



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

FROM:   
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: October 3, 2018

SUBJECT: **Agenda Item XV: Consideration of resolution authorizing acceptance of fee title of APNs 4456-037-010 and 4456-037-037, totaling approximately 22 acres, pursuant to Consent Cease and Desist Order No. CCC-18-CD-03 and Consent Restoration Order No. CCC-18-RO-02, in the Malibu Creek watershed at 25575 Piuma Road, unincorporated Los Angeles County.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing acceptance of fee title of APNs 4456-037-010 and 4456-037-037, totaling approximately 22 acres, pursuant to Consent Cease and Desist Order No. CCC-18-CD-03 and Consent Restoration Order No. CCC-18-RO-02, in the Malibu Creek watershed at 25575 Piuma Road, unincorporated Los Angeles County.

Background: The owners of the property at 25575 Piuma Road have violated the California Coastal Act by undertaking unpermitted development on their property (APNs 4456-037-010, 4456-037-037, 4456-037-038) and adjacent parkland owned by the Mountains Recreation and Conservation Authority (MRCA), APN 4456-013-904, within the Malibu Creek watershed, unincorporated Los Angeles County. The unpermitted development consists of a sand-filled horseback riding ring and horse-related structures, horseback riding trails, a tack shed, tractor overhang, hay shed, and fences. Approximately 2.25 acres of environmentally sensitive habitat area (ESHA) was removed as a result of the unpermitted development.

On September 13, 2018, the California Coastal Commission approved Consent Cease and Desist Order No. CCC-18-CD-03 and Consent Restoration Order No. CCC-18-RO-02 (Consent Orders), requiring the subject property owners to remove all unpermitted development over their property and the adjacent MRCA-owned property, restore both the private and public properties to previously existing natural conditions prior to the placement of unpermitted development, mitigate the impact to ESHA caused by the unpermitted development, and transfer fee title of their property's undeveloped parcels to the MRCA.

Staff has authorized the owners to undertake removal and restoration activities on the affected MRCA-owned property pursuant to the stringent removal and restoration conditions of the Consent Orders. In addition, the owners have agreed as part of the Consent Orders to transfer fee title of two parcels adjacent to the affected MRCA-owned property. The parcels of the subject transfer are also affected by the unpermitted development. The owners will remove the unpermitted development and restore the subject parcels to previously existing natural conditions pursuant to the Consent Orders prior to transferring the parcels to the MRCA. The owners are also required to record deed restrictions on the subject parcels prohibiting future development except for restoration and mitigation activities, public trail construction, and public access amenities.

The subject two parcels to be transferred to the MRCA, worth approximately \$1 million, are immediately adjacent to MRCA-owned parkland and Malibu Creek State Park, and consist entirely of ESHA. The fee title transfer ensures permanent protection of sensitive coastal resources as well as public recreation benefits. Thus, staff recommends authorization of the fee title transfer from the owners to the MRCA of two undeveloped parcels totaling approximately 22 acres (APNs 4456-037-010 and 445-037-037) pursuant to the Consent Orders.

Fiscal Impact: There would be no fiscal impacts to the MRCA. The owners are required to remove the unpermitted development, restore all affected properties, mitigate ESHA impacts, and transfer fee title of two parcels to the MRCA pursuant to the Consent Orders at the owners' sole cost and expense.