

Wayne  
easement from  
the beach



Wayne  
facing east



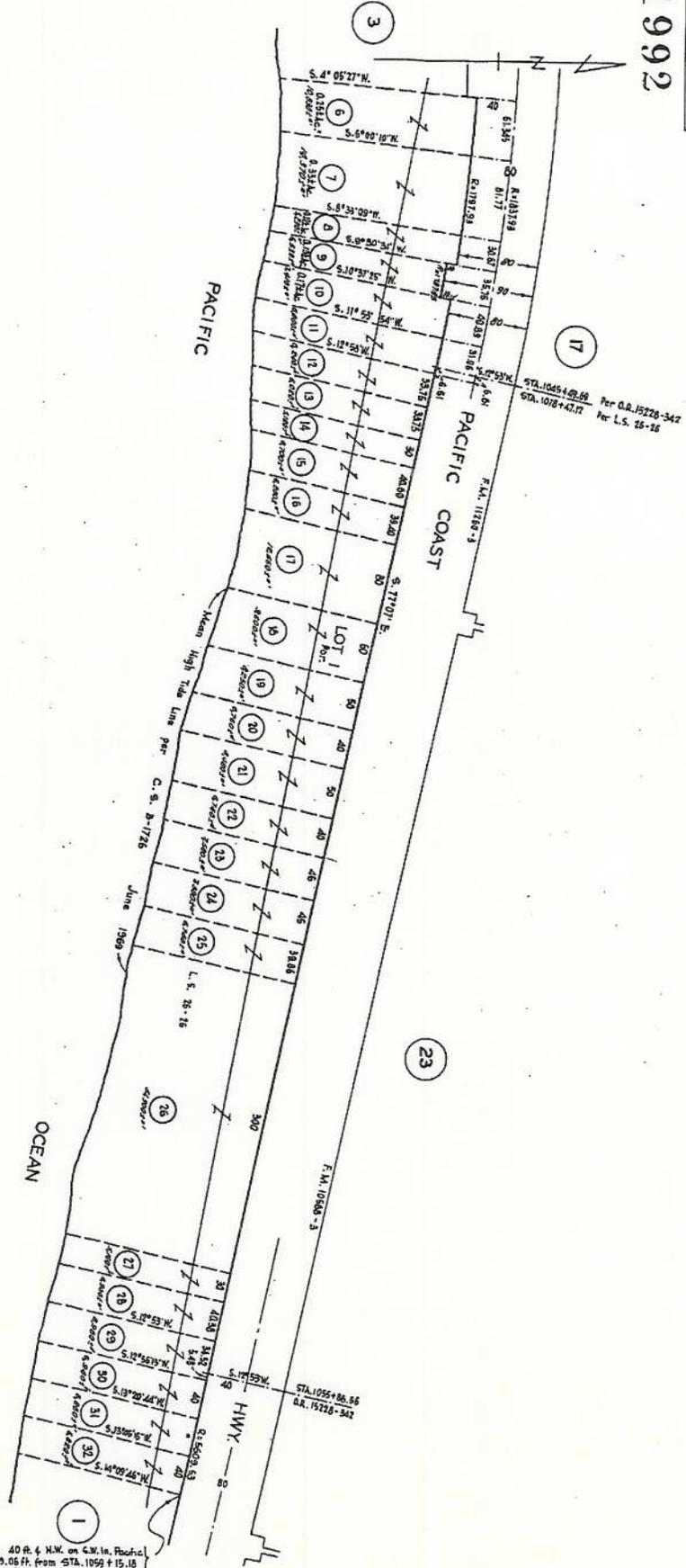
fall 1995



4451 2

SCALE 1" = 100'

1992



S. 16° 17' 45" W. 40 Ft. & N.W. on C.M. to Pacific Coast Hwy. 159.06 Ft. from STA. 1059 + 15.18  
 Per O.R. 15228 - 342

REVISED  
 7/4/93/810  
 310606

CODE  
 10865

FOR PREV. ASSMT. SEE:  
 4451 - 30 & 37

LAND OF MATTHEW KELLER IN THE RANCHO  
 TORANCA MALIBU SEQUIT R.F. 534

ASSESSOR'S MAP  
 COUNTY OF LOS ANGELES CALIF



## SUBJECT PROPERTY INFORMATION

1) Property: 21554 PACIFIC COAST HY, MALIBU CA 90265-5207 C016

APN: 4451-002-010	Use: SFR	
County: LOS ANGELES, CA	Tax Rate Area: 10865	Total Value: \$1,455,047
Census: 8005.02	Prop Tax: \$15,465.56	Land Value: \$1,161,596
Map Pg: 114-E4	Delinq Tax Yr:	Imprv Value: \$293,451
New Pg: 629-F6	Exemptions: HOMEOWNER	Assd Yr: 1997
Phone:		% Improved: 20%

