

CALIFORNIA COASTAL COMMISSION

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



W 7c

FILED 4/28/88
49th Day 6/17/88
180th Day 10/26/88
STAFF: Emerson
STAFF REPORT 5/25/88
HEARING DATE: 6/7-10/88

AMENDMENT REQUEST

STAFF REPORT AND RECOMMENDATION

Application: 5-81-35(A)

Applicants: Ken Chiate Roger Wolk Agent: Land and Water Co.
Donohue Wildman Jonathon Horne
Burton S Levinson

Description: Amend permit for single family house on 2.62 acre lot to approve Certificate of Compliance and lot line adjustment, [adjusting parcel] lines along the east boundary of the parcel and giving beach and highway access to land locked parcel that was not a part of lot split P-2707], develop driveway in parking easement area transferred to adjacent property owner, redesign previously approved house pool tennis court and guest house, locate and develop driveway on eastern property line along dedicated public access easement instead of along west property line.

Lot area 6.3 acres total project,
lot area lots subject to this action, 3.62 acres.
(P 2707 5.3 acres, split to two lots, including subject parcel, this adjustment would also affect adjoining parcel, adding one acre, result three lots on 6.3 acres affected by this amendment)
lot area, lot 2 subject to 5-81-35, originally 2.6 acres, by this amendment requested to be reduced to 1.52 acres, lot one increase from 1.0 acres to 2.1 acres, lot 3 remains 2.68 acres. (all calculations gross acreage)

Site: 27910 and 27920 Pacific Coast Highway, Malibu APN 4460-32-17, 4460-32-18; lot three 4460-32-19

Summary of Preliminary Recommendation

Staff is recommending that the Commission approve the proposed project with conditions so that a) the parking area is developed consistent with the conditions of the previously granted permits prior to transfer of interest b) the access area is improved in the area of potential conflict with the house, c) the access area is fenced and distinct from the private areas of the approved single family house and c) the house and pool are set back and sited and designed to be compatible with public pedestrian traffic on the dedicated accessway.

Additional project summary:

Building Coverage	4,542 sq. ft.
Pavement Coverage	5,030 sq. ft.
Parking Spaces	6
Zoning	R-1-20,000
Plan Designation	7, Residential IJ, 2 DU Acre
Project Density	1 dua
Ht abv fin grade	32 feet

Substantive File Documents

1. Malibu/Santa Monica Mountains Land Use Plan, County of Los Angeles Local Coastal Program, December 30, 1986.
2. Coastal Development permits this and adjacent parcels P-77-2025 (Trabert), P-78-2707 (Chiate), 5-85-758 (Norred), Prop 20 P-8961 (Kraft); 5-82-685E2 (Sunkin), 5-81-35 (Chiate and Wolk), P-78-3473 (Clark), P-7742, 5-84-63 (Vanoff), 5-81-6 (Landy); 5-85-566 (Wildman), Appeal 184-80, P-79-5473 (Lachman) 78-6971 (Chiate), 78-7554 (Chiate), 5-87-321 (Black Tor), 5-88-170 (Black Tor) 5-85-133 (Southwest Properties); A-80-6810 (Southwest Properties); P-6810 (Southwest Properties, Chiate), 5-82-848 (Southwest Properties)
3. 5-84-754 (Ackerberg); 5-83-136 (Geffen); 5-85-299, 5-85-299A, 5-85-546 (Young and Golling); 5-87-706 (Lachman), 5-87-845 (Zayman).
4. California Coastal Commission, Legal Note Three--Divisions of land; Legal Note Seven--is a lot line adjustment subject to permit requirements of the Coastal Act? 4/7/86

Preliminary 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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. SPECIAL CONDITIONS

→ 1. Revised plans

Prior to transmittal of the permit the applicant shall submit revised plans for construction of the parking area, driveway complex, access pavement from Pacific Coast Highway to approximately elevation 90 (the seaward edge of the area planned for residential construction), and revised site plans and security arrangements consistent with public use of the accessway. Prior to approval of these plans by the Executive Director, the applicant shall seek the comments and guidance of the holder of the easement, the Coastal Conservancy and the co-applicant and his representative. The Executive Director shall attest that the plans provide all weather surfacing of both easements in the developed areas, spaces for no fewer than 20 cars, a pedestrian gate, appropriate fences, walls and setbacks to separate the accessway from the pool and foyer areas of the amended single family dwelling. Pursuant to this condition the applicant shall revise the plans for the single family dwelling to minimize conflicts with the operation of the accessway in a manner subject to the review and approval of the Executive Director. The Executive Director may approve a new configuration at the present location of the structure or landward of the presently proposed structure.

→ 2. Revised Lot Line Adjustment

Prior to transmittal of the amended permit, the applicant shall prepare and record a revised Certificate of Compliance that deletes the 28 foot wide strip of land leading from parcel one to the beach for the lot line adjustment.

→ 3 Deed restriction Agreement to improve

Prior to transmittal of the amended permit the applicant shall record an agreement, acceptable to the Executive Director, binding on heirs or assigns and free of all prior liens on the property. In the agreement, the applicant shall agree to construct the parking improvements, accessway and driveway before occupancy of the single family house permitted in this permit and before recording of the approved lot line adjustment.

4. Future improvements

Prior to transmittal of a permit, the applicant shall submit to the Executive Director, a deed restriction for recording agreeing that Coastal Development Permit 5-81-35 A is only for the approved development and that any future additions or improvements to the property, including private stairways, guest houses, shoreline protection devices, alterations on or down the bluff, grading or disturbance of native vegetation on the bluff top or face or canyon sides, construction of fencing or walls in the Canyon on the western side of parcel 1 approved in this permit 4460-32-18 shall require a Coastal Development Permit from the Commission or its successor agency.

The deed restriction shall be recorded free of prior liens except for tax liens and shall be binding on heirs, assigns and successors in interest.

The deed restriction shall run with the land in favor of the people of the State of California. It shall be irrevocable for the period of time in which the benefits of this permit are in existence, such period running from the date of recording.

III. FINDINGS AND DECLARATIONS

The Commission adopts the following findings and declarations.

A. Project Description and History

The applicants, Ken Chiate and Roger Wolk and Donohue Wildman share property interest in two lots located between Pacific Coast Highway and the mean High tide in Paradise Cove, Malibu in Los Angeles County. Chiate and Wolk are the applicants and owners of record on a 2.62 acre parcel on which they hold a valid, activated permit, 5-81-35 to construct a single family house. Wildman is the owner of an adjacent, land-locked one-acre parcel. As part of the amendment to the single family house, Chiate and Wolk request to transfer 1.1 acres of their parcel, parcel 2, to Wildman to add to parcel 1.

The lots above Paradise Cove include a bluff top area, a 100 foot high bluff, a canyon and the beach. These two lots have been subject to numerous past permit actions in which Chiate and his partners divided a nose of land into two lots, leaving a one acre land locked parcel that occupied the eastern edge of the nose and portions of the adjacent canyon. A detailed history is available below. (Section J--detailed history)

In this amendment, Chiate and Wolk have requested to amend a previously granted permit, 5-81-35 (Chiate and Wolk), that permitted them to construct a single family house at 27920 Pacific Coast Highway. This lot, hereinafter known as parcel 2, was created in a lot split approved by the Regional Commission. The lot split was conditioned to provide a vertical accessway. This is the easternmost lot in the lot split, parcel 2 in parcel map number 7543 --LA County and granted a permit by the Regional Coastal Commission in 1978 as permit 78-2707.

Subsequent to the recording of the parcel map, the applicant was granted a permit for a single family house on parcel 2. 5-81-35. At the same time as the Commission was processing the permit to the single family house, the Commission considered an amendment to the underlying lot split to move the accessway. 5-81-44A1

In this amendment the accessway that had been located first in a canyon east of parcel one, second on the western boundary of parcel 2 was moved to the third, eastern boundary of the property, and then, subsequently partly onto the land locked parcel, parcel 1, that was also owned by the applicant. This fourth location of the accessway was the one finally recorded and accepted by the Conservancy.

