

19016 Pacific Coast Highway
4449-003-027
Friedman

Permit No. 5-83-456 for construction of 3 story house on vacant lot and bulkhead.
Lateral and vertical Offers-to-Dedicate required.

Vertical:

3' vertical on western property line is adjacent (eastern side) to Hundley DR.
Plans show a 2 to 1 slope on PCH side of vertical and another short steep slope
further down. Stairs needed? Same slope on Hundley?

Staff report specifically mentions no walls in OTD area. Final revised plans, dated
Sept. 26, 1985 show walls blocking vertical have been removed.

Sewage plan shows bulkhead in vertical on both Friedman and Hundley
properties -- problem for access??

SUBJECT PROPERTY INFORMATION

1) Property: 19016 PACIFIC COAST HY, MALIBU CA 90265-5406 C008

APN: 4449-003-027	Use: SFR	
County: LOS ANGELES, CA	Tax Rate Area: 10851	Total Value: \$555,771
Census: 8005.01	Prop Tax: \$6,107.24	Land Value: \$298,437
Map Pg: 115-D4	Delinq Tax Yr:	Imprv Value: \$257,334
New Pg: 630-C6	Exemptions:	Assd Yr: 1997
Phone:		% Improved: 46%
Owner: HARNER DAVID H		
Mail: 75 W END AVE P-37D; NEW YORK NY 10023-7853		

SALES INFORMATION

	LAST SALE		PRIOR SALE	
Transfer Date:	07/24/97		01/04/83	
Sale Price/Type:	\$1,090,000 FULL		\$230,000 UNKNOWN	
Document #:	1122394			
Document Type:	GRANT DEED			
1st TD/Type:	\$817,500 VARIABLE			
Finance:				
Junior TD's:				
Lender:	COAST FED'L BK			
Seller:	CHANIN MARVIN TRUST			
Title Company:	PROGRESSIVE TITLE COMPANY			
Transfer Info:				

IMPROVEMENTS

Bldg/Liv Area:	2,315
# Units:	
# Bldgs:	
# Stories:	2
\$/SF:	\$470.84
Yrblt/Eff:	85 85
Total Rms:	6
Bedrms:	4
Baths(F/H):	3
Fireplace:	2
Pool:	
Bsmt Area:	
Construct:	
Flooring:	
Air Cond:	CENTRAL
Heat Type:	FORCED AIR
Quality:	GOOD
Condition:	GOOD
Style:	TRADITIONAL
Other Rooms:	FOYER;ATTIC

SITE INFORMATION

Improve Type: DETACHED	Lot Size: A0.6
Zoning: R303 LC	Lot Area: 2,617
County Use: 0100	Parking: GARAGE
Bldg Class: D	Park Spaces: 2
Flood Panel: 065043-0791C	Site Influence: OCEAN

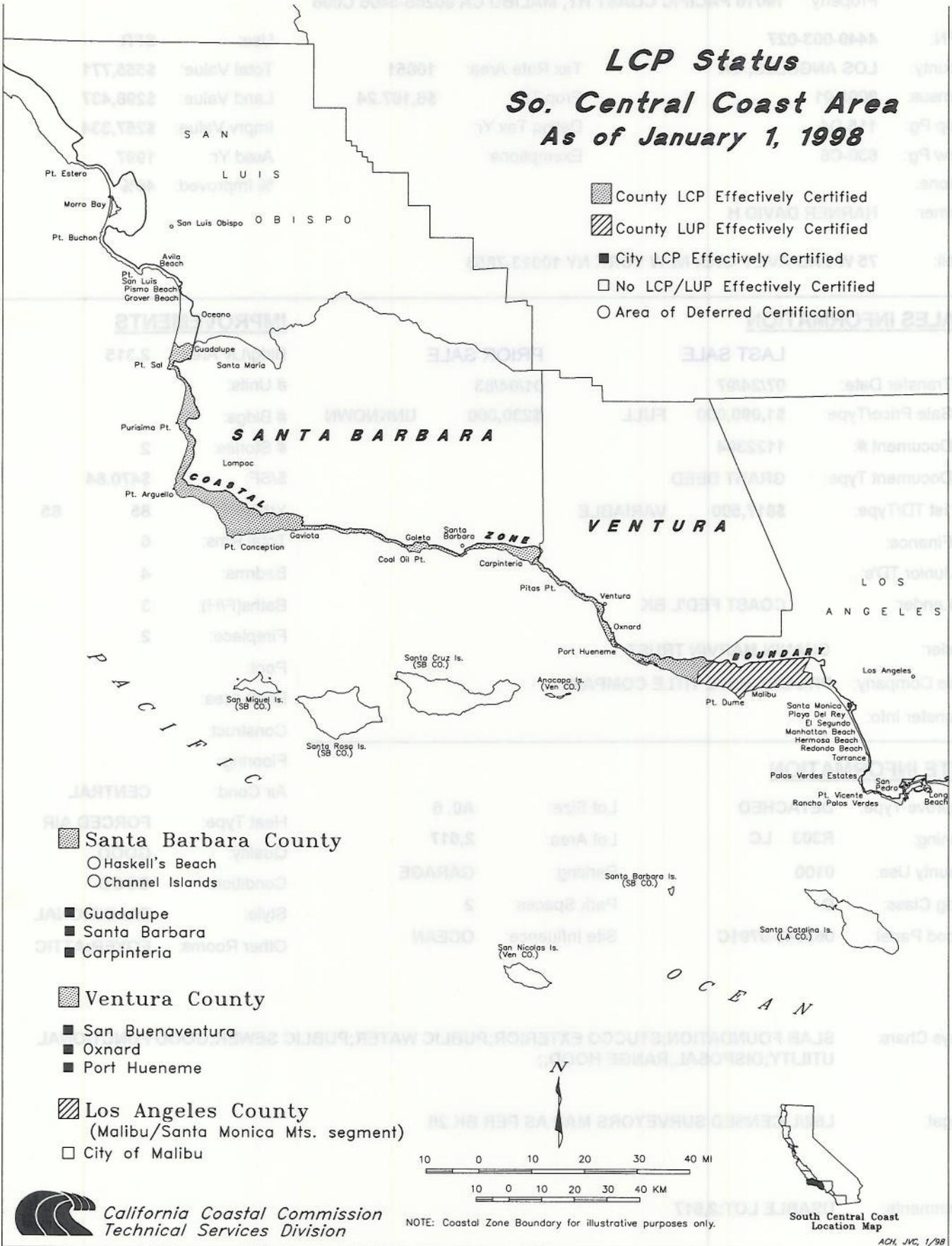
Phys Chars: SLAB FOUNDATION;STUCCO EXTERIOR;PUBLIC WATER;PUBLIC SEWER;GOOD FUNCTIONAL UTILITY;DISPOSAL;RANGE HOOD;;

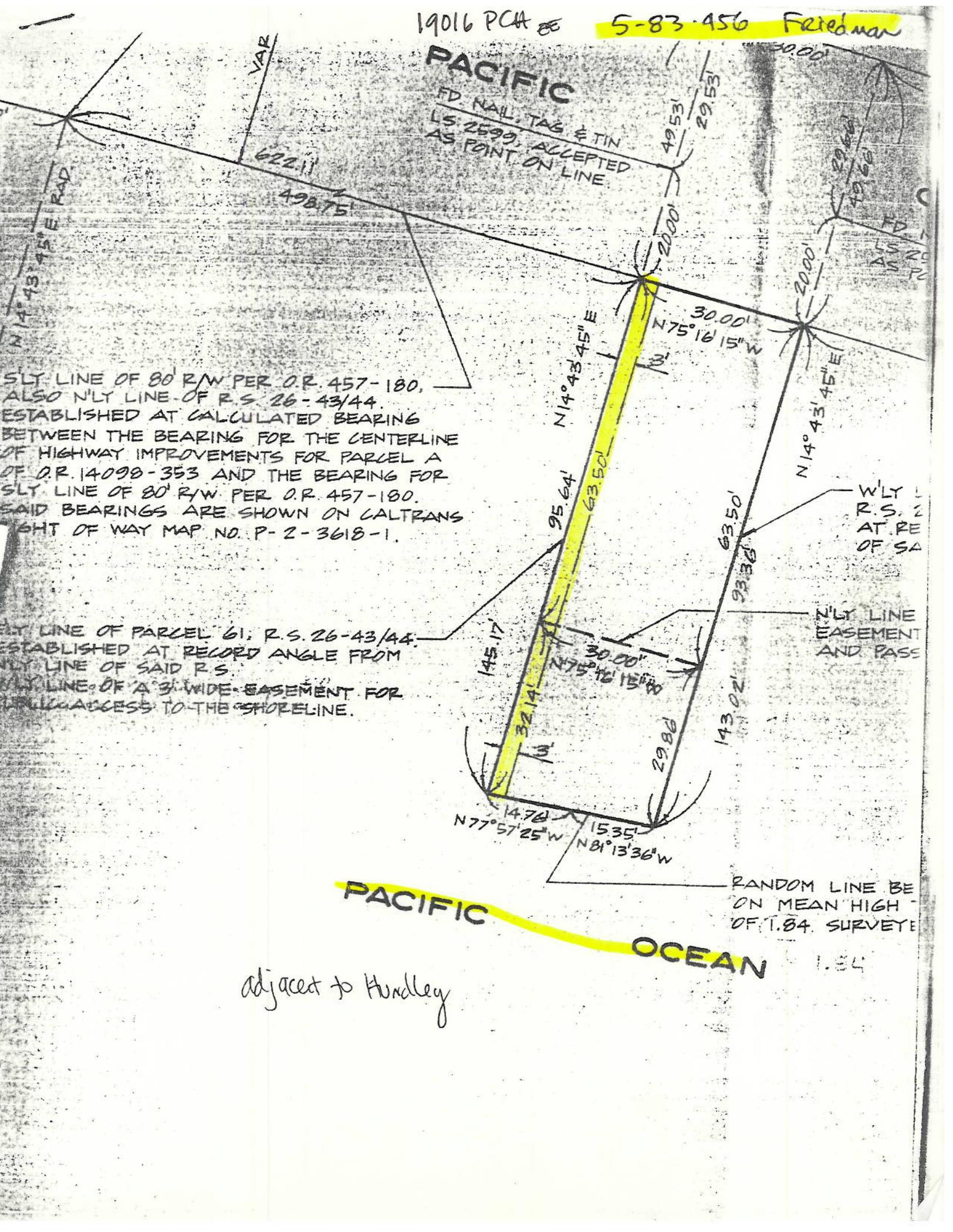
Legal: L62/LICENSED SURVEYORS MAP AS PER BK 26

Comments: USABLE LOT:2,617

LCP Status So. Central Coast Area As of January 1, 1998

-  County LCP Effectively Certified
-  County LUP Effectively Certified
-  City LCP Effectively Certified
-  No LCP/LUP Effectively Certified
-  Area of Deferred Certification





PACIFIC

FD NAIL, TAG & TIN
LS 2599, ACCEPTED
AS POINT ON LINE

SLY LINE OF 80' R/W PER O.R. 457-180,
ALSO N'LY LINE OF R.S. 26-43/44,
ESTABLISHED AT CALCULATED BEARING
BETWEEN THE BEARING FOR THE CENTERLINE
OF HIGHWAY IMPROVEMENTS FOR PARCEL A
OF O.R. 14099-353 AND THE BEARING FOR
SLY LINE OF 80' R/W PER O.R. 457-180.
SAID BEARINGS ARE SHOWN ON CALTRANS
RIGHT OF WAY MAP NO. P-2-3618-1.

