

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641-0142



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 Staff Report: 11/28/95
 Hearing Date: 12/12--15/96
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

W18b

APPLICATION NO.: 4-95-095

APPLICANT: Bill & Naomi Young (et al) AGENT: Robert Leese

PROJECT LOCATION: 26500, 26502, 26504, 26506, and 26508 Latigo Shore Drive,
 City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Addition of exterior decks with spa to basement (ground) level of each of five (5) existing, contiguous, three-story condominium units. Proposal includes removal of existing unpermitted chainlink fence and request to remodel and permit two (2) existing private stairways. No grading, vegetation removal or changes to septic system are proposed.

Lot area:	39,400 sq. ft.
Building coverage:	15,900 sq. ft. (existing)
Pavement coverage:	3,000 sq. ft. (addition)
Parking spaces:	20 existing (no change)

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval in Concept; City of Malibu Environmental Health Dept. Septic Approval.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 4-85-299, A2-A3 (Young & Golling); Certified Malibu/Santa Monica Mountains Land Use Plan, 12/11/86.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed addition and stairways, with special conditions for applicant's assumption of risk, geology, construction responsibilities, public beach access management plan, partial staircase removal, condition compliance and timing of completion of work. The Coastal Commission approval of the original five-condominium project and construction of a vertical accessway (CDP 5-85-299, Young & Golling) and the site is presently developed with beach access that consists of one vertical access from Pacific Coast Highway and with two unpermitted private accessways. The previous coastal development permit (5-85-299) contained a special condition (No. 7)

which specified a surveyed line that limits the seaward extent of development on this site. The two existing private accessways extend seaward of the surveyed line. The applicant proposes to remodel and remove any portion of the existing stairways seaward of this surveyed "stringline". The proposed first-floor decks are within the footprint of the upper level decks and landward of the pertinent stringline. In addition, the previous permit (5-85-299) and subsequent amendments (5-85-299A, A2, A3) contained special conditions 1-4 which ensured public access to the beach by requiring the applicant to offer lateral and vertical access, to construct the vertical access and to maintain and keep open the vertical accessway. The applicant has complied with three of the four conditions: recordation of both vertical and lateral access against the title of the subject property and construction of the vertical accessway. However, since the construction and opening of the vertical accessway, numerous staff visits have evidenced that the access is not consistently open and available to the public. Thus, staff is recommending approval subject to the above stated special conditions.

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. 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 this permit is reported to the Commission. 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 or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, 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

III. Special Conditions.

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Soils and Engineering Geologic Investigation Report prepared by GeoSystems, Inc. dated 2/8/85 and in the Soils and Engineering Geologic Investigation Report dated February 8, 1995, prepared by California Geosystems, shall be incorporated into all final design and construction including foundations and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

2. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (1) that the applicant understands that the site may be subject to extraordinary hazard from storm waves, erosion, landslide and geologic instability, or flooding and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

3. Construction Responsibilities and Debris Removal.

The applicants shall, by accepting this permit, agree not to store any construction materials or waste where it is subject to wave erosion and dispersion. In addition, no machinery will be allowed in the intertidal zone at any time. The permittee shall promptly remove from the beach and construction area any and all debris that result from the construction activities.

4. Removal of Fencing and Private Stairway

By accepting this permit the applicant agrees to remove the fence and all portions of the two existing private staircases, as generally depicted on Exhibit 4, which extend seaward of the surveyed line established and approved by the Coastal Commission on August 28, 1985, pursuant to Coastal Development Permit 5-85-299 (Young and Golling), Special Condition #7.

5. Public Beach Accessway Management Plan

Prior to the issuance of the permit, the applicant shall submit for the review and approval of the Executive Director a Public Beach Accessway Management Plan, consistent with Special Condition #4 of coastal development permit 5-85-299 and subsequent amendments (See Exhibit A). Such permit is incorporated herein as though set forth in full, as are the amendments. This plan shall include signage, daily operation of the accessway and 24 hour contact number. A public access sign shall be permanently posted on the gate fronting Latigo Shore Drive. The sign shall be approximately, but not less than, 2 ft. by 2 ft. in size. The sign shall include: wording in large letters visible from Latigo Shore Drive, "Public Access to the Beach"; the hours of operation; and, a phone number and contact person designated by the applicant to contact in the event the gate is locked. Should the signs be removed, damaged or illegible, the applicant shall replace the signs within 10 days from the date of discovery. The approved sign shall be installed prior to issuance of the permit.

6. Condition Compliance.

All requirements specified in the foregoing conditions that the applicant is required to satisfy as prerequisites to the issuance of this permit must be met within 120 days of Commission action. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will nullify this permit approval.

