Erpelding
20802 PCH
Malibu 90265

PROJECT NAME
ERPELDING

1. Receipt of Offer to Dedicate: Lateral Vertical Access Easement
   CC Permit No. A-421-78 APN 4450-727 (X)

2. Offeror Contacts (Rep.)
   a. Barsachini + Assoc (Agent) - site visit (213) 456-3625 (S. Marks) 4/13 (X)
   b.

3. Local Agency contacts
   a. Joe Scaramella - [illegible] + Support SCC [illegible] 4/26 (X)
   b.

4. Site Visit & Photos (photos - coastal commission office) 10/82 8 weeks 4/13/82 - S. Marks (✓)

5. SCC Staff Consultations
   a. ( )

6. Preliminary Project Report & EO Approval ✓ (X)

7. File Set Up (project named, files made, number assigned) (X)

8. Necessary Accompanying Dcouments
   a. Preliminary Title Report - Calif Land Title 1/15/81 No. ✓ (X)
   b. Subordination Agreement n/a. ( )
   c. CEQA (sent: 5/19/82) ✓ (X)
   d. CCC Staff Report 5/26 (X)
   e.

9. Staff Recommendation (X)
   a. acreage of site _____ & easement 25' lateral 5' vert. ( )
   b. Management agency? _____ ( )
   c. Significance of Project ( )
   d. Maps - project location & project site ( )
   e. Recommendation - draft ( ) & final ( )

10. Board Meeting
    a. Date: June 11, 1982 (10 am) State Personnel Bd. (X)
    b. Materials (X)
       1) Mailing list compiled (X) & matrix (X) 5/27
       2) Agenda Blurb (X) 5/25
       3) Legislative Contacts
          a) ( ) ✓
          b) ( ) ✓
       4) Agenda & Rec. sent to mailing list ( ) ✓

11. RES Packet
    a. Compiled & Sent 11/18/82 (X)
       1) Original Offer - Requested 8/27 from Grantor certified copy 11/15 (X)
       2) 2 Original Certificates of Acceptance (X)
       3) Certificate of Acknowledgement (X)
       4) Board Mtg. minutes (X)
       5) SCC Staff Recommendation (X)
       6) Prelimiary Title Report (X)
       7) CEQA ( )
    b. Approval by RES: RES No. 82-129 12/23 (X)

12. County Recordation of Original Offer & Cert. of Acceptance (Sent 12/27) (✓)

13. Completed Project: PLI No. _____ Sent 1/27/83 (✓)
    a. Recorded Documents to RES/PLI

COMPLETED 2/83

*See Dedications- Budget file

STATE 82- 480827 80- 679383

Return Original To and

RECORDING REQUESTED BY AND MAIL TO

CALIFORNIA COASTAL COMMISSION
631 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CA
27 MIN. PAST 1 P.M. JUL 16 1980
Recorder's Office

FREE 1

19

~~FREE M~~ 18 (19)

Indy Lynne Erpelding name only

IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, (1) Frank and Lynne Erpelding is/are the record owner(s), hereinafter referred to as "owner(s)", of the real property located at (2) 20802 Pacific Coast Highway, Malibu, Los Angeles County, California 90265 California, legally described as particularly set forth in attached (3) Exhibit A hereby incorporated by reference and hereinafter referred to as the "subject property"; and

II. WHEREAS, the California Coastal Commission, hereinafter referred to as "the Commission," is acting on behalf of the People of the State of California; and

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

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the owner(s) applied to the Commission for a coastal development permit for (4) construction of a two-story single family beach house with loft and attached two-car garage on the subject property; and

V. WHEREAS, a coastal development permit no. (5) 421-78 was granted on (6) February 13, 19 80 by the Commission in accordance with the provisions of the Staff Recommendation and Findings (7) (Exhibit B) (Exhibit BB)

This document is to replace Irrevocable Offer to Dedicate # 80-679383, recorded July 16, 1980, in order to show acknowledgement by the California Coastal Commission, which was omitted from page 5 of that document.

URT PAPER
ATE OF CALIFORNIA
C 113 (REV. 8-72)
OSP

attached hereto and hereby incorporated by reference, subject to the following condition: (8)

6. Lateral Access Along the Shoreline. Prior to issuance of the permit, the Executive Director shall certify in writing that the following conditions have been met. The applicant shall execute and record a document, the form and content of which has been approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director, an easement for public access and recreation along the shoreline. Such easement shall be located adjacent to the mean high tide line extending 25 ft. inland from the current high water mark; however, in no case shall the public be allowed to use the beach which is closer than five ft. from the residence. The offer shall be irrevocable for a period of 25 years running from the date of recording and shall run in favor of the People of the State of California binding successors and assigns of the applicant landowner.

VI. WHEREAS, the subject property is a parcel located between the first public road and the shoreline; and

VII. WHEREAS, under the policies of Sections 30210 through 30212 of the California Coastal Act of 1976, public access to the shoreline and along the coast is to be maximized, and in all new development projects located between the first public road and the shoreline shall be provided; and

VIII. WHEREAS, the Commission found that but for the imposition of the above condition, the proposed development could not be found consistent with the public access policies of Section 30210 through 30212 of the California Coastal Act of 1976 and that therefore in the absence of such a condition, a permit could not be have been granted;

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82- 480827

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GSP

80-679383

NOW THEREFORE, in consideration of the granting of permit no. (9) 421-78 to the owner(s) by the Commission, the owner(s) hereby offer(s) to dedicate to the People of California an easement in perpetuity for the purposes of (10) public access and recreation along the shoreline

located on the subject property (11) adjacent to the mean high tide line extending 25 ft. inland from the current high water mark; however, in no case shall the easement extend closer than 5 ft. seaward and parallel to the proposed structure as specifically set forth by attached Exhibit C (12) hereby incorporated by reference.

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

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113 (REV 8-72)
OSP

80— 679383

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

Executed on this 15 day of July, 19 80, in the City of Westlake Village, County of Ventura.

Dated: July 15, 1980

Signed Frank Erpelding
(OWNER)

Lynne Erpelding
(OWNER)

LYNNE ERPELding

STATE OF CALIFORNIA

TO 1944 CA (8-74)

(Individual)

STATE OF CALIFORNIA
COUNTY OF Los Angeles } ss.

80— 679383

TITLE INSURANCE AND TRUST
A TICOR COMPANY

On 7-16-80 before me, the undersigned, a Notary Public in and for said State, personally appeared LYNNE ERPELDING,

, known to me to be the person whose name IS subscribed to the within instrument and acknowledged that SHE executed the same.

WITNESS my hand and official seal.

Signature Leon O. Blow

STAPLE HERE

OFFICIAL SEAL
LEON O. BLOW
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Exp. Sept. 3, 1982

82- 480827

(This area for official notarial seal)

My comm. expires APR 16, 1982

82- 480827

RT PAPER
E OF CALIFORNIA
113 (REV 8-72)

CSP

80- 673383

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

Executed on this 15 day of July, 19 80, in the City of Westlake Village, County of Ventura.

Dated: July 15, 1980

Signed Frank Erpelding
(OWNER)

Lynne Erpelding
(OWNER)

LYNNE ERPELDING

STATE OF CALIFORNIA

COUNTY OF VENTURA

On July 15, 1980, before the undersigned, a Notary Public in and for said State, personally appeared FRANK ERPELDING AND LYNNE ERPELDING, whose name(s) are subscribed to the within instrument, and acknowledge that they executed the same.

Patrice Anne Dakes
Notary Public in and for said County and State

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OFFICIAL SEAL
PATRICE ANNE DAKES
NOTARY PUBLIC - CALIFORNIA
VENTURA COUNTY
My comm. expires APR 16, 1982

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This is to certify that the offer of dedication set forth above dated July 15, 1980, and signed by Frank Espelding and Lynne Espelding, owner(s), is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 421-78 on February 13, 1980 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: May 3, 1982

Steven D. Brown
Legal Counsel
California Coastal Commission

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On May 3, 1982, before the undersigned, a Notary Public in and for said State, personally appeared Steven D. Brown (Name), Legal Counsel (Title) known to me to be the authorized representative of the California Coastal Commission and known to me to be the person who executed the within instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal.

Fay Thomas
Notary Public in and for said County and State

FAY THOMAS
NOTARY PUBLIC-CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires Dec. 14, 1984

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OF CALIFORNIA
13 (REV. 8-72)
OSP

EXHIBIT A

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80- 679383

LEGAL DESCRIPTION

SCHEDULE C

The land referred to in this policy is situated in the County of Los Angeles State of California, and is described as follows:

Lot 18 of Tract 12634, as per map recorded in Book 260 Pages 25 to 27 inclusive of Maps, in the office of the County Recorder of said County.

And that portion of Lot 19 of Tract 12634, as per map recorded in Book 260 Pages 25 to 27 inclusive of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the Northeasterly corner of said Lot 19; thence South 2° 0' 41" East, 35.60 feet along the Easterly line of Lot 19; thence North 3° 58' 08" West 35.61 feet to the Northerly line of Lot 19; thence Easterly along the said Northerly line, one foot to the point of beginning.

EXCEPT any portion of said land lying outside of the Patent lines of Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the Patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

RECORDER'S MEMO:
/ POOR RECORD IS DUE TO
QUALITY OF ORIGINAL DOCUMENT

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EXHIBIT B

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

80- 679383

February 13, 1980

TO: State Commissioners

FROM: Michael L. Fischer, Executive Director

SUBJECT: Request for Amendment to Permit No. 421-79 (Olympian Hotel)

Procedures

In the case of permits issued by the Commission under the Coastal Act of 1976, the Commission Regulations (Section 13166) permit applicants to request approval by the Commission of amendments to the project or permit conditions. The Coastal Commission may approve an amendment if it finds that the revised development is consistent with the Coastal Act. The staff recommends that the Commission hold a public hearing on the request, and after closing the public hearing, vote on the request.

1. Background. In January of 1979, the Commission granted a permit for the construction of a two-story single-family dwelling on the applicant's oceanfront lot in Malibu (See Exhibit 4). The subject permit was granted subject to several conditions, including a condition requiring that the construction plans for the house and deck be revised to conform to a stringline drawn between the nearest corners of the adjacent buildings and decks. The permit has not yet been issued pending fulfillment of the conditions of approval.

Subsequent to the Commission action on this permit, the South Coast Regional Commission approved a permit for the construction of a two-story dwelling and loft on the adjacent lot to the east to replace the existing dwelling on the parcel which was condemned by the County of Los Angeles in August, 1979. The action of the Regional Commission to permit the construction of this much larger dwelling to the east prior to construction of the applicant's dwelling has modified the conditions upon which the stringline for the subject development proposal was originally based.

2. Proposed Amendment. The applicant requests the Commission amend the subject permit to conform with the stringline applied by the South Coast Commission in its approval of the house to the east. In addition, the applicant also requests approval of a loft as part of the subject amendment consistent with the action of the South Coast Commission in approving a loft on the adjacent parcel to the east.

Staff Recommendation

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants an amendment to the permit subject to the conditions below, on the grounds that, as conditioned, the amended development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and the nearest public road and, as conditioned, will be in conformity with the public access and recreation policies of the Coastal Act, 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

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any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions

This amendment is subject to the following conditions:

1. Stringline for House and Deck. Construction of the house and deck shall occur in accord with the revised plans submitted by the applicant (Exhibits 1, 2 & 3), provided, however, that the proposed staircase from the deck to the beach shall be relocated so that it does not extend further seaward than the approved bulkhead line.

2. Remaining Conditions. All conditions of the original permit not expressly altered by this amendment shall remain in effect (Exhibit 4).

III. Findings and Declarations

The Commission finds and declares as follows:

1. Amendment Description. The amendment permits the applicant to extend the subject house and deck seaward approximately eight additional feet as shown in Exhibit 1. In addition, the amendment would permit the applicant to add a 317-sq. ft. loft to the dwelling. The structure with loft would have a total height of approximately 311 ft. above the centerline of Pacific Coast Highway.

2. Scenic and Visual Quality. Section 30251 of the Coastal Act states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas...

The Commission finds that the proposed increase in height of the structure will not further impact public views of the sea from Pacific Coast Highway. The Commission also finds that the dwelling as revised by the applicant is consistent in size and bulk with the adjacent dwelling to the east recently approved by the South Coast Regional Commission in August, 1979, and will therefore be visually compatible with the surrounding area in accordance with the above sited Section of the Coastal Act.

3. Public Access. Section 30211 of the Coastal Act states:

> Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrian vegetation.

The Commission reaffirms its original Conditions and Findings of approval which require the applicant to provide vertical and lateral access easements to and along the beach in order to assure consistency with the above cited Section of the Coastal Act. The Commission notes, however, that the revised plans submitted by the applicant now include a staircase from the deck to the beach extending beyond the bulkhead line which was not part of the plans originally approved by the Commission. The Commission finds that such a staircase extending beyond the bulkhead (which has already been extended further seaward to provide sufficient room for a leachfield system) would adversely affect public access along this section of beach in conflict with Section 30211 of the Coastal Act. The

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Commission finds that conditioning this permit to require the applicant to resite the staircase behind the bulkhead is consistent with its finding on the original permit application. In that action, the Commission required the drainage pipe to be resited behind the proposed bulkhead to avoid interference with public access. The Commission concludes that the amended project, as conditioned, will be consistent with the public access provisions of the Coastal Act.

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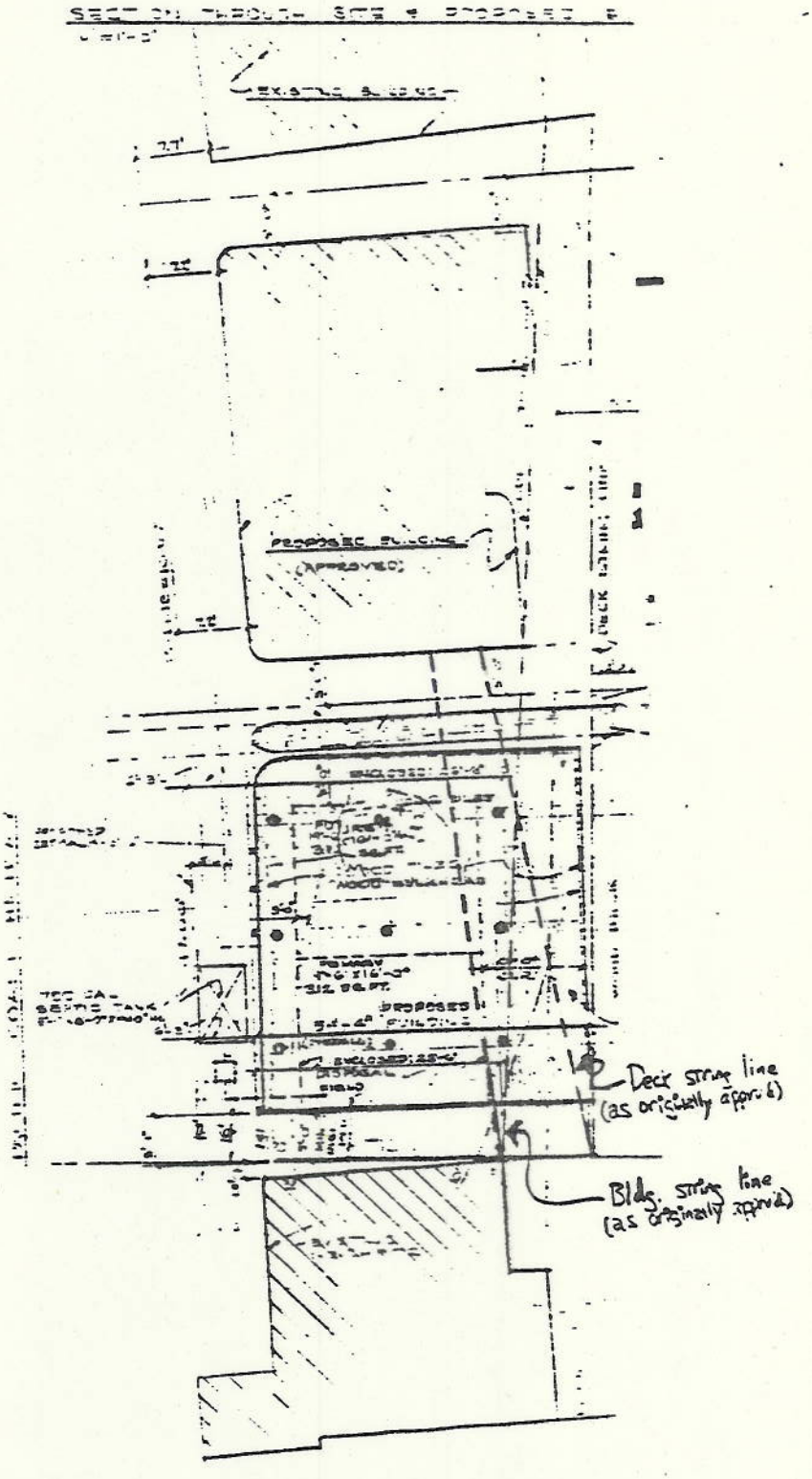

