STATE COASTAL CONSERVANCY

Project Summary
September 20, 1995

# MALIBU ACCESS: ESCONDIDO BEACH

File No.: 95-010
Project Manger: Brenda Buxton

**RECOMMENDED ACTION:** Authorization to (1) accept two vertical access easements, two lateral access easements, and one parking easement, (2) enter into a 20-year interagency agreement with the Mountains Recreation and Conservation Authority (MRCA) to operate and maintain three vertical access easements and two parking easements, and (3) disburse $82,000 to the Mountains Recreation and Conservation Authority for operation and management.

**LOCATION:** 27398-400, 27420-28, 27450, and 27900-10 Pacific Coast Highway, Escondido Beach, Malibu, Los Angeles County

**PROGRAM CATEGORY:** Public Access

**COST ESTIMATE:** Coastal Commission Malibu Beach Access Fund: $82,000

**PROJECT SUMMARY:** If approved, this project would open up three new accessways along Escondido Beach in Malibu and require no Conservancy bond funds.

Despite the existence of well-known beaches, such as Zuma and Topanga, many miles of the Malibu coast are inaccessible to the public. Along some sections of the coast, development precludes beach access, while in other areas the beaches suffer from extensive erosion, leaving little space for public access between houses and the ocean. This lack of coastal access could be ameliorated by the acceptance and opening of Malibu's 12 vertical Offers-to-Dedicate (OTDs), but to date, most vertical OTDs are unaccepted and closed due to the lack of a management entity capable of operating and maintaining them. The Los Angeles County Department of Beaches and Harbors and the State Department of Parks and Recreation are unwilling to operate smaller, non-revenue-generating accessways such as these. The City of Malibu currently is writing its Local Coastal Plan and has not yet developed any access policies. The City has not assumed operation and maintenance responsibilities for any dedicated accessways at this time.

The Coastal Conservancy has been working to open up key access points along the Malibu coast since 1979. Escondido Beach has long been a priority because it is a wide sandy beach with public access available only at the extreme ends of the mile-long beach: the privately-owned Paradise Cove (with a $15 fee for day-use parking) at the western end of the beach and Los Angeles

County's Escondido Creek accessway at the eastern end (Exhibit A). In addition, this beach has three dedicated vertical accessways that, if opened, would provide public access; two are unaccepted, but constructed, and one has been accepted by the Conservancy, but not yet constructed. Until now, the Conservancy has been unable to open up these important beach access points due to the lack of a management agency.

Recently, however, the Mountains Recreation and Conservation Authority (MRCA) has offered to assume responsibility for operation and maintenance of the accessways on Escondido Beach. MRCA is a joint powers agency consisting of the Santa Monica Mountains Conservancy and the Conejo Recreation and Park District. The MRCA operates rural and urban parks in the Malibu area and the San Fernando Valley and has construction and maintenance crews as well as rangers on its staff. The MRCA prefers to focus on Escondido Beach easements since it maintains facilities along the nearby Escondido Falls trail. At this time, the MRCA lacks the resources to take on management responsibilities for other accessways in Malibu. Additionally, the MRCA is not willing to accept the OTDs. For this reason, Conservancy staff recommends that the Conservancy accept the outstanding OTDs, enter into a 20-year interagency agreement with the MRCA for their management, and disburse $82,000 to the MRCA for at least the first five years of operation and maintenance costs.

The local community has several concerns regarding management and pedestrian safety which the staff of the Conservancy and the MRCA have attempted to address. In order to allay some of the concerns about privacy and safety, Conservancy and MRCA staff have designed a maintenance program that will include locking the gates at night, regular inspections of the stairs, ranger services available on an on-call basis, and weekly trash pick up. Local residents are also concerned about the possibility of beachgoers parking on the inland side of Pacific Coast Highway and crossing this busy highway. However, as is discussed in the project description, there is extensive oceanside parking adjacent to or near the accessways which will minimize the necessity to cross the highway.

In the past, the Conservancy has sought to increase and improve access by assisting with the costs of acquisition of property and/ or construction of stairs, trails, and other facilities. At Escondido Beach, acquisition and construction costs are not an issue. The accessways are already dedicated for public use; two of the accessways are built; and the third accessway, owned by the Conservancy, could be constructed with funds set aside for this purpose in a designated account. Furthermore, the Coastal Commission's Malibu Beach Access Fund could be used to cover the expenses of an operation and maintenance entity. In Malibu, the main obstacle to creating new access has been the lack of a management agency, not the lack of funds or property interests. The Conservancy can best carry out its mandate to implement a system of public coastal accessways by enabling a local entity, in this case the MRCA, to assume management responsibilities.

STATE COASTAL CONSERVANCY

Staff Recommendation
September 20, 1995

MALIBU ACCESS: ESCONDIDO BEACH

File No.: 95-010
Project Manger: Brenda Buxton

STAFF RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31104.1 and 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the acceptance of Irrevocable Offers-to-Dedicate Public Access recorded as Document Nos. 86-435660, 83-1152650, 83-1152648, 84-426207 and 78-1378614 in the Official Records of Los Angeles County to satisfy conditions of coastal development permits, subject to the condition that the parking easement at 27420-28 Pacific Coast Highway (Shane/Seacliff), offered as Document No. 83-1152648 in the Official Records of Los Angeles County, shall be constructed pursuant to the stipulated settlement agreement between the property owners and the Coastal Commission prior to Conservancy acceptance of this easement; and

The Conservancy further authorizes its Executive Officer to enter into a 20-year interagency agreement with the Mountains Recreation and Conservation Authority (the "MRCA") for the operation and maintenance of the vertical, lateral and parking easements offered as Document Nos. 86-435660, 83-1152650, 83-1152648, 84-426207, 78-1378614, 81-1259943 and 83-108580 in the Official Records of Los Angeles County ("the easements") subject to the following conditions:

1. Prior to opening each easement to the public, the MRCA shall submit for the review and approval of the Executive Officer of the Conservancy a management plan which shall specify the MRCA's responsibilities for that easement including, but not limited to:

   a. inspecting the easement at least once a week;

   b. keeping the easement free of trash;

   c. erecting and maintaining public access signs which specify the terms of use and acknowledge the Coastal Conservancy as the holder of the easements, the MRCA as the management agency, and the Coastal Commission as the funder;

d. ensuring that the easement is open during designated daylight hours; and

e. enforcing the conditions of use of the easement as described in the relevant Offers-to-Dedicate, including the provision that the beach parking areas shall be used only for beachgoers.

2. The vertical and parking easement at 27900-10 Pacific Coast Highway (Chiate/Wildman), offered as Document Nos. 80-1161952, 81-1259943, 82-11159 and 83-108580 in the Official Records of Los Angeles County, or at an alternative location approved by the Conservancy and the Coastal Commission, shall be opened to the public under MRCA management only after all necessary construction has been completed pursuant to authorization of the Conservancy.

The Conservancy also authorizes its Executive Officer to amend the Conservancy's Memorandum of Understanding with the California Coastal Commission, attached to the accompanying staff recommendation as Exhibit B, to provide for the use of up to eighty-two thousand dollars ($82,000) for management of these easements, and authorizes the disbursement of these funds to the MRCA for the operation and maintenance of the easement for a minimum of five years."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. Acceptance of the Irrevocable Offers to Dedicate Public Access is consistent with the Conservancy's mandate and authority under Public Resources Code Section 31104.1 to serve as a repository for interests in lands whose reservation is required to meet the policies and objectives of the Coastal Act; and

2. The proposed agreement with the MRCA for operation and maintenance of Escondido Beach easements is consistent with the purposes and objectives of Sections 31400 *et seq.* of the Public Resources Code, and with the Conservancy's Access Standards and Program Criteria."

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**STAFF DISCUSSION:**

**Project Description:** Upon approval of this recommendation, the Conservancy will accept the outstanding vertical and lateral access and parking easements in the Escondido Beach area of Malibu and then enter into an interagency agreement with the Mountains Recreation and Conservation Authority (the "MRCA") to operate and maintain

these easements as well as a vertical easement already held by the Conservancy.