Owner: ALLEN IRWIN/TR  
IRWIN & SHEILA ALLEN TRUST

Mail: 21554 PACIFIC COAST HWY; MALIBU CA 90265-5207

### SALES INFORMATION

	LAST SALE	PRIOR SALE
Transfer Date:	12/18/89	05/09/86
Sale Price/Type:		\$1,190,000 UNKNOWN
Document #:	2029590	581034
Document Type:	OTHER DOCUMENTS	
1st TD/Type:		
Finance:		
Junior TD's:		
Lender:		
Seller:	ALLEN IRWIN	
Title Company:		
Transfer Info:		

### IMPROVEMENTS

Bldg/Liv Area:	3,218
# Units:	
# Bldgs:	
# Stories:	
\$/SF:	
Yrbit/Eff:	79      79
Total Rms:	4
Bedrms:	1
Baths(F/H):	2      1
Fireplace:	2
Pool:	
Bsmt Area:	
Construct:	
Flooring:	
Air Cond:	
Heat Type:	CENTRAL
Quality:	
Condition:	
Style:	CONTEMPORARY
Other Rooms:	DINING ROOM

### SITE INFORMATION

Improve Type:	Lot Size: 41 X 190
Zoning: R1* LC	Lot Area: 7,790
County Use: 0100	Parking: GARAGE
Bldg Class: D	Park Spaces: 2
Flood Panel: 065043-0787C	Site Influence: CORNER LOT

Phys Chars: RAISED FOUNDATION;WOOD SIDING EXTERIOR;LAUNDRY ROOM;RANGE OVEN;DISHWASHER;

Legal: L1/LAND OF MATTHEW KELLER IN THE RANCHO

Comments: USABLE LOT:7,788

**Humboldt County**

- Stagecoach Hill
- Big Lagoon Estates Sub.
- Trinidad Area Shoreline Lots

**Trinidad**

- Trinidad Harbor

**Arcata**

**Eureka**

▨ County LCP Effectively Certified

■ City LCP Effectively Certified

○ Area of Deferred Certification

**Mendocino County**  
(2 of 3 segments)

**Fort Bragg**

- Noyo Flats

**Point Arena**



10 0 10 20 30 40 MI

10 0 10 20 30 40 KM

NOTE: Coastal Zone Boundary for illustrative purposes only.



California Coastal Commission  
Technical Services Division

ACH, JVC, 1/98

.004 → .005

4  
13

.008

Prior to issuance of permit, applicant shall submit:

APN.: A451-002-0010

1. revised plans indicating that no part of the proposed structure shall be built out to a point seaward of an imaginary string line drawn between the corners of the adjoining structures; a similar string line shall be used to limit the build out of any proposed deck.

2. evidence that a deed restriction has been recorded granting:

a. lateral public access up to 25 ft. inland from the mean high tide line, however, in no case will said dedication be nearer than 5 ft. to the proposed development; and

b. vertical access to give the public the privilege and right to pass and repass over a strip of Dedicator's said real property six (6) feet in width measured from the westerly property line and extending from the edge of the public right-of-way, Pacific Coast Highway, to the mean high tide line of the Pacific Ocean.

1. The access way shall not to opened to the public until construction of the proposed residence is completed.

2. The access way shall not be opened to the public until the access way has been accepted by the Los Angeles Co. Dept. of Beaches (acceptance document to be attached to this dedication), for maintenance and operation in the same manner as their existing access ways (i.e., gated and opened to the public from sunrise to sunset).