SLY LINE OF PARCEL 61, R.S. 26-43/44,
ESTABLISHED AT RECORD ANGLE FROM
N'LY LINE OF SAID R.S.
N'LY LINE OF A 3' WIDE EASEMENT FOR
ACCESS TO THE SHORELINE.

W'LY L
R.S. 2
AT RE
OF SA

N'LY LINE
EASEMENT
AND PASS

RANDOM LINE BE
ON MEAN HIGH
OF T.84 SURVEYED

PACIFIC OCEAN

adjacent to Hundley

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

2. Vertical Access. Prior to transmittal of a permit, the Executive Director shall certify in writing that the following condition has been satisfied. The applicant shall execute and record a document, in a form and content approved by the Executive Director of the Commission, irrevocably offering to dedicate to an agency approved by the Executive Director, an easement for public access to the shoreline. Such easement shall be described as from Pacific Coast Highway along the western property line to the mean high tideline. The easement shall be 3 feet in width. Said easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed,

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

3. Applicant's Assumption of Risk. Prior to the issuance of a coastal permit, the applicant shall submit to the Executive Director an executed deed restriction for recordation free of prior liens and encumbrances, except for tax liens, that binds the applicant and all successors in interest to the development property. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director and shall state the following:
- a. The applicant has requested coastal development period number 5-83-456 from the California Coastal Commission to authorize the construction of a single family residence.
 - b. The applicant has retained a registered civil engineer and certified engineering geologist to study the site for the presence of seismic, geologic, erosion, wave runup, and other hazard(s).
 - c. The expert's observations, conclusions and recommendations are contained in a report entitled Updated Geologic and Soils Engineering Report Plan Review and Revised Foundation Recommendations, dated March 8, 1983 by Kovacs-Byer-Robertson, Inc. and Foundation Investigation Proposed Single Family Residence dated July 28, 1977 by Kovacs-Byer- and Assoc., Inc.
 - d. Based upon information contained in the above-referenced reports and the findings of the Coastal Commission in granting the permit, the applicant understands that the site is subject to extraordinary hazard from ground shaking from a seismic event including liquefaction and tsunami, landslides, floods, creep, consolidation and surficial failure, and scour and erosion from wave runup.



ISSUING OFFICE: 800 E. COLROADO BVLD., PASADENA, CALIFORNIA 91101

DATE	ESCROW OR LOAN NUMBER	TITLE OFFICER	ORDER NUMBER
10/22/97	19016 PCH	KATHY JENNINGS	5098140-39

- COASTAL CONSERVANCY
- 1330 BROADWAY, 11TH FL.
- OAKLAND, CALIFORNIA 94612

ATTN: MR. JAMES PIERCE

ENCLOSURES: **Supporting documents**

- | | |
|--|---|
| <input type="checkbox"/> Policy of Title Insurance | <input type="checkbox"/> Certified copy of |
| <input type="checkbox"/> C.C. & R. | <input type="checkbox"/> Copy of Policy of Title Insurance |
| <input type="checkbox"/> Deed from | <input type="checkbox"/> Fire Insurance Policy |
| <input type="checkbox"/> Deed of Trust | <input type="checkbox"/> Tax Bill |
| <input type="checkbox"/> Maps | <input type="checkbox"/> Recorded document returned to us by the County Recorder. |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Preliminary Report |

STATE OF CALIFORNIA COUNTY OF LOS ANGELES)ss. On this 17th day of February, 1936 before me, Cleveland Hayter, a Notary Public in and for said County, personally appeared John R. McFarland and Carolyn McFarland known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

NO 1

WITNESS my hand and official seal.
(Notarial Seal) Cleveland Hayter, Notary Public
in and for said county and State. My Commission Expires Dec. 6, 1936.

478 Copy of original recorded at request of Nat'l. Title Ins. Co. Apr 20 1936 8:30 A.M.
Copied 22 Compared. C.L. Logan, County Recorder, By C. J. [unclear] Deputy.
\$1.00-S. H.

U.S.I.R.S. \$.80 Cancelled.

GRANT DEED

MARIA GIUSEPPA SCARLATA, a widow, of Los Angeles, California in consideration of Ten (\$10.) DOLLARS, to her in hand paid, receipt of which is hereby acknowledged, does hereby GRANT to FRANK GIOIA and Emilia Gioia, husband and wife, the real property in the City of and in the County of Los Angeles, State of California, described as follows:

The East Forty-two (42) feet of the West One Hundred twenty-four and twenty-five hundredths (124.25) feet of the South One hundred ten (110) feet of Lot Three (3), in Block Thirty-seven (37) of the Terminus Homestead Tract, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 3, pages 194 and 195, Miscellaneous Records of said County. Subject to a note secured by a deed of trust covering the above described property, said note being in the principal sum of \$2,000.00.

Witness my hand this 21st day of March, 1936.

Signed and delivered in the presence of ---- Maria Giuseppa Scarlata
Witness Lillian Gianland Giacopuzzi
(Lillian Gianland Giacopuzzi)
Witness Mattio Barni (Mattio Barni)

STATE OF CALIFORNIA COUNTY OF LOS ANGELES)ss. On this 23rd day of March, 1936 before me, The undersigned, a Notary Public in and for said County, personally appeared Maria Giuseppa Scarlata, 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.

(Notarial Seal) Guy Gianland Giacopuzzi, Notary Public
in and for said County and State. My Commission Expires June 24, 1939.

484 Copy of original recorded at request of Nat'l. Title Ins. Co. Apr 20 1936 8:30 A.M.
Copied 22 Compared. C.L. Logan, County Recorder, By C. J. [unclear] Deputy.
\$1.00-S. H.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES
THE PEOPLE OF THE STATE OF CALIFORNIA, No. 382603
Acting by and through the Department of Public Works, Plaintiff,
vs.
DAVID O. BRANT, et al Defendants.

FINAL ORDER OF CONDEMNATION

The Plaintiff in the above-entitled cause having paid into Court for the benefit of defendants Title Insurance and Trust Company, David O. Brant, Alfred T. Brant, Helen Brant Bayly, Thomas J. Brant, Elizabeth Brant King, Robert A. Brant, and Title Guarantee and Trust Company, as their interests may appear, covering all their right, title or interest in and to the parcel of land described as Parcel No. 1 in Paragraph II of plaintiff's First Amended and Supplemental Complaint on file herein, the total amount of compensation assessed by the Court for the interest of said defendants above named in and to said parcel of land and for all claims and demands of said defendants against plaintiff on account of the taking of said land and the construction of the highway thereon:

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the following-described parcel of land be, and it is hereby condemned, and become the property of the plaintiff for the uses and purposes as set forth in said First Amended and Supplemental Complaint, to-wit: for a State highway, said land being situated in the County of Los Angeles, State of California, and described as follows: A portion of fractional Section 21 and fractional Section 22, T. 1 S., R. 16 W., S.B. & M.:

Beginning at a point in the Compromise Line as established in an agreement by and between the Title Insurance and Trust Company and the Unity Realty Company, recorded in Deed Book 5886, page 212, records of Los Angeles County, which point bears S. 5° 50' E., 25.26 feet, along said Compromise Line, from a concrete monument marked "C-3" as described in said agreement and which point also bears S. 5° 50' E., 216.70 feet, along said Compromise Line, from a sandstone rock marking the North West corner of said Section 21, thence N. 64° 44' E., 46.25 feet, to the

69° 54' 45" E., 382.02 feet; thence, N. 80° 00' E., 350.24 feet; thence, S. 89° 39' 35" E., 162.67 feet to a point which bears at right angles N. 7° 44' E., 93.08 feet from Engineer's Station 132 + 25.00 as delineated on County Surveyor's Map No. B-594, on file in the office of the Surveyor of Los Angeles County; thence N. 7° 44' E., 71.92 feet; thence, N. 89° 56' 40" E., 438.19 feet; thence, S. 70° 00' 55" E., 93.23 feet; thence, N. 88° 54' E., 85.44 feet to a point which bears radially N. 4° 24' 10" E., 140.00 feet from Engineer's Station 138 + 50.00 as delineated on said County Surveyor's Map No. B-594; thence, S. 79° 37' 25" E., 170.55 feet; thence, S. 74° 26' E., 202.93 feet; thence, S. 82° 32' E., 162.36 feet to a point which bears at right angles N. 14° 18' 30" E., 69.88 feet from Engineer's Station 143 + 40.00 as delineated on said County Surveyor's Map No. B-594; thence, S. 70° 23' 45" E., 233.34 feet; thence, N. 86° 28' 15" E., 53.77 feet; thence, S. 64° 14' 10" E., 60.12 feet; thence, N. 79° 52' 10" E., 174.53 feet to a point in the east line of said Section 31, distant thereon, N. 0° 07' 30" W., 124.74 feet from a copper tack in a 1/2" iron pipe (set by Spalding and Ballinger in 1928) marking the meander corner between said Sections 31 and 32, and which point also bears S. 0° 07' 30" E., 2170.67 feet, along said east line of Section 31, from a 4" by 4" redwood post in a mound of rock marking the northeast corner of said Section 31; thence, S. 83° 30' 55" E., 251.72 feet; thence, S. 75° 20' E., 241.51 feet; thence, S. 63° 54' 45" E., 117.39 feet to a point which bears at right angles N. 17° 16' E., 60.00 feet from Engineer's Station 164+53.00 as delineated on said County Surveyor's Map No. B-594; thence, S. 72° 44' E., 207.00 feet; thence, N. 49° 37' 45" E., 160.05 feet; thence, S. 57° 11' E., 181.60 feet; thence, S. 77° 37' 35" E., 130.90 feet to a point in the easterly line of said fractional section 32, which easterly line is also the westerly line of the Rancho Boca de Santa Monica, as shown on the partition map filed in Cause No. 2405 of the Seventeenth Judicial District Court of Los Angeles County, said point bearing N. 16° 29' 30" W., 261.84 feet, along said westerly line, from a lead and tack (set by Murray) replacing a 3" by 3" stake marking Station No. 1 of the meander line of said Rancho Boca de Santa Monica, said point also bearing S. 16° 29' 30" E., 1514.45 feet, along said westerly line, from a 2 1/2" iron pipe known as "B.S.M. VII" of United States Government Survey; thence, S. 16° 29' 30" E., along said westerly line, to a point in a curve in the north line of the present 80 foot State highway right of way, which curve is described as "thence from said point of beginning easterly along a curve to the left having a radius of 660 feet" in Resolution of Abandonment, a certified copy of which was recorded in Book 8832 of Official Records, page 248, records of Los Angeles County; thence, westerly, along said curve having a radius of 660 feet, to a point in the northerly line of the 80 foot State highway right of way as conveyed to the State of California by the Title Insurance and Trust Company by deed recorded in Book 457 of Official Records, page 180, records of Los Angeles County; thence, westerly, along said northerly line of the 80 foot right of way described in said deed recorded in Book 457 of Official Records, page 180, to said Compromise Line; thence, N. 5° 50' W., along said Compromise Line, to the point of beginning. Containing 6.809 acres.

The purpose of this condemnation is for the use of the People of the State of California, and the public, as a right of way for a State highway.

DATED: 4/17, 1936.

ELLIOT CRAIG, Judge of the Superior Court.