Operation and Maintenance

In order to address concerns presented by the local community as much as possible, Conservancy and MRCA staff have outlined a maintenance program which will include 1) inspecting the accessways for safety at least once a week; 2) weekly trash pick up; 3) maintaining signs at each easement, as appropriate, which specify terms of use and acknowledge the Coastal Conservancy as the holder of the easements, the MRCA as the manager, and the Coastal Commission as funder; 4) ensuring that the accessways are open during daylight hours; 5) performing routine repairs; and 6) enforcing the conditions of use of the accessways, including the provision that the parking accessways are to be used for beach parking only. Furthermore, the MRCA will also provide ranger services that will provide a quick response to emergency situations and will lock the accessways at night in order to assure the privacy of the local residents.

There are three vertical accessways on Escondido Beach (Exhibit A). The Coastal Conservancy accepted the vertical OTDs at 27900-10 Pacific Coast Highway (PCH) (Chiate/Wildman) in 1982, but the accessway has not been constructed and is closed to the public. The two other vertical accessways at 27398-400 PCH (Geoffrey's Restaurant) and 27420-28 PCH (Shane/Seacliff) have already been built as a condition of the property owners' coastal development permits, but are not open to the public. The vertical accessways are discussed below:

27398-400 Pacific Coast Hwy (Geoffrey's Restaurant, Exhibit C)

Pursuant to a 1978 coastal development permit (#P-2130), the applicants, Stern *et al.*, were required to deed restrict their property to allow the public to use an already-constructed stairway and path for beach access. Instead the applicants elected to record an Offer-to-Dedicate over the same area for acceptance by a management agency in the future.

This accessway is currently being used by adjacent upland property owners. Since this accessway requires beachgoers to go through a restaurant patio to reach the beach, unlike the nearby Shane/Seacliff accessway, it likely will not be heavily used. However, staff recommends that this accessway be accepted since it would be used by restaurant patrons and provide an alternative beach route.

27420-28 Pacific Coast Hwy (Shane/Seacliff, Exhibit D)

This accessway was constructed as a condition of a coastal development permit (#A-184-80) approved in 1980. In consideration for the development authorized under that permit, the homeowners not only offered to build the stairs, they also offered

to create two public parking spaces and to operate and maintain the accessway for no more than 21 years or until a nonprofit or government entity accepted responsibility for the accessway. The homeowners did build the stairway which served as their access to the beach. However, they never opened the accessway to the public and did not build the parking spaces. This case has been the subject of a Coastal Commission enforcement action for many years. Conservancy staff has been working with Coastal Commission staff to resolve this coastal permit violation. The vertical easement recently has been completed and pursuant to a settlement agreement, the homeowners will complete the two off-street parking spots. The Conservancy will accept the parking OTD after it has been constructed.

Parking for the Geoffrey's Restaurant and Shane/Seacliff easements (Exhibit E)

Two off-street parking spots next to the Shane/Seacliff easement entrance will serve both accessways. Since this is a small amount of parking, local residents are concerned that beachgoers will park on the inland side of PCH and cross this high-speed, heavily-trafficked road. However, there is extensive oceanside, on-street parking available. Parking is permitted on the ocean side of Pacific Coast Highway (PCH) adjacent to the eastern edge of the restaurant property. This area would hold approximately 27 cars and is currently used by the restaurant patrons and others. Additional oceanside, on-street parking for approximately 150 cars is available approximately 170 yards upcoast from the Shane/Seacliff easement and 350 yards upcoast from the Geoffrey's restaurant easement (Exhibit E). On this particular stretch of PCH, parking is prohibited immediately adjacent to driveways.

At the present time, people do cross the highway for a variety of reasons. Geoffrey's Restaurant uses both the ocean side and the inland side of PCH as a repository for its valet-parked cars and the valet parkers must occasionally cross the highway. Local residents who do not have beachfront property must cross PCH to reach the beach. Inland residents, unfortunately, will continue to have to make this difficult crossing whether or not these accessways are opened. For beachgoers driving to the site, safe, oceanside parking is available adjacent to or near these accessways. In addition, there are two locations for westbound drivers who drive past the accessways to make U-turns and park on the ocean side.

In other areas of Malibu where beachgoers avoid the oceanside parking lots and park on the inland side of PCH, they do so to avoid paying parking fees. Since the Escondido Beach accessways and the on-street parking are free, beachgoers will not have a monetary incentive to park on the inland side of PCH.

27900-10 Pacific Coast Highway (Chiate/Wildman, Exhibit F)

A vertical OTD at this location was accepted by the Coastal Conservancy in 1982. Acceptance of the parking OTD was authorized but has not been completed due to unauthorized

improvements in the easement area that would need to relocated before the parking area could be constructed. Conservancy staff is working to resolve this problem and accept the parking OTD. Although the Coastal Conservancy holds $400,000 in a special deposit account for the construction of the vertical and parking easements, they were never constructed due to the lack of a local management agency. Since the MRCA has offered to manage this accessway (once constructed), Conservancy staff has commenced a construction feasibility analysis and recently completed a topographic map of the easement.

The property owners strongly object to the construction of this accessway and have offered to pay an in-lieu fee for the Conservancy to construct an accessway elsewhere in Malibu. Staff has rejected this option for several reasons. First, the intent of the permit was to mitigate the impacts of development by requiring an Offer-to-Dedicate to provide public access to Escondido Beach, a mile-long, relatively broad beach with extremely limited public access. Providing access to other beaches of Malibu would not fulfill this intent. Secondly, if the Conservancy sold its interest in this easement, it would create a precedent that would encourage property owners all over Malibu to do the same. Finally, going somewhere else outside of Escondido Beach will not make the task of providing access easier. Access to other beaches in Malibu will be equally challenging since many beaches face similar private property, geological, traffic, and parking constraints.

However, staff has agreed to consider a property owners' proposal that would allow alternative access to Escondido Beach: a 13-car parking lot just east of the Escondido Creek public accessway. Staff is considering this alternative because it is consistent with the original intent of the permit which was to provide access to Escondido Beach. The property owners are currently conducting a feasibility analysis. Conservancy staff will review this study, evaluate the relative merit of the alternative, and if acceptable, bring the alternative to the Conservancy Board and the Coastal Commission for approval. If approved, Conservancy staff would then seek to enter into an operations and management agreement with the MRCA for this alternative accessway. If the alternative proves infeasible, the Coastal Conservancy will construct the existing Chiate/Wildman easement and enter into an agreement with the MRCA for management.

The Conservancy has received many letters opposing both the concept of an accessway "trade" and the proposed 13-car parking lot alternative. Other letters have requested that the Conservancy open the Chiate/Wildman easement for public use (Exhibit G). In addition, local residents who attended a public meeting in August in Malibu identified several problems with the 13-car parking lot: it would require massive grading and retaining walls, the area is an active slide, and it would concentrate more beachgoers at an existing accessway that is already heavily used. Conservancy staff would expect the property owners to address these concerns in order to demonstrate that this alternative is feasible and has more

merit than the existing Chiate/Wildman easement. The decision to either construct the existing Chiate/Wildman accessway or accept an alternative will, in any case, be the subject of a future Conservancy staff recommendation.

**Project Financing:** This project uses no Conservancy funds directly, though a considerable amount of staff time has been, and will be, devoted to completing these access projects. The construction of the two vertical and one of the parking OTDs was or will be completed by the property owners as part of their coastal development permit conditions. The vertical easement owned by the Conservancy will be developed with funds from an account that has been earmarked for this purpose.

Staff anticipates that at least the first five years of the Mountains Recreation and Conservation Authority's operation and maintenance costs will be covered by $82,000 from the Coastal Commission's Malibu Beach Access Fund, an in-lieu fee assessed on commercial development in Malibu. After the Coastal Conservancy and the Coastal Commission amend their existing Memorandum of Understanding (Exhibit B), these funds will be transferred to the Coastal Conservancy to be administered as part of the management agreement. These funds will cover the direct labor costs of cleaning, repairing, and patrolling these accessway as well as material costs, such as signs, paint, locks, fencing, *etc.* The Mountains Recreation and Conservation Authority will be able to save on some operation costs since they are already managing a parking lot near by on Winding Way. After the five-year period, if there are no longer sufficient funds, the Conservancy and the MRCA have several options. The MRCA could cover the management costs out of it own revenues. The Conservancy could seek another management entity to bear the costs, such as Los Angeles County. The Conservancy and the MRCA could seek additional funds from the Malibu Beach Access Fund and/or use these funds to create a management endowment to cover the long-term costs. Finally, in a worse case scenario, if there were no management entity or funds, the Conservancy could close the accessways.