7. Timing of Completion of Work

Within 30 days of issuance of the Coastal Development Permit the applicant shall complete the removal of the two private staircases as specified in Special Condition #4 above, and shall submit, for the review and approval of the Executive Director, evidence of the completion of this work.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant proposes to add ground level decks and spas to each of five (5) contiguous three-story condominium units on a beachfront lot west of Dan Blocker State Beach in the City of Malibu. The applicant also seeks an after-the-fact permit for fencing that surrounds the condominium and for two private staircases leading from the proposed deck areas to the sandy beach.

As part of the proposal, the applicant agrees to remove that portion of the existing stairs extending seaward of a surveyed line established by the Commission as a condition (Special Condition 7) of the original permit approval of the condominium development (CDP 5-85-299, Young & Golling). This line functions as the "stringline" for the development. The applicant also proposes to remove the existing chain link fence surrounding the condominium complex. No component of the presently proposed additions would encroach seaward of the surveyed development "stringline" imposed by the Commission as Special Condition 7 of that permit. The applicant proposes no grading, vegetation removal or changes to the septic disposal system.

The subject site is located west of Dan Blocker State Beach on Latigo Shore Drive. In the summer of 1995, ownership of the public beach was transferred by California Department of State Parks and California Coastal Conservancy to L. A. County. The address of the site was formerly known as 26470 Pacific Coast Highway.

An offer to dedicate lateral and vertical public access were imposed on the existing condominium development by the Commission as Special Condition No. 1 and 2 of CDP 5-85-299. In addition, the Commission required the applicant to construct, maintain and operate a vertical access (Special Condition No. 3 and 4 of CDP 5-85-299) from Latigo Shore Drive to the beach for use by the condominium owners and members of the public. Site visits by Commission staff and Coastal Conservancy staff over the last six years have repeatedly found that the vertical access has been locked and unavailable for public use.

B. Shoreline Development/Public Access/Coastal Views.

The Coastal Act requires the Coastal Commission to ensure that each project provides maximum public access for every project. Applicable sections of the Coastal Act provide as follows:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

All beachfront projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The Commission has required public access to and along the shoreline in new development projects and has required design changes in other projects to reduce interference with access to and along the shoreline. The major access issue in such permits is the occupation of sand area by a structure, in contradiction of Coastal Act policies 30210, 30211, and 30212. However, a conclusion that access may be mandated does not end the Commission's inquiry. As noted, Section 30210 imposes a duty on the Commission to administer the public access policies of the Coastal Act in a manner that is "consistent with ... the need to protect ... rights of private property owners..." The need to carefully review the potential impacts of a project when considering imposition of public access conditions was emphasized by the U.S. Supreme Court's decision in the case of Nollan vs. California Coastal Commission. In that case, the court ruled that the Commission may legitimately require a lateral access easement where the proposed development has either individual or cumulative impacts which impede the achievement of the State's legitimate interest in protecting access and where there is a connection, or nexus, between the impacts on access caused by the development and the easement the Commission is requiring to mitigate these impacts.

The Commission's experience in reviewing shoreline residential projects in Malibu indicates that individual and cumulative impacts on access of such projects can include among others, encroachment on lands subject to the public trusts thus physically excluding the public; interference with natural shoreline processes which are necessary to maintain publicly-owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's access to and the ability to use and cause adverse impacts on public access such as above.

The subject site is located on Latigo Shore Drive, immediately west of Dan Blocker State Beach, in the City of Malibu. As such development of this site has been reviewed on many occasions with respect to Coastal Act sections relative to access and recreation. In the early 1980's the Commission denied the development of a four unit subdivision (P-80-6668, Young and Golling). The application was denied in part to prohibit any residential structures on the undeveloped 900 ft. stretch of beach that would potentially interfere with public access and recreational uses which existed (and continue to exist) along this stretch of beach.. Subsequent to this denial, L. A. County designated this parcel under their land use maps as residential. In 1985, the applicants received approval for the previously described development which consisted of 5 condominiums. As evidenced in the findings for both coastal development permit 5-85-299 and the subsequent amendments, the Commission's approvals were based on the required public access provisions. The Commission extensively considered the impacts of this development on this vacant 900 ft. of beach in which the majority of the beach was and continues to be in public ownership.

With respect to the existing development character of this beach and past Commission permit action, the parcels upcoast (west) of the subject site are predominantly developed. A vertical and lateral access identified as Latigo Shores was constructed consistent with a past CDP permit action and is located

approximately 500 ft. up coast of the subject property. Given the morphology of the beach which is comprised of coastal bluffs that range in height at approximately 10 to 15 ft., the public cannot easily reach the sandy beach area or the downcoast Dan Blocker State Beach. Additionally, the assessor parcel map exhibits downcoast that one undeveloped parcel is located in between the subject site and Dan Blocker State Beach; where the State beach is approximately 250 ft. east of the existing condominiums and vertical easement. At this time the parcel has not been reviewed or approved for development.