Filed APR 17 1936 Typed by R G Bell Entered APR 20 1936 L.E. LAMPTON, County Clerk
By I. Rottomley, Deputy.

(JUDGMENT BOOK 937 PAGE 381) The foregoing instrument is a correct copy of the original judgment of record in this office. ATTEST April 20, 1936.

(Superior Court Seal)

L.E. LAMPTON, County Clerk and Clerk of the Superior Court of the State of California, in and for the County of Los Angeles.
By G.C. Conklin, Deputy.

#844 Copy of original recorded at request of S.V. CORTELYOU APR 21 1936 11:06 A.M.
Copyist #32 Compared. G.L. Logan, County Recorder, By *G.L. Logan* Deputy.
Free-15. S.

QUIT CLAIM DEED

Ethel Frances Woodard, and her husband, M.L. Woodard, Thonora Kess and her husband
Fred C. Kess, Alpha Bette Hairn and her husband Arthur Hairn, Ada May Boggs, and her

of one dollar, receipt of which is hereby acknowledged, and the payment of said indebtedness, said trustee do hereby reconvey to the person or persons legally entitled thereto, but without warranty, all the property ... by said deed of trust now held by said trustee under the terms of said deed of trust. In witness whereof, said J. Edward Reid and J.M. Lancaster, as trustees, have caused their names to be affixed hereto, this 25th day of April, 1936.

J. Edward Reid, Trustee.
J.M. Lancaster, Trustee.

State of California, County of Los Angeles,) ss. On this 25th day of April, 1936, before me, Emory F. Crepeau, a notary public in and for said county and state, personally appeared J. Edward Reid and J.M. Lancaster, trustees, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same as such trustees. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial Seal) Emory F. Crepeau, Notary Public
in and for said county and state. My commission expires Sept. 26, 1938.

#630-Copy of original recorded at request of Grantee, May 27, 1936, 8:31 A.M.
Copyist #119. Compared, C.L. Logan, County Recorder, By *[Signature]*
91.00-4.M.

Deputy.

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FULL RECONVEYANCE TRUST DEED NO. 5075.

This Indenture made the 6th day of November, 1935, at Long Beach, California, Witnesseth: Whereas, California First National Bank of Long Beach, a national banking association, with principal place of business at Long Beach, California, trustee, under deed of trust executed by Ernest C. Murillo and Ada M. Murillo, trustor, and recorded July 17, 1928, in Book 8694, Page 125 of Official Records, in the office of the County Recorder of Los Angeles County, California, has been duly requested to quitclaim and reconvey the property therein conveyed, by reason of the payment of the indebtedness secured by said deed of trust; Now, therefore, in consideration of the payment of the trustee's fee herefor, receipt of which is hereby acknowledged, and the payment of said indebtedness and at the request of the holder of the note secured by said deed of trust, said trustee does hereby quitclaim and reconvey without warranty to the person or persons legally entitled thereto, all of the property conveyed by said deed of trust. In witness whereof, the said California First National Bank of Long Beach, as trustee, has caused its corporate name and seal to be affixed by its Vice-President and Assistant Secretary duly authorized, this 6th day of November, 1935.

(Corporate Seal) California First National Bank of Long Beach,
By A.L. Parmley, Vice-President
Attest: S.W. Coverdale, Assistant Secretary

State of California, County of Los Angeles,) ss. On this 6th day of November, 1935, before me, a notary public in and for said county and state, personally appeared A.L. Parmley known to me to be the Vice-President and S.W. Coverdale, known to me to be the Assistant Secretary of the association that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the association therein named, and acknowledged to me that such association executed the same.

Witness my hand and official seal.

(Notarial Seal) J.M. Clifford, Notary Public
in and for said county and state.

#598-Copy of original recorded at request of Title Guar. Tr. Co. May 27, 1936, 8:30 A.M.
Copyist #119. Compared, C.L. Logan, County Recorder, By *[Signature]*
91.00-4.M.

Deputy

U.S.I.R.S. \$1.00 cancelled. In consideration of ten dollars, Elwain Steinkamp and Donna Steinkamp, his wife, do hereby grant to Frank S. Lampert and Lottie Lampert, his wife, as joint tenants, all that real property situate in the City of Southgate, County of Los Angeles, State of California, described as follows: Lots Two Hundred Thirteen (213) and Two Hundred Fourteen (214) of Tract No. 4707, as per map recorded in Book 82, Page 14 of Maps, in the office of the County Recorder of said county.

Subject to General and special city and county taxes for 1936-37 and levies included therein; conditions, restrictions, reservations, rights and rights of way of record, if any; Witness our hands this 23rd day of May, 1936.

Elwain Steinkamp.
Donna Steinkamp.

State of California, County of Los Angeles,) ss. On this 23rd day of May, in the year one thousand nine hundred thirty-six, before me, the undersigned, a notary public in

GRANT DEED

NO. 2

TITLE INSURANCE AND TRUST COMPANY, a corporation, SUSAN ELIZABETH BAYLY, PHOEBE DIANE BAYLY, HAROLD BAYLY, and HAROLD BAYLY, as _____ of the Estate of Harold Bayly, Jr., a minor, in consideration of Ten and no/100 Dollars (\$10.00), to them in hand paid, receipt of which is hereby acknowledged, do hereby GRANT TO MARY M. BAYLY, a married woman, the real property in the County of Los Angeles, State of California, described as follows:

PARCEL A. The Easterly 11 feet of Parcel 14 and all of Parcel 15 in the County of Los Angeles, State of California, as shown on Licensed Surveyor's Map filed in Book 26 Page 43 of Record of Surveys in the office of the County Recorder of said County.

ALSO that portion of Lot 7 in Section 31, Township 1 South, Range 16 West, S.B.M., in said County, bounded Northerly by the center line of Present Highway Improvement, as the same appears on map attached to First Amended and Supplemental Complaint filed in Case No. 352603, Superior Court of said County, bounded Southerly by the Northerly lines of said Parcels 14 and 15, bounded Westerly by the Northerly prolongation of the Westerly line of the Easterly 11 feet of said Parcel 14, and bounded Easterly by the Northerly prolongation of the Easterly line of said Parcel 15.

EXCEPT any portion of said land which at any time was tide land, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

PARCEL B. Parcels 30 and 31 in the County of Los Angeles, State of California, as shown on Licensed Surveyor's Map filed in Book 26 Page 43 of Record of Surveys in the office of the County Recorder of said County.

ALSO those portions of Lots 7 and 8 in Section 31, Township 1 South, Range 16 West, S.B.M., in said County, bounded Northerly by the center line of Present Highway Improvement, as same appears on map attached to First Amended and Supplemental Complaint filed in Case No. 352603, Superior Court of said County, bounded Southerly by the Northerly line of said Parcels 30 and 31, bounded Westerly by the Northerly prolongation of the Westerly line of said Parcel 30, and bounded Easterly by the Northerly prolongation of the Easterly line of said Parcel 31.

EXCEPT any portion of said land which at any time was tide land, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

PARCEL C. Parcels 49 and 50 in the County of Los Angeles, State of California, as shown on Licensed Surveyor's Map filed in Book 26 Page 43 of Record of Surveys in the office of the County Recorder of said County.

ALSO that portion of Lot 8 in Section 31, Township 1 South, Range 16 West, S.B.M., in said County, bounded Northerly by the center line of Present Highway Improvement, as the same appears on map attached to First Amended and Supplemental Complaint filed in Case No. 352603, Superior Court of said County, bounded Southerly by the Northerly line of said Parcels 49 and 50, bounded Westerly by the Northerly prolongation of the Westerly line of said Parcel 49, and bounded Easterly by the Northerly prolongation of the Easterly line of said Parcel 50.

EXCEPT any portion of said land which at any time was tide land, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

PARCEL D. Parcels 61 and 62 in the County of Los Angeles, State of California, as shown on Licensed Surveyor's Map filed in Book 26 Page 43 of Record of Surveys in the office of the County Recorder of said County.

ALSO that portion of Lot 8 in Section 31, Township 1 South, Range 16 West, S.B.M., in said County, bounded Northerly by the center line of Present Highway Improvement, as the same appears on map attached to First Amended and Supplemental Complaint filed in Case No. 352603, Superior Court of said County, bounded Southerly by the Northerly line of said Parcels 61 and 62, bounded Westerly by the Northerly prolongation of the Westerly line of said Parcel 61, and bounded Easterly by the Northerly prolongation of the Easterly line of said Parcel 62.

EXCEPT any portion of said land which at any time was tide land, which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

PARCEL E. That portion of Parcel 64 in the County of Los Angeles, State of California, as shown on Licensed Surveyor's Map filed in Book 26 Page 43 of Record of Surveys in the office of the County Recorder of said County, lying between lines normal (radial) to the Northerly line of said Parcel 64 which pass throughpoints in said Northerly line that are distant Westerly 162.48 feet and 234.77 feet measured along said Northerly line from the Northeasterly corner of said Parcel 64.

ALSO that portion of Section 31, Township 1 South, Range 14 West, S.R.M., in said County, bounded Northerly by the center line of Present Highway Improvement, as the same is shown on map attached to the First Amended and Supplemental Complaint filed in Case No. 352603, Superior Court of said County, bounded Southerly by the Northerly line of said Parcel 64 and bounded Westerly and Easterly by the Northerly prolongations of the Westerly and Easterly lines of the above described portion of said Parcel 64.

EXCEPT any portion of said land which at any time was tide land which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

PARCEL F. Parcel 65 in the County of Los Angeles, State of California, as shown on Licensed Surveyor's Map filed in Book 26 Page 43 of Record of Surveys in the office of the County Recorder of said County.

ALSO that portion of Lot 2 in Section 32, Township 1 South, Range 14 West, S.R.M., in said County, bounded Northerly by the center line of Present Highway Improvement, as the same appeared on map attached to First Amended and Supplemental Complaint filed in Case No. 352603, Superior Court of said County, bounded Southerly by the Northerly line of said Parcel 65 and bounded Westerly and Easterly by the Northerly prolongations of the Westerly and Easterly lines of said Parcel 65.

EXCEPT any portion of said land which at any time was tide land which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

PARCEL G. Parcel 66 in the County of Los Angeles, State of California, as shown on Licensed Surveyor's Map filed in Book 26 Page 43 of Record of Surveys in the office of the County Recorder of said County.

ALSO that portion of Section 32, Township 1 South, Range 14 West S.R.M., in said County, bounded Northerly by the center line of Present Highway Improvement, as the same appears on map attached to First Amended and Supplemental Complaint filed in Case No. 352603, Superior Court of said County, bounded Southerly by the Northerly line of said Parcel 66, and bounded Westerly and Easterly by the Northerly prolongations of the Westerly and Easterly lines of said Parcel 66.