In determining the impacts of the single family house, the Commission noted that there was an area on the property dedicated to Caltrans as part of the subdivision. In order to mitigate the impacts of increased private development in a recreation area, the applicant was required to allow interim use of a a fifty four foot deep strip dedicated to widen the highway as a condition of the lot split (This was a county condition on the parcel map to dedicate 54 feet). As a condition to the single family house, the applicant agreed to dedicate 25 feet for public parking to serve the accessway. The permit for the single family house, 5-81-35, was granted with conditions on August 19, 1981, and issued on August 26, 1981.

In this amendment, the applicant proposes to remove one acre from the subject lot, parcel 2, and convey it to the previously landlocked lot, at 27910 Pacific Coast Highway, known as parcel 1 in the remainder of this report, develop a driveway and landscaping adjacent to Pacific Coastal Highway in the dedicated parking area, including fencing, change the location of the driveway from the western side of parcel 2 to the eastern side of parcel 2 change the site plan, and carry out minor interior modifications on the previously approved single family house.

The proposed amendment involves three elements that are material.

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 First the applicant proposes to relocate the driveway to occupy an access easement that was recorded as a condition of the subdivision approved in P 78-2707, which divided a five acre parcel and created parcel 2 and parcel 3, (parcel three is not subject to this permit).

Secondly, the applicant proposes to include a lot line adjustment. The proposal adjusts the lot lines of Parcel 2 to grant 1.1 acres to the purchaser of a one acre, formerly land locked parcel adjacent to the east. The land that is granted includes portion of the vertical access easement and a twenty-five foot wide parking easement adjacent to Pacific Coast Highway that was recorded as a permit condition for the subject permit, 5-81-55 on this subject property, parcel two.

Third, the applicants' plans for the land division include plans for physical development. The plans occupy the entire parking easement with a driveway and mounded landscaping. In fact this driveway and landscaping and an iron fence have been constructed and the co-applicant's attorneys are in discussions with the Conservancy about resolving the violation. on which parcel?

There are several material changes that do not directly affect conditions of approval. The applicant proposes to move the lot line adjacent to the access easement that was dedicated as part of P 2707 on the eastern property line, so that the easement is physically located on parcel 2 in those portions where it was moved to parcel 1 in 5-81-44A. Finally, the applicants propose to create a long thin 28 foot wide beach connector through a canyon, giving parcel 1 a thin sliver of canyon bottom and beach. Documents in the file indicate that the applicants, Chiate and Wolk, have conveyed to the co-applicant and the purchaser of the formerly landlocked parcel, Wildman, an easement for beach access down a driveway on a lot two parcels to the west (Black Tor).

The lot line adjustment was carried out without requesting either a coastal development permit or an amendment to the subdivision. Because the third applicant, Donohue Wildman, has now purchased this 1.1 acres of land from Chiate and Wolk, he has an ownership interest in the land and has decided to be a co-applicant. However, the Executive Director has determined that the co-applicant, Wildman, alone cannot decide to delay action on the permit. Therefore this matter is being reported to the Commission in spite of letter received from the co-applicant's representative requesting a delay before acting on the matter.

In addition to the owners of fee interest in these parcels, the Coastal Conservancy has accepted the easements for parking and for vertical access, and has been notified of the permit action. The Coastal Conservancy has not contacted the Commission about becoming a co-applicant.

The previously approval was for a single family house on a lot with a wide highway frontage, a driveway that extended down the western side of the lot, and a recorded easement for access on the eastern side of the lot. The house and the pool were set back minimally from the easement, but they were oriented to the western side of the property, and a fenced easement could be

constructed down the accessway, even though at some points the fence would touch the corner of the house. In addition to moving portions of the access easement and the parking easement off the subject property and onto the adjacent property the application for amendment includes private construction on the easement, and moves canyon trail onto parcel one. The trail is an undeveloped foot path that extends down a coastal canyon on the eastern property line, meandering from the applicant's original property, onto the land locked parcel parcel one that the applicant also originally owned. This canyon trail was the first choice for the access easement when the Commission first considered the application for subdivision, but it was rejected because parcel one was specifically excluded from the application for the lot split and because a short length of it is located on the property of a third owner to the east.

B. Activation of the permit.

The applicant contends that he has engaged in construction activities relying on the permit that could not have been carried out without this permit. In a letter submitted by the contractor for the house on parcel one Donohue Wildman 27910 Pacific Coast Highway, the applicant asserts that grading, utilities and drainage improvements took place on this property after August 26 1981 relying on this permit 5-81-35.

The co-applicant's representative acknowledges that activities took place on the property but contend that these activities took place prior to issuance of the Coastal Development permit 5-81-35.

The Commission policy has been that if any substantial activity took place relying on a permit that would have been illegal without a permit, the permit has been activated. The applicant states that he graded, adjusted drainages and installed utilities relying on the permit. The Commission finds that the permit has been activated.

C. Legal grounds for amendment

Under section 13166 of the Administrative Regulations, the Executive Director may accept and report to the Commission any amendment that does not lessen or avoid the intended effect of a condition imposed by the Commission. The proposed amendment is a material change in the project and affects conditions required for the purpose of protecting a coastal resource or coastal access, and must be reported to the Commission. In this case, the Commission finds that the amendment may to examined within the context of the effect on conditions addressing public shoreline access and resources and may be conditioned or partially approved to reflect the Commission's intended conditions on its previous action.

D. Effect of lot line adjustment.

The lot line adjustment affects public shoreline access, and conditions imposed under sections 30210 and 30212 and 30211 to maintain, increase and avoid interference with existing access and provide public access to the ordinary high tide line. The two underlying permits were approved in a context of compliance to these sections, and any amendments to the present permit can only be approved, if as conditioned, they do not diminish the intended effect of conditions imposed on the two underlying permits to provide access.

The lot line adjustment moves half the parking easement area and a significant portion of the vertical accessway onto the newly enlarged parcel one, at 27910 PCH owned by co-applicant Wildman. The division of land was accomplished through the recordation of a certificate of Compliance, which required but did not receive approval from the Commission before its recording. The Commission notes that a condition imposed on P-78-2707 specifically prevented any further divisions of land until the LCP was certified and required that those divisions of land be consistent with the LCP.

As part of the Certificate of Compliance map, a driveway is shown that is inconsistent with the use of the parking easement for public parking imposed on this permit. In addition, development is proposed that makes it difficult to site a gate and the entry to the vertical accessway. However, if the applicant, as conditioned, regrades and adjusts the driveway so that it does not prevent the development of public parking, and develops parking as part of the lot split. The purchaser of the land will receive the benefit of the access provided and developed in such a way not to conflict with the intent of the original condition on the applicant's permit. Therefore the new owner will understand that an access and road easement have been granted, and there will be no reduction of the interest given the public by the mere transfer of the easement area to another individual.

? In terms of the trail down the bottom of the canyon, the identity of the owner does not affect the possible adverse condemnation of this property. If and when any development is proposed that blocks the trail, the issue of ownership of the trail can be addressed. As conditioned, to prevent any fencing within the dedicated easement area, and blocking of the easement or the trail without a coastal development permit, this development does not lessen the intent of the Commission's original action with regard to shoreline access.

The lot line adjustment does not affect the portions of the easement that leads down the bluff to the canyon to the beach seaward of the house and pool area. This easement, which is on relatively steep land, remains entirely on the applicant's property. Therefore the Commission has not imposed any additional conditions on this portion of the applicant's property.