Exhibit 1

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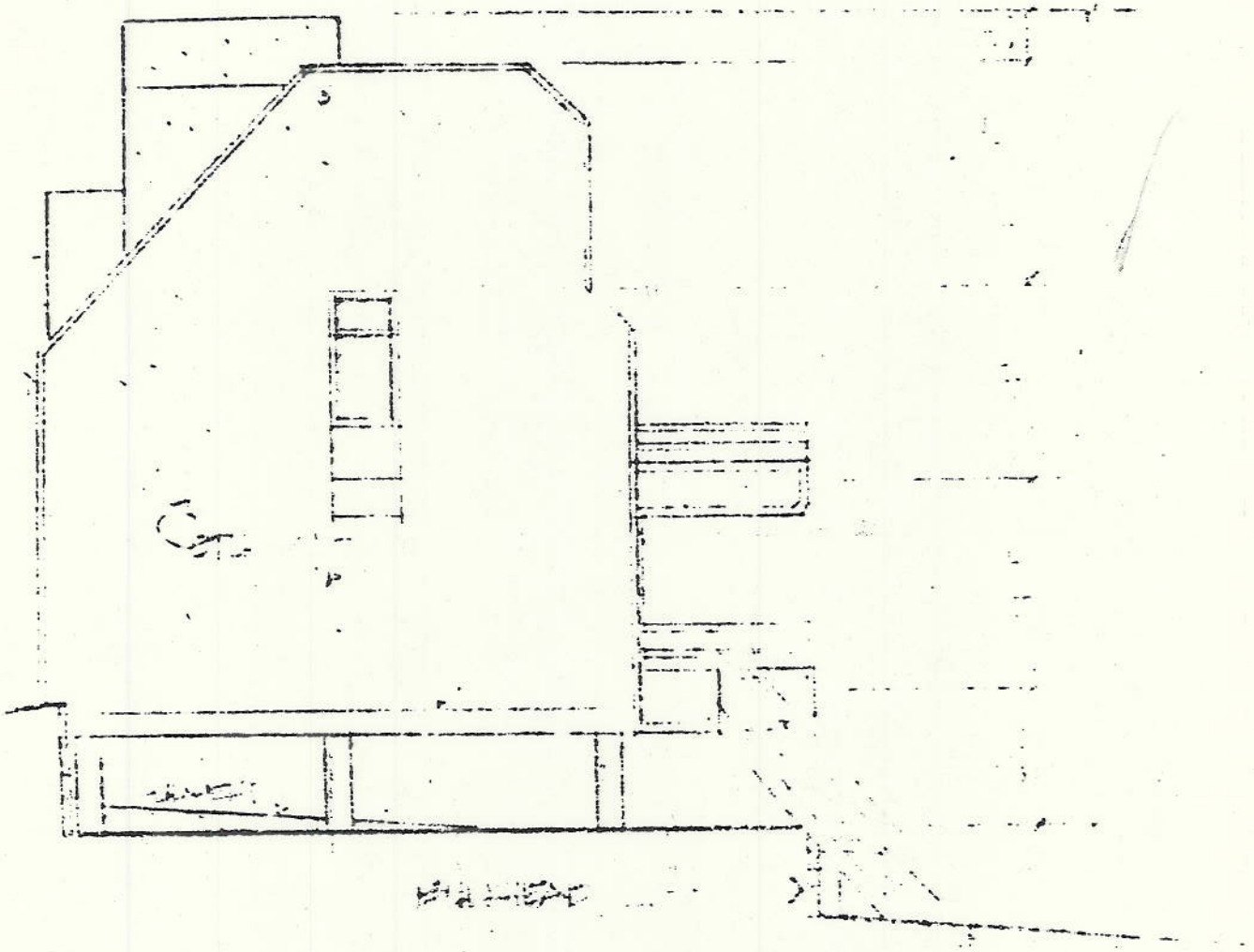

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Exhibit 2

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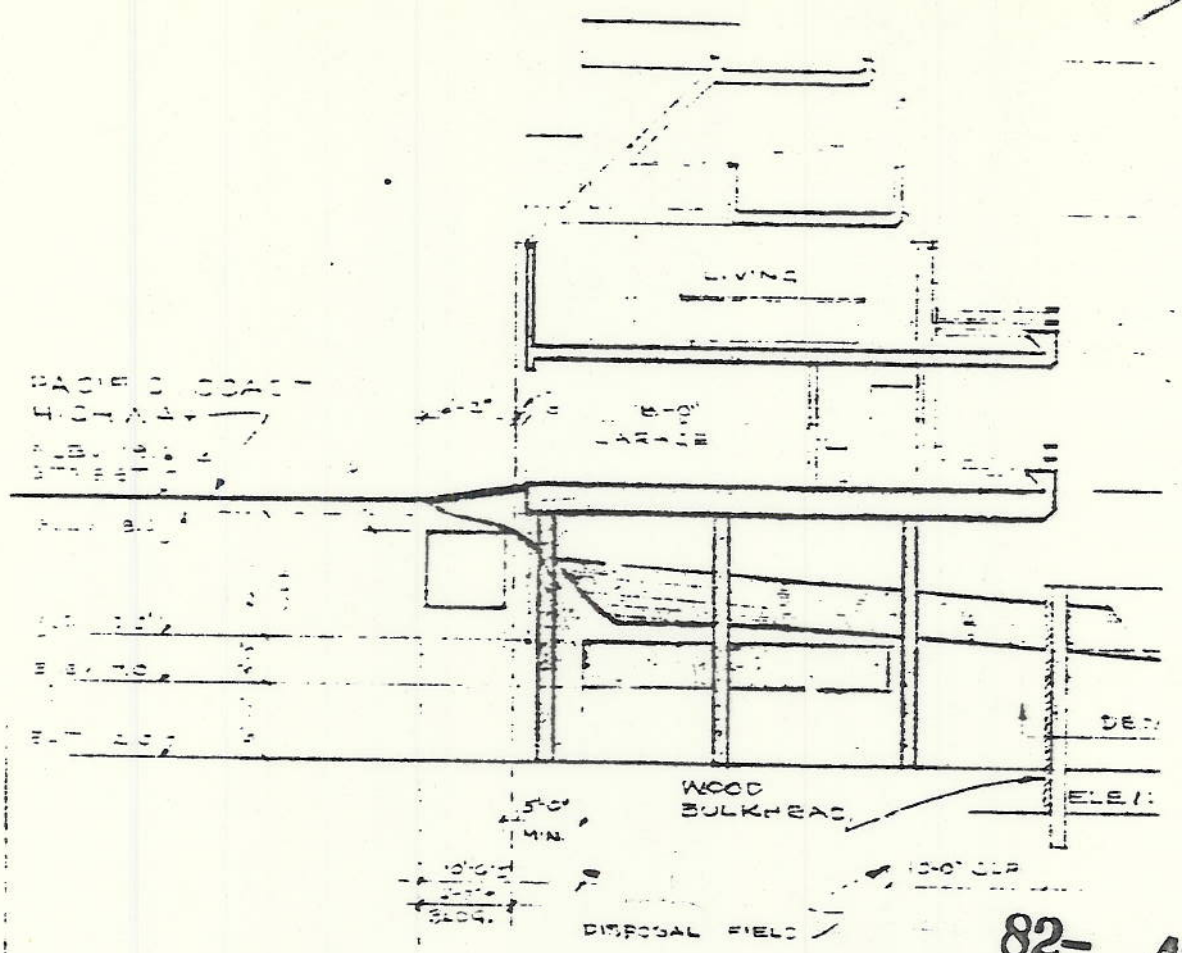

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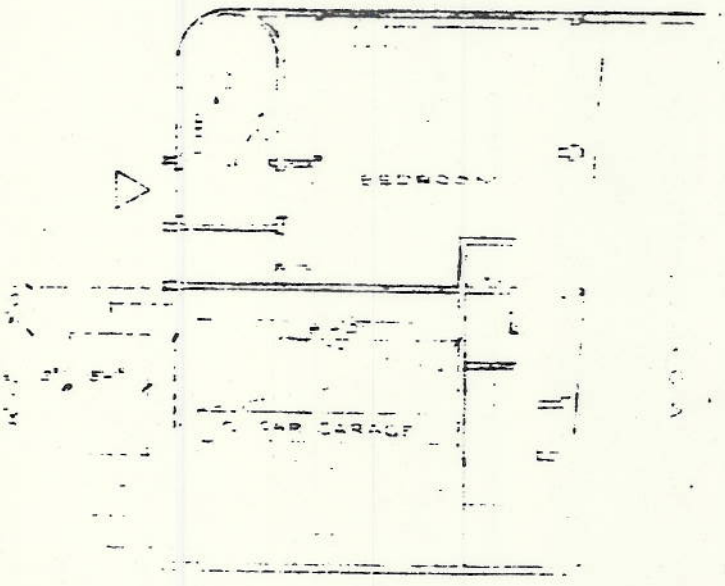

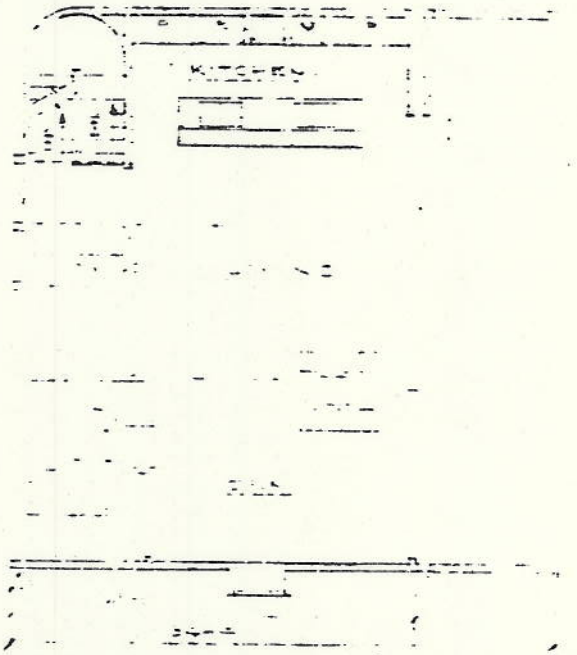

Exhibit 3

FIRST FLOOR

SECOND FLOOR

ALIFORNIA COASTAL COMM...SI...
631 Howard Street, San Francisco 94105 — (415) 543-8555 ~~80- 679383~~

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REVISED STAFF RECOMMENDATION

Appeal No. 421-78
(Olympian Hotel)
Hearing Opened: 12/12/78

DECISION OF REGIONAL COMMISSION: Permit granted with conditions by South Coast Regional Commission

PERMIT APPLICANT: Olympian Hotel Partnership, Seymour and Steven Jacoby

DEVELOPMENT LOCATION: 20802 Pacific Coast Highway, Malibu, Los Angeles County (Exhibit 1)

DEVELOPMENT DESCRIPTION: Construction of a two-story, two-bedroom 2,160-sq. ft. single-family residence with attached two-car garage (Exhibit 2)

APPELLANTS: Olympian Hotel Partnership, Seymour and Steve Jacoby

PUBLIC HEARING: Opened December 12, 1978, in Los Angeles

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. 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.

II. Conditions

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1. Placement of Protective Device on the Beach. The seaward bulkhead for the septic system shall extend no further seaward than a line drawn between the nearest adjacent bulkheads providing for the minimal amount necessary to create a leachfield for a 750-sq. ft. septic tank set back ten ft. from the seaward bulkhead.

2. Stringline for House and Deck. Prior to issuance of a permit the applicant shall submit to the Executive Director for his review and approval revised plans which indicate that no part of the enclosed living space of the structure shall be built seaward of a line drawn between the nearest adjacent corners of the enclosed living space of the nearest adjacent structures, and no part of the

deck shall be built seaward of a line drawn between the nearest adjacent corners of the decks of the adjacent structures.(Exhibit 3). Where an adjacent structure has no deck, the deck stringline shall be lined up parallel with the house stringline but not to extend beyond the bulkhead.

3. Source of Materials on Beach. Suitable materials for filling behind the bulkhead on the beach shall be imported by the applicant and not obtained from the site or any other beach location.

4. Placement of Drainage Pipe. Prior to issuance of a permit, the applicant shall submit to the Executive Director for his review and approval revised plans which indicate that the storm drainage pipe on the eastern end of the property shall extend no further seaward than the bulkhead for the proposed project. The design of the drainage pipe shall be certified by a coastal engineer.

5. Vertical Access to the Beach. Prior to issuance of the permit, the Executive shall certify in writing that the following conditions have been met. The applicant shall execute and record a document, the form and content of which has been approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access to the shoreline. Such easement shall be free of prior liens and encumbrances except tax liens. The easement shall allow for pedestrian access to and from the shoreline. The offer shall be irrevocable for a period of 25 years running from the date of recording and shall run in favor of the People of the State of California binding successors and assigns of the applicant landowner. Applicant shall also provide an area for stairs down from the vertical accessway, if necessary, to the beach seaward of the structure.

6. Lateral Access Along the Shoreline. Prior to issuance of the permit, the Executive Director shall certify in writing that the following conditions have been met. The applicant shall execute and record a document, the form and content of which has been approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director, an easement for public access and recreation along the shoreline. Such easement shall be located adjacent to the mean high tide line extending 25 ft. inland from the current high water mark; however, in no case shall the public be allowed to use the beach which is closer than five ft. from the residence. The offer shall be irrevocable for a period of 25 years running from the date of recording and shall run in favor of the People of the State of California binding successors and assigns of the applicant landowner.

7. Waiver of Public Liability. Prior to issuance of a permit, the applicant shall submit to the Executive Director a document such as a deed restriction to be recorded free of prior encumbrances except for tax liens, in which document the applicant shall agree for himself and any successors in interest to waive any claims against the Commission or any other public agency for damage or injury to the property or the development resulting from drainage from the storm pipe, storm, tsunami, flood, or other wave action, and shall also agree to relinquish any rights to public disaster funds or loans for repair, replacement, or rehabilitation of the property or the development made available because of any drainage problems, storm, tsunami, flood, or other wave action. The document approved by the Executive Director shall be recorded prior to construction and evidence thereof submitted to the Executive Director.

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8. Overall Condition. Final working drawings shall be submitted to the Executive Director prior to the commencement of construction; these drawings shall be accompanied by an Architect's Certificate certifying that the final working drawings are in substantial conformance to the plans approved by the Executive Director pursuant to the above conditions. All development shall be in strict conformance with those drawings. No construction shall commence prior to the submission of evidence to the Executive Director that all conditions have been satisfied.

III. Findings and Declarations

The Commission finds and declares as follows:

1. Project Description. The applicant proposes to construct a two-story single-family dwelling with an attacned two-car garage and a jacuzzi. The proposed dwelling is 2,160 sq. ft. and is situated on a 7,236-sq. ft. oceanfront lot. The septic system is to be constructed behind a bulkhead on the beach underneath the structure (Exhibits 2, 3).

The parcel slopes down abruptly from Pacific Coast Highway to the beach. There is a 36-in. diameter drainage pipe in an easement on the eastern property line. The project as proposed would exceed the structural stringline by 11½ ft. and the deck stringline by 10½ ft., as imposed by the Regional Commission.

2. Shoreline Protection. The proposed project is to be built on the beach. Section 30253 of the Coastal Act states in part that 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 the natural landforms along bluffs and cliffs.

Section 30235 states:

> Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Residents in the area of the project site are served by septic systems which must be built on the beach due to the small size of the lots. A bulkhead acts to protect the septic system and is usually constructed under the structure and back-filled with sand or dirt. The septic system is then installed in the filled area. The proposed location for the bulkhead will provide the minimum amount necessary to create a leachfield which will meet the County's requirement for a 750-sq. ft. septic tank.

The project as conditioned attempts to place the bulkhead as close as possible in line with the bulkheads on the adjacent properties and still meet the County

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standards. This finding is consistent with previous State Commission action in Appeal No. 161-78 (New West Construction) which also involved the construction of a two-story, two-bedroom house on the Malibu beach.

The project site is in an area of Malibu in which the beachfront lots are almost all developed with residences. The proposed bulkhead would protrude further seaward than the bulkheads on the adjacent properties by about ten ft. although would be in line with at least half of the turning bulkhead on the property to the east. According to a coastal engineer for the County of Los Angeles, this protrusion would not present a problem on the coastal processes. Furthermore, the County of Los Angeles Building and Safety Department and the State Lands Commission stated that the proposed placement of the bulkhead would not diminish the dry sandy beach since the most landward mean high tide line is located 40 ft. seaward of the proposed project; the most seaward mean high tide line would leave as much as 100 ft. of sandy beach.

Because it is unlikely that the proposed bulkhead would substantially alter the natural landform or adversely impact the natural shoreline processes of an area already containing numerous bulkheads in similar locations on the beach, the Commission finds that the project as conditioned will be consistent with Sections 30253(2) and 30235 of the Coastal Act. In order to preserve the structural integrity of the site and surrounding area, the Commission has conditioned the importation of suitable materials for filling behind the bulkhead.