**Site Description:** Escondido Beach is immediately east of Point Dume, a promontory that divides the Malibu coast into two nearly equal sections (Exhibit H). This mile-long beach is wide and sandy, with most of the residences located above the beach on the bluffs. The existing accessway at Escondido Creek is the only free public access to the beach for approximately three miles upcoast to Point Dume.

Photographs or slides of the easements described below will be presented at the Conservancy Board meeting.

The accessway at 27390-400 PCH (Geoffrey's Restaurant) runs along the edge of the Geoffrey's restaurant valet parking area, continues past the dining patio, goes down a staircase, across

Escondido Beach road, and finally past two houses to the beach. Since this accessway requires beachgoers to enter near a restaurant, it is not expected to receive extensive public use. However, it does provide more convenient beach access for restaurant patrons and an alternative beach access route.

The accessway offered for public use at 27420-28 PCH (Shane/Seacliff) consists of a stair from PCH that connects to a walkway running the length of the property. The walkway is screened by trees on the eastern side and a high wall along the westerly edge and terminates in a stairway that takes visitors down a steep cliff. The property owners will build a parking area for two cars adjacent to the accessway's entrance on PCH.

The easement at 27450 PCH (Newton-John) provides lateral beach access and is immediately adjacent to the lateral at 27420-28 PCH.

The accessway at 27900-10 PCH (Chiate/Wildman) has yet to be constructed. The future accessway would cross an existing driveway and tennis court (constructed on the Conservancy's easement without authorization), pass between two residences, and go down steep erodible cliffs to the beach. The access easement was required as a condition of a subdivision which created the two long, narrow parcels; both property owners object to the construction of the pathway along the easement. The parking area, located adjacent to PCH, could hold approximately five to eight cars. The design and construction of the path and parking without creating unacceptable environmental impacts will be challenging. Because of the site's physical challenges, staff has agreed to consider alternatives that the property owners have sought in exchange for extinguishing this easement. Although the property owners have actively sought alternatives for the last five years, to date, no suitable alternative has been found (and the 13-car parking lot has yet to be evaluated.) However, given that a management agency is now available for the easement, staff is proceeding with a construction feasibility analysis and will construct the easement unless the property owners present an acceptable alternative.

**Project History:** Malibu has long been a public access priority for both the Coastal Conservancy and the Coastal Commission. Serving the nearly 10 million inhabitants of Los Angeles County as well as many tourists from all over the world, Malibu is perhaps the most famous section of the California coast. During the past few decades, Malibu has experienced tremendous growth which has increased population and the demand for recreational opportunities. At the same time, the budget constraints of local governments and beachside development have restricted beach access opportunities for the public.

Despite these obstacles, the Conservancy has sought to increase public access to Malibu's beaches. In 1979, the Conservancy provided financial assistance that enabled the California

Department of Parks and Recreation to open to the public three beaches in western Malibu, the Robert H. Meyer Memorial State Beaches.

In 1990, the Conservancy authorized the acceptance of up to $300,000 from the Coastal Commission's Malibu Beach Access Fund for the operation and maintenance of Malibu accessways and the disbursement of $50,000 to the Surfrider Foundation for the operation and maintenance of one of the Escondido Beach accessways, 27420-28 PCH (Shane/Seacliff). The Surfrider Foundation subsequently underwent a major reorganization and was not able to assume these responsibilities. Coastal Conservancy staff has continued to search for other management entities over the last five years. Recently, the MRCA has agreed to maintain the accessway at 27420-28 PCH (Shane/Seacliff) in addition to the other accessways along Escondido Beach. $82,000 from the Coastal Commission's Malibu Beach Access Fund, which includes the $50,000 that originally was to go to the Surfrider Foundation, will be used to cover management cost.

The Surfrider Foundation remains interested in providing public access in Malibu and continues to work with Conservancy staff in opening other priority Malibu access OTDs outside of Escondido Beach.

**Job Creation:** This project is not anticipated to have significant job creation opportunities since most of the accessways are already built and the MRCA will use existing staff to operate and maintain the accessways. However, tourism is an important part of Malibu's economy and this project will increase the amount of visitor-serving facilities in Malibu, and thus support, albeit in a modest way, a significant part of Malibu's economy.

**PROJECT SUPPORT:** This project has been very controversial in the local community and staff has received many letters. These letters can be divided into the following general categories: 1) support for the project, (Exhibit I), 2) opposition to the opening of the accessways, particularly the Geoffrey's Restaurant easement, for a variety of reasons (Exhibit J), and 3) opposition to the Chiate/Wildman property owners' proposed 13-car parking lot alternative and/or requests for opening of the Chiate/Wildman easement (Exhibit G). When appropriate, Conservancy staff has responded to concerns to these letters and the response is attached. In addition, staff attended a public meeting on August 10 in Malibu in order to listen to the local residents' concerns and respond to questions. A letter from staff responding to questions is in Exhibit K.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:** Public Resources Code Section 31400 provides that it is the policy of the state to guarantee public access and enjoyment of coastal resources. That section also provides that the Conservancy should

have a principal role in implementing a system of public accessways to and along the state's coastline. This project will further those goals by creating new accessways in a heavily-visited region.

In addition, Section 31400.3 of the Public Resources Code states that "the Conservancy may provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways, and related functions necessary to meet the objectives of this division."

Acceptance of the Offers-to-Dedicate Public Access is consistent with Public Resources Code Section 31104.1 which states "the conservancy shall serve as a repository for lands whose reservation is required to meet the policies and objectives of the California Coastal Act." Increasing the amount of beach access is one of the key objectives of the Coastal Act, and the accessways were dedicated because the Coastal Commission found them necessary to make permitted developments consistent with Coastal Act policies and objectives.

**CONSISTENCY WITH CONSERVANCY'S PROGRAM GUIDELINES:**

**Consistency with Local Coastal Program:** Malibu does not have a certified Local Coastal Program at this time. The approved County Land Use Plan, a document used to guide beach planning until the LCP is certified, recognizes Escondido Beach as a priority access area and calls for accessways at every 2,000 feet of beach frontage. At the present time there is a mile between the two existing accessways at Escondido Beach.

**Consistency with Access Standards:** This project is consistent with all applicable access standards. The accessways are located where they will safely accommodate public use and either are or will be screened and/or fenced to ensure the privacy of adjoining residences (Standard Nos. 1 and 4). The vertical accessways are at least ten feet wide (Standard No. 3). This project also takes advantage of vertical Offers-to-Dedicate in order to increase public access (Standard No. 7).

**Urgency:** Offers-to-Dedicate expire, for the most part, unless accepted within 21 years after they are dedicated. Considering how difficult it is to secure a management entity for these OTDs, this project is an unique opportunity that should be implemented immediately.

**Cost-Effectiveness:** These projects are expected to be extremely cost-effective because two of the three accessways have already been constructed and the third has funds from a private party set aside to build it. The MRCA will provide efficient operations and maintenance since it maintains another public facility in the immediate area.

**Timely Completion:** Operations and maintenance of the accessway will commence immediately after the necessary improvements have been made to the vertical accessways and parking areas and the Coastal Conservancy has taken title to the easements and entered into an agreement with the MRCA regarding operations and maintenance.

**Increased Access:** This project will open up new areas of the beach that are little used because of their distance from existing public accessways.

**CONSISTENCY WITH THE COASTAL ACT:** This project is consistent with the policies and goals of the Coastal Act. Section 30210 of the Coastal Act states that "maximum access . . . shall be provided for all the people." This project will use Offers-to-Dedicate Public Access to provide the maximum access possible to the Escondido Beach area. Because dedications of these easements were required by the Coastal Commission as conditions of permitted development, the project also implements specific findings of the Commission of the need for public access at these locations. In addition, Section 30214(4) says "public access policies . . . shall be implemented in a manner that takes into account . . . the need to provide for the management if access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter." By entering into a management agreement with the MRCA, the Conservancy will be able to meet these requirements.