The reduction of the lot area of parcel two from 2.62 acres gross to 1.52 acres does have a potential effect on the easement for vertical access. This is the reduction of buildable area, and a reduction of options for siting a house. The applicant has sited and designed the proposed house in such a

way that there are potential conflicts with the opening of the vertical accessway. However, even on a 1.5 acre lot, there may be alternatives that are not dependent on more land. The applicant has sited a 6800 square foot house, a pool and a tennis court on the parcel, using the narrowest and most seaward portion of the parcel for the house. The Commission finds that with the intensification of development that the applicant proposes it is difficult to plan a safe accessway and a residence. If both structures are designed together and constructed at the same time, the redesign of the house on the smaller lot does not diminish the access that was previously granted.

Therefore, to protect the accessway, the Commission has imposed a condition to resite the house, plan for security and privacy, and improve the accessway as a part of construction of the single family house. As conditioned to eliminate potential siting conflicts with during the design and construction phase, the Commission finds that a merely redesigned driveway, a smaller lot and a redesigned house do not lessen or diminish the efficacy of the dedicated accessway, and do not result in undermining of the original intent of the Commission in granting permits with access conditions for either the single family house or for the subdivision.

As conditioned the amended permit is consistent with the access policies of the Coastal Act.

F. Proliferation of stairways.

As noted above, the permit for the lot split was conditioned by the Commission to permit no further division of land until the LCP was approved, and then only if the divisions of land were consistent with the LCP. In December of 1986 the commission certified a Land Use Plan for Malibu Santa Monica Mountains.

As part of the proposed lot line adjustment the applicant seeks to convey a thin strip of land, 28 feet wide that extends along the eastern boundary line of parcel 2, connecting parcel 1 to the beach. The actual beach access held by parcel 1 is an easement for combined use of a road down a neighboring parcel, Black Tor, which, on completion of Black Tor's lot split, will serve the occupants of five neighboring houses. The land use plan standard for development of additional beach stairways is the following:

P165 No further permanent structures shall be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access where no feasible alternative means of public access exists.

In its action below, the Commission will examine the implications of creating strips of land that could only be used for development that is not permitted under the Land Use Plan. The Commission finds, however, that if such a strip is inconsistent with land use plan standards, it may be removed by a condition placed on the lot line adjustment.

F. Effects of revised plans.

The revised plans for the single family house are unreasonably close to the dedicated access easement, and do not afford easy separation of pedestrian beach users and residents of the house. The driveway is a fifteen foot wide fire access and turnaround that is contiguous to a large open court that is adjacent to the house. If this access were improved and opened, it would be open ten to twelve hours a day. The pool is planned to be immediately adjacent to the public walk, and there is no obvious way to fence off the private areas from the walk way.

The applicant's previous plans separated the access easement from the driveway. The applicant designed the house itself to be immediately adjacent to the easement at two points, and located a swimming pool ten feet away from the easement. The applicant's previously approved house is closer than ordinary standards would allow, because two corners are at the easement. However, the previous design allows for privacy through the use of fencing and grill work on the windows. The present house is sited and designed in an open court system around a combined driveway public access fire truck turn-around and motor court.

In approving designs of houses next to areas of public use, the Commission has usually required a five or ten foot set back or a wall or other device to minimize conflict between users of the easement and the future residents of the house. In Geffen, above, the Commission heard extensive testimony on proper siting of a vertical accessway, and set the improved area of the accessway back five feet from an adjoining neighbor. In the case of vertical accessways, generally the access ways have been set back from development, and kept separate from circulation systems internal to the lots..

The Coastal Conservancy has informed the Commission that there is no objection in principal to sharing what is fact becoming a street with the applicant's driveway. However, the applicant has not shown the Conservancy the precise plans for this development.

In addition, the circulation system the applicant has proposed for the area to be conveyed to parcel one, actively prevents use of the highway dedication for public parking.

The Commission finds that the design of the house, as currently proposed would create serious conflicts with public use of the accessway and the privacy and safety needs of any future residents of the property. However, the Commission finds that if the accessway and appropriate walls or security were constructed at the same time as the house were constructed, and the applicant constructed the parking area as the same time as the approved new driveway, any number of reasonably available design solutions could be employed to develop a usable accessway and a usable single family house.

If the applicant redesigned and resited the house and pool and provided fencing and privacy walls as part of the construction of the house in this tight area, the Commission finds that the development would not interfere with

previously granted access, granted under -P-2709 and recorded and accepted. This the Commission reviewed the action on P-2707 in approving this permit, the recordation of the vertical access was part of the project description reviewed when this house was approved. The Commission finds that any amendment to this permit must be consistent with its previous actions on the property.

The Commission further finds that this interference can only be found to exist within the areas of proposed construction, and construction of beach stairways remain the responsibility of the accepting agency.

G. Development

The Land Use Plan provides that no land division shall occur that requires construction on a sandy beach and does not conform to all plan policies.

The Commission has found that most of the proposed division of land may occur, with design conditions, and construction of public facilities that conform to and make the project as a whole consistent with previous permit conditions. A portion of the proposed division of land, the conveyance of a 28 foot strip from parcel one to the beach conveys an offer of lateral access from one owner to another, but does not otherwise affect the conditions of the previous permits on the property.

However, Policy 273(b) of the Certified Land Use Plan states:

P273b On beachfront parcels, land divisions shall be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to site a dwelling or other principal structure, on-site sewage disposal system, if necessary, and any other necessary facilities without development on sandy beaches, consistent with all other policies of the LUP, including those regarding geologic and tsunami hazard.

And as seen above, policy 165 prevents construction on the face of coastal bluffs. The only reason to create this property interest in the bluff face, the canyon and the beach which is located within a flood hazard area is to allow construction of a stairway or of a beach cabana, neither of which are consistent with the LUP policies.

It is the Commission's responsibility to provide for public access to the shoreline, not to provide all private lots between the first public road and the sea have private access. The Commission notes that the creation of a wider lot, puts the created lot into the category to be reviewed in the Land Use plan for vertical access. Access to the beach in Malibu is addressed in the Land Use Plan in policies 150-155, the beach access policies, which establish a system of public beach accessways. Notwithstanding, the Commission notes that parcel 1 already has de facto access down an easement on what is becoming a consolidated driveway. In addition the public dedicated easement on parcel 2 if access were no longer available on the existing driveway, could be developed to serve both neighboring property owners and the public.

By creation of thin little strips to the beach the Commission is allowing the parcellization of beach property in private hands and increasing the difficulty of achieving maximum shoreline access to the beach as required in section 30210 and article X of the Constitution. Therefore the Commission does not approve the transfer of any land from parcel 2 to parcel one south of parcel one prior property line. The result of this change is to create interest in development of structures that are not consistent with Coastal Act policies including access, hazards, visual quality and environmentally sensitive habitat areas. This development is not consistent with LUP policies. Therefore the Commission has imposed a condition to remove this portion of the lot split from the proposed project.

H Jurisdiction over lot line adjustments.

The Commission has jurisdiction over the proposed lot line adjustment because it represents a changed project description on a previously granted permit, P78-2707. However, even if there were not an existing permit with conditions that this division could potentially affect, the Commission retains jurisdiction because a lot line adjustment is a division of land and a change of intensity of use, which is development under the Coastal Act.

Section 30106

"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 harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

The change in intensity of use of the beach, by the creation of another ownership interest and interest in development on the beach itself is clearly in the Commission authority.

I Summary of project.

Because the lot lines adjustment may not be clear and simple, here is a summary of the lines proposed:

Parcel 1. The portions included

1 moved from parcel two to parcel one under this amendment land between the one acre lot and PCH, including the driveway, the Caltrans dedication, the parking area, and the recorded accessway. The area transferred also included the canyon and those portions of the trail that were located on parcel B.