→ 1980 Construction costs = \$28,402

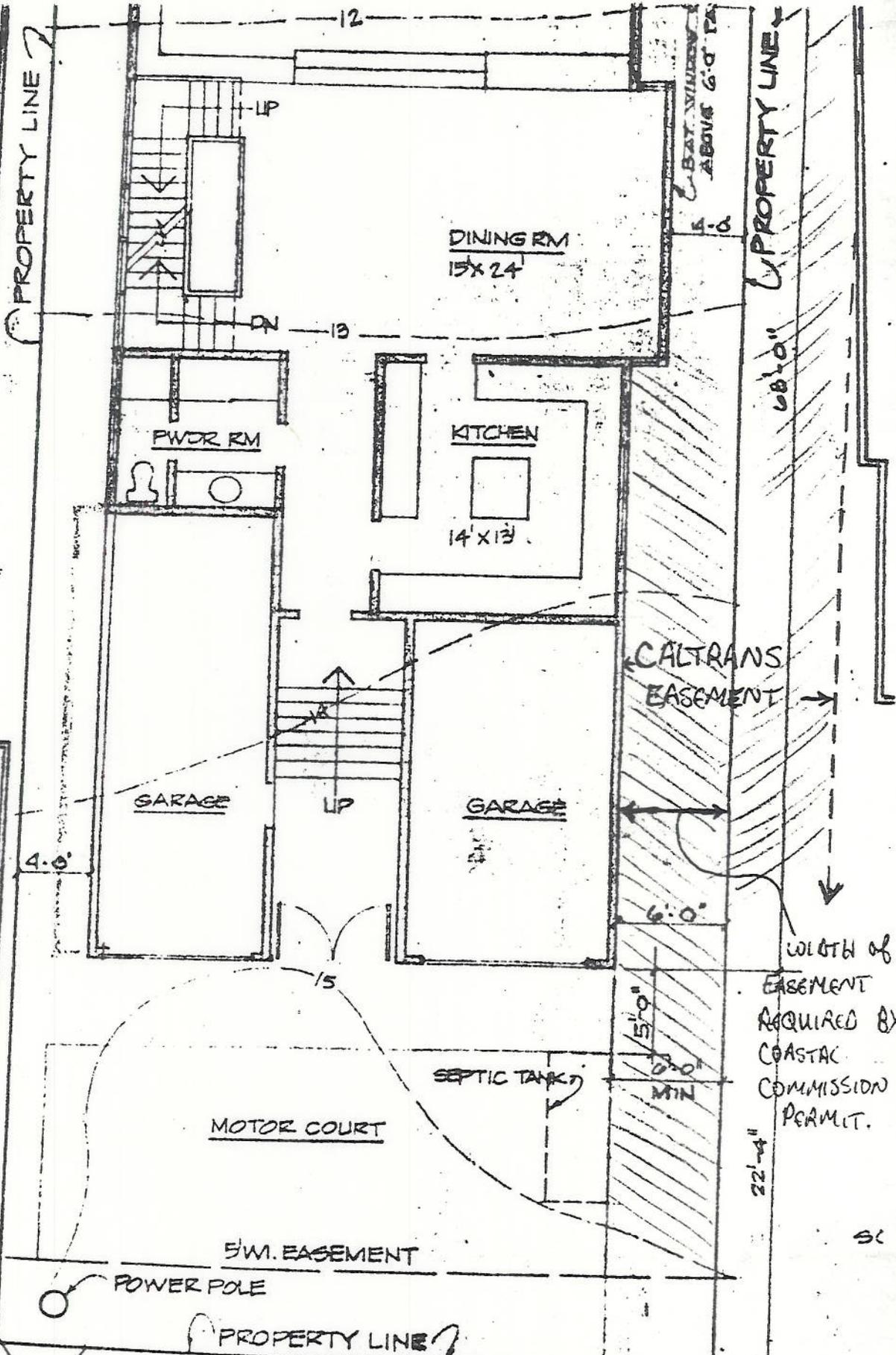
\* \* \* \* \*

\* note that following map shows Caltrans easement paralleling the vertical on Wayne. What is this? Can they be combined for a total of 12 ft?

see attached SCC staff report for discussion



1 STORY RESI.



PACIFIC COAST HIGHWAY  
FIRST FLOOR PLAN & PLOT PLAN

WAYNE  
1260 S.F.





MEAN HIGH TIDE LINE

WAYNE

53'54"W 1233.7'

4'-0"  
MIN.

28'-0"

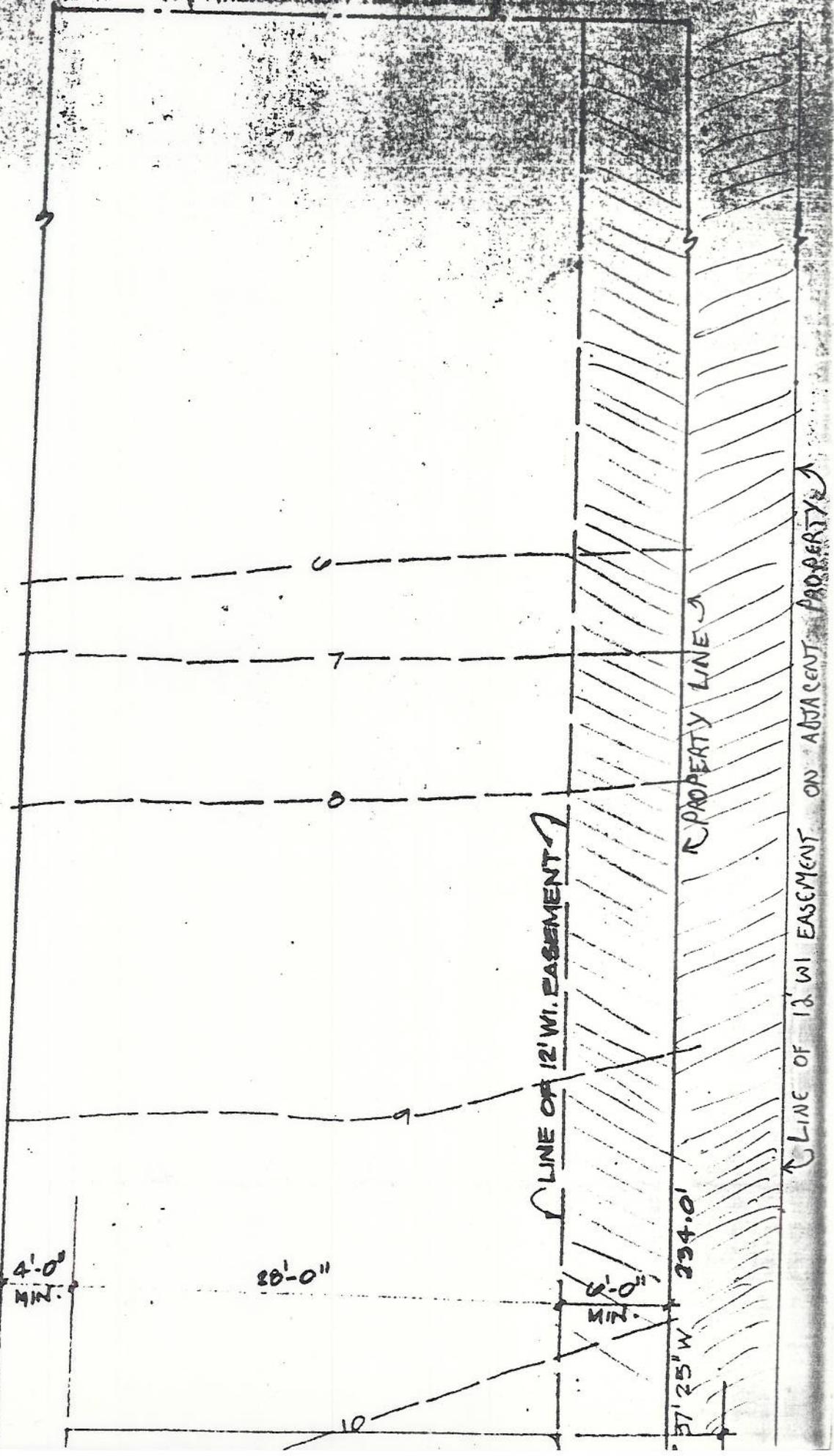
6'-0"  
MIN.