The hazards from wave action are well documented and common to most structures built on the beach in Malibu. The project site area is nearly completely developed with beachfront residences so that it does not seem reasonable to restrict the development of the few remaining scattered vacant lots despite the very real hazards from flooding and wave action. The project, as conditioned, requires the applicant to waive any future public protection of subsidies related to wave damage or flood hazards and to record the waiver to put future owners of the property on notice both of the hazards and of their obligation to relieve the public of future liability. The Commission finds that, as conditioned, the project will be consistent with Section 30253(1) of the Coastal Act.

2. Public Access. The project site is located between the nearest public road, Pacific Coast Highway, and the sea (Exhibit 1). Therefore, the following public access provisions of the Coastal Act apply to this project:

> 30211. Development shall not interfere with the public's right of access to the sea. . .including but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.
>
> 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. . .or the protection of fragile coastal resources. . . [or] (2) adequate access exists nearby. . .

The Regional Commission determined that there is a need for vertical access on this lot because of the lack of access to the beach for over one mile to the east and for over one-half mile to the west. The State Commission, therefore, finds that provision of vertical access on the project site is consistent with Sections 30211 and 30212 of the Coastal Act. A recorded six-ft. easement along the western property line giving the public the privilege and right to pass and repass over this

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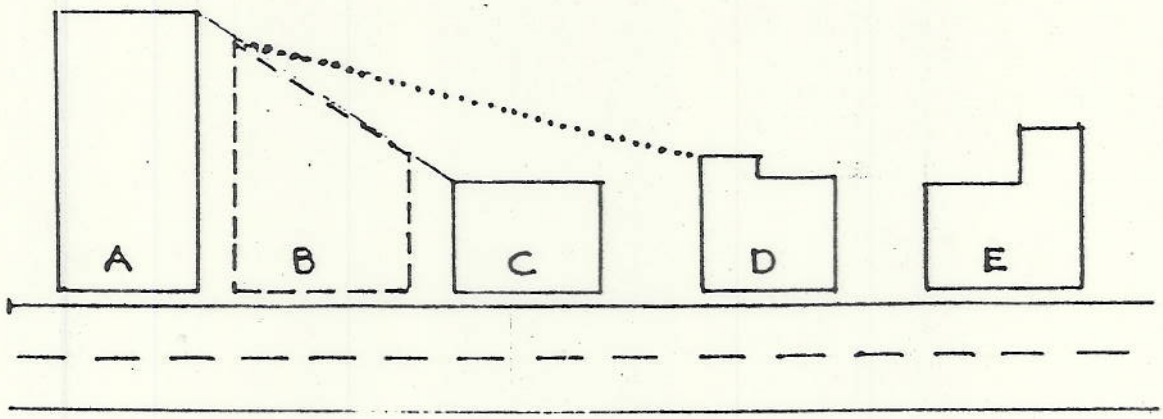
easement and extending from the road to the mean high tide line is an appropriate measure to provide vertical access.

In order to prevent new houses and house modifications from encroaching onto the beach, the Regional Commission imposed standard lateral access conditions on this project and established the stringline method to determine the point beyond which no part of a proposed new structure, including decks, may be built. Pursuant to the Regional Interpretive Guidelines, the stringline is the imaginary line drawn between the nearest adjacent corners of the adjacent structures. The appellants contend, however, that the stringline should be the imaginary line drawn between the most seaward point of the adjacent structures. The State Commission finds the nearest adjacent corners of the adjacent structures to be the appropriate measuring points for a house stringline and the nearest adjacent corners of adjacent decks to be the appropriate measuring points for a deck stringline. To apply the appellant's method for measuring a stringline could allow existing structures to progressively extend onto the beach if one particular structure was built far out on the beach, thereby setting a new buildable line for other properties along the beach to successively follow. The Regional Commission staff report illustrates this effect as follows:



In this case, Structure B would be limited by a stringline from Structure A to C. After Structure B was built and if the most seaward point was used as the point of the stringline, then Structure C could be built out to a stringline between Structures B and D (dotted line) and so on down the beach. If C built out, then the owner of Structure B would have his view along the coast blocked, at least partially, on both sides, and the owners further down the beach would suffer further view blockage. Although private views are not considered in the Act, there is an equity problem here. As it presently exists, the stringline provides that no individual can completely overwhelm his neighbors and that everyone maintains at least a partial view while the public has only a minimum encroachment onto the beach it has traditionally used. Also, the stringline, as it is defined in the Los Angeles County Guidelines, has been in use since 1974, and all new construction has been built to this condition. If it is modified as requested by this applicant, then we can expect a large number of applications for modification of the stringline condition.

There is a discrepancy between the architect's plans and photographs taken of the site regarding the existence of a porch or deck on the adjacent property to the east of the proposed project. The architect's plans, based on a land survey,

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dated August, 1977, indicates there is a porch on the western end of this adjacent property which protrudes seaward approximately six ft. from the structure. Yet, photographs dated December, 1977 (Exhibit 4), submitted by the owner of the property to the west of the subject project indicate no porch exists on the eastern adjacent property. If these photographs correctly depict the site, the Commission finds the deck stringline for the proposed project shall be lined up parallel with the House stringline but shall at no point extend seaward of the bulkhead.

The standard lateral access conditions on the proposed project provides a 25-ft.-wide strip of beach measured from the waterline on which the public may walk, sit, swim, or participate in any normal beach activities. This lateral access provision is limited in that the public shall not be allowed to use the beach, which is closer than five ft. to the proposed structure. Similar conditions have been imposed by the Regional Commission and State Commissions on almost all applications for homes on beachfront lots in Malibu.

An additional lateral access condition requires ending the proposed extension of the county's storm drainage pipe in line with the proposed bulkhead. To allow further seaward extension of such a sharp-ended object would risk the safety of beach users.

The Commission finds that the project as conditioned will be consistent with the public access policies of Chapter 3 of the Coastal Act.

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. 1 P.M. MAY 10 1982
PAST.

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- STATE

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679384

Return Original To and
Recording Requested By:

CALIFORNIA COASTAL COMMISSION
631 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA
27 MIN. PAST 1 P.M. JUL 16 1980
Recorder's Office

FREE

FREE M

IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, (1) Frank and Lynne Erpelding the record owner(s), hereinafter referred to as "owner(s)", of the real property located at (2) 20802 Pacific Coast Highway, Malibu, Los Angeles County, California 90265 California, legally described as particularly set forth in attached (3) Exhibit A hereby incorporated by reference and hereinafter referred to as the "subject property"; and

II. WHEREAS, the California Coastal Commission, hereinafter referred to as "the Commission," is acting on behalf of the People of the State of California; and

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

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the owner(s) applied to the Commission for a coastal development permit for (4) construction of a 2-story single family beach house with loft and attached 2 car garage. on the subject property; and

V. WHEREAS, a coastal development permit no. (5) 421-78 was granted on (6) February 13, , 19 80 by the Commission in accordance with the provisions of the Staff Recommendation and Findings (7) (Exhibit B) (Exhibit BB)

This document is to replace Irrevocable Offer to Dedicate # 80-679384, recorded July 16, 1980, in order to show acknowledgement by the California Coastal Commission, which was omitted from page 5 of that document.

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST 1 P.M. MAY 10 1982

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. 113 (REV. 8-72)
OSP

attached hereto and hereby incorporated by reference, subject to the following condition: (8)

5. Vertical Access to the Beach. Prior to issuance of the permit, the Executive shall certify in writing that the following conditions have been met. The applicant shall execute and record a document, the form and content of which has been approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access to the shoreline. Such easement shall be free of prior liens and encumbrances except tax liens. The easement shall allow for pedestrian access to and from the shoreline. The offer shall be irrevocable for a period of 25 years running from the date of recording and shall run in favor of the People of the State of California binding successors and assigns of the applicant landowner. Applicant shall also provide an area for stairs down from the vertical accessway, if necessary, to the beach seaward of the structure.

VI. WHEREAS, the Commission found that the accessway shall be located along the eastern property line giving the public the right to pass and repass from the road to the mean high tide line and shall extend from the home as approved to the property line but in no event be less than five feet wide; and

VII. WHEREAS, the subject property is a parcel located between the first public road and the shoreline; and

VIII. WHEREAS, under the policies of Sections 30210 through 30212 of the California Coastal Act of 1976, public access to the shoreline and along the coast is to be maximized, and in all new development projects located between the first public road and the shoreline shall be provided; and

IX. WHEREAS, the Commission found that but for the imposition of the above condition, the proposed development could not be found consistent with the public access policies of Section 30210 through 30212 of the California Coastal Act of 1976 and that therefore in the absence of such a condition, a permit could not be have been granted;

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NOW THEREFORE, in consideration of the granting of permit no. (9) 421-78 to the owner(s) by the Commission, the owner(s) hereby offer(s) to dedicate to the People of California an easement in perpetuity for the purposes of (10) public access from Pacific Coast Highway to the mean high tide line, including the privilege and right to pass and repass over a five (5) ft. wide strip of land located on the subject property (11) along the eastern edge of the parcel extending from the edge of the public right-of-way of Pacific Coast Highway to the mean high tide line of the Pacific Ocean and as specifically set forth by attached Exhibit C (12) hereby incorporated by reference.

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

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

Executed on this 15 day of July, 19 80, in the City of Westlake Village, County of Ventura.

Dated: July 15, 1980

Signed Frank R. Erpelding
(OWNER)

Lynne Erpelding
(OWNER)
LYNNE ERPELDING

STATE OF CALIFORNIA

COUNTY OF VENTURA

TO 1944 CA (8-74)
(Individual)

~~80-679384~~ TITLE INSURANCE AND TRUST
A TICOR COMPANY

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to the

nty and State

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS.

On 7-16-80 before me, the undersigned, a Notary Public in and for said State, personally appeared LYNNE ERPELDING,

known to me to be the person whose name 15 subscribed to the within instrument and acknowledged that SHE executed the same.

WITNESS my hand and official seal.

Signature Leon O Blow

STAPLE HERE

OFFICIAL SEAL
LEON O. BLOW
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Exp. Sept. 3, 1982

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(This area for official notarial seal)

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

Executed on this 15 day of July, 19 80, in the City of Westlake Village, County of Ventura.

Dated: July 15, 1980

Signed Frank R. Erpelding
(OWNER)

Lynne Erpelding
(OWNER)
LYNNE ERPELDING

STATE OF CALIFORNIA

COUNTY OF VENTURA

On July 15, 1980, before the undersigned, a Notary Public in and for said State, personally appeared FRANK ERPELDING AND LYNNE ERPELDING, whose name(s) are subscribed to the within instrument, and acknowledge that they executed the same.

Patrice Anne Dakes
Notary Public in and for said County and State

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OFFICIAL SEAL
PATRICE ANNE DAKES
NOTARY PUBLIC - CALIFORNIA
VENTURA COUNTY
My comm. expires APR 16, 1982

OFFICIAL SEAL
PATRICE ANNE DAKES
NOTARY PUBLIC - CALIFORNIA
VENTURA COUNTY
My comm. expires APR 16, 1982

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This is to certify that the offer of dedication set forth above dated July 15, 1980, and signed by Frank Erpelding and Lynne Erpelding, owner(s), is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 421-78 on February 13, 1980 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: May 3, 1982

Steven D. Brown
Legal Counsel
California Coastal Commission

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On May 3, 1982, before the undersigned, a Notary Public in and for said State, personally appeared Steven D. Brown (Name), Legal Counsel (Title) known to me to be the authorized representative of the California Coastal Commission and known to me to be the person who executed the within instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal.

Fay Thomas
Notary Public in and for said County and State

FAY THOMAS
NOTARY PUBLIC-CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires Dec. 14, 1984

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EXHIBIT A

1

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LEGAL DESCRIPTION

SCHEDULE C

The land referred to in this policy is situated in the County of Los Angeles State of California, and is described as follows:

Lot 18 of Tract 12634, as per map recorded in Book 260 Pages 25 to 27 inclusive of Maps, in the office of the County Recorder of said County.

And that portion of Lot 19 of Tract 12634, as per map recorded in Book 260 Pages 25 to 27 inclusive of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the Northeasterly corner of said Lot 19; thence South 2° 0' 41" East, 35.60 feet along the Easterly line of Lot 19; thence North 3° 58' 08" West 35.61 feet to the Northerly line of Lot 19; thence Easterly along the said Northerly line, one foot to the point of beginning.

EXCEPT any portion of said land lying outside of the Patent lines of Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the Patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

RECORDER'S MEMO:
POOR RECORD IS DUE TO
QUALITY OF ORIGINAL DOCUMENT

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EXHIBIT B

8

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

February 13, 1980

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TO: State Commissioners

FROM: Michael L. Fischer, Executive Director

SUBJECT: Request for Amendment to Permit No. 421-79 (Olympian Hotel)

Procedures

In the case of permits issued by the Commission under the Coastal Act of 1976, the Commission Regulations (Section 13166) permit applicants to request approval by the Commission of amendments to the project or permit conditions. The Coastal Commission may approve an amendment if it finds that the revised development is consistent with the Coastal Act. The staff recommends that the Commission hold a public hearing on the request, and after closing the public hearing, vote on the request.

1. Background. In January of 1979, the Commission granted a permit for the construction of a two-story single-family dwelling on the applicant's oceanfront lot in Malibu (See Exhibit 4). The subject permit was granted subject to several conditions, including a condition requiring that the construction plans for the house and deck be revised to conform to a stringline drawn between the nearest corners of the adjacent buildings and decks. The permit has not yet been issued pending fulfillment of the conditions of approval.

Subsequent to the Commission action on this permit, the South Coast Regional Commission approved a permit for the construction of a two-story dwelling and loft on the adjacent lot to the east to replace the existing dwelling on the parcel which was condemned by the County of Los Angeles in August, 1979. The action of the Regional Commission to permit the construction of this much larger dwelling to the east prior to construction of the applicant's dwelling has modified the conditions upon which the stringline for the subject development proposal was originally based.

2. Proposed Amendment. The applicant requests the Commission amend the subject permit to conform with the stringline applied by the South Coast Commission in its approval of the house to the east. In addition, the applicant also requests approval of a loft as part of the subject amendment consistent with the action of the South Coast Commission in approving a loft on the adjacent parcel to the east.

Staff Recommendation

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants an amendment to the permit subject to the conditions below, on the grounds that, as conditioned, the amended development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and the nearest public road and, as conditioned, will be in conformity with the public access and recreation policies of the Coastal Act, 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

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any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions

This amendment is subject to the following conditions:

1. Stringline for House and Deck. Construction of the house and deck shall occur in accord with the revised plans submitted by the applicant (Exhibits 1, 2 & 3), provided, however, that the proposed staircase from the deck to the beach shall be relocated so that it does not extend further seaward than the approved bulkhead line.

2. Remaining Conditions. All conditions of the original permit not expressly altered by this amendment shall remain in effect (Exhibit 4).

III. Findings and Declarations

The Commission finds and declares as follows:

1. Amendment Description. The amendment permits the applicant to extend the subject house and deck seaward approximately eight additional feet as shown in Exhibit 1. In addition, the amendment would permit the applicant to add a 317-sq. ft. loft to the dwelling. The structure with loft would have a total height of approximately 311 ft. above the centerline of Pacific Coast Highway.

2. Scenic and Visual Quality. Section 30251 of the Coastal Act states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas...

The Commission finds that the proposed increase in height of the structure will not further impact public views of the sea from Pacific Coast Highway. The Commission also finds that the dwelling as revised by the applicant is consistent in size and bulk with the adjacent dwelling to the east recently approved by the South Coast Regional Commission in August, 1979, and will therefore be visually compatible with the surrounding area in accordance with the above sited Section of the Coastal Act.

3. Public Access. Section 30211 of the Coastal Act states:

> Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrian vegetation.

The Commission reaffirms its original Conditions and Findings of approval which require the applicant to provide vertical and lateral access easements to and along the beach in order to assure consistency with the above cited Section of the Coastal Act. The Commission notes, however, that the revised plans submitted by the applicant now include a staircase from the deck to the beach extending beyond the bulkhead line which was not part of the plans originally approved by the Commission. The Commission finds that such a staircase extending beyond the bulkhead (which has already been extended further seaward to provide sufficient room for a leachfield system) would adversely affect public access along this section of beach in conflict with Section 30211 of the Coastal Act. The

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Commission finds that conditioning this permit to require the applicant to resite the staircase behind the bulkhead is consistent with its finding on the original permit application. In that action, the Commission required the drainage pipe to be resited behind the proposed bulkhead to avoid interference with public access. The Commission concludes that the amended project, as conditioned, will be consistent with the public access provisions of the Coastal Act.