2 In addition, conveyed from parcel 2 to parcel one, a beach connector, a 28 foot wide strip of land on the bluff face and the the bottom of a canyon and the beach that connects this property to the beach.

3 Outside the permit authority of the commission the applicants also conveyed to the co-applicant a private easement for private pedestrian shoreline access across the tip of parcel 2 and parcel 3, the second parcel in the 1978 lot split.. This easement may also include the driveway on the lot to the east of parcel three now owned by Black Tor. Part of the claim of activation of this permit rests on the construction of a brick walk in 1981 connecting Parcel one to the Black Tor driveway.

Location of accessway.

The accessway was a requirement of a two parcel split processed in 1978. After an attempt to locate the easement down the canyon that failed because the applicant did not own the entire canyon, the accessway was originally on the western boundary of parcel 2, between parcel 2 and parcel 3, the two lots created by that action. Later, the applicants sought and were granted an amendment to relocate the easement to the eastern border of lot 2, following a driveway that gave access to the parcel one, at that time a one acre land locked parcel, and then along the western boundary of parcel 2, down the bluff to the beach

3) in amendment 5-81-44, A-1 the applicant requested and received permission to locate the easement on parcel one for a portion of its length, since he also owned parcel one. This was granted and recorded and the Coastal Conservancy accepted the vertical access.

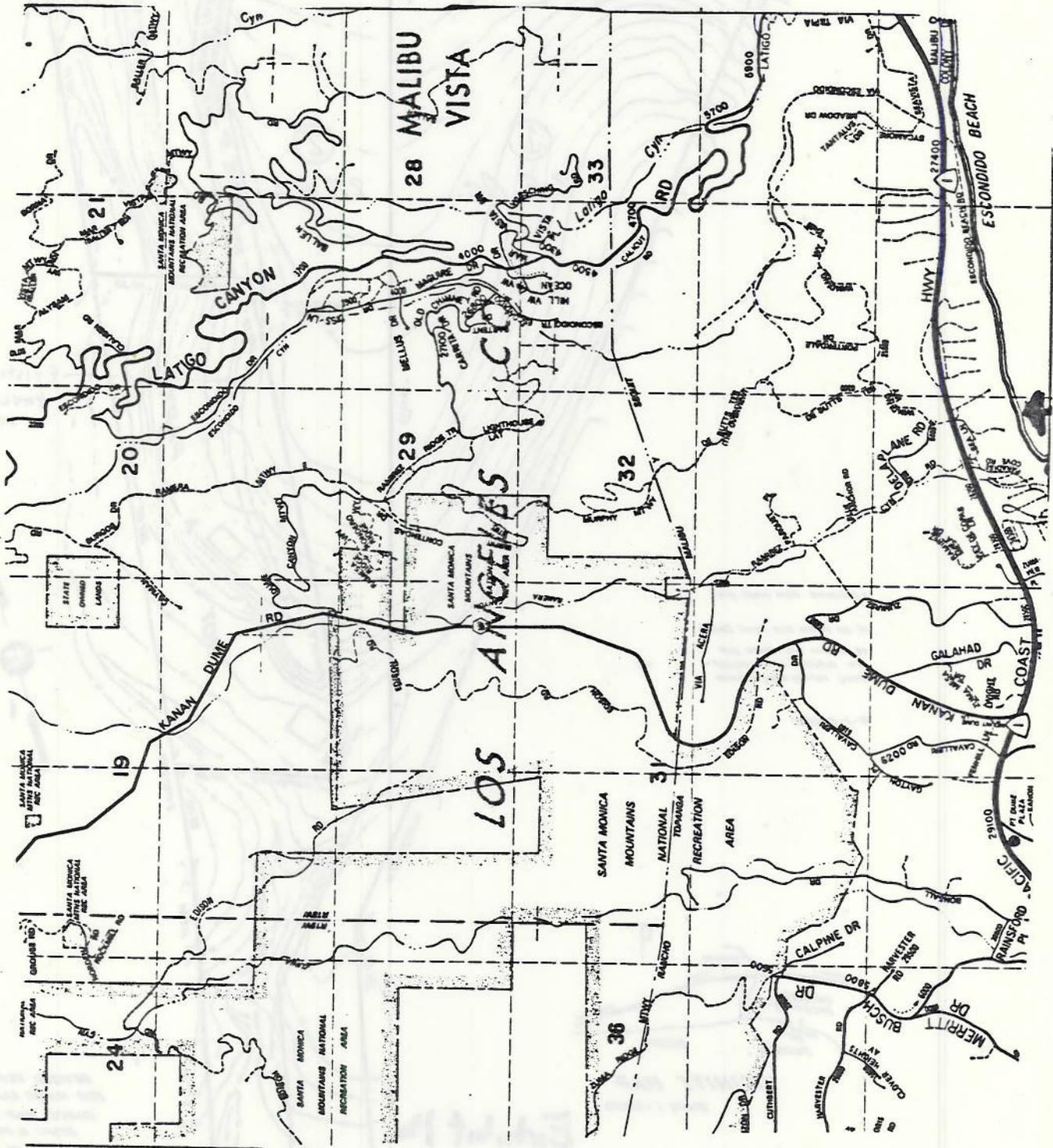
Chiate alone then applied to construct a house on the landlocked parcel parcel one P-78-7554) He also in 1981 applied for approval to construct a house on the eastern lot parcel 2.(this permit) He sold parcel 3 to a third party who applied for and received a permit to construct a single family house on it, but allowed it to lapse because the Commission was considering additional access conditions.

J. Unpermitted development

The applicant recorded this certificate of compliance in 1983 without a Coastal Development Permit. The co-applicant engaged in construction of landscaping fencing and driveways similarly without a coastal development permit.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action on this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the site without a coastal permit.

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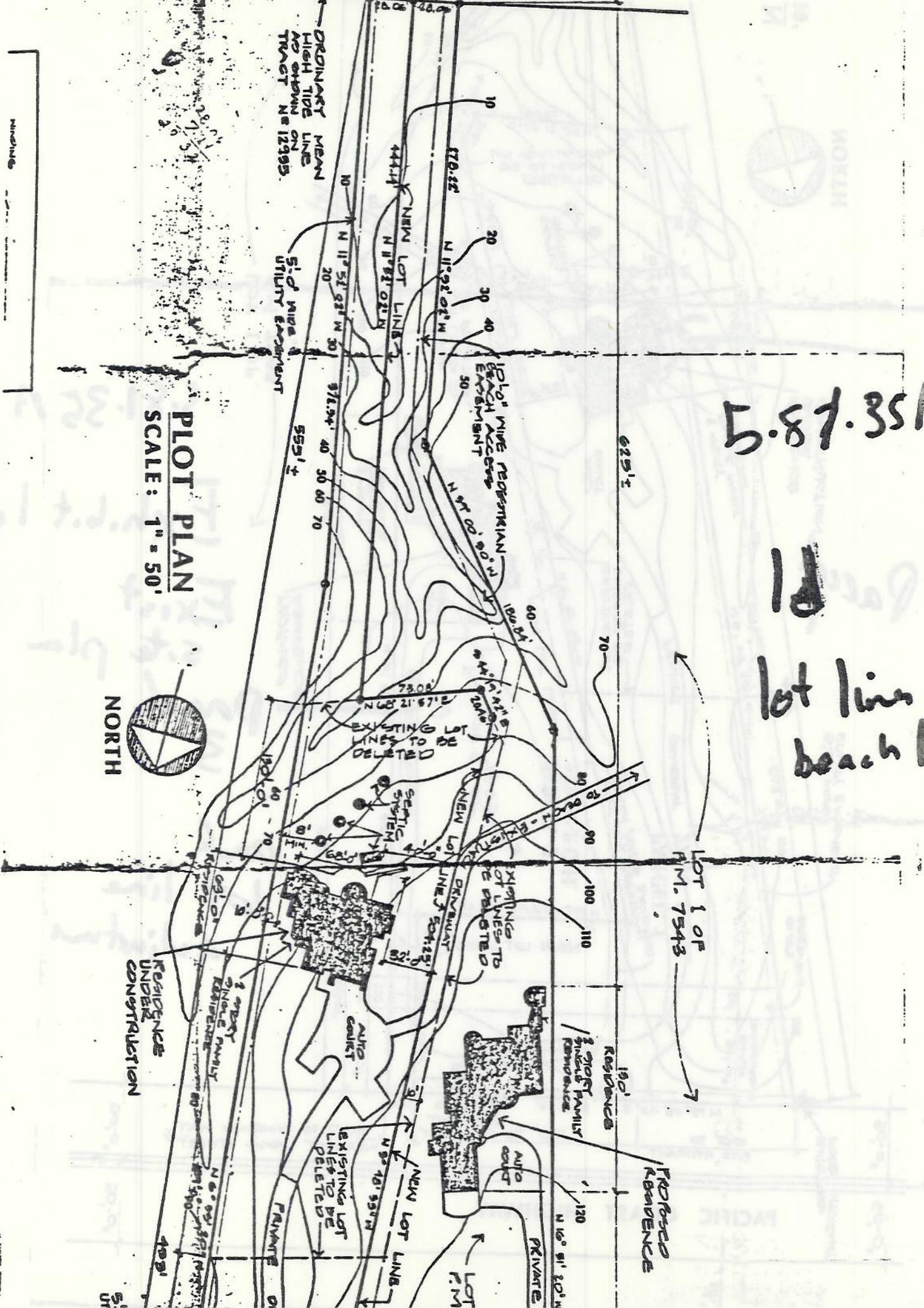
S-81-35A Location