37'25"W 234.0'

LINE OF 12' W/1. EASEMENT

PROPERTY LINE

LINE OF 12' W/1 EASEMENT ON ADJACENT PROPERTY



5

TIME OF 15 MI. EXERCISE ON VARIOUS DAYS

CHOSEN TIME

TIME OF 15 MI. EXERCISE

52 M. 334-51

4/2

4/2

4/2

52 M. 334-51

NAME



Catral

South Coast Regional Commission  
666 E. OCEAN BLVD., SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CA 90801

3305

M5460rc171

CALIFORNIA COASTAL ZONE  
CONSERVATION COMMISSION  
SOUTH COAST REGION

RECORDED IN OFFICIAL RECORDS  
LOS ANGELES COUNTY, CA.  
27 MIN. PAST 1 P.M. SEP 13 1976  
Recorder's Office

DEED RESTRICTION

FEE \$ 7.00

This instrument, made this 27 day of

August, 1976, by Phyllis Wayne and

(Spouse/Associate)  
Los Angeles, State of California, hereinafter collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California Coastal Zone Conservation Act of 1972, sections 27000 through 27650 of the California Public Resources Code, the Permittee has made Application No. 8877 to the California Coastal Zone Conservation Commission, South Coast Region, for the issuance of a permit for the construction of a single family residence with attached garage.  
Proposed Project

on certain real property owned/leased/ owned  
(Other--state Permittee's interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of a single family residence with attached garage.  
(Describe approved project)

\*M5460pc172

on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

FILL ) prior to the issuance of the permit, the applicant  
IN )  
CONDITIONS ) will submit evidence that a deed restriction has been  
recorded granting lateral public access up to 25 ft.  
inland from the mean high tide line, however, in no  
case will said dedication be nearer than 5 ft. to the  
proposed development.

NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property:

Granting to the public lateral access up to 25 feet inland from the  
mean high tide line, however, in no case will said dedication be  
nearer than 5 feet to the proposed development.

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Zone Conservation Act of 1972. Said deed restriction shall apply to the single family residence with attached garage  
(Project)

to be constructed/~~reconstructed~~/  
(other)

445460173

on that certain real property in the City of \_\_\_\_\_,  
County of Los Angeles, State of California, described as:

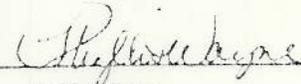
See attached.

(Legal Description of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission or its successor agency, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

  
Phyllis Wayne

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss. \_\_\_\_\_  
Permittee

On Aug. 27, 1976, before me, the undersigned Notary Public, personally appeared PHYLLIS WAYNE

and is, known to me to be the persons whose names ~~are~~ subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

15460174



Ruth Woehrkman  
Notary Public, in and for the  
County of Los Angeles,  
State of California.

This is to certify that the deed restriction set forth above, dated August 27, , 1976 , and signed by Phyllis Wayne , XXXXXXXXXXXXXXXXXX , Permittee, is hereby accepted by order of the California Coastal Zone Conservation Commission, South Coast Region, on Sept. 7, 1976 (Date) and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date Sept. 3, 1976

By Judy B. Rose  
Chairman, California Coastal  
Zone Conservation Commission,  
South Coast Region.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss. "

On this 3rd day of Sept , 1976 , before me, the undersigned Notary Public, personally appeared Judy B. Rose, known to me to be the Chairman of the California Coastal Zone Conservation Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.



Don Ross  
Notary Public in and for the  
County of Orange,  
State of California.