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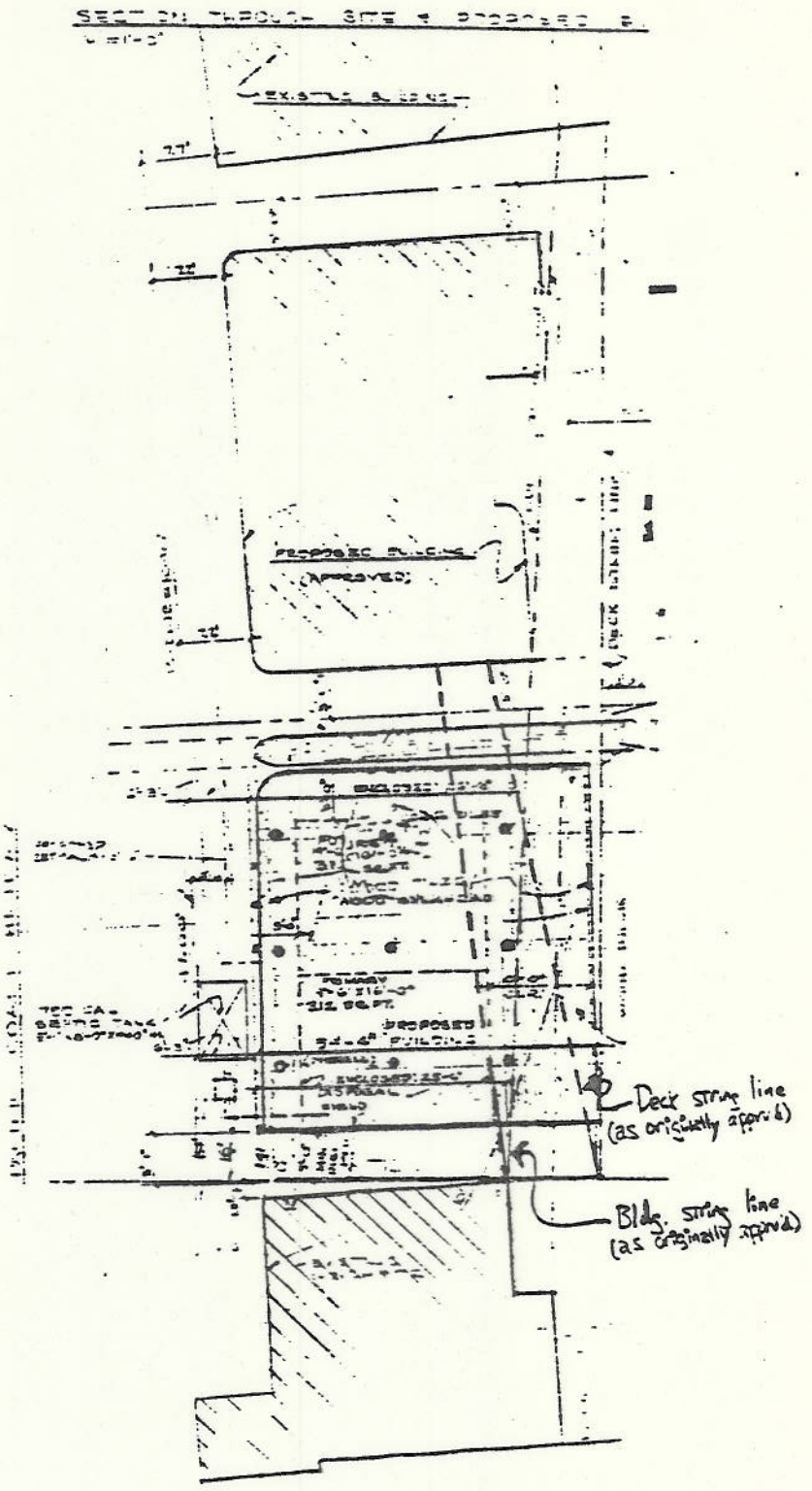
Deck string line
(as originally approved)
Bldg. string line
(as originally approved)

Exhibit 1

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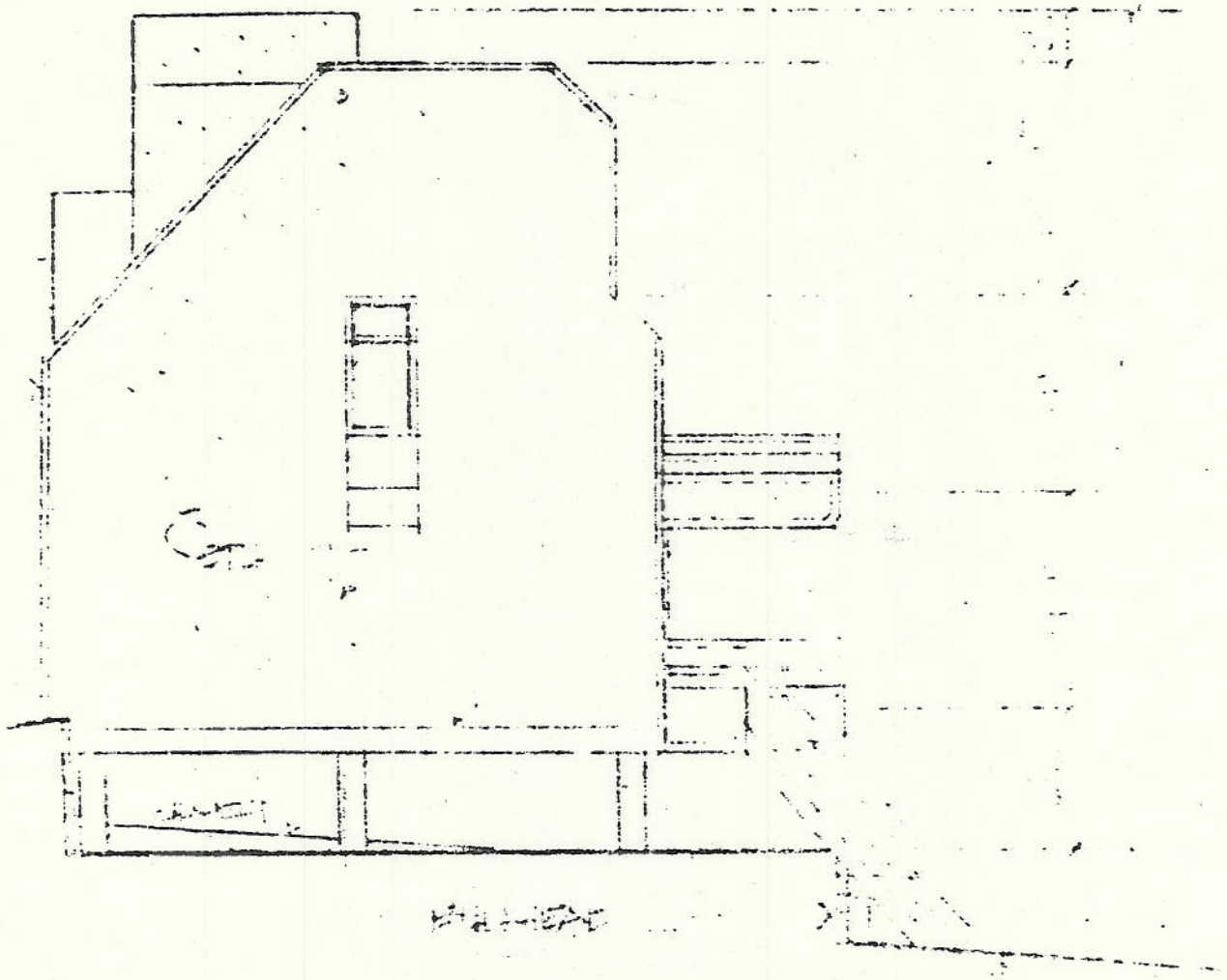

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Exhibit 2

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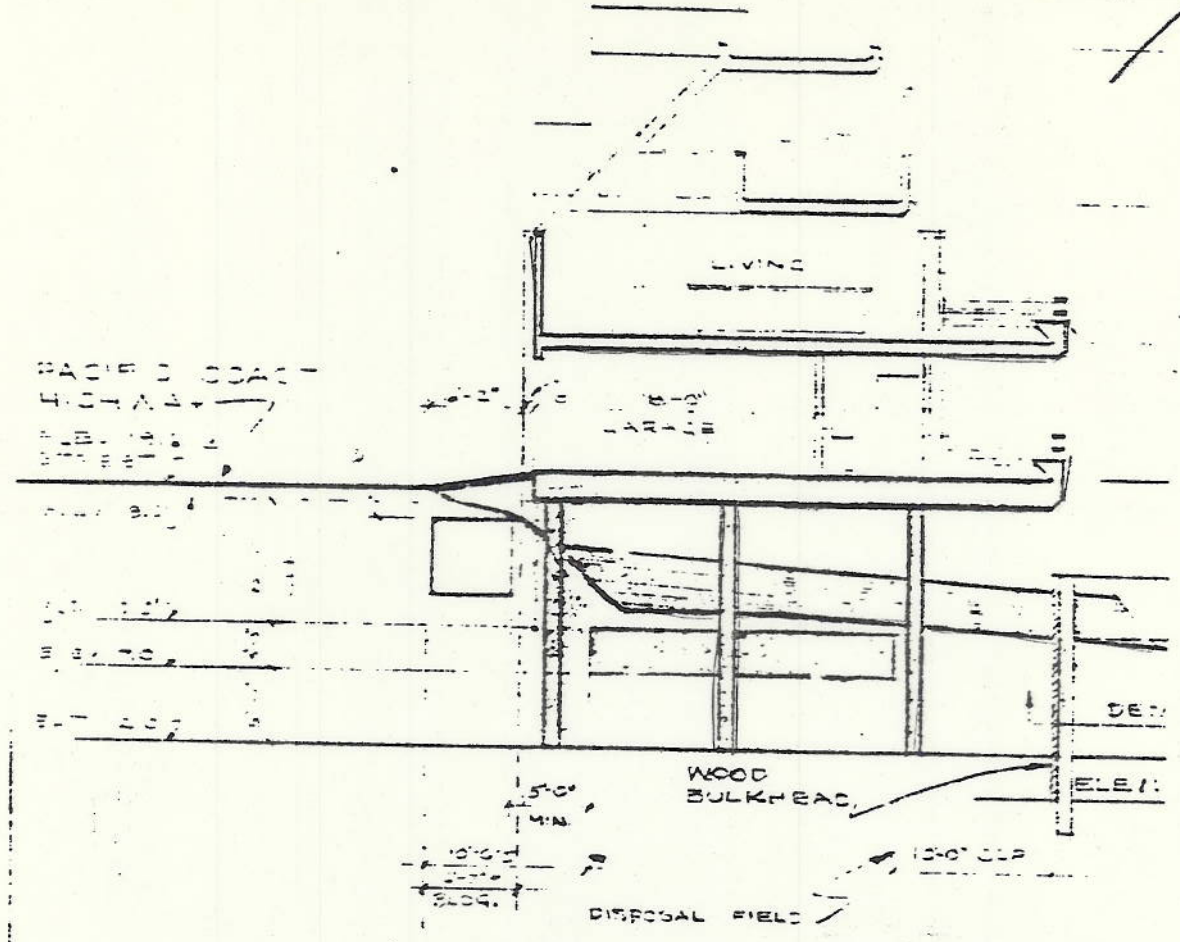
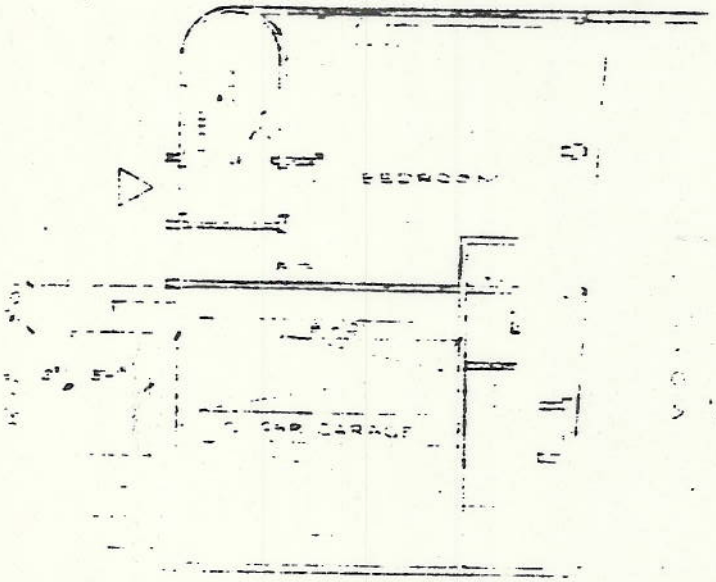
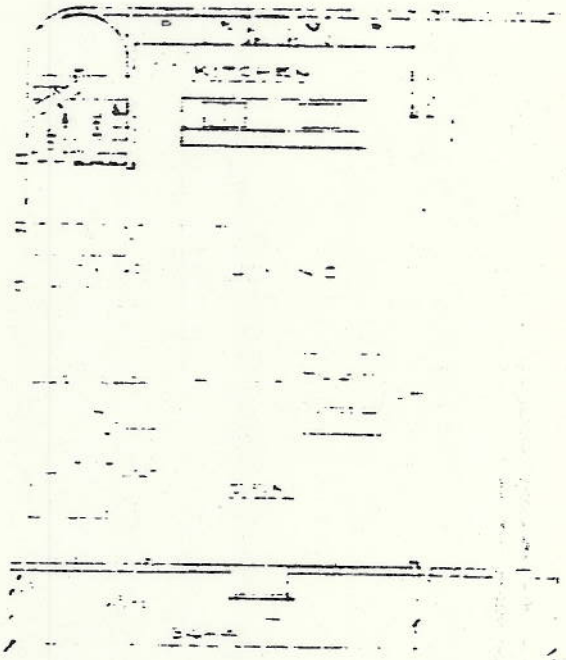




FIRST FLOOR

1/4"=1'-0"



SECOND FLOOR

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Exhibit 3

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

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REVISED STAFF RECOMMENDATION

Appeal No. 421-78
(Olympian Hotel)
Hearing Opened: 12/12/78

DECISION OF REGIONAL COMMISSION: Permit granted with conditions by South Coast Regional Commission

PERMIT APPLICANT: Olympian Hotel Partnership, Seymour and Steven Jacoby

DEVELOPMENT LOCATION: 20802 Pacific Coast Highway, Malibu, Los Angeles County (Exhibit 1)

DEVELOPMENT DESCRIPTION: Construction of a two-story, two-bedroom 2,160-sq. ft. single-family residence with attached two-car garage (Exhibit 2)

APPELLANTS: Olympian Hotel Partnership, Seymour and Steve Jacoby

PUBLIC HEARING: Opened December 12, 1978, in Los Angeles

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. 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.

II. Conditions

1. Placement of Protective Device on the Beach. The seaward bulkhead for the septic system shall extend no further seaward than a line drawn between the nearest adjacent bulkheads providing for the minimal amount necessary to create a leachfield for a 750-sq. ft. septic tank set back ten ft. from the seaward bulkhead.

2. Stringline for House and Deck. Prior to issuance of a permit the applicant shall submit to the Executive Director for his review and approval revised plans which indicate that no part of the enclosed living space of the structure shall be built seaward of a line drawn between the nearest adjacent corners of the enclosed living space of the nearest adjacent structures, and no part of the

deck shall be built seaward of a line drawn between the nearest adjacent corners of the decks of the adjacent structures.(Exhibit 3). Where an adjacent structure has no deck, the deck stringline shall be lined up parallel with the house stringline but not to extend beyond the bulkhead.

3. Source of Materials on Beach. Suitable materials for filling behind the bulkhead on the beach shall be imported by the applicant and not obtained from the site or any other beach location.

4. Placement of Drainage Pipe. Prior to issuance of a permit, the applicant shall submit to the Executive Director for his review and approval revised plans which indicate that the storm drainage pipe on the eastern end of the property shall extend no further seaward than the bulkhead for the proposed project. The design of the drainage pipe shall be certified by a coastal engineer.

5. Vertical Access to the Beach. Prior to issuance of the permit, the Executive shall certify in writing that the following conditions have been met. The applicant shall execute and record a document, the form and content of which has been approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access to the shoreline. Such easement shall be free of prior liens and encumbrances except tax liens. The easement shall allow for pedestrian access to and from the shoreline. The offer shall be irrevocable for a period of 25 years running from the date of recording and shall run in favor of the People of the State of California binding successors and assigns of the applicant landowner. Applicant shall also provide an area for stairs down from the vertical accessway, if necessary, to the beach seaward of the structure.

6. Lateral Access Along the Shoreline. Prior to issuance of the permit, the Executive Director shall certify in writing that the following conditions have been met. The applicant shall execute and record a document, the form and content of which has been approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director, an easement for public access and recreation along the shoreline. Such easement shall be located adjacent to the mean high tide line extending 25 ft. inland from the current high water mark; however, in no case shall the public be allowed to use the beach which is closer than five ft. from the residence. The offer shall be irrevocable for a period of 25 years running from the date of recording and shall run in favor of the People of the State of California binding successors and assigns of the applicant landowner.

7. Waiver of Public Liability. Prior to issuance of a permit, the applicant shall submit to the Executive Director a document such as a deed restriction to be recorded free of prior encumbrances except for tax liens, in which document the applicant shall agree for himself and any successors in interest to waive any claims against the Commission or any other public agency for damage or injury to the property or the development resulting from drainage from the storm pipe, storm, tsunami, flood, or other wave action, and shall also agree to relinquish any rights to public disaster funds or loans for repair, replacement, or rehabilitation of the property or the development made available because of any drainage problems, storm, tsunami, flood, or other wave action. The document approved by the Executive Director shall be recorded prior to construction and evidence thereof submitted to the Executive Director.