Exhibit
1

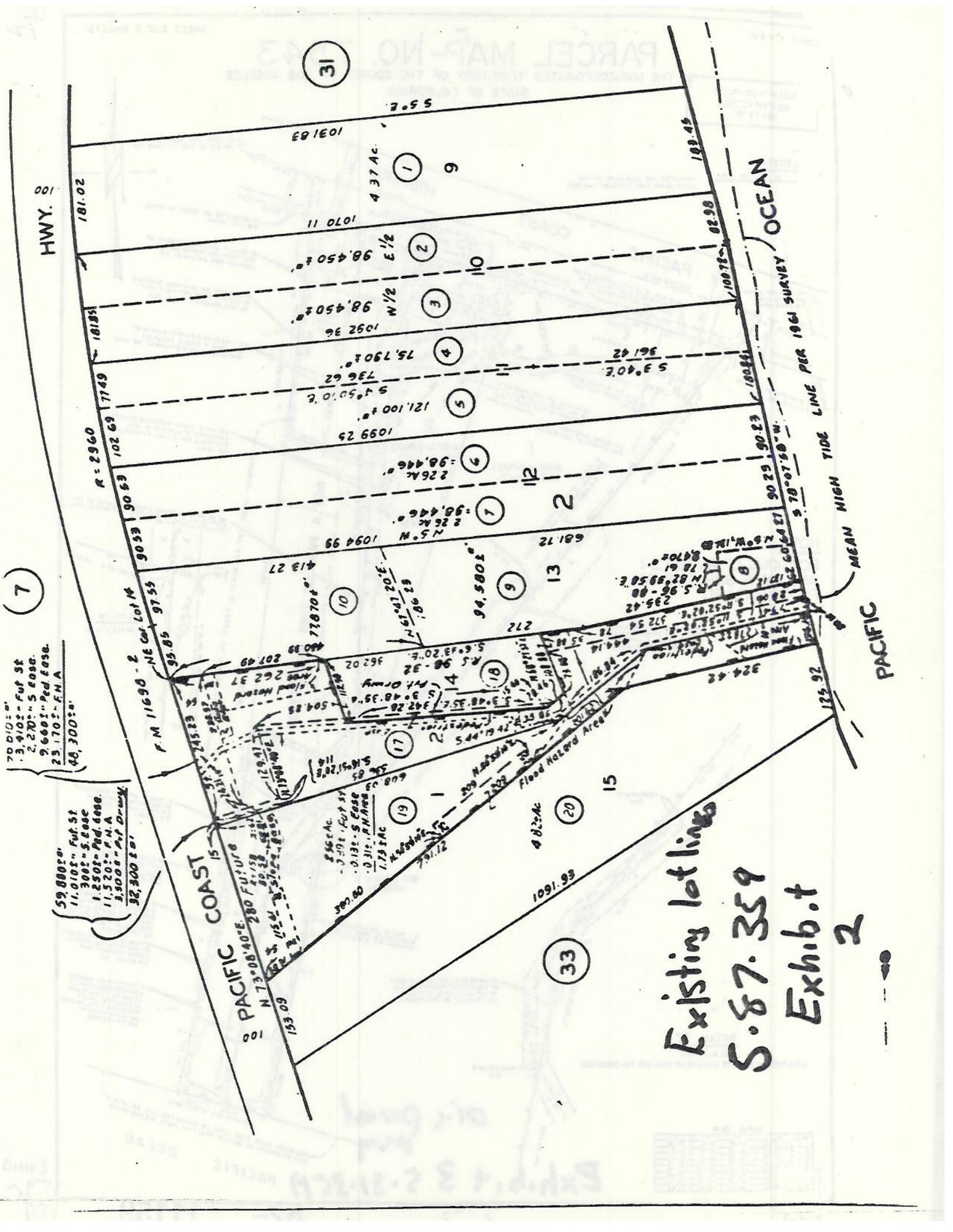
5.87.35A

1d
lot line
beach lev

PLOT PLAN
SCALE: 1" = 50'



BOUNDING



70 0103"
 3,9102" - Fut St
 2,270" - S. E. 888.
 2,6603" - Ped. E. 888.
 23,1702" - F.M.A.
 48,3002"

59,8802"
 11,0102" - Fut St
 3002" - S. E. 888.
 1,2502" - Ped. E. 888.
 11,5202" - F.M.A.
 3,5002" - Fut Dr. W. W.
 32,3002"

Existing lot lines
 S. 87.359
 Exhibit
 2

California Coastal Commission
South Coast District
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071

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CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

AMENDMENT REQUEST FORM

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CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

1. Permit Number 5-81-35
2. Applicant's Name Kenneth Chiate & Roger Wolk; Agent: Lynn J. Heacox
Address 8281 Dancy Circle
Huntington Beach, Ca 92646 213-592-4340
(area code) (Telephone Number)
3. Project Address
27920 Pacific Coast Highway
Malibu, Ca 90265
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 for each.
 - D. Estimated Cost of Amended Project \$ 340,000.
 - E. Filing fee of \$25.00.

5. Describe Proposed Amendment

Revise plans of residence. Residence to be sited on the same location of parcel. The residence contains the same square footage, the same number of bedrooms and the same amount of parking. The project is under 35' above existing grade. Work commenced on the project site in 1980, which included grading, underground conduits and flood control improvements (see attached grading permit and correspondence from the contractor). Plan check is complete for the proposal and the Health Department and Geology Department have finalized their approvals.

Lynn J. Heacox 2/8/88
Applicant's Signature Date
Lynn J. Heacox

SCD: 11 10/81

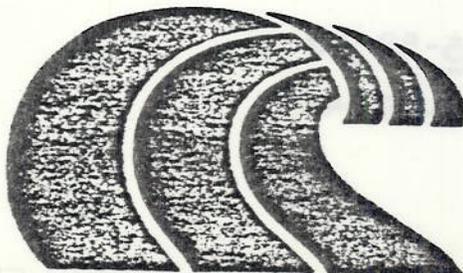
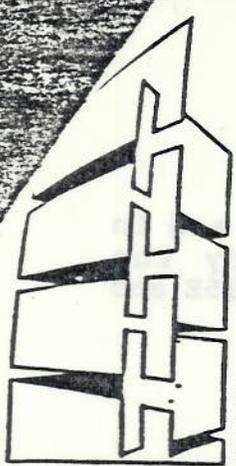


Exhibit 4



October 6, 1987

Stuart Seldner, General Contractor, Inc.