7617885-C7

MS460 175

EXHIBIT I  
DESCRIPTION

A portion of the Rancho Topanga Malibu Sequit, in the county of Los Angeles, State of California, as shown on map recorded in book 1 page 414 of Patents, in the Office of the County Recorder of said county, being more particularly that portion of Lot 1 of above mentioned Rancho, as shown on Recorder's Filed Map No. 534, lying between the center line of an 80 foot strip of land described in Superior Court Case No. 135650 and ordinary high tide line of the Pacific Ocean, and lying easterly of a line running South 0° 16' 30" East, from a point in the center line of said strip of land, distant westerly along said center line, 144.11 feet from the westerly terminus of that certain course having a bearing of South 83° 49' 30" East, and a distance of 2154.49 feet, (which said portion of said Rancho is hereinafter referred to said "Tract"), said realty is described as follows:

That portion of said tract bounded on the East by a line running South 11° 53' 54" West, from a point on the center line of said 80 foot strip of land, distant westerly thereon, 31.06 feet from the westerly terminus of that certain course having a bearing of South 77° 08' 00" East and a distance of 1039.73 feet, and bounded on the west by a line running South 10° 37' 25" West, from a point on said center line, distant westerly thereon, 71.95 feet from the westerly terminus of said course having a bearing of South 77° 08' 00" East, and a distance of 1039.73 feet.

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

Said property is shown as parts of Parcels 75 and 76 on a map recorded in Book 26, page 26 of Record of Surveys of said County.

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

3308

MS460 176

Vertical

South Coast Regional Commission  
45 E. OCEAN BLVD., SUITE 3107  
P. O. BOX 1450  
LONG BEACH, CA 90801

3304  
CALIFORNIA COASTAL ZONE  
CONSERVATION COMMISSION  
SOUTH COAST REGION

M5460pc 165

RECORDED IN OFFICIAL RECORDS  
LOS ANGELES COUNTY, CA  
27 M.N. 1 P.M. SEP 13 1976  
PAST  
Recorder's Office

FEE \$ 6.00 K 6

DEED RESTRICTION

This instrument, made this 27 day of  
August, 1976, by Phyllis Wayne and  
(Spouse/Associate) of the City or Cities of  
Los Angeles, State of California, herein-  
after collectively referred to as "the Permittee;"

RECEIVED  
AUG 27 1976  
South Coast Regional Commission

WHEREAS, pursuant to the California  
Coastal Zone Conservation Act of 1972, sections 27000 through  
27650 of the California Public Resources Code, the Permittee  
has made Application No. 8877 to the California Coastal  
Zone Conservation Commission, South Coast Region, for the  
issuance of a permit for the construction of a single family  
residence with attached garage.  
Proposed Project)

on certain real property owned/leased/owned  
(Other--state Permittee's  
interest in subject property)  
by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to  
grant said application and issue a permit for the construction  
of a single family residence with attached garage.  
(Describe approved project)

of M5460pc 167

on that certain real property in the City of \_\_\_\_\_,  
County of Los Angeles, State of California, described as:

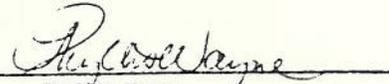
see attached - EXHIBIT 1

(Legal Description of the Property)

Unless specifically modified or terminated by affirmative vote of the issuing Commission or its successor agency, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

  
Phyllis Wayne

STATE OF CALIFORNIA ) ss. \_\_\_\_\_ Permittee  
COUNTY OF LOS ANGELES ) . .

On August 27 1976, before me, the undersigned Notary Public, personally appeared PHYLLIS WAYNE

and is \_\_\_\_\_, known to me to be the person whose name ~~was~~ subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

54M5460PC168



*Ruth Wochrman*  
Notary Public, in and for the  
County of Los Angeles,  
State of California.

This is to certify that the deed restriction  
set forth above, dated August 27, , 1976 , and signed by  
Phyllis Wayne , XXXXXXXXXXXXXXXXXXXX , Permittee,  
is hereby accepted by order of the California Coastal Zone  
Conservation Commission, South Coast Region, on Sept. 7, 1976  
(Date)  
and said Commission consents to recordation thereof by its  
Executive Director, its dully authorized officer.

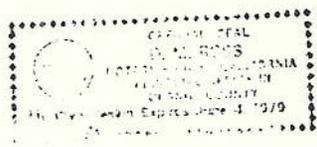
Date Sept. 3 1976

By Judy B. Rosemer  
Chairman, California Coastal  
Zone Conservation Commission,  
South Coast Region.

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss.

On this 3rd day of Sept , 1976 , before  
me, the undersigned Notary, Public, personally appeared  
Judy B. Rosemer, known to me to be the Chairman of the  
California Coastal Zone Conservation Commission, South Coast  
Region, and known to me to be the person who executed the  
foregoing instrument on behalf of said Commission, and acknowledged  
to me that such Commission executed the same.

Witness my hand and official seal the day and  
year in the certificate first above written.



*Dan Low*  
Notary Public in and for the  
County of Orange,  
State of California.