EXCEPT any portion of said land which at any time was tide land which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

PARCEL H. That portion of Lot 2 in Section 32, Township 1 South, Range 14 West, S.R.M., in the County of Los Angeles, State of California, described as follows:

Beginning at a point in the Northeasterly prolongation of the Southeasterly line of Parcel 67, as shown on Licensed Surveyor's Map filed in Book 26 Pages 43 and 44 of Record of Surveys in the office of the County Recorder of said County, distant thereon North $28^{\circ} 19' 50''$ East 40.00 feet from the most Easterly corner of said Parcel 67; thence South $61^{\circ} 40' 10''$ East 62.12 feet to the beginning of a tangent curve concave Northerly having a radius of 700 feet; thence Easterly along said curve 222.59 feet to the true point of beginning; thence continuing along said curve Easterly 47.11 feet; thence along a radial line of said curve extended South $6^{\circ} 15' 20''$ East to a point in the line of ordinary high tide of the Pacific ocean; thence Westerly along said line of ordinary high tide to a point in a line which has a bearing of North $17^{\circ} 57' 00''$ East and which passes through a point in a radial line of said curve extended South $10^{\circ} 06' 40''$ West 40 feet from the true point of beginning; thence along said line North $17^{\circ} 57' 00''$ East to said point in said radial line; thence along said radial line North $10^{\circ} 06' 40''$ East 40 feet to the true point of beginning.

EXCEPT any portion of said land which at any time was tide land which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

RESERVED therefrom an easement for ingress and egress to be used in common with others over the Northerly 40 feet thereof.

TOGETHER WITH an easement for ingress and egress to and from the parcel last hereinabove described to be used in common with others over that portion of said Lot 2 in Section 32 described as follows:

Beginning at the intersection of the Southerly line of the State Highway as established by the Resolution of Abandonment recorded in Book 14098 Page 353, Official Records of said County, with the Northerly prolongation of the Westerly line of Parcel 68 as shown on said Licensed Surveyor's Map; thence along said prolongation South $28^{\circ} 19' 50''$ West to the most Northerly corner of said Parcel 68; thence along the Northerly lines of Parcels 68 and 69, as shown on said Licensed Surveyor's Map, and said line prolonged South $61^{\circ} 40' 10''$ East 122.12 feet to the beginning of a tangent curve concave Northerly having a radius of 740.00 feet; thence Easterly along said curve 336.34 feet to the

Easterly line of said Section 32; thence along said Easterly line North 16° 29' 30" West 42.38 feet to a curve concentric with the last described curve and having a radius of 700 feet; thence Westerly along said concentric curve 267.39 feet to a line parallel with the Easterly line of said Section 32; thence through a point in the Southerly line of said State Highway that is distant Westerly along said Southerly line 240 feet from the Easterly line of said Section 32; thence along said parallel line North 16° 29' 30" West 41.23 feet to the Southerly line of said State Highway; thence Westerly along said Southerly line to the point of beginning.

EXCEPT that portion of said land within the lines of the last described parcel.

SUBJECT TO: 1. General and special taxes for the fiscal year 1943-1944.

2. Existing easements, as to all the foregoing parcels, for drainage purposes in favor of the State of California; and subject also to all easements, rights and rights of way of record.

PROVIDED, however, that this conveyance is made and accepted and said realty hereby is granted subject to the following express conditions, restrictions, reservations and covenants hereinafter referred to as 'conditions' which shall be and operate as express conditions subsequent and shall inure to and bind the parties hereto, their heirs, executors, administrators, grantees, lessees, devisees, successors and assigns, namely:

1. That no part of said realty shall ever at any time be sold, conveyed, leased or rented to any person not of the white or Caucasian race.

2. That no part of said realty shall ever at any time be used or occupied or be permitted to be used or occupied by any person not of the white or Caucasian race, except as are in the employ of the resident owners or resident tenants thereof.

PROVIDED, that each and all of the conditions contained in paragraphs 1 and 2 shall be perpetual and binding forever upon said realty, the parties hereto, their heirs, devisees, executors, administrators and assigns.

PROVIDED, ALSO, that a breach of any of the foregoing conditions shall cause said realty to revert to the said Grantor, or its successors in interest, who shall have the right of immediate re-entry upon said realty in the event of any such breach, and the foregoing conditions shall operate as covenants running with the land, and the breach of any such covenants or the continuance of any such breach may be enjoined, abated or remedied by said Grantor or its successors in interest.

PROVIDED, ALSO, that a breach of any of the foregoing covenants or conditions, or any re-entry by reason of such breach, shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value, as to said realty or any part thereof, but said covenants or conditions shall be binding upon and effective against any subsequent owner of said realty.

Harold Bayly, as Guardian of the Estate of Harold Bayly, Jr., a minor, joins in this conveyance pursuant to an order of court in the matter of the estate and guardianship of said minor, Los Angeles County Probate No. 222934, dated September 8, 1943, and recorded September 16, 1943.

DATED this 14th day of October, 1943.

(Seal)

TITLE INSURANCE AND TRUST COMPANY

By Charles I. Baker Vice President

L.B.M.

By J. A. Willett Assistant Secretary

Susan Elizabeth Bayly (SUSAN ELIZABETH BAYLY)

Phoebe Diane Bayly (PHOEBE DIANE BAYLY)

Harold Bayly (HAROLD BAYLY)

Harold Bayly (HAROLD BAYLY), as Guardian of the Estate of Harold Bayly, Jr., a minor.

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.)ss On this 15th day of October, 1943, before me, EDNA DEWHURST, a Notary Public in and for said County, personally appeared Charles I Baker known to me to be the Vice-President, and J. A. Willett, known to me to be the Assistant Secretary of TITLE INSURANCE AND TRUST COMPANY, the corporation that executed the foregoing instrument, known to me to be the persons who executed said instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same. WITNESS my hand and official seal.

(Seal)

Edna Dewhurst Notary Public in and for said County and State.

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.)ss On this 16th day of October, 1943, before me, EDNA DEWHURST, a Notary Public in and for said County, personally appeared SUSAN ELIZABETH BAYLY, 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.
(Seal)

Edna Dewhurst Notary Public in and for
said County and State.

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.) On this 15th day of October, 1943,
before me, EDNA DEWHURST, a Notary Public in and for said County, personally appeared
PHOEBE DIANE BAYLY, 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.

(Seal)

Edna Dewhurst Notary Public in and for
said County and State.

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.) On this 15th day of October, 1943,
before me EDNA DEWHURST, a Notary Public in and for said County, personally appeared
HAROLD BAYLY, known to me to be the person whose name is subscribed to the within instru-
ment, and acknowledged that he executed the same, individually and as guardian.
WITNESS my hand and official seal.

(Seal)

Edna Dewhurst Notary Public in and for
said County and State. My Commission Expires March 1, 1945.

STATE OF CALIFORNIA COUNTY OF LOS ANGELES) On October 15th, 1943, before me, EDNA
DEWHURST, a Notary Public in and for said County, personally appeared HAROLD BAYLY, known
to me to be the person whose name is subscribed to the within instrument, as Guardian
of the Estate of Harold Bayly, Jr., a minor, and acknowledged that he executed the same
as such Guardian. WITNESS my hand and official seal.

(Seal)

Edna Dewhurst Notary Public in and for
said County and State.

#055 Copy of original recorded at request of TITLE INSURANCE & TRUST CO. Oct 20 1943, BAY,
County Clerk, Compared, Mame B. Bonty, County Recorder, By *M. J. ...* Deputy
84-20-33-B.

I HEREBY CERTIFY THIS DOCUMENT TO BE A
TRUE AND CORRECT COPY OF THE ORIGINAL
EARL NOACK CITY CLERK OF THE CITY OF
CULVER CITY, CALIF.

RESOLUTION NO. 8642

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, ACCEPTING
QUITCLAIM DEED FROM C. E. PHILLIPS AND LOLA MAE PHILLIPS, COVERING LOT 189, TRACT 7645.

THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That the City Council of the City of Culver City does hereby accept on be-
half of said City that certain Quitclaim Deed executed by C. E. Phillips and Lola Mae
Phillips, as Grantors, to said City, Grantee, dated October 16, 1943, covering the follow-
ing described property situated in the City of Culver City, County of Los Angeles, State
of California:

Lot 189, Tract 7645, as per map recorded in Book 90 Pages 99 and 100 of Maps in the
office of the County Recorder of said County.

SECTION 2. That said property has been required by the City of Culver City in con-
nection with a public purpose, to-wit: a comprehensive program being carried forward by the
City Council, under the direct supervision of a committee designated as the Tax Recovery
Committee, consisting of a member of the City Council, the City Treasurer and the City
Attorney, for the purpose of returning to the tax rolls, under the provisions of Division
1, Part 6, Chapter 8, Articles I and IV of the Revenue and Taxation Code, and otherwise,
property deeded to the State by reason of the failure of owners thereof to pay taxes,
which property, as a part of said Tax Recovery Program, is intended to be sold and will
be sold as soon as the City is in position to deliver title thereto.

SECTION 3. That the City Clerk is hereby authorized and instructed to cause said deed
to be recorded in the office of the County Recorder of the County of Los Angeles.

APPROVED and ADOPTED this 25th day of October, 1943.

ATTEST:

(Seal)

EARL NOACK CITY CLERK.

CITY E. HEATON
PRESIDENT of the City Council and MAYOR of the
City of Culver City, California.

QUITCLAIM DEED

IN CONSIDERATION of \$10.00, receipt of which is hereby acknowledged, C. E. PHILLIPS and
LOLA MAE PHILLIPS, husband and wife whose permanent address is 10960 Mountain Avenue,
Tujunga, California, do hereby remise, release and forever quitclaim to CITY OF CULVER
CITY, a municipal corporation, whose permanent address is 9770 Culver Boulevard,
Culver City, California, the real property in the City of Culver City County of Los
Angeles, State of California, described as:

Recording Requested by and
When Recorded, Mail To:
California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105
Attention: Legal Department

84 199296

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA

FEB 16 1984 AT 8 A.M.

Recorder's Office

NO 4

FREE S

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IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT

AND

DECLARATION OF RESTRICTIONS

A7426

THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND
DECLARATION OF RESTRICTIONS (hereinafter "offer") is made this 23rd day
of December, 19 83, by Dorothy J. Friedman, an unmarried woman,
(hereinafter referred to as "Grantor").

I. WHEREAS, Grantor is the legal owner of a fee interest of certain real
properties located in the County of Los Angeles, State of
California, and described in the attached Exhibit A (hereinafter referred to as
the "Property"); and

II. WHEREAS, all of the Property is located within the coastal zone as
defined in Section 30103 of the California Public Resources Code (which code is
hereinafter referred to as the "Public Resources Code"); and

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

IV. WHEREAS, Pursuant to the Act, Grantor applied to the Commission
for a permit to undertake development as defined in the Act within the Coastal
zone of Los Angeles County (hereinafter the "Permit"); and

V. WHEREAS, a coastal development permit (Permit No. 5-82-456)
was granted on 25th of August, 19 83, by the Commission in

This document filed for record by California Land
Title Company as an accommodation only. It has
not been examined as to its execution or as to its
effect upon the title.

7

1 accordance with the provision of the Staff Recommendation and Findings,
2 Exhibit B, attached hereto and hereby incorporated by reference, subject to
3 the following condition:

4 Lateral Access. Prior to the transmittal of a permit, the Executive
5 Director shall certify in writing that the following condition has been
6 satisfied. The applicant shall execute and record a document, in a form
7 and content approved in writing by the Executive Director of the Commission,
8 irrevocably offering to dedicate to a public agency or a private association
9 approved by the Executive Director, an easement for public access and
10 passive recreational use along the shoreline. The easement shall include
11 all area from the mean high tide line landward to the dripline of the most
12 seaward extent of the structure. The document submitted for recording shall
13 include a record of survey illustrating the easement and shall include
14 legal descriptions of both the applicant's entire parcel and the easement
15 area. Such offer of dedication shall be recorded free of prior liens
16 except for tax liens and free of prior encumbrances which the Executive
17 Director determines may affect the interest being conveyed.

