONIC MAIL**

May 11, 2018

Headland Properties Associates
Edward J. Miller and Joseph P. Guarrasi
11755 Wilshire Boulevard
Suite 1660
Los Angeles, CA 90025

Edward J. Miller
16865 Calle Bellevista
Pacific Palisades, California 90272

Joseph Guarrasi
30428 Miraleste Drive
Rancho Palos Verdes, California 90275

Dear Mr. Miller:

Thank you for your email dated May 9, 2018, following receipt of our May 3, 2018 letter to you and Mr. Guarrasi, regarding Commission staff's efforts to contact you and Mr. Guarrasi about the ongoing violations on the property at 16701 Via La Costa, Pacific Palisades (also identified by Los Angeles County Assessor's Parcel Number 4431-039-029), hereinafter referred to as the "Trailhead Property". We are glad to have at last heard from you regarding this matter, and appreciate your email; as you are no doubt aware, staff has been endeavoring to contact you and Mr. Guarrasi for months now to discuss a number of activities that are both unpermitted and inconsistent with the previously issued coastal development permit, as amended, including the transfer of the property first from HPA to a separate LLC (controlled by the same entity of which you and Mr. Guarrasi manage and/or own) and then to a private entity; placement of a locked gate and appurtenant structure that blocks access to the public parking lot and public restroom facility; the locking of the public restrooms; and the failure to maintain the public restrooms, trailhead, and parking lot, as required by your CDP, as amended.

After receiving a notice that mail was undeliverable to the address of record for Headlands Properties Associates ("HPA"), correspondence relating to this matter has been sent to your and Mr. Guarrasi's home addresses, as well as a new office address that Mr. Guarrasi recently provided to us. As mentioned in these various letters, given that potential penalties are accruing daily under the Coastal Act, it is of utmost importance that you are aware of this action and that you are given

the opportunity to participate in a fulsome manner. These potential penalties attach to you regardless of your current ownership of the Trailhead Property.

I understand from your email that you are under the impression that HPA's alienation of the property in 2014 after falling into arrears on property taxes, somehow vitiates outstanding permit obligations. Please understand that this is not the case. While the City did not record the executed quit-claim of the property and maintained it for some time, HPA's transfer of the property into another subsidiary LLC (with you and Mr. Guarrasi as the managers of that LLC) in February of 2010 confirms knowledge of HPA's continued ownership thereof. As you pointed out in your email, Coastal Development Permit ("CDP") A-381-78 anticipated the transfer of ownership and maintenance of the Trailhead Property; Amendment 11 provided additional details of this intent, specifying "...*The trailhead may be transferred to the City of Los Angeles Department of Parks and Recreation for purposes of maintenance and liability, or other public or non-profit agency approved by the Executive Director...*." The transfer of ownership from one HPA LLC to another was never approved by the Commission's Executive Director – in violation of the aforementioned permit condition- and the subsequent failure to pay property taxes on the property resulted in foreclosure and tax default sale. As I am sure you can appreciate, the position that loss of a property through failure to pay taxes somehow negates all outstanding permit obligations on that property is simply not tenable and would undermine the very permit process that allowed HPA to develop the hundreds of residential properties in the Pacific Palisades.

Therefore, while HPA has alienated the Trailhead Property in violation of CDP A-381-78, as amended, which directly resulted in facility closures and maintenance termination, also in violation of the CDP, we are hopeful that this matter can be resolved consensually and expeditiously. This could be achieved through a Consent Cease and Desist Order and Consent Administrative Penalty Action (collectively "Consent Orders"), which would provide you with the opportunity to have more input in the process and timing of addressing the violations and mitigating for interim losses of access caused by the unpermitted development. Another benefit of Consent Orders is that in a Consent Order proceeding, Commission staff will be presenting and recommending approval of an agreement between HPA and staff rather than addressing the violations through a contested hearing. Alternatively, if we are not able to reach a consensual resolution, we will need to proceed with a unilateral order at either the **June or July 2018** hearing that will address HPA's civil liabilities via an Administrative Penalty proceeding and possibly through litigation.

Additionally, in a matter separate and aside from Coastal Act violations at the Trailhead Property – it has come to Commission staff's attention that HPA has engaged in myriad other activities associated with the overall development that are inconsistent with both the Coastal Act and CDP A-381-78, as amended. These violations, which are being handled as a separate enforcement case from the Trailhead Property, include extensive removal of major vegetation, grading, the sale of property outside of the urban limit line to an entity other than the City of Los Angeles or State Parks, the sale of interior open space lots, and illegal lot line adjustment(s) – including potentially on your personal property within the development. As you can imagine, the revelation of these additional violations has been concerning and disappointing, particularly given your and Mr. Guarrasi's intimate knowledge of this permit and conditions, as well as your previous experience dealing with the Commission's enforcement division to resolve similar violations located on lot 41 and lot G of Tract 32184. Staff will be sending you a letter shortly, in furtherance of the letter that Commission Enforcement staff sent you on April 24, 2017, detailing the full extent of these violations, as well as explicating steps requisite to remedy this situation. In the meantime, please desist from engaging in

Headland Properties Associates - Temescal Ridge Trailhead; May 11, 2018

any additional unpermitted activities and contact Commission Enforcement staff to discuss resolution of the violations at the Trailhead Property. Thank you for your attention to this matter,

Sincerely,

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

Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel
Jordan Sanchez, Enforcement Officer

We are not going to accept your terms so we will do the following A I will close the place . B we will file a lawsuit against you the county and the city and wait for the court to tell us what and why and if necessary we will go to higher court but the...

From: Ben Tsoun Kalaf planetconst@yahoo.com

To: Johnston, Heather@Coastal Heather.Johnston@coastal.ca.gov

Date: Tuesday, May 8, 14:39

Sent from my iPhone

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR AND ELECTRONIC MAIL**

May 11, 2018

Adam Rossman
449 S. Beverly Drive
Suite 210
Beverly Hills, CA 90212
Adamrossman66@gmail.com

Dear Mr. Rossman:

Thank you for taking the time to speak with me again on May 8, 2018; the purpose of this correspondence is to follow up on our conversation and to respond to an email and phone call received from, what appears to be, your client on the same day. Given how constructive our conversations over the last month and a half have been, we were a little surprised by the tenor and content of the communication from your client. As I previously mentioned during our conversations, the document we sent you on May 8 was a first proposal to address this matter amicably and through what we refer to as a Consent Order process – we would be happy to work with you to address the concerns that you may have about it. Moving forward, when you have returned from your vacation, it might be worthwhile to have a discussion and walk through the specifics of the draft proposal so that staff can understand where the areas of concern are and potentially work to find creative solutions thereto. Please do not hesitate to contact me, too; we look forward to continuing to work with you to resolve this matter.

Sincerely,
Heather Johnston

A handwritten signature in black ink, appearing to read 'H. Johnston'.

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel
Ben Tsoun Kalaf (planetconst@yahoo.com)

WOOSTER LLC

810 Cord Circle .Beverly Hills CA 90048
(310) 774-1628

RECEIVED
South Coast Region

JUN 25 2018

CALIFORNIA
COASTAL COMMISSION

June 19, 2018

California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach CA 90802-4302

Mr. Richard Llewellyn, Jr.
City Administrative Officer
200 N. Main St. Suite 1500
Los Angeles, CA 90012-4137

Mr Joseph Kelly
L.A. County Treasurer & Tax Collector
225 N Hill Street
Los Angeles, CA 90012

Department of Building & Safety
City of Los Angeles
201/221 North Figueroa Street
Los Angeles, CA 90012

RE: 16701 Via La Costa, Pacific Palisades
APN # 4431039029
County Auction Purchase 10/22/2013 - \$351,000

TO WHOM IT MAY CONCERN:

Please review this background carefully and let me know whom we should approach next or what we can possibly do to get all the relevant governmental bodies to work together to reach some resolution of the matter. The egregious error outlined here is clearly a complete failure of "the system" to provide me with clear title or, barring that, to return the \$351,000 I paid the County nearly five years ago for the above-noted property.

As the matter stands today:

- * We bid on and paid the County \$351,000 for the property in 2013.
- * We have a grant deed but the State Coastal Commission claims ownership.
- * The City of Los Angeles states this is a legal lot to be built upon.
- * The County admits it had TWICE sold this same property earlier and noted they had revised their entire property auction process to require a green light from all relevant governmental bodies prior to sale... and yet they still SOLD IT FOR A THIRD TIME to us.
- * The County actually "returned" the \$351,000 – but to the WRONG party!
- * And finally, the Coastal Commission now demands that we VOLUNTARILY turn the property over to them or they will take us to court, incurring large legal fees and while they FORCE us to "donate" it.

MORE DETAILED BACKGROUND

As members of the public citizenry, in 2013 we reviewed items noted in the City / County's regular property sales sponsored by the Tax Collector. We had checked with the City of Los Angeles Building & Safety Department, chose a legal lot to bid on, and subsequently purchased the property noted above on Via La Costa.

In the course of procuring permits and completing paperwork, we chained the gate, put up a sign as to the property's sale, and locked the structure on the property. A short while later we were contacted by a newspaperwoman named Sarah from a local paper, who inquired as to why we had closed the property. When I indicated we had closed it to prevent any illegal activities, she said it was owned by the state. Surprised, I said I had a grant deed in addition to a copy of the cashier's check as proof of ownership. She said it was very odd because she had spoken with the California Coastal Commission, which assured her it was a state property. (Perhaps it should be noted the property consisted of a parking lot with restrooms that served as a staging area for hiking in the nearby mountains.) I reiterated that the county had sold it to me, the city had assured me it was a legal lot, and in all likelihood they had no budget to continue to maintain the property.

Several days later California Coastal Commission contacted me saying they owned the property. I explained again I had bought it from the county and showed them my proof of ownership. A second email a short while later told me we had to open the place immediately or there would be a DAILY penalty of \$11,250 as it's their property. I tried again to explain we had purchased it from the County, but they simply said they had owned it since 1982, and "you have a problem with County, not us." When we called County to ask about the property, they had no answer. We went ahead, cleaned up the restrooms (several times), opened the property by removing the lock, and then notified the Coastal Commission I had done so to avoid any penalty.

Upon again calling the County to try to explain they had sold the property in error, we learned they had done the same exact thing twice earlier with other purchasers. They explained that because of that error, they had changed their entire procedure for selling properties. Supposedly now they can only be sold after the County receives a green light from all federal and state agencies. They even indicated "we realize we dropped the ball." They stated we needed to file some paperwork with the court to get the \$351,000 returned.

While I'm locating the paperwork and trying to find a lawyer, to make matters even worse, we learn a short while later that the County had returned the funds to someone purporting to be the previous owner!

By way of background here, Edward Miller of Headland LLP and Pacific Palisades land developer was a previous owner of the property. Whoever the individual was the County gave our funds to identified himself as Edward Miller of Headland LLC (not LLP). Considering the runaround the bureaucrats gave us, it's my belief this individual may have been someone within the bureaucracy who knew about the situation and how exactly to benefit from the situation.

In total outrage I called the County to see how they could give these funds to a completely uninvolved party, and a fraud at that, when the parties involved were myself or the Coastal Commission. The point here being that if they admitted their error and knew the property belonged to the state, they should have sent me the money, or held it for me, and returned title to the Coastal Commission. But if you're returning funds to a prior owner, isn't that a statement the property is a legal lot? In which case they should have sent the money to the Coastal Commission and let me do whatever I want to with it. But nothing allows for any logical reason to return the funds to a prior owner, especially one who was NOT actually a prior owner.

And the final straw is that now we have received a letter from the California Coastal Commission stating that if we are not going to donate the land to them immediately, they are going to take us to court and take the property from us. Their reasoning for this is to the effect that if you have a problem it's with someone else. But they have no suggestions, so what shall we do? The bureaucrats have our \$351,000 and now they want the property too. If you and I did these things, we would be in jail in very short order.

Every lawyer we approached wants \$20,000 or more as a retainer and even so state that some laws say it's okay for the government to make mistakes and that if you did by some chance, you wouldn't likely recoup your lawyer's fees. And city, county, state representatives have been of no use – either not responding or having no suggestions.

Is it really right that in the United States of America one arm of the government can simply take a citizen's money while another arm claims ownership, and then – while admitting their error – return the funds to the wrong party, and do nothing? There must be some legal recourse.

Henri Levy
Managing Partner

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR AND ELECTRONIC MAIL**

August 29, 2018

Adam Rossman
449 S. Beverly Drive
Suite 210
Beverly Hills, CA 90212
Adamrossman66@gmail.com

Dear Mr. Rossman:

The purpose of this correspondence is to follow up on our conversation of May 25, 2018. During this conversation, you indicated that Mr. Kalaf is not your client and that his May 8 email should not be construed as an answer to the draft Consent Orders sent to you on May 8. Also in our May 25th conversation, I indicated that we would need an actual response from your client by the end of the first week of June so as to prepare for hearing. As of today, I have not received any communications from you, and I am again renewing my request for a specific response to our draft Consent Orders. As previously offered in my May 11th letter to you, staff would be happy to walk through the draft proposal in detail so as to identify areas of concern to your clients and to try to find mutually agreeable resolutions.

I also wanted to, via this letter, respond to correspondence that was sent to our Commission's Long Beach office – as well as three other unrelated governmental entities - on June 25, 2018 from your client, Mr. Levy. This letter in no way continued or responded to the dialog we had had regarding this enforcement case but instead sought advice in circumventing the matter entirely. I have been rigorous in trying to reach out to you to discuss this enforcement case to find a mutually acceptable resolution and was therefore disappointed to read this June 25th letter which contained a variety of misrepresentations regarding confidential settlement negotiations. As you can appreciate, the proper venue for addressing concerns is through raising them to the appropriate staff and working with us to find solutions.

As we have discussed, this pending enforcement matter involves a number of Coastal Act violations that are both unpermitted and inconsistent with a previously issued coastal development permit, as amended. These violations include; the placement of a locked gate and appurtenant structure that blocks access to the public parking lot and public restroom facility, the locking of the public restrooms, and the failure to maintain the public restrooms, trailhead and parking lot. As previously

Wooster LLC – Temescal Ridge Trailhead; August 29, 2018

stated, this matter is of utmost importance given the public access impacts and implications of the aforementioned activities. Please be aware that it is staff's continued position that liabilities continue to accrue. Please contact staff immediately at 805.585.1817 or at heather.johnston@coastal.ca.gov, and in any case by not later than August 7. Thank you for your continued attention to this matter, I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Johnston', with a stylized flourish at the end.

Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel
Wooster LLC C/o Henry Levy
LA County Treasurer and Tax Collector C/o Joseph Kelly
Los Angeles City Administrative Officer C/o Mr. Richard Llewellyn, Jr
Los Angeles Department of Building and Safety

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
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VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

**VIA REGULAR AND ELECTRONIC MAIL**

November 21, 2018

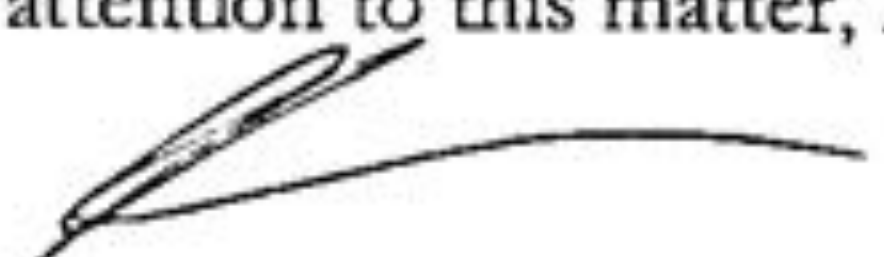
Adam Rossman
449 S. Beverly Drive
Suite 210
Beverly Hills, CA 90212

I am writing to follow up on correspondence sent to you on August 29th of this year – which was sent to you electronically, to your office, and was copied to your client Mr. Levy. Despite renewing my request that you contact Commission staff to discuss ongoing Coastal Act violations at your client's property at 16701 Via La Costa in the Pacific Palisades (hereinafter the "Trailhead Property"), I have again received no reply. Pursuant to our previous conversations, draft Consent Orders were sent to you on May 8th – there has been no substantive response.

As I have previously iterated in my correspondence, your client, Wooster Street LLC, has ongoing obligations with respect to the Trailhead Property pursuant to Coastal Development Permit A-381-78, as amended, and, by failing to satisfy those obligations is presently in violation of the Coastal Act. These violations include; the placement of a locked gate and appurtenant structure that blocks access to the public parking lot and public restroom facility, the locking of the public restrooms, and the failure to maintain the public restrooms, trailhead and parking lot. Potential civil liabilities, including potential Administrative Penalties pursuant to Section 30821 of the Coastal Act, are accruing as a result of these violations, which persist in contravention of the previously issued permit and the public access provisions of the Coastal Act.

This enforcement matter will be going to the Commission for hearing in March of 2019; it would behoove your client to call or write to staff to discuss the case as it is in your client's interest to discuss options for resolving this matter. Please be aware that it is staff's continued position that liabilities continue to accrue. Finally, if it is the case that you are no longer representing Wooster Street LLC, please so indicate and provide staff with information for contacting your client and/or their new representative. In any case, please contact staff immediately at 805.585.1817 or at heather.johnston@coastal.ca.gov, and in any case by not later than December 7. Thank you for your continued attention to this matter, I look forward to hearing from you.

Sincerely,


Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel
Wooster LLC C/o Henry Levy

WOOSTER LLC

810 Cord Circle .Beverly Hills CA 90048

(310) 774-1628

November 29, 2018

Ms. Heather Johnston
California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach CA 90802-4302

RE: 16701 Via La Costa, Pacific Palisades
APN # 4431039029
County Auction Purchase 10/22/2013 - \$351,000

Dear Ms. Johnston:

In response to your recent letter to Adam Rossman Esq. with regard to the above-noted property, you are completely misinformed as to the facts of the matter -- as we have written the California Coastal Commission several times.

As to your comment that the facility has been closed permanently, no, that is not the actuality. We closed the facility for ONE DAY ONLY, and when outrageous fines and penalties were threatened, we opened the facility again. Since then, we have visited the place a few times, and it is open, although we have cleaned it out a couple times due to comments from neighbors as there is no regular cleaning service.

The very same day we received a call from Sarah, a reporter at the local *Palisade Times*, who stated many people who use the trails were upset and asked why I closed the facility. (Note I had put up a sign with my name and phone, as well as Henry Levy's. I explained we had purchased the property and faxed her a copy of the grant deed. She said it was very strange because she thought it was government owned for public use. Then, that afternoon, I received a call from the Coastal Commission office asking me the same thing, threatening me for having closed the trailhead. Again I explained the purchase and faxed them the grant deed also. I believe the caller suggested we open the facility until the matter was resolved, which we did. The end result being the facility was closed ONLY ONE DAY and has been open since that time.

Considering our letters to various involved parties at the Commission, County and City levels, it is remarkable someone is finally offering to meet to resolve the matter. We are wholeheartedly in favor of such a process. In fact, both the Coastal Commission and the County, in the course of these discussions, have admitted they erred in their processes. But you persist in threatening us!

If you review your paperwork, you can see we contacted the Coastal Commission who assured us they had no record of the property in question; the County assured us the lot was being sold for back taxes; and the City assured us it was a legal lot for building purposes. We are amazed you are still threatening us when we have clearly followed all the procedures and done nothing wrong. Considering the government is supposed to be working with the people, and we're supposed to trust the government, the entire situation is a complete comedy of errors.

We welcome the invitation to meet, and we're delighted that we can perhaps resolve this issue completely. We can do so at anytime at your convenience, just let us know a time, date, and location. You may want to consider inviting to the meeting these additional parties who have had an involvement with the property:

Mr. Richard Llewellyn, Jr.
City Administrative Officer
200 N. Main St. Suite 1500
Los Angeles, CA 90012-4137

Mr. Joseph Kelly
L.A. County Treasurer & Tax Collector
225 N Hill Street
Los Angeles, CA 90012

Department of Building & Safety
City of Los Angeles
201/221 North Figueroa Street
Los Angeles, CA 90012

Sincerely,



Henri Levy
Managing Partner

cc: Adam Rossman, Esq.

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR AND ELECTRONIC MAIL**

December 12, 2018

Adam Rossman
449 S. Beverly Drive
Suite 210
Beverly Hills, CA 90212

Wooster LLC
c/o Henry Levy
810 Cord Circle
Beverly Hills, CA 90048

Dear Mr. Levy;


Thank you for your correspondence to Commission staff - received electronically on December 9th and dated November 29th. We appreciate your response to our letter dated November 21st, and are heartened by your willingness to meet with staff and other relevant parties to try to craft a mutually acceptable resolution of this important Coastal Act violation. To ensure that communications and negotiations are addressed to the appropriate party, staff asks that you please clarify whether you are still represented by Mr. Rossman. Additionally, you allege both that Commission staff has admitted that it somehow erred in this process, and that you contacted a staff person at the Coastal Commission who "assured us they had no record of the property in question...." No mistake has been made by the Commission; the ongoing obligations to comply with the coastal development permit are clear - this facility is required to be maintained in perpetuity for use by the public and currently it is not. Further, staff has reviewed our records and can find reference to neither conversation; we would welcome additional information, including the names of the staffers and the dates you spoke with them, to help clarify this situation.

In your letter, in an apparent attempt to demonstrate that there is not an ongoing Coastal Act violation on the property at 16701 Via La Costa, you assert that the facility was closed for only one day. As you are aware, in addition to the locked gate that was installed to preclude access to the facility, one of the bathrooms has been locked since you took ownership of the property and remains permanently unavailable to the public. Furthermore, as staff has explained on multiple occasions, physically barring entrance to the facility is only a portion of the outstanding Coastal Act violation. Special Condition 2(d) of Amendment 11 to Coastal Development Permit ("CDP") A-381-78 requires ongoing maintenance of the restroom, parking lot, and trailhead. Failure to maintain the trailhead and facilities is a continuing violation of CDP A-381-78, as amended, and Commission staff continues to receive calls from the public regarding the filth of the one open restroom, graffiti, and trash strewn across the property. This is not only an ongoing violation of the Coastal Act but is rapidly becoming a public nuisance.

While staff is enthusiastic about the prospect of meeting with you to work towards a resolution of this matter, in light of previous communication issues it would perhaps make sense to first schedule a phone call to begin the process. As you are aware, staff had been working with your counsel, Mr. Rossman, for over two months on a potential resolution of this case, when, upon sending a draft consent cease and desist order to Mr. Rossman on May 8, 2018 for review, we received an email from your associate Mr. Kalaf threatening to close the entire facility and sue the Commission. While surprised by this dramatic shift in tenor, staff continued to reach out to try to ascertain what particular element or aspect of the draft order had caused such rancor. By letter dated May 11, 2018 and by phone on May 25th, staff offered to walk through the draft proposal with your counsel so as to identify areas of concern for you. Neither you nor your counsel responded to these entreaties, nor to a follow up letter dated August 29, 2018 which again sought to try to move forward amicably. In fact, your letter received December 9, 2018 is the first responsive correspondence staff has received. Therefore, in advance of a group meeting with Commission staff and Los Angeles City and County officials, we suggest a phone call with Commission staff in which we can iron out communication difficulties and make sure we are on the same page with respect to your past interactions with Commission staff and Wooster LLC's ongoing obligations with respect to 16701 Via La Costa. Such a conversation will ensure a meeting of the minds with respect to facts related to the Coastal Commission and the prior coastal development permits, and will provide a suitable vantage point from which to meet with other relevant parties. As such, please provide us with dates, times, and preferred contact information for this call with Commission staff, after which we would be happy to coordinate a large group meeting of relevant parties.

Again, thank you for your response and for your continued attention to this matter, I look forward to hearing from you regarding times for a phone conversation.

Sincerely,


Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel



Secretary of State
Statement of Information
(Limited Liability Company)

LLC-12

22-B33105

FILED

In the office of the Secretary of State
of the State of California

MAR 01, 2022

This Space For Office Use Only

IMPORTANT — This form can be filed online at
bizfile.sos.ca.gov.

[Read instructions](#) before completing this form.

Filing Fee - \$20.00

Copy Fees - First page \$1.00; each attachment page \$0.50;
Certification Fee - \$5.00 plus copy fees

1. Limited Liability Company Name (Enter the **exact** name of the LLC. If you registered in California using an alternate name, [see instructions](#).)

HEADLAND PROPERTIES ASSOCIATES, LLC

2. 12-Digit Secretary of State Entity Number

200814110075

3. State, Foreign Country or Place of Organization (only if formed outside of California)

DELAWARE

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box 12301 Wilshire Blvd, Suite 620	City (no abbreviations) Los Angeles	State CA	Zip Code 90025
b. Mailing Address of LLC, if different than item 4a 12301 Wilshire Blvd, Suite 620	City (no abbreviations) Los Angeles	State CA	Zip Code 90025
c. Street Address of California Office, if Item 4a is not in California Do not list a P.O. Box 12301 Wilshire Blvd, Suite 620	City (no abbreviations) Los Angeles	State CA	Zip Code 90025

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an additional managers/members, enter the names(s) and address(es) on [Form LLC-12A](#).

a. First Name, if an individual - Do not complete Item 5b Edward	Middle Name J	Last Name Miller	Suffix
b. Entity Name - Do not complete Item 5a			
c. Address 12301 Wilshire Blvd	City (no abbreviations) Los Angeles	State CA	Zip Code 90025

6. Service of Process (Must provide either Individual **OR** Corporation.)**INDIVIDUAL** – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Edward	Middle Name J	Last Name Miller	Suffix	
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 12301 Wilshire Blvd	City (no abbreviations) Los Angeles	State CA	Zip Code 90025	

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

Describe the type of business or services of the Limited Liability Company Real Estate

8. Chief Executive Officer, if elected or appointed

a. First Name Edward	Middle Name J	Last Name Miller	Suffix	
b. Address 12301 Wilshire Blvd	City (no abbreviations) Los Angeles	State CA	Zip Code 90025	

9. Labor Judgment

Does a Manager or Member have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

10. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.

03/01/2022

Date

Joe Guarrasi

Type or Print Name

CFO

Title

Signature

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR AND ELECTRONIC MAIL**

March 4, 2019

Wooster LLC
810 Cord Circle
Beverly Hills, CA 90048

Dear Messers Kalaf and Levy:

Thank you for taking the time to speak with me on January 18th, and for your letter, which was sent electronically the same day but was dated January 9th; we appreciate your expressed willingness to enter into discussions with Coastal Commission staff to endeavor to resolve this serious Coastal Act violation on your property located at 16701 Via La Costa Drive, in the Pacific Palisades portion of Los Angeles (the "Trailhead Property"). We look forward to having a more comprehensive discussion in the near future regarding the history of the Trailhead Property and your ongoing obligations with respect thereto once you have retained counsel. In the meantime, however, I wanted to take the opportunity to address some of the statements that you made in your January 18th letter.

As a threshold matter, you indicate in your letter that "[a]t the time of auction, the only documentation we had among several bureaucracies was that the City stated it was a 'legal lot'" and that "[t]he only limitation noted a standard slope restriction." Unfortunately, these statements do not reflect the entire universe of records at your disposal; in fact, there are two documents that are recorded in the chain of title for the property (and thus retrievable by a standard title search) both of which reference the coastal development permit ("CDP") at the heart of this matter (CDP no. A-381-78): 1) Declaration of Restrictive Covenants and Agreements (Official Records of Los Angeles County, Instrument No. 1981-3847), and 2) Master Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for the Summit at Palisades Highlands and Notice of Addition of Territory for Palisades Drive Recreation Association (Instrument No. 89-1560661). In fact, the latter document, which is a 1989 amendment to the development's covenants, conditions, and restrictions, specifically refers to restrictions on the Trailhead Property that were imposed as part of the CDP. Wooster LLC ("Wooster") was therefore on notice of the conditions and restrictions imposed on the Trailhead Property by the Commission in the issuance of CDP A-381-78, as these documents were recorded in the chain of title to the Trailhead Property prior to your purchase. We note that, by law, such legal restrictions run with the land, and regardless of transfer of ownership or how one acquired the property, the property is subject to all of the requirements of those permit conditions, including being used as a public parking lot and restroom facility for the Temescal Ridge Trail, as is reflected in the recorded documents for the parcel.

Further, in this case, Wooster was additionally on notice that the Trailhead Property was developed and maintained for the public benefit; 1) the public bathroom and parking facilities are existent and

clearly visible on the property, and have been there since 1994, 2) there are signs located on Via La Costa directing the public to the property for parking to access the trailhead, in addition to public access signs on the Trailhead Property itself and 3) the City of Los Angeles was maintaining the facilities including the public restrooms until Wooster notified them that they should desist after Wooster took ownership. In your letter you aver that “[g]overnment agencies sell property all the time, so the fact that there were bathrooms and a parking lot on the property was not meaningful.” While property owned by some governmental entities may be sold on occasion, this property was clearly an active public parking lot and restroom facility that was being used and maintained by the City, and clearly gave Wooster actual notice that this was not an undeveloped or abandoned property or one with no relevant history, and as such, that due diligence, including but not necessarily limited to a title search for restrictions, should be done prior to purchase. As discussed above, the CDP and attendant restrictions would have been clear to Wooster had they properly investigated the property prior to sale.

In your letter you lay out the steps that you claim Wooster did take prior to purchasing the property. You state that you have a “City of Los Angeles, City Planning and Building & Safety” letter dated 1/10/2014, which you claim states that the property is a “buildable lot.” Even if you do have such a letter, Coastal Commission permit and regulatory authority is separate and apart from City of Los Angeles (“City”) permits and zoning regulations, and an indication from the City that the property is “buildable” has no bearing on Coastal Act requirements pertaining to that property, nor does or could such a letter amend a Coastal Commission-issued permit. You additionally indicate that you spoke with an office technician at the Coastal Commission’s Ventura office who directed you to the Long Beach office and that “an individual” at the Commission’s Long Beach office informed you that you would need to submit a standard building application for Commission review should you wish to build. Even assuming that this conversation occurred just as you indicated, this conversation, in which staff conveyed general information on how to enter into the coastal development permit process, did not and does not certify the property as free from encumbrances or restrictions under the Coastal Act – something only a review of applicable permits could accomplish. In fact, Commission records indicate that representatives of Wooster did not actually request to view existing permit files relating to the property until August of 2016, at which time Commission staff provided the requested permit information attached to a Notice of Violation letter dated August 3, 2016. Inquiring generally about how to get permission to build on coastal property is a vastly different undertaking from actually researching the permit history and attendant conditions and encumbrances affecting a specific parcel of real property – a difference that anyone in the business of developing property should be well versed in. Moreover, the fact you called indicates that you were aware of the Coastal Act and potential permit issues, and the information provided by the Commission office technician, if it had any effect, was to heighten the awareness of the need for a Coastal Development Permit for any actions pertaining to the property.

You further claim in your correspondence that both the County and the Coastal Commission has made a mistake with respect to this property, and as a result of this case, “[c]hanged their way of doing business.” I can assure you no mistake by Commission staff has been found, and that this case has not in fact precipitated a change in practices. It is possible that you are alleging Commission error because the staffer answering the phone did not respond to your general inquiry with a detailed description of all permit encumbrances on the property, but again, this is the type of information that requires specific information about the property in question and that someone look for relevant permits and restrictions, just the type of information gathering to be done by someone seeking to develop a property.

Moreover, even if there had been a purported mistake on behalf of an unrelated entity, it would not nullify the permit conditions on the property. You further allege that the County has now doubly erred by "refunding" the purchase price of the property to someone claiming to be Edward Miller (of Headlands Properties Associates, hereinafter "HPA"). To clarify, after the sale of the Trailhead Property at tax auction, HPA (the entity that had record title to the property prior to the foreclosure, and which had defaulted on the property taxes) filed an Excess Proceeds claim with the Los Angeles County Treasurer and Tax Collector, and received \$333,114.65 from the sale—the value of the property at this sale, less back taxes. This is both law and standard practice after a tax sale and was not, in fact, done in error, nor was it intended to be a refund of the sale price for the purchaser.

Additionally, you state that you were never provided with keys or funds for maintenance of the public amenities required by the permit, nor were you reimbursed for the "one or two" occasions on which it was cleaned (in over two years). These claims have no bearing on the fact that the property is encumbered, and in fact it is for this specific reason that the Commission CDP required that the Trailhead Property be held by a governmental agency or an approved not-for-profit entity, to ensure that public facilities are maintained by the public as required by the permit. Instead, here, because of your ownership and (in)action, the public has been denied use of facilities that had been maintained for and used by the public for a decade, which is inconsistent with the CDP, as amended.

Finally, in several parts of your letter, you intimate that Commission staff has been unwilling to work with you to try to resolve this matter. On the contrary, we have been attempting to reach out to you and your representatives repeatedly, in an effort to resolve this matter, over many months. For example, I was in regular communication with your previous counsel, Adam Rossman, until, upon sending him a draft settlement offer in April of 2018, you sent me a somewhat confusing letter threatening to "close the place." Despite this response, staff continued to reach out to your counsel in an effort to discuss the matter and explore the possibility of finding a mutually acceptable solution to this Coastal Act violation. By letters and phone calls dated May 11th, May 25th, and August 29th, Commission staff offered to walk through the draft settlement with Mr. Rossman to allow him to identify areas of concern to Wooster so as to be able to work through them. It was not until December 9th, 2018, that we actually heard from you, in the form of a letter that, in addition to containing a number of factual inaccuracies, expressed interest in meeting to discuss the case. On December 12th, staff responded in writing, (given the difficulties staff had previously had in communicating with you) suggesting a phone call prior to an in-person meeting to help iron out those difficulties, but we again heard nothing from you until your January 18, 2019 letter. While we are pleased to have heard from you and are happy to meet and discuss this matter, we wanted to note that I have provided my direct dial and email address on a number of occasions, and have reached out a multitude of times to try to discuss the case with you and/or your counsel, and so it should be clear that we have been more than willing to listen and speak with you about this matter over the last year.

Moving forward, in order to resolve this important Coastal Act violation that is having ongoing impacts to public access and recreation, Wooster needs to transfer the Trailhead Property to the City of Los Angeles or otherwise effectuate compliance with CDP A-381-78, as amended. Whichever of the aforementioned options you choose, Commission staff is ready and willing to work with you in crafting a Consent Cease and Desist and Administrative Penalty Order that will reflect the elected resolution, as well as addressing civil liabilities. In either case, please contact staff to discuss resolution once you have found new counsel. We again note that this violation has dragged on for

many months and is having an ongoing adverse impact upon public access and is an ongoing violation of the permit for this property, and of the Coastal Act. We need to move quickly to resolve this matter and are exploring all possible options to do so. Thank you for your continued attention to this matter – we look forward to working with you to immediately restore public access to this important area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Johnston', with a long horizontal stroke extending to the right.

Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732
WWW.COASTAL.CA.GOV



August 28, 2019

1205-1207 Wooster Street LLC
810 Cord Circle
Beverly Hills, CA 90048

Dear Messers Kalaf and Levy:

This letter is to follow up on correspondence sent to you by Commission staff on March 4, 2019, regarding 16701 Via La Costa Drive, in the Pacific Palisades portion of Los Angeles (the "Trailhead Property"). In that letter staff provided you with additional information responsive to assertions you have made regarding the pending enforcement action. Further, staff reiterated our willingness to speak with you or otherwise work with you towards resolving this matter in a manner acceptable to both parties. In your January 9, 2019 letter to Commission staff, you indicated that you were no longer working with attorney Adam Rossman and were in the process of retaining new counsel. You additionally asked that we set up a meeting between yourself and a number of parties whom you presumed to also be involved in this matter. In response, in the March 4th letter, staff indicated a willingness to meet in person and, in deference to your position, requested that you contact staff once you had retained new counsel so that we could work together to resolve this matter. As of the date of this letter, staff has yet to receive any response to this correspondence.

As you have been made aware, this Coastal Act violation continues daily to have significant negative impacts to public access and recreation. As this matter needs to be addressed expeditiously, please contact me as soon as possible to discuss resolution of the Coastal Act violations on the Trailhead Property. Failure to contact and work with staff will not result in this matter going away – we will bring this matter before the California Coastal Commission not later than the December, 2019 hearing. Please also be aware that, as staff has previously mentioned, because this violation involves public access, an administrative civil penalty may be imposed by the California Coastal Commission pursuant to Section 30821 of the Coastal Act. Thank you for your continued attention to this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Johnston", with a long horizontal flourish extending to the right.

Heather Johnston

cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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VENTURA, CA 93001-2801
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FAX (805) 641-1732
WWW.COASTAL.CA.GOV



VIA ELECTRONIC AND REGULAR MAIL

December 5, 2019

1205-1207 Wooster Street LLC
Attn: Mr. Kalaf & Mr. Levy
810 Cord Circle
Beverly Hills, CA 90048

henrilevy@aol.com

Dear Messers Kalaf and Levy:

The purpose of this letter is to again attempt to open a dialogue with you regarding ongoing Coastal Act violations relating to the property at 16701 Via La Costa Drive, in the Pacific Palisades portion of Los Angeles (the "Trailhead Property"). It has now been nearly a year since you have responded to correspondence from Commission staff; your last communication dated January 9, 2019, indicated that you were in the process of looking to obtain new counsel for this matter. By phone on January 18th and via letter dated March 4th 2019, staff deferred to your stated need for new counsel and requested that you contact us as soon as you had engaged new counsel. In this letter staff additionally responded to assertions raised in you January 9th correspondence; assuring you that the restrictions on use of the Trailhead Property imposed by coastal development permit A-381-78, as amended, do in fact persist and apply to you as current owner of the Trailhead Property. In addition, to also respond to assertions you made regarding the pending enforcement matter, staff provided you with preliminary information regarding the specific manner(s) by which you could resolve these violations.