In the Commission's 1985 approval of the existing structure, conclusions that public access and recreational use of this beach area were critical based on the following facts: 1) this area was identified as high priority for public access and recreation; 2) no access to the State Beach was constructed; and, 3) a large amount of public use on this site and the downcoast State Beach was evident. Presently, these same three assertions made by the Commission in 1985 continue to exist. Site visits made by both the Commission and California Coastal Conservancy staff during the week and on weekends repeatedly evidence the beach area being used by members of the public. However, approximately twelve or more site visits made by Commission and Conservancy staff over the last six years have raised issue with the operation of the public vertical accessway. Staff notes that the gate has been locked on these occasions (See Exhibit 5) and underscores that inspite of this impediment, the public continues to use this beach area by various methods that include but are not limited to, climbing down the bluff face upcoast from the nearby Latigo Shore access and by climbing down the bluff face through fence holes. The vertical public coastal access was proposed by the applicant (emphasis added) in 1985 due to the foreseeable need to both meet the public access sections of the Coastal Act and to provide onsite access for the condominium owners occupying the private development. The stairway therefore, was constructed pursuant to the requirements of Special Conditions 3 and 4 of Coastal Development Permit 5-85-299 (Young & Golling) which reflected that proposal. Additionally, the applicant recorded an offer to dedicate lateral public coastal access against the subject property, pursuant to Special Condition 1 of the previous permit.

As stated previously, the proposed project would legalize two private stairways to the sandy beach constructed without coastal development permits. As proposed the private staircase would eliminate the need for the condominium owners to maintain and operate the the original staircase that was intended for beach access. Further, the private staircases could not be accessed by members of the public since they are not designed to extend to the street level. As proposed, the private staircases would ensure the private owners use of this beach and if the owners chose not to use the staircase that extends to street level, the project would effectively serve to undermine the basis for the approved staircase proposed by the applicant in 1985. The intent of the proposed staircase was to mitigate the development's impact on public access and ensure that the public and private property owner continued to enjoy use of the historically used beach area. Thus, to ensure that the approval of the proposed private staircases are consistent with the applicable Coastal Act sections relating to public access and with past Commission action, the Commission finds it necessary to require the applicant to submit a detailed illustration of a refined Public Beach Accessway Management Plan. As set forth in special condition #5, the Plan will enhance and provide an

increased awareness of the availability of public access as well as guarantee that the access is made truly available through unlocked gates. Given that the proposed private staircases serve to further enhance private beach use, the required plan will serve to enhance the mitigation measure of a public beach accessway as imposed by the Commission. This mitigation was required due to the adverse impacts on the public beach users that have resulted from the development impeding beach access and the increase in beach use by private owners. The Commission finds that it is necessary to ensure the public's right to access the sea consistent with Sections 30210 and 30211 and emphasizes that the need for properly operated accessways where private development impedes the public's ability to get to public beaches. Therefore, allowing beach access for owners via private staircases in addition to the existing public staircase can only be considered consistent with the access policies of the Coastal Act if the existing accessway is maintained consistent with Special Condition #5.

In addition, as a means of controlling seaward encroachment of residential structures on a beach to ensure maximum access, protect public views and minimize wave hazards as required by Coastal Act Sections 30210, 30211, 30251 and 30253, the Commission has developed the "stringline" policy to control the seaward extent of buildout in past permit actions. As applied to beachfront development, the stringline limits extension of a structure to a line drawn between the nearest corners of adjacent structures and limits decks to a similar line drawn between the nearest corners of the adjacent decks.

The Commission has applied this policy to numerous past permits involving infill on sandy beaches and has found it to be an effective policy tool in preventing further encroachments onto sandy beaches. In addition, the Commission has found that restricting new development to building and deck stringlines is an effective means of controlling seaward encroachment to ensure maximum public access as required by Sections 30210 and 30211 and to protect public views and the scenic quality of the shoreline as required by Section 30251 of the Coastal Act.

The proposed project consists of the construction of exterior decks and the legalization of two private stairways to the beach. As stated in the preceding section, the Commission imposed a stringline to determine the maximum seaward extent of development on this site. This stringline, unless amended by the Commission, will serve in perpetuity to function as the stringline for the condominium development (See Exhibit 2). As proposed, the decks are consistent with this stringline. However, the after-the-fact private staircases encroach seaward of the established stringline (Special Condition No. 7, CDP 5-85-299) which, if allowed to remain, would seasonally encroach onto public trust land. The applicant proposes to remove any portion of the private stairways that extend seaward of a surveyed "stringline" recorded pursuant to Special Condition No. 7 of CDP 5-85-299 cited above. To ensure that the applicant removes those portions of the private stairways that exceed the applicable stringline, the Commission finds it necessary to require the applicant to agree to removal of all development (the private stairways) that exceed the imposed stringline. For all of these reasons, the Commission finds that the proposed project, to be consistent with the applicable policies of the Coastal Act.