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8. Overall Condition. Final working drawings shall be submitted to the Executive Director prior to the commencement of construction; these drawings shall be accompanied by an Architect's Certificate certifying that the final working drawings are in substantial conformance to the plans approved by the Executive Director pursuant to the above conditions. All development shall be in strict conformance with those drawings. No construction shall commence prior to the submission of evidence to the Executive Director that all conditions have been satisfied.

III. Findings and Declarations

The Commission finds and declares as follows:

1. Project Description. The applicant proposes to construct a two-story single-family dwelling with an attacned two-car garage and a jacuzzi. The proposed dwelling is 2,160 sq. ft. and is situated on a 7,236-sq. ft. oceanfront lot. The septic system is to be constructed behind a bulkhead on the beach underneath the structure (Exhibits 2, 3).

The parcel slopes down abruptly from Pacific Coast Highway to the beach. There is a 36-in. diameter drainage pipe in an easement on the eastern property line. The project as proposed would exceed the structural stringline by 11½ ft. and the deck stringline by 10½ ft., as imposed by the Regional Commission.

2. Shoreline Protection. The proposed project is to be built on the beach. Section 30253 of the Coastal Act states in part that 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 the natural landforms along bluffs and cliffs.

Section 30235 states:

> Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Residents in the area of the project site are served by septic systems which must be built on the beach due to the small size of the lots. A bulkhead acts to protect the septic system and is usually constructed under the structure and back-filled with sand or dirt. The septic system is then installed in the filled area. The proposed location for the bulkhead will provide the minimum amount necessary to create a leachfield which will meet the County's requirement for a 750-sq. ft. septic tank.

The project as conditioned attempts to place the bulkhead as close as possible in line with the bulkheads on the adjacent properties and still meet the County

A-679384

standards. This finding is consistent with previous State Commission action in Appeal No. 161-78 (New West Construction) which also involved the construction of a two-story, two-bedroom house on the Malibu beach.

The project site is in an area of Malibu in which the beachfront lots are almost all developed with residences. The proposed bulkhead would protrude further seaward than the bulkheads on the adjacent properties by about ten ft. although would be in line with at least half of the turning bulkhead on the property to the east. According to a coastal engineer for the County of Los Angeles, this protrusion would not present a problem on the coastal processes. Furthermore, the County of Los Angeles Building and Safety Department and the State Lands Commission stated that the proposed placement of the bulkhead would not diminish the dry sandy beach since the most landward mean high tide line is located 40 ft. seaward of the proposed project; the most seaward mean high tide line would leave as much as 100 ft. of sandy beach.

Because it is unlikely that the proposed bulkhead would substantially alter the natural landform or adversely impact the natural shoreline processes of an area already containing numerous bulkheads in similar locations on the beach, the Commission finds that the project as conditioned will be consistent with Sections 30253(2) and 30235 of the Coastal Act. In order to preserve the structural integrity of the site and surrounding area, the Commission has conditioned the importation of suitable materials for filling behind the bulkhead.

The hazards from wave action are well documented and common to most structures built on the beach in Malibu. The project site area is nearly completely developed with beachfront residences so that it does not seem reasonable to restrict the development of the few remaining scattered vacant lots despite the very real hazards from flooding and wave action. The project, as conditioned, requires the applicant to waive any future public protection of subsidies related to wave damage or flood hazards and to record the waiver to put future owners of the property on notice both of the hazards and of their obligation to relieve the public of future liability. The Commission finds that, as conditioned, the project will be consistent with Section 30253(1) of the Coastal Act.

2. Public Access. The project site is located between the nearest public road, Pacific Coast Highway, and the sea (Exhibit 1). Therefore, the following public access provisions of the Coastal Act apply to this project:

> 30211. Development shall not interfere with the public's right of access to the sea. . .including but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.
>
> 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. . .or the protection of fragile coastal resources. . . [or] (2) adequate access exists nearby. . .

The Regional Commission determined that there is a need for vertical access on this lot because of the lack of access to the beach for over one mile to the east and for over one-half mile to the west. The State Commission, therefore, finds that provision of vertical access on the project site is consistent with Sections 30211 and 30212 of the Coastal Act. A recorded six-ft. easement along the western property line giving the public the privilege and right to pass and repass over this

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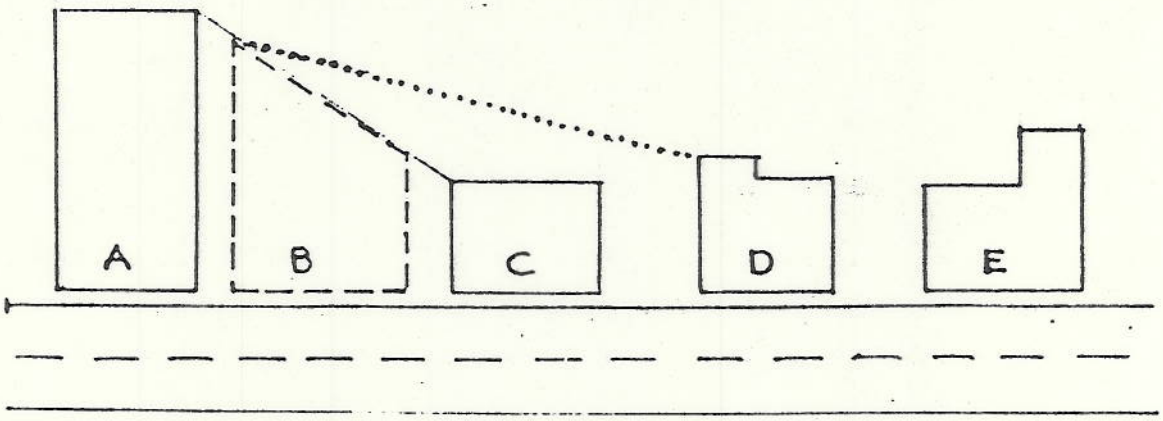
easement and extending from the road to the mean high tide line is an appropriate measure to provide vertical access.

In order to prevent new houses and house modifications from encroaching onto the beach, the Regional Commission imposed standard lateral access conditions on this project and established the stringline method to determine the point beyond which no part of a proposed new structure, including decks, may be built. Pursuant to the Regional Interpretive Guidelines, the stringline is the imaginary line drawn between the nearest adjacent corners of the adjacent structures. The appellants contend, however, that the stringline should be the imaginary line drawn between the most seaward point of the adjacent structures. The State Commission finds the nearest adjacent corners of the adjacent structures to be the appropriate measuring points for a house stringline and the nearest adjacent corners of adjacent decks to be the appropriate measuring points for a deck stringline. To apply the appellant's method for measuring a stringline could allow existing structures to progressively extend onto the beach if one particular structure was built far out on the beach, thereby setting a new buildable line for other properties along the beach to successively follow. The Regional Commission staff report illustrates this effect as follows:



In this case, Structure B would be limited by a stringline from Structure A to C. After Structure B was built and if the most seaward point was used as the point of the stringline, then Structure C could be built out to a stringline between Structures B and D.(dotted line) and so on down the beach. If C built out, then the owner of Structure B would have his view along the coast blocked, at least partially, on both sides, and the owners further down the beach would suffer further view blockage. Although private views are not considered in the Act, there is an equity problem here. As it presently exists, the stringline provides that no individual can completely overwhelm his neighbors and that everyone maintains at least a partial view while the public has only a minimum encroachment onto the beach it has traditionally used. Also, the stringline, as it is defined in the Los Angeles County Guidelines, has been in use since 1974, and all new construction has been built to this condition. If it is modified as requested by this applicant, then we can expect a large number of applications for modification of the stringline condition.

There is a discrepancy between the architect's plans and photographs taken of the site regarding the existence of a porch or deck on the adjacent property to the east of the proposed project. The architect's plans, based on a land survey,

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dated August, 1977, indicates there is a porch on the western end of this adjacent property which protrudes seaward approximately six ft. from the structure. Yet, photographs dated December, 1977 (Exhibit 4), submitted by the owner of the property to the west of the subject project indicate no porch exists on the eastern adjacent property. If these photographs correctly depict the site, the Commission finds the deck stringline for the proposed project shall be lined up parallel with the House stringline but shall at no point extend seaward of the bulkhead.

The standard lateral access conditions on the proposed project provides a 25-ft.-wide strip of beach measured from the waterline on which the public may walk, sit, swim, or participate in any normal beach activities. This lateral access provision is limited in that the public shall not be allowed to use the beach, which is closer than five ft. to the proposed structure. Similar conditions have been imposed by the Regional Commission and State Commissions on almost all applications for homes on beachfront lots in Malibu.

An additional lateral access condition requires ending the proposed extension of the county's storm drainage pipe in line with the proposed bulkhead. To allow further seaward extension of such a sharp-ended object would risk the safety of beach users.

The Commission finds that the project as conditioned will be consistent with the public access policies of Chapter 3 of the Coastal Act.

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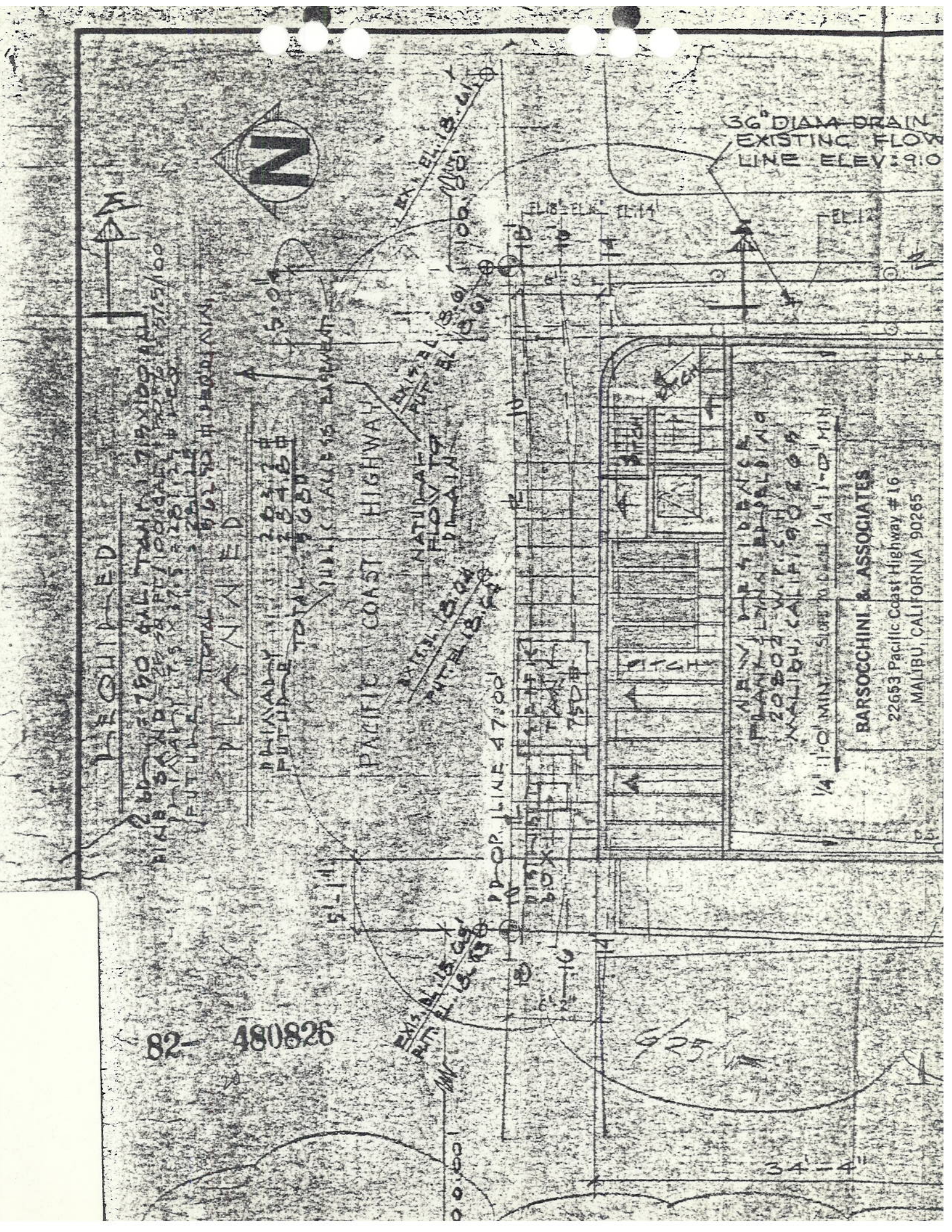
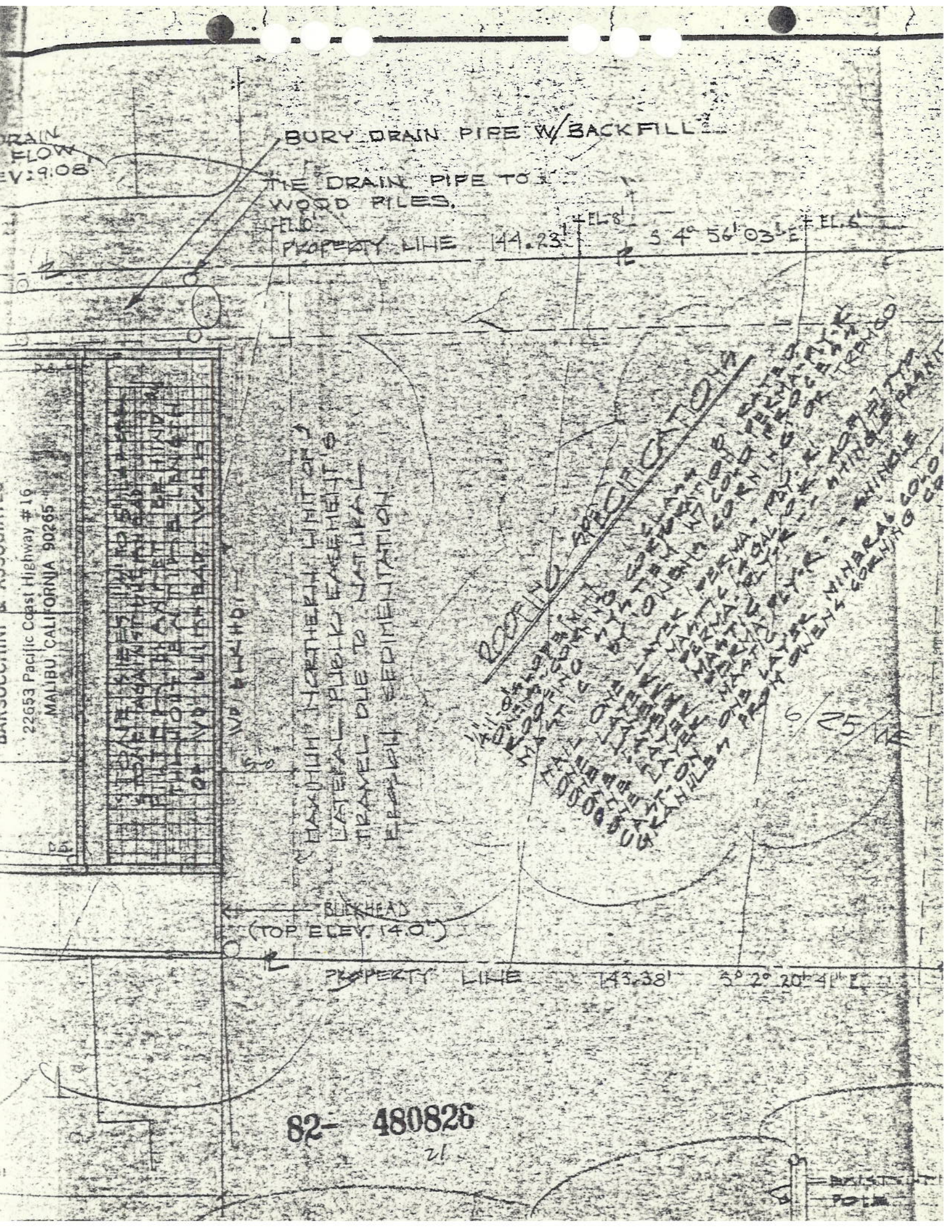
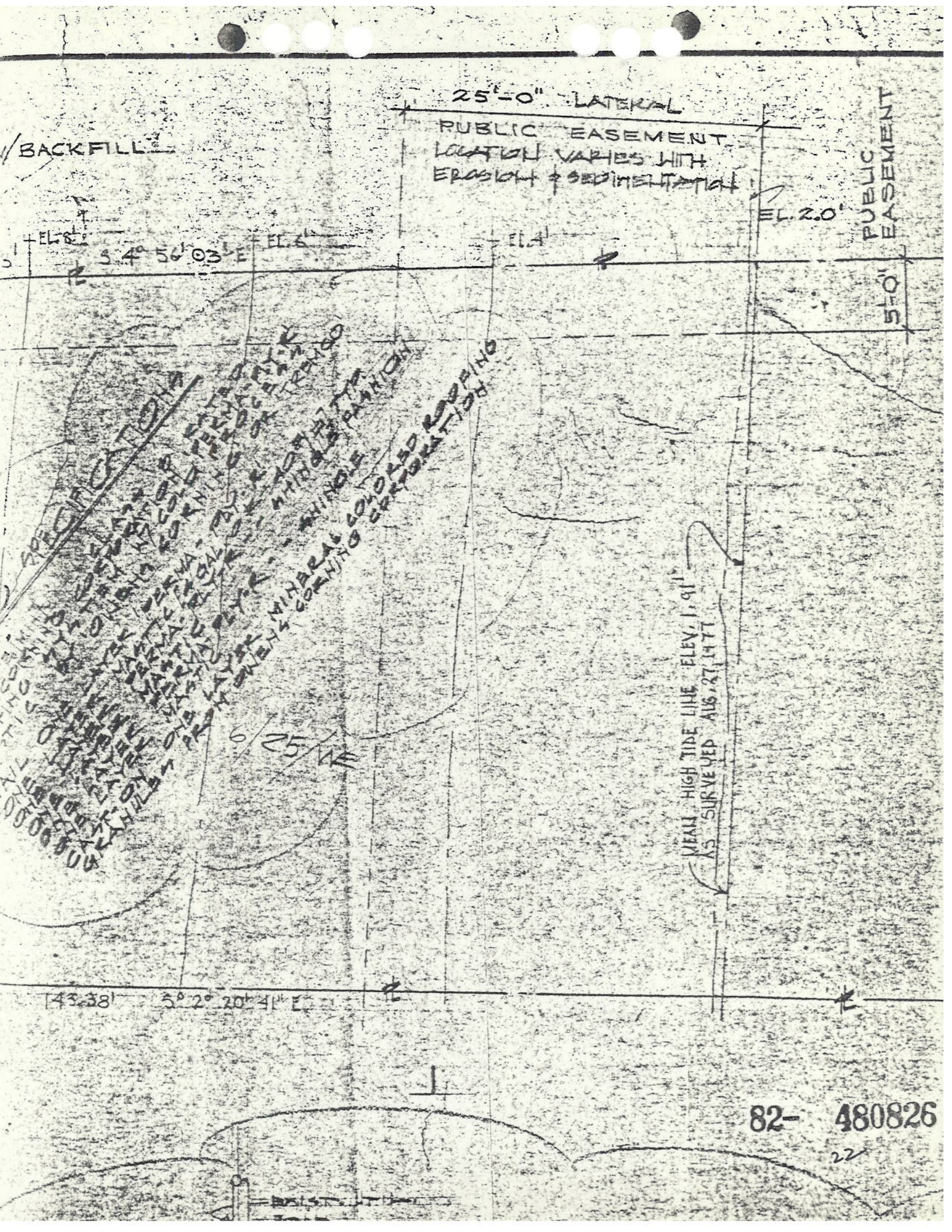