As staff had not received a response from you, staff sent an additional letter on August 28, 2019. In this letter, staff reiterated willingness to meet with you and work with you in a collaborative manner to resolve this significant Coastal Act violation and again requested that you contact us in furtherance thereof. As of the date of this communication, staff has received no response from you to either of these letters. Because this Coastal Act violation continues daily to have significant negative impacts to public access and recreation, this matter needs to be addressed expeditiously. Please contact me as soon as possible to discuss resolution of the Coastal Act violations on the Trailhead Property. Further, because this violation involves public access,

1205-1207 Wooster Street LLC
December 5, 2019

Commission staff will be recommending that the Commission impose an administrative civil penalty against you pursuant to Section 30821 of the Coastal Act.

At this juncture, staff is preparing to proceed to a hearing before the Coastal Commission in February, 2020, to resolve these significant violations. If you wish to resolve this matter amicably please contact staff immediately. Again, since you have not responded to our letters in the last year and do not appear willing to resolve this matter amicably, we will be proceeding with a unilateral action against you at the February hearing. Thank you for your continued attention to this important enforcement case, I look forward to hearing from you.

Sincerely,



Heather Johnston

cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR AND ELECTRONIC MAIL**

November 21, 2018

Headland Properties Associates
Edward Miller and Joseph Guarrasi
11755 Wilshire Boulevard
Suite 1660
Los Angeles, CA 90025

Edward Miller
16865 Calle Bellevista
Pacific Palisades, CA 90272

Joseph Guarrasi
30428 Miraleste Drive
Rancho Palos Verdes, CA 90275

Dear Messers Miller and Guarrasi;


I am writing to follow up on correspondence sent to you on August 30th of this year – which was sent to you electronically, to your homes, and the office address that you verified was current as of April 18th. Despite renewing my request that you contact Commission staff to discuss ongoing Coastal Act violations at 16701 Via La Costa in the Pacific Palisades (hereinafter the “Trailhead Property”), I have again received no reply. Similarly, the letter sent to you by Commission staff on May 11th, responding to an email from you dated May 9th was left unanswered. I am again requesting that you contact me to discuss the Trailhead Property; this enforcement matter will be proceeding to a hearing before the Commission in March of 2019 and it would behoove your client to call or write to staff to discuss the case as it is in your client’s interest to discuss options for resolving the matter.

As I have previously iterated in my correspondence, Headland Property Associates’ (“HPA”) has ongoing obligations with respect to the Trailhead Property pursuant to Coastal Development Permit A-381-78, as amended, and, by failing to satisfy those obligations is presently in violation of the Coastal Act. These violations include; the unauthorized transfer of the Trailhead Property, the placement of a locked gate and appurtenant structure that blocks access to the public parking lot and public restroom facility, the locking of the public restrooms, and the failure to maintain the public restrooms, trailhead and parking lot. Potential civil liabilities, including potential Administrative Penalties pursuant to Section 30821 of the Coastal Act, are accruing as a result of these violations, which persist in contravention of the previously issued permit and the public access provisions of the Coastal Act.

Headland Properties Associates – Temescal Ridge Trailhead; November 21, 2018

Please be aware that it is staff's continued position that liabilities continue to accrue. Please contact staff immediately at 805.585.1817 or at heather.johnston@coastal.ca.gov, and in any case by not later than December 7. Thank you for your continued attention to this matter, I look forward to hearing from you.

Sincerely,



Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel

From: Edward J. Miller
Sent: Wednesday, December 5, 2018 6:10 PM
To: Johnston, Heather@Coastal
Cc: McLendon, Aaron@Coastal; Edward J. Miller; debbie.dynerharris@lacity.org
Subject: FW: 16701 via La Costa Pacific Palisades 5/3/18 letter

Heather, in response to your Nov 21, email, please see below and attachments to Debbie Dyner Harris, District Director for LA City Councilman Mike Bonin's office. Again we have no ownership interest in this property or any excess Headlands property. However if you can send me the contact info on the current owner, as a board member of the Enclave HOA and in that capacity, I will contact him and perhaps between the Owner, City and County, there can be palatable solution to this issue. Thank You Ed

From: Edward J. Miller
Sent: Wednesday, May 09, 2018 7:21 PM
To: heather.johnson@coastal.ca.gov
Cc: Joe Guarrasi <joe@cal-coast.com>; Edward J. Miller <emiller@cal-coast.com>; Tom Clements <tclements@cal-coast.com>; 'Arthur L. Zussman (zuss1@verizon.net)' <zuss1@verizon.net>
Subject: 16701 via La Costa Pacific Palisades 5/3/18 letter

Heather, in response to your letter of May 3, 2018 please be advised that Headland Properties Associates (HPA) no longer has any interest in any property in the Palisades Highlands and hasn't for some time. As conditioned by Para 7. of the Coastal Permit below, The trailhead (16701 Via La Costa) restroom facility was completed and on 02/01/2000 Chicago Title presented to the City of Los Angeles an executed a quick claim deed by Met Life (HPA). The turnover of the facility was completed when officials of the LA City Department of Parks & Recreation picked up the keys to the trailhead bathrooms and parking lot gate, officially taking over the maintenance on 02/08/2000. However, after what I believe was over 10 years of maintenance, Parks and Rec discontinued maintaining this area when LA County incorrectly auctioned the property, and it was purchased by an individual. Unbeknownst to Met Life (HPA), the City apparently did not record the deed. Heather, I hope this helps clarify this matter. Thank You Ed

Edward J. Miller
CEO/President
Cal Coast Companies
11755 Wilshire Blvd.
Suite 1660
Los Angeles, CA 90025
O: 310.820.8544
F: 310.544.5907
M: 310.990.6589
Email: emiller@cal-coast.com
www.cal-coast.com

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR AND ELECTRONIC MAIL**

January 14, 2019

Headland Properties Associates
Edward Miller and Joseph Guarrasi
11755 Wilshire Boulevard
Suite 1660
Los Angeles, CA 90025

Edward Miller
16865 Calle Bellevista
Pacific Palisades, CA 90272

Joseph Guarrasi
30428 Miraleste Drive
Rancho Palos Verdes, CA 90275

Dear Messers Miller and Guarrasi;

Thank you for your email dated December 5, 2018, in which you responded to Commission staff's November 21, 2018 correspondence. We appreciate your communication and are hopeful that your offer to facilitate resolution of this matter signals a willingness of Headlands Properties Associates ("HPA") to work with staff and engage in fulsome discussions regarding the Coastal Act violations associated with the property located at 16701 Via La Costa Drive, in the Pacific Palisades portion of Los Angeles (the "Trailhead Property").

As staff explicated in the February 15, 2018 document entitled "Notice of Intent to Commence Cease and Desist Order and Administrative Penalty Proceedings," your obligations regarding the Trailhead Property are ongoing. In your email you state that your coastal development permit obligations were fulfilled by executing a quit-claim deed to the City of Los Angeles on February 8, 2000 and claiming to have given the facility keys to Los Angeles Department of Parks and Recreation, and that "unbeknownst to Met Life (HPA), the City apparently did not record the deed." This misstates the clear requirement of the permit: the requirement was, and remains to this day, that the Trailhead Property be transferred to the City of Los Angeles or another not-for-profit entity approved by the Commission's Executive Director. This did not occur.

While we are aware that the City of Los Angeles may not have recorded the grant deed, mere execution of the deed and allegedly conveying of keys does not satisfy the permit condition which required actual transfer, particularly as you were given ample notice and had direct knowledge that HPA was still the owner. Firstly, the County of Los Angeles Treasurer and Tax Collector sent you - as record owner - multiple notifications indicating that the property was in arrears on taxes on the

Trailhead Property. Additionally, you were incontrovertibly aware that HPA still owned the property as, on February 26, 2010, 10 years after you claim to have transferred the property, you conveyed the Trailhead Property to Headlands Properties Associates LLC, another subsidiary within your own company. During a meeting with Commission staff on September 9, 2016, you indicated that HPA believed that the quitclaim of the Trailhead Property to Headlands Properties Associates LLC complied with the special conditions of CDP A-381-78, as amended. HPA therefore knew it still owned the property, knew of the permit condition, and rather than seeking to quitclaim the property to City of Los Angeles or another non-profit approved by the Executive Director, consistent with the permit, you elected to transfer it internally within the company. Finally, as you are aware, after the sale of the Trailhead Property at tax auction, HPA filed an Excess Proceeds claim with the Los Angeles County Treasurer and Tax Collector, and received \$333,114.65 from the sale– the value of the property less back taxes – thus benefiting from the illegal alienation of the property. HPA therefore had knowledge of their continued ownership of the property and profited doubly from the sale of the Trailhead Property; once when the large-scale subdivision occurred and thousands of residences built and sold and the Commission found that the public amenity was necessary to offset the impacts this development would have on public access, and again years later when the property was sold at tax auction.

In order to resolve this important Coastal Act violation that is having ongoing impacts to public access, HPA needs to either reacquire the Trailhead Property or otherwise cause CDP A-381-78, as amended, to be complied with. Whichever of the aforementioned options you choose, Commission staff is ready and willing to work with you in crafting a Consent Cease and Desist and Administrative Penalty Order that will reflect the elected resolution, as well as addressing civil liabilities. As you are familiar with this process, resolving a separate Coastal Act violation on Lot G and Lot 41 of Tract 32184 through the consent order process, we are hopeful that we can resolve this matter with you consensually, as well. In either case, this item will be scheduled at a Coastal Commission hearing in the first part of 2019; as such please contact staff to discuss resolution at your earliest convenience. Thank you for your continued attention to this matter – we look forward to working with you to restore public access to this important area.

Sincerely,



Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732
WWW.COASTAL.CA.GOV



August 28, 2019

Headland Properties Associates
Edward Miller and Joseph Guarrasi
11755 Wilshire Boulevard
Suite 1660

Edward Miller
16865 Calle Bellevista
Pacific Palisades, CA 90272

Joseph Guarrasi
30428 Miraleste Drive
Rancho Palos Verdes, CA 90275

Dear Messers Miller and Guarrasi;

This letter is to follow up on correspondence sent to you by Commission staff on January 14, 2019, regarding 16701 Via La Costa Drive, in the Pacific Palisades portion of Los Angeles (the "Trailhead Property"). Staff initially reached out to you via letter dated May 3, 2018, to provide you with notice that an enforcement action is pending regarding a coastal act violation for which you bear responsibility. In a one paragraph email on May 9, 2018, you responded by stating that you had no interest, ownership or otherwise, in the Trailhead Property. Staff immediately responded by letter dated May 11, 2018, explaining at length that the assertion that you no longer had interest in or obligations relating to the Trailhead Property was in fact erroneous and requesting that you contact staff to work to resolve the matter. After receiving no response to this letter, on November 21, 2018, staff sent an additional letter again explaining the nature of the Coastal Act violation in detail as well as your ongoing liability related thereto. Rather than providing a substantive response, on December 5, 2018, you simply forwarded the same email from May 9th. Finally, staff sent an additional letter to you on January 14, 2019, again expressing concern that a significant Coastal Act violation was persisting unaddressed and requesting that you work with staff to resolve the matter. As of the date of this letter, staff has yet to receive any response to that correspondence.

As you can see from the above chronology, staff has repeatedly reached out to you to try to discuss and resolve this matter and has yet to receive any response beyond your denial of liability. As you have been made aware, this Coastal Act violation continues daily to have

Headland Properties Associates
August 28, 2019

significant impacts to public access and recreation. As this matter needs to be addressed expeditiously, please contact me as soon as possible to discuss resolution of the Coastal Act violations on the Trailhead Property. Failure to contact and work with staff will not result in this enforcement case going away – this matter will be going hearing before the California Coastal Commission not later than the December, 2019 hearing. Please also be aware that, as staff has previously mentioned, because this violation involves public access, an administrative civil penalty may be imposed by the California Coastal Commission under Section 30821 of the Coastal Act. Thank you for your continued attention to this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Johnston', with a long horizontal flourish extending to the right.

Heather Johnston

cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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VIA ELECTRONIC AND REGULAR MAIL

December 5, 2019

Headland Properties Associates
Edward Miller and Joseph Guarrasi
11755 Wilshire Boulevard
Suite 1660

Edward Miller
16865 Calle Bellevista
Pacific Palisades, CA 90272
emiller@cal-coast.com

Joseph Guarrasi
30428 Miraleste Drive
Rancho Palos Verdes, CA 90275
joe@cal-coast.com

Dear Messers Miller and Guarrasi;

The purpose of this letter is to again reach out to you to discuss the ongoing Coastal Act violations associated with property at 16701 Via La Costa Drive, in the Pacific Palisades portion of Los Angeles (the "Trailhead Property"). It has now been an entire year since you have responded to staff's repeated attempts to contact you to engage you in the process of resolving the Coastal Act violations located on the Trailhead Property that have resulted in significant ongoing impacts to public access and recreation. As you are aware, since your very brief email to staff dated December 5, 2018, staff has sent you two letters- dated January 14th and August 28th, 2019, responding to your email and providing additional details regarding your liability as related to the Commission's ongoing enforcement case. In these communications staff also provided you with preliminary details regarding the specific manner(s) by which you could resolve these violations, and solicited your input in crafting a potential resolution that would address the violations in a manner most acceptable to you. Again, you never provided a response to either of these letters.

Headland Properties Associates
December 5, 2019

At this juncture, staff is preparing to proceed to a hearing before the Coastal Commission in February, 2020, to resolve these significant violations. If you wish to resolve this matter amicably please contact staff immediately. Again, since you have not responded to our letters in the last year and do not appear willing to resolve this matter amicably, we will be proceeding with a unilateral action against you at the February hearing. Please also be aware that, as staff has mentioned on a number of occasions, because this violation case involves public access, Commission staff will be recommending that the Commission impose an administrative civil penalty against you under Section 30821 of the Coastal Act. Thank you for your continued attention to this important issue; I look forward to hearing from you.

Sincerely,



Heather Johnston

cc: Aaron McLendon, Deputy Chief of Enforcement

From: Joe Guarrasi
Sent: Thursday, February 6, 2020 10:00 AM
To: Johnston, Heather@Coastal
Subject: FW: 16701 via La Costa Pacific Palisades 5/3/18 letter

Resending, original returned.

With best regards,

Joseph P. Guarrasi, CFO
Cal Coast Companies
11755 Wilshire Blvd.
Suite 1660
Los Angeles, CA 90025
Tel: 310-544-5900 x203
Fax: 310-544-5907
Mob: 310-748-7777

Any representation, warranties, agreements, approvals, notices or other direction made in this email is not legally binding until written and executed by both parties.

From: Joe Guarrasi
Sent: Thursday, February 6, 2020 9:52 AM
To: heather.johnson@coastal.ca.gov
Cc: Edward J. Miller <emiller@cal-coast.com>
Subject: FW: 16701 via La Costa Pacific Palisades 5/3/18 letter

Heather,
In furtherance to the Coastal Commission memo we received dated 12/52019 please find the attachments remitted to you earlier – we continue to look forward to a response to them.

Thanking you in advance for your cooperation and assistance, I remain

With best regards,

Joseph P. Guarrasi, CFO
Cal Coast Companies
11755 Wilshire Blvd.
Suite 1660
Los Angeles, CA 90025
Tel: 310-544-5900 x203
Fax: 310-544-5907
Mob: 310-748-7777

Any representation, warranties, agreements, approvals, notices or other direction made in this email is not legally binding until written and executed by both parties.

From: Edward J. Miller <emiller@cal-coast.com>
Sent: Wednesday, December 5, 2018 6:11 PM
To: Joe Guarrasi <joe@cal-coast.com>
Subject: FW: 16701 via La Costa Pacific Palisades 5/3/18 letter

FYI

From: Edward J. Miller <emiller@cal-coast.com>
Sent: Wednesday, December 05, 2018 6:10 PM
To: heather.johnston@coastal.ca.gov
Cc: aaron.mclendon@coastal.ca.gov; Edward J. Miller <emiller@cal-coast.com>;
debbie.dynerharris@lacity.org
Subject: FW: 16701 via La Costa Pacific Palisades 5/3/18 letter

Heather, in response to your Nov 21, email, please see below and attachments to Debbie Dyner Harris, District Director for LA City Councilman Mike Bonin's office. Again we have no ownership interest in this property or any excess Headlands property. However if you can send me the contact info on the current owner, as a board member of the Enclave HOA and in that capacity, I will contact him and perhaps between the Owner, City and County, there can be palatable solution to this issue. Thank You Ed

From: Edward J. Miller
Sent: Wednesday, May 09, 2018 7:21 PM
To: heather.johnson@coastal.ca.gov
Cc: Joe Guarrasi <joe@cal-coast.com>; Edward J. Miller <emiller@cal-coast.com>; Tom Clements <tclements@cal-coast.com>; 'Arthur L. Zussman (zuss1@verizon.net)' <zuss1@verizon.net>
Subject: 16701 via La Costa Pacific Palisades 5/3/18 letter

Heather, in response to your letter of May 3, 2018 please be advised that Headland Properties Associates (HPA) no longer has any interest in any property in the Palisades Highlands and hasn't for some time. As conditioned by Para 7. of the Coastal Permit below, The trailhead (16701 Via La Costa) restroom facility was completed and on 02/01/2000 Chicago Title presented to the City of Los Angeles an executed a quick claim deed by Met Life (HPA). The turnover of the facility was completed when officials of the LA City Department of Parks & Recreation picked up the keys to the trailhead bathrooms and parking lot gate, officially taking over the maintenance on 02/08/2000. However, after what I believe was over 10 years of maintenance, Parks and Rec discontinued maintaining this area when LA County incorrectly auctioned the property, and it was purchased by an individual. Unbeknownst to Met Life (HPA), the City apparently did not record the deed. Heather, I hope this helps clarify this matter. Thank You Ed

Edward J. Miller
CEO/President
Cal Coast Companies

11755 Wilshire Blvd.
Suite 1660
Los Angeles, CA 90025
O: 310.820.8544
F: 310.544.5907
M: 310.990.6589
Email: emiller@cal-coast.com
www.cal-coast.com

CONFIDENTIALITY NOTICE:

This message (including any attachments) is confidential and may be privileged. This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any unauthorized use or dissemination of this message in whole or in part is strictly prohibited. If you have received this communication in error, please immediately notify us by e-mail, telephone, or facsimile, and delete this message from your system.

LEGAL NOTICE:

Any representation, warranties, agreements, approvals, notices or other direction made in this email is not legally binding until written and executed by both parties.

From: Johnston, Heather@Coastal <Heather.Johnston@coastal.ca.gov>
Sent: Friday, May 11, 2018 3:50 PM
To: Edward J. Miller <emiller@cal-coast.com>
Cc: Joe Guarrasi <joe@cal-coast.com>
Subject: Re: 16701 via La Costa Pacific Palisades 5/3/18 letter

Heather Johnston
Statewide Enforcement
California Coastal Commission
805.585.1817

From: Edward J. Miller <emiller@cal-coast.com>
Sent: Wednesday, May 9, 2018 7:25:06 PM
To: Johnston, Heather@Coastal
Cc: Edward J. Miller; Joe Guarrasi
Subject: FW: 16701 via La Costa Pacific Palisades 5/3/18 letter

Cal Coast Companies
11755 Wilshire Blvd.
Suite 1660
Los Angeles, CA 90025
O: 310.820.8544
F: 310.544.5907
M: 310.990.6589
Email: emiller@cal-coast.com

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TDD (415) 597-5885

**VIA REGULAR AND ELECTRONIC MAIL**Certified Mail No. 7017 0530 0000 8132 0948

February 20, 2020

Headland Properties Associates
Edward Miller and Joseph Guarrasi
11755 Wilshire Boulevard
Suite 1660
Los Angeles, CA 90025

Edward Miller
16865 Calle Bellevista
Pacific Palisades, CA 90272
emiller@cal-coast.com

Joseph Guarrasi
30428 Miraleste Drive
Rancho Palos Verdes, CA 90275
joe@cal-coast.com

Dear Messers Miller and Guarrasi;

Thank you for your email dated February 6, 2020; I appreciate your response to Commission staff's December 5, 2019 letter, and am hopeful that this line of communication will remain open so that we may finally be able to resolve the longstanding Coastal Act violations associated with the property located at 16701 Via La Costa Drive, in the Pacific Palisades portion of Los Angeles (the "Trailhead Property"). While your February 2019 email contained no substantive response, you included the two prior emails that you have sent staff, dated May 9, 2018 and December 5, 2018, and indicated that you "continue to look forward to a response from them." As you are aware, staff has responded to your emails not less than five times, including on May 11, 2018; November 21, 2018; January 14, 2019; August 28, 2019, and again on December 5, 2019. Each of these letters was sent to your home addresses, the updated business address that you provided me with your May 9th email, as well as to your respective email addresses. These various letters have addressed the substance of your emails as well as detailing that your obligations regarding the Trailhead Property are ongoing and providing potential mechanisms for resolving this important public access violation case.

Staff has received only three responses (all via email) from you in almost as many years; in none of which have you substantively addressed issues raised by Commission staff nor have you engaged

Headland Properties Associates - Temescal Ridge Trailhead; February 20, 2020


with staff in a discussion as to how to remedy the Coastal Act violations. Despite this, staff remains hopeful that it will be possible to work with you to craft a Consent Cease and Desist and Administrative Penalty Order that will reflect your input as to the resolution, as well as addressing the civil liabilities associated with your actions and inactions as related to the Trailhead Property. If you do wish to work with staff to craft a proposed resolution, please contact me immediately as this matter is currently scheduled for hearing before the Coastal Commission at its local hearing in Oxnard, California from April 15th - 17th. As staff has previously mentioned, there is the potential for the imposition of significant administrative penalties against you, as such I again urge you to contact staff to work cooperatively towards crafting a mutually acceptable resolution to this longstanding Coastal Act violation. As of the date of this letter, since you have failed to engage with us on any of our offers to work together on a mutually agreeable solution to this long-standing Coastal Act violation case, we are moving forward with a unilateral action against you during at the Commission's April 2020 hearing that will address, among other things, the potential civil liabilities associated with this matter. Thank you for your continued attention to this matter - we look forward to working with you to restore public access to this important area.

Sincerely,



Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <p>Joseph Guarasi 30428 Miraflores Drive Rancho Palos Verdes CA 90275</p> <p>9590 9402 5017 9063 9150 19</p>	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																
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<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label)</p> <p>7017 0530 0000 8132 0948</p>																	

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

CALIFORNIA COASTAL COMMISSION

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

**VIA REGULAR, CERTIFIED, AND ELECTRONIC MAIL**Certified Mail No. 7017 0530 0000 8132 0733

February 20, 2020


Wooster LLC
810 Cord Circle
Beverly Hills, CA 90048

Dear Messers Kalaf and Levy:

The purpose of this correspondence is to again reach out to you to discuss the serious Coastal Act violations on your property located at 16701 Via La Costa Drive, in the Pacific Palisades portion of Los Angeles (the "Trailhead Property"). As you are aware, staff last sent you a letter on December 5, 2019 (in addition to letters dated March 4, 2019 and August 28, 2019, among others), within which staff reiterated the severity of the violations on your property, discussed the possibility of the imposition of administrative penalties, and attempted to re-engage you in discussions in furtherance of resolving this enforcement matter. As of the date of this letter we have had no response to this communication.

I am writing again to encourage you to respond to staff and to meaningfully engage in a substantive discussion about the Coastal Act violations on the Trailhead Property and potential mechanisms for resolution. Commission staff is ready and willing to work with you in crafting a Consent Cease and Desist and Administrative Penalty Order that will reflect the elected resolution, as well as addressing civil liabilities. Any such discussions must begin immediately as this matter has been scheduled for hearing before the Coastal Commission at the next local hearing in Oxnard, California, April 15th-17th. As previously mentioned, there is the potential for the imposition of significant administrative penalties; as such, it is in your interest to work with staff to if you want input into any resolution. Again, we are moving forward with a unilateral action at this time since we have not heard from you in over a year, during which time we have sent you multiple correspondence in our ongoing attempt to work with you. Thank you for your attention to this matter - we look forward to hearing from you soon and are hopeful that you immediately restore public access to this important area.

Sincerely,


Heather Johnston

cc: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Alex Helperin, Senior Staff Counsel

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

April 2, 2020

Joseph P. Guarrasi, CFO
Cal Coast Companies
11755 Wilshire Blvd.
Suite 1660
Los Angeles, CA 90025
Joe@cal-coast.com

Subject:

Dear Mr. Guarrasi;

Thank you for your email dated March 31, 2020; I appreciate your communication. As you surmised, the Commission's April meeting has been cancelled in light of the ongoing pandemic. We are looking to bring this to hearing at the next available public Commission meeting, however, given the ever changing nature of this health crisis it is not possible to predict when that may be. We will of course provide you with notice and an opportunity to respond when a date does get set for hearing. In the meanwhile, it could be beneficial to all involved to use the time in the interim to work together to resolve this matter. Aaron McLendon, Deputy Chief of Enforcement, and I are available to speak by telephone the following dates and times: April 6th at 10am or 2pm, April 9th at 10 am, or April 10th at 2pm. Please email me to let me know if any of those times work for you and I will set up a conference call. Thank you in advance for your response; I look forward to working with you to resolve this Coastal Act violation.

Sincerely;

A handwritten signature in black ink, appearing to read "H. Johnston", with a stylized flourish at the end.

Heather Johnston
Statewide Enforcement Analyst

cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

August 26, 2020

Daniel Krishel
KRISHEL LAW FIRM
4500 Park Granada, Suite 202
Calabasas, CA 91302
daniel@krishellawfirm.com

Subject:

Dear Mr. Krishel;

I hope that this letter finds you and yours healthy during this difficult time. The purpose of this correspondence is to inquire as to whether or not there has been any progress in unwinding the sale of the Trailhead Property either through the County or through the previous owners, and whether or not there was anything that staff could do to help effectuate that goal. Because this longstanding Coastal Act violation will be going to the Commission for hearing on a formal resolution soon I would like to ensure that all avenues of a potential amicable resolution have been explored. I appreciate the time and attention you have dedicated to this matter and look forward to hearing from you soon.

Sincerely;

A handwritten signature in black ink, appearing to be "H. Johnston", written over a horizontal line.

Heather Johnston
Statewide Enforcement Analyst

cc: Aaron McLendon, Deputy Chief of Enforcement
Henri Levy, 1205-1207 Wooster Street LLC

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

June 16, 2020

Edward J. Miller and Joseph Guarrasi
Cal Coast Companies
11755 Wiltshire Blvd.
Suite 1660
Los Angeles, CA 90025

Emiller@cal-coast.com
Joe@cal-coast.com

Subject: 16701 Via La Costa Drive, Palisades Highlands

Dear Messers Miller and Guarrasi;

I hope that this letter finds you and yours well during this difficult time. Thank you for your email dated May 19, 2020, regarding the property located at 16701 Via La Costa in the Palisades Highlands ("Trailhead Property"). The purpose of this letter is to follow up on my most recent email dated June 10, 2020, requesting your availability to speak with Aaron McLendon and myself regarding the Trailhead Property. I understand that your offices have been closed and am happy to make myself available on your schedule in order to finally speak about this longstanding Coastal Act violation. As such, please email me a date and time to speak at your earliest convenience and I will ensure that I am available. I appreciate your time and attention regarding this matter and look forward to speaking with you soon.

Sincerely;

A handwritten signature in black ink, appearing to read "H. Johnston", with a horizontal line extending to the right.

Heather Johnston
Statewide Enforcement Analyst

cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

April 20, 2020

Henri Levy
1205-1207 Wooster Street LLC
Henrilevy@aol.com

Subject:

Dear Mr. Levy;

I hope that this letter finds you and your family, friends, and colleagues safe and healthy. In our last letter to you dated February 20, 2020 we notified you that we were planning to bring to our Commission recommendations for issuance of a cease and desist order and an administrative penalty against you to address the ongoing violations on property located at 16701 Via La Costa Drive, City of Los Angeles. As you may have surmised, the Commission's April meeting has been cancelled in light of the ongoing pandemic. We are looking to bring this to hearing at the next available public Commission meeting, however, given the ever changing nature of this health crisis it is not possible to predict when that may be. We will of course provide you with notice and an opportunity to respond when a date does get set for hearing. In the meanwhile, it could be beneficial to all involved to use the time in the interim to work together to resolve this matter. As Commission staff is currently working remotely through the pendency of the pandemic, please email me to let me know when you are available to speak and I will set up a conference call. Thank you in advance for your response; I look forward to working with you to resolve these Coastal Act violations.

Sincerely;

A handwritten signature in black ink, appearing to read "H. Johnston", with a stylized flourish at the end.

Heather Johnston
Statewide Enforcement Analyst

cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

September 21, 2020

Daniel Krishel
4500 Park Granada, Suite 202
Calabasas, CA 91302
Daniel@krishellawfirm.com

Subject: 16701 Via La Costa Drive, Palisades Highlands

Dear Mr. Krishel;

Thank you for your email dated September 11, 2020, in which you addressed my communication to you that a settlement involving state or local government paying rent to your client for the public's right to use land that is required by a coastal development permit to be owned and operated by a public agency for the purpose of providing a public restroom and parking lot is untenable. While I understand that your client feels entitled to compensation, Commission staff is seeking only to enforce regulatory restrictions placed on this property decades ago – your client's potential to seek remuneration from a prior owner or third party is unrelated to their obligations under the Coastal Act. Because this case has been so long-standing and has resulted in decreased public access to hiking trails, especially now during a time when availability of outdoor recreation is so critical to public health, this matter will be taken to the Commission for hearing on a formal resolution in **December 2020**. Should you wish to have input in the resolution of this violation and its attendant civil liabilities, please contact me as soon as possible. It is our hope that your client engages in a more fulsome discussion with Commission staff regarding potential resolution mechanisms as this case will not be going away, and without your client not cooperating will only ensure that cease and desist and administrative civil penalty orders –directing your client to comply with the Coastal Act and pay a penalty for violations thereof- are taken to the Commission for hearing without your client's input. I appreciate your time and attention regarding this matter and look forward to your response.

Sincerely;

A handwritten signature in black ink, appearing to read "H. Johnston", with a stylized flourish at the end.

Heather Johnston
Statewide Enforcement Analyst

cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

August 26, 2020

Edward J. Miller and Joseph Guarrasi
Cal Coast Companies
11755 Wiltshire Blvd.
Suite 1660
Los Angeles, CA 90025

Emiller@cal-coast.com
Joe@cal-coast.com

Subject: 16701 Via La Costa Drive, Palisades Highlands

Dear Messers Miller and Guarrasi;

I hope that this letter finds you and yours well during this difficult time. The purpose of this letter is to follow up on my voicemail left for you on August 25th at 3:40 PM in which I inquired as to whether you or your attorney have had an opportunity to contact Mr. Krishel, attorney for the current owners of the Trailhead Property at 16701 Via La Costa Drive to discuss resolution of this matter – specifically the return, to his client, of the \$329,521.79 Excess Proceeds Refund that you received from the Los Angeles County Treasurer and Tax collector for the sale of the Trailhead Property. I hope that by this time you have had time to review the litany of documents and letters sent over the years by Commission staff regarding this important Coastal Act violation and your obligations and liability with respect thereto. Because this matter will soon be going to the Commission for hearing on a formal resolution it is imperative that you contact me at your earliest convenience should you wish to resolve this amicably. I appreciate your time and attention regarding this matter and look forward to your response.

Sincerely;

A handwritten signature in black ink, appearing to read "H. Johnston", is written over a horizontal line.

Heather Johnston
Statewide Enforcement Analyst

cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

June 2, 2021

Subject: 16701 Via La Costa Drive, Palisades Highlands

Cathie Santo Domingo, P.E.

Cathie.santodomingo@lacity.org

Assistant General Manager

Planning, Maintenance and Construction

Department of Recreation and Parks

Pejmon Shemtoob

Pj.shemtoob@lacity.org

Deputy City Attorney

Office of the City Attorney

Real Property and Environment Division

Jason Douglas

Jason.p.douglas@lacity.org

Senior Planning Deputy

Councilmember Mike Bonin

Dear Ms. Santo Domingo and Messers Shemtoob and Douglas;

The purpose of this letter is to provide you with Commission staff's response to the documents provided by Ms. Santo Domingo in reference to the property located at 16701 Via La Costa Drive in the Palisades Highlands ("Trailhead Property"), and to hopefully provide a path forward by which we can work together to quickly resolve this issues related to the Trailhead Property and ensure that it is returned to its designated public use and status so that the community and public writ large can enjoy the benefits that both the City of Los Angeles and the Coastal Commission intended.

Firstly, I wanted to thank you for reviewing your files and sending me the salient documents – I understand that we are all trying to piece together a history of this property from old and potentially incomplete documents and appreciate your work on this.

Upon review, the June 26, 1989 Board of Recreation and Park Commissioners ("RAP") Report of the General Manager ("1989 Document") reflects the RAP's approval of the recordation of the grant deed ceding title to property for a trailhead from the original subdivider to the City of Los Angeles ("City"). This document also reiterated that the creation of the trailhead was not only a condition of the Coastal Development Permit imposed by the California Coastal Commission but was also explicitly required by the City itself as a condition of approval of the Tentative Tract Map for Tract 32184. Significantly, this City-imposed Tentative Tract Map requirement persists regardless of any subsequent actions modifying

the precise location of the trailhead, and the current lack of a public trailhead appears to be a violation of that condition.

Both the 1989 Document and the September 6, 1995 RAP Report of the General Manager ("1995 Document") reflect an explicit understanding that the trailhead was to be built pursuant to City specifications and was to be transferred thereafter for the City to maintain, consistent with the discussions between the Executive Director of the Commission and the City at this time. This was in fact done, and as is supported by the extrinsic evidence provided by the documents that Commission staff provided to you, the Trailhead Property was designed and developed pursuant to plans approved by the City; a certificate of occupancy was issued on January 6, 1994, for the public restroom and parking facility. Additionally, the document attached hereto (and provided previously in the document exchange) is a grant deed dated February 16, 1994, signed by Headlands Properties Associates transferring ownership of the Trailhead Property to the City. This notarized and signed grant deed contains a recordation request from the City Department of Recreation and Parks to the County Recorder's Office and demonstrates that the City's goal was to effectuate the transfer.

Subsequent letters and documents from 1995, again provided in the document exchange, reflect a general understanding that the City owned and operated the Trailhead Property. Further, the 1995 Document that you provided actually bolsters this interpretation; after discussing the relocation of the trailhead and recommending the acceptance of the new site, the report states, "[t]he trailhead facility was subsequently constructed at its current site in accordance with plans approved by our Department, the completed facility inspected by staff and found to be in order." Nothing in this report suggests an intention other than to proceed with City ownership of the Trailhead Property.

While I understand that apparently Numbers 3 and 4 in the 1995 Document were not fully executed, since it appears that the recommendations were approved as a whole, absent additional evidence or subsequent action by the RAP, such inaction cannot be taken as an authoritative decision but should be viewed as an error which should be remedied. Number 4 of the 1995 Document directs the RAP to record the grant deed to the extant Trailhead Property (which was executed by Headlands), and to record the quick claim deed releasing the other property back to Headlands. If Number 4 was never in fact implemented, is it the City's position that the City retains ownership of and responsibility for the originally dedicated trailhead property? Since that would presumptively be the case absent complete implementation of the 1995 Document as a whole, it seems like it would be in the best interest of the City to work with Commission staff to ensure that the ownership of the Trailhead Property is transferred back to the City so as to be in compliance with the conditions of Tentative Tract Map 32184, the 1995 Document, and the Coastal Development Permit, as amended.

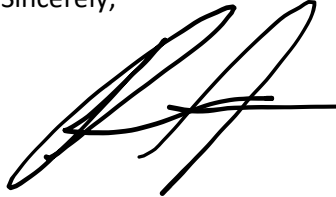
Even absent all of the above, since the mid-1990's up until 2016 the City was treating the property as theirs and actively maintaining the public restroom and parking lot at the Trailhead Property for the benefit of the people of the City of Los Angeles and the general public. It is our understanding that even today the City is paying for the utilities on the Trailhead Property. Clearly the City (and the Coastal Commission) assumed that the City owned the Trailhead Property consistent with all of the documents that we have exchanged, including the Coastal Development Permit, as amended. We would like to work collaboratively with the City to see this property back in the hands of the City.

June 2, 2021

Page 3 of 3

Commission staff is prepared to proceed to hearing before the Coastal Commission at which time it would be recommended that the Trailhead Property be quitclaimed back to the City as rightful owner. Given that the City was deeply involved in planning for this facility, and spent resources maintaining it for the benefit of the public for over twenty years, it is our hope that we can move swiftly to ensure that the public is able to again recreate safely in this area.

Sincerely;

A handwritten signature in black ink, appearing to be 'HJ' with a horizontal line extending from the end.

Heather Johnston

Statewide Enforcement Analyst

cc: Aaron McLendon, Deputy Chief of Enforcement

Alex Helperin, Deputy Chief Council

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

September 21, 2020

Edward J. Miller and Joseph Guarrasi
Cal Coast Companies
11755 Wiltshire Blvd.
Suite 1660
Los Angeles, CA 90025
Emiller@cal-coast.com
Joe@cal-coast.com

Subject: 16701 Via La Costa Drive, Palisades Highlands

Dear Messers Miller and Guarrasi;

Thank you for your email dated September 10, 2020, in which you indicate that you are working on a proposal with the current owner of the property upon which the public restroom and parking lot are located ("Trailhead Property"), involving a "land swap" in an attempt to return the Trailhead Property to City of Los Angeles ownership and control. I appreciate that you are focusing on trying to resolve this longstanding violation and look forward to hearing more of the details of the proposed resolution and your discussions with the current owner. While I am cognizant of the fact that you only recently became actively involved in working to resolve this case, because Commission staff has been attempting to discuss this violation with your company for now over two years, further delay in re-opening this important public asset are unacceptable. Because this case has been so long-standing and has resulted in decreased public access to hiking trails, especially now during a time when availability of outdoor recreation is so critical to public health, this matter will be taken to the Commission for hearing on a formal resolution in **December 2020**. Should you wish to have input in the resolution of this violation and its attendant liabilities, it is in your interest to ensure that any proposed mechanism for resolution be detailed and conveyed to Commission staff as soon as possible. I appreciate your time and attention regarding this matter and look forward to your response.