**COMPLIANCE WITH CEQA:** This project is exempt under 14 California Code of Regulations Section 15301(b) because it will involve only operation and maintenance of existing facilities involving negligible or no expansion of use beyond that previously existing. The vertical easement at 27398-400 PCH (Geoffrey's Restaurant) is not expected to receive extensive additional use since is less inviting to the public due to proximity of the restaurant dining patio. The main users will be restaurant patrons. Acceptance of this accessway is expected to have negligible expansion of use. The vertical accessway at 27420-28 PCH (Shane/Seacliff) is already opened and the parking area will be constructed and opened to the public pursuant to a coastal development permit condition before the Conservancy accepts this easement. The Conservancy's acceptance of these easements will not increase their use. Construction and opening of the accessway and parking area at 27900-10 PCH (Chiate/Wildman) would be subject to CEQA review and analysis when presented to the Conservancy for authorization.

Location of Offers-to-Dedicate Public Access
Escondido Beach, Malibu

*held or to be accepted by Coastal Conservancy*

Exhibit A

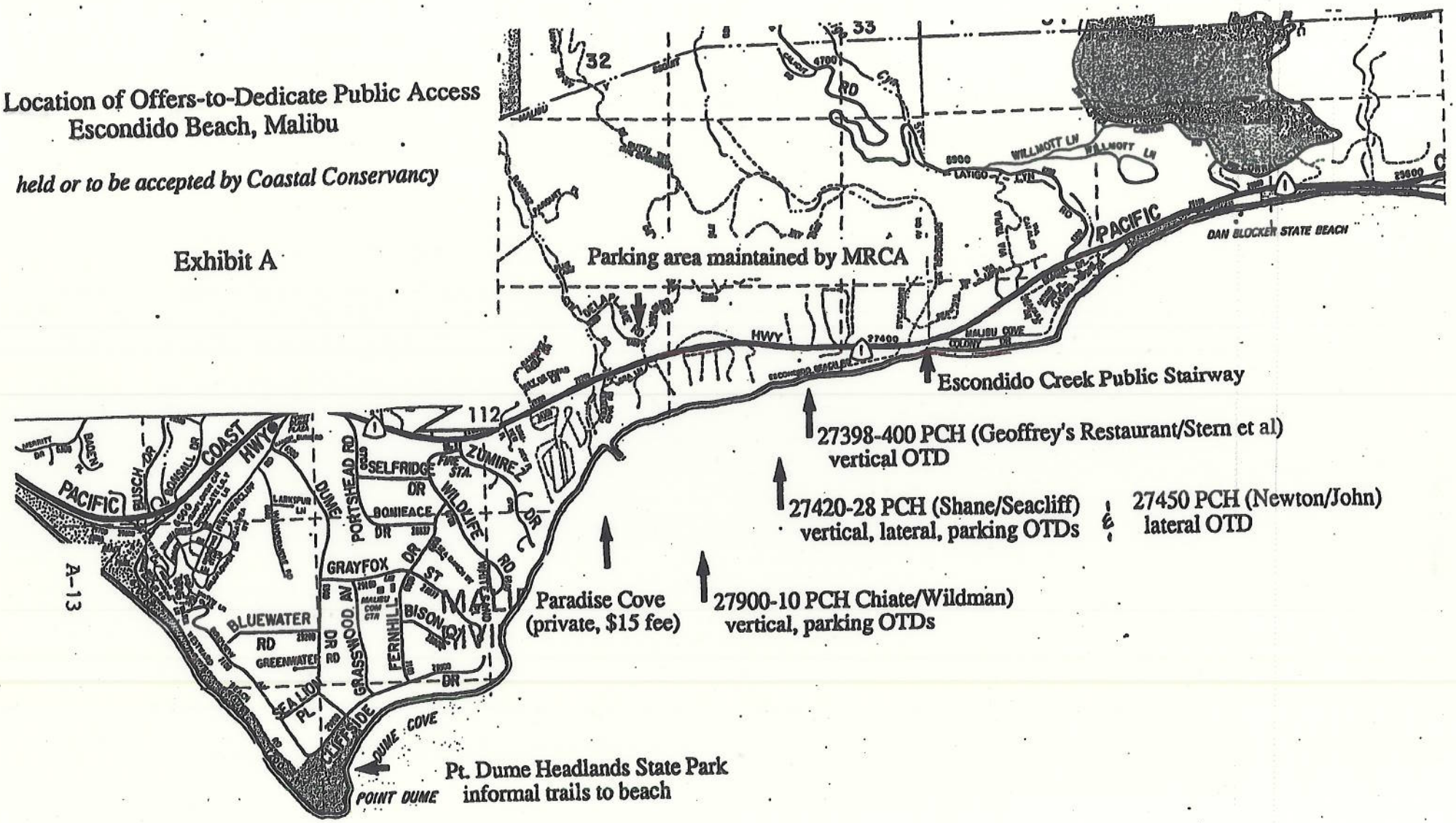


Exhibit B

MEMORANDUM OF UNDERSTANDING

This memorandum is intended to provide for the expenditure of funds in the Malibu Beach Access Fund of the California Coastal Commission and to create a framework of cooperation between the California Coastal Commission and the State Coastal Conservancy with respect to beach access in the Malibu area of Los Angeles County, California.

WHEREAS, the California Coastal Commission (the Commission) is a state agency established pursuant to Public Resources Code Section 30000, and is charged with primary responsibility for implementing and enforcing the California Coastal Act of 1976 (Public Resources Code Sections 30000 et seq. (the Coastal Act); and

WHEREAS, the State Coastal Conservancy (the Conservancy) was established under Division 21 of the Public Resources Code (Section 31000 et seq.) to implement programs pursuant to the Coastal Act; and the Conservancy has been given authority to create a system of public accessways along the state's coastline; and

WHEREAS, pursuant to Public Resources Code Section 30532 the Commission may enter into agreements with those state agencies that currently operate public coastal access programs and wishes to enter into agreements with the Conservancy to carry out its responsibility to accept, operate and maintain public accessways; and

WHEREAS, the Conservancy is undertaking a comprehensive access program for Malibu which locates priority vertical accessways and public and nonprofit management agencies to operate and maintain the accessways; and

WHEREAS, the Commission and the Conservancy desire to use the Malibu Beach Access Fund to develop, operate and maintain these priority vertical accessways;

NOW, THEREFORE, the Commission and the Conservancy agree as follows:

1. Pursuant to the Conservancy's December 7, 1990 approval providing for the operation and maintenance of public accessways at Escondido Beach, the Executive Officer of the Commission shall review and approve a specific management plan for the Escondido Beach Accessway.

2. Upon approval of the management plan the Commission shall transfer the sum of $50,000 to the Conservancy to be deposited in a special deposit fund account in the State Treasury and used for a grant to the Surfrider Foundation to implement the approved plan for operation and maintenance of the Escondido Beach Accessway.

3. The Conservancy shall use the funds to provide for development, operations, and maintenance of public accessways at the above sites pursuant to terms and conditions adopted by the Conservancy in its approval of the project. Such terms and conditions shall be adequate to assure responsible management of the accessway for 10 years consistent with the purposes of this MOU and the requirements of Division 21 of the Public Resources Code.

4. No more than five percent (5%) of the funds made available from these funds may be used to pay for the administrative costs of the Conservancy and/or its grantee. The balance of funds shall be used to pay for direct costs of development, operation, and maintenance of the accessway including but not limited to the capital costs of construction and maintenance, materials and services necessary to keep the accessway open for safe public use, the costs of employee salaries and contractor services directly related to the development, operation, and maintenance of the accessway, and the costs of enforcement of easements and restrictions authorizing public rights of use.

5. The Conservancy shall provide the Commission with an evaluation of the operation and management of the Escondido Beach Accessway after the first six months of operation and after the first summer (June through August) of use, unless included in the first six months of operation. Thereafter the Conservancy shall provide to the Commission an annual accounting of expenditures, balances remaining and an evaluation of the program established under this MOU.

6. The Conservancy shall assure that a sign is posted at the opening of the entrance of the Escondido Beach accessway stating the terms of use and a local telephone number of the Surfrider Foundation as well as police and emergency services. The sign shall also identify the Surfrider Foundation as the manager of the accessway under contract with the State Coastal Conservancy, with funding provided by the Coastal Commission through the Malibu Beach Access Fund.

7. The Conservancy shall distribute a press release to the local media to announce the opening of the Escondido Beach accessway, state the terms of use, and identify the Surfrider Foundation as the manager of the accessway under contract with the State Coastal Conservancy, with funding provided by the Coastal Commission through the Malibu Beach Access Fund.