36" DIAM DRAIN
EXISTING FLOW
LINE ELEV: 9.0
PACIFIC COAST HIGHWAY
NATURAL FLOW TO DRAIN
PLANNED
PLANNED
TOTAL
PUBLIC ACCESS EASEMENT
EXIS. EL. 18.61
PUT. EL. 18.61
EXIS. EL. 18.04
PUT. EL. 18.04
EXIS. EL. 18.63
PUT. EL. 18.63
EL. 18
EL. 14
EL. 12
6'-3"
6'-2"
5'-1"
34'-4"
6/25
BARSOCCHINI & ASSOCIATES
22653 Pacific Coast Highway #16
MALIBU, CALIFORNIA 90265
1/4" 1'-0" MIN.
1/4" 1'-0" MIN.

82- 480826


BURY DRAIN PIPE W/BACKFILL
TIE DRAIN PIPE TO WOOD PILES.
PROPERTY LINE 144.23'
S 4° 56' 03" E
EL. 8'
EL. 6'
BULKHEAD
(TOP ELEV. 14.0')
PROPERTY LINE 143.38'
5° 2° 20' 41" E
ROOFING SPECIFICATIONS
6/25/82
BARSOCCHINI & ASSOCIATES
22653 Pacific Coast Highway #16
MALIBU, CALIFORNIA 90265
82- 480826
21


25'-0" LATERAL
PUBLIC EASEMENT
LOCATION VARIES WITH
EROSION & SEDIMENTATION
EL. 2.0'
PUBLIC EASEMENT
50'-0"
BACKFILL
EL. 8'
EL. 6'
EL. 4'
S 4° 56' 03" E
MEAN HIGH TIDE LINE ELEV. 1.91'
AS SURVEYED AUG. 27, 1977
43.38'
S 5° 2' 20" E
82- 480826
22

STATE OF CALIFORNIA — RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

STATE COASTAL CONSERVANCY
1212 BROADWAY
ROOM 514
OAKLAND, CALIFORNIA 94612

(415) 464-1070
ATSS 561-1070

NOTICE OF EXEMPTION

TO: Norm Hill, Asst. for CEQA
Resources Agency
1416 Ninth Street, Room 1311
Sacramento, CA 95814

May 18, 1982

PROJECT TITLE

Erpelding Access Easements

PROJECT LOCATION - SPECIFIC

20802 Pacific Coast Highway.

PROJECT LOCATION - CITY

In the unincorporated area of Malibu, Los Angeles County.

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT

Provision of vertical and lateral access to beach area in Malibu by the acceptance of two offers to dedicate easements.

NAME OF PUBLIC AGENCY APPROVING PROJECT

State Coastal Conservancy

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT

State Coastal Conservancy

EXEMPT STATUS: CATEGORICAL EXEMPTION

Administrative Code Section 15116: Class 16.

REASON WHY PROJECT IS EXEMPT

The project provides for public access to and along public land for recreational purposes.

CONTACT PERSON

Susan Furrer, Dedications Manager.

Joseph E. Petrillo
Executive Director
State Coastal Conservancy

RECEIVED
Office of the Secretary
MAY 25 1982
Resources Agency of California

California under Government Code Section 6103 and necessary to complete the chain of title of the state to property acquired by the State of California.

By _____
Joseph E. Petrillo Executive Officer

Please record, and return to:

State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

82-1303558

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST. 12 P.M. DEC 29 1982

FREE R

3

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant, dated July 15, 1980 and recorded July 16, 1980 as No. 80-679383, of the Official Records in the Office of the Recorder of Los Angeles from FRANK AND LYNNE ERPELDING to the STATE OF CALIFORNIA, is hereby accepted by the undersigned officer on behalf of the State of California, pursuant to authority conferred by authorization of the State Coastal Conservancy, Resources Agency, State of California, adopted on June 11, 1982, and the grantee consents to the recordation thereof by its duly authorized officer.

STATE OF CALIFORNIA
Resources Agency
State Coastal Conservancy

Subscribing Witness

By _____
Joseph E. Petrillo
Executive Officer

Date Nov. 17, 1982

Date November 17, 1982

APPROVED
Department of General Services

By _____
Senior Land Agent

CERTIFICATE OF ACKNOWLEDGEMENT

2

STATE OF CALIFORNIA
County of Alameda) ss.

On November 17, in the year 1982, before me, the undersigned, a Notary Public in and for the State of California, personally appeared Susan W. Furrer, personally known to me (or proven to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument as a witness thereto, who, being by me duly sworn, deposed and said: that she was present and saw Joseph E. Petrillo, personally known to her to be the Executive Officer of the California State Coastal Conservancy, execute the within instrument on behalf of of said agency, and that affiant subscribed her name thereto as a witness to said execution.

WITNESS my hand and official seal.

(seal)

Susan Mary Bonino
Signature

OFFICIAL SEAL
SUSAN MARY BONINO
NOTARY PUBLIC-CALIFORNIA
COUNTY OF ALAMEDA
My Commission Expires Nov. 15, 1985

Susan Mary Bonino
Name (typed or printed)

Notary Public in and for
the State of California

82- 1303558

3

ACKNOWLEDGMENT BY CALIFORNIA COASTAL COMMISSION

This is to certify that California Coastal Conservancy _____ is a public agency/private association acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Irrevocable Offer of Dedication executed on 15 July, 1980, by Frank and Lynne Erpelding and recorded on 16 July, 1980 as Instrument Number 80-679383.

DATED: May 3, 1982

CALIFORNIA COASTAL COMMISSION

MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

Steven D. Brown

CALIFORNIA COASTAL COMMISSION

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On May 3, 1982, before the undersigned, a Notary Public in and for said State, personally appeared Steven D. Brown, Legal Counsel, known to me to be the authorized representative of the California Coastal Commission and known to me to be the person who executed the within instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal.

Fay Thomas

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

FAY THOMAS
NOTARY PUBLIC-CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires Dec. 14, 1984

82- 1303558

This is to certify that this document is presented for record by the State of California under Government Code Section 6103 and is necessary to complete the chain of title of the State to property acquired by the State of California.

By .....
Joseph E. Petrillo Executive Officer

Please record, and return to:

State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

82-1303557

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST 12 P.M. DEC 29 1982

FREE R
3

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vert.

STATE OF CALIFORNIA
Resources Agency
State Coastal Conservancy

Subscribing Witness

By
Joseph E. Petrillo
Executive Officer

Date Nov 17 1982

Date November 17, 1982

APPROVED
Department of General Services

By
Senior Land Agent

CERTIFICATE OF ACKNOWLEDGEMENT

2/

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WITNESS my hand and official seal.

(seal)

Susan Mary Bonino
Signature

OFFICIAL SEAL
SUSAN MARY BONINO
NOTARY PUBLIC-CALIFORNIA
COUNTY OF ALAMEDA
My Commission Expires Nov. 15, 1985

Susan Mary Bonino
Name (typed or printed)

Notary Public in and for
the State of California

82- 1303557

3

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DATED: May 3, 1982

CALIFORNIA COASTAL COMMISSION

MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

Steven D. Brown

CALIFORNIA COASTAL COMMISSION

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

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Witness my hand and official seal.

Fay Thomas

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

FAY THOMAS
NOTARY PUBLIC-CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires Dec. 14, 1984

82- 1303557

STATE BUSINESS: FREE

This is to certify that this document is p[illegible]d for record by the State of California under Government Code Section [illegible]nd is necessary to complete the chain of title of the State to property acquired by the State of California.

By [signature]
Joseph E. Petrillo Executive Officer

Please record, and return to:

State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

82-1603557

1

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST 12 P.M. DEC 29 1982

FREE R
3

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STATE OF CALIFORNIA
Resources Agency
State Coastal Conservancy

[signature]
Subscribing Witness

Date 11/17/1982

By [signature]
Joseph E. Petrillo
Executive Officer

Date November 17, 1982

APPROVED
Department of General Services

By [signature]
Senior Land Agent

CERTIFICATE OF ACKNOWLEDGEMENT

2

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County of Alameda) ss.

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WITNESS my hand and official seal.

(seal)

Susan Mary Bonino
Signature

OFFICIAL SEAL
SUSAN MARY BONINO
NOTARY PUBLIC-CALIFORNIA
COUNTY OF ALAMEDA
My Commission Expires Nov. 15, 1985

Susan Mary Bonino
Name (typed or printed)

Notary Public in and for
the State of California

82- 1303557

3

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DATED: May 3, 1982

CALIFORNIA COASTAL COMMISSION

MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

Steven D. Brown

CALIFORNIA COASTAL COMMISSION

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

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Witness my hand and official seal.

Fay Thomas

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

FAY THOMAS
NOTARY PUBLIC-CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires Dec. 14, 1984

82- 1303557

STATE COASTAL CONSERVANCY

Staff Recommendation

June 11, 1982

CONSENT ITEMS
File Nos. 82-01-03, 82-01-04, 82-01-06, 82-01-07, 82-01-05, 82-01-08
D-82-10, D-82-11, D-82-12, D-82-14, D-82-15, and A-30-MON-020-80

STAFF RECOMMENDATION: Staff recommends that the Conservancy adopt the following resolution, pursuant to Sections 33203.5, 31104.1, and 31400-31405 of the Public Resources Code:

"The State Coastal Conservancy hereby:

1. Authorizes the Santa Monica Mountains Conservancy:
   a. to acquire the Upper Cold Creek Habitat site for limited residential development and preservation of the remainder as trail, parks, and wildlife habitat;
   b. to acquire Temescal Canyon for future recreational use;
   c. to acquire excess public agency property, when feasible, for future recreational and/or commercial ventures;
   d. to enter into a lease/option agreement with the California Department of Parks and Recreation to secure the Malibu Little League Field for interim use by the Malibu Little League;
   e. to acquire the Old Topanga Fire Lookout for a scenic overlook and installation of a day use facility; and
   f. to proceed with a developer agreement that provides for the purchase or donation of a scenic easement and trail easement over the Greer Ranch.
2. Agrees to accept:
   a. the following two offers of dedication: (1) an easement for lateral access (Document No. 80-679383 of the Official Records of Los Angeles County) and (2) an easement for vertical access (Document No. 80-679-384 of the Official Records of Los Angeles County); both of which were executed by Frank and Lynne Erpelding on July 15, 1980 and recorded on July 16, 1980;
   b. the following two offers of dedication: (1) an easement for vertical access (Document No. 81-279808 of the Official Records of Los Angeles County) and (2) an easement for

lateral access (Document No. 81-279809 of the Official Records of Los Angeles County); both of which were executed by the Estate of Eloise M. Burnett, Albatross Hotel, Inc. and Felina's, Inc. on October 11, 1979 and recorded on March 19, 1981;

c. the following three offers of dedication executed by Kenneth R. Chiate, Jeanette Chiate, Marilyn S. Wolk and Roger S. Wolk: (1) an easement for vertical access, executed on December 21, 1981 and recorded in the Official Records of Los Angeles County on December 23, 1981; (2) an easement for lateral access, executed on November 18, 1980 and recorded in the Official Records of Los Angeles County on November 18, 1980; and (3) an easement for public parking, executed on December 18, 1981 and recorded in the Official Records of Los Angeles County on January 6, 1982;

d. the following offer of dedication: an open space easement, executed by Robert McMillan on February 28, 1978 and recorded in the Official Records of Mendocino County on April 18, 1978, and the following conveyance: a conveyance of an access easement by the Mendocino Community Land Trust upon its acceptance of the original offer of dedication executed by Robert McMillan on February 28, 1978 and recorded in the Official Records of Mendocino County on April 18, 1978;

e. the following two offers of dedication: (1) an easement executed by John J. and Ida L. Bower for vertical and lateral access, executed on October 12, 1977 and recorded in the Official Records of Mendocino County on November 18, 1977, and (2) an easement for lateral access, executed on April 3, 1981 and recorded in the Official Records of Mendocino County on April 14, 1981.

3. Authorizes the disbursal of an amount not to exceed $15,600 to the County of Monterey to augment Conservancy Contract No. 80-010 for erosion control landscaping at the Scenic Road-Carmel Point Accessway Project and approves a one-year extension of the said Contract to June 30, 1983."

STATE COASTAL CONSERVANCY

Project Synopsis 2.c

June 11, 1982

ERPELDING ACCESS EASEMENTS
File No.: D-82-10

REQUESTED ACTION: Acceptance of offers to dedicate a 25-foot wide lateral access easement and a 5-foot wide vertical access easement in Malibu.

SHORT DESCRIPTION: Provision of public access in the Las Flores area of Mailibu, an area which presently lacks beach access.

LOCATION: 20802 Pacific Coast Highway, in the unincorporated area of Malibu, Los Angeles County, South Coast Region (see Exhibit 1).

PRELIMINARY COST ESTIMATE: Administrative support costs.

STAFF DISCUSSION:

Project Description- This project entails the acceptance by the Conservancy of two offers to dedicate vertical and lateral access easements in the Las Flores area of Malibu, in Los Angeles County. There is no other public beach access for more than one mile east and for over one-half mile west of the project site. The easements are located west of Highway One, at 20802 Pacific Coast Highway (see Exhibit 1). The vertical access easement is five feet in width and extends the length of the eastern edge of the project site. The parcel slopes steeply from Pacific Coast Highway to the beach. The permit applicants are required by the easement's terms to provide an area for stairs down from the vertical access-way to the beach seaward of the residence, should a stairway be found necessary for beach access. The lateral access easement is 25 feet in width, measuring inland from the current high water mark but in no case may the public use that portion of the beach which comes within five feet of the residence. There is no other public beach access for more than one mile east and for over one-half mile west of the project site.

Site History- The offers to dedicate were recorded by Frank and Lynne Erpelding in July 1980, pursuant to Coastal Commission Permit No. A-421-78. The permit applicants sought to construct a two-story single-family residence with a loft and garage. Because the project site is between the first public road on the Pacific Coast Highway and the sea, the South Coast Regional Commission and the State Commission concurred on appeal that, without provisions for vertical and lateral beach access in the permit development could not conform to the policies and objectives of Chapter 3 of the Coastal Act.