Sincerely;

A handwritten signature in black ink, appearing to read "H. Johnston", with a stylized flourish at the end.

Heather Johnston
Statewide Enforcement Analyst
cc: Aaron McLendon, Deputy Chief of Enforcement

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

November 30, 2020

Edward J. Miller and Joseph Guarrasi
Cal Coast Companies
11755 Wiltshire Blvd.
Suite 1660
Los Angeles, CA 90025
Emiller@cal-coast.com
Joe@cal-coast.com

Subject: 16701 Via La Costa Drive, Palisades Highlands

Dear Messers Miller and Guarrasi;

The purpose of this correspondence is to ascertain whether any progress has been made towards resolving the longstanding Coastal Act violations at 16701 Via La Costa Drive in the Palisades Highlands ("Trailhead Property"). As you are aware, an enforcement action is pending and will be taken to the Commission for formal resolution in the next few months. At your request, Commission staff has afforded you several months to look in to the matter and attempt to draw up a proposed resolution.

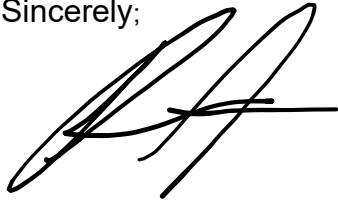
Following a phone conversation on July 20, 2020, I provided you with the contact information for the current owner's counsel. Commission staff called you on August 25, 2020 and left messages for you, and followed up with a letter on August 26, 2020, again inquiring as to the status of any potential resolution. In response, via email dated September 10, 2020, you indicated that you were working on a proposal with the current owner of the Trailhead Property involving a "land swap" in an attempt to return the Trailhead Property to the City of Los Angeles' ownership and control. On September 21, 2020, staff again wrote you a letter reminding you that this violation has been long-standing, needs to be resolved promptly, and will be taken to a Commission hearing as soon as possible to address this violation case, including to address civil liabilities associated with said violations.

Having not heard from you, I left you a voicemail on October 28, 2020, inquiring as to whether you had made any progress towards coming up with a proposed resolution to the ongoing Coastal Act violations on the Trailhead Property. In response to this voicemail, you had sent a message the same day stating that you were "working with the exchange landowner and waiting to hear back from his attorney." In fact, over a week later, counsel for the current owner emailed me requesting your contact information as they had yet to hear from you. In light of the apparent delayed contact with the new owners, Commission staff is concerned that there will be insufficient time

prior to the Commission hearing to work with you and the new owners to craft an acceptable resolution.

As I am cognizant of the fact that you only recently became actively involved in this matter – despite years of correspondence from staff directed to your attention- and in an effort to ensure that all potential avenues for an amicable resolution have been explored, Commission staff will take this case to the Commission for formal resolution in February, 2021 rather than December, 2020. As such, please contact me as soon as possible with your proposal should you wish to have input in the resolution of this violation and its attendant liabilities through a Consent Order. Failing that, please be aware that we will need to proceed with a unilateral order at the February hearing and we will have to address civil liabilities through an Administrative Penalty proceeding and possible litigation. I appreciate your time and attention regarding this matter and look forward to your response.

Sincerely;

A handwritten signature in black ink, appearing to be 'HJ' with a horizontal line extending to the right.

Heather Johnston
Statewide Enforcement Analyst
cc: Aaron McLendon, Deputy Chief of Enforcement

JAN 13 2021

RECEIVED

#1082

CLAIMANT INFORMATION

LAST NAME Levy	FIRST NAME Henri	MIDDLE INITIAL
INMATE OR PATIENT IDENTIFICATION NUMBER (if applicable)	BUSINESS NAME (if applicable)	
TELEPHONE NUMBER 310 774 1628	EMAIL ADDRESS	
MAILING ADDRESS 810 Cord Circle	CITY Beverly Hills	STATE CA
		ZIP 90210
IS THE CLAIMANT UNDER 18 YEARS OF AGE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	INSURED NAME (Insurance Company Subrogation)	
IS THIS AN AMENDMENT TO A PREVIOUSLY EXISTING CLAIM? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	EXISTING CLAIM NUMBER (if applicable)	EXISTING CLAIMANT NAME (if applicable)

ATTORNEY OR REPRESENTATIVE INFORMATION

LAST NAME Krishel	FIRST NAME Daniel	MIDDLE INITIAL
TELEPHONE NUMBER 818 883 8759	EMAIL ADDRESS daniel@krishellawfirm.com	
MAILING ADDRESS 4500 Park Granada, Suite 202	CITY Calabasas	STATE CA
		ZIP 91302

CLAIM INFORMATION

STATE AGENCIES OR EMPLOYEES AGAINST WHOM THE CLAIM IS FILED California Coastal Commission / Natural Resources Agency	DATE OF INCIDENT see attachment
LATE CLAIM EXPLANATION (Required, if incident was more than six months ago)	

see attachment

DOLLAR AMOUNT OF CLAIM \$2 million dollars	CIVIL CASE TYPE (Required, if amount is more than \$10,000) <input type="checkbox"/> Limited (\$25,000 or less) <input checked="" type="checkbox"/> Non-Limited (over \$25,000)
DOLLAR AMOUNT EXPLANATION see attachment	
INCIDENT LOCATION see attachment	
SPECIFIC DAMAGE OR INJURY DESCRIPTION	

see attachment


CIRCUMSTANCES THAT LED TO DAMAGE OR INJURY

see attachment

EXPLAIN WHY YOU BELIEVE THE STATE IS RESPONSIBLE FOR THE DAMAGE OR INJURY

see attachment

AUTOMOBILE CLAIM INFORMATION		
DOES THE CLAIM INVOLVE A STATE VEHICLE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	VEHICLE LICENSE NUMBER (if known)	STATE DRIVER NAME (if known)
HAS A CLAIM BEEN FILED WITH YOUR INSURANCE CARRIER? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	INSURANCE CARRIER NAME	INSURANCE CLAIM NUMBER
HAVE YOU RECEIVED AN INSURANCE PAYMENT FOR THIS DAMAGE OR INJURY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AMOUNT RECEIVED (if any)	AMOUNT OF DEDUCTIBLE (if any)

NOTICE AND SIGNATURE		
I declare under penalty of perjury under the laws of the State of California that all the information I have provided is true and correct to the best of my information and belief. I further understand that if I have provided information that is false, intentionally incomplete, or misleading I may be charged with a felony punishable by up to four years in state prison and/or a fine of up to \$10,000 (Penal Code section 72).		
SIGNATURE 	PRINTED NAME Henri Levy	DATE 11/09/2020

INSTRUCTIONS	
<ul style="list-style-type: none">• Include a check or money order for \$25, payable to the State of California.<ul style="list-style-type: none">• \$25 filing fee is not required for amendments to existing claims.• Confirm all sections relating to this claim are complete and the form is signed.• Attach copies of any documentation that supports your claim. Do not submit originals.	
Mail the claim form and all attachments to: Office of Risk and Insurance Management Government Claims Program P.O. Box 989052, MS414 West Sacramento, CA 95798-9052	Claim forms can also be delivered to: Office of Risk and Insurance Management Government Claims Program 707 3rd Street, 1st Floor West Sacramento, CA 95605 1-800-955-0045

Department of General Services Privacy Notice on Information Collection

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The Department of General Services (DGS), Office of Risk and Insurance Management (ORIM), is requesting the information specified on this form pursuant to Government Code Section 905.2(c).

The principal purpose for requesting this data is to process claims against the state. The information provided will/may be disclosed to a person, or to another agency where the transfer is necessary for the transferee-agency to perform its constitutional or statutory duties, and the use is compatible with a purpose for which the information was collected and the use or transfer is accounted for in accordance with California Civil Code Section 1798.25.

Individuals should not provide personal information that is not requested.

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FACTS OF THE CLAIM

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On October 22, 2013, Claimant Henri Levy (“Levy”) purchased the property at a Los Angeles County (“the County”) tax-defaulted real property auction (“the Auction”) for \$350,000.00. The “Tax Deed To Purchaser of Tax-Defaulted Property” was recorded with the Los Angeles County Recorder’s Office on December 17, 2013 as instrument number 20131775032 (“the Tax Deed”). (Exhibit 2). About one month later, on or about January 14, 2014, Levy transferred to the property to his limited liability company known as “1205-1207 Wooster Street, LLC.” (Exhibit 3)

According to the California Coastal Commission (“CCC”) some time after the Auction, HPA LLC, filed an Excess Proceeds claim with the Los Angeles County Treasurer and Tax Collector and received \$333,114.56 from the Auction which was the purported value of the property, less back taxes

In or about July 2016, Levy/Wooster agreed to sell the Property to a third party buyer for \$1,300,000.00. In the midst of this sale, Levy/Wooster were contacted by the CCC. On August 3, 2016, the CCC issued a “Notice of Violation of the California Coastal Act” to Wooster. (Exhibit 4) In this notice, the CCC, by and through “Jordan Sanchez Enforcement Officer” told Wooster that the Property was subject to the jurisdiction of CCC. Mr. Sanchez also stated in that letter that Coastal Development Permit “A-381-78” (“the Permit”) was violated as a result of Levy/Wooster’s “unpermitted development” which consisted of the installation of a gate placed on the property, and the locking of restrooms on the Property.

By letter dated September 23, 2016, Mr. Sanchez added a new violation and now stated that pursuant to the Permit, the Property was **“required to be transferred to a public or non-profit agency”** and that **“until the Property is transferred to a public or non-profit agency”** Wooster would be liable for daily fines of up to \$11,250 per day. The CCC letter concluded by stating **“failure to transfer the property to a public or non-profit agency acceptable to the...Coastal Commission constitutes a violation of the Coastal Act”** and that **“penalties...will continue to accrue until the issue at hand is resolved.”** (Exhibit 5)

By letter dated March 15, 2017, Mr. Sanchez stated that “It is our understanding that the City of Los Angeles operated and maintained the public restroom and parking lot as the Permit

required for 17 years.” In this letter, Mr. Sanchez stated that as a result of Wooster’s actions, the Property “remains privatized, constituting a continuing violation of the Coastal Act as long as Wooster refused to transfer the Property to a public or non-profit agency approved by CCC. (Exhibit 6)

In a letter dated February 15, 2018, the CCC by and through “John Ainsworth, Chief of Enforcement” again demanded the Property be transferred to a public or non-public agency and that failure to so transfer constituted a Coastal Act violation. (Exhibit 7)

In a letter dated December 12, 2018 to Levy, the CCC by and through “Heather Johnston, Chief of Enforcement” stated “No mistake has been made by the Commission; the ongoing obligations to comply with the coastal development permit are clear...” (Exhibit 8) In a letter dated March 4, 2019 Ms. Johnston wrote “I can assure you no mistake by Commission staff has been found...” (Exhibit 9) That letter also stated: “after the sale of the Trailhead Property at tax auction, HPA (the entity that had record title to the property prior to the foreclosure, and which had defaulted on the property taxes) filed an Excess Proceeds claim with the Los Angeles County Treasurer and Tax Collector and received \$333,114.56 from the sale – the value of the property at this sale, less back taxes. This is both law and standard practice after a tax sale and was not, in fact, done in error...” The letter ended by once again demanding that Wooster transfer the Property “to the City of Los Angeles...” By letter dated December 5, 2019, Ms. Johnston wrote to Mr. Levy and stated: “the restrictions...imposed by ...[the Permit]...do in fact persist and apply to you as current owner of [the Property]. (Exhibit 10)

In September 2020, Claimant discovered for the first time, the existence of an actual grant deed that it had never before seen nor knew about; this newly discovered grant deed was never recorded and was concealed by the City and the CCC from public view: the grant deed purports to show HPA-LP transferring title to the Property to “the City of Los Angeles Department of Recreation and Parks” (“the City grant deed”). (See Exhibit 11) Thus, according to the City grant deed, the transfer of the Property to the City of Los Angeles (“the City”) occurred on February 16, 1994 – 22 years prior to CCC’s incessant demands that Levy/Wooster transfer that exact same property, also to the City.

Furthermore, during this intervening 22 year period, the City never transferred the Property to anyone nor did they, nor the County, State, CCC, ever record any document that would notify potential purchasers of the existence of the City grant deed. Despite the existence of the City grant deed, the CCC continued to act as if it never existed as evidenced by their letters set forth above: 9/23/16 CCC demands the Property “be transferred to a public or non-profit agency”; 3/15/17 CCC states violations exist “as long as Wooster refused to transfer the Property to a public or non-profit agency; 2/15/18 CCC demands the Property be transferred to a public or

non-public agency; 12/12/18 CCC states “No mistake has been made by the Commission”; 3/4/19 CCC states “I can assure you no mistake by Commission staff has been found...”; 12/5/19 CCC states “the restrictions...imposed by ...[the Permit]...do in fact persist and apply to you as current owner of [the Property].” So not only did the CCC not disclose the existence of the city grant deed, it repeated wholly misleading statements over a period of years, that would lead any reasonable observer to believe no such deed existed.

Despite the opportunity over a period of more than 20 years to truthfully disclose to the public (by recording the appropriate document) and Levy/Wooster of the actual facts concerning the Property and the existence of the city grant deed, the CCC saw no need to even acknowledge its existence or to disclose it to the public, and instead continued with its bizarre charade in demanding Levy/Wooster do what HPA-LP had already done: execute a grant deed to the City.

Despite the existence of the City grant deed, neither the City of Los Angeles, County of Los Angeles nor State of California, by and through the CCC ever took any action to object or question the validity of the HPA-HPA grant deed that executed some sixteen years *after* the known existence of the City grant deed. Instead, all of these governmental entities chose to stay silent and to affirmatively conceal, the City grant deed’s existence.

If what the CCC contends in its assorted notices of violations sent to Wooster is true, the Property is tax exempt and the Auction never should have taken place and Levy never should have been permitted to buy the Property. Furthermore, the City, County, State and CCC were all on notice that an unsuspecting person like Levy could buy the property at the Auction having absolutely no knowledge of the City grant deed – ***because the exact same thing had previously happened to another unsuspecting buyer***: Several years prior to the Auction, the County had held a tax default auction on the same property. It was subsequently brought to the County’s attention that the auction was improper (because the property was tax exempt and no taxes were owed) and the auction sale was rescinded and the successful bidder was refunded the purchase price (“the rescinded auction”).

Notwithstanding the rescinded auction, neither the City, County, State or CCC ever took any remedial or corrective action (e.g. like recording the City grant deed or another notice) to insure yet another unsuspecting bidder (like Levy) did not also bid on the Property and end up buying the property that never should have been placed up for auction in the first place. Had Levy known of the facts as asserted by the CCC in its assorted notices of violations or had it known of the City grant deed, he never would have bid at the Auction and taken title to the Property. Levy and Wooster file this claim at this time because the existence of the City grant deed was only just discovered in September 2020 when the CCC sent it to Levy’s counsel.

DAMAGES AS RESULT OF THE CITY, COUNTY, STATE, CCC

NEGLIGENCE AND FRAUD

Because of the failure by the City, County, State and CCC to properly record any documents that would put prospective purchasers on notice of the assorted restrictions on the Property that allegedly prohibit sale or development of the Property and the failure to record the City grant deed, and because of the Auction itself, Claimants should be deemed to hold title free and clear of any such restrictions alleged by the CCC in their assorted notices of violations.

Furthermore, and wholly apart from the title issues and failure of the parties to record proper notices concerning the Property's restrictions and the existence of City grant deed, if it is determined the restrictions claimed by the CCC are valid and enforceable, then Claimant Levy will have bid and paid for the Property and his company (Wooster) will be stuck with a property that never should have been placed up for auction, and for which the CCC is demanding the property be transferred *for free*, to the City. The CCC interfered with the Property's sale and has refused to allow Wooster to sell or develop the property or to do *anything* with the property except execute a grant deed of the Property to the City for exactly *zero consideration*. As a result of this entire fiasco and the combined negligent and fraudulent acts of the City, County, State and CCC, Claimants have been damaged in the amount of \$2 million dollars, which includes loss of the purchase price, loss of profits on the planned sale of the Property, loss of rental or other income that could have been generated by the property, plus interest.

Government Claims Program

STATE OF CALIFORNIA
GOVERNMENT CLAIM
DGS ORIM 006 (Rev. 08/19)

DEC 16 2020

DEPARTMENT OF GENERAL SERVICES
OFFICE OF RISK AND INSURANCE MANAGEMENT

RECEIVED

20011197

CLAIMANT INFORMATION			
LAST NAME Levy		FIRST NAME Henri	MIDDLE INITIAL
INMATE OR PATIENT IDENTIFICATION NUMBER (if applicable)		BUSINESS NAME (if applicable)	
TELEPHONE NUMBER 310 774 1628		EMAIL ADDRESS	
MAILING ADDRESS 810 Cord Circle		CITY Beverly Hills	STATE CA
		ZIP 90210	
IS THE CLAIMANT UNDER 18 YEARS OF AGE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		INSURED NAME (Insurance Company Subrogation)	
IS THIS AN AMENDMENT TO A PREVIOUSLY EXISTING CLAIM? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		EXISTING CLAIM NUMBER (if applicable)	EXISTING CLAIMANT NAME (if applicable)

ATTORNEY OR REPRESENTATIVE INFORMATION			
LAST NAME Krishel		FIRST NAME Daniel	MIDDLE INITIAL
TELEPHONE NUMBER 818 883 8759		EMAIL ADDRESS daniel@krishellawfirm.com	
MAILING ADDRESS 4500 Park Granada, Suite 202		CITY Calabasas	STATE CA
		ZIP 91302	

CLAIM INFORMATION	
STATE AGENCIES OR EMPLOYEES AGAINST WHOM THE CLAIM IS FILED California Coastal Commission / Natural Resources Agency	DATE OF INCIDENT see attachment
LATE CLAIM EXPLANATION (Required, if incident was more than six months ago)	

see attachment

DOLLAR AMOUNT OF CLAIM \$2 million dollars	CIVIL CASE TYPE (Required, if amount is more than \$10,000) <input type="checkbox"/> Limited (\$25,000 or less) <input checked="" type="checkbox"/> Non-Limited (over \$25,000)
---	--

DOLLAR AMOUNT EXPLANATION
see attachmentINCIDENT LOCATION
see attachment

SPECIFIC DAMAGE OR INJURY DESCRIPTION

see attachment

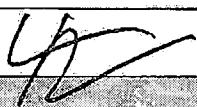
CIRCUMSTANCES THAT LED TO DAMAGE OR INJURY

see attachment

EXPLAIN WHY YOU BELIEVE THE STATE IS RESPONSIBLE FOR THE DAMAGE OR INJURY

see attachment

AUTOMOBILE CLAIM INFORMATION		
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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732



VIA ELECTRONIC AND REGULAR MAIL

Krishel Law Firm
Attn: Daniel Krishel
4500 Park Granada, Suite 202
Calabasas, CA 91302
daniel@krishellawfirm.com

February 9, 2021

Dear Mr. Krishel;

Thank you for taking the time to speak with Alex Helperin (the Coastal Commission's Assistant Chief Counsel) and me on January 11, 2021, regarding the Government Claim form and accompanying documents that you sent to us on December 11, 2020. We appreciate the clarification that you provided to us on our call, regarding the nidus of the claim and upon what basis your client would be willing to resolve this matter. While it appears that there is a differing opinion as to the legal rights and obligations of your client with respect to the property located at 16701 Via La Costa, Pacific Palisades (the "Property"), I remain hopeful that we will be able to craft a mutually acceptable resolution and hope to work with you in furtherance of the same.

During that phone call, you asked that we provide evidence that your client was aware of certain documents prior to September of last year. Accordingly, I am writing, in part, to honor that request. I would additionally like to use this as an opportunity to address some of the statements that you made in your December 11th communication that we believe do not accurately reflect the facts of this matter or the law, so that we can move forward with a more precise understanding of the totality of this case. Firstly, in your letter, you claim that it was in September of 2020 that "Claimant discovered for the first time, the existence of an actual grant deed that it had never before seen nor knew about; this newly discovered grant deed was never recorded and was concealed by the City and the CCC from public view...." In fact, contrary to your statement, your client reviewed the entirety of the permit file, which contains several copies of the grant deed in question – a February, 1994 grant deed from a Headlands-affiliated entity to the City of Los Angeles Department of Recreation and Parks (the "Deed") – in the Commission's Long Beach office. Your client reviewed the file and made copies of various documents. At no point did we "conceal" this document from the public file, as it is part of the public record and was provided to your client upon their request.

Further, during a phone call on April 28, 2018, with your client's previous counsel – Mr. Rossman – we discussed at length this grant deed, including the Deed having had a smudged notary stamp that caused the County Recorder's office subsequently to reject the submission of the Deed for recordation, Headland's transfer of the Property to one of its subsidiary entities in 2010, and the County's sale of the Property at tax auction on two

occasions. Additionally, your client referred to the existence of the Deed by letter dated January 9, 2019, wherein he stated, "Sergio Marquez dug into the file and explained the original owner, Edward Miller of Headland LLC, stated he had given up on the property and quit claimed it back to the City of Los Angeles. Initially unaware of this fact, and also unaware the Coastal Commission was claiming the property, the tax collector sold the parcel for unpaid taxes." It is therefore evident that even if you yourself did not know of the existence of the Deed, your client and his previous counsel certainly did.

Secondly, in your December 11th correspondence, you repeatedly impute to Commission staff a nefarious purpose for this purported concealment, averring that statements made in letters to your client were somehow designed to subvert your client's discovery of the Deed. In fact, and contrary to your assertions, the primary reason this Deed has been little discussed is because we are not aware of it having been recorded in the official county records prior to your client's recordation of its grant deed in 2013, thus limiting the Deed's relevance to the current ownership of the Property, except insofar as it demonstrates a meeting of the minds of the parties at that time that the trailhead Property was to be transferred to the City of Los Angeles ("City").

In fact, for the reason mentioned above, we had been operating on the assumption that this Deed is legally irrelevant to your client's ownership of the Property except insofar as it demonstrates that, at the time of its execution, all parties were operating on the understanding that the Property was to be transferred to the City pursuant to the permit. This is because California has a race notice statute that specifically addresses the type of matter at hand, Cal. Civ. Code Sec. 1214, which provides that:

"Every conveyance of real property or an estate for years therein, other than a lease for a term not exceeding one year, is void as against any subsequent purchaser or mortgagee of the same property, or any part thereof, in good faith and for a valuable consideration, whose conveyance is first duly recorded, and as against any judgment affecting the title, unless the conveyance shall have been duly recorded prior to the record of notice of action."

Since the Deed upon which you predicate your claim was never recorded, and your client's subsequent deed was, your client is the record owner of the Trailhead Property, albeit improperly so. It is on the basis of that record ownership that we made the demands and other statements that you cited in your letter, and it is for those reasons that we continue to believe those to have been appropriate, notwithstanding the fact that your client's record ownership constitutes a violation of the applicable Coastal Development Permit for the Property.

Finally, in the attachment to your December 11th claim, you appear to assume that prior to your client's participation in the tax default sale in 2013, the Commission had notice of various facts, including: that the Deed wasn't properly recorded, that the property remained taxed, and that the property had been unsuccessfully sold at tax auction. I can assure you that this is simply not the case; it is unfortunate, but the Commission lacks the access to and staff for combing through county records and tax sales and rescissions in real time to try to prevent situations like this. In practice, it is usually only when something is brought to our attention as an issue that significantly affects coastal resources that we are able to discover and seek to redress whatever missteps or failings led to it. In this case, we had

assumed that the 1994 deed had been duly recorded, and we only became aware of this issue in 2016 when members of the public began complaining that the property was no longer being maintained and that it appeared to be for sale.

It is my hope that, given the above factual and legal elucidation, your client's disinclination to a negotiated settlement with the Coastal Commission, at least, will have abated, and that we can work efficiently on a mutually acceptable resolution. We understand that your client may have been unwittingly drawn into this situation, and accordingly, if your client is willing to work with us to untangle the problems, we will take that into account in coming to a determination of an appropriate resolution vis-à-vis your client. Please do not hesitate to call or email me should you have any questions or concerns about this letter or wish to discuss a potential settlement.

Best,

A handwritten signature in black ink, appearing to read "Heather Johnston", with a long horizontal flourish extending to the right.

Heather Johnston

cc: Henri Levy (Henrilevy@aol.com)

CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC AND REGULAR MAIL**

January 15, 2021

Edward J. Miller (Emiller@cal-coast.com)
Joseph Guarrasi (Joe@cal-coast.com)
Cal Coast Companies
11755 Wiltshire Blvd.
Suite 1660
Los Angeles, CA 90025

Subject: 16701 Via La Costa Drive, Palisades Highlands

Dear Messers Miller and Guarrasi;

I am writing to follow up on correspondence sent to you on November 30, 2020, which was conveyed to you both electronically and to your office via US Mail. Despite renewing my request that you contact Commission staff to discuss the ongoing Coastal Act violations located at 16701 Via La Costa Drive in the Palisades Highlands ("Trailhead Property"), I have again received no reply. At your request, Commission staff had afforded you several months to look into the matter and to draw up a proposed resolution - over a month has now passed without a response to our latest letter. We understand that the surge in Covid19 cases, particularly in Los Angeles County, and related State and local health guidelines have made certain activities challenging, but in this case, we are simply asking you to call us so that we can continue to find ways to address this matter.

It appears that this matter could be resolved in a relatively simple manner wherein, in the context of a consent cease and desist order, you agree to, among other things, remit the excess proceeds refund that you requested and received from the Los Angeles County Tax Assessor to the current owner as part of a settlement package. Availing yourself of that opportunity to work with us to formulate a consent cease and desist order would help ensure that the resolution was collaborative and mutually acceptable. In doing so, you would also help ensure that a valuable public property is returned to its rightful ownership, securing in perpetuity for the public critical access to outdoor amenities. Finally, you would have an opportunity to negotiate fines and penalties under the Coastal Act and the potential for expensive and protracted litigation that would likely result from the Commission's issuance of a unilateral cease and desist order and administrative penalty proceeding. In short, I again urge you to work with Commission staff to try to resolve this matter.

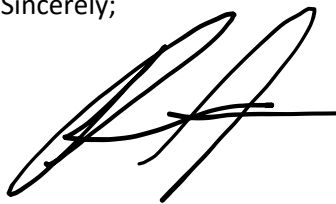
You have variously stated that you have been in contact with the property owners in pursuit of some sort of resolution of this matter, however Mr. Krishel – the attorney for the current owner- has indicated that he has not heard from you, despite me having provided you with his contact information on July 20, 2020 at your request. As you can imagine, this is disappointing as we have continued to extend your

Headland Properties LLC
January 15, 2021
Page 2 of 2

time for compliance with the understanding that you were indeed pursuing a solution with the extant owner.

Commission staff had previously communicated to you of our intent to take this case to hearing before the Commission in February 2021. We now are deferring that action yet another month to again afford you the opportunity to work with us prior to a unilateral order hearing. Should you not choose to avail yourself of this opportunity to work with staff to resolve these violations, staff will bring this case to the Commission for formal resolution via a unilateral cease and desist order and administrative penalty proceeding in March, 2021. I appreciate your time and attention regarding this matter and look forward to your response.

Sincerely;

A handwritten signature in black ink, appearing to be 'HJ' with a horizontal line extending to the right.

Heather Johnston
Statewide Enforcement Analyst
cc: Aaron McLendon, Deputy Chief of Enforcement

California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105
(415) 543-8555

18-
P 3683

July 20, 1983

W. Charles Chastain
Executive Vice President
Headland Properties, Inc.
1919 Palisades Drive
P.O. Box 705
Pacific Palisades, CA 90272

Re: Unauthorized Grading Activities; Coastal Permit No. 381-78

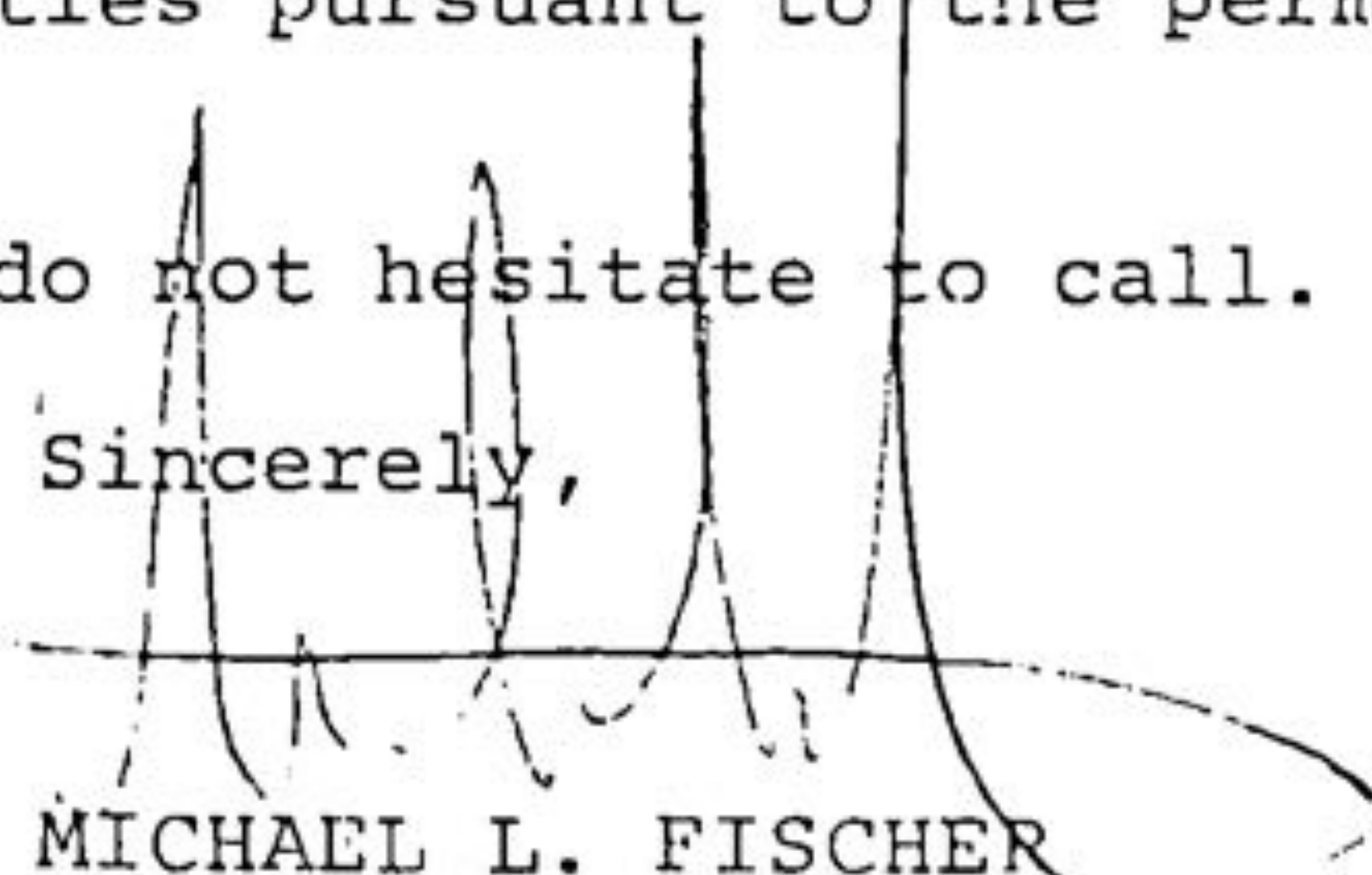
Dear Mr. Chastain:

We have completed our review of the report you sent to the Commission which documented the slope failure and grading activities which occurred earlier this year at the Headland Properties' site in Pacific Palisades. Further, our staff has discussed this matter at length with your consultants.

We have concluded that, although your grading activities were technically in violation of the "Archaeological Site" condition of your coastal development permit, the emergency situation at the site precipitated the oversight on your part. We have reached this condition only because of your previous commitment to fulfilling the condition as evidenced by your acceptance of your coastal development permit and by our discussions with you. We request that you immediately take steps to insure that in the future, all contractors who grade on the site are aware that an archaeologist must be present during all grading activities pursuant to the permit condition.

If you have any questions, please do not hesitate to call.

Sincerely,


MICHAEL L. FISCHER
Executive Director



CALIFORNIA COASTAL COMMISSION

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

**VIA ELECTRONIC MAIL**

May 7, 2020

Daniel Krishel
KRISHEL LAW FIRM
4500 Park Granada, Suite 202
Calabasas, CA 91302
daniel@krishellawfirm.com

Subject: 16701 Via La Costa Drive, Palisades Highlands

Dear Mr. Krishel;

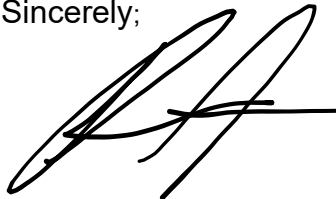
Thank you for taking the time to speak with Aaron McLendon and myself on April 30th regarding the Coastal Act permitting and enforcement history on your client's property located at 16701 Via La Costa in the Palisades Highlands ("Trailhead Property"). At the close of our conversation you indicated that your client may not have retained the many letters and documents that Commission staff has sent regarding this enforcement matter and thus requested that staff email you correspondence to help bring you up to speed on the case. As we communicated to you during our call, because staff is working remotely during the pendency of the Covid-19 pandemic, access to case files is somewhat limited. I have thus far sent you approximately seven letters that were previously sent to your client, the original 1973 coastal development permit, and seven of the thirteen amendments. I will continue to digitize and send you the remainder of the permit amendments as soon as possible and would be happy to provide you with any additional information that you deem necessary. As we informed you during our April 30 phone call, over two years ago your client visited our South Coast District office and reviewed the entire permit file for this matter – some 12 bankers boxes worth, and made photo copies of numerous documents. Prior to this time, Commission staff sent your client digital copies of permits related to this property. Therefore, at this time since we are unable to access paper files from our offices, you may want to ask your client for the documents that they have in their possession.

In your May 5, 2020 emails, you expressed dissatisfaction that the documents I had sent you were not directly responsive to the question of what was recorded on the title to your client's property prior to the tax sale. In fact, it was in an attempt to facilitate your understanding of Commission staff's position regarding this notice issue that I sent you the March 15, 2017 staff letter which provides a summation of conversations staff had had with your client's previous counsel, Mr. Rossman, regarding this particular issue. Page 3 of the March 15th letter specifically references two documents that were recorded on title and provides additional context for those documents as well as the

general notice issue. If this does not sufficiently answer your question then I again suggest that a title report may be the most comprehensive way of answering your questions regarding recorded documents. For your convenience, I am attaching the preliminary title report for the property that your client previously sent to Commission staff on October 11, 2016.

Also in your May 5th emails, you raised the notion that the Commission's requirements to transfer the Trailhead Property to the City were permissive and not compulsory. I have since sent you the permit and associated amendments in an attempt to facilitate your greater understanding of the evolution of this requirement. Further, even assuming arguendo that the transfer requirement was permissive, the requirement to maintain the property and associated development for the benefit of the public is unambiguous. Finally, I understand from your last several emails that you are frustrated with my perceived lack of responsiveness to your requests for explanation and interpretation of staff's position relating to recorded documents and the permit language. I do remind you that we made it very clear in our call that we would endeavor to provide you with all the documents related to this matter to which we have remote access; and as of this date I have sent you seven letters and five of the permit amendments. Due to the ease with which email can be altered, it is our policy that we do not engage in substantive discussions via email; I apologize for any vexation or inconvenience this may have caused you. If you would like to discuss possible resolution of this matter please do not hesitate to contact me so that we can set up a time to speak. I appreciate the time and attention you have dedicated to this matter and look forward to working with you to resolve this Coastal Act violation.

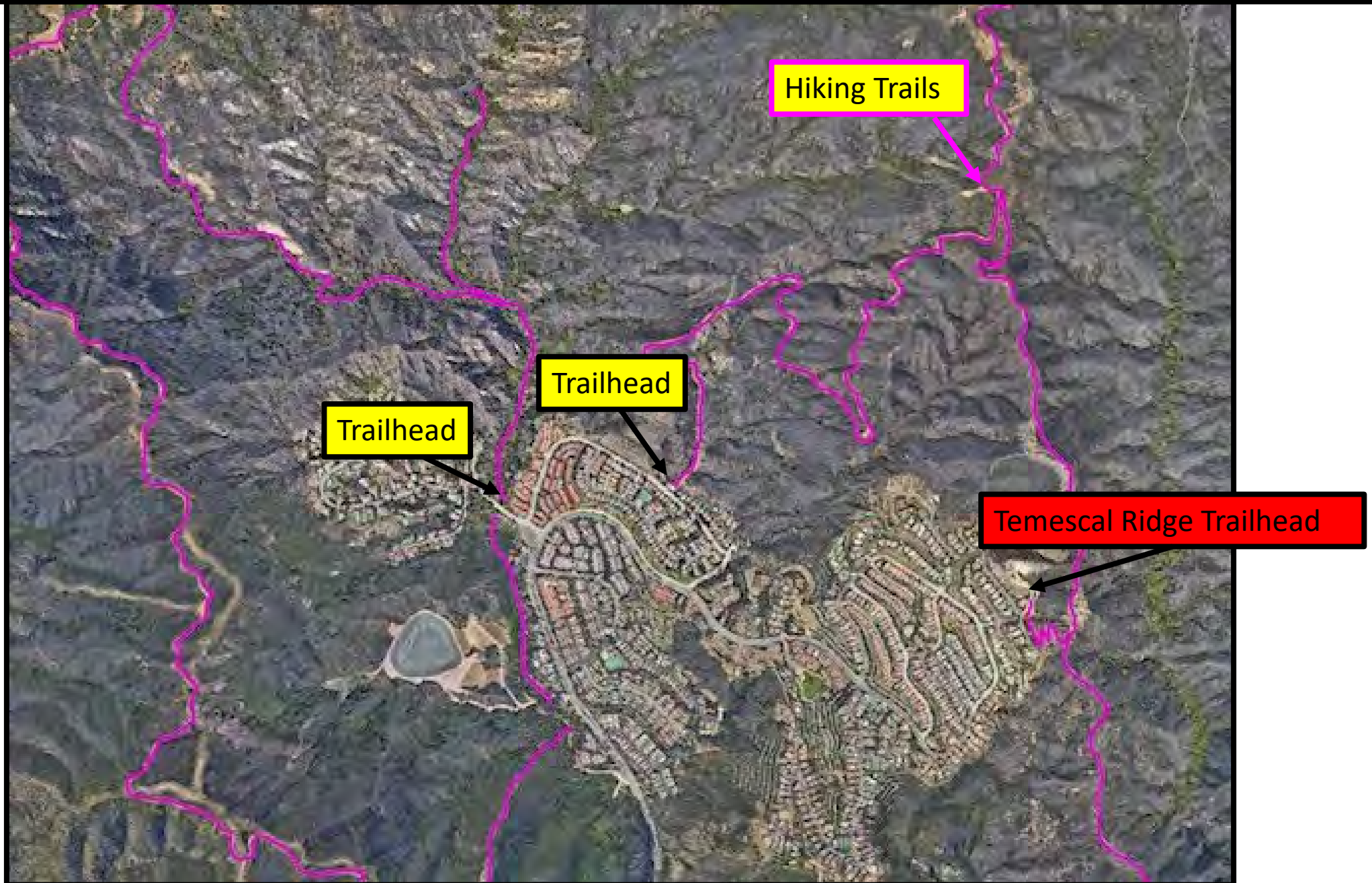
Sincerely;

A handwritten signature in black ink, appearing to read 'H. Johnston', with a stylized flourish extending from the end.