8. Upon approval by the Conservancy of other projects which consist of the development and/or operation and maintenance of public accessways in Malibu, and subject to Commission authorization to use funds in the Malibu Beach Access Fund for that purpose, the Commission may transfer additional funds from the Malibu Beach Access Fund to the Conservancy. Such funds shall be deposited in a special deposit fund account and used in accordance with requirements of the Commission authorization.

Dated: July 29, 1991

CALIFORNIA COASTAL COMMISSION

BY: Peter Douglas
Executive Director

STATE COASTAL CONSERVANCY

BY: Peter Grenell
Executive Officer

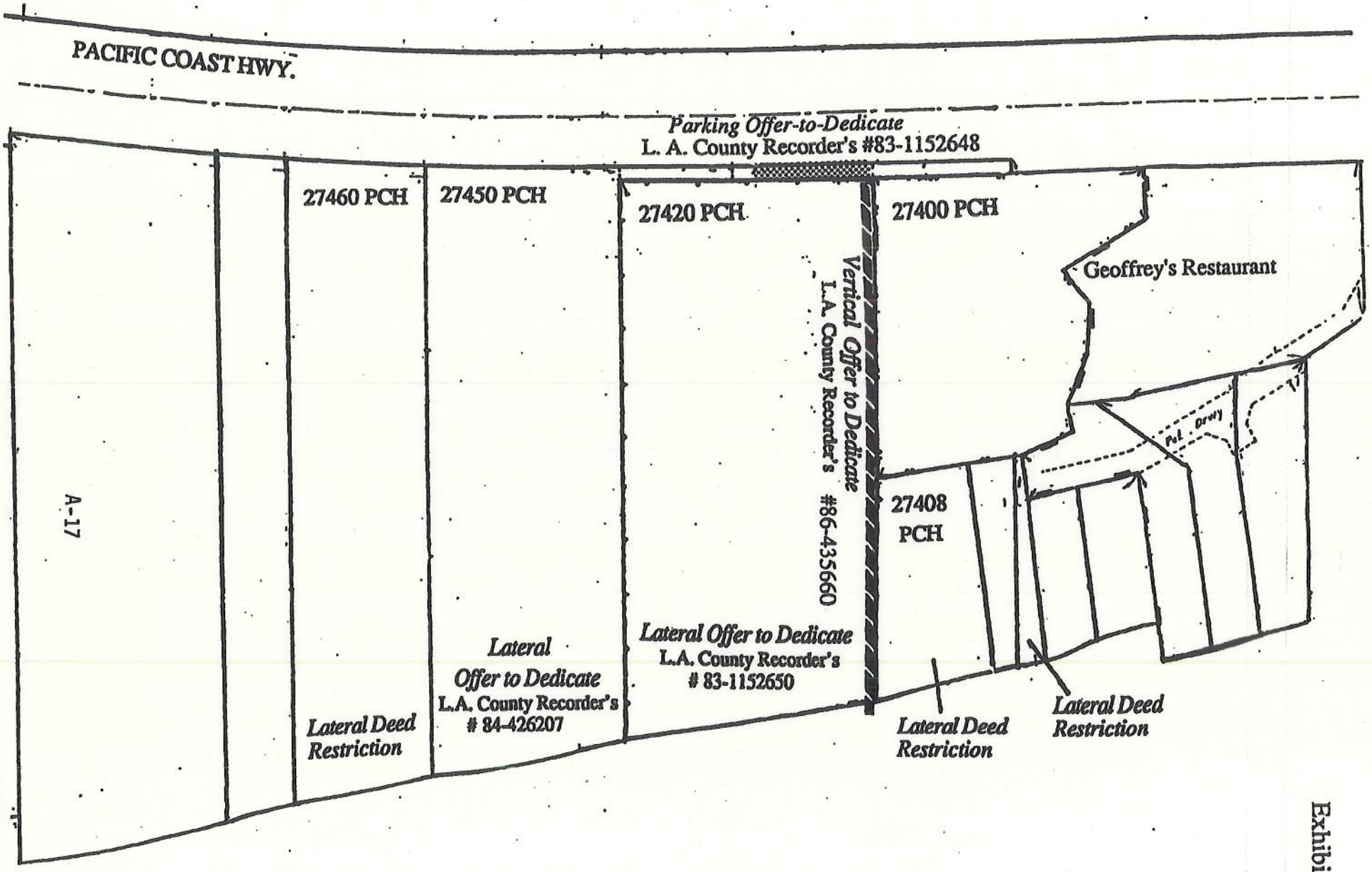
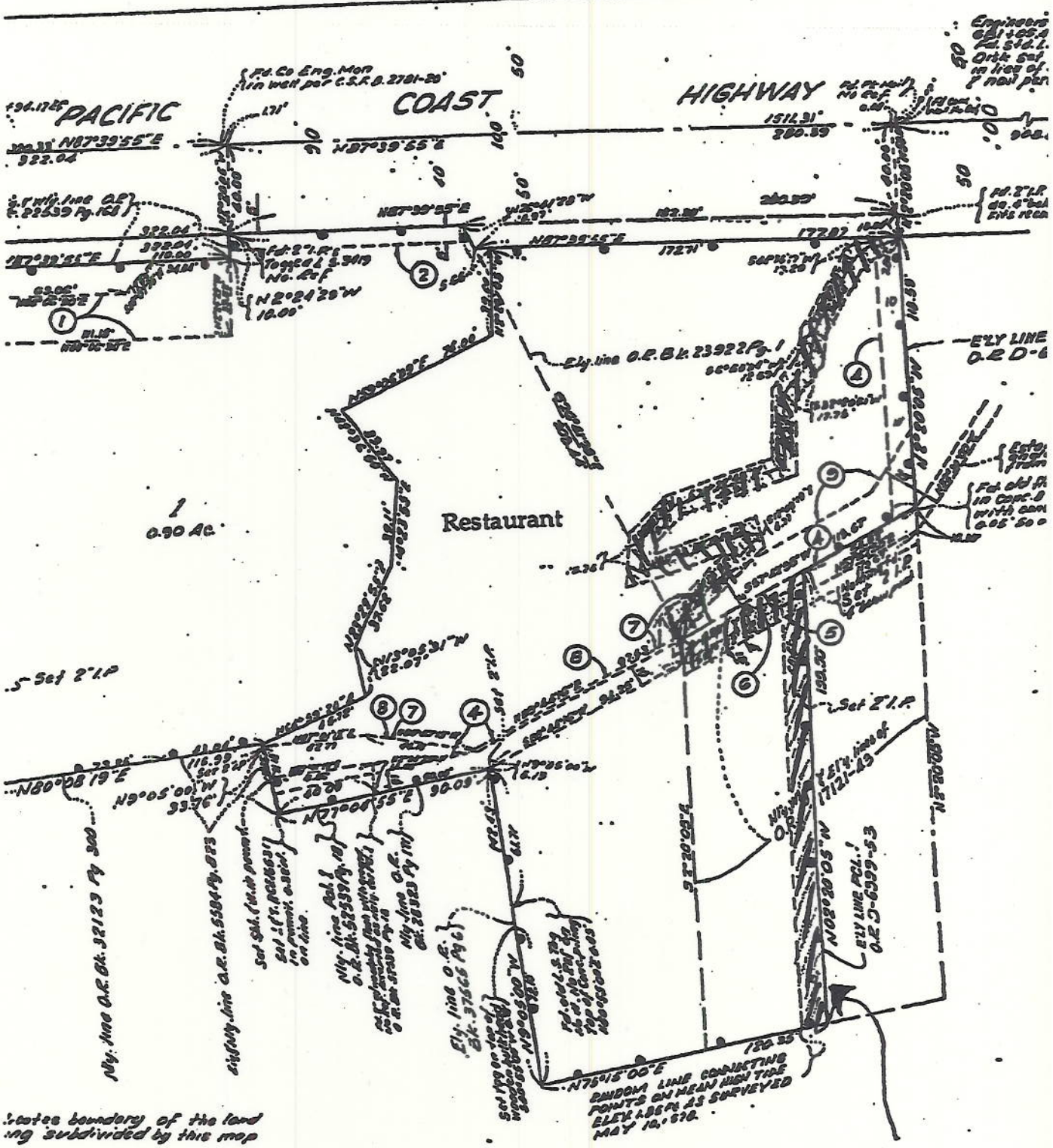