CONSISTENCY WITH CONSERVANCY GUIDELINES:

Significance- The South Coast Regional and the California Coastal Commission found that without a provision for public access to and from the beach the development project would not be consistent with the Coastal Act. Acceptance of the offers to dedicate complements the Santa Monica Mountains/State Coastal Conservancy Joint Trails Grants Program by increasing access in the Malibu/ Santa Monica Mountains Region.

Need- Public acquisition of a fee interest is unnecessary since the easments provide public access to and along the beach. Los Angeles County is unwilling to accept offers to dedicate access easements at this time. The Santa Monica Mountains Conservancy lacks jurisdiction west of Highway One, and therefore may not accept the offers of dedication. The Conservancy appears to be the most appropriate agency to accept them.

Management and Maintenance- The Conservancy will not open the easements to the public until an appropriate public agency or nonprofit organization has agreed to maintain and manage them. When the accessways are opened, the Conservancy will be statutorily immune from liability to recreational users of the unpaved easements under the provisions of Government Code Sections 831.2 and 831.4.

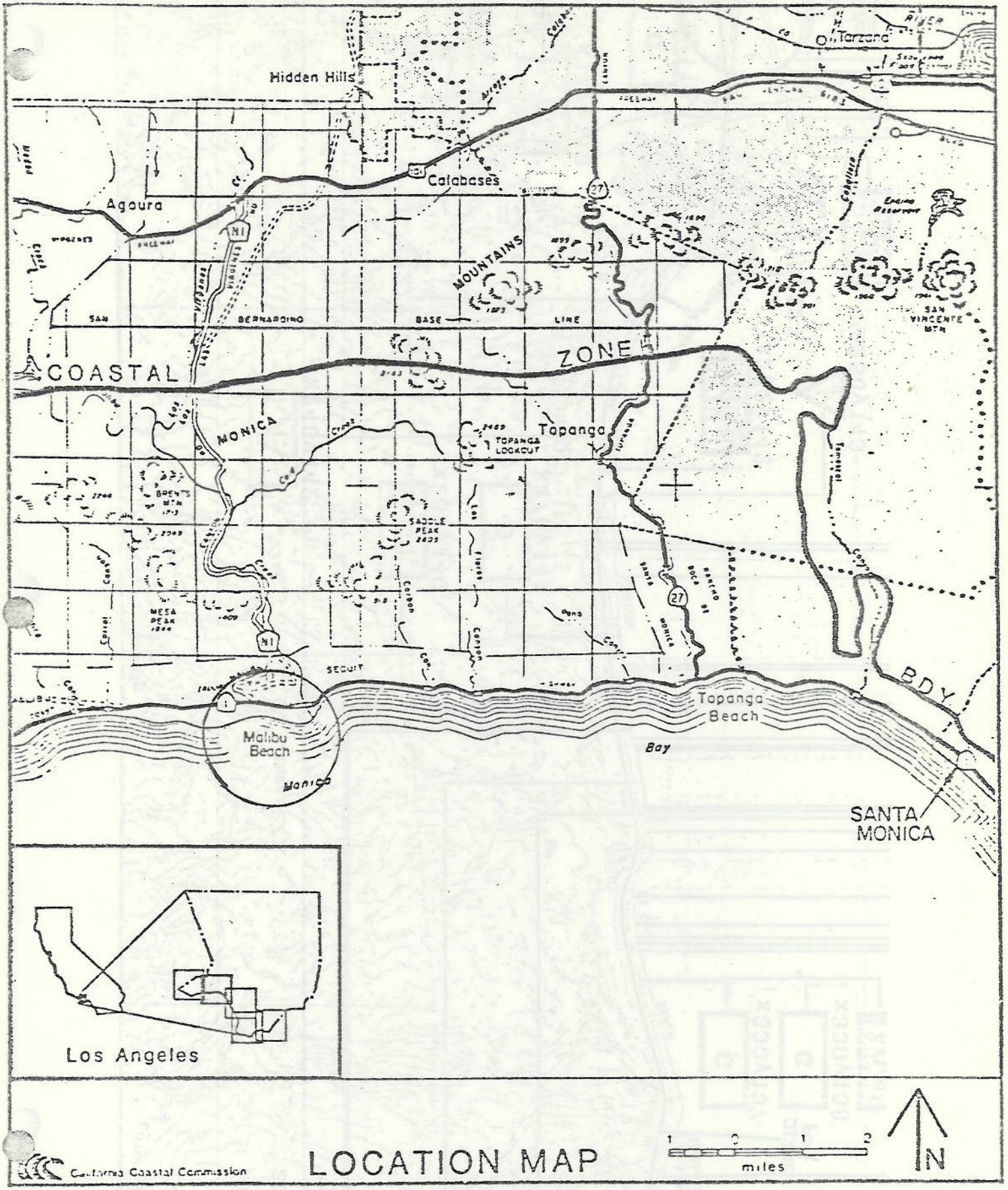
Scope- Public access to presently inaccessable areas of Malibu is of critical regional and Statewide importance. There is a high demand for beach recreation by inland County residents and by tourists from all over the State. In 1980, the beach attendance for Malibu beaches was 572,416.

Cooperation with Local Government- Los Angeles County supports the acceptance of the easements by the Conservancy. The Conservancy will seek the aid of the County in implementing the management and maintenance of the easements.

Completeness of Proposal- The easement instruments lack several of the elements recommended in the Conservancy's Guidelines for Acceptance of Less-than-fee Dedications. However, the instruments have adequate legal descriptions of the easement sites and clear descriptions of the allowed uses on the sites. The easements run with and burden the land. The obligations and exceptions of the easements bind and inure to the benefit of the permit applicants, the accepting agency, their successors and assigns. Other recommended elements are either inapplicable to access easements or non-critical for a successful project.

APPLICABLE COASTAL ACT POLICIES:

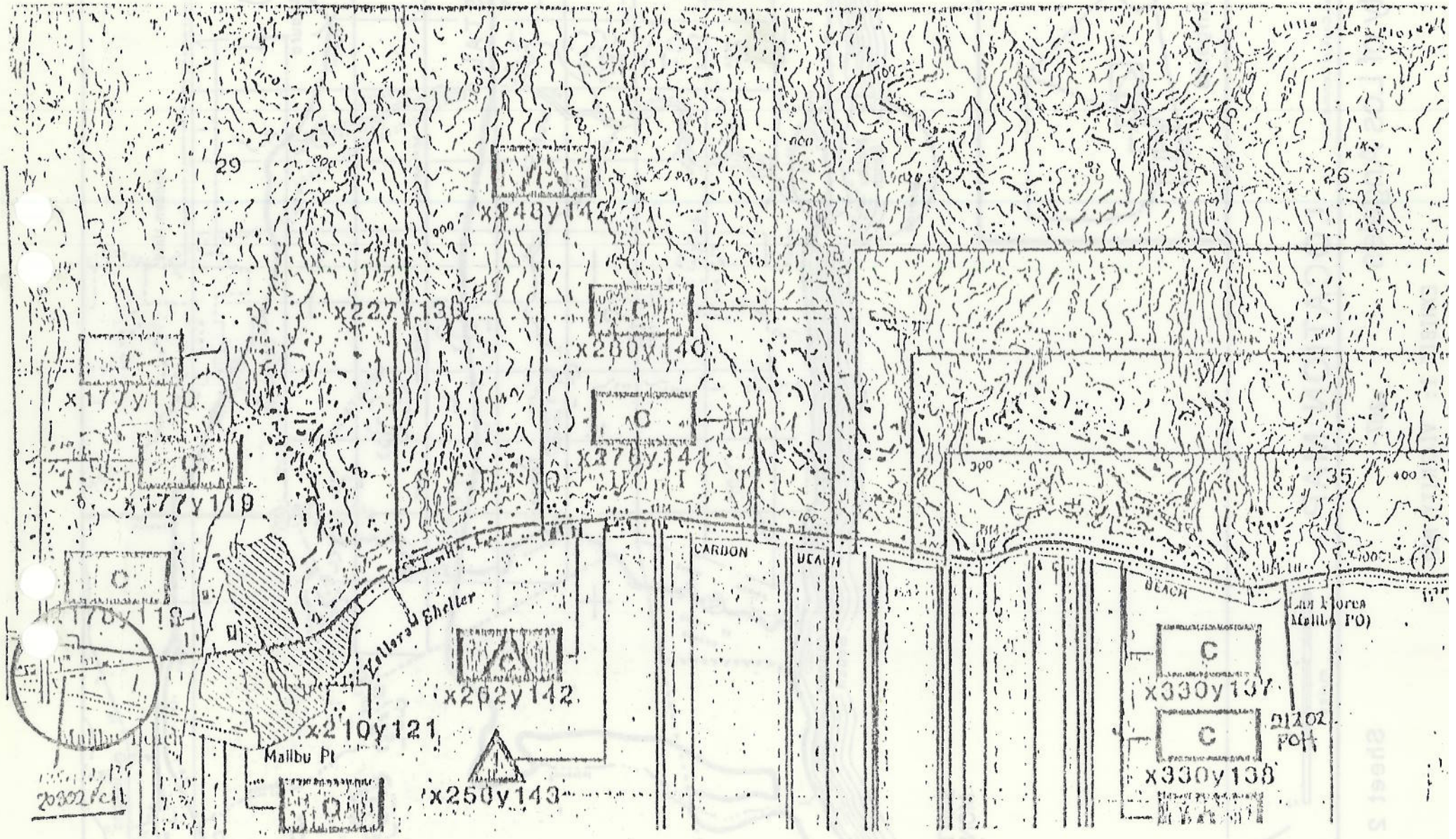
This project, which provides needed public access and recreational opportunities in a very popular beach area of Los Angeles County, conforms with access policies of the Coastal Act (Sections 30210, 30211, and 30212).



California Coastal Commission

County of Los Angeles -207- Sheet 2 of 5

EXHIBIT 1: VICINITY MAP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26
35
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x227y130
x280y140
x177y110
x177y119
x278y141
x178y119
x262y142
x210y121
x250y143
x330y137
x330y138
CARBON
BEACH
Malibu Pt
Malibu Beach
Las Flores
Malibu PO)
21202
PO H
20302 PO H

CALIFORNIA LAND TITLE COMPANY

☐ LOS ANGELES COUNTY: P.O. BOX 9048	VAN NUYS, CALIFORNIA 91409	(213) 760-2700
☐ ORANGE COUNTY: P.O. BOX 10100	SANTA ANA, CALIFORNIA 92711	(714) 835-5575
☐ RIVERSIDE COUNTY: P.O. BOX 2738	RIVERSIDE, CALIFORNIA 92516	(714) 784-2120
☐ VENTURA COUNTY: P.O. BOX 612	CAMARILLO, CALIFORNIA 93010	(805) 484-2701
☐ SAN BERNARDINO COUNTY: P.O. BOX 2517	SAN BERNARDINO, CA. 92406	(714) 886-5052

PRELIMINARY REPORT

RECEIVED
JAN 16 1981
MALIBU ESCROW CORP.

Malibu Escrow
22241 Pacific Coast Hwy.
Malibu, Ca.

Date 1/15/81 Attention: Marie Your No. 5618
Our No. 1802209

Dated as of ....January..9..... 19 ..81.. at 7:30 A.M.

In response to the above referenced application for a policy of title insurance, the insurer hereby reports that it is prepared to issue, as of the date hereof, a California Land Title Association Standard Coverage Form Policy of Title Insurance describing the land and the estate or interest therein hereinafter set forth in Schedule A, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception in Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy form.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

J. Noblitt
TITLE OFFICER

Noblitt

CALIFORNIA COASTAL COMMISSION
RECEIVED

JAN 22 1981

CALIFORNIA LAND TITLE ASSOCIATION

AMERICAN LAND TITLE ASSOCIATION

SCHEDULE A

The estate or interest in the land described or referred to in this schedule covered by this report is:

A FEE

Title to said estate or interest at the date hereof is vested in:

FRANK ERPELDING AND LYNNE ERPELDING,
husband and wife as community property.

The following conveyance was recorded during a period of six months preceding the date of this report: None.

The land referred to in this report is situated in the State of California, County of Los Angeles and is described as follows:

Lot 18 of Tract 12634, as per map recorded in Book 260 Pages 25 to 27 inclusive of Maps, in the office of the County Recorder of said County.

And that portion of Lot 19 of Tract 12634, as per map recorded in Book 260 Pages 25 to 27 inclusive of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the Northeasterly corner of said Lot 19; thence South 2° 0' 41" East, 35.60 feet along the Easterly line of Lot 19; thence North 3° 58' 08" West, 35.61 feet to the Northerly line of Lot 19; thence Easterly along the said Northerly line, one foot to the point of beginning.

EXCEPT any portion of said land lying outside of the patent lines of Rancho Topanga Malibu Sequit, as such lines existed at the time of the issuance of the Patent, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

tl

CALIFORNIA COASTAL COMMISSION
RECEIVED
JAN 22 1981

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy form would be as follows:

1. TAXES

General and special County taxes for the fiscal year 1980-1981 as follows:

Total:	$3,976.77
1st inst.:	$1,988.39 paid
2nd inst.:	$1,988.38
Exemption:	None
Code No.:	8678
Parcel No.:	4450-7-27

ADDITIONAL AMOUNTS THAT MAY HEREAFTER BE ASSESSED WITHIN THE GUIDELINES DEFINED IN CHAPTERS 49 AND 242 OF THE STATE OF CALIFORNIA STATUTES OF 1979.

2. EASEMENTS

An easement for public utilities and incidental purposes as provided in the deed recorded in Book 21118 Page 377, Official Records.

Said easement affects said land.

3. RESTRICTIONS

Covenants, conditions and restrictions as imposed by deed above mentioned.

The provisions, if any, of said instrument which provide restrictions based on race, color, religion or national origin are deleted.

Said covenants, conditions and restrictions provide that a violation thereof shall not defeat nor render invalid the lien of any mortgage or deed of trust made in good faith and for value.

4. RESTRICTIONS

Covenants, conditions and restrictions, omitting restrictions herein, if any, based on race, color, religion or national origin, as contained in instrument recorded in Book 21265 Page 250, Official Records.

Said covenants, conditions and restrictions provide that a violation thereof shall not defeat nor render invalid the lien of any mortgage or deed of trust made in good faith and for value.

Said covenants, conditions and restrictions, omitting restrictions herein, if any, based on race, color, religion or national origin, were purportedly modified by instrument recorded in Book 21297 Page 233, Official Records.

-continued-

5. EASEMENT

An easement over the Easterly 5 feet of said land for storm drains as shown on the map of said Tract.

6. DEED OF TRUST

A deed of trust to secure an indebtedness of $160,000.00, and any other amounts payable under the terms thereof, recorded October 16, 1979 as Instrument No. 79-1157921, Official Records.

Dated:	September 27, 1979
Trustor:	Frank Erpelding and Lynne Erpelding, husband and wife, as community property
Trustee:	Malibu Mortgage Corporation, a California corporation
Beneficiary:	Milton Hamberg, an unmarried man and Vibeke V. Andersen, a single woman, as tenants in common.

The beneficial interest under said deed of trust was assigned to Seymour G. Jacoby and Steven B. Jacoby dba Olympian Hotel, a partnership, by assignment recorded October 16, 1979 as Instrument No. 79-1157922, Official Records.

7. DEED RESTRICTION

A deed restriction executed by Frank Erpelding and Lynne Erpelding, in favor of the California Coastal Commission, acting on behalf of the People of the State of California, subject to the terms, covenants, and conditions contained therein, and omitting restrictions therein, if any, based on race, color, religion or national origin, recorded July 16, 1980 as Instrument No. 80-679381, Official Records.

Said document, among other things, provides:

In consideration of the granting of Permit No. 421-78 to the Owner by the California Coastal Commission, the Owner hereby irrevocably covenants with the California Coastal Commission that there be, and hereby is, created the following restrictions on the use and enjoyment of said subject property, to be attached to and become a part of the deed to the property; the undersigned Owner, for himself/herself and for his/her heirs, assigns and successors in interest, covenants and agrees that:

Owners hereby offer to dedicate to the People of California an easement in perpetuity for the purpose of public access from Pacific Coast Highway to the mean high tide line, including the privilege and right to pass and repass over a five (5) foot wide strip of land located on the subject property along the Eastern edge of the parcel extending from the edge of the public right-of-way of Pacific Coast Highway to the mean high tide of the Pacific Ocean and as specifically set forth by attached Exhibit C hereby incorporated by reference.

-continued-

Said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the subject property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Owner to be a covenant running with the land, and shall bind Owner and all his/her assigns or successors in interest.

8. DEED RESTRICTION

A deed restriction executed by Frank Erpelding and Lynne Erpelding, in favor of the California Coastal Commission, acting on behalf of the People of the State of California, subject to the terms, covenants and conditions contained therein, and omitting restrictions therein, if any, based on race, color, religion or national origin, recorded July 16, 1980 as Instrument No. 80-679382, Official Records.