7617865-C7

MS460pc 169

EXHIBIT I  
DESCRIPTION

A portion of the Rancho Topanga Malibu Sequit, in the county of Los Angeles, State of California, as shown on map recorded in book 1 page 414 of Patents, in the Office of the County Recorder of said county, being more particularly that portion of Lot 1 of above mentioned Rancho, as shown on Recorder's Filed Map No. 531, lying between the center line of an 80 foot strip of land described in Superior Court Case No. 135650 and ordinary high tide line of the Pacific Ocean, and lying easterly of a line running South  $0^{\circ} 16' 30''$  East, from a point in the center line of said strip of land, distant westerly along said center line, 144.11 feet from the Westerly terminus of that certain course having a bearing of South  $83^{\circ} 49' 30''$  East, and a distance of 2154.49 feet, (which said portion of said Rancho is hereinafter referred to said "Tract"), said realty is described as follows:

That portion of said tract bounded on the East by a line running South  $11^{\circ} 53' 54''$  West, from a point on the center line of said 80 foot strip of land, distant westerly thereon, 31.06 feet from the Westerly terminus of that certain course having a bearing of South  $77^{\circ} 08' 00''$  East and a distance of 1039.73 feet, and bounded on the west by a line running South  $16^{\circ} 37' 25''$  West, from a point on said center line, distant westerly thereon, 71.95 feet from the westerly terminus of said course having a bearing of South  $77^{\circ} 08' 00''$  East, and a distance of 1039.73 feet.

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

Said property is shown as parts of Parcels 75 and 76 on a map recorded in Book 26, page 26 of Record of Surveys of said County.

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

EXHIBIT 2

LA 44-15460pc 170

1. The access way shall not be opened to the public until construction of the proposed residence is completed.
2. The access way shall not be opened to the public until the access way has been accepted by the Los Angeles Co. Dept. of Beaches (acceptance document to be attached to this dedication), for maintenance and operation in the same manner as their existing access ways (i.e., gated and opened to the public from sunrise to sunset ).

27

Vertical

South Coast Regional Commission  
66 E. OCEAN BLVD., SUITE 3107  
P. O. BOX 1450  
LONG BEACH, CA 90801

3304

CALIFORNIA COASTAL ZONE  
CONSERVATION COMMISSION  
SOUTH COAST REGION

M5460PC165

RECORDED IN OFFICIAL RECORDS  
LOS ANGELES COUNTY, CA.  
27 MIN. PAST 1 P.M. SEP 13 1976  
Recorder's Office

DEED RESTRICTION

FEE \$ 8.00 K1

RECEIVED  
AUG 27 1976

South Coast Regional Commission

This instrument, made this 27 day of  
August, 1976, by Phyllis Wayne and  
(Spouse/Associate)  
Los Angeles, State of California, herein-  
after collectively referred to as "the Permittee;"

WHEREAS, pursuant to the California  
Coastal Zone Conservation Act of 1972, sections 27000 through  
27650 of the California Public Resources Code, the Permittee  
has made Application No. 8877 to the California Coastal  
Zone Conservation Commission, South Coast Region, for the  
issuance of a permit for the construction of a single family  
residence with attached garage.  
(Describe  
Proposed Project)

on certain real property owned/leased/owned  
(Other---state Permittee's  
interest in subject property)

by the Permittee and more particularly described below; and

WHEREAS, said Commission has determined to  
grant said application and issue a permit for the construction  
of a single family residence with attached garage.  
(Describe approved project)

on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the permit:

FILL ) Prior to issuance of permit, the applicant shall submit  
IN )  
CONDITIONS ) evidence that a deed restriction has been recorded  
)  
) granting vertical access to give the public the privilege  
) and right to pass and repass over a strip of Dedicator's  
) said real property six (6) feet in width measured from  
) the westerly property line and extending from the edge of the  
) public right-of-way, Pacific Coast Highway, to the mean  
) high tide line of the Pacific Ocean.

NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property:

~~To grant to the public the privilege and right to pass and repass over a strip of Dedicator's said real property six (6) feet in width measured from the westerly property line and extending from the edge of the public right-of-way, Pacific Coast Highway, to the mean high tide line of the Pacific Ocean, subject to the following qualifications (see attached~~  
EXHIBIT 2)

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Zone Conservation Act of 1972. Said deed restriction shall apply to the

A single family residence with attached garage.  
(Project)

to be constructed/~~remodeled~~/  
(other)

CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION  
SOUTH COAST REGIONAL COMMISSION  
595 E. OCEAN BOULEVARD, SUITE 3107  
P. O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(213) 432-4244 (714) 846-0648

FILE COPY



RESOLUTION OF APPROVAL AND PERMIT

590-5071

Application Number: P-2-23-76-7255 / P-8877

Name of Applicant: Ronald Katz, Globus and Talbert

2700 Monte Mar Terrace, Los Angeles, CA 90067

Permit Type:  Standard  
 Emergency

Development Location: 21554 Pacific Coast Highway, Malibu, CA

Development Description: Construct a 2-story single-family dwelling,  
29' above average finished grade.

