

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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DATE: June 22, 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 4-96-172, Olson** Action at the Coastal Commission Meeting of July 13, 2000 to Vacate Prior Approval of Coastal Permit.

SUBSTANTIVE FILE DOCUMENTS: Staff Report (Revised Findings) for Project No. 4-96-172 dated April 24, 1997; Notice of Intent to Issue Permit No. 4-96-172; Topanga Association for a Scenic Community, et al. v. California Coastal Commission, et al. (Court of Appeal # B122513) Decision dated January 5, 2000.

On December 12, 1996, the California Coastal Commission granted to Marian Olson Coastal Development Permit No. 4-96-172, subject to standard and special conditions, for the construction of a 4,000 sq. ft. two story single family residence at 2737 Fabuco Road, Malibu, with four car garage, swimming pool, septic system, landscaping, extension of private road and water main improvements, and grading of about 1,352 cubic yards for the residence and access road. 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 approval of Coastal Permit Number 4-96-172.

The Court of Appeal decision was not appealed. Accordingly, staff recommends that the Commission take action to vacate its December 12, 1996 decision approving Coastal Development Permit Number 4-96-172. The motions for this action are provided below.

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

MOTION: *I move that the Commission vacate its December 12, 1996 decision approving Coastal Development Permit No. 4-96-172 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 December 12, 1996 decision approving Coastal Development Permit Number 4-96-172, 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 December 12, 1996, the California Coastal Commission granted to Marion Olson Coastal Development Permit No. 4-96-172, subject to standard and special conditions, for the construction of a 4,000 sq. ft. two story single family residence at 2737 Fabuco Road, Malibu, with four car garage, swimming pool, septic system, landscaping, extension of private road and water main improvements, and grading of about 1,352 cubic yards for the residence and access road.

The Commission's approval of Coastal Development Permit Number 4-96-172 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 4-96-172 consistent with the action of the Court of Appeal.

The Court of Appeal decision was not appealed. Accordingly, in order to comply with the legal rulings in the case, the Commission must formally vacate its prior approval of Coastal Development Permit Number 4-96-172. Therefore, the Commission hereby vacates its December 12, 1996 decision approving Coastal Development Permit Number 4-96-172.