C. Geologic Stability/Hazards

Section 30253 of the Coastal Act states:

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.

The applicant has submitted Soils and Engineering Geologic Investigation Report prepared by GeoSystems, Inc. dated 2/8/85 and an Updated Soils and Engineering-Geologic Report prepared by GeoSystems, dated 8/10/95. The report states that the project site will not be affected by hazards. The report further concludes that the proposed project will not adversely affect adjacent properties.

However, during the winter season, the proposed decks will extend into an area exposed to wave attack, flooding, and erosion hazards that in the past have caused significant damage to development along the California coast, including the Malibu coastal zone and the beach area nearby the subject property. The Coastal Act recognizes that new development, such as the proposed wood seawall, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the 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 Commission finds that due to the unforeseen possibility of wave attack, erosion, and flooding, the applicant shall assume these risks as a condition of approval. Because this risk of harm cannot be completely eliminated, the Commission is requiring the applicant to waive any claim of liability on the part of the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, when executed and recorded on the property deed, will show that the applicant is aware of and appreciated the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Because the proposed project includes a demolition component and because the site is located on a beachfront lot on Corral Beach, the Commission finds that construction materials and debris stored on site could adversely create risks to life and property. As such if this debris were washed into the ocean, it could present a hazard to existing structures, beach users and ocean wildlife. In addition, the placement and storage of debris would adversely affect public coastal views. The Commission therefore finds it necessary to impose Special Condition 3 to ensure that materials and debris are not stored on site and that demolition debris is promptly removed to ensure that the proposed demolition minimizes any risk to life or property along the coast.

Additionally, as set forth in Section 30253 of the Coastal Act new development shall assure structural integrity neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area. The Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist and Coastal Engineer as conforming to their recommendations. Only as conditioned can the Commission find the proposed development consistent with Section 30253 of the Coastal Act.

D. Visual Resources.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The applicant proposes to construct lower level decks and spas to five existing attached condominiums, the removal of an unpermitted fence and the remodel and redesign of two unpermitted staircases. The subject site is adjacent and upcoast 250 ft. from Dan Blocker State Beach. As such development on this site is visible from the public beach. This site has been the subject of past Commission action as articulated in the preceding sections. In review of the development the Commission restricted the height of the structure consistent with the policies of the Coastal Act which protect visual resources. The subject residence is one of the the only structures along this stretch of Corral Beach, adjacent to Pacific Coast Highway (PCH). Given that the visual elements of this development were previously addressed and that the proposed project involves a minor addition to the existing structure, the Commission finds that the visual intrusion of the proposed project will be minimal.

The Commission finds that, as conditioned, the proposed project is consistent with the requirements of the Coastal Act.

E. Violation

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

F. Local Coastal Plan

Section 30604 of the Coastal Act states that:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development 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 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. As conditioned, the proposed development will not create adverse impacts and is consistent with the applicable policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of Malibu to prepare a certifiable Local Coastal Program that is consistent with the policies of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act

Section 14096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed development would cause no adverse environmental impacts which would not be adequately mitigated by the project conditions required herein. Therefore, the proposed project, as conditioned, is found to be consistent with CEQA and the policies of the Coastal Act.

* Sp. Cond #4 of 5-85-299 as amended * ON 2/25/87

2. Beach Maintenance, Operation and Signs

Condition 4 shall be amended to read:

Prior to occupancy of any unit, the applicant shall demonstrate to the Executive Director that either: 1) a public agency or private beach maintenance association has accepted, opened and maintained the vertical accessway on the applicant's property required by Conditions 2 and 3; or

2) an alternative vertical access at Dan Blocker State Beach a) has been constructed and opened, or b) has been authorized and funded and work is actively underway to open and maintain Dan Blocker State Beach for public use, pursuant to condition 3 above.

In the event that the applicant implements the first alternative, the applicant shall present the program for

review and approval of the Executive Director. The program shall include adequate informational signs, supervision, maintenance, and sources of funds to guarantee continued maintenance. The maintenance plans may contain reasonable limitations on hours and types of use, compatible with the operation of Dan Blocker State Beach.

If the applicant has implemented alternative one and at a later date an alternative vertical accessway is opened at Dan Blocker State Beach, the easement for a vertical accessway shall be extinguished. When the vertical access easement is extinguished the Executive Director may allow the private association to convert the vertical accessway on the applicant's property to exclusively private use, as of the effective date of the opening of the alternative vertical accessway for public use.