PACIFIC COAST HWY.
Parking Offer-to-Dedicate
L. A. County Recorder's #83-1152648
27460 PCH
27450 PCH
27420 PCH
27400 PCH
Geoffrey's Restaurant
Vertical Offer to Dedicate
L.A. County Recorder's #86-435660
27408 PCH
Lateral Offer to Dedicate
L.A. County Recorder's # 83-1152650
Lateral Offer to Dedicate
L.A. County Recorder's # 84-426207
Lateral Deed Restriction
Lateral Deed Restriction
Lateral Deed Restriction

Exhibit C

Exhibit C

Exhibit D




tated boundary of the land ing subdivided by this map

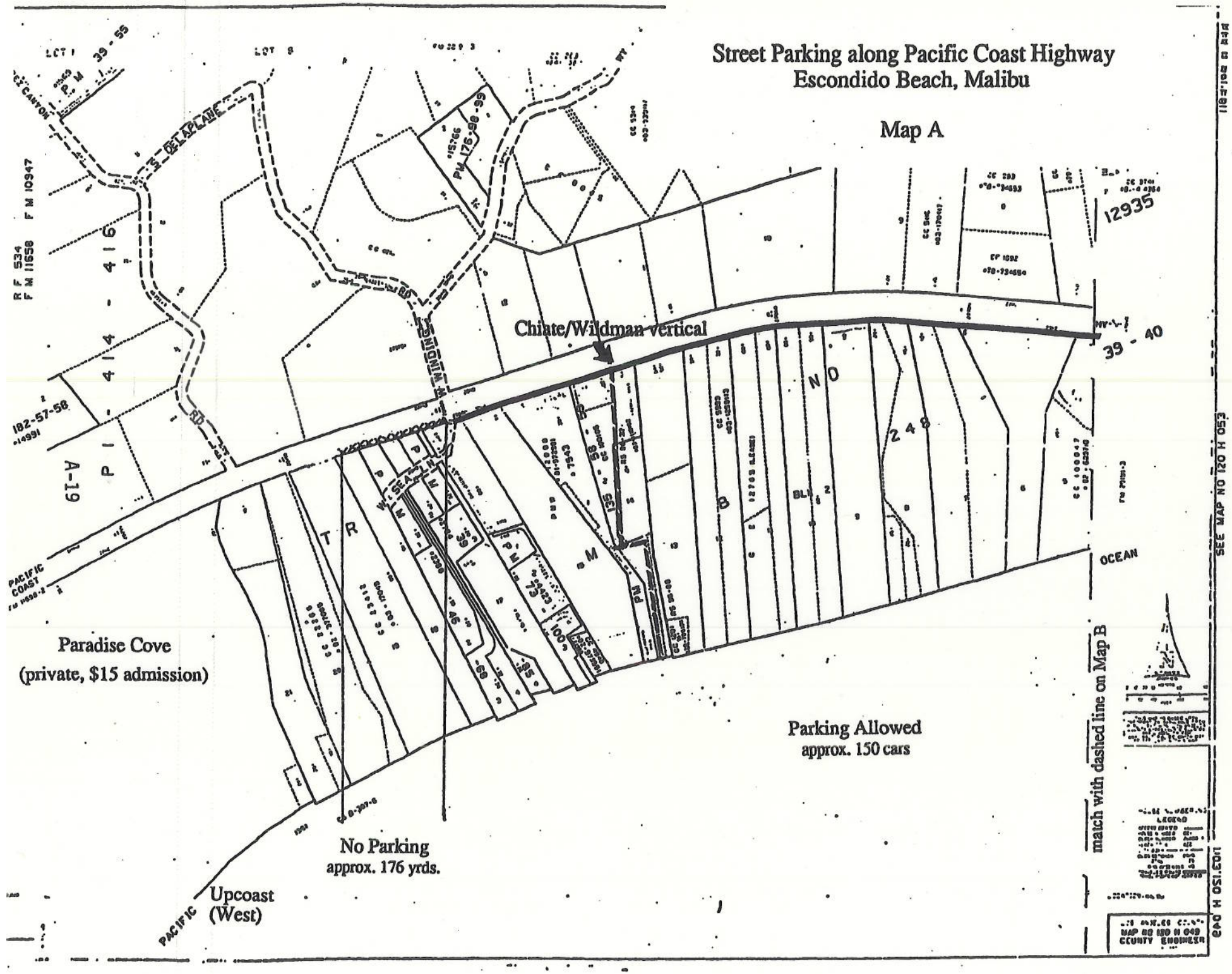
tablished record, per angles escribed in each deed.