Heather Johnston
Statewide Enforcement Analyst

cc: Aaron McLendon, Deputy Chief of Enforcement
Henri Levy, 1205-1207 Wooster Street LLC

Palisades Highlands Vicinity Hiking Trails and Trailheads



Recording Requested By, And
When Recorded Return To:

Rex A. McKittrick, Esq.
Fulop, Moiston, Burns & McKittrick
4041 MacArthur Boulevard
P.O. Box 2710
Newport Beach, CA 92660

RAM:gtb 10/15/80
5120-6758

81- 3847

DECLARATION OF RESTRICTIVE

COVENANTS AND AGREEMENT

Shaw & Co. Title Co.
268830-10

FEE \$ 44.00

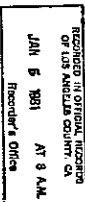
36

WHEREAS, the undersigned HEADLAND PROPERTIES, INC., a California corporation ("Headland") is the owner of that certain real property located in the County of Los Angeles, State of California, more particularly described as Tentative Tract No 34923, being Lot 1 of Tract 31070 as per map recorded in Book 838, Page 5 of Maps, Los Angeles County California, as well as that certain real property designated as Tentative Tract 31935 and Tentative Tract 32184, respectively, on Exhibit 1 attached hereto and by this reference made a part hereof Said Tentative Tracts 34923, 31935 and 32184 are hereinafter referred to collectively as the "Permit Area": and

WHEREAS, Headland is the owner of that certain real property located in the County of Los Angeles, State of California, designated as Parcels. C, C-1, D, E and G, each more particularly described in Exhibit 2 attached hereto and by this reference made a part hereof Said Parcels C, C-1, L, E and G are hereinafter referred to collectively as the "Dedication Area", and

WHEREAS, both the Permit Area and the Dedication Area are 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"): and

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 the South Coast Regional Commission (hereinafter referred



to as the "Regional Commission") and requires that any development approved by the Commission or Regional Commission must be consistent with the policies of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code: and

WHEREAS, pursuant to the Act, Headland, together with Palisades Resources, Inc., a California corporation, (hereinafter collectively referred to as "Permittees") applied to the Commission or Regional Commission for a permit to undertake development (as defined in the Act) of the Permit Area within the coastal zone of Los Angeles County: and

WHEREAS, such permit was approved by the Commission as Permit No. 381-78 on July 17, 1979 and as amended May 21, 1980, June 18, 1980 and July 22, 1980 (hereinafter referred to as the "Permit") and was issued on December 22, 1980 (hereinafter referred to as the "Permit Date"): and

WHEREAS, in its decision on the Permit the Commission found that the development proposed by the Permittees would cause adverse cumulative impacts on both coastal resources and public access to the coast within the Los Angeles County coastal zone, and that such density increase could not be permitted consistent with the policies of the Act without offsetting dedication of the Dedication Area in order to prevent residential development, conserve the natural resources and provide area for public recreation on the lands within the Dedication Area so as to mitigate the adverse cumulative effects of the proposed development; and

WHEREAS, in its decision on the Permit the Commission acting on behalf of the People of the State of California and pursuant to the Act, granted the Permit to the Permittees upon the condition requiring, among other things, that Headland offer

to dedicate the Dedication Area to a governmental agency for park and open space uses (the "Dedication Condition") so as to preserve the open space and scenic values present in the Dedication Area and so as to prevent the adverse cumulative effects on coastal resources and public access to the coast which would occur if the Dedication Area were developed as building sites for residential use; and

WHEREAS, the Commission has placed the Dedication Condition on the Permit because a finding must be made under Public Resources Code Section 30604(a) that the proposed development is in conformity with the provisions of Chapter 3 of the Act and that in the absence of the protections provided by the Condition said finding could not be made:

WHEREAS, in approving the Permit the Commission further required, as a condition to development of the Permit Area, that Headland execute and place of record this Declaration of Protective Restrictions and Agreements (this "Declaration") in form and substance as herein set forth: and

WHEREAS, Headland elected to comply with the Dedication Condition by executing and recording that certain Offer of Dedication Agreement (the "Offer of Dedication Agreement") and this Declaration: and

WHEREAS, it is intended that the provisions of this Agreement shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said restrictions shall thereby qualify as enforceable restrictions under the provisions of the California Revenue and Taxation Code, Section 402 1

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth herein and substantial public

benefits for the protection of coastal resources to be derived therefrom, the preservation of the Dedication Area in open space uses and the advantages that accrue to Permittees as a consequence of their ability to undertake the development authorized by the Commission in the Permit, without the necessity of applying for or obtaining further development permits (as defined in the Act), as contemplated by the grant of the Permit and the Categorical Exclusion as well as the beneficial effect on the method of determining the assessed value of the Dedication Area including any reduction thereof due to the imposition of limitations on its use as set forth in this Agreement, Headland hereby agrees as follows:

1. Prior to dedication of the Dedication Area or the termination of the Offer of Dedication Agreement in accordance with its terms, whichever first occurs, Headland shall not file any tentative, final or parcel maps further subdividing all or any of the Dedication Area except for park purposes

2. Except as otherwise hereinafter provided prior to dedication of the Dedication Area or the termination of the Offer of Dedication Agreement in accordance with its terms whichever first occurs, Headland shall keep and maintain the Dedication Area as open space and shall not construct or install any improvements thereon. Notwithstanding the foregoing, subject to the review and written approval of the Executive Director of the Commission, Headland may (a) perform minor grading of the Dedication Area so as to recontour previously graded portions thereof; (b) construct pathways, either paved or unpaved, and other improvements incidental to low intensity recreational land uses (c) construct minor facilities to provide public or utility services which do not require significant grading in the event

that alternative locations are not feasible, and (d) construct or install such other improvements as are contemplated by the grant of Development Easements, (as such term is defined in Paragraph 6 of the Offer of Dedication Agreement) approved by the Executive Director

3. Headland, its successors and assigns hereby waive and relinquish any claim of whatsoever nature against any and all public bodies due to flood, fire or geological instability which such claim may arise or be claimed to arise as a consequence of approval by any such public body of development of the Permit Area or within the Dedication Area

4. No breach or violation of this Declaration shall defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for valuable consideration but all of the provisions of this Declaration shall be binding upon and effective against any owner whose title is derived through foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

5. All of the covenants contained herein shall be construed in a fair manner, and neither for nor against Headland. If any one or more provisions or any portion hereof shall be held to be invalid, or for any reason become unenforceable, no other provisions of this Declaration shall thereby be affected or impaired.

6. Headland agrees that, either in response to or in undertaking any civil action to enforce or to challenge the provisions of this Declaration, if equitable remedies in addition to any monetary penalties are sought by the Commission, its successor or the Attorney General of the State of California, a finding of fact by the Court in which such civil

action is pending that the covenants or restrictions have not been implemented as provided herein shall conclusively demonstrate irreparable damage to the public interest.

7. The terms and provisions of this Declaration shall be binding upon and shall benefit Headland, its successors and assigns and shall constitute covenants running with the land enforceable against Headland, and each of its successors in interest with respect to the Permit Area and the Dedication Area, and each of them. The terms and provisions of this Agreement shall benefit the State of California and shall be enforceable by any agency thereof

IN WITNESS WHEREOF, this Offer has been executed as of this 11th day of December, 1980, at NEWPORT BEACH, California.

HEADLAND PROPERTIES, INC.
a California corporation

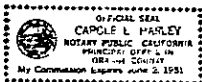
Charles A. G. Hunter
Vice President

W. A. McManis
Assistant Secretary

STATE OF CALIFORNIA :
COUNTY OF LOS ANGELES :
RANGE 155
COUNTY OF LOS ANGELES

On DECEMBER 11, 1980, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES A. G. HUNTER, known to me to be the Vice President, and W. A. McManis, known to me to be the Assistant Secretary of the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors

WITNESS my hand and official seal.



Caple L. Marley
Notary Public in and for
said County and State

81- 3847 7

Gravel Road
Broomfield

E

2853

C

45.42 AC

1/4 SECTION 10 T12N R10E S10

1/4 SECTION 10 T12N R10E S10

45.42 AC

1/4 SECTION 10 T12N R10E S10

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TRACT NO 51075

TR NO 51074

LOT 100

TR NO 51070

TRACT NO 51070

TRACT NO 51070

TRACT NO 51070

TRACT NO 51070

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TRACT NO 51070

TRACT NO 51070

TRACT NO 51070

TRACT NO 51070

TRACT NO 51070

TRACT NO 51070

TRACT NO 51070

TRACT NO 51070

C-1

26 AC

TRACT NO 5107

TRACT NO 5107

TRACT NO 5107

TRACT NO 5107

TRACT NO 5107

TRACT NO 5107

TRACT NO 5107

TRACT NO 5107

TRACT NO 5107

TRACT NO 5107

TRACT N° 91075

C-1

25 AC

DEPARTMENT
WATER & POWER
RESERVOIR

TRACT N° 91074

LOT 2 & 3
TEAM 31070

TRACT N° 3107

TRACT N° 94980

TRACT N° 91075

TRACT N° 3107

CITY
PARK

D
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AC

A
1176A

INSTITUTIONAL
SITE

PROPOSED
AFFORDABLE
HOUSING

RESIDENTIAL
SITE

B
GATEWAY
WAY
LIGHT OF

STON
CON
SITE

81- 3847 2

MASTER PLAN

A FUTURE OPEN SPACE DEDICATION

E

2889 AC

G

761 AC



SCALE 1"=800'
MARCH 14, 1980
REVISED MAY 10, 1982

22184



SCALE 1"=100'
MARCH 14, 1980
REVISED MAY 19, 1980

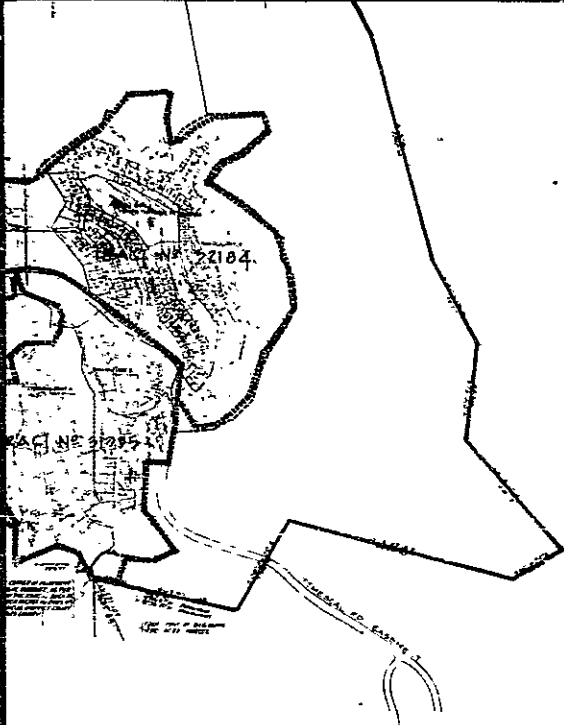


Exhibit One

PALISADES HIGHLANDS
PERMIT AREA

81- 3847



UP TO 100'
SCALE 1"=100' (SEE MAP)

W D 2532-24
DEC 30 1980

LEGAL DESCRIPTION
DOT BORDER TRACT NO. 31935

A PORTION OF BLOCK 35 SANTA MONICA LAND AND WATER TRACT IN THE CITY OF LOS ANGELES COUNTY OF LOS ANGELES STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 74 PAGES 44 TO 49 INCLUSIVE OF MISCELLANEOUS RECORDS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 2, AS SHOWN ON THE MAP OF TRACT NO. 31076 FILED IN BOOK 364, PAGES 60 TO 63 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID TRACT NO. 31076

1. NORTH 95-14-00 EAST 83.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID TRACT NO. 31076; SAID POINT ALSO BEING ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 557.00 FEET, LAST MENTIONED CURVE BEING RADIAL; THENCE ALONG SAID NORTHEASTERLY LINE
2. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14-26-00 AN ARC DISTANCE OF 141.93 FEET; THENCE TANGENT TO SAID CURVE
3. NORTH 40-00-00 WEST 88.43 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID TRACT NO. 31076; THENCE ALONG SAID SOUTHEASTERLY LINE
4. NORTH 71-00-00 EAST 27.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID TRACT NO. 31076; THENCE ALONG SAID NORTHEASTERLY LINE
5. NORTH 40-00-00 WEST 30.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID TRACT NO. 31076; THENCE ALONG SAID NORTHWESTERLY LINE
6. SOUTH 50-00-00 WEST 11.00 FEET TO A POINT ON THE SAID NORTHEASTERLY LINE OF SAID TRACT NO. 31076; THENCE ALONG SAID NORTHEASTERLY LINE
7. NORTH 40-00-00 WEST 13.07 FEET TO THE BEGINNING OF A

- TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 717.97 FEET; THENCE
- 8 NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14-57-03 AN ARC DISTANCE OF 184.71 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT NO. 31076; THENCE ALONG SAID EASTERLY LINE
 - 9 NORTH 13-36-15 WEST 44.30 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF TRACT NO. 31076 SAID POINT ALSO BEING ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 195.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 59-34-29 WEST; THENCE ALONG SAID SOUTHEASTERLY LINE
 - 10 NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01-27-17 AN ARC DISTANCE 1.47 FEET TO A POINT ON THE SOUTHERLY LINE OF TRACT NO. 31076 AS FILED IN BOOK 122 PAGES 7 TO 15 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY, SAID POINT ALSO BEING ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 643.00 FEET A RADIAL LINE THROUGH SAID POINT BEARS NORTH 14-55-51 WEST; THENCE ALONG SAID SOUTHERLY LINE
 - 11 EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25-37-42 AN ARC DISTANCE OF 290.30 FEET; THENCE LEAVING SAID SOUTHERLY LINE AND TANGENT TO SAID CURVE
 - 12 SOUTH 45-21-00 EAST 161.25 FEET; THENCE
 - 13 NORTH 44-32-00 EAST 16.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 41.00 FEET; THENCE
 - 14 NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25-02-28 AN ARC DISTANCE OF 20.11 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 39.00 FEET; THENCE
 - 15 EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 140-30-34 AN ARC DISTANCE OF 93.87 FEET; THENCE TANGENT TO SAID CURVE
 - 16 NORTH 70-26-06 EAST 112.00 FEET; THENCE
 - 17 NORTH 17-04-18 WEST 180.00 FEET; THENCE
 - 18 NORTH 04-33-22 EAST 209.29 FEET; THENCE

- 19 SOUTH 15 48-30 EAST 55.09 FEET: THENCE
- 20 SOUTH 11 18 35 WEST 147.87 FEET: THENCE
- 21 SOUTH 87-31-39 EAST 104.59 FEET: THENCE
- 22 SOUTH 07 37-47 EAST 255.87 FEET: THENCE
- 23 SOUTH 07 13 51 WEST 239.90 FEET: THENCE
- 24 SOUTH 09-43-53 WEST 174.41 FEET: THENCE
- 25 NORTH 73 25-14 EAST 189.19 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 20.00 FEET: THENCE
- 26 NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 87 34-04 AN ARC DISTANCE OF 30.57 FEET: THENCE TANGENT TO SAID CURVE
- 27 NORTH 14-08-50 WEST 2.78 FEET: THENCE
- 28 NORTH 75 51-10 EAST 44.00 FEET: THENCE
- 29 SOUTH 14 08-50 EAST 2.90 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 20.00 FEET: THENCE
- 30 SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86-30 37 AN ARC DISTANCE OF 23.20 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 270.00 FEET: THENCE
- 31 EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 94-06 27 AN ARC DISTANCE OF 535.94 FEET: THENCE TANGENT TO SAID CURVE
- 32 SOUTH 50 33-00 EAST 374.14 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 20.00 FEET: THENCE
- 33 EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90-00-00 AN ARC DISTANCE OF 31.42 FEET: THENCE TANGENT TO SAID CURVE
- 34 NORTH 30-17-00 EAST 0.27 FEET: THENCE
- 35 SOUTH 50-33-00 EAST 50.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF

- 20.00 FEET. A RADIAL LINE THROUGH SAID POINT BEARS NORTH 50-33-00 WEST; THENCE
36. SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41-11-27 AN ARC DISTANCE OF 71.89 FEET TO THE BEGINNING OF A TANGENT CURVE CONVEX NORTHEASTERLY HAVING A RADIUS OF 995.00 FEET; THENCE
37. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49-47-33 AN ARC DISTANCE OF 170.06 FEET; THENCE TANGENT TO SAID CURVE
38. SOUTH 61-42-00 EAST 129.00 FEET; THENCE
39. SOUTH 28-18-00 WEST 60.00 FEET; THENCE
40. SOUTH 61-42-00 EAST 158.47 FEET TO THE BEGINNING OF A TANGENT CURVE CONVEX SOUTHWESTERLY HAVING A RADIUS OF 777.00 FEET; THENCE
41. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26-24-34 AN ARC DISTANCE OF 158.57 FEET; THENCE TANGENT TO SAID CURVE
42. SOUTH 00-02-10 EAST 516.42 FEET; THENCE
43. SOUTH 20-56-00 WEST 241.54 FEET; THENCE
44. SOUTH 04-13-48 WEST 203.40 FEET; THENCE
45. NORTH 89-59-38 WEST 270.50 FEET; THENCE
46. SOUTH 05-45-06 EAST 301.91 FEET; THENCE
47. SOUTH 27-25-57 EAST 400.15 FEET; THENCE
48. SOUTH 40-21-11 WEST 300.77 FEET; THENCE
49. SOUTH 89-50-21 WEST 233.28 FEET; THENCE
50. SOUTH 12-04-40 WEST 271.05 FEET; THENCE
51. NORTH 78-06-21 WEST 220.02 FEET; THENCE
52. NORTH 14-04-37 WEST 220.77 FEET; THENCE
53. NORTH 69-04-13 WEST 766.48 FEET; THENCE
54. NORTH 35-29-17 WEST 150.05 FEET; THENCE

55. NORTH 01-10-07 EAST 147.00 FEET; THENCE
 56. NORTH 46-23-06 WEST 759.68 FEET; THENCE
 57. NORTH 133.00 FEET; THENCE
 58. NORTH 70-05-36 EAST 320.13 FEET; THENCE
 59. NORTH 291.00 FEET; THENCE
 60. EAST 35.00 FEET; THENCE
 61. NORTH 444.00 FEET; THENCE
 62. EAST 400.50 FEET; THENCE
 63. NORTH 40-41-26 EAST 174.09 FEET; THENCE
 64. NORTH 06-03-06 WEST 128.16 FEET; THENCE
 65. NORTH 37-07-24 WEST 99.00 FEET; THENCE
 66. NORTH 47-21-30 WEST 405.00 FEET; THENCE
 67. NORTH 11-45-52 WEST 207.21 FEET TO THE BEGINNING OF A
 MONUMENTAL CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF
 619.00 FEET; A RADIAL LINE THROUGH SAID POINT BEARS
 NORTH 04-24-32 WEST; THENCE
 68. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
 109-15-50 AN ARC DISTANCE OF 98.85 FEET; THENCE
 TANGENT TO SAID CURVE
 69. SOUTH 13-29-07 EAST 207.79 FEET; THENCE
 70. SOUTH 76-35-10 WEST 693.94 FEET; THENCE
 71. NORTH 46-19-37 WEST 417.12 FEET; THENCE
 72. NORTH 59-07-42 EAST 165.00 FEET TO THE POINT OF
 BEGINNING
- CONTAINING 100.32 ACRES

M. D. 1932 14

S. M. 1931

LEGAL DESCRIPTION
TENTATIVE TRACT 31084

A PORTION OF BLOCK 15 SANTA MONICA LAND AND WATER IN TRACT IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 72 PAGE 44 TO 49 INCLUSIVE OF MISCELLANEOUS RECORDS, RECORDS OF SAIL COUNTY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF LOT 1A SHOWN ON THE MAP OF TRACT NO. 31076 FILED IN BOOK 367, PAGES 42 TO 43 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID TRACT NO. 31076

NORTH 35-24-00 EAST 81.00 FEET; THENCE LEAVING SAID EASTERLY LINE

SOUTH 54-36-00 EAST 62.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 37.14 FEET; THENCE

EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11-11-42 00 OF DISTANCE OF 317.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 570.00 FEET; THENCE

EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33-47-05 AN ARC DISTANCE OF 336.13 FEET; THENCE TANGENT TO SAID CURVE

NORTH 72-25-14 14.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE

1. NORTH 73-20-14 EAST 201.61 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 670.00 FEET; THENCE

2. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54-01-46 AN ARC DISTANCE OF 675.12 FEET; THENCE TANGENT TO SAID CURVE

3. NORTH 54-33-00 EAST 442.04 FEET TO THE BEGINNING OF A

TANGENT CURVE LOOK AVE NORTHEASTERLY HAVING A RADIUS OF 999.00 FEET: THENCE

4 SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11 09-00 AN ARC DISTANCE OF 19.42 FEET: THENCE TANGENT TO SAID CURVE

5 SOUTH 61 42 00 EAST 297.47 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 332.00 FEET: THENCE

6 SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26-34 00 AN ARC DISTANCE OF 399.13 FEET: THENCE TANGENT TO SAID CURVE

7 SOUTH 35-13-37 EAST 118.21 FEET: THENCE

8 SOUTH 54 17-06 WEST 60.00 FEET: THENCE

9 SOUTH 11-25 32 EAST 129.44 FEET: THENCE

10 SOUTH 34 52-31 EAST 201.11 FEET: THENCE

11 NORTH 82- 01-15 EAST 191.64 FEET: THENCE

12 NORTH 51- 31-34 EAST 440.45 FEET: THENCE

13 NORTH 14-01 11 EAST 453.54 FEET: THENCE

14 NORTH 32 44-07 EAST 440.24 FEET: THENCE

15 NORTH 04-52 57 WEST 351.29 FEET: THENCE

16 NORTH 25 34-54 WEST 521.08 FEET: THENCE

17 NORTH 55-01-21 WEST 689.30 FEET: THENCE

18 NORTH 31 19-43 EAST 262.16 FEET: THENCE

19 NORTH 67 17-02 EAST 225.82 FEET: THENCE

20 NORTH 44 17-50 EAST 290.00 FEET: THENCE

21 NORTH 16-15 37 WEST 125.16 FEET: THENCE

22 SOUTH 87 22-46 WEST 470.44 FEET: THENCE

23 SOUTH 57-12 34 WEST 290.44 FEET: THENCE

PAGE 2 OF 4

24 SOUTH 49-48-51 WEST 212 50 FEET; THENCE
 25 NORTH 13-45-34 WEST 252.14 FEET; THENCE
 26 NORTH 12-44-41 EAST 24.26 FEET; THENCE
 27 NORTH 59-3-44 WEST 98.41 FEET; THENCE
 28 SOUTH 87-52-44 WEST 379.11 FEET; THENCE
 29 SOUTH 43-15-27 WEST 424.64 FEET; THENCE
 30 SOUTH 67-11-10 WEST 131.70 FEET; THENCE
 31 SOUTH 41-57-44 WEST 54.34 FEET; THENCE
 32 WEST 295.00 FEET; THENCE
 33 SOUTH 02-57-38 EAST 206.27 FEET; THENCE
 34 SOUTH 07-37-47 EAST 155.67 FEET; THENCE
 35 SOUTH 07-11-51 WEST 239.40 FEET; THENCE
 36 SOUTH 03-4-52 WEST 124.41 FEET TO THE INTER POINT OF
 BEGINNING

CONTAINING 115 ACRES

81- 3847

E

28839

C

49.40 AC

ALAN J. BROWN

TRACT NO. 91075

ALAN J. BROWN

TRACT NO. 91075

TRACT NO. 91075

TRACT NO. 91075

LOT 145

TRACT NO. 91075

TRACT NO. 91075

TRACT NO. 91075

TRACT NO. 91075

C-1

25 AC

TRACT NO. 91075

TRACT NO. 91075

TRACT NO. 91075

TRACT NO. 91075

TRACT NO. 91075

TRACT NO. 91075

TRACT NO. 91075

81- 3847 ²²

MASTER PLAN

A FUTURE OPEN SPACE DESIGNATION

E

26679Ac

G

7611Ac



25001-1-0002
MARCH 14, 1980
PL 100 10110 000



SCALE 1:800
MARCH 14, 1980
REVISED JUL 19, 1980

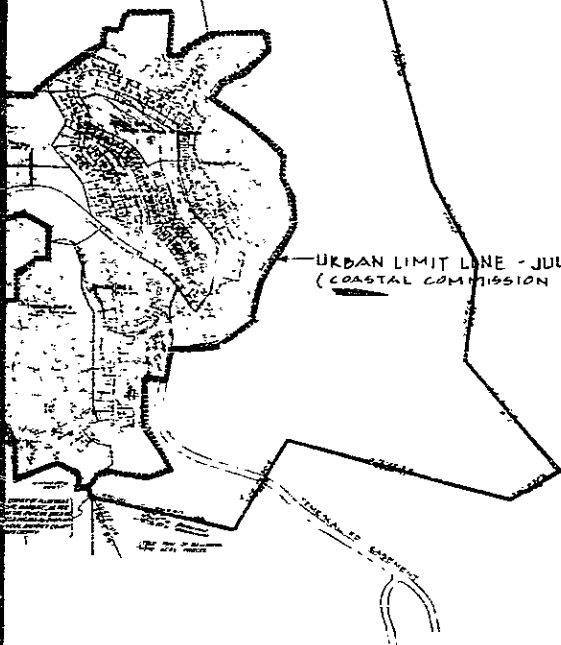


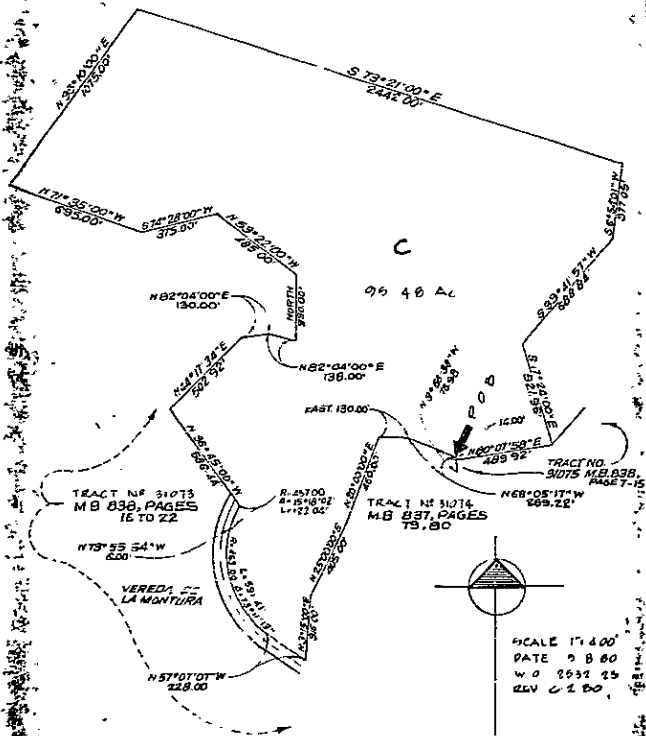
Exhibit Two

PALISADES HIGHLANDS
DEDICATION AREA

BT 3847

23





LEGAL DESCRIPTION

Parcel C

A portion of the Santa Monica Land and Water Company Tract in the County of Los Angeles, State of California, as per map recorded in Book 78, Pages 44 to 49, inclusive, of Miscellaneous Records of said County .

Beginning at the Northerly terminus of that certain course in the boundary of Tract 31074 shown as bearing North 03°50'38" West 79 68 feet on map filed in Book 831 Pages 79 and 80, inclusive, of Maps, Records of said County, thence Westerly along the Northerly boundary of said Tract No 31074 to the most Northwesternly corner of said Tract 31074, thence Southerly along the Westerly boundary of said Tract 31074 to a point on the Northerly line of Vereda De La Montura, 13 00 feet wide, as shown on map of said Tract 31074, thence Northwesterly and Northerly along the Northeasterly and Easterly lines of said Vereda De La Montura as shown on map of Tract No 31073 filed in Book 838, Pages 16 to 22, inclusive, of Maps, Records of said County, to the Northerly terminus of said street as shown on said map of Tract No 31073 thence North 36°45'00" West 586 44 feet to an angle point on the Northwesternly boundary of said Tract 31073 thence Northeasterly along said boundary to the most Northerly corner of said Tract 31073, thence North 330 00 feet, thence North 53°22'00" West 485 00 feet, thence South 74°28'00" West 375 00 feet; thence North 71°35'00" West 695 00 feet thence North 35°10' 00" East 1075 00 feet, thence South 73°21 00" East 244 00 feet, thence South 06°54'01" West 377 09 feet, thence South 34°41'57" West 688 84 feet, thence South 17°21 00" East 521 96 feet to a point on the general Northerly boundary of Tract No 301 5, as per map filed in Book 838, Pages 7 to 15, inclusive of maps, said point being the Northeasterly terminus of that certain course of said boundary of Tract No 31073 shown as bearing

North 80°07'58" East 489.92 feet, thence Southwesterly along
last described course 489.92 feet to a point on the first men-
tioned course in the boundary of said Tract No 31074, thence
North 03°56'38" West 14.00 feet to the POINT OF BEGINNING

Contains 95.48 acres

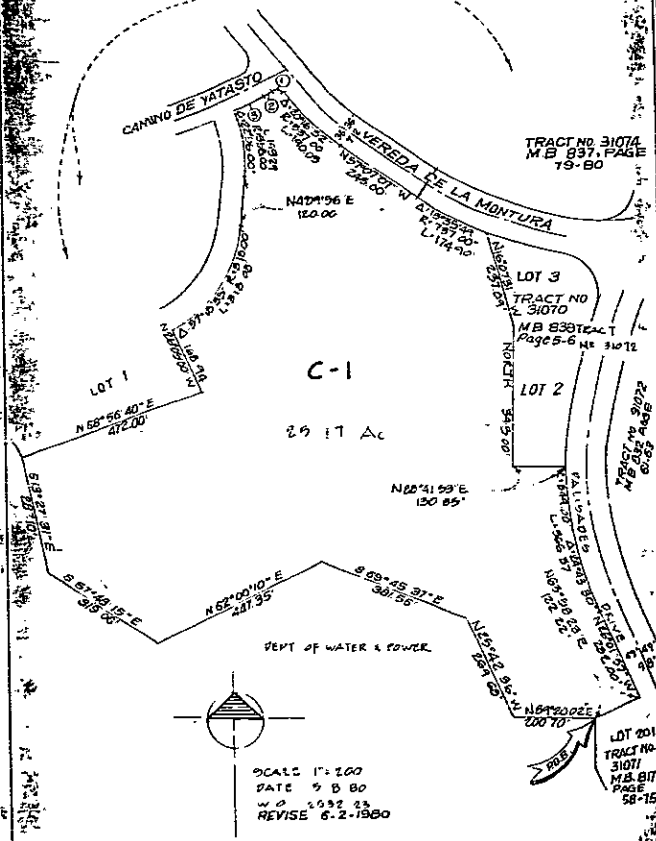
This description is subject to refinement and modification to
include references to recorded subdivisions, which will be cre-
ated by final maps pursuant to the Subdivision Map Act Require-
ments

DL Jg

81- 3847

- ① $\Delta 89^{\circ}50'32''$ E. 20.00' L. 24.41
- ② N. $97^{\circ}26'55''$ E. 29.72
- ③ $\Delta 12^{\circ}51'07''$ R. 572.00' L. 61.20

TRACT NO 31073
M.B. 838. PAGE 16 22



PLAT TO ACCOMPANY LEGAL DESCRIPTION

"C-1"

81-3847

LEGAL DESCRIPTION

Parcel 11

A portion of Santa Monica Land and Water Company Tract in the County of Los Angeles, State of California, recorded in Book 78, Pages 44 to 49, inclusive, of Miscellaneous Records, Records of said County;

Beginning at the Northwestern corner of Lot 201 of Tract No 31071 as shown on map filed in Book 817, Pages 52 to 55, inclusive, of Maps, Records of said County thence Northeasterly along the Northwestern line of said Tract No 31071 North 65°58'45" East 127.22 feet to the westerly line of Tract No 31072 as shown on map filed in Book 834, Pages 61 to 63, inclusive, of Maps, Records of said County thence Northerly along said westerly tract boundary point also the westerly line of Palisades Drive (98.00 feet wide) to the Southeasterly corner of Lot 2 of Tract No 31070 as shown on map filed in Book 838, Pages 5 and 6, inclusive, of Maps, Records of said County, thence Westerly, Northerly, and Northwesterly along the southerly, westerly, and Southwesterly boundary of said Tract No 31070 to a point on the Southwesterly line of Tract No 31074 as shown on map filed in Book 837, Pages 79 and 80, inclusive, of Maps, Records of said County, thence Northwesterly and Southwesterly along said Southwesterly boundary of Tract No 31074 to and along the Southwesterly and Southeasterly boundary of Tract No 31071 as shown on map filed in Book 838, Pages 16 to 22, inclusive, of Maps, Records of said County to the most Northerly corner of Lot 1 of said Tract No 31073, thence Southerly, Southwesterly, Southeasterly, and Southwesterly along the Easterly, Southeasterly, Northeasterly and Southeasterly boundary of said Lot 1 to the Southwesterly terminus of that cert in course of said Lot 1 shown as bearing North 68°56'40" East 172.00 feet, thence South 43°27'31" East 287.10 feet, thence South 57°48'15" East 319.00 feet, thence North 64°00'10" East 447.35 feet

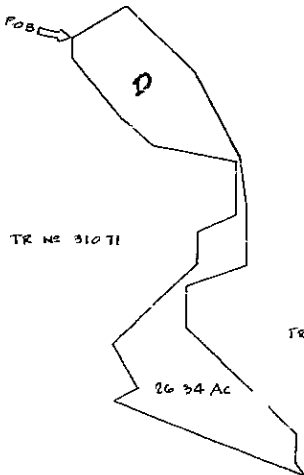
thence South 69°45'37" East 381.56 feet thence South 26°01'
37" East 269.70 feet, thence North 89°36'48" East 199.33 feet
to the POINT OF BEGINNING

Contains 25.17 acres

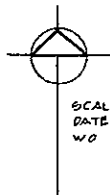
This description is subject to refinement and modification to
include references to recorded subdivisions, which will be cre
ated by final maps pursuant to the Subdivision Map Act Require
ments

DL jg

61- 3847

TR N^o 31076TR N^o 31071TRACT N^o 31935

26 34 AC



SCALE 1"=400'
DATE 5-8-80
WO 2532-25

PLAT TO ACCOMPANY LEGAL DESCRIPTION

"D"

81- 3847

LEGAL DESCRIPTION

Parcel D

A portion of Santa Monica Land and Water Company Tract in the County of Los Angeles, State of California, as recorded in Book 78 Pages 44 to 49, inclusive of Miscellaneous Records, Records of said County

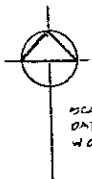
Beginning at the most Southerly corner of Lot 2 of Tract 31076 as shown on map filed in Book 869, Pages 62 to 63, inclusive, thence northeasterly along the Southeasterly line of said Lot 2, North 58°07'49" East 310 21 feet to a point, thence leaving said line South 46°12'28" East 467 89 feet, thence South 25°38'20" East 487 59 feet, thence South 04°50'47" East 509 24 feet, thence South 69°51'17" West 315 05 feet, thence South 201 00 feet, thence South 46°20'32" East 754 69 feet, thence South 03°10'17" West 144 22 feet, thence South 36°58'30" East 77 76 feet, thence North 69°04'03" West 1009 95 feet to a point on the Southeasterly line of Lot 205 of Tract 31071 shown as bearing North 62°06'59" East 345 27 feet on map filed in Book 817, Pages 58 to 75, inclusive, of Maps, Records of said County distant thereon 137 49 feet from the Northeasterly terminus thereof thence Northerly along the generally Easterly boundary of said Tract No 31071 to the POINT OF BEGINNING

Contains 26 34 acres

This description is subject to refinement and modification to include references to recorded subdivisions, which will be created by final maps pursuant to the Subdivision Map Act Requirements

DL-jg

81- 3847



SCALE 1"=1000
DATE 7-15-80
WD 2032 23

PLAT TO ACCOMPANY LEGAL DESCRIPTION

'E'

81- 3817

LEGAL DESCRIPTION

Parcel E

A portion of Santa Monica Land and Water Company Tract in the County of Los Angeles, State of California, as recorded in Book 78, Pages 44 to 49, inclusive, of Miscellaneous Records, Records of said County

Beginning at a point on the Easterly line of Palisades Court (98.00 feet wide) as shown on map of Tract 32200 as filed in Book 885, Pages 43 to 45, inclusive, of Maps, Records of said County, thence Westerly along the general Northerly boundary of said Tract 32200 to a point, thence leaving said Tract boundary to the beginning of a non tangent curve concave Westerly having a radius of 154.00 feet, a radial line through said beginning point bears North 58°07'49" West, thence Northerly along said curve through a central angle of 06°48'09" an arc distance of 18.28 feet, thence tangent to said curve North 25°04'02" East 54.01 feet to the beginning of a tangent curve concave Easterly having a radius of 196.00 feet, thence Northerly along said curve through a central angle of 36°45'14" an arc distance of 125.73 feet to the beginning of a tangent reverse curve concave Westerly having a radius of 120.00 feet, thence Northerly along said curve through a central angle of 49°32'01" an arc distance of 103.74 feet to the beginning of a tangent compound curve concave Westerly having a radius of 344.00 feet, thence Northerly along said curve through a central angle of 21°33'36" an arc distance of 204.70 feet, thence tangent to said curve North 09°16'21" West 356.73 feet to the beginning of a tangent curve concave Easterly having a radius of 606.00 feet, thence Northerly along said curve through a central angle of 09°11'44" an arc distance of 97.26 feet, thence tangent to said curve North 00°04'37" West 202.50 feet to the beginning of a tangent curve concave Westerly having a radius of 224.00 feet, thence Northerly along said curve through a central angle of 32°03'18" an arc distance of 125.32 feet, thence tangent to said curve North 32°07'55" West 55.33 feet to the beginning of a tangent

curve concave Easterly having a radius of 176 00 feet, thence
Northerly along said curve through a central angle of $40^{\circ}45'52''$
an arc distance of 125 22 feet, thence tangent to said curve
North $08^{\circ}57'57''$ East 58 50 feet to the beginning of a tangent
curve concave Southerly having a radius of 44 00 feet, thence
Westerly along said curve through a central angle of $142^{\circ}57'51''$
an arc distance of 109 79 feet, thence tangent to said curve
South $45^{\circ}40'06''$ West 6 77 feet to the beginning of a tangent
curve concave Easterly having a radius of 299 00 feet, thence
Southerly along said curve through a central angle of $29^{\circ}19'55''$
an arc distance of 153 07 feet, thence tangent to said curve
South $16^{\circ}20'13''$ West 135 79 feet to the beginning of a tangent
curve concave Westerly having a radius of 376 00 feet, thence
Southerly along said curve through a central angle of $16^{\circ}11'28''$
an arc distance of 92 12, thence

North $24^{\circ}22'00''$ West 283 16 feet, thence
South $62^{\circ}48'30''$ West 737 93 feet, thence,
North $17^{\circ}24'00''$ West 68 7 feet, thence,
North $39^{\circ}41'57''$ East 688 84 feet, thence,
North $06^{\circ}54'01''$ East 377 09 feet, thence,
North $06^{\circ}54'01''$ East 413 64 feet, thence,
North $34^{\circ}17'13''$ West 399 41 feet, thence,
North $01^{\circ}10'00''$ East 245 45 feet, thence,
North $46^{\circ}21'50''$ East 1188 28 feet, thence,
North $89^{\circ}24'17''$ East 1425 10 feet, thence,
North $58^{\circ}39'02''$ East 401 52 feet, thence,
South $03^{\circ}21'34''$ East 4122 25 feet, thence,
South $57^{\circ}28'30''$ West 300 42 feet, thence,
North $06^{\circ}23'08''$ East 402 53 feet, thence,
West 510 00 feet, thence,
South $37^{\circ}00'05''$ West 432 00 feet, thence,
South $58^{\circ}25'33''$ West 381 01 feet, thence,
South $50^{\circ}24'14''$ West 525.59 feet, thence,
North $84^{\circ}55'42''$ East 673 35 feet, thence

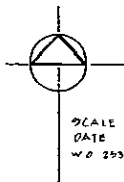
35
North 84°40'00" West 48 00 feet, thence,
North 05°20'00" East 243 00 feet, thence,
North 67°00'00" West 441 00 feet, thence,
North 71°00'00" West 212 00 feet, thence,
North 52°45'00" West 136 98 feet to the POINT OF BEGINNING

Contains 288 39 acres

This description is subject to refinement and modification to include references to recorded subdivisions, which will be created by final maps pursuant to the Subdivision Map Act Requirements.