4310 S. Ocean View Drive • Malibu, CA 90265 • (213) 457-1081, 457-3062

Department of Building and Safety
23533 W. Civic Center Way
Malibu, CA 90265

Re: 27920 Pacific Coast Highway Malibu, California

TO WHOM IT MAY CONCERN:

I was the general contractor responsible for construction of the single family dwelling and related improvements at 27910 Pacific Coast Highway. The house was built for Kenneth Chiate and Roger Wolk. The improvements at 27910 Pacific Coast Highway were commenced on or about March 1, 1983 and completed on or about July 1, 1984.

During the course of construction of 27910 Pacific Coast Highway, certain construction and improvements were also commenced on the adjoining property at 27920 Pacific Coast Highway owned by Mr. Chiate and Dr. Wolk. Improvements undertaken on 27920 Pacific Coast Highway prior to August 17, 1985 included the following: Substantial grading and reshaping of the flood channel surface drainage and the access to the beach was provided, which included removal of an existing inadequate surface drain and replacement with a three foot diameter surface and subsurface corrugated pipe drain; a combination spillway and concrete rip rap were constructed at the terminus of the drainage improvement; a paved road was constructed across the reshaped drainage area to provide access from the bluff lot to the beach access; test holes for the proposed septic system at 27920 Pacific Coast Highway were drilled and tested and approved by the Health Department; underground conduits were installed from existing above ground utility facilities east of 27910 Pacific Coast Highway and brought underground below 27910 Pacific Coast Highway to 27920 Pacific Coast Highway; utility boxes were installed for 27920 Pacific Coast Highway; the property was staked, surveyed, fenced and gated.

Exhibit 6
58135N

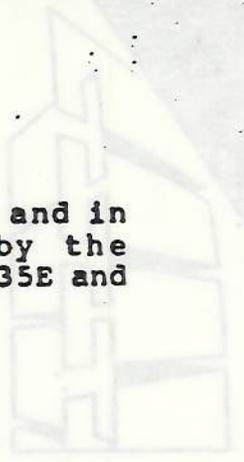
11

All of said construction was undertaken in anticipation and in futherance of the proposed improvements approved by the California Coastal Commission pursuant to Permit No. 5-81-35E and prior to the expiration thereof on August 17, 1985.

Very Truly Yours,



Stuart Seidner



Department of Building and Safety
3333 W. Civic Center Way
Malibu, CA 90262

Re: 37820 Pacific Coast Highway Malibu, California

SS/js

TO WHOM IT MAY CONCERN:

cc: Ken Chiate

I was the general contractor responsible for construction of the single family dwelling and related improvements at 37820 Pacific Coast Highway. The house was built for Kenneth Chiate and Roger Wolf. The improvements at 37820 Pacific Coast Highway were commenced on or about March 1, 1985 and completed on or about July 1, 1985.

Exhibit 6a

During the construction of 37820 Pacific Coast Highway, certain construction improvements were also commenced on the adjoining property at 37820 Pacific Coast Highway owned by Mr. Chiate and Dr. Wolf. Improvements undertaken on 37820 Pacific Coast Highway prior to August 17, 1985 included the following: Substantial grading and regrading of the flood channel surface drainage and the access to the beach was provided, which included removal of an existing landscape surface drain and replacement with a three foot diameter surface and subsurface corrugated pipe drain; a culminated spillway and concrete rip rap were constructed at the terminus of the drainage improvement; a paved road was constructed across the regraded drainage area to provide access from the bluff for the beach access; test holes for the proposed septic system at 37820 Pacific Coast Highway were drilled and tested and approved by the Health Department; underground conduits were installed from existing above ground utility facilities east of 37820 Pacific Coast Highway and brought underground below 37820 Pacific Coast Highway to 37820 Pacific Coast Highway; utility boxes were installed for 37820 Pacific Coast Highway; the property was staked, surveyed, fenced and gated.

Exhibit 6
37820

J

California Coastal Commission
SOUTH COAST DISTRICT
E. Ocean Blvd., Suite 3107
P.O. Box 1450
Long Beach, CA 90801
(213) 590-5071

RECEIVED
MAR - 7 1986
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Original Date 5-5-81
4th Day 6-23-81
Staff Report 8-6-81
Hearing Date 8/19/81
Staff Analyst Dixie Nowell

STAFF REPORT: CONSENT CALENDAR

Exhibit A pl

PROJECT DESCRIPTION

APPLICANT: Kenneth Chiate and Roger Wolk AGENT: Cahill-Leese Architects

PERMIT NO.: 5-81-35

PROJECT LOCATION: 27900 Pacific Coast Hwy., Malibu, CA

PROJECT DESCRIPTION: Construction of a 2-story, 5-bedroom 6800 sq. ft. SFD with attached 3-car garage, 2-car carport, swimming pool and tennis court.

LOT AREA	<u>2.7 acres</u>	ZONING	<u>R-1 20,000</u>
BLDG. COVERAGE	<u>6800 sq. ft.</u>	PLAN DESIGNATION	<u>G.P.</u>
PAVEMENT COVERAGE	<u>5500 sq. ft.</u>	G.P., LUP draft, LUP adopt, LUP cert., LCP	
LANDSCAPE COVERAGE	<u>n/a</u>	PROJECT DENSITY	<u>n/a</u>
		HEIGHT ABV. FIN. GRADE	<u>30'</u>

LOCAL APPROVALS RECEIVED: Approval in Concept/ L.A. County

SUBSTANTIVE FILE DOCUMENTS

I. STAFF RECOMMENDATION

83- 108580

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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.

EXHIBIT B (continued)

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction 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 construction 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 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.

I. SPECIAL CONDITIONS: Prior to issuance of the permit, the applicant shall execute and record a document in a form and content approved by the Executive Director of the Commission irrevocably offering to dedicate an easement to be used for public parking to a public agency or private association acceptable to the Executive Director. The easement shall be 25 feet wide and located adjacent to and parallel to the existing right-of-way within the area designated as "FUTURE STREET" on recorded parcel map "7543. The offer or the accepted easement shall be extinguished when construction of the street commences. The offer shall run for a period of 21 years from the date of recordation and shall be prior to all liens except tax liens and all encumbrances the Executive Director determines may effect the interest being conveyed.

II. FINDINGS

83- 108580

A. Project Description and History

The application is a request to construct a 2-story, 6800 sq. ft. SFD with attached garage swimming pool and tennis court on a 2.7 acre parcel. The subdivision of a 5.3 acre parcel into two

parcels of 2.6 acres and 2.7 (subject parcel) acres was approved under permit application P-2707 and PE-80-2707, with vertical and lateral access conditions which have been recorded.

B. Issues

1. Access

Section 30223 of the Coastal Act states:

Upland areas necessary to support recreational uses shall be reserved for such uses, where feasible.

The area in which the applicant's parcel is located immediately abuts Pacific Coast Hwy. Due to the rural nature of this area, the traffic (both and automobile and trucks) moves at a maximum rate of speed. Any public use of the recorded vertical access easement could be precluded by lack of off street parking facilities on the ocean side of Pacific Coast Hwy. Parking on the dirt shoulders on either the north or south side of Pacific Coast Hwy. could result in accidents to vehicles and possible pedestrian fatalities.

At a County requirement of the original subdivision, the applicant was required to dedicate a portion of his property for a "Future Street" to the County of Los Angeles.