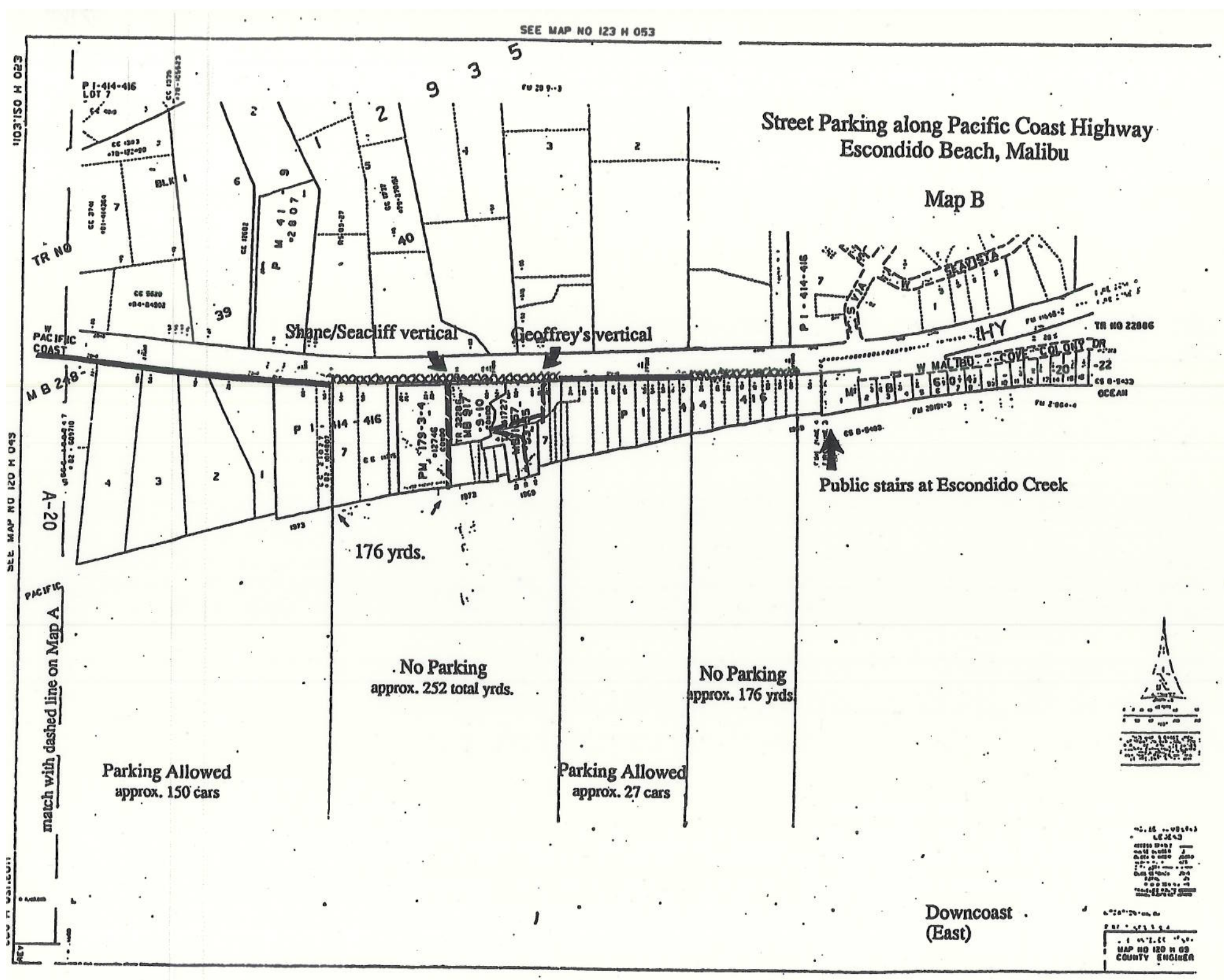


Geoffrey's Restaurant/Stern et a
Vertical Offer-to-Dedicate
27398-400 PCH

# Street Parking along Pacific Coast Highway
## Escondido Beach, Malibu

### Map A

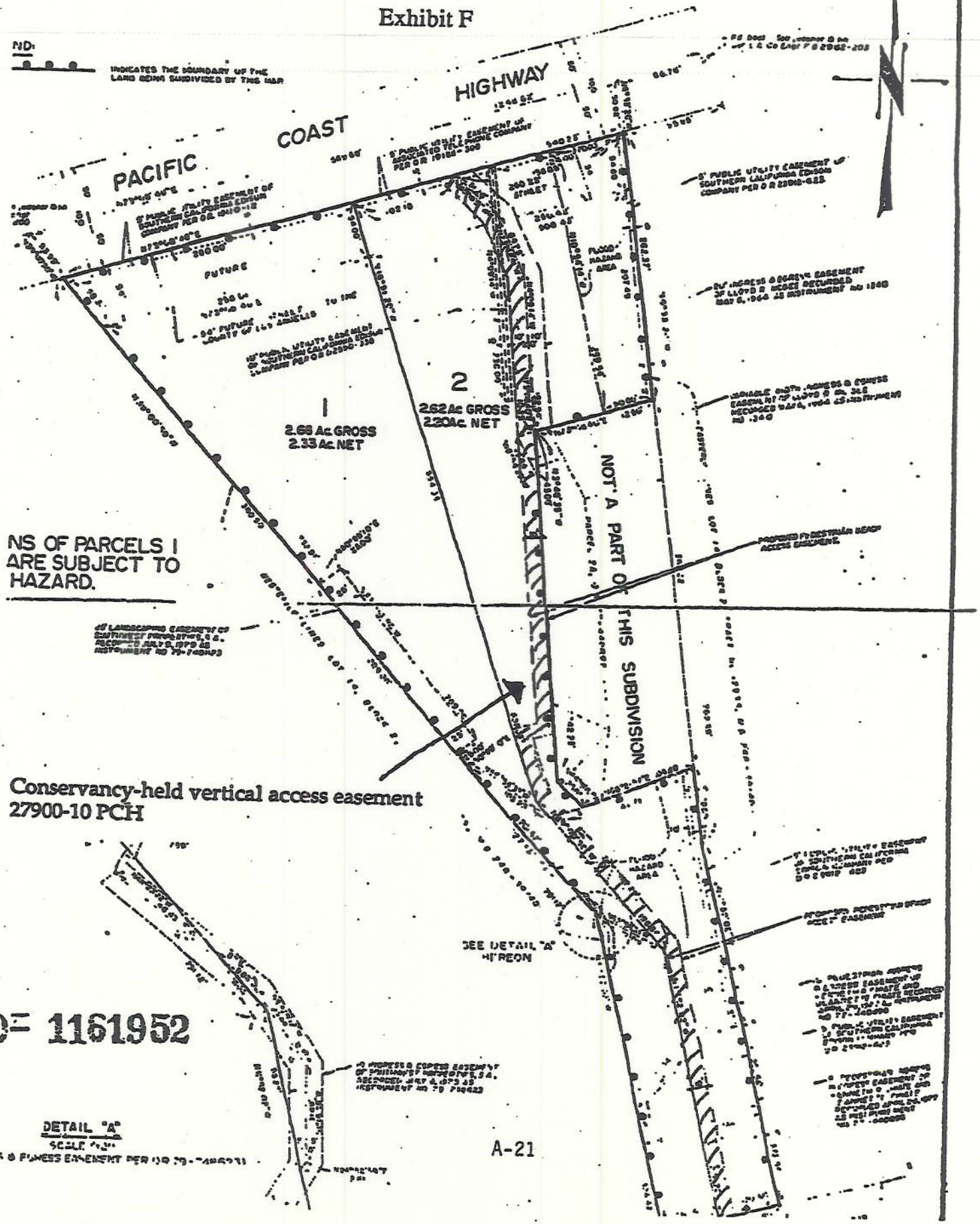



Street Parking along Pacific Coast Highway
Escondido Beach, Malibu
Map B
SEE MAP NO 123 H 053
Shane/Seacliff vertical
Geoffrey's vertical
Public stairs at Escondido Creek
176 yrds.
No Parking
approx. 252 total yrds.
No Parking
approx. 176 yrds.
Parking Allowed
approx. 150 cars
Parking Allowed
approx. 27 cars
match with dashed line on Map A
Downcoast
(East)
W PACIFIC COAST
W MALIBU
COVE COLONY DR
OCEAN
TR NO 22886
A-20

# PARCEL MAP NO. 7543

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

Exhibit F




80- 1161952

## EXHIBIT G

**Letters requesting opening of Chiate/Wildman easement and/or opposing an alternative to the Chiate/Wildman easement**

# A. C. WARNACK

POST OFFICE BOX 1409
LANCASTER, CALIFORNIA 93584-9009
TELEFAX (805) 949-8045
TELEPHONE (805) 948-2664


August 21, 1995

Barbara Buxton
Project Manager
California State Coastal Conservancy
1330 Broadway
Suite 110
Oakland, Ca 94612

RE: PROPOSED PUBLIC PARKING - MALIBU COVE COLONY

Dear Ms. Buxton,

Reference is made to the letter of July 14, 1995 from Mr. John Denton relating to Lot 27, Tract 2296 in Malibu, CA.

The traffic to enter the proposed paking lot would cause the following safety hazards:

1. The traffic would be slowing and crossing in front of vehicles leaving our street. The departure is almost a blind entry onto the highway going east toward the proposed lot.

2. The same condition would exist for traffic departing from the housing area across Pacific Coast Highway.

3. The proposed lot is on a uphill grade and slowing would also impede and threaten traffic passing through the area.

It is impossible for me to believe that any responsible group would almost destroy the resale value and life style of 15 homes and seriously damage 28 other very expensive homes. This is a serious price to pay for 13 parking spaces to appease a developer.

It appears to me a lot of time, trouble and money could be saved by a meeting of all the parties at the site so you could view the problems that exist.

You can be assured that we, collectively and individually, will take every action necessary to stop the development of Lot 27 as you propose.

Very truly yours,

A.C. Warnack

ACW/ks

cc: Rick Ross
Bert Kelly
Frank Blenkhone
Alan Abramson
John Harlow
Joyce Parker
John Denton
Richard Squires

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

August 29, 1995

Mr. A. C. Warnack
P.O. Box 1409
Lancaster CA 93584-9009

Dear Mr. Warnack:

Thank you for your letter of August 21, 1995 in which you outline traffic problems posed by the development of the 13-car parking lot alternative to the Chiate/Wildman easement. A copy of your letter will forwarded to the Conservancy Board for their review.

As you point out, there are many obstacles to developing this site and the Chiate/Wildman property owners would be expected to address these issues before the Conservancy could consider their alternative.

At the present time, the Conservancy is proceeding with a construction feasibility analysis of the Chiate/Wildman easement. In September, the Conservancy Board will consider a recommendation regarding an operation and maintenance agreement with the Mountains Recreation and Conservation Authority for the Escondido Beach access easements, including the Chiate/Wildman easement. The Conservancy is not proposing to construct this easement or any alternative at this time.

I will be sure to notify you of the September meeting's time and location once it has been arranged.

Sincerely,

Brenda Buxton

Brenda Buxton
Project Manager

MALIBU COVE COLONY

MALIBU, CALIFORNIA

August 14, 1995

Barbara Buxton
Project Manager
California State Coastal Conservancy
1330 Broadway
Suite 1100
Oakland Ca 94612

Re: 27900-10 Pacific Coast Highway Easement Dedication, Escondido Beach, Malibu.
Follow-up to meeting held in Malibu City Hall August 10, 1995.

Dear Ms Buxton

Speaking for the Malibu Cove Colony Property Owners' Association, and not as the King of Siam, it's a puzzlement!

Without belaboring the point, (or maybe belaboring the point) we don't understand.

