

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Th15a

January 8, 1997

TO: Commissioners and Interested Persons

FROM: *for* Chuck Damm, Senior Deputy Director
John Ainsworth, Regulatory Supervisor
RA Rebecca Roth, Coastal Program Analyst

SUBJECT: Revised Findings Coastal Development Permit Application No. 4-97-071 (Schaeffer) for Public Hearing and Commission Action at the February 5, 1997 Commission Meeting in San Diego.

PROJECT LOCATION: 24612 Malibu Road, City of Malibu, Los Angeles County

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following revised findings in support of the Commission's action on November 5, 1997 approving with conditions the permit for the below described development.

COMMISSION ACTION: Approval with conditions

DATE OF COMMISSION ACTION: November 5, 1997

COMMISSIONERS ON PREVAILING SIDE: Allen, Armansco, Busey, Hickox, Kehoe, Pavley, Potter, Reilly, Staffel and Vice Chairman Wan

SUMMARY OF REVISED FINDINGS

The revised findings involve the addition of special condition #6 (page 2), which prohibits the placement of signs that contain language which indicates that the beach is private or like measures that would suggest that the public is excluded from using the beach. Findings to support this special condition have been added to the Public Access section of the staff report. No changes were otherwise made to the staff report dated October 17, 1997. The staff report (dated October 17, 1997) is incorporated herein by reference as though set forth in full. The staff report on revised findings together with the October 17, 1997 staff report comprise the revised findings for this project. If you did not originally receive a copy of the October 17, 1997 staff report and wish to, please contact the Ventura Coastal Commission office at (805) 641-0142.

PROJECT DESCRIPTION: Demolition of an existing 1390 sq. ft. single family residence; construction of a two-story 3,725 sq. ft. single family residence with a 373 sq. ft. garage, a 580 sq. ft. basement/storage area; construction of a 50 ft. long wooden bulkhead with 41 ft. and 36 ft. long return walls, installation of a septic system and leach field; and, an offer to dedicate a lateral access easement over the southern portion of the lot as measured ten feet seaward from the dripline of the proposed deck area.

I. Following special condition #5 on page 6, special condition #6 shall be added:

6. Signs

No signs shall be posted on the property subject to this permit (and/or on any adjacent properties) which (a) explicitly or implicitly indicate that the portion of the beach on Assessor's Parcel Number 4458-12-019 located seaward of the deck permitted in this application 4-97-071 is private or (b) contain similar messages that attempt to prohibit public use of this portion of the beach. In no instance shall signs be posted which read "*Private Beach*" or "*Private Property*." In order to effectuate the above prohibitions, the permittee is required to submit the content of any proposed signs to the Executive Director for review and approval prior to posting.

II. The following shall be added to Section IVE Public Access, after the first paragraph on page 43:

The placement of signs on single family beachfront homes which state "*PRIVATE BEACH*" or "*PRIVATE PROPERTY*" or contain any similar message prohibiting public use of the beach have routinely caused members of the public to believe that they do not have the right to use the shoreline. In effect, these signs have served to contradict the public's right to use the shoreline pursuant to the California Constitution and California common law. In accord with the applicant's agreement at the November 5, 1997 Coastal Commission meeting and in order to ensure that the general public is not precluded from using the shoreline, the Commission finds it necessary to impose special condition #6 which would prohibit the applicant from placing any signs on the subject property or adjacent properties which explicitly or implicitly indicate that the beach is private or like messages that would prohibit public use of the beach. In addition, it is necessary that any signs posted on the applicant's property or any adjacent properties that pertain to use of this applicant's property be subject to the review and approval of the Executive Director prior to posting. The prohibition on signage for adjacent properties as spelled out in special condition #6 is only intended to prohibit signage relating to the portion of the beach on Assessor's Parcel Number 4458-12-019 seaward of the deck permitted in this application. Only as conditioned, is the proposed project consistent with the applicable public access and recreation policies of the Coastal Act.