DL JG

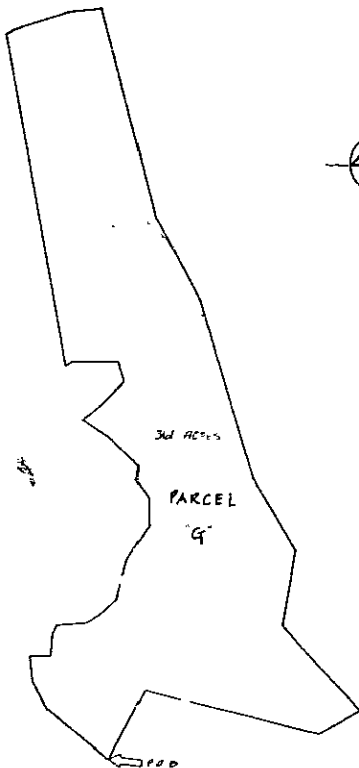
81- 3847



SCALE 1"=1,000'

DATE 7 15 80

WD 2532 23

PLAT TO ACCOMPANY LEGAL DESCRIPTION

"G"

81- 3847

LEGAL DESCRIPTION

Parcel G

A portion of Santa Monica Land and Water Company Tract in the County of Los Angeles, State of California, as recorded in Book 78, Pages 14 to 49, inclusive, of Miscellaneous Records, Records of said County

Beginning at a point on that certain Southeasterly line of that land described in deed recorded as Instrument No 2511, recorded December 30, 1971, as bearing North 28°36'50" East 1041.04 feet, said point located 954.95 feet Southerly from the Northerly terminus thereof, thence

North 27°14'15" West 381.05 feet, thence,
North 05°03'52" West 306.19 feet, thence,
East 259.00 feet, thence,
North 03°27'40" East 248.45 feet, thence,
North 22°27'06" East 130.92 feet, thence,
North 85°52'15" East 371.9" feet, thence,
North 59°11'55" East 181.07 feet, thence,
North 46°16'23" East 318.28 feet, thence,
North 14°19'22" East 485.08 feet, thence,
North 35°32'16" East 473.13 feet, thence,
North 380.00 feet, thence,
North 34°19'49" West 248.74 feet, thence,
North 10°25'13" East 165.74 feet, thence,
North 45°39'45" East 489.33 feet, thence,
North 56°30'17" West 407.71 feet, thence,
North 52°57'27" East 332.00 feet, thence,
North 44°27'16" East 372.25 feet, thence,
North 14°51'31" West 253.48 feet, thence,
West 365.00 feet, thence,
South 57°28'30" West 108.76 feet, thence,
North 09°21'34" West 4122.25 feet, thence,
North 58°39'02" East 107.84 feet, thence,
North 72°24'50" East 744.80 feet, thence,

North 85°54'41" East 377 1' feet, thence,
South 13°33'34" East 2623 11 feet, thence,
South 27°05'44" East 1207 53 feet, thence,
South 15°46'02" East 2208 08 feet, thence,
South 30°01'06" East 1039 42 feet, thence,
South 10°41'47" West 915 92 feet, thence,
South 41°31'12" East 1418 05 feet, thence,
South 60°16'52" West 581 48 feet, thence,
North 75°33'15" West 2204 70 feet, thence,
South 28°36'50" West 954 93 feet to the POINT OF BEGINNING

Contains 361 00 acres

This description is subject to refinement and modification to include references to recorded subdivisions, which will be created by final maps pursuant to the Subdivision Map Act Requirements

DL:jg

81- 3847

Recording Requested By, And
When Recorded Return To:

Max A. McKittrick, Esq.
Fulop, Rolston, Burns & McKittrick
4041 MacArthur Boulevard
P.O. Box 2710
Newport Beach, CA 92660

2

RAM:qth 11/7/80
5120-6758

81-

3845

OFFER OF DEDICATION

AGREEMENT

FILE \$ 5 C

S W T.C.
2488 10-10

WHEREAS, the undersigned HEADLAND PROPERTIES INC., a California corporation ("Headland") is the owner of that certain real property located in the County of Los Angeles, State of California, more particularly described as Tentative Tract No. 34923, being Lot 1 of Tract 31070 as per Map recorded in Book 812, Page 5 of Maps, Los Angeles County, California, as well as that certain real property designated as Tentative Tract 31935 and Tentative Tract 32134, respectively, on Exhibit 1 attached hereto and by this reference made a part hereof. Said Tentative Tracts 34923, 31935 and 32134 are hereinafter referred to collectively, as the "Permit Area", and

JAN 6 1981 AT 9 AM.
Recorder's Office

WHEREAS, Headland is the owner of that certain real property located in the County of Los Angeles, State of California, designated as Parcels, C, C-1, D, E and G, each more particularly described in Exhibit 2 attached hereto and by this reference made a part hereof. Said Parcels C, C-1, D, E and G are hereinafter referred to collectively as the "Dedication Area" and

WHEREAS, both the Permit Area and the Dedication Area are located within the coastal zone as defined in Section 30101 of the California Public Resources Code (which code is hereinafter referred to as the "Public Resources Code"); and

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 the South Coast Regional Commission (hereinafter referred

to as the "Regional Commission") and requires that any development approved by the Commission or Regional Commission must be consistent with the policies of the Act set forth in Chapter J of Division 20 of the Public Resources Code and

WHEREAS, pursuant to the Act, Headland together with Palisades Resources, Inc., a California corporation, (hereinafter collectively referred to as "Permittees") applied to the Commission or Regional Commission for a permit to undertake development (as defined in the Act) of the Permit Area within the coastal zone of Los Angeles County; and

WHEREAS, such permit was approved by the Commission as Permit No. 181-18 on July 17, 1979 and as amended May 21, 1980, June 16, 1980 and July 22, 1980 (hereinafter referred to as the "Permit"); and was issued on December 22 1980 (hereinafter referred to as the "Permit Date"); and

WHEREAS, in its decision on the Permit the Commission found that the development proposed by the Permittees would cause adverse cumulative impacts on both coastal resources and public access to the coast within the Los Angeles County coastal zone, and that such development could not be permitted consistent with the policies of the Act without offsetting dedication of the Dedication Area in order to prevent residential development, conserve the natural resources and provide area for public recreation on the lands within the Dedication Area so as to mitigate the adverse cumulative effects of the proposed development; and

WHEREAS, in its decision on the Permit the Commission, acting on behalf of the People of the State of California and pursuant to the Act, granted the Permit to the Permittees upon the condition (hereinafter the "Condition") requiring, among other things, that Headland offer to dedicate the Dedication Area to a governmental agency for park and open space

uses so as to preserve the open space and scenic values present in the Dedication Area and so as to prevent the adverse cumulative effects on coastal resources and public access to the beach which would occur if the Dedication Area were developed as building sites for residential use and

WHEREAS, the Commission has placed the Condition on the Permit because a finding must be made under Public Resources Code Section 30604 et seq. that the proposed development is in conformity with the provisions of Chapter 3 of the Act and that in the absence of the protections provided by the Condition said finding could not be made; and

WHEREAS, Headland has elected to comply with the Condition and execute this Offer of Dedication Agreement (this "Agreement") so as to enable Permittees to undertake the development authorized by the Permit and

WHEREAS, on July 22, 1980 the Commission amended that certain Categorical Exclusion E-79-8 initially adopted October 17, 1979 (collectively, the "Categorical Exclusion") so as to remove, in substance and in effect, the Permit Area and the Dedication Area from further Coastal Commission permit requirements subject to the terms and conditions set forth in the Categorical Exclusion, and

WHEREAS, it is intended that the provisions of this Agreement shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said restrictions shall thereby qualify as enforceable restrictions under the provisions of the California Revenue and Taxation Code, Section 402.1

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth herein and substantial public benefits for the protection of coastal resources to be derived

therefrom, the preservation of the Dedication Area in open space uses and the advantages that accrue to Permittees as a consequence of their ability to undertake the development authorized by the Commission in the Permit, without the necessity of applying for or obtaining further development permits (as defined in the Act), as contemplated by the grant of the Permit and the Categorical Exclusion, as well as the beneficial effect on the method of determining the assessed value of the Dedication Area including any reduction thereof due to the imposition of limitations on its use as set forth in this Agreement. Headland hereby agrees as follows:

1. Subject to the provisions hereinafter set forth, Headland hereby irrevocably offers, for a period of seven (7) years after the Permit Date, to dedicate to the Grantee (as hereinafter defined) all of the Dedication Area

(a) Headland shall have no obligation to dedicate or convey any portion of the Dedication Area to the Grantee unless and until the Dedication Date (as such term is hereinafter defined in Paragraphs 2, 3, and 4 hereof) applicable to such portion

(b) If, without the written consent of Palisades, the Permit and the Categorical Exclusion, or either of them, may be revoked or may be modified by the Commission with respect to all or any portion of the Permit Area or the Dedication Area so as to impose additional obligations upon Headlands, this Agreement shall expire and shall have no further force or effect. The recordation by Headland, sixty (60) days after written notice to the Commission of such event, of an instrument containing a true and accurate copy of any such revocation or modification of the Permit and of the Categorical Exclusion, or either of them, together with a description of all or any portion of the Dedication Area affected thereby, shall constitute

conclusive evidence of such revocation or modification and of the automatic expiration of this Agreement insofar as this Agreement then affects the entire Dedication Area or that portion thereof described in such recorded instrument. The termination of the Categorical Exclusion as contemplated by the provisions of the Act specified in the California Administrative Code Section 13249(b) upon certification by the Commission of a local coastal program and delegation of development review authority, shall not cause this Agreement to expire unless such local coastal program imposes additional obligations upon Headland with respect to the Permit Area and the Dedication Area, or either of them. The provisions of this Paragraph 1(b), shall not apply to any portion of the Dedication Area as to which the Dedication Date has occurred.

It is understood that Parcel C and C-1 are subject to a prior offer of dedication to the City of Los Angeles Park Commission. The offer to dedicate Parcels C and C-1 set forth in this Paragraph 1 shall expire automatically as to Parcel C-1. But not as to Parcel C if within two (2) years after the Permit Date (a) Headland has received from the City of Los Angeles (the "City", or from any department or agency thereof having jurisdiction a writing unconditionally waiving any and all prior rights of dedication theretofore acquired by the City with respect to Parcel C and (b), Headland has dedicated Parcel C-1 to the City and has notified the Commission of such dedication. Headland agrees to exert its best efforts to obtain such waiver but shall not be obligated to incur any expense or other obligation in connection therewith including, without limitation, any obligations to pay any fees to the City in lieu of dedicating Parcel C to the City.

(d) If within seven (7) years after the Permit Date the Tract 34923 Dedication Date, the Tract 31935 Dedication Date and the Tract 32184 Dedication Date, or any of them,

have not occurred (the "Termination Date"), this Agreement shall expire automatically on the Termination Date, as to that portion of the Dedication Area required to be dedicated and conveyed on or after the applicable Dedication Date

(e) The occurrence of any event specified in Paragraphs 1(b), 1(c) or 1(d) above, terminating any obligations of Headland hereunder shall not terminate, modify or affect Headland's obligation to dedicate any portion of the Dedication Area as to which the applicable Dedication Date has previously occurred

2 Concurrently upon recordation of a Final Map of Tract 34923 or upon commencement of construction of any residential lots upon said Tract 34923, whichever event first occurs (the "Tract 34923 Dedication Date"), subject to the provisions set forth herein, Headland shall become obligated to dedicate and convey to Grantee a full fee interest in and to Parcels C and C-1 (provided Parcel C-1 shall not have previously been dedicated to the City pursuant to Paragraph 1(c) above). Upon the Tract 34923 Dedication Date, the obligation of Headland to dedicate and convey Parcels C and C-1 pursuant to the provisions of this Paragraph 2 shall be irrevocable and shall continue in full force and effect for twenty-one (21) years. As of the Tract 34923 Dedication Date, Parcels C and C-1 shall be free of all prior liens and encumbrances except tax liens and the prior offer of dedication to the City of Los Angeles Park Commission. The obligation to dedicate and convey Parcels C and C-1 set forth in this Paragraph 2 shall expire automatically, as to Parcel C-1 (but not as to Parcel C), if, within two (2) years after the Permit Date, (1) Headland has received from the City of Los Angeles (the "City") or from any department or agency thereof having jurisdiction a writing

unconditionally waiving any and all prior rights of dedication theretofore acquired by the City with respect to Parcel C (the "Waiver") and (11). Headland has dedicated Parcel C-1 to the City. Headland agrees to exert its best efforts to obtain the waiver but shall not be obligated to incur any expense or other obligation in connection therewith including, without limitation, any obligations to pay any fees to the City in lieu of dedicating Parcel C to the City. The actual conveyance to a Grantee required by this Paragraph 3 shall not be made until the earlier of the receipt of the Waiver by Headland or two (2) years after the Permit Date.

3 Thirty (30) days after recordation of a Final Map of Tract 31915 (the "Tract 31915 Dedication Date"), subject to the provisions set forth herein, Headland shall become obligated to dedicate and convey to Grantee a full fee interest in and to Parcels D and E. Upon the Tract 31915 Dedication Date, the obligation of Headland to dedicate and convey Parcels D and E pursuant to the provisions of this Paragraph 3 shall be irrevocable and shall continue in full force and effect for twenty-one (21) years.

4 Thirty (30) days after the recordation of a Final Map for all or any part of Tract 32184 (the "Tract 32184 Dedication Date"), subject to the provisions set forth herein, Headland shall become obligated to dedicate and convey to Grantee a full fee interest in and to Parcel E. Upon the Tract 32184 Dedication Date, the obligation of Headland to dedicate and convey Parcel E pursuant to the provisions of this Paragraph 4 shall be irrevocable and shall continue in full force and effect for twenty-one (21) years.

5. Each instrument providing for dedication by Headland to Grantee (the "Dedication Deed") of all or any portion of the Dedication Area shall contain, among other provisions, the following terms and provisions:

"The above grant is made and the real property herein described given for the purpose and on the condition that said real property be used either for public park purposes or for open space purposes and for no other purpose or purposes whatsoever and if said real property should be used for any other purpose or purposes whatsoever then, in that event, said real property hereby conveyed shall immediately and automatically revert unto grantor, its successors and assigns, upon entry by Grantor, its successors and assigns. It is the intent of Grantor to convey to Grantee a fee simple estate subject to a condition subsequent with right of re-entry."

6. Each Dedication Deed shall convey the Dedication Area described therein free and clear of all liens, claims and encumbrances except the lien of taxes not then due and payable and the exceptions set forth in Paragraph 2 above. In addition, subject to obtaining the prior written consent of the Executive Director, Headland reserves the right to grant, prior to the applicable Dedication Date, easements, rights-of-way and other

rights in, over, under, across and through any portion of the Dedication Area theretofore granted, transferred, conveyed or otherwise disposed of by Headland, its successors and assigns, for utility, storm drain, slope, roadway or other purposes related to satisfaction of conditions to approval by governmental agencies of tentative or final subdivision maps, parcel maps or building permits covering any portion of the Permit Area (collectively, the "Development Easements") Headland shall not grant any Development Easement unless and until Headland shall have obtained the prior written consent of the Executive Director with respect thereto which consent shall be granted or withheld on the basis of whether or not such Development Easement would materially and adversely affect use of any of the Dedication Area for park or open space uses

Except as otherwise hereinafter provided, prior to dedication of the Dedication Area or the termination of this Agreement in accordance with its terms, whichever first occurs, Headland shall keep and maintain the Dedication Area as open space and shall not construct or install any improvements thereon Notwithstanding the foregoing, subject to the review and written approval of the Executive Director of the Commission Headland may (a) perform minor grading of the Dedication Area so as to recontour previously graded portions thereof (b) construct pathways, either paved or unpaved, and other improvements incidental to low intensity recreational land uses (c) construct minor facilities to provide public or utility services which do not require significant grading in the event that alternative locations are not feasible, and (d), construct or install such other improvements as are contemplated by the grant of Development Easements approved by the Executive Director

81- 3845

8 Concurrently with the recordation of a Final Map of any portion of the Permit Area Headland shall execute an instrument in form and substance as set forth in Exhibit 3 attached hereto restricting and affecting such portion of the Permit Area covered by such Final Map as well as that portion of the Dedication Area required to be dedicated more or less concurrently with the recordation of such Final Map. Such instrument shall be free of prior liens and encumbrances except tax liens and shall be binding upon Headland, its successors and assigns.

9 Headland reserves the right to adjust the boundaries of the Dedication Area described in any Dedication Deed to include such additional real property as may be located between such Dedication Area and the Permit Area more or less contiguous thereto, provided, however that in no event shall any portion of the Dedication Area described in any Dedication Deed be reduced to an area of lesser size than the applicable portion of the Dedication Area described in Exhibit 2 hereto.

10 The term "Grantee" as used in this Agreement shall refer to any of the following governmental agencies: the California Department of Parks and Recreation; the National Park Service of the United States Government; as to Parcels C and C-1, the City; or to any other agency, department or subdivision of the United States Government or of the State of California legally capable of holding title to public land restricted to open space or public park uses. Headland agrees to dedicate and convey the applicable portion of the Dedication Area to such Grantee as may be designated by the Commission by written notice to Headland, provided, however, that Headland may dedicate and convey Parcels C and C-1 to the City if the Commission has not designated another Grantee within three (3) years after the Tract 34923 Dedication Date.

11. All of the provisions of this Offer of Dedication shall be binding upon and effective against any owner whose title is derived through foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise

12. All of the covenants contained herein shall be construed in a fair manner, and neither for nor against Headland. If any one or more provisions or any portion hereof shall be held to be invalid, or for any reason become unenforceable no other provisions of this Offer of Dedication shall thereby be affected or impaired

13. Headland agrees that, either in response to or in undertaking any civil action to enforce or to challenge the provisions of this Offer of Dedication, if equitable remedies in addition to any monetary penalties are sought by the Commission, its successor or the Attorney General of the State of California a finding of fact by the Court in which such civil action is pending that the covenants or restrictions have not been implemented as provided herein shall conclusively demonstrate irreparable damage to the public interest

14. The terms and provisions of this Agreement shall be binding upon and shall benefit Headland, its successors and assigns and shall constitute covenants running with the land enforceable against Headland, and each of its successors in interest with respect to the Permit Area and the Dedication Area, and each of them. The terms and provisions of this Agreement shall benefit the State of California and shall be enforceable by any agency thereof.

81- 3845

IN WITNESS WHEREOF, this C'fer has been executed as of
this 11th day of December, 1980, at Los Angeles,
California

Approved as to form and
substance this 11th day
of December, 1980
CALIFORNIA COASTAL COM-
MISSION

By Michael L. Fischer
Executive Director

HEADLAND PROPERTIES INC. a
California corporation

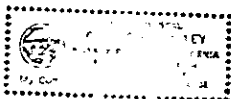
By Richard P. Stanton
Its: Vice President

By For A. McPherson
Its: Assistant Secretary

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, ss

On December 11th, 1980 before me the under-
signed, a Notary Public in and for said State, personally
appeared Richard P. Stanton, known to me to be the
Vice President, and For A. McPherson, known to me to
be the Assistant Secretary of the corporation that executed the
within Instrument, known to me to be the persons who executed
the within Instrument on behalf of the corporation therein
named, and acknowledged to me that such corporation executed
the within instrument pursuant to its by-laws or a resolution
of its board of directors

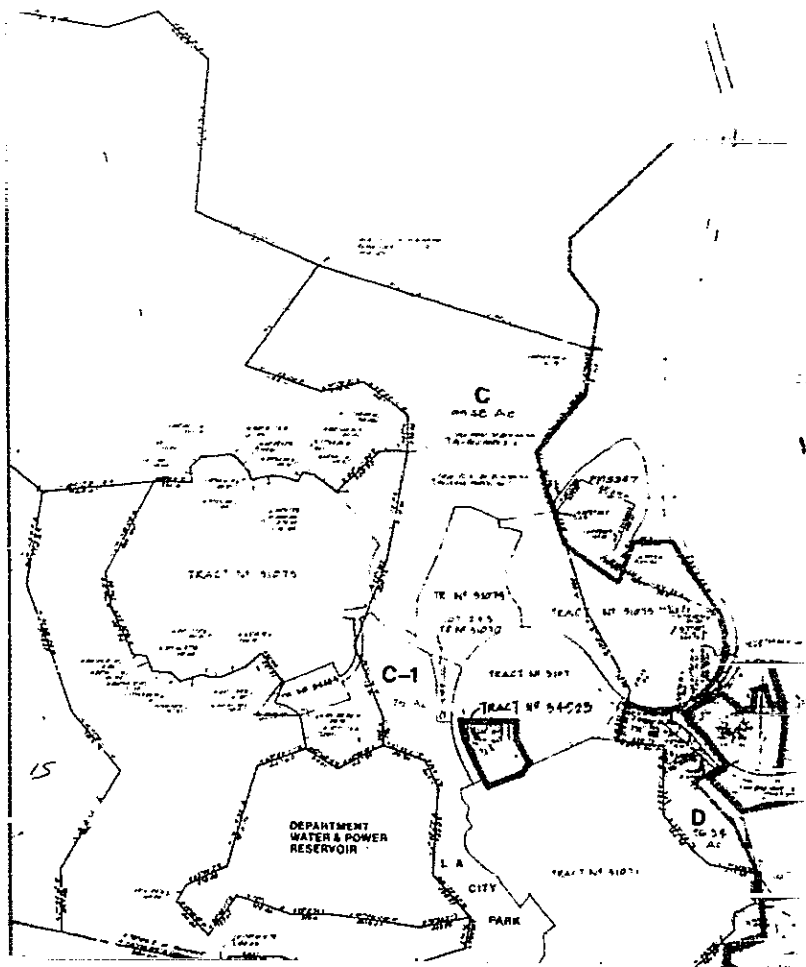
WITNESS my hand and official seal



By Richard P. Stanton
Notary Public in and for said
County and State

81- 3845

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MASTER PLAN

A FUTURE OPEN SPACE DEDICATION

E

20-5-1

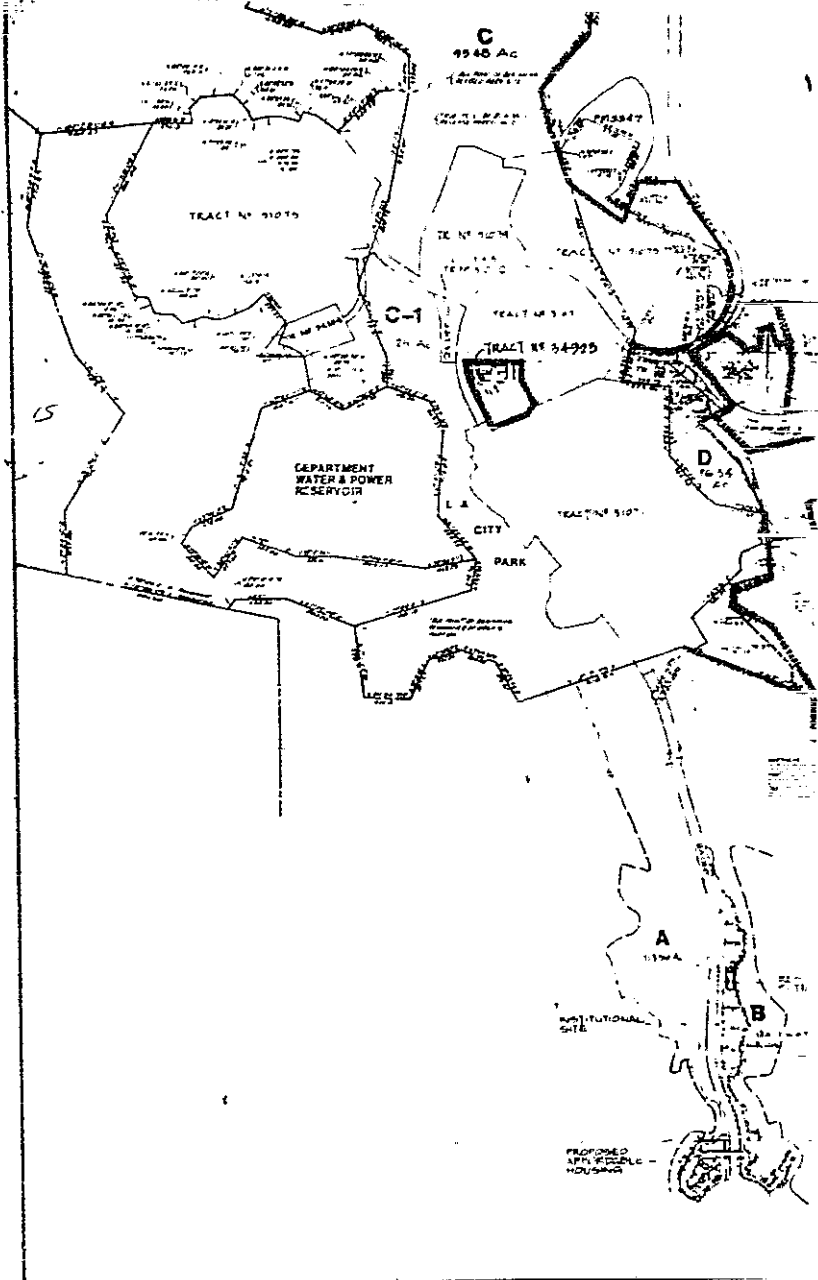
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STATE
MARCH

1911-1912

TRACT NO. 1005

Exhibit One

PALISADES HIGHLANDS
PERMIT AREA

PAGE 1 of 5

H.O. 25-20-23
DEC. 20, 1951

LEGAL DESCRIPTION
DOT BLINDER TRACT NO. 31076

A PORTION OF BLINDERS SANTA MONICA LAND AND WATER CO.
TRACT IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 78 PAGES 44
TO 49 INCLUSIVE OF MISCELLANEOUS RECORDS, RECORD OF SAID
COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 1, AS
SHOWN ON THE MAP OF TRACT NO. 31076 FILED IN BOOK 800,
PAGES 62 TO 63 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY;
THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID TRACT NO.
31076

1. NORTH 35° 24'-00" EAST 83.00 FEET TO A POINT ON THE
NORTHEASTERLY LINE OF SAID TRACT NO. 31076, SAID POINT
ALSO BEING ON A CURVE CONCAVE SOUTHWESTERLY HAVING A
RADIUS OF 537.00 FEET, LAST MENTIONED COURSE BEING
RADIAL; THENCE ALONG SAID NORTHEASTERLY LINE
2. NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE
OF 14° 36' 00" AN ARC DISTANCE OF 141.93 FEET; THENCE
TANGENT TO SAID CURVE
3. NORTH 40°-00'-00" WEST 88.43 FEET TO A POINT ON THE
SOUTHWESTERLY LINE OF SAID TRACT NO. 31076; THENCE
ALONG SAID SOUTHWESTERLY LINE
4. NORTH 50°-00'-00" EAST 27.00 FEET TO A POINT ON THE
NORTHEASTERLY LINE OF SAID TRACT NO. 31076; THENCE
ALONG SAID NORTHEASTERLY LINE
5. NORTH 40°-00'-00" WEST 30.00 FEET TO A POINT ON THE
NORTHWESTERLY LINE OF SAID TRACT NO. 31076; THENCE
ALONG SAID NORTHWESTERLY LINE
6. SOUTH 50°-00'-00" WEST 27.00 FEET TO A POINT ON THE SAID
NORTHEASTERLY LINE OF SAID TRACT NO. 31076; THENCE
ALONG SAID NORTHEASTERLY LINE
7. NORTH 40°-00'-00" WEST 63.07 FEET TO THE BEGINNING OF A

- TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 707.97 FEET; THENCE
2. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14-57-08 AN ARC DISTANCE OF 184.76 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT NO. 31074; THENCE ALONG SAID EASTERLY LINE
 3. NORTH 12-34-15 WEST 44.04 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF TRACT NO. 31074, SAID POINT ALSO BEING ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 185.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 54-26-24 WEST; THENCE ALONG SAID SOUTHEASTERLY LINE
 10. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00-27-17 AN ARC DISTANCE 1.47 FEET TO A POINT ON THE SOUTHERLY LINE OF TRACT NO. 31075 AS FILED IN BOOK 638 PAGES 7 TO 13 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY, SAID POINT ALSO BEING ON A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 649.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 14-55-51 WEST; THENCE ALONG SAID SOUTHERLY LINE
 11. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28-37-42 AN ARC DISTANCE OF 204.70 FEET; THENCE LEAVING SAID SOUTHERLY LINE AND MONTANGENT TO SAID CURVE
 12. SOUTH 45-21-00 EAST 101.25 FEET; THENCE
 13. NORTH 44-29-00 EAST 16.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 46.00 FEET; THENCE
 14. NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23-07-28 AN ARC DISTANCE OF 20.12 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 37.00 FEET; THENCE
 15. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 140-50-34 AN ARC DISTANCE OF 25.67 FEET; THENCE MONTANGENT TO SAID CURVE
 16. NORTH 70-26-06 EAST 112.00 FEET; THENCE
 17. NORTH 19-04-18 WEST 180.00 FEET; THENCE
 18. NORTH 64-38-22 EAST 202.29 FEET; THENCE

19. SOUTH 15-49-20 EAST 55.03 FEET: THENCE
20. SOUTH 11-18-25 WEST 147.87 FEET: THENCE
21. NORTH 89-21-38 EAST 184.59 FEET: THENCE
22. SOUTH 17-17-47 EAST 255.87 FEET: THENCE
23. SOUTH 07-13-51 WEST 219.90 FEET: THENCE
24. SOUTH 02-41-57 WEST 14.41 FEET: THENCE
25. NORTH 73-25-14 EAST 199.19 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 210.00 FEET: THENCE
26. NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 67-34-04 AN ARC DISTANCE OF 30.57 FEET: THENCE TANGENT TO SAID CURVE
27. NORTH 14-08-50 WEST 2.79 FEET: THENCE
28. NORTH 75-51-10 EAST 44.00 FEET: THENCE
29. SOUTH 14-09-50 EAST 2.90 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 20.00 FEET: THENCE
30. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 85-30-37 AN ARC DISTANCE OF 30.20 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 670.00 FEET: THENCE
31. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50-06-27 AN ARC DISTANCE OF 593.94 FEET: THENCE TANGENT TO SAID CURVE
32. SOUTH 50-33-00 EAST 374.14 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 20.00 FEET: THENCE
33. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90-00-00 AN ARC DISTANCE OF 31.42 FEET: THENCE TANGENT TO SAID CURVE
34. NORTH 39-27-00 EAST 0.27 FEET: THENCE
35. SOUTH 90-33-00 EAST 50.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF

20.00 FEET; A RADIAL LINE THROUGH SAID POINT BEARS
NORTH 50-33-00 WEST; THENCE

34. SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
91-11-27 AN ARC DISTANCE OF 31.89 FEET TO THE BEGINNING
OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A
RADIUS OF 695.00 FEET; THENCE
37. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE
OF 109-47-10 AN ARC DISTANCE OF 170.06 FEET; THENCE
TANGENT TO SAID CURVE
38. SOUTH 61-42-00 EAST 139.60 FEET; THENCE
39. SOUTH 26-19-00 WEST 80.00 FEET; THENCE
40. SOUTH 61-42-00 EAST 158.47 FEET TO THE BEGINNING OF A
TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF
777.00 FEET; THENCE
41. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE
OF 26-21-26 AN ARC DISTANCE OF 358.57 FEET; THENCE
NONTANGENT TO SAID CURVE
42. SOUTH 00-02-10 EAST 516.49 FEET; THENCE
43. SOUTH 20-56-00 WEST 241.50 FEET; THENCE
44. SOUTH 04-13-48 WEST 203.60 FEET; THENCE
45. NORTH 59-59-58 WEST 270.50 FEET; THENCE
46. SOUTH 05-05-06 EAST 381.91 FEET; THENCE
47. SOUTH 27-25-55 EAST 405.15 FEET; THENCE
48. SOUTH 40-21-11 WEST 209.77 FEET; THENCE
49. SOUTH 89-09-21 WEST 233.26 FEET; THENCE
50. SOUTH 12-04-40 WEST 271.05 FEET; THENCE
51. NORTH 78-06-21 WEST 229.02 FEET; THENCE
52. NORTH 14-04-37 WEST 229.77 FEET; THENCE
53. NORTH 69-04-03 WEST 266.48 FEET; THENCE
54. NORTH 35-24-16 WEST 150.05 FEET; THENCE

- 55. NORTH 01-10-07 EAST 147.00 FEET: THENCE
 - 56. NORTH 48-27-16 WEST 759.68 FEET: THENCE
 - 57. NORTH 133.00 FEET: THENCE
 - 58. NORTH 70-15-36 EAST 100.13 FEET: THENCE
 - 59. NORTH 291.00 FEET: THENCE
 - 60. EAST 382.00 FEET: THENCE
 - 61. NORTH 444.00 FEET: THENCE
 - 62. EAST 407.50 FEET: THENCE
 - 63. NORTH 40-41-26 EAST 174.09 FEET: THENCE
 - 64. NORTH 00-03-16 WEST 128.18 FEET: THENCE
 - 65. NORTH 33-07-24 WEST 99.00 FEET: THENCE
 - 66. NORTH 67-21-30 WEST 405.00 FEET: THENCE
 - 67. NORTH 13-25-53 WEST 297.21 FEET TO THE BEGINNING OF A
NONTANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF
410.00 FEET. A RADIAL LINE THROUGH SAID POINT BEARS
NORTH 04-24-32 WEST: THENCE
 - 68. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
09-15-59 AN ARC DISTANCE OF 98.65 FEET: THENCE
NONTANGENT TO SAID CURVE
 - 69. SOUTH 13-29-07 EAST 247.74 FEET: THENCE
 - 70. SOUTH 78-35-05 WEST 693.94 FEET: THENCE
 - 71. NORTH 46-19-27 WEST 417.22 FEET: THENCE
 - 72. NORTH 58-07-49 EAST 165.00 FEET TO THE POINT OF
BEGINNING
- CONTAINING 100.32 ACRES