Commission Resolution:

- I. The South Coast Conservation Commission finds that the proposed development:
  - A. Will not have a substantial adverse environmental or ecological effect.
  - B. Is consistent with the findings and declarations set forth in Public Resources Code Sections 27001 and 27302.
  - C. Is subject to the following other resultant statutory provisions and policies:  
County of Los Angeles ordinances.
  - D. Is consistent with the aforesaid other statutory provisions and policies in that:  
approval in concept has been issued.
  - E. The following language and/or drawings clarify and/or facilitate carrying out the intent of the South Coast Regional Zone Conservation Commission:  
application, site map, plot plan and approval in concept.

II. Whereas, at a public hearing held on June 7, 1976  
(date)  
at Torrance by a 8 to 0 vote hereby approves  
(location)

the application for Permit Number P-2-23-76-7255 pursuant to  
the California Coastal Zone Conservation Act of 1972, subject to the  
following conditions imposed pursuant to the Public Resources Codes  
Section 27403:

See attached for conditions.

Condition/s Met On September 1, 1976 By gv GI

III. Said terms and conditions shall be perpetual and bind all future  
owners and possessors of the property or any part thereof unless  
otherwise specified herein.

IV. The grant of this permit is further made subject to the following:

A. That this permit shall not become effective until the attached  
verification of permit has been returned to the South Coast  
Regional Conservation Commission upon which copy all permittees  
have acknowledged that they have received a copy of the permit  
and understood its contents. Said acknowledgement should be  
returned within ten working days following issuance of this  
permit.

B. Work authorized by this permit must commence within 360 days of  
the date accompanying the Executive Director's signature on the  
permit, or within 480 days of the date of the Regional Commission  
vote approving the project, whichever occurs first. If work  
authorized by this permit does not commence within said time,  
this permit will automatically expire. Permits about to expire  
may be extended at the descretion of the Regional Commission.

V. Therefore, said Permit (Standard, ~~Emergency~~) No. P-2-23-76-7255  
is hereby granted for the above described development only, subject  
to the above conditions and subject to all terms and provisions of  
the Resolution of Approval by the South Coast Regional Conservation  
Commission.

VI. Issued at Long Beach, California on behalf of the South Coast  
Regional Conservation Commission on September 1, , 1976 .

David N. Smith

M. J. Carpenter  
Executive Director

wk

Conditions: P-2-23-76-7255

Prior to issuance of permit, applicant shall submit:

1. revised plans indicating that no part of the proposed structure shall be built out to a point seaward of an imaginary string line drawn between the corners of the adjoining structures; a similar string line shall be used to limit the build out of any proposed decks;
2. evidence that a deed restriction has been recorded granting:
  - a. lateral public access up to 25 ft. inland from the mean high tide line, however, in no case will said dedication be nearer than 5 ft. to the proposed development, and
  - b. vertical access to give the public the privilege and right to pass and repass over a strip of Dedicator's said real property 6 ft. in width measured from the westerly property line and extending from the edge of the public right-of-way, Pacific Coast Highway, to the mean high tide line of the Pacific Ocean.

\* \* \*

CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

1540 Market Street, San Francisco 94102 — (415) 557-1001

STAFF RECOMMENDATION

*11 Aug 76  
withdrawn  
OK to issue  
in consultation  
with Reg. Comm. Permit*

Appeal No. 139-76  
(Katz, Globus & Trabert)  
60th Day: 8/19/76

*7255*

DECISION OF  
REGIONAL  
COMMISSION:

Permit granted with conditions by South Coast Regional Commission

PERMIT  
APPLICANT:

Katz, Globus & Trabert

APPELLANT:

Katz, Globus & Trabert

DEVELOPMENT  
LOCATION:

21554 Pacific Coast Highway, Malibu, Los Angeles County  
(Exhibit 1)

DEVELOPMENT  
DESCRIPTION:

Single-family house (Exhibit 2)

PUBLIC HEARING:

Held on July 20, 1976, in Burlingame

TWO-THIRDS VOTE REQUIREMENT:

The staff recommends that a 2/3 vote is required under Public Resources Code Section 27401(b) for "any development which would reduce the size of any beach" and (d) for "any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast."

STAFF NOTE:

The proposed development raises the now familiar issue of public access to the beaches in Malibu. The applicant has agreed to a 25 ft. lateral access easement but objects to the 6 ft. vertical access easement required by the Regional Commission. Residents of the area also strongly oppose any increase in public use of the public tidelands, alleging an increase in various crimes resulting from public use of the tidelands and lateral easements, and concomitant exposure of the beach front houses to this traffic. The staff contacted the Los Angeles County Sheriff's Office in Malibu and was informed that no records are kept that could show one way or the other whether the crime rate is higher in those parts of Malibu where the public has access to the beach. Residents have also informed the Commission staff that traffic and parking congestion on Pacific Coast Highway have reached the level where the increased public use of the public highway that would be encouraged by providing the public with beach access, would create unacceptable hazards. However, it is clear that the Coastal Act gives recreational traffic a higher priority than residential traffic.

