

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

**Tu 22**

DATE: May 25, 2000

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director
Chuck Damm, Senior Deputy Director
James Johnson, Coastal Program Analyst

SUBJECT: **Coastal Permit Number 4-97-015, Sayles** Action at the Coastal Commission Meeting of June 13, 2000 to Vacate Prior Approval of Coastal Permit.

SUBSTANTIVE FILE DOCUMENTS: Staff Report on Project No. 4-97-015 dated April 25, 1997; Notice of Intent to Issue Permit No. 4-97-015; Topanga Association for a Scenic Community et al., v. California Coastal Commission et al., (Court of Appeal #B122513) Decision dated January 5, 2000.

On May 13, 1997, the California Coastal Commission granted Coastal Development Permit Number 4-97-015 to Gerald and Shirley Sayles, subject to standard and special conditions, for the construction of a 4,592 sq. ft. two story single family residence at 20580 West Betton Drive, Malibu, with three car garage, swimming pool, septic system, landscaping, driveway, extension of private road and water main improvements. The Commission's approval of this coastal permit was challenged in a lawsuit. On January 5, 2000 the Court of Appeal ruled in favor of the petitioners, the Topanga Association for a Scenic Community, et. al. Subsequently, the case was returned to the trial court, which has required the Commission to vacate its decision of May 13, 1997 approving Coastal Development Permit Number 4-97-015.

The Court of Appeal decision was not appealed. Accordingly, staff recommends that the Commission take action to vacate its May 13, 1997 decision approving Coastal Development Permit Number 4-97-015. The motions for this action are provided below. Staff intends to schedule this application for a new decision tentatively at the August 8-11, 2000 Commission meeting in Huntington Beach unless the applicant states that he does not wish to pursue the application.

I. MOTION AND RESOLUTION**A. Vacating Prior Commission Decision Approving Permit**

MOTION: *I move that the Commission vacate its May 13, 1997 decision approving Coastal Development Permit No. 4-97-015 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in vacating the approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO VACATE THE DECISION:

The Commission hereby vacates its May 13, 1997 decision approving Coastal Development Permit Number 4-97-015, in compliance with the decision of the court in Topanga Association for a Scenic Community, et al. vs. California Coastal Commission, et al.

II. FINDINGS AND DECLARATIONS

On May 13, 1997, the California Coastal Commission granted to Gerald and Shirley Sayles Coastal Development Permit No. 4-97-015, subject to standard and special conditions, for the construction of a 4,592 sq. ft. two story single family residence at 20580 West Betton Drive, Malibu, with three car garage, swimming pool, septic system, landscaping, driveway, extension of private road and water main improvements.

The Commission's approval of Coastal Development Permit Number 4-97-015 was challenged in a lawsuit. On January 5, 2000, the Court of Appeal ruled in favor of the petitioners. Subsequently, the case was returned to the trial court, which has required the Commission to vacate its approval of Coastal Development Permit Number 4-97-015 consistent with the decision of the Court of Appeal.

The Court of Appeal decision was not appealed. Accordingly, in order to comply with the legal rulings in this case, the Commission must formally vacate its prior approval of Coastal Development Permit Number 4-97-015. Therefore, the Commission hereby vacates its May 13, 1997 decision approving Coastal Development Permit Number 4-97-015.