The Commission finds that the project, as conditioned, can be found consistent with Section 30223 of the Coastal Act of 1976.

rm

Exhibit
vj p 3

83- 108580

CALIFORNIA COASTAL COMMISSION
COAST REGIONAL COMMISSION
OCEAN BOULEVARD, SUITE 3107
BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) 590-5071 (714) 846 0648

3/17/78
per appl w/ [unclear]
applied
March 15, 1978
8

To: Commissioners
From: Executive Director
Subject: Staff Summary and Recommendations

Exhibit G

Application No.: P-78-2707

- Attachments:
1. Previous Staff Report; P-377; Appeal Summary
 2. 1/4 Mile Map
 3. Plot Plan
 4. Vicinity Map
 - 5.
 - 6.

1. Administrative Action:

The application has been reviewed and is complete. The 42-day hearing period expires 3/27/78. Public Hearing is scheduled for 3/27/78. Continuations, (if any) were granted as follows:

- a. 3/13/78 applicant _____ b. _____ c. _____

2. Applicant:

Kenneth R. Chiate (213) 620-9000
Applicant's full name Telephone number

707 Wilshire Blvd
Address

Los Angeles, CA 90017

Or Lillick, McHose and Charles same Telephone number
Representative's name

same
Address

3. Project Location:

- (a) City or District Malibu
- (b) County Los Angeles
- (c) Street Address 27900 Pacific Coast Highway
- (d) Area is Zoned R-1-20,000

PROJECT DESCRIPTION:

Division of one 5.3 acre parcel into 2 parcels of 2.6 and 2.7 acres each.

LOCATION DESCRIPTION & STREET ADDRESS: 27900 Pacific Coast Highway, between the nearest public roadway and the shoreline; near Paradise Cove in Malibu

DISTANCE FROM MEAN HIGH TIDE LINE: adjacent

PRESENT USE OF PROPERTY: vacant

SITE SIZE: irregualr shape; 5.3 acres

DENSITY: GROSS: NET:

UNIT MIX:

ON-SITE PARKING: Primary = Size =

Tandem = Size = Total =

PROJECT HEIGHT: Above CFR = Above AFG =

PROJECT COST: Permit cost only - no construction involved

EIR: Negative Declaration

AGENCY APPROVAL: Approval in Concept - Los Angeles County

Homeowners Assoc. - Health Dept. -

Building Dept. - RWQCB -

APCD

Project Description:

Exhibit 9 p 21

The proposed land division involves an irregularly shaped 5.3 acre ocean front parcel. Two lots would be created at 2.6 and 2.7 acres each. Both lots would have Pacific Coast Highway and sandy beach frontage.

The shape of the parcel takes an irregular jog at the center of the eastern boundary. At that location exists a one acre parcel, subdivided from the subject 5.3 acres some years ago. An access easement extends from Pacific Coast Highway across the to-be-created 2.7 acre lot to the one acre lot. A house exists on that one acre parcel. Please note the attached site plan.

A trail exists through the subject parcel and descends down a canyon to the sandy beach. The trail way follows the proposed land division boundary. During the recent storms, the trail way has received some debris, making access very difficult. However, the damage is not so extensive as to preclude repair.

History:

The applicant has previously brought before this Commission the proposal for land division on the subject site. The proposal was for a division into 4 parcels of 1.06, 1.2, 1.3, and 1.8 acres each. P-377 was heard on May 5, 1977, and denied. He then appealed the decision to the State Commission. The appeal was given a NSI determination.

Issues:

1. Compliance with Section 30250(a) of the Coastal Act and the Los Angeles County Guidelines - Land Division Criteria
2. Section 30212 - Public Access

Compliance with Section 30250(a) of the Coastal Act and the Los Angeles County Guidelines - Land Division Criteria

Section 30250(a) of the Coastal Act states:

30250. (a) New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

four criteria for land division exist. The first is that the resulting development be located within or contiguous to developed areas able to accommodate it.

The site will front on Pacific Coast Highway. Utilities will be taken from existing sources within that street. Sewage disposal, as in all of Malibu will be by individual septic systems. Access from the 2.7 acre site will be from the existing utilized access easement. A new vehicle access way would be designed for the 2.6 acre parcel. The site is approximately 1.25 miles from Kanan Dume Road, a major inland thoroughfare.

The second criterion for land division approval is that 50 percent of the useable parcels in the area be developed. The existing Los Angeles County guidelines utilize Malibu as a whole as a market area. According to the 1976 assessors map books, Malibu is 34% developed. Therefore, the project is not in conformance with Section 30250(a) of the Act.

If the proposed Los Angeles County guidelines were to be utilized, the market area would consist of Assessors Map Book #4460. The 1977 books show that map book 4460 is 50.8% developed, or 215 out of 423 lots are developed.

The third criterion for development is that the size of the to-be-created parcels would be no smaller than the average size of the surrounding parcels. The State guidelines have determined that the "surrounding parcels" would include those parcels within 1/4 mile of the perimeter of the project. The average size of the surrounding parcels of this proposed project is 2.5 acres as can be seen on the attachment. As the to-be-created lots consist of 2.6 and 2.7 acres each, the project would be consistent with this criterion.

The fourth criterion is that the proposed project must be consistent with the adopted guidelines for such development.

As the guidelines utilizing Assessors Map Books as indicators of market area have not yet been adopted, the project is not consistent with Land Division guidelines as set forth in the existing Los Angeles County Interpretive guidelines.

Section 30212 - Public Access:

Section 30212 of the Act states:

30212. 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. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution.

public vertical assessways are located near the proposed project. the nearest vertical assess to the west is at Paradise Cove, 1800 feet away. The nearest vertical access to the east is at Holiday House, 1800 feet or approximately 1/3 miles away.

At some time in the future, provision of a public vertical access way in the area proposed for land division would be a significant and much needed public service. The existing vertical access way of the subject site would be an adequate and easily accessible location.

Exhibit 9 p4

Findings:

1. Applicant proposes to subdivide a 5.3 acre parcel into two parcels of 2.6 and 2.7 acres each.
2. The site is located at Escondido Beach on a bluff top descending to the sandy beach.
3. A canyon exists at the center of the site which descends to the sandy beach. A trail way exists at this canyon. Damage to the trailway was sustained during the recent storms.

4. The application for the proposed land division meets the land division criteria as stated in the Act, except for the following:

The market area, as determined by utilizing Malibu as a whole is 34% developed, thereby not meeting the 50% developed market area criterion.

5. The proposed development is not in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will prejudice the ability of the local government to prepare a local coastal program that is in conformity with said chapter.
6. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

STAFF RECOMMENDATION: Denial

Staff Planner

Perisho
ss

not: vertical access 10' down
existing trail

lateral access

no further studies until LCP
is approved. (concept must be in
concord with LCP)

P-2707

Subdivide 5.3 acre parcel into 2 parcels of 2.6 and 2.7 acres at 27900 Pacific Coast Highway, Malibu by Kenneth R. Chiate

*H/S/78
approved*

Exhibit 10

REVISED FINDINGS:

The Commission finds, after public hearing, that:

1. The site has an existing canyon with a trailway existing from Pacific Coast Highway to the beach.
2. The project conforms to all the interpretative guidelines on lot splits except the 50% developed rule. However, if the recommended revised guidelines are utilized for the 50% developed area, the project will comply.
3. The applicant has offered mitigation measures in the form of a vertical access and lateral access easement on the property.
4. The project, as conditioned, conforms to the public access requirements of the Coastal Act of 1976 and will not impair the ability of local government to prepare its local coastal plan.
5. There are feasible mitigation measures, as provided under CEQA, available for imposition by the Commission under the power granted to it that lessens the impact and provides public access. These measures have been considered in imposing the conditions.