PAGE 110

N. M. 2000-24

JAN. 21, 1941

LEGAL DESCRIPTION
TENTATIVE TRACT 5218A

A PORTION OF BLOCK 71, WITH PORTION LAND AND WATER IN TRACT IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, A PERMAP RECORDED IN BOOK 73, PAGES 34 TO 49, INCLUSIVE OF METROPOLITAN RECORDS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCE IN AT THE MOST EASTERLY CORNER OF LOT 2, AS SHOWN ON THE MAP OF TRACT NO. 51076 FILED IN BOOK 69, PAGES 42 TO 43 INCLUSIVE OF MAPS, RECORDS OF SAID COUNTY; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID TRACT NO. 51076

NORTH 35-24-00 EAST 80.00 FEET; THENCE LEAVING SAID EASTERLY LINE

SOUTH 54-04-00 EAST 42.45 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 120.00 FEET; THENCE

EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10-11-42 AN ARC DISTANCE OF 117.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 570.00 FEET; THENCE

EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23-47-05 AN ARC DISTANCE OF 135.10 FEET; THENCE TANGENT TO SAID CURVE

NORTH 73-05-14 14.92 FEET TO THE TRUE POINT OF BEGINNING; THENCE

1. NORTH 70-25-14 EAST 201.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 270.00 FEET; THENCE

2. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42-01-46 AN ARC DISTANCE OF 655.14 FEET; THENCE TANGENT TO SAID CURVE

3. SOUTH 50-33-00 EAST 446.04 FEET TO THE BEGINNING OF A

TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 495.00 FEET; THENCE

4 SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11-00-00 AN ARC DISTANCE OF 193.55 FEET; THENCE TANGENT TO SAID CURVE

5 SOUTH 77-41-00 EAST 147.47 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 217.00 FEET; THENCE

6 SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26-34-00 AN ARC DISTANCE OF 308.13 FEET; THENCE TANGENT TO SAID CURVE

7 SOUTH 25-34-37 EAST 118.31 FEET; THENCE

8 SOUTH 54-24-24 WEST 60.00 FEET; THENCE

9 SOUTH 11-37-30 EAST 199.06 FEET; THENCE

10 SOUTH 34-51-21 EAST 201.12 FEET; THENCE

11 NORTH 82-04-15 EAST 191.64 FEET; THENCE

12 NORTH 54-31-39 EAST 440.45 FEET; THENCE

13 NORTH 14-02-11 EAST 450.54 FEET; THENCE

14 NORTH 30-44-07 EAST 499.30 FEET; THENCE

15 NORTH 04-53-57 WEST 351.29 FEET; THENCE

16 NORTH 25-34-54 WEST 421.09 FEET; THENCE

17 NORTH 55-02-31 WEST 622.30 FEET; THENCE

18 NORTH 31-14-43 EAST 269.26 FEET; THENCE

19 NORTH 17-18-01 EAST 225.89 FEET; THENCE

20 NORTH 34-23-50 EAST 290.00 FEET; THENCE

21 NORTH 14-15-37 WEST 125.00 FEET; THENCE

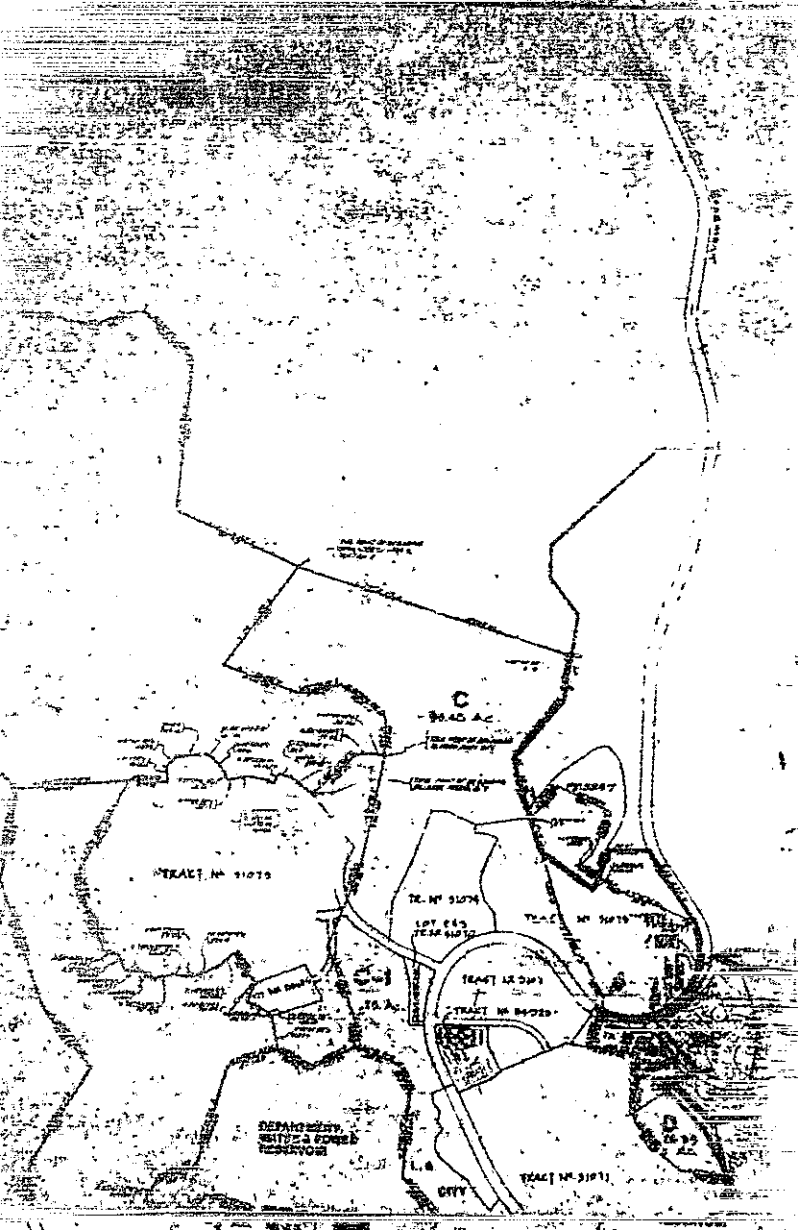
22 SOUTH 87-11-48 WEST 470.43 FEET; THENCE

23 SOUTH 18-34 WEST 258.44 FEET; THENCE

35

PAGE 3 OF 4

24. SOUTH 42-48-51 WEST 211.60 FEET: THENCE
25. NORTH 17-45-39 WEST 252.24 FEET: THENCE
26. NORTH 10-44-41 EAST 249.26 FEET: THENCE
27. NORTH 8-12-44 WEST 211.51 FEET: THENCE
28. SOUTH 43-05-17 WEST 214.50 FEET: THENCE
29. SOUTH 67-02-10 WEST 210.39 FEET: THENCE
30. SOUTH 41-57-44 WEST 248.25 FEET: THENCE
31. WEST 105.06 FEET: THENCE
32. SOUTH 07-57-38 EAST 224.24 FEET: THENCE
33. SOUTH 07-37-47 EAST 255.87 FEET: THENCE
34. SOUTH 07-13-51 WEST 259.90 FEET: THENCE
35. SOUTH 02-42-52 WEST 164.41 FEET TO THE SAME POINT AS
BEGINNING
CONTAINING 115 ACRES



S1- 3845'

MASTER PLAN

A FUTURE OPEN SPACE DESIGNATION

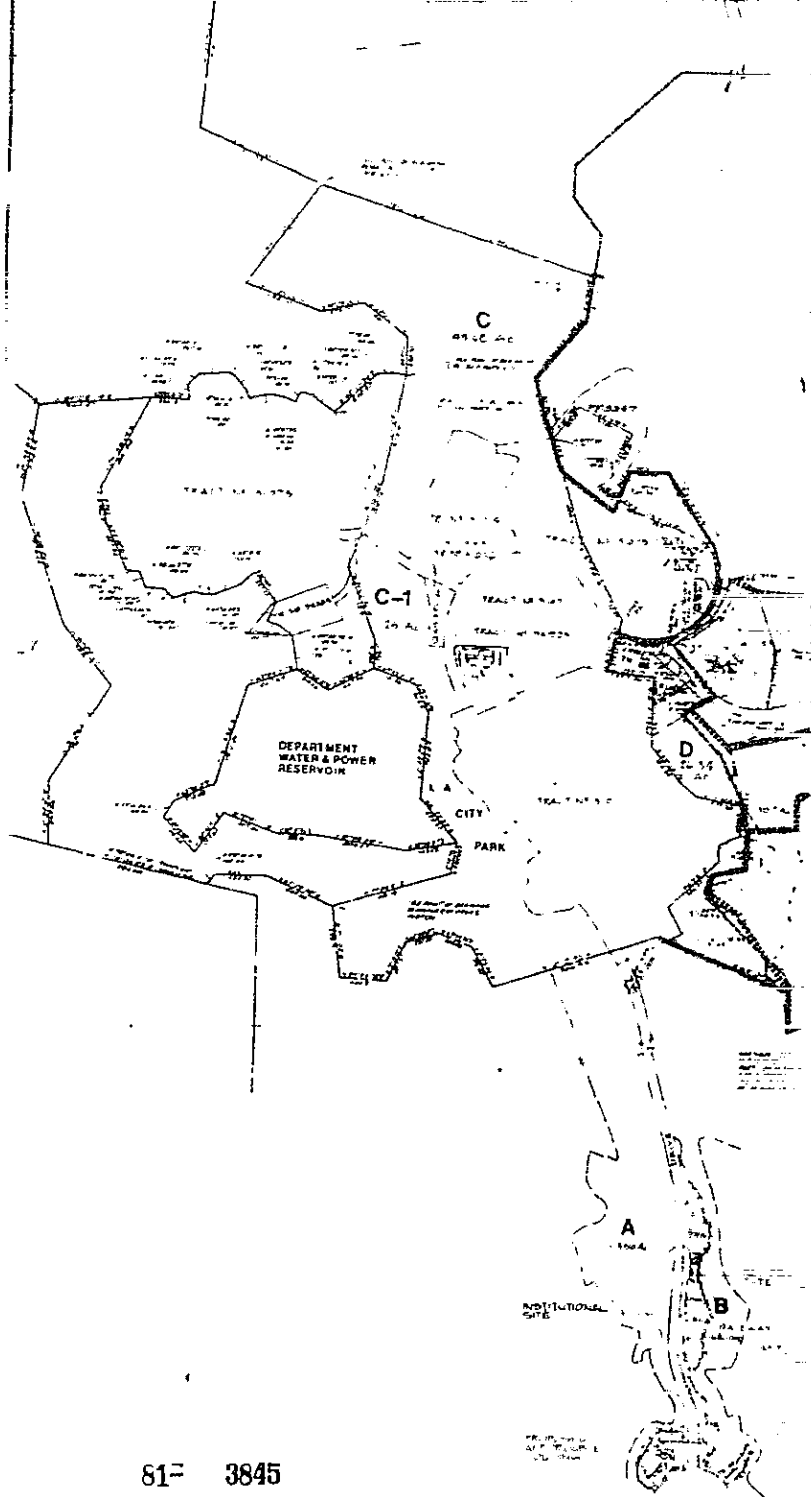
E

G



STAFF ROOM
MARCH 4, 1980
11:00 AM

URBAN LIMIT LINE - JULY 22, 1980
(COASTAL COMMISSION APPROVED)



E

NO. 100

G



21-4-1-100
MARCH 4, 1980
10 100 10 100

URBAN LIMIT LINE - JULY 22, 1980
(COASTAL COMMISSION APPROVED)

29

Exhibit Two

PALISADES HIGHLANDS
DEDICATION AREA

COASTAL COMMISSION
100 100 100 100

LEGAL DESCRIPTION

Parcel C

A portion of the Santa Monica Land and water to parcel tract in the county of Los Angeles, State of California, as per map recorded in book 75, Pages 44 to 49, inclusive, of "Miscellaneous Records" of said county.

A portion of the northerly terminus of that certain course of the boundary of Tract 31072 shown as bearing North 35°01'13" West 117.00 feet on map filed in book 83, pages 15 to 16 and 17 of the records of said county, thence northerly along said boundary of said tract to 31074 to the most northerly corner of said tract 31074, thence southerly along the easterly boundary of said tract 31074 to a point on the southerly line of Vereda De la Montaña, 75.00 feet wide, as shown on map of said tract 31074, thence southerly and west along the northerly and easterly lines of said Vereda De la Montaña as shown on map of Tract No. 31073 filed in book 83, pages 16 to 22, inclusive, of the records of said county, to the northerly terminus of said tract as shown on said map of Tract No. 31073, thence North 36°45'00" West 380.44 feet to an angle point on the easterly boundary of said tract 31074, thence northeasterly along said boundary to the most northerly corner of said tract 31073, thence North 330.00 feet, thence North 53°22'00" East 1495.00 feet, thence South 74°28'00" West 375.00 feet, thence North 71°35'00" West 805.00 feet, thence North 35°10'00" East 1075.00 feet, thence South 73°11'00" East 2442.00 feet, thence South 60°44'00" West 377.00 feet, thence South 30°41'00" East 109.74 feet, thence South 12°41'00" East 521.90 feet to a point on the southerly boundary of tract No. 31073, as shown on map recorded in book 83, pages 16 to 22, inclusive, of the records of said county, to the northerly terminus of that certain course of said boundary of Tract No. 31073 shown as bearing

North 80°07'58" East 489.92 feet, thence Southwesterly along,
last described course 489.92 feet to a point on the last men-
tioned course in the boundary of said Tract No. 3174, thence
North 05°59'58" West 14.10 feet to the POINT OF BEGINNING.

Contains 45.46 Acres

This description is subject to refinement and modification to
include reference to recorded subdivisions, which will be cre-
ated by a later day pursuant to the Subdivision Map Act Require-
ments.

11.00

81- 3845

LIGAL DESCRIPTION

Parcel 11

A portion of Lots Nos. 1A, 2A and 3A to part of Tract No. 31073 in the County of Los Angeles, State of California, recorded in Book 78, Pages 44 to 48, inclusive, of Miscellaneous Records, Records of said County.

Beginning at the Northwest corner of Lot 1A of Tract No. 31073 as shown on map filed in Book 517, Pages 58 to 60, inclusive, of Maps, Records of said County, thence Northwesterly along the northerly line of said Tract No. 31073 North 88°00'00" East 100 feet to the westerly line of Lot 1A, thence South 88°00'00" East 100 feet to the southerly line of said Tract No. 31073 as shown on map filed in Book 532, Pages 61 to 63, inclusive, of Maps, Records of said County, thence Northwesterly along the northerly line of said Tract No. 31073, also the westerly line of Lot 1A, 100 feet and 91 feet wide to the Southeast corner of Lot 1 of Tract No. 31073 as shown on map filed in Book 532, Pages 63 and 64, inclusive, of Maps, Records of said County, thence westerly, northerly, and northwesterly along the westerly, northerly, and northwesterly boundaries of said Tract No. 31073 to a point on the southeasterly line of said Tract No. 31073 as shown on map filed in Book 532, Pages 63 and 64, inclusive, of Maps, Records of said County, thence Northwesterly and Southwesterly along said Southwesterly boundary of said Tract No. 31073 to and along the Southwesterly and Southeastern boundaries of said Tract No. 31073 as shown on map filed in Book 532, Pages 63 and 64, inclusive, of Maps, Records of said County to the Southeast corner of Lot 1 of said Tract No. 31073, thence Southwesterly, Southwesterly, Southwesterly, and Southwesterly along the westerly, Southwesterly, Northwesterly and Southwesterly boundary of said Lot 1 to the Southwesterly terminus of that certain corner of said Lot 1 shown as bearing North 68°50'40" East 472.00 feet, thence South 13°21'31" East 287.10 feet, thence South 5°58'15" East 519.00 feet, thence North 62°00'10" East 447.35 feet,

thence South 89°45'37" East 381.56 feet, thence South 27°01'
37" East 209.70 feet, thence North 89°30'48" East 199.33 feet
to the POINT OF BEGINNING

Contains 25.17 acres

This description is subject to refinement and modification to
include references to recorded subdivisions, which will be cre-
ated by local ordinance pursuant to the Subdivision Map Act require-
ments

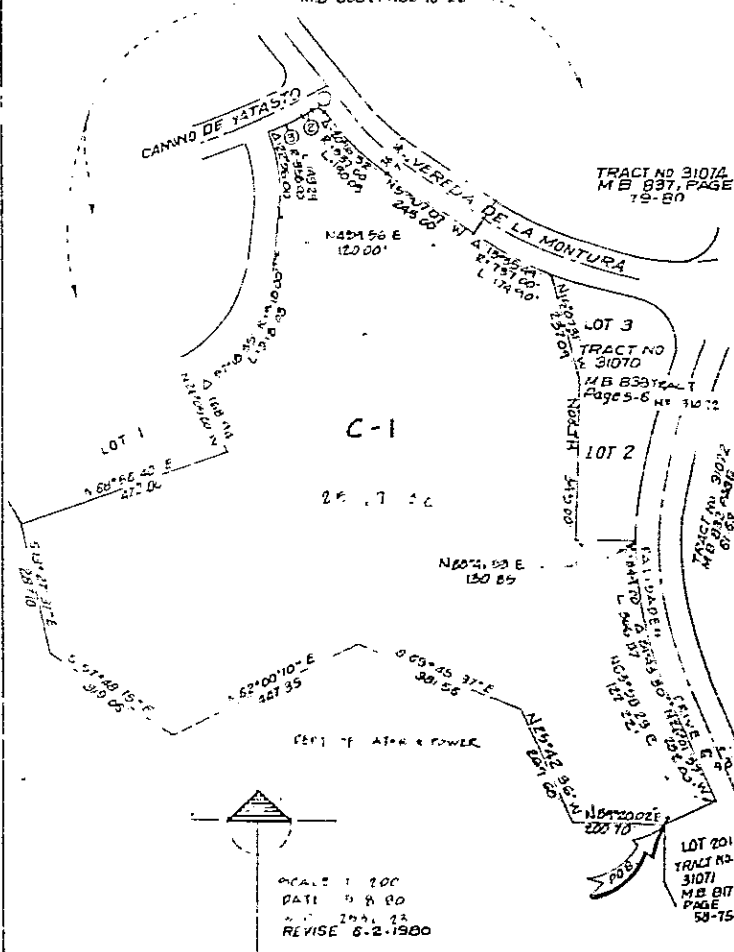
01.16

81- 3845

- ① $\Delta: 89^{\circ}40'32''$ $R: 20.00$ $L: 24.91$
- ② $N: 57^{\circ}29'53''$ $29.72'$
- ③ $\Delta: 12^{\circ}51'07''$ $R: 572.00$ $L: 81.28$

TRACT No 31073
-MB 838, PAGE 16 22

MB 838, PAGE 16 22

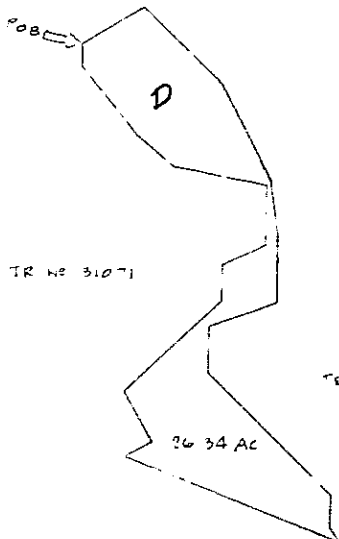


PLAT TO ACCOMPANY LEGAL DESCRIPTION

C 17

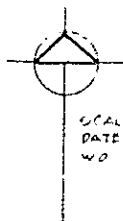
81- 3845

TR N° 31076



TR N° 31071

TRACT N° 31935



SCALE 1:240
DATE 5 5 80
WD 25 52 25

PLAT TO ACCOMPANY LEGAL DESCRIPTION

"D"

81- 3845

LEGAL DESCRIPTION

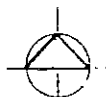
Parcel B

A portion of Santa Monica Land and Water Company Tract in the County of Los Angeles, State of California, as recorded in Book 78, Pages 44 to 45, inclusive, of the Public Records, Records of said County.

Beginning at the most Southerly corner of Lot 1 of Tract No. 12 shown on map filed in Book 78, Page 44 to 45, inclusive, thence Northeasterly along the southeasterly line of said Lot 1, North 25° 41' East 31.41 feet to a point on the line of said line South 45° 17' 18" East 47.94 feet, thence South 17° 31' East 48.72 feet, thence South 45° 17' East 31.41 feet, thence South 45° 17' East 31.41 feet, thence South 46° 20' 32" East 75.41 feet, thence South 45° 17' East 14.21 feet, thence South 45° 17' East 77.71 feet, thence North 40° 44' 05" East 14.21 feet to a point on the southeasterly line of Lot 1 of Tract No. 12 shown on map filed in Book 78, Pages 44 to 45, inclusive, of Maps, Records of said County, distant therefrom 137.41 feet from the southeasterly terminus thereof, thence Northerly along the southeasterly boundary of said Tract No. 12 to the POINT OF BEGINNING.

The above description is subject to refinement and modification to accord references to recorded subdivisions, which will be attached to all maps pursuant to the Subdivision Map Act Requirements.

D. J. R.



SCALE 1:1000
DATE 1-15-80
NO 2052 13

PLAT TO ACCOMPANY LEGAL DESCRIPTION

"E"

81- 3845

LEGAL DESCRIPTION

Parcel 5

A portion of Santa Monica Land and Water Company Tract in the County of Los Angeles, State of California, as recorded in Book 78, Pages 44 to 49, inclusive, of Miscellaneous Records, Record of said County

Beginning at a point on the Easterly line of Palisades Court 125.00 feet wide as shown on map of Tract 52200 as tiled in Book 625, Pages 45 to 46, inclusive, of Maps, Records of said County thence westerly along the general North City boundary of said Tract 52200 to a point, thence leaving said Tract boundary to the beginning of a non tangent curve concave westerly having a radius of 154.00 feet, a radial line through said beginning point bears North $58^{\circ}07'10''$ West, thence northerly along said curve through a central angle of $60^{\circ}45'00''$ an arc distance of 18.28 feet, thence tangent to said curve North $22^{\circ}14'12''$ West 54.91 feet to the beginning of a tangent curve concave Easterly having a radius of 190.00 feet, thence Northerly along said curve through a central angle of $36^{\circ}15'13''$ an arc distance of 175.73 feet to the beginning of a tangent reverse curve concave westerly having a radius of 120.00 feet, thence Northerly along said curve through a central angle of $49^{\circ}37'01''$ an arc distance of 163.74 feet to the beginning of a tangent compound curve concave westerly having a radius of 514.00 feet, thence Northerly along said curve through a central angle of $21^{\circ}53'56''$ an arc distance of 204.70 feet, thence tangent to said curve North $69^{\circ}16'21''$ West 355.73 feet to the beginning of a tangent curve concave Easterly having a radius of 606.00 feet, thence Northerly along said curve through a central angle of $67^{\circ}11'14''$ an arc distance of 67.26 feet thence tangent to said curve North $60^{\circ}57'17''$ West 202.56 feet to the beginning of a tangent curve concave westerly having a radius of 224.00 feet, thence Northerly along said curve through a central angle of $32^{\circ}03'18''$ an arc distance of 123.52 feet, thence tangent to said curve North $52^{\circ}07'15''$ West 55.33 feet to the beginning of a tangent

81- 3845

curve concave Easterly having a radius of 176.00 feet, thence
 Northerly along said curve through a central angle of $40^{\circ}45'52''$
 an arc distance of 125.21 feet, thence tangent to said curve
 North $08^{\circ}37'57''$ East 58.50 feet to the beginning of a tangent
 curve concave Southerly having a radius of 176.00 feet, thence
 Westerly along said curve through a central angle of $142^{\circ}57'51''$
 an arc distance of 100.72 feet, thence tangent to said curve
 South $45^{\circ}41'00''$ West 100.00 feet to the beginning of a tangent
 curve concave Easterly having a radius of 209.00 feet, thence
 Southerly along said curve through a central angle of $24^{\circ}10'53''$
 an arc distance of 155.00 feet, thence tangent to said curve
 South $16^{\circ}21'13''$ West 135.00 feet to the beginning of a tangent
 curve concave Easterly having a radius of 506.00 feet, thence
 Southerly along said curve through a central angle of $16^{\circ}11'28''$
 an arc distance of 142.32, thence

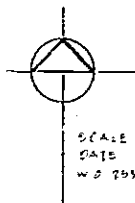
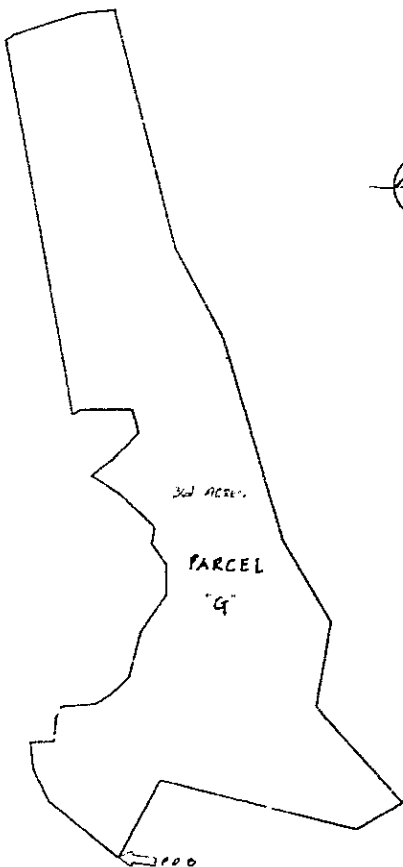
North $24^{\circ}22'00''$ West 283.16 feet, thence,
 South $02^{\circ}15'00''$ West 737.93 feet, thence,
 North $17^{\circ}23'00''$ West 68.57 feet, thence,
 North $51^{\circ}41'57''$ East 688.84 feet, thence,
 North $06^{\circ}34'01''$ East 377.09 feet, thence,
 North $06^{\circ}34'01''$ East 413.04 feet, thence,
 North $34^{\circ}17'13''$ West 540.41 feet, thence,
 North $01^{\circ}10'09''$ East 245.05 feet, thence,
 North $36^{\circ}21'50''$ East 1188.28 feet, thence,
 North $69^{\circ}24'17''$ East 1925.10 feet, thence,
 North $58^{\circ}39'02''$ East 401.52 feet, thence,
 South $09^{\circ}21'31''$ East 4122.25 feet, thence,
 South $57^{\circ}28'30''$ West 300.42 feet, thence,
 North $06^{\circ}25'08''$ East 402.53 feet, thence,
 West 510.00 feet, thence,
 South $57^{\circ}00'07''$ West 432.00 feet, thence,
 South $58^{\circ}25'53''$ West 381.01 feet, thence,
 South $50^{\circ}21'14''$ West 525.59 feet, thence,
 North $84^{\circ}55'42''$ West 673.35 feet, thence,

North 84°40'00" West 48.00 feet, thence,
North 05°10'00" East 293.00 feet, thence,
North 67°00'00" West 441.00 feet, thence,
North 71°00'00" West 212.00 feet, thence,
North 52°45'00" West 156.98 feet to the POINT OF BEGINNING

Contains 268.33 acres

This description is subject to refinement and modification to include references to recorded subdivisions, which will be created by final maps pursuant to the Subdivision Map Act requirements.

Dr. 18



SCALE 1:1000
DATE 7-10-80
W.D. 7550 23

36.1 ACRES.

PARCEL

"G"

1000

PLAT TO ACCOMPANY LEGAL DESCRIPTION

"G"

81- 3845

LEGAL DESCRIPTION

Parcel G

A portion of Santa Monica Land and Water Company
Tract in the County of Los Angeles, State of California, as
recorded in Book 78, Pages 44 to 49, inclusive, of Miscel-
laneous Records, Records of said County

Beginning at a point on that certain Southeasterly
line of that land described in deed recorded as Instrument No
2511, recorded December 30, 1971, as bearing North 28°30'30"
East 104.74 feet, said point located 954.25 feet Southerly
from the northern terminus thereof thence

North 27°19'13" East 381.05 feet, thence,
North 65°03'32" West 306.19 feet, thence,
East 25.00 feet; thence,
North 57°27'40" East 248.15 feet, thence,
North 22°27'05" East 139.72 feet, thence,
North 65°52'15" East 371.97 feet, thence,
North 59°11'55" East 181.02 feet, thence,
North 46°17'23" East 318.78 feet, thence,
North 14°10'22" East 485.45 feet; thence,
North 35°27'16" East 473.13 feet, thence,
North 380.00 feet, thence,
North 34°19'40" West 248.24 feet, thence,
North 10°25'45" East 165.74 feet, thence,
North 45°34'15" East 489.35 feet, thence,
North 56°30'17" West 407.71 feet, thence,
North 52°57'27" East 332.00 feet, thence,
North 44°27'10" East 371.25 feet, thence,
North 44°51'31" West 253.48 feet, thence,
West 565.00 feet, thence,
South 57°28'30" West 108.76 feet, thence,
North 67°21'31" West 4122.25 feet; thence,
North 68°34'12" East 107.84 feet, thence,
South 72°24'59" East 741.80 feet, thence,

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North 83°54'41" East 327.13 feet, thence
South 13°33'51" East 2625.11 feet, thence,
South 27°05'44" East 1207.53 feet, thence,
South 15°46'02" East 2108.08 feet, thence,
South 31°01'00" East 1039.42 feet, thence,
South 10°41'47" West 915.92 feet, thence,
South 41°31'12" East 1418.05 feet, thence,
South 60°10'57" West 551.48 feet, thence,
North 72°15'13" West 2104.70 feet, thence,
South 23°46'13" West 954.95 feet to the POINT OF BEGINNING.

Containing 301.00 acres.

This description is subject to refinement and modification to include references to recorded subdivisions, which will be created by final maps pursuant to the Subdivision Map Act requirements.

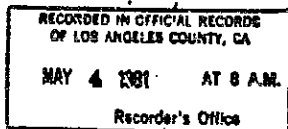
DL 32

81- 3845

Recording requested by
and when recorded mail to:

81- 443740

FULOP, ROLSTON, BURNS & MCKITTRICK
Attention: Lee Silver, Esq.
9665 Wilshire Boulevard
7th Floor
Beverly Hills, California 90212



14-00-800652



CERTIFICATE OF CORRECTION

THIS CERTIFICATE OF CORRECTION ("this Certificate") is executed this 28th day of April, 1981, by HEADLAND PROPERTIES, INC., a California corporation ("Headland") with reference to the following facts:

A. On January 5, 1981, Headland recorded in the office of the Los Angeles County Recorder (i) that certain Offer of Dedication Agreement dated as of December 11, 1980 and recorded as Instrument No. 81-3645 ("Dedication Offer"), and (b) that certain Declaration of Restrictive Covenants and Agreement dated as of December 11, 1980, and recorded as Instrument No. 81-3847 ("Declaration"). The terms used in this Certificate shall have the same meaning as is given to those terms in the Dedication Offer and the Declaration, unless expressly provided to the contrary in this Certificate.

B. Although Parcel G was accurately shown in Exhibit 2 to the Dedication Offer and the Declaration, the legal description of Parcel G attached to the Dedication Offer and the Declaration, together with the plat accompanying that description, was incorrect in that it failed to describe and delineate all of the property intended to be included within Parcel G.

C. The inaccuracy of the legal description and accompanying plat of Parcel G resulted further in the inaccuracy of Exhibit 1 to the Dedication Offer and the Declaration, as well as Parcel G as shown on Exhibit 2 to the Dedication Offer and the Declaration being incorrectly labeled as containing 361 acres as opposed to the 370.06 acres actually included within Parcel G as correctly described.

D. Headland desires to record this Certificate in order to correct the legal description and accompanying plat of Parcel G attached to the Dedication Offer and the Declaration, as well as Exhibit 1 to the Dedication Offer and the Declaration and the acreage designation shown on Exhibit 2 to the Dedication Offer and the Declaration with regard to Parcel G.

NOW, THEREFORE, the Dedication Offer and the Declaration are hereby corrected as follows:

1. The legal description and accompanying plat of Parcel G attached to this Certificate as Exhibit "A" is hereby substituted in place of the legal description and accompanying plat of Parcel G attached to the Declaration and the Dedication Offer, and all reference in the Dedication Offer and the Declaration to Parcel G shall

2

[illegible]

1000-0000/00/0000-0000\$10.00/0

2. 2. 2. 2. 2.

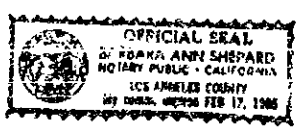
Burt H. Sullivan

Linda L. Bankard
Linda L. Bankard, Secretary

—

WITNESS my hand and official seal

Boulton Am. Thope



N.O. 2532-24
FEB. 13, 1981LEGAL DESCRIPTION
PARCEL G

A PORTION OF SANTA MONICA LAND AND WATER COMPANY TRACT IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS RECORDED IN BOOK 79, PAGES 44 TO 49, INCLUSIVE, OF MISCELLANEOUS RECORDS, RECORDS OF SAID COUNTY.

BEGINNING AT THE MOST SOUTHERLY TERMINUS OF THAT OF THAT CERTAIN SOUTHEASTERLY LINE OF THAT LAND DESCRIBED IN THE DEED RECORDED AS INSTRUMENT NO. 2511, RECORDED DECEMBER 30, 1971, AS BEARING NORTH 28-36-50 EAST 1044.04 FEET; THENCE

1. NORTH 78-06-20 WEST 1195.68 FEET; THENCE
2. NORTH 12-04-48 EAST 271.05 FEET; THENCE
3. NORTH 89-59-21 EAST 233.28 FEET; THENCE
4. NORTH 40-21-11 EAST 264.93 FEET; THENCE
5. NORTH 27-10-13 WEST 369.52 FEET; THENCE
6. NORTH 5-03-32 WEST 306.19 FEET; THENCE
7. EAST 259.00 FEET; THENCE
8. NORTH 3-27-40 EAST 248.45 FEET; THENCE
9. NORTH 22-27-06 EAST 130.92 FEET; THENCE
10. NORTH 95-52-15 EAST 374.97 FEET; THENCE
11. NORTH 59-11-55 EAST 181.62 FEET; THENCE
12. NORTH 46-15-23 EAST 318.28 FEET; THENCE
13. NORTH 14-19-22 EAST 465.06 FEET; THENCE
14. NORTH 95-32-16 EAST 473.13 FEET; THENCE
15. NORTH 360.00 FEET; THENCE
16. NORTH 34-19-49 WEST 248.24 FEET; THENCE
17. NORTH 10-25-43 EAST 165.74 FEET; THENCE
18. NORTH 45-39-45 WEST 489.35 FEET; THENCE
19. NORTH 56-30-17 WEST 407.71 FEET; THENCE
20. NORTH 52-57-27 EAST 332.00 FEET; THENCE

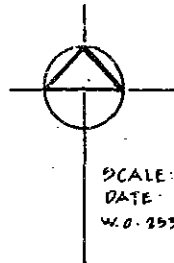
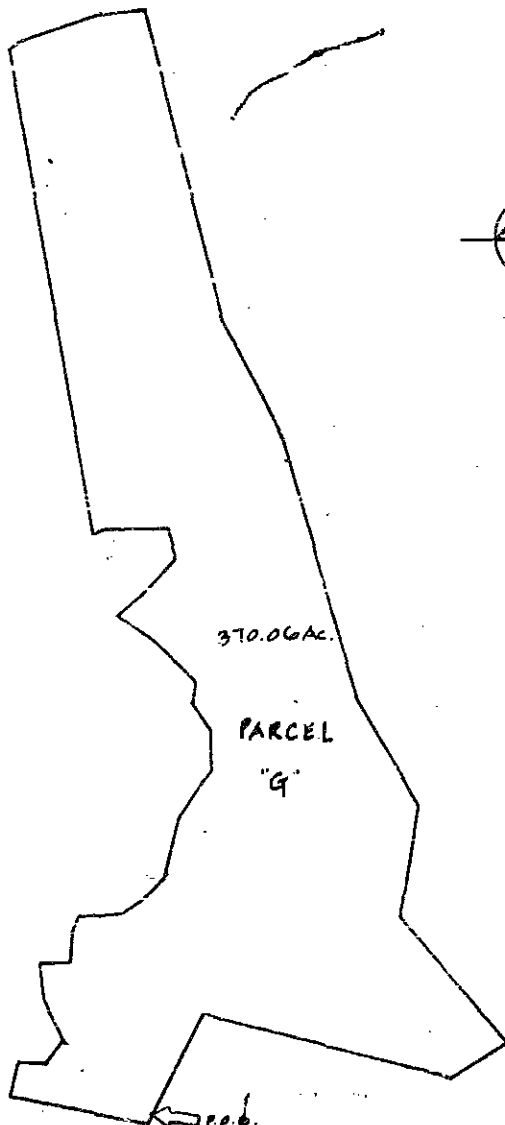
EXHIBIT A **RT-443740**

21. NORTH 44-27-16 EAST 371.25 FEET; THENCE
22. NORTH 14-51-31 WEST 253.48 FEET; THENCE
23. WEST 545.00 FEET; THENCE
24. SOUTH 57-28-30 WEST 108.76 FEET; THENCE
25. NORTH 6-21-34 WEST 4122.25 FEET; THENCE
26. NORTH 58-39-02 EAST 107.84 FEET; THENCE
27. NORTH 72-24-59 EAST 744.08 FEET; THENCE
28. NORTH 83-54-41 EAST 377.13 FEET; THENCE
29. SOUTH 13-33-34 EAST 2623.11 FEET; THENCE
30. SOUTH 27-05-44 EAST 1207.53 FEET; THENCE
31. SOUTH 15-46-02 EAST 2209.03 FEET; THENCE
32. SOUTH 30-01-06 EAST 1039.42 FEET; THENCE
33. SOUTH 10-41-47 WEST 915.42 FEET; THENCE
34. SOUTH 41-31-12 EAST 1418.05 FEET; THENCE
35. SOUTH 60-15-52 WEST 581.48 FEET; THENCE
36. NORTH 75-33-15 WEST 2204.70 FEET; THENCE
37. SOUTH 28-34-50 WEST 1044.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 370.06 ACRES

THIS DESCRIPTION IS SUBJECT TO REFINEMENT AND MODIFICATION TO INCLUDE REFERENCES TO RECORDED SUBDIVISIONS, WHICH WILL BE CREATED BY FINAL MAPS PURSUANT TO THE SUBDIVISION MAP ACT REQUIREMENTS

81-443740



SCALE: 1"=1000'
DATE: 2-12-81
W.O. 3532-23

PLAT TO ACCOMPANY LEGAL DESCRIPTION

"G"

81-443740

81-443740

4

6

9548 Ac

TRAC: NO BLOTS

C-1
CS. Ac

DEPARTMENT
WATER & POWER
(continued)

1.2

TRACY NO. 51091

81-443740

7

MASTE

A

E

288.7 AC

G

570 AC

C

99.46 AC

TRACT 10 31075

TRACT 10 31075

TRACT 10 31075

TRACT 10 31075

TRACT 10 31075

TRACT 10 31075

C

26.46

EXHIBIT "B"

81-443740

8

MASTER PLAN

A FUTURE OPEN SPACE DEDICATION.