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

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

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

1 IX. WHEREAS, it is intended that this Offer is irrevocable and shall
2 constitute enforceable restrictions within the meaning of Article XIII, Section
3 8 of the California Constitution and that said Offer, when accepted, shall
4 thereby qualify as an enforceable restriction under the provision of the
5 California Revenue and Taxation Code, Section 402.1;

6 NOW THEREFORE, in consideration of the granting of Permit No. 5-83-456 to
7 the owner(s) by the Commission, the owner(s) hereby offer(s) to dedicate to the
8 People of California or the Commission's designee an easement in perpetuity for
9 the purposes of Public access and passive recreation use along the shore-
10 line

11
12 located on the subject property From the mean high tide line landward
13 to the dripline of the most seaward extent of the structure
14 and as specifically set forth by attached Exhibit C hereby incorporated by
15 reference.

16 1. BENEFIT AND BURDEN. This Offer shall run with and burden the
17 Property and all obligations, terms, conditions, and restrictions hereby
18 imposed shall be deemed to be covenants and restrictions running with the land
19 and shall be effective limitations on the use of the Property from the date of
20 recordation of this document and shall bind the Grantor and all successors and
21 assigns. This Offer shall benefit the State of California.

22 2. DECLARATION OF RESTRICTIONS. The Grantor is restricted from
23 interfering with the use by the public of the area subject to the offered
24 easement for public access. This restriction shall be effective from the time
25 of recordation of this Offer and Declaration of Restrictions.

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1 3. ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS. Prior to the
2 opening of the accessway, the Grantee, in consultation with the Grantor, may
3 record additional reasonable terms, conditions, and limitations on the use of
4 the subject property in order to assure that this Offer for public access is
5 effectuated.

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

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

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

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1 Acceptance of the Offer is subject to a covenant which runs with the
2 land, providing that any offeree to accept the easement may not abandon it but
3 must instead offer the easement to other public agencies or private
4 associations acceptable to the Executive Director of the Commission for the
5 duration of the term of the original Offer to Dedicate.

6 Executed on this 13 day of January, 1984, at Los Angeles
7 County, California.

8 Dated: January 19 1984

Signed

Dorothy J. Friedman
Owner

Dorothy J. Friedman

Type or Print

Signed

Type or Print

14 NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons signing
15 on behalf of a corporation, partnership, trust, etc., please use the correct
16 notary jurat (acknowledgment) as explained in your Notary Public Law Book.

17 State of California,)

)SS

19 County of LOS ANGELES)

20 On this 13 day of January, in the year 1984, before
21 me KENNETH W. MOULDER, a Notary Public, personally appeared

DOROTHY J. FRIEDMAN

~~/ / personally known to me~~

84 199296

// proved to me on the basis of satisfactory evidence

25 to be the person(s) whose name is subscribed to this instrument, and
26 acknowledged that he/she/they executed it.



Kenneth W. Moulder
NOTARY PUBLIC IN AND FOR SAID COUNTY AND
STATE

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This is to certify that the Offer to Dedicate set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 5-83-456 on August 25, 1983 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: January 4, 1984

Cynthia K Long
CYNTHIA K LONG STAFF COUNSEL
California Coastal Commission

STATE OF California)

COUNTY OF San Francisco)

On 4 January 1984, before me Gary Lawrence Holloway, a Notary Public, personally appeared Cynthia K. Long, personally known to me to be the person who executed this instrument as the Staff Counsel TITLE

and authorized representative of the California Coastal Commission and acknowledged to me that the California Coastal Commission executed it.



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

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EXHIBIT "A"

Legal Description:

Parcel 62, as shown on Licensed Surveyors Map filed in Book 26, Pages 43 and 44 of record of surveys, in the County of Los Angeles, State of California, in the office of the County Recorder of said County.

Also that portion of Lot 8, Section 31, Township 1 South, Range 16 West, San Bernardino Meridian, in said County, bounded Northerly by the center line of present highway improvement as the same appears on map attached to first amended and supplemental complaint filed in Case No. 352603, Superior Court of said County bounded Southerly by the Northerly line of said Parcel 62 bounded Westerly by the Northerly prolongation of the Westerly line of said Parcel 62 bounded Easterly by the Northerly prolongation of the Easterly line of said Parcel 62.

EXCEPT any portion of said land which at any time was title land which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

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EXHIBIT B:

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

FILED: 7-12-83
49TH DAY: 8-30-83
180TH DAY: 1-2-84
STAFF REPORT: 8-12-83
MEETING OF: 8/23-26/83
STAFF: LF - C

AUG 10 1983

STAFF REPORT

ADMINISTRATIVE ITEM

APPLICATION NUMBER: 5-83-456 (Friedman)
APPLICANT: Dottie Friedman AGENT: Kenneth Moulder
PROJECT LOCATION: 19016 Pacific Coast Highway, Malibu, Los Angeles
PROJECT DESCRIPTION: Construction of a three story, 2602 square foot,
single-family residence on a vacant oceanfront lot.

LOT AREA	<u>2,550 sq.ft</u>	LANDSCAPE COVERAGE	<u>N/A</u>	PROJECT DENSITY	<u>N/A</u>
BLDG. COVERAGE	<u>1,502 sq.ft</u>	ZONING	<u>R-3-3000</u>	HEIGHT ABOVE AVERAGE FINISH	<u>0</u>
PAVEMENT COVERAGE	<u>N/A</u>	PLAN DESIGNATION	<u></u>	GRADE	<u>..35 ft...</u>

LOCAL APPROVALS RECEIVED Approval in concept in Los Angeles County, Approval in
Concept Department of Health Services

EXECUTIVE DIRECTOR DETERMINATION: Pursuant to PRC Sec. 30604, the Executive Director hereby issues a permit for the proposed development, subject to Standard Conditions adopted by the Commission and Special Conditions below, on the grounds that, as conditioned, the development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

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I. STANDARD CONDITIONS

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

II. SPECIAL CONDITIONS

1. Lateral Access. Prior to the transmittal of a permit, the Executive Director shall certify in writing that the following condition has been satisfied. The applicant shall execute and record a document, in a form and content approved in writing by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or a private association approved by the Executive Director, an easement for public access and passive recreational use along the shoreline. The easement shall include all area from the mean high tide line landward to the dripline of the most seaward extent of the structure. The document submitted for recording shall include a record of survey illustrating the easement and shall include legal descriptions of both the applicant's entire parcel and the easement area. Such offer of dedication shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed.

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

2. Vertical Access. Prior to transmittal of a permit, the Executive Director shall certify in writing that the following condition has been satisfied. The applicant shall execute and record a document, in a form and content approved by the Executive Director of the Commission, irrevocably offering to dedicate to an agency approved by the Executive Director, an easement for public access to the shoreline. Such easement shall be described as from Pacific Coast Highway along the western property line to the mean high tideline. The easement shall be 3 feet in width. Said easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed.

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

3. Applicant's Assumption of Risk. Prior to the issuance of a coastal permit, the applicant shall submit to the Executive Director an executed deed restriction for recordation free of prior liens and encumbrances, except for tax liens, that binds the applicant and all successors in interest to the development property. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director and shall state the following:
 - a. The applicant has requested coastal development permit number S-83-455 from the California Coastal Commission to authorize the construction of a single family residence.
 - b. The applicant has retained a registered civil engineer and certified engineering geologist to study the site for the presence of seismic, geologic, erosion, wave runup, and other hazard(s).
 - c. The expert's observations, conclusions and recommendations are contained in a report entitled Updated Geologic and Soils Engineering Report Plan Review and Revised Foundation Recommendations, dated March 8, 1983 by Kovacs-Byer-Robertson, Inc. and Foundation Investigation Proposed Single Family Residence dated July 28, 1977 by Kovacs-Byer- and Assoc., Inc.
 - d. Based upon information contained in the above-referenced reports and the findings of the Coastal Commission in granting the permit, the applicant understands that the site is subject to extraordinary hazard from ground shaking from a seismic event including liquefaction and tsunami, landslides, floods, creep, consolidation and surficial failure, and scour and erosion from wave runup.

- e. By accepting the permit, the applicant recognizes the risk he is taking and assumes the liability for harm to life or damage to property that may result from the hazards described in (d) above due to pre-existing conditions, natural causes, or the applicant's development activities.
 - f. The applicant agrees to waive unconditionally any potential claim of liability against and to hold harmless the California Coastal Commission and any other public agency which authorized this development for any damage, loss of property or life which may arise as a result of the design, the construction or the placement of materials on the development property as authorized by this coastal permit, excepting however, any claims of indemnification that the applicant may assert under the terms of any existing agreement with a public agency.
 - g. The applicant understand that construction in the face of these known hazards may make him ineligible for public disaster funds or loans for the repair, replacement or rehabilitation of the property or development in the event of seismic ground shaking, floods, landslides, creep, consolidation or surficial failure, or scour and erosion from wave run-up.
4. Revised Plans. Prior to the transmittal of the permit, the applicant shall submit revised plans indicating no walls or other structures or landscaping which would block the area identified as the vertical access easement in Condition 2 above.

III. Additional Findings. The Executive Director determines and finds as follows:

- A. Project Description. The applicant proposes to construct a three-story, 2,602 square foot single family residence on a 2,550 square foot vacant oceanfront lot at Las Tunas Beach in Malibu. The structure includes a bulkhead located 13 feet to the oceanside of the adjoining property bulkhead to the west, and a septic system.
- B. Public Access. Sections 30210, 30211 and 30214 of the Coastal Act provide that maximum public access be provided and that development not interfere with the public's right of access to the sea. In addition, Section 30212 of the Act provides, in parts, that:

(a) Public access from the nearest public roadway to shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The applicant proposes to develop a single family residence on an oceanfront parcel on Las Tunas Beach.

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The development as proposed will result in commitment of an beachfront area to private residential use. Section 30212 requires that public access be provided in new development except for exceptions set forth in 30212(a)(1-3). In this case those exceptions do not apply. The Commission has concluded in past actions that provision of lateral access is necessary to assure maximum access to and along the shoreline in this area. Condition 1 to provide lateral public access is therefore required to offset the burden of private development on the public's ability to use the shoreline.

The nearest vertical public access easement is located approximately one half mile away at Topanga State Beach. The lack of nearby vertical access does not allow the public reasonable and maximum access to the shoreline. Provision of vertical access as provided by Condition 2 is required by Section 30212 in order to maximize access and mitigate for the burden the proposed development places on the public's ability to reach the shoreline.

However, as proposed the project would also construct a wall extending from the structure to the property line in the area required for the vertical access easement thus effectively precluding use of the easement. Condition 4 is thus necessary to delete the wall from the proposed easement area in order to find the project consistent with Section 30212 of the Act.

In addition, the property is on a sand promontory. To the west, upcoast existing SFDs are generally developed on a common line. However downcoast to the east the existing structures have substantially varied setbacks on the oceanside and a vacant lot is immediately adjacent.

As proposed, the structure will be located with a setback more closely conforming to existing development pattern upcoast. In this case application of the stringline is not required to assure that development will not encroach substantially on beach area beyond existing development. Further, since structures downcoast are older and have greater setbacks, application of the stringline would result in greater restrictions on adjacent properties. Therefore, since development as proposed will not encroach further on the beach, the development as conditioned is consistent with the public access and recreation policies of the Act.