Note: Conditions

1. Vertical access of 10' on the trail.
2. Lateral access condition.
3. No further subdivision until the local LCP has been approved and certified.
4. If any further land division is considered upon condition #3 being completed, such division must be in conformance with the LCP.

CALIFORNIA COASTAL COMMISSION
PACIFIC COAST REGIONAL COMMISSION
OCEAN BOULEVARD, SUITE 3107
TORRANCE, CALIFORNIA 90501
TELEPHONE (714) 846-0648

April 21, 1980

9:00 a.m.

Exhibit 1

14

Torrance
City Council Chambers
3031 Torrance Boulevard
Torrance, California

RECEIVED
SEP 10 1980

CALIFORNIA
COASTAL COMMISSION

A D D E N D U M

Page 1 - please add the following to Agenda Item IV (Chair Report);
B. Election of Chairperson

Page 6 - Please add the following to your Agenda Item VIII:

(8) PE-80-2707
cp

Request to extend a permit for subdivision of a 5.3 acre parcel into 2 parcels. Permit was approved with condition of disagreement as to the location of the vertical accessway. Disagreement has delayed issuance of the permit. The applicant has finally agreed upon location of the easement calls for the easement to traverse a second parcel which was not part of the original permit; but which is owned by the applicant. Therefore the vertical access conditions must be recorded with both properties. Previous Conditions: Prior to issuance of permit, applicant shall submit the following:

1. a deed restriction for recording granting vertical access to give the public the privilege and right to pass and repass over a strip of Dedicator's said real property 10 feet in width measured from the north property line extending from the edge of the public right-of-way, Pacific Coast Highway, to the mean high tide line of the Pacific Ocean.
2. a deed restriction for recording granting lateral public access up to 25 feet inland from the mean high tide line, however, in no case will said dedication be nearer than five feet to the proposed development.
3. No further subdivision until the local LCP has been approved and certified.
4. If any further land division is considered upon Condition #3 being completed, such division must be in conformance with the LCP; at 27900 Pacific Coast Highway in Malibu, by Kenneth R. Chiante. Permit was approved on March 27, 1978 and expired on March 26, 1980. The permit was approved by a 7 to 1 vote of the Commission. Prior to issuance of permit, the applicant shall execute and record a document, in a form and content, approved by the Executive Director of the Commission irrevocably offering to dedicate to an agency approved by the Executive Director, an easement for public pedestrian access to the shoreline. Such easement shall be ten feet wide, located on the subject parcel and adjacent property (AP#4460-03:013) as shown on the attached map. Basically the easement

Condition:
long

80-1151952

PERMIT NUMBER

DESCRIPTION

(8) PE-80-2707
(Cont.) cp

shall begin at Pacific Coast Highway, extend adjacent to and on the east side of an existing driveway within proposed parcel #2, to the adjacent parcel (AP#4460-032-013) extend through that adjacent parcel, entering again proposed parcel #2, then descending down the most western drainage course terminating at the mean high tide line. Such easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed. *or past bond to cover the encumbrance*

The offer shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowners. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

The applicant may construct a vehicular gate across the driveway entrance. However, a pedestrian gate must also be provided by the applicant concurrently. Said pedestrian access gate would be opened for daylight hours only. The pedestrian gate lock shall be controlled by the Los Angeles County Dept. of Beaches or other agency approved by the Executive Director.

Recommendation:

This document shall be recorded with the parcel of the subject permit and the adjacent parcel (AP#4460-032-013) Extension will be granted for one year. Permit will expire on March 26, 1981.

Page 8 ~~please delete LGA-15 537-79(c) from your agenda, same has been withdrawn by the applicant.~~

Exhibit 11a

80-1161952

CALIFORNIA COASTAL COMMISSION

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



Mr. Donohue Wildman
8700 W. Bryn Ave. Fifth Floor
Chicago, Ill. 60631

Dear Mr. Wildman,

Mr. Ken Chiate has submitted an application to amend a previously granted permit for a single family house at 27920 Pacific Coast Highway, 5-81-35. As part of this amendment request he has also requested approval of a lot line adjustment which affects the easterly property line and the easement for public shoreline access granted in permit P-78-2707. Since this lot line adjustment directly affects property you have purchased from Mr. Chiate, we are required to notify you of the application and notify you that under the regulations that you have a right to become a co-applicant in this action. (5-81-35A)

If you decide to become a co-applicant please notify us immediately because the applicant has requested a June hearing.

Very truly yours,

A handwritten signature in black ink that reads "Robert Joseph".

Robert Joseph
Chief Regulation and Enforcement

Exhibit 12

cc.
Ken Chiate
Lynn Heacox
Sherman Stacey
Nancy Cave
Peter Grenell
5810

80-11895

CALIFORNIA COASTAL COMMISSION

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



Peter Grenell
Executive Director
California Coastal Conservancy
1330 Broadway
Oakland, CA 94612

Dear Mr. Grenell

Mr. Kenneth Chiate has applied to amend a permit for a single family house located at 27920 Pacific Coast Highway in order to relocate the driveway onto the recorded vertical access easement and to adjust the lot lines to give the owner of the property to the east access to Pacific Coast Highway. Since both of these actions will affect the access easement located at 27900 Pacific Coast Highway, the regulations require us to notify you and to allow you to become a co-applicant on this permit.

The applicant's representative, in anticipation of your agreement to this development has included a copy of his correspondence with Peter Brand of your staff.

Very truly yours,

Robert Joseph

Robert Joseph
Chief, Regulation and Enforcement

5-5131A

Exhibit B

enc .
cc.
Lynn Heacox
Donohue Wildman
Sherman Stacey
Nancy Cave

2-81-82
pl + 2-1-82



SHERMAN L. STACEY
JONATHAN S. HORNE

LAW OFFICES OF
SHERMAN L. STACEY
1299 OCEAN AVENUE
SUITE 313
SANTA MONICA, CALIFORNIA 90401

213-394-1163

FAX
213-394-7841

May 18, 1988

RECEIVED

MAY 20 1988

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Pam Emerson
Coastal Analyst
California Coastal Commission
South Coast Regional Area
245 West Broadway
Suite 380
Long Beach, California 90802

Re: Request to Participate as Co-Applicant
Coastal Development Permit 81-35-A
27910 Pacific Coast Highway, Malibu, California
Donahue Wildman

Dear Pam:

Donahue Wildman hereby elects to join as co-applicant in the request of Mr. Kenneth Chiate to obtain a new Coastal Development Permit and/or amend an existing Coastal Development Permit relating to proposed development on the properties commonly known as 27900-27920 Pacific Coast Highway, Malibu, California. Mr. Wildman will execute all necessary documents, if any, and pay applicable fees, if any, to formally join in the application process.

Our firm was just recently informed of Mr. Chiate's pending application which was apparently filed on or about February 9, 1988. Mr. Wildman had no idea that such an application has been pending. In light of the complexities of this case, Mr. Wildman is not in a position to proceed with a public hearing in June as you indicated is tentatively proposed. Therefore, I respectfully request that the hearing not proceed in June and rather be set for hearing in August or September.

In the interim, Mr. Wildman will carefully review the matter and clarify his position on the pending application.

5-81-35A
Exhib. + 14

LAW OFFICES OF
SHERMAN L. STACEY

Pam Emerson
May 18, 1988
Page 2

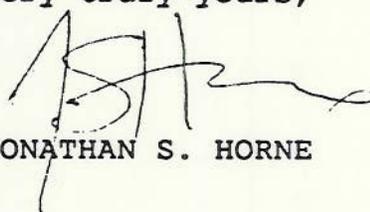
RECEIVED

MAY 20 1988

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Please feel free to call if you have questions.

Very truly yours,



JONATHAN S. HORNE

cc: Thomas Cafcas, Jr., Esq.
Burt Levinson, Esq.
Laurie Collins, Esq.

Exhibit 14p2