Said document, among other things, provides:

In consideration of the granting of Permit No. 421-78 to the Owner by the California Coastal Commission, the Owner hereby irrevocably covenants with the California Coastal Commission that there be, and hereby is, created the following restrictions on the use and enjoyment of said subject property, to be attached to and become a part of the deed to the property: The undersigned Owner, for himself/herself and for his/her heirs, assigns and successors in interest, covenants and agrees that:

An easement to be dedicated to the People of California in perpetuity for the purposes of public access and recreation along shoreline located on the subject property adjacent to the mean high tide line extending 25 feet inland from the currant high water mark; however, in no case shall easement extend closer than 5 feet seaward and parallel to the proposed structure as specifically set forth by attached Exhibit C hereby incorporated by reference.

Said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the subject property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Owner to be a covenant running with the land, and shall bind Owner and all his/her assigns or successors in interest.

9. IRREVOCABLE OFFER

An irrevocable offer to dedicate, executed by Frank Erpelding and Lynne Erpelding in favor of the People of California, subject to the terms, covenants and conditions contained therein, and wherein:

-continued-

In consideration of the granting of Permit No. 421-78 to the owner(s) by the Commission, the owner(s) hereby offer(s) to dedicate to the People of California an easement in perpetuity for the purposes of public access and recreation along the shoreline located on the subject property adjacent to the mean high tide line extending 25 ft. inland from the current high water mark; however, in no case shall the easement extend closer that 5 ft. seaward and parallel to the proposed structure as specifically set forth by attached Exhibit C hereby incorporated by reference.

This offer of dedication shall be irrevocable for a period of twenty-one (21) years, measured forward from the date of recordation, and shall be binding upon the owner(s), their heirs, assigns, or successors in interest to the subject property described above. The People of the State of California shall accept this offer through the State of California the local government in whose jurisdiction the subject property lies, or through a public agency or a private association acceptable to the Executive Director of the Commission or its successor in interest, recorded July 16, 1980 as Instrument No. 80-679383, Official Records.

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

10. IRREVOCABLE OFFER

An irrevocable offer to dedicate, executed by Frank Erpelding and Lynne Erpelding in favor of The People of California, subject to the terms, covenants and conditions contained therein, and wherein:

In consideration of the granting of Permit No. 421-78 to the owner(s) by the Commission, the owner(s) hereby offer(s) to dedicate to the People of California an easement in perpetuity for the purposes of public access from Pacific Coast Highway to the mean high tide line, including the privilege and right to pass and repass over a five (5) ft. wide strip of land located on the subject property along the Eastern edge of the parcel extending from the edge of the public right-of-way of Pacific Coast Highway to the high tide line of the Pacific Ocean and as specifically set forth by attached Exhibit C hereby incorporated by reference.

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

-continued-

acceptable to the Executive Director of the Commission or its successor in interest, recorded July 16, 1980 as Instrument No. 80-679384, Official Records.

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

11. DEED RESTRICTION

A deed restriction executed by Frank Erpelding and Lynne Erpelding, in favor of the California Coastal Commission, acting on behalf of the People of the State of California, subject to the terms, covenants and conditions contained therein, and omitting restrictions therein, if any, based on race, color, religion or national origin, recorded December 17, 1980 as Instrument No. 80-1268245, Official Records.

Said document, among other things, provides:

In consideration of the granting of Permit No. 421-78 to the Owner by the California Coastal Commission, the Owner hereby irrevocably covenants with the California Coastal Commission that there be, and hereby is, created the following restrictions on the use and enjoyment of said subject property, to be attached to and become a part of the deed to the property:

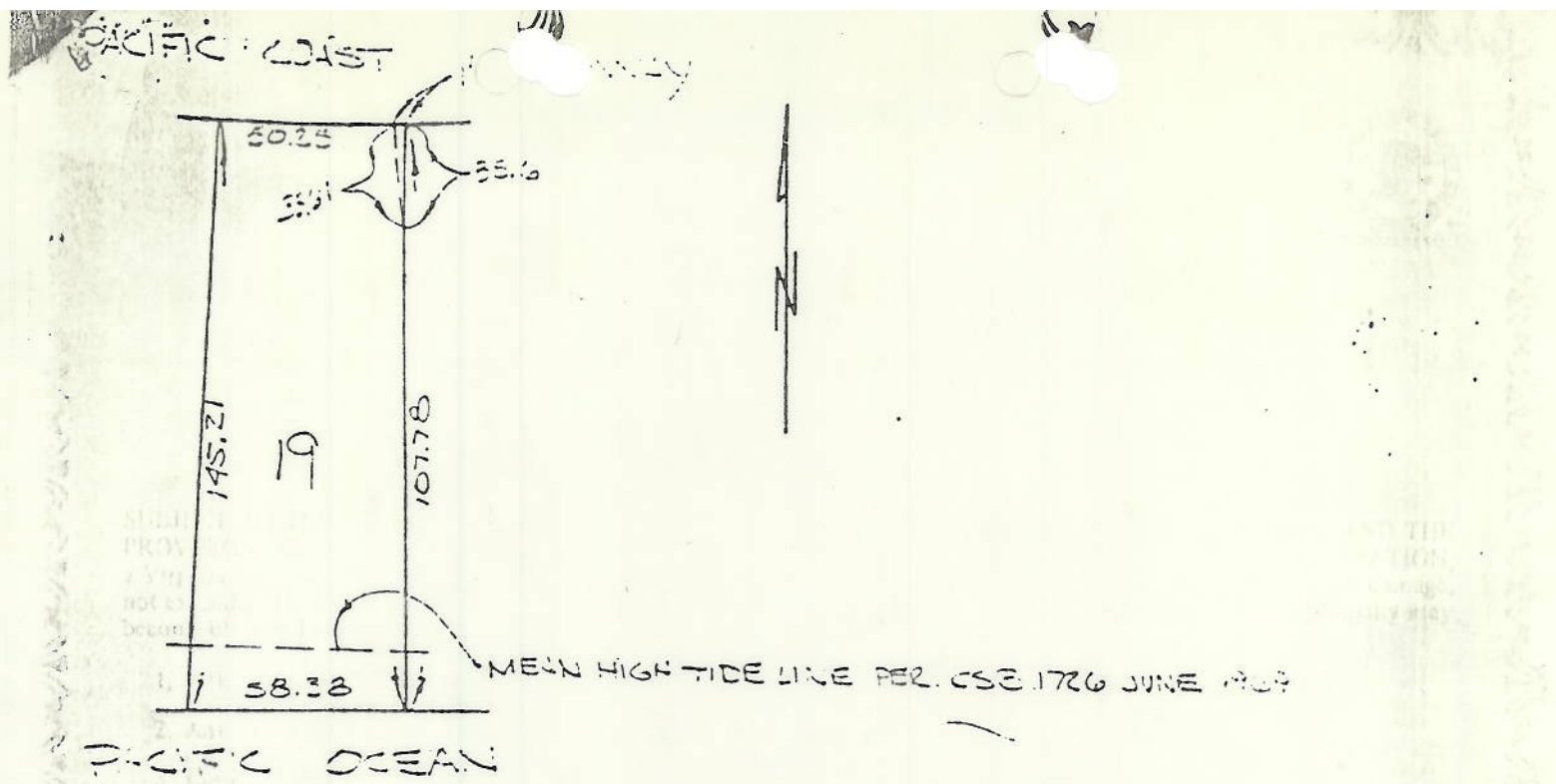
The undersigned Owner, for himself/herself and for his/her heirs, assigns and successors in interest, covenants and agrees: to waive any claims against the Commission or any other public agency for damage or injury to the property or the development resulting from drainage from the storm pipe, storm, tsunami, flood, or other wave action, and shall also agree to relinquish any rights to public disaster funds or loans for repair, replacement or rehabilitation of the property or the development made available because of any drainage problems, storm, tsunami, flood or other wave action.

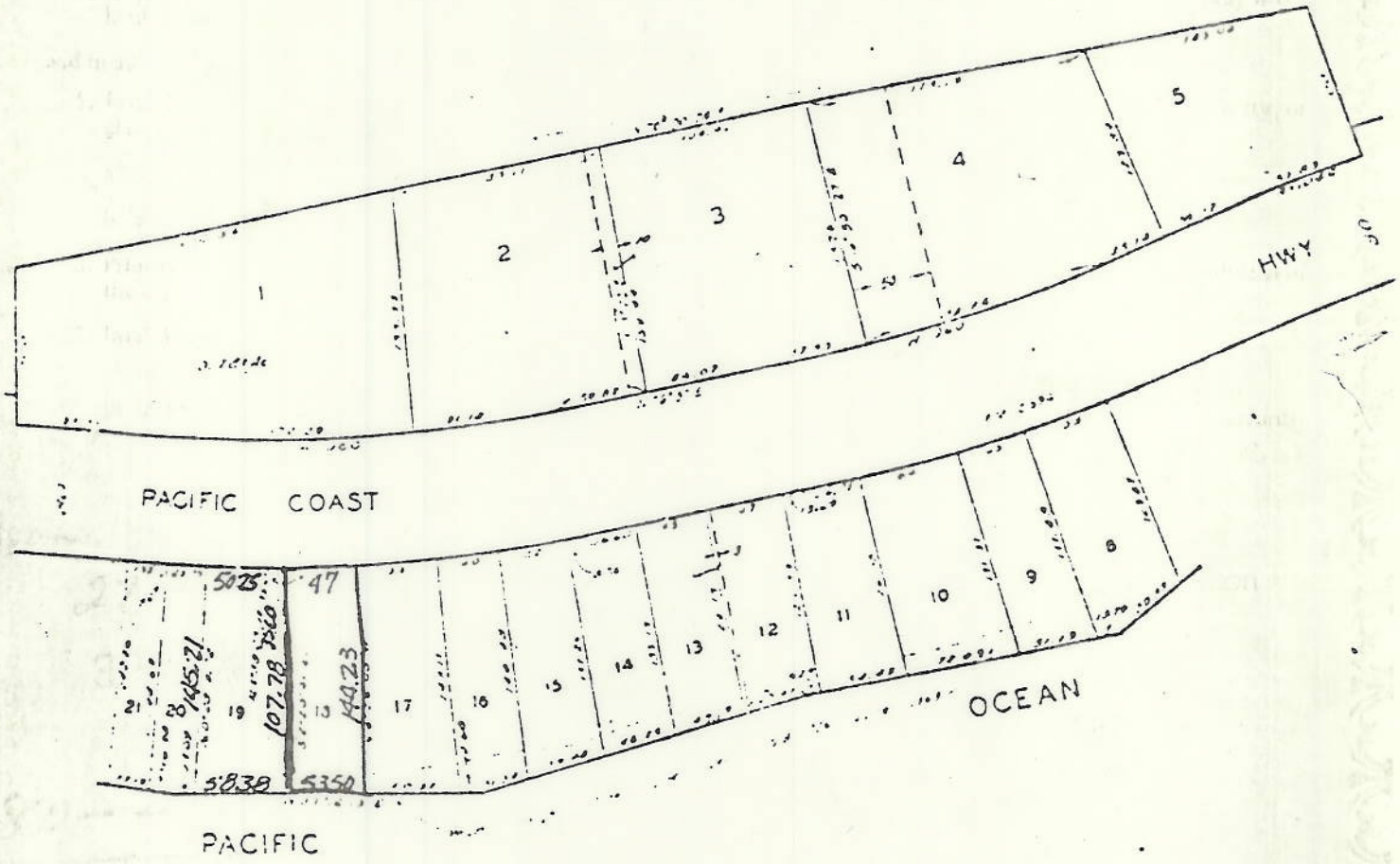
Said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the subject property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Owner to be a covenant running with the land, and shall bind Owner and all his/her assigns or successors in interest.

12. STATEMENT OF IDENTITY

The effect of documents, proceedings, liens, decrees or other matters which do not specifically describe said land, but which, if any do exist, may affect the title or impose liens or encumbrances thereon. The name search necessary to ascertain the existence of such matters has not been completed and will require a statement of information from all parties in order to complete this report.

tl





TRACT NO. 12634

M B 260-25-27

THIS IS NOT A SURVEY OF THE LAND BUT IS COMPILED FOR INFORMATION ONLY FROM DATA SHOWN BY OFFICIAL RECORDS

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

RECORDING ACKNOWLEDGMENT FORM

County Recorder's Office
County of Los Angeles

This is to state that the _____,
dated _____
executed by _____
and acknowledged by the Coastal Commission was filed as set forth below.

Document Recorded 80- 1268245

on 12-16-80 as No. _____

Vol. _____ Page _____

BY: _____

LOS ANGEL COUNTY RECORDER'S OFFICE
227 N. Broadway, Los Angeles, CA 90012
974–6611

RECORDING RECEIPT DEC 17 1980

DOCUMENTS RECEIVED FOR RECORD ON _____

80- 1268245

ASSIGNED NO. (S). _____ TO _____ INCL.

FEES PAID:

RECORDING: $ _____

TRANSFER TAX: 15.00

SURVEY MONUMENT: _____

TOTAL: $ _____

REGISTRAR–RECORDER

BY _____
DEPUTY

76R198 —15—PS 7/79

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

NOTICE OF INTENT TO ISSUE PERMIT

On January 17, 1979, by a vote of 12 to 0, the California Coastal Commission granted to Olympian Hotel Partnership, Seymour and Steven Jacoby Permit A- 421-78, subject to the attached conditions, for development consisting of construction of a two-story, two-bedroom single-family residence with attached two-car garage

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

The development is within the coastal zone in Los Angeles County at 20802 Pacific Coast Highway, Malibu.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 2, 4, 5, 6, 7, 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 CoastalmCommission on January 24, 1979.

NO CONSTRUCTION IS AUTHORIZED BY THIS DOCUMENT---THIS IS NOT A PERMIT!

MICHAEL L. FISCHER
Executive Director

By Robert J. Sheppard

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit A- 421-78, and fully understands it 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- 421-78 , 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. Placement of Protective Device on the Beach. The seaward bulkhead for the septic system shall extend no further seaward than a line drawn between the nearest adjacent bulkheads providing for the minimal amount necessary to create a leachfield for a 750-sq. ft. septic tank set back ten ft. from the seaward bulkhead.

2. Stringline for House and Deck. Prior to issuance of a permit, the applicant shall submit to the Executive Director for his review and approval revised plans which indicate that no part of the enclosed living space of the structure shall be built seaward of a line drawn between the nearest adjacent corners of the enclosed living space of the nearest adjacent structures, and no part of the deck shall be built seaward of a line drawn between the nearest adjacent corners of the decks of the adjacent structures. Where an adjacent structure has no deck, the deck stringline shall be lined up parallel with the house stringline but not to extend beyond the bulkhead.

3. Source of Materials on Beach. Suitable materials for filling behind the bulkhead on the beach shall be imported by the applicant and not obtained from the site or any other beach location.

4. Placement of Drainage Pipe. Prior to the issuance of a permit, the applicant shall submit to the Executive Director for his review and approval revised plans which indicate that the storm drainage pipe on the eastern end of the property shall extend no further seaward than the bulkhead for the proposed project. The design of the drainage pipe shall be certified by a coastal engineer.

5. Vertical Access to the Beach. Prior to issuance of the permit, the Executive Director shall certify in writing that the following conditions have been met. The applicant shall execute and record a document, the form and content of which has been approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access to the shoreline. Such easement shall be free of prior liens and encumbrances except tax liens. The easement shall allow for pedestrian access to and from the shoreline. The offer shall be irrevocable for a period of 25 years running from the date of recording and shall run in favor of the People of the State of California binding successors and assigns of the applicant landowner. Applicant shall also provide an area for stairs down from the vertical accessway, if necessary, to the beach seaward of the structure.

6. Lateral Access Along the Shoreline. Prior to issuance of the permit, the Executive Director shall certify in writing that the following conditions have been met. The applicant shall execute and record a document, the form and content of which has been approved by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director, an easement for public access and recreation along the shoreline. Such easement shall be located adjacent to the mean high tide line extending 25 ft. inland from the current high water mark; however, in no case shall the public be allowed to use the beach which is closer than five ft. from the residence. The offer shall be irrevocable for a period of 25 years running from the date of recording and shall run in favor of the People of the State of California binding successors and assigns of the applicant landowner.

7. Waiver of Public Liability. Prior to issuance of a permit, the applicant shall submit to the Executive Director a document such as a deed restriction to be recorded free of prior encumbrances except tax liens, in which document the applicant shall agree for himself and any successors in interest to waive any claims against the Commission or any other public agency for damage or injury to the property or the development resulting from drainage from the storm pipe, storm, tsunami, flood, or other wave action, and shall also agree to relinquish any rights to public disaster funds or loans for repair, replacement, or rehabilitation of the property or the development made available because of any drainage problems, storm, tsunami, flood, or other wave action. The document approved by the Executive Director shall be recorded prior to construction and evidence thereof submitted to the Executive Director.

8. Overall Condition. Final working drawings shall be submitted to the Executive Director prior to the commencement of construction; these drawings shall be accompanied by an Architect's Certificate certifying that the final working drawings are in substantial conformance to the plans approved by the Executive Director pursuant to the above conditions. All development shall be in strict conformance with those drawings. No construction shall commence prior to the submission of evidence to the Executive Director that all conditions have been satisfied.