HAZARDS

The development is proposed on a sand promontory in an area subject to hazards from wave run up, scour and erosion. Damage to adjacent structures occurred from the past winter's heavy surf and high tides. The applicant's geotechnical report identifies potential hazards noting that scour and erosion of the highway fill slope on the site has occurred. A six to seven foot high vertical slope has been created by wave attack on site and the beach profile has been lowered. The report recommends measures to minimize risks from potential wave run-up hazards and scour which have been incorporated into the project.

At Section 30001.5 of the Coastal Act, the legislature has stated that one of the basic goals of the state for the coastal zone is to:

84 199296

(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

Given the fact that there is evidence that a geologic and erosion hazard exists in the area where this development is proposed, other sections of the Coastal Act regarding that specific hazard applies.

Section 30253 of the Coastal Act states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Under Section 30253 new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. Likewise, new developments shall not interfere with the geologic integrity of natural landforms, shall be stable in and of themselves, and shall not require the construction of shoreline protective devices that would eventually alter natural landforms along bluffs and cliffs. The Coastal Act recognizes that new development may involve the taking of some risk, but require the Commission to establish the appropriate degree of risk acceptable for the proposed development. The Commission must also determine who should assume that risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

The geotechnical report has proposed mitigation measures incorporated into the project design including recommendations on foundation and lateral design, bulkhead construction, temporary cut slope stability and the design and location of the septic system and drainage controls.

The Commission notes that these structural solutions have been known to fail. For example, many geologic studies are based on the risks which might be caused by an "average event". An event of greater than average magnitude may very likely occur. Such an "extraordinary" event occurred in February, 1983, when a combination of high tides and stormy seas accelerated coastal erosion and inundated developments.

Although a structure may be engineered to withstand a certain statistical risk of harm, when the hazardous event actually does occur, it may not survive. The applicant's geotechnical report notes that, "Beachfront developments involve risk that are not found in conventional flatland developments and these risks can never be eliminated."

The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits the development should be held liable for the applicant's decision to develop. Therefore, the applicant is required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop.

The orderly use of the State's limited economic resources also requires the developer to assume the economic burdens in case the hazard occurs, and not to seek public relief. The Commission is aware that local, state, and federal programs may provide assistance to property owners and others who suffer from the types of hazard found on the site. These programs may contain policies which disallow disaster relief in certain cases.

The Comptroller General recently published a report on the National Flood Insurance Program in response to a request by a Senate subcommittee (publication number #GAO/CED-82-105). The General Accounting Office... "observed also that providing flood insurance and other Federal assistance in extremely hazardous coastal areas subject to wave damage may be undesirable public policy because of the high potential for loss of life and destruction of property." On page 14, the report stated, "The policy question involved is whether the Federal Government, through its assistance programs and tax laws, should share in the risks or whether individuals who build in coastal high hazard areas in the future should assume the full risks of losses."

This is the same policy question addressed by Section 30001.5 of the Coastal Act. The Commission must assure that the economic needs of the people of the State are not prejudiced by permitting a structure to be built that foreseeably requires repairs at public expense if disaster relief is granted.

The permit Condition 3 notifies the applicant of him/her potential ineligibility for public disaster relief funds and thereby encourages him/her to seek insurance from private indemnity companies. The applicant may find that private industry will carefully analyze the probability and degree of harm; it may be reluctant to insure the proposed development, or do so at a considerable cost. This business judgment would encourage the developer to consider alternatives to the proposed development to minimize the risks to life and property created by the development.

Assuming a decision by a private insurance company not to insure, or to do so at a cost that is infeasible to the applicant, that would constitute considerable evidence that the risks to life and property created by the proposed development have not been minimized. In that case, the development would not be consistent with the mandate of Section 30253 of the Coastal Act. Even though the Commission had granted the applicant the coastal permit, the applicant may choose not to proceed with the development given the knowledge that risks to his investment have not been minimized.

The Commission finds that this condition is consistent with, and necessary to carry out, one of the State's basic goals for the coastal zone, i.e.,

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consideration of the economic needs of the people of the State. The condition is also needed to implement Section 30253 of the Coastal Act.

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SCALE: 1" = 20'

84-199296

RECORD OF SURVEY

IN THE UNINCORPORATED TERRITORY OF
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,
BEING A SURVEY OF PARCEL 82 OF LICENSE
FILED IN BOOK 26, PAGES 43 AND 44 OF
IN THE OFFICE OF THE COUNTY RECORDER OF

This document filed for record by California Land Title Company as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

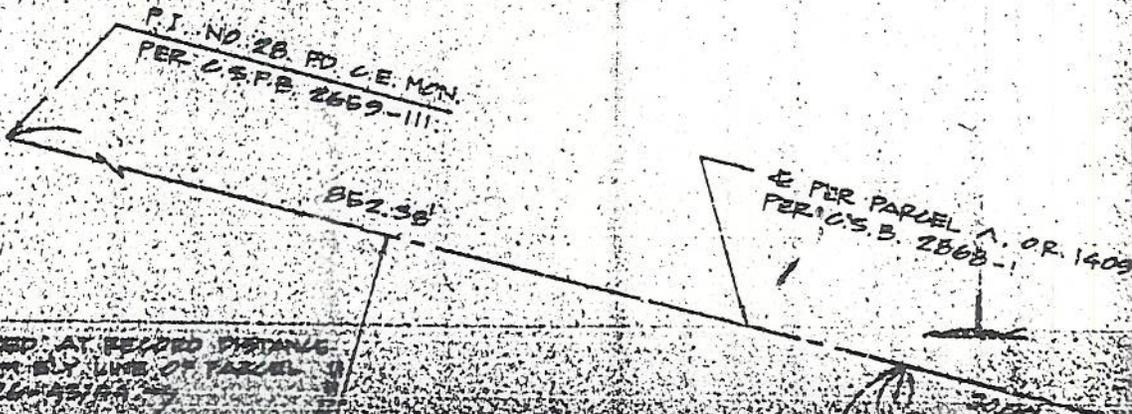
DATUM PLANE

MEAN SEA LEVEL, BASED UPON LOS ANGELES COUNTY ROAD DEPARTMENT BENCH MARK NO. CYES73, ELEVATION OF 28.731, 1980 ADJUSTMENT.

SURVEY
THIS MAP
CONFORMS
DOTTIE FT

BASIS OF BEARINGS

THE BEARING $57^{\circ}54'18''$ E OF THE CENTERLINE OF PACIFIC COAST HIGHWAY AS SHOWN ON C.S.B. 2888-1, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.



OF SURVEY

SHEET 1 OF 1 SHEETS

84-199-296

UNINCORPORATED TERRITORY OF THE
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.
MAP NO. 62107 LICENSED SURVEYOR'S MAP
NO. 43 AND 44 OF RECORD OF SURVEYS,
COUNTY RECORDER OF LOS ANGELES COUNTY.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN
CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AT THE REQUEST OF
DOTTIE FRIEDMAN IN SEPTEMBER 1963.

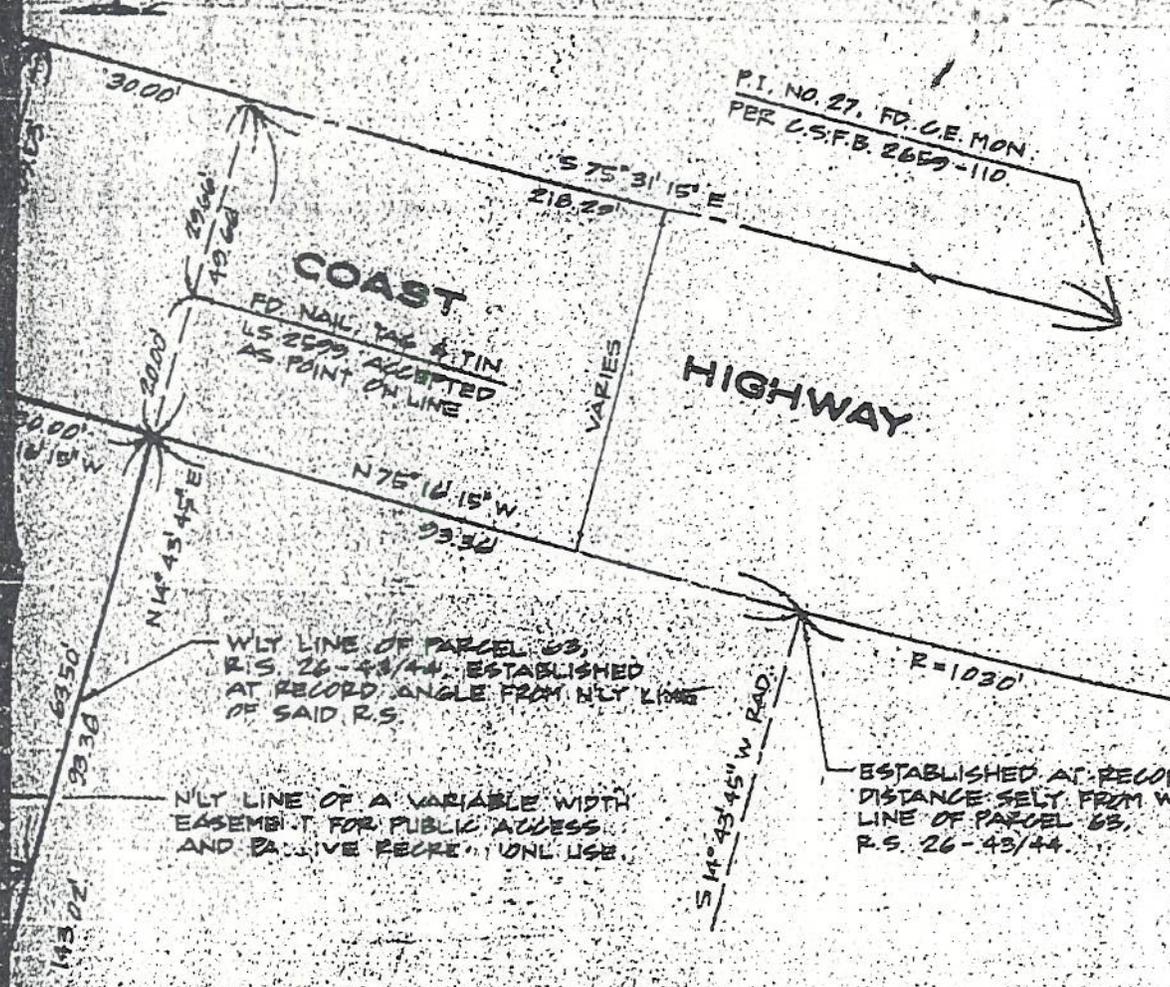


KENNETH K. WATANABE, P.C.E. 20024

14058-1995

268-1 14098-855

P.I. NO. 27. FD. C.E. MON.
PER C.S.F.B. 2659-110



COAST

HIGHWAY

FD. NAIL, TAP & TIN
LS 2599 ACCEPTED
AS POINT ON LINE

VARIES

WLY LINE OF PARCEL 63,
R.S. 26-43/44, ESTABLISHED
AT RECORD ANGLE FROM NLY LINE
OF SAID R.S.