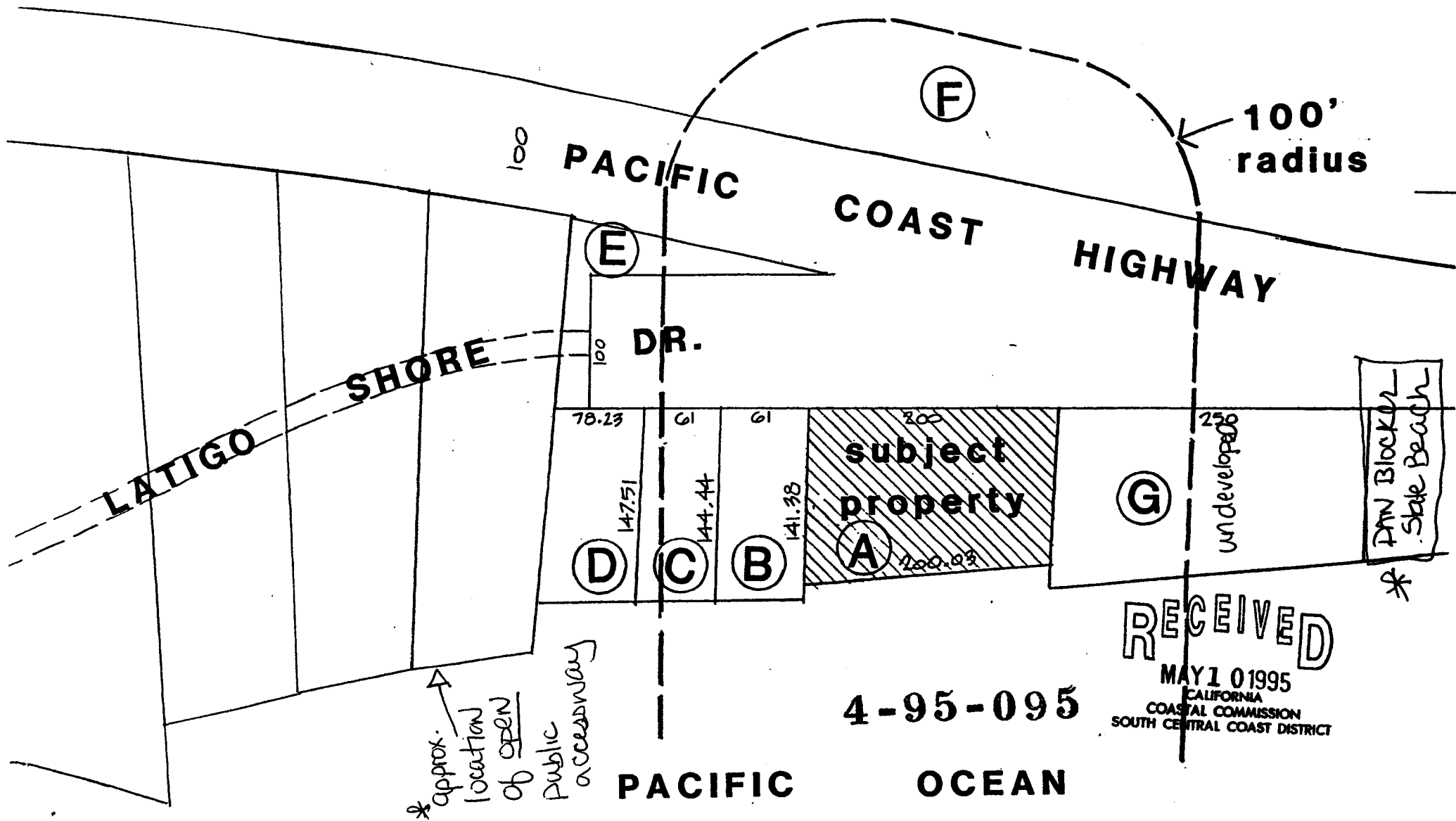
EXHIBIT NO. A
APPLICATION NO. 4-95-095
Sp Cond. #4, as amended
of CDP 5-85-299

EXHIBIT NO. 1
APPLICATION NO. 4-95-095
Assessor's Parcel Map
Location of access, if any Research