The staff recommends that the Commission impose the vertical access condition, required by the Regional Commission with an additional provision allowing it to revert if vertical access is provided at another site within .2 mile to the east or west of the project site. This site falls within the approximately one-half mile spacing policy developed by the Regional Commission: the nearest existing developed access-ways are 1.19 miles to the west and 1.42 miles to the east. However, as the site is only .13 mile distant from the Commission's recommended acquisition at La Costa

Beach, the present accessway would not be necessary and could be abandoned when and if the acquisition site becomes available for public use.

---

STAFF RECOMMENDATION: The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development subject to the conditions below on the grounds that, as conditioned, the development will not have any adverse environmental or ecological effects and will be consistent with the findings, declarations and objectives of the California Coastal Zone Conservation Act of 1972.

II. Conditions

The permit is subject to the following conditions:

1. Beach Access. The applicant shall dedicate to the County of Los Angeles the following easements for public access:

a. Vertical Access. A 6-ft. strip running from Pacific Coast Highway to the mean high tide line over the existing Dept. of Highways easement.

b. Lateral Access. A 25-ft. strip adjacent and parallel to the mean high tide line along the entire oceanfront of the lot.

Prior to commencement of construction the applicant shall: (a) obtain the approval of the Executive Director of the Commission as to the form and content of the grant of easement and (b) record them as approved. If the County of Los Angeles does not immediately accept the dedications, the applicant shall record an irrevocable offer of dedication approved as provided above prior to the commencement of construction.

The vertical access easement shall not be open to the public unless it is improved and maintained, with a gate locked at night, by the County of Los Angeles or another government agency.

In the event that vertical access is made available to the public within .2 mile to the west or east of the project site, the vertical access easement required above shall revert to the owner of the subject lot.

2. Revised Plans. No part of the proposed structure shall be built out beyond to a point seaward of a straight line drawn between the nearest seaward corners of adjoining structures. A similar string line shall be used to limit the seaward extension of any decks. Five-ft. sideyard setbacks shall be observed. Revised plans incorporating these restrictions shall be submitted to the South Coast Regional Commission and construction shall not commence until the Executive Director of the Commission has certified that the plans comply with this condition. Construction shall occur in compliance with the approved plans.

III. Findings and Declarations

The Commission finds and declares as follows:

1. Public Access to Tidelands. Both the South Coast Regional Commission and the State Commission have long been concerned about the restrictions on public access to the state tidelands along the 27 miles of coast in Malibu. The area was subdivided many years ago without provision for public access into primarily single-

family lots, resulting in the continuing preemption of public tidelands for private use in this area close to the large urban population of Los Angeles. The Regional Commission has generally followed a policy, supported by this Commission, of requiring public access easements as conditions of permitting further development of the area. The Los Angeles County Dept. of Beaches accepts and maintains these dedications, installing gates which are opened only during daylight hours. As the lots extend to the mean high tide line, lateral dedications, varying from 5 ft. to 25 ft. in width depending on the individual site, have uniformly been required. Additionally, the planning experience of the South Coast Regional Commission has resulted in a determination that vertical accessways from Pacific Coast Highway to the ocean should be located no more than .5 mile apart, permitting multiple accessways to the beach from the highway and reasonably frequent opportunities for leaving the beach for the convenience of the public as well as for emergency needs.

In the present case, the proposed development is located on La Costa Beach, one of the least accessible beaches in Malibu. The closest vertical access to the west is 1.19 mile distant; the closest developed access to the east is 1.42 miles (Exhibit 1).

The Commission finds that the coastal access dedication conditions set forth in Section 27403 of the Coastal Act are clearly invoked by this application and thus a permit cannot be approved without the vertical and lateral access conditions hereby imposed. The Los Angeles County Dept. of Beaches has stated that it will accept, improve and maintain the 6-ft. access easement. A single row of public parking is available along the shoulders of Pacific Coast Highway. An existing public bus line provides additional transportation to the public seeking to use the public tidelands.

The continued development of the Malibu area limits views of the coast from Pacific Coast Highway as well as physical access to the tidelands. Larger and larger houses are proposed for the 40- to 50-ft. lots, with high fences obscuring the minimal sideyards which would otherwise provide glimpses of the sea. Only the assurance of physical access for the public to the tidelands can mitigate this continual loss of coastal views. The Commission therefore finds that as conditioned the application is consistent with the objectives of the Coastal Act and can be approved. The only alternative to approval with conditions is denial until other methods are found for providing adequate vertical access, for without the conditions the application is not consistent with the requirements of the Coastal Act.

The applicant proposes to build another large house on pilings extending over the beach (Exhibit 2). Condition 2 requiring that the house be setback to a line between the adjacent houses will at least assure that the infilling development on the beach will not further degrade the public enjoyment of the tidelands and public easements.

2. Fire Hazard. A recent report by the County Fire Dept. designated the residentially developed areas of Malibu as "Serious Fire Hazardous" areas because of limited water supplies, distance from fire stations, and the proximity of the houses to each other. The Fire Dept. recommended that a minimum of 5-ft. sideyards be required. The plans submitted by the applicant indicate that 5-ft. sideyards will be observed; Condition 2 above requires the applicant to construct the proposed house in accord with these plans.