NLY LINE OF A VARIABLE WIDTH
EASEMENT FOR PUBLIC ACCESS
AND PASSIVE RECREATION USE

ESTABLISHED AT RECORD
DISTANCE SELV FROM WLY
LINE OF PARCEL 63,
R.S. 26-43/44

RANDOM LINE BETWEEN POINTS
ON MEAN HIGH TIDE LINE, ELEV.
OF 1.24, SURVEYED OCTOBER 10, 1983



84-199296

Recording Requested by and Return to **84 199297**
State of California
California Coastal Commission
631 Howard Street, Fourth Floor
San Francisco, California 94105

FEE \$ **19.00** S

NO. 5

DEED RESTRICTION

A-74426

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I. WHEREAS, Dorothy J. Friedman

_____ , hereinafter referred to as
Owner(x), is the record owner(x) of the real property located in the County
of Los Angeles , described in attached Exhibit A, hereby
incorporated by reference, and hereinafter referred to as the subject
property; and

II. WHEREAS, the California Coastal Commission is acting on
behalf of the people of the State of California; and

III. WHEREAS, the subject property is located within the coastal
zone as defined in Section 30103 of the California Public Resources Code
(hereinafter referred to as the California Coastal Act); and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the
Owner applied to the California Coastal Commission for a coastal development
permit for the development on the subject property; and

V. WHEREAS, a coastal development permit No. 5-83-456 was
granted on 25, August 1983 by the California Coastal
Commission based on the findings adopted by the California Coastal
Commission attached in Exhibit B and hereby incorporated by reference; and

VI. WHEREAS, coastal development permit No. 5-83-456 was
subject to terms and conditions including but not limited to the following
condition: 3. Applicant's Assumption of Risk. Prior to the issuance of a
coastal permit, the applicant shall submit to the Executive Director an
executed deed restriction for recordation free of prior liens and encumbran-
ces, except for tax liens, that binds the applicant and all successors in
interest to the development property. The form and content of the deed
restriction shall be subject to the review and approval of the Executive
Director and shall state the following:

This document filed for record by California Land
Title Company as an accommodation only. It has
not been examined as to its execution or as to its
effect upon the title.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA
FEB 16 1984 AT 8 A.M.
Recorder's Office

J

- 1 a. The applicant has requested coastal development permit number 5-83-456
2 from the California Coastal Commission to authorize the construction of a
3 single family residence.
4 b. The applicant has retained a registered civil engineer and certified
5 engineering seismologist to study the site for the presence of seismic,
6 geologic, erosion, wave runup, and other hazards.
7 c. The expert's observations, conclusions, and recommendations are contained
8 in a report entitled Updated Geologic and Soils Engineering Report Plan Review
9 and Revised Foundation Recommendations, dated March 8, 1983 by Kovacs-Byer-
10 Robertson, Inc. and Foundation Investigation Proposed Single Family Residence
11 dated July 28, 1977 by Kovacs-Byer-and Assoc., Inc.
12 d. Based upon information contained in the above-referenced reports and the
13 findings of the Coastal Commission in granting the permit, the applicant
14 understands that the site is subject to extraordinary hazard from ground
15 shaking from a seismic event including liquefaction and tsunami, landslides,
16 floods, creep, consolidation and surficial failure, and scour and erosion from
17 wave runup.
18 e. By accepting the permit, the applicant recognizes the risk he is taking
19 and assumes the liability for harm to life or damage to property that may re-
20 sult from the hazards described in (d) above due to pre-existing conditions,
21 natural causes, or the applicant's development activities.
22 f. The applicant agrees to waive unconditionally any potential claim of lia-
23 bility against and to hold harmless the California Coastal Commission and any
24 other public agency which authorized this development for any damage, loss of
25 property or life which may arise as a result of the design, the construction
26 or the placement of materials on the development property as authorized by
27 this coastal permit, excepting however, any claims of indemnification that
the applicant may assert under the terms of any existing agreement with a
public agency.
g. The applicant understands that construction in the face of these known
hazards may make him ineligible for public disaster loans or funds for the
repair, replacement or rehabilitation of the property or development in the
event of seismic ground shaking, floods, landslides, creep, consolidation or
surficial failure, or scour and erosion from wave run-up.

VII. WHEREAS, the Commission found that but for the imposition
of the above condition the proposed development could not be found
consistent with the provisions of the California Coastal Act of 1976 and
that a permit could therefore not have been granted; and

VIII. WHEREAS, it is intended that this Deed Restriction is irrevocable
and shall constitute enforceable restrictions; and

IX. WHEREAS, Owner has elected to comply with the condition
imposed by Permit No. 5-83-456 so as to enable Owner to undertake the
development authorized by the permit;

//

1 NOW, THEREFORE, in consideration of the granting of Permit No.
2 5-83-456 to the Owner by the California Coastal Commission, the
3 Owner hereby irrevocably covenants with the California Coastal Commission
4 that there be and hereby is created the following restrictions on the use
5 and enjoyment of said property, to be attached to and become a part of the
6 deed to the property. The undersigned Owner, for himself/herself and for
7 his/her heirs, assigns, and successors in interest, covenants and agrees
8 that: Based upon information contained in (c) above and the findings of the
9 California Coastal Commission in granting the permit, the applicant understands
10 that the site is subject to extraordinary hazard from ground shaking from a
11 seismic event including liquefaction and tsunami, landslides, floods, creep,
12 consolidation and surficial failure, and scour and erosion from wave runup.
13 The applicant recognizes the risk he is taking and assumes the liability for
14 harm to life or damage to property that may result from the hazards described
15 above due to pre-existing conditions, natural causes, or the applicant's
16 development activities. The applicant agrees to waive unconditionally any
17 potential claim of liability against and to hold harmless the California
18 Coastal Commission and any other public agency for any damage, loss of property
19 or life which may arise as a result of the design, the construction or the
20 placement of materials on the development property as authorized by this
21 permit, excepting any claims of indemnification that the applicant may assert
22 under the terms of any existing agreement with a public agency. The applicant
23 understands that construction in the face of these known hazards may make him
24 ineligible for public disaster funds or loans for the repair, replacement or
25 rehabilitation of the property or development in the event of seismic ground
26 shaking, floods, landslides, creep, consolidation or surficial failure, or
27 scour and erosion from wave runup.

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

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Owner agrees to record this Deed Restriction in the Recorder's office
for the County of Los Angeles as soon as possible after the
date of execution.

DATED: January 13 1984, 19

SIGNED: *Dorothy J. Friedman*

Dorothy J. Friedman

PRINT OR TYPE NAME OF ABOVE

SIGNED: _____

PRINT OR TYPE NAME OF ABOVE

(NOTARY ACKNOWLEDGMENT NEXT PAGE)

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NOTE TO NOTARY PUBLIC:

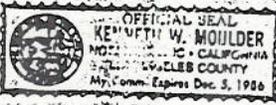
If you are notarizing the signatures of anyone signing on behalf of a trust, corporation, partnership, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Law Book.

State of California,
County of LOS ANGELES)

On this 13 day of JANUARY, in the year 1984
before me KENNETH W. MOULDER, a Notary Public, personally

appeared DOROTHY J. FRIEDMAN,
~~///~~ personally known to me

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



Kenneth W. Moulder
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE



84 199297

83028

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EXHIBIT "A"

Legal Description:

Parcel 62, as shown on Licensed Surveyors Map filed in Book 26, Pages 43 and 44 of record of surveys, in the County of Los Angeles, State of California, in the office of the County Recorder of said County.

Also that portion of Lot 8, Section 31, Township 1 South, Range 16 West, San Bernardino Meridian, in said County, bounded Northerly by the center line of present highway improvement as the same appears on map attached to first amended and supplemental complaint filed in Case No. 352603, Superior Court of said County bounded Southerly by the Northerly line of said Parcel 62 bounded Westerly by the Northerly prolongation of the Westerly line of said Parcel 62 bounded Easterly by the Northerly prolongation of the Easterly line of said Parcel 62.

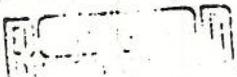
EXCEPT any portion of said land which at any time was title land which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

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EXHIBIT B

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

FILED: 7-12-83
49TH DAY: 8-30-83
180TH DAY: 1-8-84
STAFF REPORT: 8-12-83
MEETING OF: 8/23-26/83
STAFF: LF - C



AUG 10 1983

STAFF REPORT

ADMINISTRATIVE ITEM

APPLICATION NUMBER: 5-83-456 (Friedman)
APPLICANT: Dottie Friedman AGENT: Kenneth Moulder
PROJECT LOCATION: 19016 Pacific Coast Highway, Malibu, Los Angeles
PROJECT DESCRIPTION: Construction of a three story, 2602 square foot,
single-family residence on a vacant oceanfront lot.

LOT AREA	<u>2,550 sq.ft</u>	LANDSCAPE COVERAGE	<u>N/A</u>	PROJECT DENSITY	<u>N/A</u>
BLDG. COVERAGE	<u>1,502 sq.ft</u>	ZONING	<u>R-3-3000</u>	HEIGHT ABOVE AVERAGE FINISH	<u>0</u>
PAVEMENT COVERAGE	<u>N/A</u>	PLAN DESIGNATION	<u>..</u>	GRADE	<u>..35 ft....</u>

LOCAL APPROVALS RECEIVED Approval in concept in Los Angeles County, Approval in
Concept Department of Health Services

EXECUTIVE DIRECTOR DETERMINATION. Pursuant to PRC Sec. 30604, the Executive Director hereby issues a permit for the proposed development, subject to Standard Conditions adopted by the Commission and Special Conditions below, on the grounds that, as conditioned, the development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

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I. STANDARD CONDITIONS

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

II. SPECIAL CONDITIONS

1. Lateral Access. Prior to the transmittal of a permit, the Executive Director shall certify in writing that the following condition has been satisfied. The applicant shall execute and record a document, in a form and content approved in writing by the Executive Director of the Commission, irrevocably offering to dedicate to a public agency or a private association approved by the Executive Director, an easement for public access and passive recreational use along the shoreline. The easement shall include all area from the mean high tide line landward to the dripline of the most seaward extent of the structure. The document submitted for recording shall include a record of survey illustrating the easement and shall include legal descriptions of both the applicant's entire parcel and the easement area. Such offer of dedication shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed.

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

2. Vertical Access. Prior to transmittal of a permit, the Executive Director shall certify in writing that the following condition has been satisfied. The applicant shall execute and record a document, in a form and content approved by the Executive Director of the Commission, irrevocably offering to dedicate to an agency approved by the Executive Director, an easement for public access to the shoreline. Such easement shall be described as from Pacific Coast Highway along the western property line to the mean high tideline. The easement shall be 3 feet in width. Said easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed.

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

3. Applicant's Assumption of Risk. Prior to the issuance of a coastal permit, the applicant shall submit to the Executive Director an executed deed restriction for recordation free of prior liens and encumbrances, except for tax liens, that binds the applicant and all successors in interest to the development property. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director and shall state the following:

- a. The applicant has requested coastal development period number 5-83-456 from the California Coastal Commission to authorize the construction of a single family residence.
- b. The applicant has retained a registered civil engineer and certified engineering geologist to study the site for the presence of seismic, geologic, erosion, wave runup, and other hazard(s).
- c. The expert's observations, conclusions and recommendations are contained in a report entitled Updated Geologic and Soils Engineering Report-Plan Review and Revised Foundation Recommendations, dated March 8, 1983 by Kovacs-Byer-Robertson, Inc. and Foundation Investigation Proposed Single Family Residence dated July 28, 1977 by Kovacs-Byer and Assoc., Inc.
- d. Based upon information contained in the above-referenced reports and the findings of the Coastal Commission in granting the permit, the applicant understands that the site is subject to extraordinary hazard from ground shaking from a seismic event including liquefaction and tsunami, landslides, floods, creep, consolidation and surficial failure, and scour and erosion from wave runup.