RADIUS MAP

ADDRESS: SUBJECT PROPERTY
20500 LATIGO SHORE DR.
MALIBU, CA - 90265



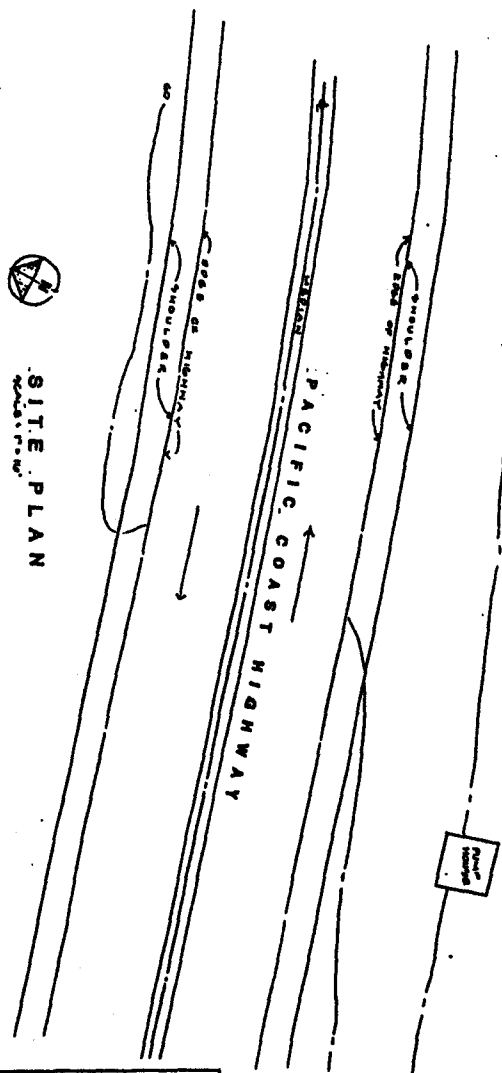
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EXHIBIT NO. 2

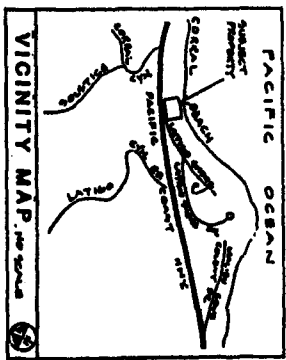
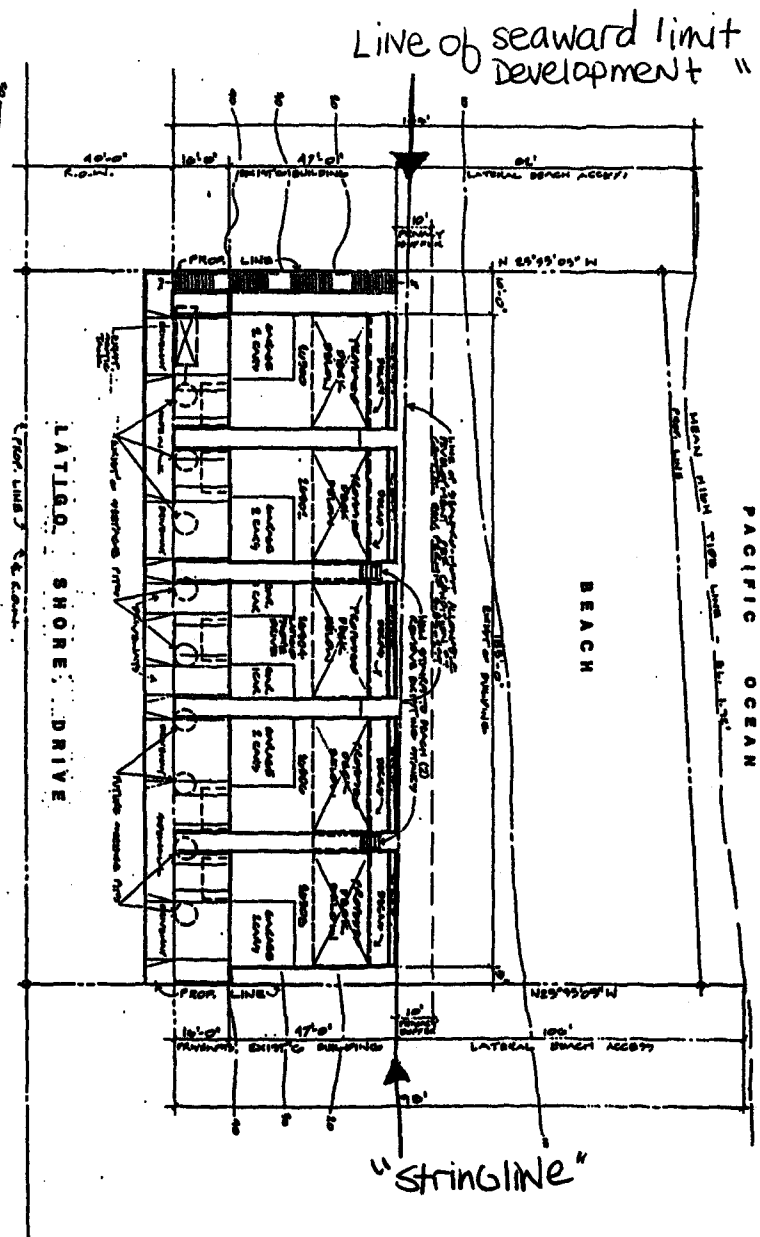
APPLICATION NO.