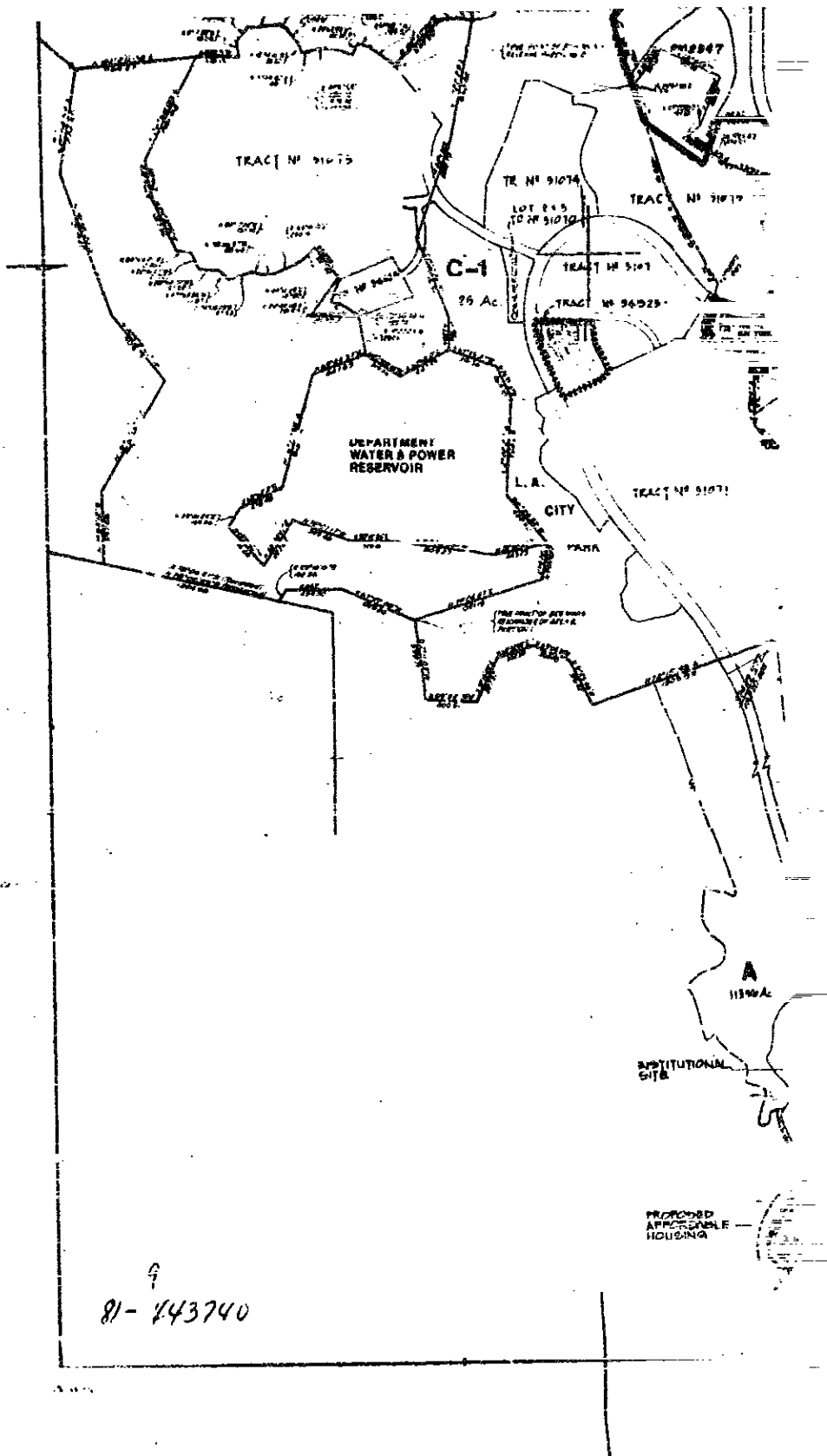
G

570' AC

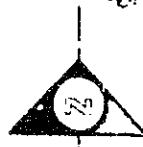


RECEIVED FOR
MARCH 14, 1980
REVISED JULY 10, 1980

AMENDED TO CORRECT PERMIT
& DEDICATION AREAS: 2-12-81



9
81-143740



SCALE 1"=800'
MARCH 19, 1980
REVISED JULY 18, 1982

AMENDED TO CORRECT PERMIT
& DEDICATION AREAS: 2-12-81

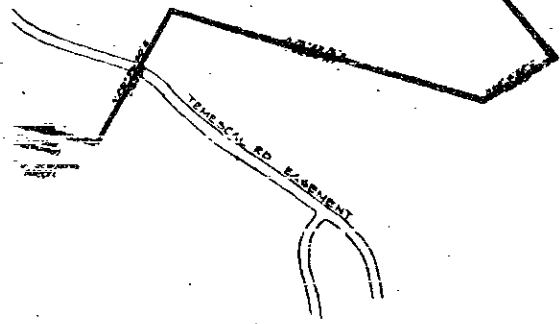


Exhibit One

PALISADES HIGHLANDS

PERMIT AREA

DEED OF DEDICATION AGREEMENT AND
DECLARATION OF RESTRICTIVE COVENANTS
AND AGREEMENTS FOR HEADLAND PROPERTIES, INC.

81-443740



EXHIBIT "B"

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

DIANNE KRETOWICZ,
as Trustee, etc. et al.,

Plaintiffs and Appellants,

v.

CALIFORNIA COASTAL COMMISSION,

Defendant and Respondent.

D066072

(Super. Ct. No.
37-2011-00097607-CU-MC-CTL)

APPEAL from a judgment of the Superior Court of San Diego County, Judith F. Hayes, Judge. Affirmed.

Gaines & Stacey and Sherman Louis Stacey, Nanci S. Stacey for Plaintiffs and Appellants.

Kamala D. Harris, Attorney General, John A. Saurenman, Assistant Attorney General, Jamee Jordan Patterson, Deputy Attorney General for Defendant and Respondent.

James S. Burling and Christopher M. Kieser for Amicus Curiae Pacific Legal Foundation.

Appellants Dianne Kretowicz and Ure Kretowicz, as trustees of the DUK Trust dated September 9, 1994 (hereafter the Kretowiczes) filed a verified petition for writ of mandate and complaint against respondent California Coastal Commission (Commission) in part challenging Commission's decisions to require the Kretowiczes to irrevocably dedicate public access easements as a condition of their requested amended coastal development permit for improvements on their La Jolla property. Commission found in part that there was a history of public access at the site warranting Commission protection, and that the Kretowiczes' predecessor had accepted the benefits of a permit in which it had imposed such a condition on the basis of such historic use, precluding the Kretowiczes' challenge. The trial court denied the Kretowiczes' petition, as well as their request for declaratory relief, and dismissed a cause of action seeking quiet title against Commission.

The Kretowiczes appeal from the ensuing judgment in Commission's favor, contending the trial court reversibly erred by denying their petition and entering judgment because (1) it did not provide them with notice or trial on their declaratory relief and quiet title causes of action; (2) Commission's findings are inadequate, unsupported by the evidence, and beyond its jurisdiction; (3) the court relied on inapposite case authority; and (4) substantial evidence does not support the court's conclusion that the Kretowiczes' predecessor in interest accepted Commission's public access condition.

We conclude Commission's findings are supported by substantial evidence, and that the Kretowiczes' predecessor's failure to timely appeal Commission's decision to

grant her permit on condition she record an irrevocable offer to dedicate public access easements bars the Kretowicz's challenges, including their claim that Commission's action constitutes an unconstitutional taking. We reject the Kretowicz's remaining contentions, and affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

The Kretowicz's own a single family home on Princess Street in La Jolla (the property), on a lot extending to the shore of the Pacific Ocean, with approximately 190 feet of ocean frontage. In 1978, the property was owned by Jane Baker. In March 1978, Baker applied to the San Diego Coast Regional Commission (the Regional Commission)¹ for a coastal development permit to construct a large addition to the then existing house. In June 1978, the Regional Commission approved the permit, designated No. F6760, subject to special conditions relating to geology, slope integrity and drainage. Permit No. F6760 states that its "terms and conditions shall be perpetual, and it is the intention of the parties to bind all future owners and possessors of the subject property to said terms and conditions."

Legal challenges ensued, including appeals (designated Nos. 221-78 and 133-79) from decisions of the Regional and State Commissions as well as a superior court petition for writ of mandate. In the writ petition, the appellant asserted that Commission had

¹ Commission is the successor in interest to the Regional Commission. (Pub. Res. Code, § 30331.) Statutory references are to the Public Resources Code unless otherwise specified.

failed to make specific public access findings required by the Coastal Act of 1976 (§ 30604). Baker, the real party in interest, participated in those proceedings. Baker completed her proposed construction pending the legal proceedings.

On September 20, 1979, Commission unanimously granted Baker's permit for her proposed development, and imposed new special conditions for lateral and vertical public shoreline access.² Commission's supporting findings acknowledged that the Coastal Act required that public access to and along the shoreline be maximized; staff stated in part that adequate access to the beach below the property did not exist nearby and "[a]lthough the public has historically had access over the project site, construction of the project has preceeded [*sic*] the use of this accessway, thereby diminishing the public's right of access to the state owned tidelands. An alternative accessway must, therefore, be provided to offset the burdens this development has placed on [the] public's constitutional right of access and to assure the conformity of the project to the provisions of [section 30212] of the [Coastal] Act."³ Commission also made findings about the historical public access to

² Vertical access is roughly perpendicular to the shoreline. Lateral access allows members of the public to walk along portions of the shoreline. (See *City of Malibu v. California Coastal Com.* (2005) 128 Cal.App.4th 897, 899.)

³ The Kretowiczses do not challenge the sufficiency of the evidence of Commission's finding of historic public access, and the record contains ample evidence of longtime access by the public prior to 1979. Section 30212, subdivision (a) provides in part: "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected."

the beach in response to Baker's position, stating: "The applicant contends that, because of the steepness of the bluff, the accessway would not be safe and therefore need not be provided This site has historically been used for access to the shoreline below. A site inspection revealed that it was not difficult to walk down the bluff face and, if minor improvements were made, the access way could be easily traversed with little damage to the landforms. The Commission concludes that public access can be provided consistent with public safety and must, therefore, be provided to find the proposed project consistent with the Coastal Act." The special permit condition required Baker to submit for approval, prior to the permit's issuance, "a document irrevocably offering to dedicate to a public agency or private association approved by the Executive Director easements for public access to and along the shoreline in accordance with the provisions of this condition." Commission's decision required that the document "shall be irrevocable for a period of 21 years running from the date of recordation" and "shall constitute a covenant running with the land in favor of the People of the State of California binding the applicant, heirs, assigns and successors in interest to the subject property."

Days after Commission heard the matter, a representative for the appellant in the legal proceedings wrote to Commission's legal department to inform it that Baker was contemplating not making the offer of dedication; that Baker might take the position that she had built her construction under a valid permit. Several months later, the appellant's representative noted in a letter to the attorney general that Commission had voted to find

Baker in violation and had referred the matter to the attorney general for enforcement. The representative asked the attorney general to penalize Baker for her violation of the dedication condition.

Baker did not submit an irrevocable offer to dedicate the easement. In 1980, she sought to amend permit No. F6760 to approve already completed drainage that differed from the prior permit condition. She eventually sold the property. In an April 1989 handwritten "statement of understanding" to the buyer signed by Baker, Baker's son who was also her sales representative wrote: "Jane Baker has agreed to California Coastal Commission stipulations, File #A-133-791/F6760, dated Sept. 20, 1979. These provisions state generally the requirements for drainage and easement conditions. It is understood that any purchase by you would require acknowledgment of these declarations, including the future recording of emergency or public access to the beach."⁴

⁴ According to the Kretowicz, Commission did not make any findings relating to this document. They suggest, and Amicus Pacific Legal Foundation asserts, that this document is a forgery based on declarations the Kretowicz produced in support of their motion for new trial. But Commission did find Baker had accepted the permit's benefits, as did the trial court. In assessing whether Commission's findings are supported by substantial evidence and the findings support its decision, any reasonable doubts must be resolved in favor of Commission, which is the sole arbiter of the evidence and judge of credibility. (See *Paoli v. California Coastal Com.* (1986) 178 Cal.App.3d 544, 550; *Pescosolido v. Smith* (1983) 142 Cal.App.3d 964, 970-971.) The Kretowicz have not shown the statement of understanding is so suspect that we should reject Commission's decision as unreasonable. (See *Reddell v. California Coastal Com.* (2009) 180 Cal.App.4th 956, 962 [" " "Courts may reverse an agency's decision only if, based on the evidence before the agency, a reasonable person could not reach the conclusion reached by the agency," " " italics omitted].)

Thereafter, the property became bank-owned through foreclosure. In early 1994, the Kretowiczkes purchased the property from Union Bank. At that time, the La Jolla-La Jolla Shores Local Coastal Program Addendum (La Jolla LCP) identified shoreline access at Princess Street, stating in part: "As a condition of a permit to build a single-family house, the State Coastal Commission required the owner of the bluff top lot to dedicate a 4-foot wide vertical easement along one side of the property from the Princess Street cul-de-sac to the shoreline. The owner has challenged the validity of the condition and no offer of dedication has been made. The State Attorney General has apparently decided not to pursue an enforcement of the condition, although the possibility of future litigation remains. The site represents one of two potential routes to a remote section of shoreline accessible only during low tides."

The Kretowiczkes File for a Coastal Development Permit Following the City of San Diego's Discovery of Unauthorized Improvements

In 1997, the Kretowiczkes applied for a coastal development permit after a code enforcement complaint reported numerous unpermitted landscape and hardscape improvements. Though the City of San Diego eventually issued the permit,⁵ that decision was appealed to Commission on grounds it was inconsistent with permit No. F6760's public access requirements and the Kretowiczkes withdrew the application. As

⁵ The City of San Diego had recommended the planning commission approve the permit, acknowledging Commission's 1979 requirement of a public access easement, but the City recommended dedication of an easement for limited use such as for educational activities and lifeguard rescue.

early as 2001, the Kretowiczses went ahead with numerous unpermitted improvements, for which they were assessed civil penalties in December 2007.

Commission Denies The Kretowiczses' Request for Relief from the 1979 Public Access Dedication Requirements, finding the Conditions Valid as Against Them

In July 2004, the Kretowiczses applied for a new coastal development permit. After Commission advised them their proposed work required an amendment to permit No. F6760, in August 2004 they filed an application to amend permit Nos. F6760 and F6760A, eventually denominated by Commission as No. A-133-79-A1/F6760A2, to authorize certain improvements and offering to provide lifeguard rescue access to the beach below. In a May 2005 report, Commission staff observed: "It was routine practice at the time for the State Commission to assign a different permit number when a Regional Commission permit was appealed to it. The permit would then be issued with the State Commission number, not the Regional Commission number. Here, however, the Regional Commission permit had been issued during the litigation/appeal and therefore, the permit as initially issued had the F6760 number of the Regional Commission. Thus, the permit is identified by two numbers. It should be noted that the conditions of approval of F6760 all addressed what construction was approved or how the construction should occur, and are not the type of conditions that continue to apply indefinitely. Thus, since the addition was already completed when the State Commission acted on the appeal, the conditions of F6760 had already been met. Therefore, it was appropriate for the State Commission to simply impose the additional condition that was necessary for

public access, rather than reissue the permit with all the conditions. To avoid any confusion, and for the sake of completeness, the permit for the addition is identified as CDP A-133-79-F6760." Staff disagreed with the Kretowicz's position that permit No. A-133-79 had expired, stating: "The State Commission permit, A-133-79, which was an appeal of F6760, was effectively issued at the time it was approved because the development had already commenced. Because the permit that was on appeal had already been issued by the Regional Commission and the addition was already completed, the wording of the condition for public access imposed by the State Commission in A-133-79 indicating that the condition had to be satisfied 'prior to issuance of the permit' was an oversight or poor choice of words." Commission staff found "CDP A-133-79 is valid and that the condition of approval continues to apply to the applicant's property."

Commission approved the permit amendment for certain of the improvements but denied the Kretowicz's request to modify the 1979 public access condition. It found the Kretowicz's were bound by the 1979 public access condition because by completing her construction under coastal development permit No. F6760, Baker had accepted the benefits of the permit; removal of the public access condition would be inconsistent with requirements of the Coastal Act (§§ 30210-30212); and there was substantial evidence of public prescriptive rights or an implied dedication of a public easement, obligating Commission to ensure development did not interfere with such historical use.

The Kretowicz family filed a legal challenge and Commission cross-complained, but in 2007 and 2008 they entered into settlement agreements that in part would have postponed any public access easement for specified periods of time, including 15 years after the death of both Kretowicz family members. The Kretowicz family applied for permit amendments to reflect the settlement agreements' terms. Though Commission staff initially recommended that Commission approve the permit on those conditions, the Commissioners rejected the permit amendment's terms in the face of heavy public opposition. Ultimately, in July 2011, Commission approved the Kretowicz family's requested permit amendment subject to special public access condition Nos. 2 and 3, requiring them to execute and record irrevocable offers to dedicate lateral and vertical public access easements. In revised findings, Commission stated that in 1979 it found substantial evidence of historic public use requiring the need for Baker to record an irrevocable offer of dedication and that though years had passed, those facts remained the same. It found Ure Kretowicz was a sophisticated developer who knew about development permit requirements, and had he checked with Commission's district office, he would have learned of the permit history and its public access requirements. Commission found the requirement for an irrevocable offer of dedication was "still valid today."

The Present Action Challenging Commission's 2005 and 2011 Decisions

The Kretowicz family petitioned for a writ of mandate, and in February 2012, filed a first amended petition challenging Commission's 2005 and 2011 actions and asserting, among others, causes of action for declaratory relief, quiet title, unconstitutional taking, injunctive relief and violation of their civil rights. Commission successfully demurred to

the injunctive relief and civil rights causes of action, and thereafter the court bifurcated the writ of mandate issues from the declaratory relief and quiet title claims. In part, its order states that the writ of mandate issues will be heard separately from the third and fourth causes of action for declaratory relief and quiet title, and "[t]he Court will set a further trial date on the declaratory relief and the quiet title causes, if necessary, after the ruling on the writ of mandate."

After examining the administrative record as well as the pleadings and documents in the petition, and hearing the parties' arguments, the trial court issued a statement of decision denying the Kretowicz's writ of mandate causes of action. It ruled Commission's decisions were supported by substantial evidence of historic public use; that the public access condition ran with the land and Baker's failure to record the dedication did not extinguish the public's right to access, but was irrelevant because Ure Kretowicz, a prominent real estate developer, would have learned of the permit conditions had he gone to Commission's office. It further found Baker had knowledge of the permit condition but never challenged it, rendering it free from collateral attack. The court ruled estoppel, laches, and waiver did not apply to the public access condition. The court dismissed the Kretowicz's quiet title cause of action, ruling Commission had no claim to any property interest in the Kretowicz's property and they could not maintain such a cause of action. As to the Kretowicz's request for declaratory relief, the court denied it on grounds the statute of limitations did not preclude Commission from enforcing the public access condition because (1) passage of time would not legalize ongoing violations of such conditions and (2) Code of Civil Procedure section 315 did

not apply to the property, which was deemed for public use under the public access condition.

The Kretowiczses unsuccessfully moved for a new trial, and thereafter filed this appeal.

DISCUSSION

I. *Judgment on Declaratory Relief and Quiet Title Causes of Action*

The Kretowiczses contend the court reversibly erred by entering judgment on their declaratory relief and quiet title causes of action without notice or trial, after having bifurcated the writ of mandate claims. They argue that under Code of Civil Procedure section 594 they were entitled to notice that those claims were to be tried, but the court only gave notice that the writ of mandate causes of action were to be tried. According to the Kretowiczses, entry of judgment without the sending of that notice is reversible error under *Urethane Foam Experts, Inc. v. Latimer* (1995) 31 Cal.App.4th 763, 767.

The contention is without merit. Code of Civil Procedure section 594 states in part: "In superior courts either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise directs, may proceed with the case and take a dismissal of the action, or a verdict, or judgment, as the case may require; provided, however, if the issue to be tried is an issue of fact, proof shall first be made to the satisfaction of the court that the adverse party has had 15 days' notice of such trial" The purpose of this provision is to prevent the possibility of proceedings taken against a party *in his absence* where that person has, by reason of

insufficient notice or no notice of the time of trial, been unable to appear. (*Au-Yang v. Barton* (1999) 21 Cal.4th 958, 962-963.) Compliance with the statute is mandatory in that a court may not shorten the time for notice or fail to give notice and then proceed in a party's absence. (*Id.* at p. 963.) Thus, in *Urethane Foam Experts, Inc.*, the appellate court reversed a judgment entered after a trial at which the defendant did not appear because notice was improperly sent. (*Urethane Foam Experts, Inc., supra*, 31 Cal.App.4th at p. 767.) Because in this case there was no issue of the trial court proceeding with a trial *in the Kretowicz's absence*, they have shown no violation of that statute or reversible error stemming from any purported lack of notice.

The Kretowicz's next contend they were entitled to a trial of facts that were at issue in their causes of action, and that the trial court's judgment deprived them of the right to present and admit evidence and the right to examine and cross-examine witnesses. They maintain they were entitled to a civil trial to prove with sworn testimony that Commission was subject to estoppel, waiver and laches, and the court had no authority to enter judgment against them without such a trial. As Commission correctly points out, however, declaratory relief is not appropriate to review an administrative decision. (*State of California v. Superior Court* (1974) 12 Cal.3d 237, 249 ["It is settled that an action for declaratory relief is not appropriate to review an administrative decision"]; see also *City of Pasadena v. Cohen* (2014) 228 Cal.App.4th 1461, 1466-1467; *San Mateo County Coastal Landowners' Assn. v. County of San Mateo* (1995) 38 Cal.App.4th 523, 558; *Walter H. Leimert Co. v. California Coastal Com.* (1983) 149 Cal.App.3d 222, 230-231; compare *Pacific Legal Foundation v. California Coastal Com.*

(1982) 33 Cal.3d 158, 168-169 [quasi-legislative actions of administrative agencies, such as Commission's adoption of guidelines in interpreting the Coastal Act's access policies, are reviewable by declaratory relief or traditional mandamus].)

Finally, the Kretowiczses contend that because the 1979 easement requirements are a claim or "cloud" on their title, they were entitled to a trial on their claim for quiet title. Concededly, a claim for purposes of an action for quiet title is "intended in its broadest possible sense" and includes a cloud upon title. (Cal. Law Revision Com. com., 17A West's Ann. Code Civ. Proc. (2015 supp.) foll. § 760.010, p. 84.) "[A] quiet title action requires 'antagonistic property interest[s].' [Citation.] In other words, a plaintiff cannot obtain a quiet title judgment unless someone claims a conflicting interest in the same property as the plaintiff." (*Harbour Vista, LLC v. HSBC Mortg. Services Inc.* (2011) 201 Cal.App.4th 1496, 1511.) This requires that the plaintiff prove a title in himself superior to that of the defendant. (*Harbour Vista, LLC*, at p. 1511.)

In their cause of action for quiet title, the Kretowiczses alleged Commission claimed an "interest adverse to [them] in the Property in that the Commission claims that there is an obligation to record an offer of dedication for public access that runs with the Property and that [they] took its interest in the Property subject to said obligation." (Some capitalization omitted.) The Kretowiczses alleged its interest was not subject to the condition or to "Unissued Permit A-133-79," and sought as of August 5, 2005, to "quiet title against any claim of the Commission as set forth above." (Some capitalization omitted.) The Kretowiczses' quiet title cause of action sought to litigate not a title issue,

but Commission's imposition of the 1979 public access condition on their sought-after development permit, and thus was in substance and effect a challenge to Commission's decision, which, as stated, must be tested via a writ of mandate. Upon determining the Kretowicz had no viable challenge via mandate to Commission's decision, a decision we uphold, the trial court did not err in dismissing their quiet title cause of action.

II. *Denial of Petition for Writ of Mandate*

A. *Appellate Standard of Review*

Section 1094.5 of the Code of Civil Procedure sets out the procedure for judicial review of final administrative determinations by petitions for writ of mandate. (*Fukuda v. City of Angels* (1999) 20 Cal.4th 805, 810.) We review Commission's decision for an abuse of discretion. (Code Civ. Proc., § 1094.5, subd. (b).) An abuse of discretion is established if Commission has not proceeded in a manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence. (*Ibid.*) Code of Civil Procedure section 1094.5, subdivision (c) provides: "Where it is claimed that the findings [of an administrative body] are not supported by the evidence, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence. In all other cases, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record." Under this subdivision "[t]here are two tests for judicial review of the evidentiary basis for the agency's decision. The

'independent judgment' rule applies when the decision of an administrative agency will substantially affect a fundamental vested right. The trial court must not only examine the administrative record for errors of law, but must also exercise its independent judgment upon the evidence disclosed in a limited trial de novo. [Citation.] The 'substantial evidence' rule applies when the administrative decision neither involves nor substantially affects a vested right. The trial court must then review the entire administrative record to determine whether the findings are supported by substantial evidence and whether the agency committed any errors of law, but need not look beyond the record of the administrative proceedings." (*Mann v. Department of Motor Vehicles* (1999) 76 Cal.App.4th 312, 320, citing *Bixby v. Pierno* (1971) 4 Cal.3d 130, 143, 144.) " 'In reviewing the agency's decision, the trial court examines the whole record and considers all relevant evidence, including evidence that detracts from the decision.' [Citation.] Substantial evidence means evidence 'of ponderable legal significance.' [Citation.] The evidence ' "must be reasonable in nature, credible, and of solid value . . . " ' " (*Schafer v. City of Los Angeles* (2015) 237 Cal.App.4th 1250, 1260.)

The trial court reviews questions of law differently: it " 'exercises independent judgment on pure questions of law, including the interpretation of . . . judicial precedent.' " (*Schafer v. City of Los Angeles, supra*, 237 Cal.App.4th at p. 1261, quoting *McAllister v. California Coastal Com.* (2008) 169 Cal.App.4th 912, 921-922.)

An appellate court's review of the administrative record for legal error and substantial evidence in a mandamus case is the same as the trial court's: this court reviews

the agency's action, not the trial court's decision. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 427; *Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 922.) We examine all relevant materials in the entire administrative record to determine whether the agency's decision is supported by substantial evidence. (*Ross*, at p. 922; *McAllister v. California Coastal Com.*, *supra*, 169 Cal.App.4th at p. 921.) " 'Although this task involves some weighing to fairly estimate the worth of the evidence, that limited weighing does not constitute independent review where the court substitutes its own findings and inferences for that of the Commission. Rather, it is for the [agency] to weigh the preponderance of conflicting evidence, as [the court] may reverse its decision only if, based on the evidence before it, a reasonable person could not have reached the conclusion reached by it.' " (*McAllister*, at p. 921, quoting *Kirkorwoicz v. California Coastal Com.* (2000) 83 Cal.App.4th 980, 986.)

This court presumes Commission's findings and actions are supported by substantial evidence; it is the Kretowicz's burden to demonstrate to the contrary. (*Ross v. California Coastal Com.*, *supra*, 199 Cal.App.4th at p. 921; *McAllister v. California Coastal Com.*, *supra*, 169 Cal.App.4th at p. 921.)

B. The Trial Court Did Not Err by Reviewing Commission's Decision for Substantial Evidence

As a threshold argument, the Kretowicz's contend the trial court erred by not applying its independent judgment on Commission's decision; they suggest Commission's

action amounts to a "confiscation" and they have a fundamental right to be free from a physical taking of their private property. We conclude these arguments are misplaced, and the trial court applied the correct review standard for Commission's decision.

This court has explained that "[a] fundamental vested right has been termed a right 'already possessed' [citation] or 'legitimately acquired' [citation]. ' "[A] vested right for review purposes means a preexisting right while a vested right for construction means a right the government is estopped to deny." ' " (*Barrie v. California Coastal Com.* (1987) 196 Cal.App.3d 8, 14-15.) The same test determines whether a right is vested or fundamental. (*Id.* at p. 15.) "The term 'vested' in the sense of 'fundamental vested rights' in an administrative mandate proceeding is not synonymous with the 'vested rights' doctrine relating to land use development. [Citation.] Courts rarely uphold the application of the independent judgment test to land use decisions. [Citation.] Cases upholding such application typically involve 'classic vested rights'—i.e., a vested right to develop property in a particular way." (*Amerco Real Estate Company v. City of West Sacramento* (2014) 224 Cal.App.4th 778, 783, citing *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1527.)

In circumstances involving development permits, "an owner of property acquires a vested right to construct a building where the conduct of the government amounts to a representation that such construction is fully approved and legal, and in reliance on such representation the owner materially changes position." (*Stanson v. San Diego Coast Regional Com.* (1980) 101 Cal.App.3d 38, 49.) Thus, in *Stanson*, an agent of the regional

commission told the plaintiff he did not need a coastal development permit to remodel his restaurant, and he obtained building permits and expended substantial amounts of money remodeling. (*Stanson*, at p. 42.) The regional commission thereafter advised him he in fact required a permit, and denied his permit request, which the state Commission affirmed. (*Id.* at p. 43.) This court concluded under these circumstances that his asserted right was vested and fundamental, and that the trial court should have reviewed the Commission's decision under the independent judgment review standard. (*Id.* at pp. 49-50.)

In *Barrie v. California Coastal Com.*, *supra*, 196 Cal.App.3d 8, this court rejected homeowners' claim they possessed a fundamental vested right for purposes of trial court review where Commission had issued them a temporary permit to build a protective seawall, but later required them to remove and relocate the seawall. (*Id.* at pp. 12-15.) The homeowners could not establish a vested right to continue the seawall as a matter of law, in part because their claim did not rest on an affirmative misrepresentation by Commission that approval would be perfunctory, and strong public policy militated against granting individuals vested rights to permanent structures based on temporary permits. (*Id.* at p. 16-17.)

The Kretowiczses assert that our decision in *Barrie* is incorrect in that it did not "critically examine[]" which test applied to a Commission decision involving a seawall's placement. We read the case differently, and observe it thoroughly and correctly examined the rights and issues at hand. The inquiry here is whether the Kretowiczses

have a vested or fundamental right to an unconditional coastal development permit for their desired improvements by reason of Commission's representation that such construction was approved and legal. (See *Stanson v. San Diego Coast Regional Com.*, *supra*, 101 Cal.App.3d at p. 49.) They have not established any such representation by Commission concerning their proposed development, and thus we conclude they did not have a right to a permit that was either already possessed or legitimately acquired so as to require the trial court to exercise its independent judgment on Commission's decision.

C. Commission's Finding that Baker Accepted the Public Access Conditions in Permit No. F6760 is Supported by Substantial Evidence, and the Conditions are Enforceable Against the Kretowiczses as a Matter of Law

The Kretowiczses advance several challenges to the trial court's decision denying their petition for a writ of mandate. They contend the court erred by denying their petition because Commission failed to make findings that their proposed property improvements had a nexus or rough proportionality to the public access conditions under *Nollan v. California Coastal Com.* (1987) 483 U.S. 825 or *Dolan v. City of Tigard* (1991) 512 U.S. 374 (*Nollan/Dolan*). They contend Commission's finding of an implied dedication, and the trial court's finding that the 1979 easement requirements had priority

over their title, lack substantial evidence in the record.⁶ They maintain the court erred by applying what they term "collateral estoppel" to the 1979 public access conditions because (a) application of such a doctrine does not comport with fairness or sound public policy; (b) Commission's right to assert the doctrine was waived, estopped, and barred by laches or the statute of limitations; and (c) Commission acted beyond its subject matter jurisdiction in finding the existence of an implied dedication.

As we explain, the Kretowiczses are precluded from raising their *Nollan/Dolan* challenge, or their challenge to Commission's finding of historic public use supporting an implied dedication,⁷ because their predecessor in title, Baker, elected not to appeal Commission's September 20, 1979 findings and decision to impose the public access conditions on permit No. F6760 and any such claims are barred by the 60-day statute of

⁶ We reject outright as without pertinent authority the Kretowiczses' arguments concerning the trial court's supposed finding of priority of title, and their obligation to go to Commission's San Diego office to ask about their property. Their arguments are that the finding "was no more than self-serving speculation by the [Commission]"; that Commission "has no authority to judge priorities of instruments under the Civil Code," and Commission "was judging the priority of its own claim." The sole authority relied upon by the Kretowiczses (*El-Attar v. Hollywood Presbyterian Med. Ctr.* (2013) 56 Cal.4th 976, 995), however, involves a hospital peer review proceeding and is cited for the collateral proposition that "[a] fair hearing requires an impartial adjudicator." The Kretowiczses do not articulate any argument under a separate heading that Commission denied them a fair hearing. (Cal. Rules of Court, rule 8.204(a)(1)(B).)

⁷ The Kretowiczses' cited authority, *LT-WR, L.L.C. v. California Coastal Com.* (2007) 152 Cal.App.4th 770, does not in any event support its challenge to Commission's fundamental subject matter jurisdiction, which was not implicated by its findings or imposition of the permit conditions. (*California Coastal Com. v. Superior Court* (1989) 210 Cal.App.3d 1488, 1501; see *Mt. Holyoke Homes, LP v. California Coastal Com.* (2008) 167 Cal.App.4th 830, 841 [Commission had subject matter jurisdiction as long as the appeal to it presented a substantial issue].)

limitations for such a challenge. Because Baker proceeded with her proposed construction under permit No. F6760 during the appeals to the regional Commission and then the state Commission, after which Commission imposed the public access conditions on permit No. F6760, she assumed the benefits of that permit as well as the risk that Commission might add the challenged dedication conditions. Given Baker's failure to challenge Commission's decision to impose the conditions, we uphold Commission's finding that they are valid and the Kretowiczses are bound by them.

Section 30801 declares that "[a]ny aggrieved person shall have a right to judicial review of *any decision or action* of the commission by filing a petition for a writ of mandate in accordance with Section 1094.5 of the Code of Civil Procedure within 60 days after the decision or action has become final." (Italics added.) "[S]ection 30801's 60-day period constitutes a statute of limitations and generally bars untimely efforts to challenge coastal commission rulings." (*Strother v. California Coastal Com.* (2009) 173 Cal.App.4th 873, 878; see *Ojavan Investors, Inc. v. California Coastal Com.* (1994) 26 Cal.App.4th 516, 525 ["the time to challenge coastal development permits . . . is within the statutory 60-day period after issuance of the permits . . . , not when a party or a successor in interest elects to violate declarations of restrictions imposed pursuant to the permits, and a cease and desist order ensues"].) Commission's September 20, 1979 vote to impose the public access conditions on the improvements for which Baker sought permit No. F6760 was a "decision or action" falling within this category.

The law in California is settled that "[a] landowner cannot challenge a condition imposed upon the granting of a permit after acquiescence in the condition by either specifically agreeing to the condition or failing to challenge its validity, and accepting the benefits afforded by the permit." (*Rosasco Holdings Inc. v. State of California* (1989) 212 Cal.App.3d 642, 654, citing *County of Imperial v. McDougal* (1977) 19 Cal.3d 505, 510-511 ["A number of cases have held that a landowner or his successor in title is barred from challenging a condition imposed upon the granting of a special permit if he has acquiesced therein by either specifically agreeing to the condition or failing to challenge its validity, and accepted the benefits afforded by the permit"]; see also *Bowman v. California Coastal Com.* (2014) 230 Cal.App.4th 1146, 1152; *Salton Bay Marina, Inc. v. Imperial Irrigation Dist.* (1985) 172 Cal.App.3d 914, 941.) If conditions imposed in a permit are invalid, Code of Civil Procedure section 1094.5 provides a landowner the right and procedures to eliminate them, and if the landowner declines to avail himself of those procedures, he cannot convert that right into a cause of action in inverse condemnation. (*Hensler v. City of Glendale* (1994) 8 Cal.4th 1, 19; *Rosasco*, at pp. 654-655; see also *Serra Canyon Co., Ltd. v. California Coastal Com.* (2004) 120 Cal.App.4th 663; *Pfeiffer v. City of La Mesa* (1977) 69 Cal.App.3d 74, 78, modified by statute as stated in *Sterling Park, L.P. v. City of Palo Alto* (2013) 57 Cal.4th 1193, 1200 and *Hensler*, at p. 19, fn. 9.)