- e. By accepting the permit, the applicant recognizes the risk he is taking and assumes the liability for harm to life or damage to property that may result from the hazards described in (d) above due to pre-existing conditions, natural causes, or the applicant's development activities.
- f. The applicant agrees to waive unconditionally any potential claim of liability against and to hold harmless the California Coastal Commission and any other public agency which authorized this development for any damage, loss of property or life which may arise as a result of the design, the construction or the placement of materials on the development property as authorized by this coastal permit, excepting however, any claims of indemnification that the applicant may assert under the terms of any existing agreement with a public agency.
- g. The applicant understand that construction in the face of these known hazards may make him ineligible for public disaster funds or loans for the repair, replacement or rehabilitation of the property or development in the event of seismic ground shaking, floods, landslides, creep, consolidation or surficial failure, or scour and erosion from wave run-up.

4. Revised Plans. Prior to the transmittal of the permit, the applicant shall submit revised plans indicating no walls or other structures or landscaping which would block the area identified as the vertical access easement in Condition 2 above.

III. Additional Findings. The Executive Director determines and finds as follows:

- A. Project Description. The applicant proposes to construct a three-story, 2,602 square foot single family residence on a 2,550 square foot vacant oceanfront lot at Las Tunas Beach in Malibu. The structure includes a bulkhead located 13 feet to the oceanside of the adjoining property bulkhead to the west, and a septic system.
- B. Public Access. Sections 30210, 30211 and 30214 of the Coastal Act provide that maximum public access be provided and that development not interfere with the public's right of access to the sea. In addition, Section 30212 of the Act provides, in parts, that:
 - (a) Public access from the nearest public roadway to shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The applicant proposes to develop a single family residence on an oceanfront parcel on Las Tunas Beach.

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The development as proposed will result in commitment of an beachfront area to private residential use. Section 30212 requires that public access be provided in new development except for exceptions set forth in 30212(a)(1-3). In this case those exceptions do not apply. The Commission has concluded in past actions that provision of lateral access is necessary to assure maximum access to and along the shoreline in this area. Condition 1 to provide lateral public access is therefore required to offset the burden of private development on the public's ability to use the shoreline.

The nearest vertical public access easement is located approximately one half mile away at Topanga State Beach. The lack of nearby vertical access does not allow the public reasonable and maximum access to the shoreline. Provision of vertical access as provided by Condition 2 is required by Section 30212 in order to maximize access and mitigate for the burden the proposed development places on the public's ability to reach the shoreline.

However, as proposed the project would also construct a wall extending from the structure to the property line in the area required for the vertical access easement thus effectively precluding use of the easement. Condition 4 is thus necessary to delete the wall from the proposed easement area in order to find the project consistent with Section 30212 of the Act.

In addition, the property is on a sand promontory. To the west, upcoast existing SFDs are generally developed on a common line. However downcoast to the east the existing structures have substantially varied setbacks on the oceanside and a vacant lot is immediately adjacent.

As proposed, the structure will be located with a setback more closely conforming to existing development pattern upcoast. In this case application of the stringline is not required to assure that development will not encroach substantially on beach area beyond existing development. Further, since structures downcoast are older and have greater setbacks, application of the stringline would result in greater restrictions on adjacent properties. Therefore, since development as proposed will not encroach further on the beach, the development as conditioned is consistent with the public access and recreation policies of the Act.

HAZARDS

The development is proposed on a sand promontory in an area subject to hazards from wave run up, scour and erosion. Damage to adjacent structures occurred from the past winter's heavy surf and high tides. The applicant's geotechnical report identifies potential hazards noting that scour and erosion of the highway fill slope on the site has occurred. A six to seven foot high vertical slope has been created by wave attack on site and the beach profile has been lowered. The report recommends measures to minimize risks from potential wave run-up hazards and scour which have been incorporated into the project.

At Section 30001.5 of the Coastal Act, the legislature has stated that one of the basic goals of the state for the coastal zone is to:

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(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

Given the fact that there is evidence that a geologic and erosion hazard exists in the area where this development is proposed, other sections of the Coastal Act regarding that specific hazard applies.

Section 30253 of the Coastal Act states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Under Section 30253 new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. Likewise, new developments shall not interfere with the geologic integrity of natural landforms, shall be stable in and of themselves, and shall not require the construction of shoreline protective devices that would eventually alter natural landforms along bluffs and cliffs. The Coastal Act recognizes that new development may involve the taking of some risk, but require the Commission to establish the appropriate degree of risk acceptable for the proposed development. The Commission must also determine who should assume that risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

The geotechnical report has proposed mitigation measures incorporated into the project design including recommendations on foundation and lateral design, bulkhead construction, temporary cut slope stability and the design and location of the septic system and drainage controls.

The Commission notes that these structural solutions have been known to fail. For example, many geologic studies are based on the risks which might be caused by an "average event". An event of greater than average magnitude may very likely occur. Such an "extraordinary" event occurred in February, 1983, when a combination of high tides and stormy seas accelerated coastal erosion and inundated developments.

Although a structure may be engineered to withstand a certain statistical risk of harm, when the hazardous event actually does occur, it may not survive. The applicant's geotechnical report notes that, "Beachfront developments involve risk that are not found in conventional flatland developments and these risks can never be eliminated."

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The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits the development should be held liable for the applicant's decision to develop. Therefore, the applicant is required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop.

The orderly use of the State's limited economic resources also requires the developer to assume the economic burdens in case the hazard occurs, and not to seek public relief. The Commission is aware that local, state, and federal programs may provide assistance to property owners and others who suffer from the types of hazard found on the site. These programs may contain policies which disallow disaster relief in certain cases.

The Comptroller General recently published a report on the National Flood Insurance Program in response to a request by a Senate subcommittee (publication number #GAO/CED-82-105). The General Accounting Office... "observed also that providing flood insurance and other Federal assistance in extremely hazardous coastal areas subject to wave damage may be undesirable public policy because of the high potential for loss of life and destruction of property." On page 14, the report stated, "The policy question involved is whether the Federal Government, through its assistance programs and tax laws, should share in the risks or whether individuals who build in coastal high hazard areas in the future should assume the full risks of losses."

This is the same policy question addressed by Section 30001.5 of the Coastal Act. The Commission must assure that the economic needs of the people of the State are not prejudiced by permitting a structure to be built that foreseeably requires repairs at public expense if disaster relief is granted.

The permit Condition 3 notifies the applicant of him/her potential ineligibility for public disaster relief funds and thereby encourages him/her to seek insurance from private indemnity companies. The applicant may find that private industry will carefully analyze the probability and degree of harm; it may be reluctant to insure the proposed development, or do so at a considerable cost. This business judgment would encourage the developer to consider alternatives to the proposed development to minimize the risks to life and property created by the development.

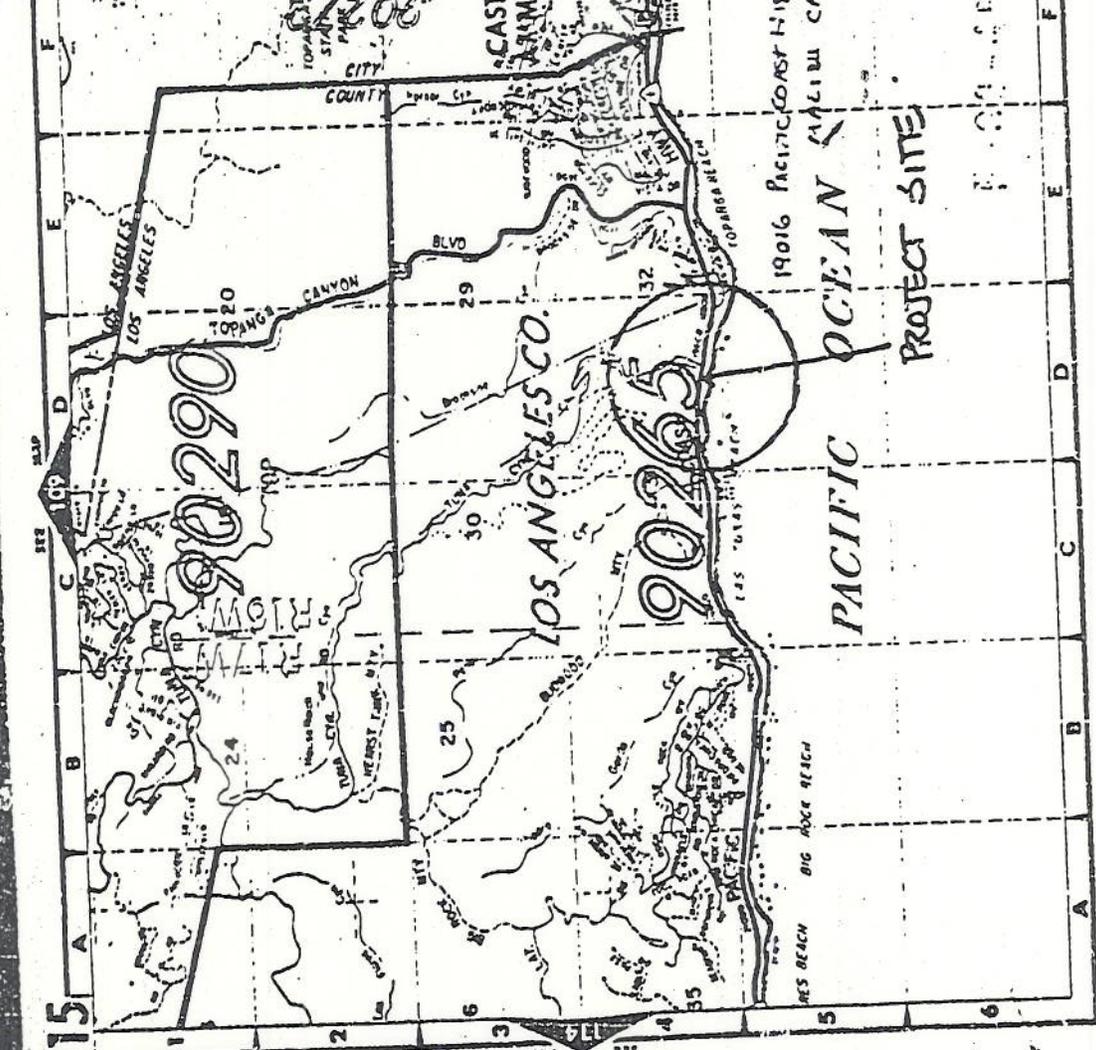
Assuming a decision by a private insurance company not to insure, or to do so at a cost that is infeasible to the applicant, that would constitute considerable evidence that the risks to life and property created by the proposed development have not been minimized. In that case, the development would not be consistent with the mandate of Section 30253 of the Coastal Act. Even though the Commission had granted the applicant the coastal permit, the applicant may choose not to proceed with the development given the knowledge that risks to his investment have not been minimized.

The Commission finds that this condition is consistent with, and necessary to carry out, one of the State's basic goals for the coastal zone, i.e.,

consideration of the economic needs of the people of the State. The condition is also needed to implement Section 30253 of the Coastal Act.

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QUALITY CONTROL DOCUMENT

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