4-45 045

Site Plan + layout
of stringline



SITE PLAN



VICINITY MAP

EXHIBIT NO. 4
APPLICATION NO. 4-45-045
Elevations & approx. locations of fencing & stairways to be removed

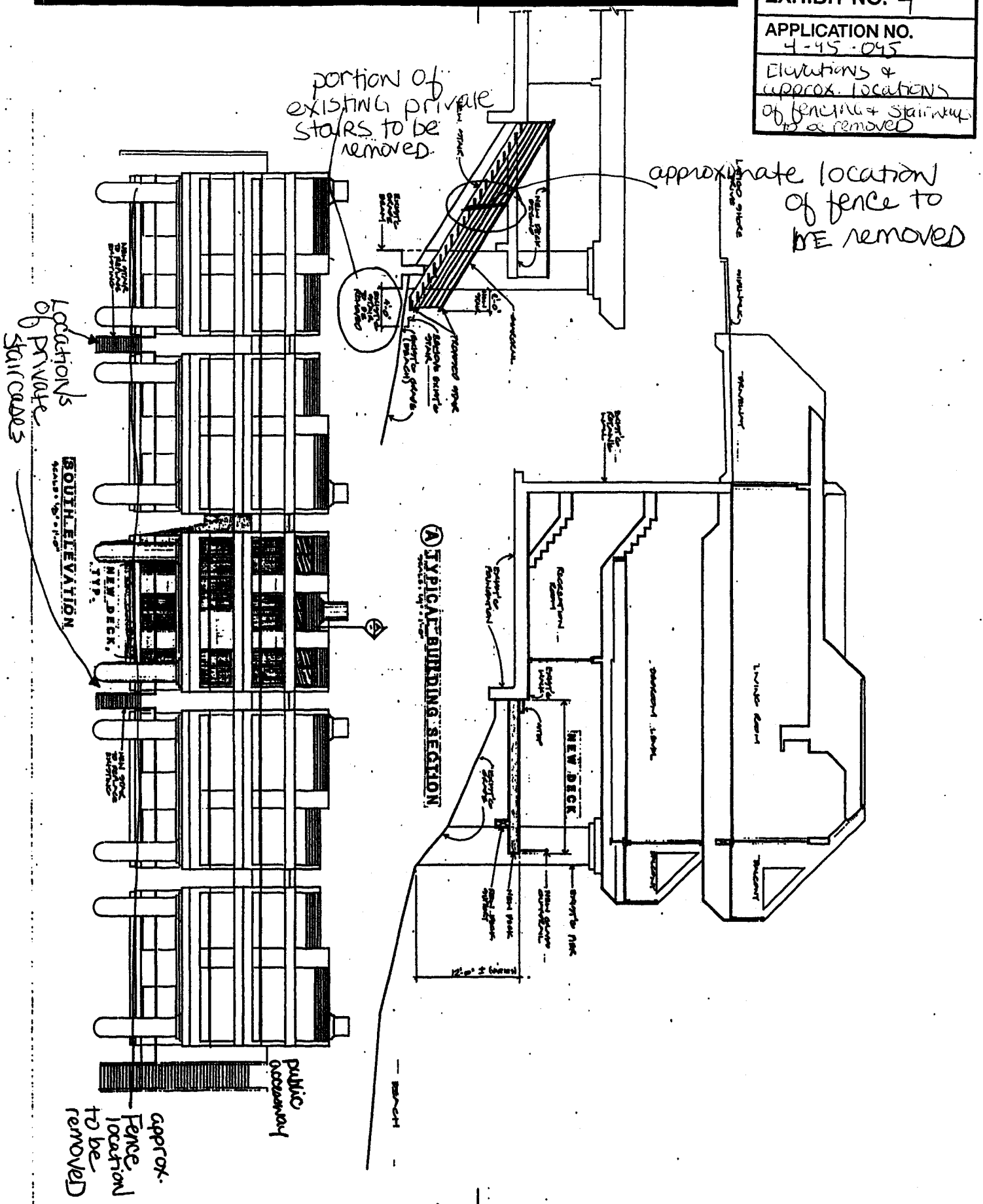


EXHIBIT NO. 5

APPLICATION NO.