These principles are reflected in several cases, some of which the Kretowiczses seek to distinguish as involving recorded instruments or conditions. In *California Coastal Com. v. Superior Court (Ham)* (1989) 210 Cal.App.3d 1488, Commission in

1985 approved a coastal development permit on condition the property owner record an offer to dedicate an easement for public access across the strip of beach in front of his home. (*Id.* at p. 1492.) The landowner recorded the offer to dedicate, Commission issued the permit, and the landowner completed the project. (*Ibid.*) Three years later, following the decision in *Nollan, supra*, 483 U.S. 825, the landowner sued Commission for inverse condemnation, alleging the permit condition requiring dedication of a public beach access easement amounted to an unconstitutional taking of private property without compensation. (*Id.* at pp. 1492, 1495.) This court issued a writ directing the trial court to sustain Commission's demurrer to the complaint, concluding that the landowner's failure to challenge the permit condition in an administrative mandamus action barred his action for damages. We agreed with the State's position (*id.* at p. 1495) that Ham's challenge was barred by his failure to file a writ petition within the 60-day limitations period from Commission's decision: "Quite clearly, a property owner seeking to recover on an inverse condemnation claim against the Commission in a case such as this must first establish the invalidity of the condition the Commission sought to impose. An administrative mandate proceeding provides the proper vehicle for such a challenge. Even in the post-*First Lutheran* world [*First English Evangelical Lutheran Church v. County of Los Angeles* (1987) 482 U.S. 304], requiring that an inverse condemnation claim be joined with an administrative mandate action filed within 60 days after the Commission decision becomes final serves the salutary purpose of promptly alerting the Commission that its decision is being questioned and that the State may be liable for

inverse condemnation damages. We are aware of nothing which would prohibit the Commission, knowing of such a challenge, from temporarily staying enforcement of a challenged condition in order to mitigate the potential damages. Were the rule as Ham proposes, a property owner could delay nearly five years until the statute of limitations for an inverse condemnation action had almost expired, simply allowing his damages to accrue in the interim. In given cases and certainly in the aggregate, the financial burden on the state could be overwhelming." (*Id.* at p. 1496.)

This court further held that as long as an agency has subject matter jurisdiction over the issue before it, its decisions are subject to res judicata even if they turn out to be incorrect. " 'It is an established rule that where a tribunal has jurisdiction of the parties and of the subject-matter it necessarily has the authority and discretion to decide the questions submitted to it even though its determination is erroneous. . . . This rule applies to quasi-judicial tribunals as well as to courts.' [Citations.] Here, the commission quite clearly had subject matter jurisdiction and the authority to impose permit conditions reasonably related to any burdens on the public beach created by the construction of Ham's residence. [Citation.] The fact that it incorrectly analyzed the relationship between the burdens and the condition it sought to impose—or perhaps more accurately, incorrectly anticipated the action of the United States Supreme Court—does not mean it acted in excess of its jurisdiction in the fundamental sense. If he believed the Commission was wrong, Ham had a remedy by way of judicial review. Having failed to avail himself of that recourse, he now has no basis for complaint." (*California Coastal Com. v. Superior Court, supra*, 210 Cal.App.3d at p. 1501, fn. omitted.)

In *Serra Canyon Co., Ltd. v. California Coastal Com.*, *supra*, 120 Cal.App.4th 663, Commission granted plaintiff's predecessor a permit on condition he record an irrevocable offer of dedication of property for public recreational use. (*Id.* at p. 666.) That condition became final in 1981. (*Id.* at p. 669.) The predecessor did not challenge the condition, but in 1983 executed and recorded it, giving the state fee title to the property. (*Ibid.*) Commission transferred its rights to the dedication to the coastal conservancy, which in 2002 adopted a resolution to accept it and planned to record it. (*Id.* at p. 666.) Before the conservancy did so, the plaintiff, who had purchased the property more than a decade after its predecessor applied for the permit, challenged the offer to dedicate on grounds it was void and an unconstitutional taking. (*Id.* at p. 667.)

Relying on its prior decision in *Ojavan Investors, Inc. v. California Coastal Com.*, *supra*, 26 Cal.App.4th 516, *Serra Canyon* held that by agreeing to the condition, the predecessor accepted the benefit of the permit, and because he did not seek judicial intervention to avoid the condition, the plaintiff was bound by the predecessor's waiver of its right to seek timely writ review. (*Serra Canyon Co., Ltd. v. California Coastal Com.*, *supra*, 120 Cal.App.4th at p. 668.) This was the case even where the plaintiff argued Commission was carrying out an unconstitutional taking of its property: "Compliance with procedural writ requirements 'remains a necessary predicate to institution of inverse condemnation proceedings' [Citation.] 'Regardless of whether [the plaintiff] pleads its cause of action as one for inverse condemnation or as a denial of due process, the essential underpinning of its recovery is the invalidity of the administrative action. That

action must be reviewed by petition for writ of administrative mandate.' " (*Id.* at p. 669.) And the *Serra Canyon* court made clear the rule applied even when the aggrieved individuals asserting inverse condemnation were successors in interest to prior owners who accepted the burdens and benefits of the Commission's conditional permits. (*Ibid.*, citing *Ojavan*, at pp. 524-535.)

Here, there is no dispute that on September 20, 1979, following the appeals of permit No. F6760's approval, Commission granted Baker's permit on the condition that she record an irrevocable offer of dedication for public access. The Kretowiczkes concede that during the appeals, Baker had completed her construction under permit No. F6760, as Commission so found in 2005 and 2011. Baker signed, recorded, and accepted the benefits of permit No. F6760 by constructing the authorized improvements. Though issued, that permit did not become final until the conclusion of the legal challenges, which resulted in Commission's imposition of the public access condition. (§ 30623 ["If an appeal of any action on any development by any local government or port governing body is filed with the commission, the operation and effect of that action shall be stayed pending a decision on appeal"]; see *Russian Hill Improv. Asso. v. Board of Permit Appeals* (1967) 66 Cal.2d 34, 39, fn. 11 [a permit achieves finality only when the right to invoke the discretionary reviewing authority has been exhausted]; *Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 203 ["A permit is deemed final when the administrative appeal has been finally decided or the time for appeal of the grant or

denial has expired"].) Baker participated in the appeals, involving a claim that the permit approval was absent required findings concerning public access,⁸ and she assumed the risk that Commission might thereafter decide to impose new conditions to the permit under which she completed her construction. Commission in fact made this decision, which Baker did not challenge. These circumstances support Commission's finding that Baker accepted the permit's benefits, and the law compels our conclusion that after the permit became final, the Kretowiczses cannot now assert their constitutional and other challenges to Commission's actions, notwithstanding the passage of time.

Under the circumstances, we reject the Kretowiczses' arguments concerning collateral estoppel. That doctrine was not invoked by the trial court, and to the extent courts have dealt with it in this context (see *Bowman v. California Coastal Com.*, *supra*, 230 Cal.App.4th 1151-1152) the matter involved an entity in privity with a prior owner. (*Id.* at p. 1149 [family trust succeeded to owner who had applied for a coastal development permit]; see *Gikas v. Zolin* (1993) 6 Cal.4th 841, 849 [elements of collateral estoppel].) No such circumstances are presented here.

⁸ Also, title 14 of the California Code of Regulations, section 13320, provides in part: "Upon receipt in the commission office of a timely valid appeal by a qualified appellant the executive director of the commission shall notify the permit applicant and the affected local government that the operation and effect of the coastal development permit has been stayed pending final action on the appeal by the commission as required by Section 30623 of the Public Resources Code." (See also *Mt. Holyoke Homes, LP v. California Coastal Com.*, *supra*, 167 Cal.App.4th at p. 834.)

We further reject the Kretowicz's assertion that there is no evidentiary support, or any Commission finding, for the proposition that Baker became bound to the 1979 public access conditions by proceeding with construction under permit No. F6760. They argue the evidence does not support a finding that Baker accepted the 1979 conditions in reliance on that permit, "which had no access easement." They suggest Baker could not be bound by conditions unknown to her until after her construction was completed. The Kretowicz's also point to the trial court's statement of decision finding that "Baker eventually acknowledged the Commission's determination regarding the public easement," and assert Commission never made any such finding. According to the Kretowicz's, the trial court "could not supply a finding not made by looking at evidence in the record."

These arguments are predicated on the incorrect notion that Commission's decision on the appeal of permit No. F6760 somehow constituted a new permit decision or was entirely unrelated to permit No. F6760. These arguments also ignore record evidence that Baker was fully aware of, and participated in, the appeal proceedings on permit No. F6760, which put at issue the prospect of public access findings and Commission action to preserve such access. As stated, permit No. F6760 was not final pending the appeals, and did not become so until its conditions were fulfilled. It was not necessary that Baker expressly accept the permit condition. Her construction under that permit, and ensuing failure to challenge the Commission's decision to impose the public access conditions, is enough to support denial of the Kretowicz's petition, regardless of the trial court's

reasoning. (*Scott v. City of Del Mar* (1997) 58 Cal.App.4th 1296, 1305 [we review the trial court's order, not its reasoning, and affirm if it is correct on any theory apparent from the record]; *LT-WR, L.L.C. v. California Coastal Com.*, *supra*, 152 Cal.App.4th at p. 806, fn. 7.)

D. Estoppel and Other Equitable Defenses Do Not Apply

The Kretowiczses contend the trial court erred by rejecting their claims that Commission should be estopped from enforcing the public access conditions imposed in 1979, or is subject to waiver and laches. They point out Commission sought to enforce the conditions for the first time in 2001, after having been notified that Baker would not comply with the 1979 requirements. According to the Kretowiczses, Commission's 22-year "silence" was not explained, and any public interest involved in obtaining access to the shoreline cannot outweigh the potential injustice to them, which assertedly is an unconstitutional physical invasion of their property. We conclude no exceptional circumstances justify a finding of estoppel here.

"It is well established that 'an estoppel will not be applied against the government if to do so would effectively nullify "a strong rule of policy, adopted for the benefit of the public" ' [Citations.] ' "The courts of this state have been careful to apply the rules of estoppel against a public agency only in those special cases where the interests of justice clearly require it." ' [Citation.] The ' "facts upon which such an estoppel must rest go beyond the ordinary principles of estoppel and each case must be examined carefully and rigidly to be sure that a precedent is not established through which, by favoritism or

otherwise, the public interest may be mulcted or public policy defeated." ' ' " (*Poway Royal Mobilehome Owners Assn. v. City of Poway* (2007) 149 Cal.App.4th 1460, 1471, quoting *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 493 (*Mansell*); see also *County of Los Angeles v. Berk* (1980) 26 Cal.3d 201, 222; *City of South San Francisco v. Cypress Lawn Cemetery Assn.* (1992) 11 Cal.App.4th 916, 923.) Thus, "[e]ven if the four elements of equitable estoppel are satisfied, the doctrine is inapplicable if the court determines that the avoidance of injustice in the particular case does not justify the adverse impact on public policy or the public interest." (*Schafer v. City of Los Angeles, supra*, 237 Cal.App.4th at p. 1261.) This inquiry is not solely a question of fact, but it is in part a question of law that must be considered from the point of view of a court of equity. (*Lentz v. McMahon* (1989) 49 Cal.3d 393, 403; *Smith v. County of Santa Barbara* (1992) 7 Cal.App.4th 770, 776.)

In land use cases in particular, courts "severely limit[] the application of estoppel" (*Schafer v. City of Los Angeles, supra*, 237 Cal.App.4th at p. 1262; see also *Golden Gate Water Ski Club v. County of Contra Costa* (2008) 165 Cal.App.4th 249, 259 ["[a] party 'faces daunting odds in establishing estoppel against a government entity in a land use case' "]; *West Washington Properties, LLC v. Department of Transportation* (2012) 210 Cal.App.4th 1136, 1146 ["the weight of the authority indicates government inaction rarely forms a proper basis to estop the government from enforcing a law intended to benefit the public"].) The overriding concern " ' "is that public policy may be adversely affected by the creation of precedent where estoppel can too easily replace the

legally established substantive and procedural requirements for obtaining permits."

[Citation.] Accordingly, estoppel can be invoked in the land use context in only "the most extraordinary case where the injustice is great and the precedent set by the estoppel is narrow." " (Schafer, at p. 1263.)⁹

In *Mansell*, extraordinary circumstances warranted an estoppel when the government had encouraged private development of tidelands that it had dredged, filled and thus operated to reclaim since the turn of the century, resulting in the benefit to thousands of residents of a significant array of public facilities for navigation and recreation. (*Mansell, supra*, 3 Cal.3d at pp. 470-471, 486, 500.) The California Constitution forbade the transfer of certain public tidelands to private persons (*id.* at p. 478), and so the court was presented with whether, in the face of such public policy reflected in the constitutional provision, it could apply an estoppel effectively quieting title in public lands in private persons. There, the court held the "the rare combination of government conduct and extensive reliance here involved will create an extremely

⁹ In such context, the elements of estoppel are that (1) " 'the party making the admission by his declarations or conduct, was apprised of the true state of his own title' "; (2) the party " 'made the admission with the express intention to deceive, or with such careless and culpable negligence as to amount to constructive fraud' "; (3) " 'the other party was not only destitute of all knowledge of the true state of the title, but of the means of acquiring such knowledge' "; and (4) the other party " 'relied directly upon such admission, and will be injured by allowing its truth to be disproved.' " (*Mansell, supra*, 3 Cal.3d at p. 490.) The court made clear that the third requirement was "interpreted to mean that a person seeking to raise an estoppel . . . be destitute not ' 'of all possible means of acquiring knowledge of the true state of the title, but rather of all convenient or ready means to that end.' " " (*County of Los Angeles v. Berk, supra*, 26 Cal.3d at p. 222, fn. 13; quoting *Mansell*, at pp. 490-491.)

narrow precedent for application in future cases. . . . We are here concerned with thousands of homeowners who, through the long continuing conduct of the government entities involved, have been led to believe and have acted upon the belief that the lands upon which they reside are their own private properties. Because similarly compelling circumstances will not often recur, the public policy [at issue] will not suffer substantial erosion as a result of the decision we reach today." (*Ibid.*)

To the contrary is *Feduniak v. California Coastal Com.* (2007) 148 Cal.App.4th 1346 (*Feduniak*), in which the court declined to estop Commission from enforcing cease and desist and restoration orders relating to an open space easement in the face of its regulatory inaction. There, the plaintiffs had purchased property that had been landscaped to include a three-hole golf course in violation of a 1983 permit restricting development of the property under an open space easement. (*Id.* at pp. 1352-1354.) When the plaintiffs purchased the property in 2000, the then owners did not disclose the easement or permit restrictions (*id.* at p. 1355), and plaintiffs obtained a preliminary title report but neither it nor the final report disclosed the easement restrictions. (*Ibid.*) Plaintiffs did not consult with Commission, check its files or otherwise rely on any representations or information from Commission in purchasing the property. (*Id.* at p. 1355.) Commission thereafter issued orders requiring plaintiffs to comply with the easement by removing the course and restoring the land to its natural state. (*Ibid.*)

The trial court found the plaintiffs had no actual knowledge of the recorded easement or permit restrictions, that Commission's acquiescence had contributed to their

lack of knowledge, and plaintiffs had relied on Commission's inaction. (*Feduniak, supra*, 148 Cal.App.4th at p. 1358.) The appellate court reversed. (*Id.* at p. 1351.) It refused to apply the doctrine of equitable estoppel notwithstanding plaintiffs' lack of knowledge of the easement and permit restrictions, Commission's failure to act, and the substantial expense to the landowners of restoring the land to its natural state. It held: "[E]stopping the Commission because of its prior regulatory inaction would nullify otherwise valid restrictions adopted for the public benefit Estopping the Commission does not punish the Commission. It would, however, injure the public, which has a strong interest in a scenic natural coastline with native vegetation, because it would indefinitely postpone the restoration of the site to that state, a restoration that has already been delayed for over 20 years. . . . [T]he people of the state, acting through the Legislature, have unequivocally voiced a strong preference for the natural state of the coast and deemed it to be a valuable asset that must be protected, preserved, restored, and maintained, especially in [environmentally sensitive habitat areas] and areas adjacent to them." (*Id.* at p. 1377.) "Moreover, applying estoppel because of regulatory inaction could undermine the Commission's ability to enforce existing and future permit restrictions on property along the entire coast that the Commission has not been able to monitor for compliance." (*Id.* at pp. 1377-1378.)

The Court of Appeal observed that the trial court had been persuaded by plaintiffs' argument that their property was not in or near an environmentally sensitive habitat. (*Feduniak, supra*, 148 Cal.App.4th at p. 1378.) However, Commission's designation of

the property as such was not subject to litigation or dispute, as the 60-day period to challenge the restriction had long expired before the plaintiffs purchased the property. (*Ibid.*) And the court rejected the plaintiffs' claim they were "innocent purchasers" because "once the period to challenge the restrictions had expired and they were recorded, they became immune from collateral attack by the original property owner *and successor owners.*" (*Id.* at p. 1379.) On this same basis, the court rejected amicus arguments that the easement and permit conditions would be constitutionally suspect if they were presently imposed on the project because they did not meet the *Nollan/Dolan* standards. (*Id.* at p. 1379, fn. 11.¹⁰) The Court of Appeal acknowledged the costs to the plaintiffs of removing the golf course and losing its future enjoyment, but it held that individual loss of enjoyment did not outweigh the public's strong interest in eliminating on ongoing unpermitted development, finally restoring the area to its natural state, and protecting Commission's ability to protect existing and future easement and permit conditions. (*Id.* at p. 1380.) Accordingly, the matter was not an extraordinary case in which justice demanded the government be estopped. (*Ibid.*)

The Kretowicz make much of the fact that in most of the cases binding a successor to a predecessor's agreed-upon permit conditions, including *Feduniak*, the

¹⁰ We likewise reject amicus Pacific Legal Foundation's arguments raising the *Nollan/Dolan* requirements on grounds Baker, and in turn the Kretowicz, are barred from challenging Commission's September 20, 1979 decision to impose the public access conditions. Pacific Legal Foundation argues that it does not concede, as it did in *Feduniak*, *supra*, 148 Cal.App.4th 1346, that it was too late to collaterally attack the permit conditions. Whether it concedes the point is irrelevant. We have already held that Baker's failure to challenge Commission's decision bars her from any attack on constitutional takings grounds, and that holding disposes of amicus's contention.

permit conditions or dedication were recorded. But those cases do not turn on the fact that public easement requirements were recorded, and indeed in *Feduniak*, the purchasers lacked any notice of the conditions, which were not reflected in the title report. The *Feduniak* plaintiffs' lack of notice and their "innocent purchaser" arguments did not persuade the appellate court, which decided the matter based on the prior owner's failure to challenge the condition. The Kretowiczes also seek to distinguish *Feduniak* on grounds this case presents Commission's failure to enforce a known violation. The record demonstrates Commission found Baker in violation and referred the matter to the attorney general for enforcement. However, Commission's knowledge of the violation does not by itself compel application of an estoppel against it where the public interests at stake outweigh the Kretowiczes' private interests.

In view of the authorities discussed above, we conclude this case does not come close to the exceptional circumstances necessary to apply an estoppel against Commission. Any injustice to the Kretowiczes in requiring them to dedicate the required public access easements presents no ground to override the significant public interests at stake. Relevant here, the Coastal Act reflects " 'a strong rule of policy, adopted for the benefit of the public' ' that implicate[s] matters of vital interest." (*Feduniak, supra*, 148 Cal.App.4th at pp. 1376-1377, quoting *Mansell*, 3 Cal.3d at p. 493.) The California Supreme Court has acknowledged that this state has "a clearly enunciated public policy . . . in favor of allowing public access to shoreline areas." (*County of Los Angeles v. Berk, supra*, 26 Cal.3d at p. 222.) And this court has observed that a "core principle[]

of the Coastal Act is to maximize public access to the coast, to the extent feasible." (*City of Dana Point v. California Coastal Com.* (2013) 217 Cal.App.4th 170, 185.) One of the basic goals for the coastal zone is to "[m]aximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." (*Ibid.*, see § 30001.5, subd. (c).) To that end, the Coastal Act implements its public access goals via section 30210, which states in part: "In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." Section 30212 provides that subject to certain exceptions, "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects." (§ 30212, subd. (a); see also *City of Dana Point*, at p. 185.)

Thus, "[t]o allow the raising of an estoppel to defeat the claim of public right here involved would be manifestly contrary to this policy." (*County of Los Angeles v. Berk*, *supra*, 26 Cal.3d at p. 222.) These principles likewise compel us to reject the Kretowicz's laches claim, as well as its claim that Commission waived its right to enforce the 1979 dedication requirement as against later purchasers. (*Ibid.*; *West Washington Properties, LLC v. Department of Transportation*, *supra*, 210 Cal.App.4th at p. 1150; *City of Santa Cruz v. Pac. Gas & Elec. Co.* (2000) 82 Cal.App.4th 1167, 1179.)

Commission sought to enforce Baker's violation, but the attorney general did not pursue the matter. We do not perceive Commission's ensuing inaction as knowingly assenting to the violation or indicating an actual intention to give up its rights. (E.g., *Feduniak, supra*, 148 Cal.App.4th at p. 1367 [declining to find Commission's inaction signaled regulatory acceptance, stating it "could just as well reflect . . . bureaucratic, budgetary, or personnel limitations on enforcement of easements and permit restrictions"].)

E. *Code of Civil Procedure Section 315 Statute of Limitations*

Code of Civil Procedure section 315 provides that "[t]he people of this State will not sue any person for or in respect to any real property, or the issues or profits thereof, by reason of the right or title of the people to the same, unless: [¶] 1. Such right or title shall have accrued within ten years before any action or other proceeding for the same is commenced" "The words "right or title" in this passage are to be construed to mean "cause of action." ' " (*Marin Healthcare Dist. v. Sutter Health* (2002) 103 Cal.App.4th 861, 874.) If an action brought by a state agency is deemed to seek the recovery of real property "by reason of the right or title of the people to the same," it would be subject to the 10-year limitations period specified in Code of Civil Procedure section 315. (*Ibid.*)

Pointing out that Commission is an administrative agency of the state, the Kretowicz argue that Commission is barred from enforcing the 1979 permit conditions under the above limitations period since it did not act before September 20, 1989. In making this argument, the Kretowicz characterize Commission's position as claiming

the public has a "perpetual right to receive an option" to acquire the property. As Commission points out, however, it did not sue the Kretowiczes, it is defending its permit decision in this mandate proceeding. Having found the 1979 public access conditions accepted by Baker and valid as against the Kretowiczes, Commission is entitled to enforce them notwithstanding the passage of time. (See *Feduniak, supra*, 148 Cal.App.4th 1346.)

F. *Bona Fide Purchaser Arguments*

Amicus Pacific Legal Foundation contends that the Kretowiczes are bona fide purchasers for value as they had no actual or constructive notice of the 1979 public access conditions, and thus Commission cannot enforce the conditions against them. They maintain it is undisputed that the Kretowiczes had a good-faith belief the property was unencumbered, and that the record shows the Kretowiczes lacked actual or constructive notice of the conditions. For the latter proposition, amicus cites to Ure Kretowicz's own self-serving statement to Commission, and a letter from the Kretowiczes' counsel. Relying on *Feduniak, supra*, 148 Cal.App.4th at page 1353, as well as a magazine article, they argue public easements dedicated at Commission's behest must be recorded, and that the strong public policies furthered by recording statutes outweigh the public benefit from additional public beach access.

Amicus's bona fide purchaser arguments are irrelevant in view of our conclusion that the Kretowiczes are bound by the 1979 public access conditions due to Baker's

failure to timely challenge Commission's decision to impose them. (Accord, *Feduniak*, *supra*, 148 Cal.App.4th at pp. 1378-1379.)¹¹

¹¹ We observe in any event that Commission expressly found that Ure Kretowicz would have learned of the permit requirements contained in Commission files on reasonable inquiry, and this finding, which amounts to one of constructive notice, is supported by the evidence. Civil Code section 19 provides: "Every person who has actual notice of circumstances sufficient to put a prudent man upon inquiry as to a particular fact, has constructive notice of the fact itself in all cases in which, by prosecuting such inquiry, he might have learned such fact." The term "prudent" is defined as "marked by wisdom or judiciousness"; "shrewd in the management of practical affairs"; and "marked by circumspection." (Merriam-Webster's Collegiate Dict. (11th ed. 2006) p. 1002.) At the time the Kretowiczes purchased the property in 1994, the La Jolla LCP discussed shoreline access at Princess Street and alluded to Commission's dedication requirement at issue. Ure Kretowicz read the La Jolla LCP when he purchased the property, and the information was sufficient to create a duty on Kretowicz, an experienced and prudent developer purchasing the bluff-top coastal property on Princess Street, to inquire with Commission about additional facts concerning that dedication. "If the circumstances are such as to put a prudent person on inquiry, that is all that is required." (*Pellissier v. Title Guarantee, etc. Co.* (1929) 208 Cal. 172, 184-185.)

DISPOSITION

The judgment is affirmed.

O'ROURKE, J.

WE CONCUR:

McCONNELL, P. J.

AARON, J.



CITY OF LOS ANGELES
DEPARTMENT OF BUILDING AND SAFETY
SPECIAL FEES

Board File #	
Council District #	
District Office	
Plan Check #	
Permit #	

JOB ADDRESS: 16701 VIA LA COSTA 90772 PACIFIC PALISADES
NUMBER DIRECTION STREET NAME STREET TYPE

PROPERTY OWNER/APPLICANT:

Name: HENRI LEUV/BEN KALAF
Address: 18648 ERWIN ST City: TARZANA Zip: 91335
Telephone: 818 261-5370 Email: PLANETCONST@YAHOO.COM

BUREAU	TYPE	ACTIVITY
<input type="checkbox"/> Inspection <input type="checkbox"/> Engineering <input type="checkbox"/> Code Enforcement <input type="checkbox"/> Resource Mgt. <input type="checkbox"/> Commission	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	<input type="checkbox"/> Building <input type="checkbox"/> Earthquake <input type="checkbox"/> Grading <input type="checkbox"/> Elevator <input type="checkbox"/> Pressure Vessel <input type="checkbox"/> Other _____ <input type="checkbox"/> Electrical <input type="checkbox"/> Plumbing <input type="checkbox"/> Heating <input type="checkbox"/> Electrical Test Lab <input type="checkbox"/> Mechanical Test Lab

PURPOSE: WE NEED TO CONFIRM THAT THIS IS A LOW
\$ BUILDING LOT WE ARE IN PROCESS OF GETTING
A LOAN FROM A BANK

FEE

Board Field Inspection LAMC 98.0403.2(a) _____
Supplemental Inspections LAMC 98.0412: _____
Minimum Inspection _____
Additional Inspection _____
Misc. Permit Inspection _____
Special Equipment _____
Off-Site Inspection _____
Witnessing Performance Test _____
Off-Hours Inspection LAMC 98.0406: _____
Minimum Fee _____
Over Min. @ \$____/hr x ____hrs _____ \$0.00
Investigation LAMC 98.0402 _____
Supplementary Time Charges _____
Pre-Inspection Fee _____
Other Letter 208.00

Fee Determination by: Dakara Smith
Employee I.D. # dakara.smith@lads.org
Telephone: _____
Date: 11/27/13
Off-Hours Approved by: _____
Attach copy to approved OT request
Date Inspection Requested: _____

Cashier's Use Only:

Distribution: Bureau - White
Customer - Yellow
Cashier - Pink

SUBTOTAL
Applicable surcharges
will be added by cashier

208 \$0.00

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

HELENA JUBANY
PRESIDENT

VAN AMBATIELOS
VICE PRESIDENT

E. FELICIA BRANNON
VICTOR H. CUEVAS
SEPAND SAMZADEH

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN C.E. S.E.
SUPERINTENDENT OF BUILDING
INTERIM GENERAL MANAGER

January 10, 2014

Henri Levy
Ben Kalaf
18648 Erwin Street
Tarzana, CA 91335

RE: 16701 W. VIA LA COSTA

APN: 4431-039-029

In response to your request of November 27, 2013, regarding zoning information on the above referenced property, please be advised of the following:

The property, known as Tract: TR 32184-A, Block: None, Lot: 77, is shown on the Zoning Map to be located in the RE15-1-H Zone. See the attached print out of the Parcel Profile Report for all zoning related information pertaining to this property.

You requested a determination to verify the above parcel was located on a buildable lot. Please be advised of the following:

In order to better understand how and why we are making our determination, we should first see how some common terms are defined in the zoning code. According to LAMC Section 12.03, these terms are defined as follows:

LAMC SECTION 12.03 - "DEFINITIONS"

LOT. A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter. The width of an access-strip portion of a lot shall not be less than 20 feet at any point. In a residential planned development or an approved small lot subdivision a lot need have only the street frontage or access as is provided on the recorded subdivision tract or parcel map for the development. (Amended by Ord. No. 176,354, Eff. 1/31/05.)

STREET. Any public thoroughfare other than an alley or walk, except that in those cases where a subdivision has been recorded containing lots which abut only on an alley or walk, said alley or walk may be considered to be a street.

LAMC SECTION 18.01 - "DEFINITIONS"

"Private street" shall mean, except as otherwise provided in this article, a parcel of land not dedicated as a public street over which a private easement for road purposes has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or another private street, and the instrument creating same has been duly recorded or filed in the office of the Recorder of Los Angeles County, and which has been determined by the Director to be adequate for the access and for the purposes defined in this article. (Amended by Ord. No. 158,691, Eff. 3/12/84.)

Per the lot area requirements in LAMC Section 12.07.01 C.4. and per the above definition for a lot this parcel qualifies as a legal lot, however it is possible that it may be a land-locked lot due to it not having the minimum 20 feet fronting on a street (as defined above) because Via La Costa is not a public street.

If this lot is included in a residential planned development and indicated as such in a recorded subdivision or if Via La Costa has been formally determined by the Director (Department of City Planning) to be adequate for access as indicated in the above definition of a private street, then this lot is not considered to be land-locked and it is a buildable lot. This approval may be indicated in the tract map (TR 32184-A) that should have been recorded when the above lot was last subdivided.

However, note that if the Department of City Planning has not formally determined that Via La Costa is an adequate access to the above parcel as indicated above or that this parcel is part of a residential planned development, you will need a Private Street case approval from the Department of City Planning in order to build on this parcel.

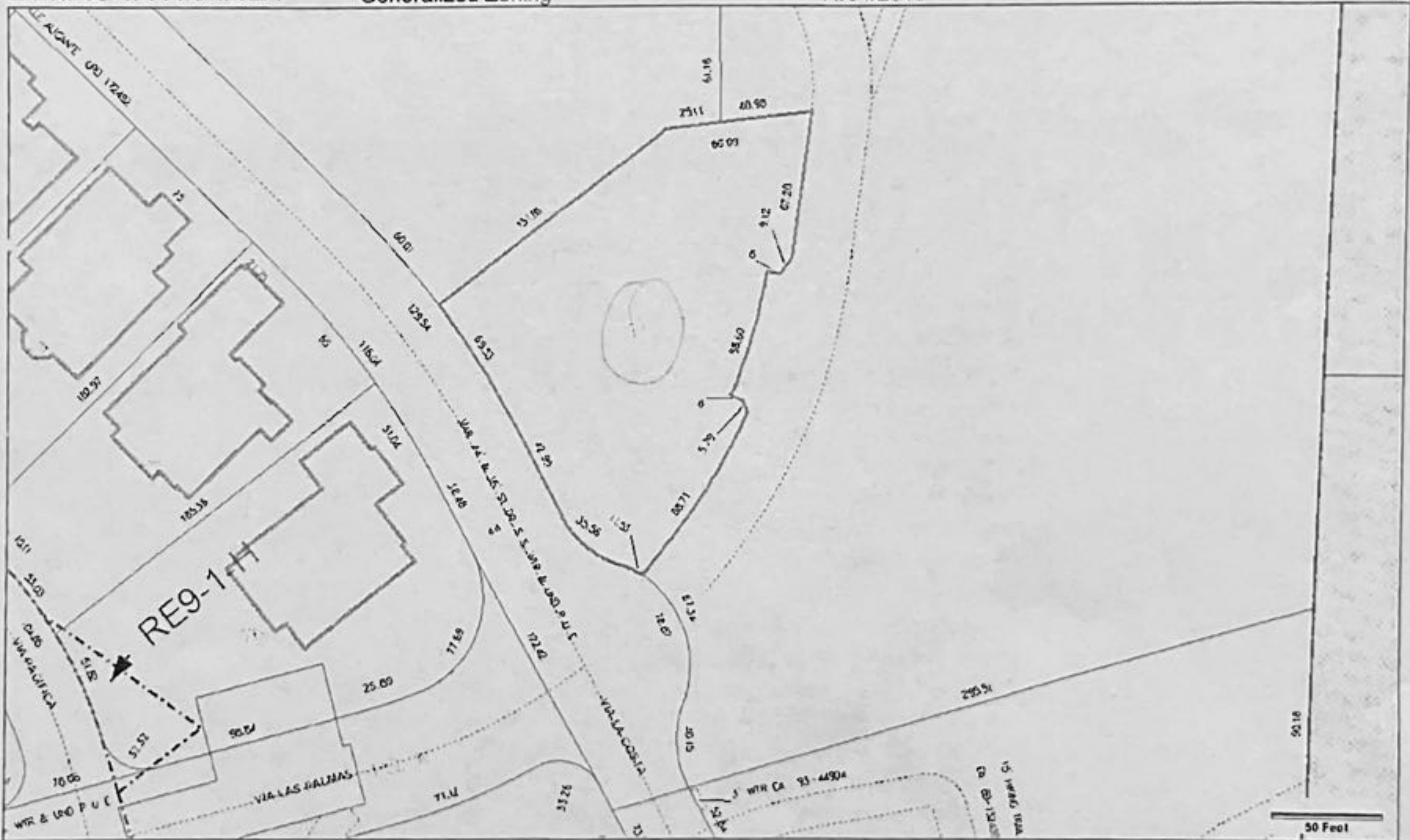
This information is provided as of January 10, 2014 and the zone is as shown on the Zoning Map. Should you need any further assistance pertaining to this matter, please feel free to contact Dakarai Smith at (213) 202-5415.



Dakarai Smith
Office Engineering Technician

Attachments

Cc: Office File



Address: 16701 W VIA LA COSTA
APN: 4431039029
PIN #: 138B121 60

Tract: TR 32184-A
Block: None
Lot: 77
Arb: None

Zoning: RE15-1-H
General Plan: Very Low II Residential





City of Los Angeles Department of City Planning

11/4/2013

PARCEL PROFILE REPORT

PROPERTY ADDRESSES

16701 W VIA LA COSTA

ZIP CODES

90272

RECENT ACTIVITY

None

CASE NUMBERS

CPC-2000-4046-CA

CPC-18760

ORD-132416

ZA-2007-3579-CDP

ZA-2006-5529-CU

ENV-2006-5530-MND

ENV-2001-846-ND

EIR-76-452-SUB

Address/Legal Information

PIN Number	138B121 60
Lot/Parcel Area (Calculated)	20,193.6 (sq ft)
Thomas Brothers Grid	PAGE 630 - GRID H1
Assessor Parcel No. (APN)	4431039029
Tract	TR 32184-A
Map Reference	M B 1182-20/27
Block	None
Lot	77
Arb (Lot Cut Reference)	None
Map Sheet	138B121

Jurisdictional Information

Community Plan Area	Brentwood - Pacific Palisades
Area Planning Commission	West Los Angeles
Neighborhood Council	None
Council District	CD 11 - Mike Bonin
Census Tract #	2626.01
LADBS District Office	West Los Angeles

Planning and Zoning Information

Special Notes	None
Zoning	RE15-1-H
Zoning Information (ZI)	ZI-1939
General Plan Land Use	Very Low II Residential
General Plan Footnote(s)	Yes
Hillside Area (Zoning Code)	Yes
Baseline Hillside Ordinance	Yes
Baseline Mansionization Ordinance	No
Specific Plan Area	None
Special Land Use / Zoning	None
Design Review Board	No
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
POD - Pedestrian Oriented Districts	None
CDO - Community Design Overlay	None
NSO - Neighborhood Stabilization Overlay	No
Streetscape	No
Sign District	No
Adaptive Reuse Incentive Area	None
CRA - Community Redevelopment Agency	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at zimas.lacity.org
(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

QUITCLAIM DEED

FOR VALUE RECEIVED, HEADLAND PROPERTIES ASSOCIATES, a California limited partnership does hereby remise, release and forever quitclaim to THE ENCLAVE COMMUNITY ASSOCIATION, a California non-profit corporation, all of that certain real property situated in the City of Los Angeles, County of Los Angeles, State of California, described as:

ALL OF LOT 77, TRACT 32184 AS PER THE MAP OF SAID TRACT FILED IN BOOK 1182,
PAGES 20 THROUGH 27, INCLUSIVE, OF MAPS, OFFICIAL RECORDS OF LOS ANGELES COUNTY.

IN WITNESS WHEREOF, the undersigned has executed this Quitclaim Deed dated as of June 15, 2001.

HEADLAND PROPERTIES ASSOCIATES,
a California limited partnership,

BY: Headland-Pacific Palisades, LLC,
a California limited liability company
General Partner

BY: Metropolitan Life Insurance Company,
a New York corporation
Managing Member

BY: Donald K Devine NA
VICE-PRESIDENT

Illinois
State of ~~California~~ }
County of DuPage }

On July 6, 2001 before me, Joan Lossau, Notary Public, personally appeared *
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name
is subscribed to within instrument and acknowledged to me that he executed the same in his authorized
capacity, and that by his signature on the within instrument the person, or the entity upon behalf of which
the person acted, executed the instrument.

WITNESS my hand and official seal.

* DONALD K. DEVINE VICE-PRESIDENT of Metropolitan Life
Insurance Company

Signature Joan Lossau (Seal)