4-95-045

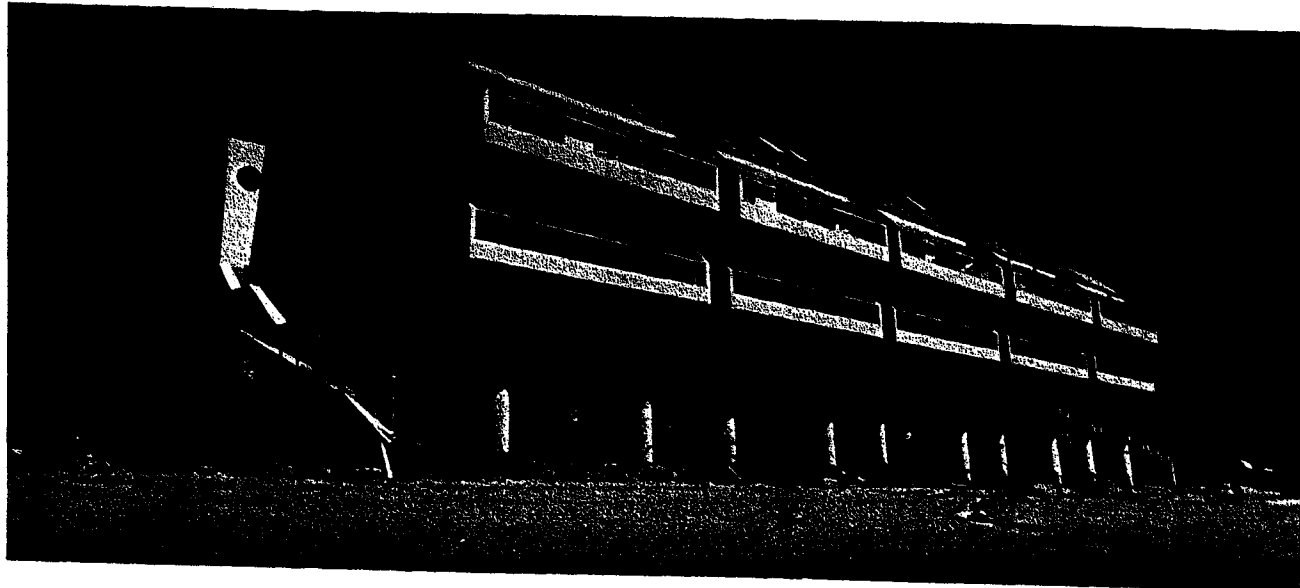
public access way

private staircases

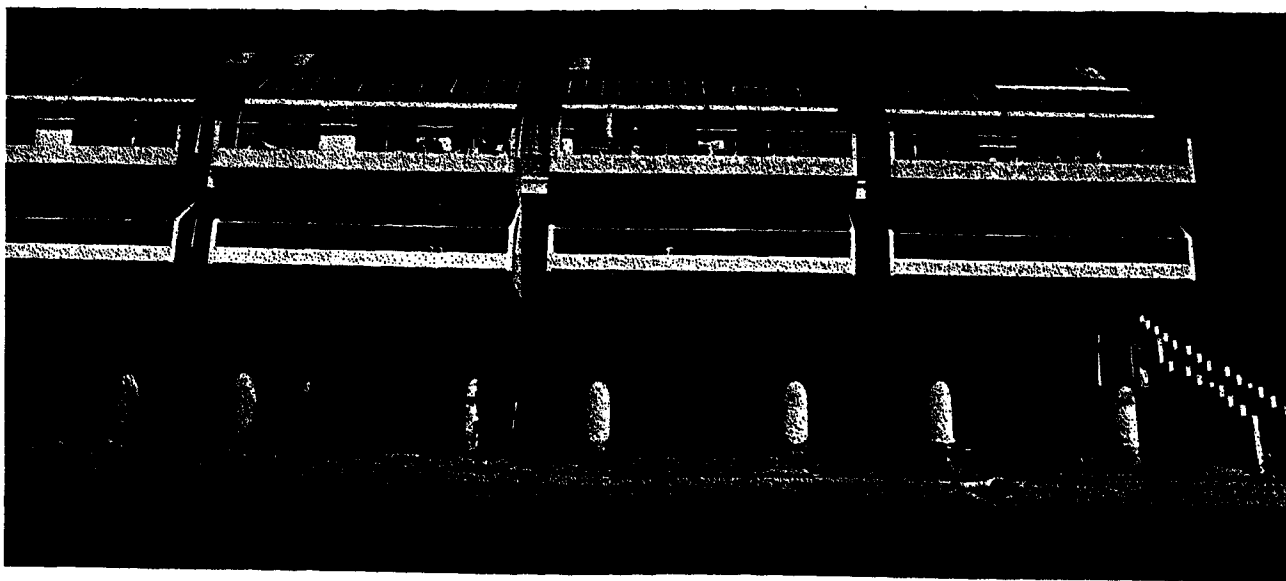
public access way to beach



① Locked fence facing Latigo Shore Dr. providing beach access



② *segments of private staircases exceed into the "stringline"



③ Beach access way