You have an easement that is viable and in your possession. You have funds that are earmarked to improve that easement. The easement is on a portion of the Pacific Coast Highway that is relatively level and straight and thus best suited for beach-side on-street parking. It is adjacent to a beach that is wide and sandy and is inaccessible from any other point nearer than half-a-mile away and is therefore best for public access. Ergo, your course is clear. Yet it isn't. It's a puzzlement!

Because you have been lured by "The Property Owner Who Would Like to Buy His Way Out" who has the intent and means to countervail the system by offering ludicrous options, you hesitate, wasting your time and the time of the many in Malibu, including those in City Government, who are appalled at the option, and wasting State and City money that could better be spent serving the public as it is charged to do.

In case they have been overlooked, let us review the facts with regard the alternative being offered by "The Homeowner Who Would Like To Buy His Way Out"; that is, the proposed parking lot on Pacific Coast Highway adjacent to Malibu Cove Colony.

1. The proposed parking lot is on a hill with extremely difficult access both in and out. There have been at least four incidents where cars have gone out of control and over the hill, ending up on our street, fortunately with no loss of life (but maybe the next time). Not only do trucks and other vehicles speed up in order to make the grade up the hill, and not only is the sun in the morning and late afternoon blinding at that point, but also cars exiting the parking lot would not have the acceleration necessary to join the flow of traffic as they should.
2. It is unlikely that Cal-Trans would approve of a parking lot in this area, not only because of the safety factors cited above, but also because they have been fighting the geology of the area for years. There have been two major slides in recent times and Cal-Trans is spending hundreds of thousands of dollars, not to say millions, to put what is admitted to be a Band-Aid on the problem.

Barbara Buxton
Escondido Easement

3. The parking lot is adjacent to a public access point that is already well used by a public that gets to the site through the use of a bus stop as well as by use of existing on-street parking. (as an aside, it seems to us that use of buses just might mitigate the heavy traffic that Malibu suffers and allow more people use of the beaches)

4. The plan for the parking lot we saw calls for driveway access and walkway access crossing MCC property owner's and other property owner's properties other than the property identified as for sale. Is "The Owner Who Would Like To Buy His Way Out" going to negotiate with all those property owners, and is he going to clear all those properties from their existing zoning?

5. In the event the safety issues are addressed, and Cal-Trans is agreeable and "The Owner Who Would Like To Buy His Way Out" does purchase all the property necessary and does clear all that property from the zoning restrictions, who is going to pay for the extensive engineering, geology, roadways, retaining walls, and trash cleanup, and who is going to maintain the resultant parking lot? And, if you're counting on the $400,000 identified as being for the improvement of the existing easement, who is going to petition the donor to change his donation so that the moneys can be used for things other than what they were ear-marked for? And just how far do you think $400,000 will go on a site that is fraught with perils?

Malibu Cove Colony is not opposed to public access to its beaches. For the most part the beachgoers are quiet and respecters of private property. MCC is opposed to "The Owner Who Would Like To Buy His Way Out" and the whole concept of, he with the most money wins, no matter the logic of his race. We feel that the Coastal Conservancy is a good thing for California however much we may carp about the details. We feel that conservancy should do what it has the right and mandate to do, and not allow distractions and perfidy to stop it.

Thank you for your attention.

Sincerely

Richard Squire
President
Malibu Cove Colony
Homeowners Association

CC: Rick Ross
Bert Kelly
Frank Blenkhorn
Alan Abramson
John Harlow
Joyce Parker
John Denton
A. C. Warnack

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

August 29, 1995

Mr. Richard Squire
26822 Malibu Cove Colony
Malibu CA 90265

Dear Mr. Squire:

Thank you for your letter of August 14, 1995 in which you state the Malibu Cove Colony Property Owners Association's opposition to the construction of the 13-car parking lot alternative to the Chiate/Wildman easement. A copy of your letter will be forwarded to the Conservancy Board for their review.

As you point out, there are many obstacles to developing this site and the Chiate/Wildman property owners would be expected to address these issues before the Conservancy could consider their alternative.

At the present time, the Conservancy is proceeding with a construction feasibility analysis of the Chiate/Wildman easement. In September, the Conservancy Board will consider a recommendation regarding an operation and maintenance agreement with the Mountains Recreation and Conservation Authority for the Escondido Beach access easements, including the Chiate/Wildman easement. The Conservancy is not proposing to construct this easement or an alternative at this time.

I will be sure to notify you of the September meeting's time and location once it has been arranged.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

July 27, 1995

Ms. Brenda Buxton, Project Manager
California State Coastal Conservancy
1330 Broadway - Suite 1100
Oakland, CA. 94612

Dear Ms. Buxton,

The purpose of this letter is to request you to open and improve the access at 27900-27910 Pacific Coast Highway Malibu.

The Malibu beaches are a key attraction to residing here. I and my family have been residents for over 13 years and have a wonderful ocean view. When we first arrived, an undeveloped "Coastal Access" easement to the beach existed across the Pacific Coast Highway from my property. We enjoyed the beach with regularity. The access was traversed by all of us without any difficulty or trouble. As a matter of fact, it was easier in the undeveloped state then some of the developed beaches further up the PCH. The access was at what is now 27900-27910 PCH and is blocked by new construction. We are deprived of convenient beach usage. For my family to use the Beach now requires us to drive some distance.

Sometime ago, I registered my complaint to the owner/contractor, Mr. Chiat. He told me the access was blocked by the current owners and he (Chiat) was forced to reduce his sale price by a 100 thousand dollars due to the access. While I am sympathetic to an owner's desire for privacy, the property was purchased with full knowledge of the existence of the access and the likelihood of it being developed. It is difficult for me to understand any reticence of the owner to accept responsibility for his considered decision to acquire the property with the existing access easement.

Thank you for your interest in developing this highly desirable access.

Sincerely yours.

Joseph A. Kanehann

Joseph A. Kanehann
27940 Winding Way
Malibu, CA. 90265-4459

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JUL 31 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, *Governor*

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

August 14, 1995

Mr. Joseph A. Kanehann
27940 Winding Way
Malibu CA 90265-4459

Dear Mr. Kanehann:

Thank you for your letter of July 27, 1995 requesting the opening of the Chiate/Wildman accessway at 27900-10 Pacific Coast Highway. A copy of your letter will be forwarded to our Board for their review.

In September, the Conservancy Board will consider a recommendation regarding an operation and maintenance agreement with the Mountains Recreation and Conservation Authority for the Escondido Beach access easements, including the Chiate/Wildman easement. The Conservancy is not proposing to construct the Chiate/Wildman easement at this time. However, we currently are preparing a construction feasibility study for the Chiate/Wildman easement. Whether we recommend for or against the construction of this easement will be based on the results of this study and the relative merit of an alternative proposal presented by the Chiate/Wildman property owners.

I am interested in finding out where you use to access the beach. I would appreciate it if you could send me some more information. Could you mark the area on a map? Do you have photos? Do you know other people who also used this informal accessway? This information could be very useful.

I will be sure to notify you if there are any future Conservancy actions regarding this easement.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

**WINDING WAY - DE BUTTS TERRACE PROPERTY OWNERS ASSOCIATION**

27437 Winding Way
Malibu, CA 90265

July 26, 1995

Brenda Buxton, Project Manager

California State Coastal Conservancy

1330 Broadway, Suite 1100

Oakland, CA 94612

Dear Ms. Buxton:

This letter is in regard to the acceptance and improvement of the offer to dedicate a vertical access way to Escondido Beach at 27900-10 Pacific Coast Highway. The board members of the Winding Way - DeButts Terrace Property Owners Association voted in favor of pursuing this achievement since we believe the following to be true:

1. A fund of $350,000 was given to the Coastal Conservancy to be used specifically for the improvement of the vertical access on the Chiate property.

2. Chiate agreed to this and in return was given the right to subdivide. He is the present owner who has blocked the entrance - but then the access follows alongside of the Mancuso property line past the tennis court and down where with very little development it could be connected to the beach in an easy manner without any safety problems.

3. These funds have been available for many years. They cannot be used for a parking lot 6800' away. There would be no reason to do this anyway since there is adequate parking available at that accessway ( Pacific Coast Highway has an extra wide easement there).

4. While this particular vertical access will partially satisfy your required spacing of accessways (1000' - 2500') the distance to the East of 3696' to the next vertical access makes this need even more compelling. It would also be the last access to the West for several miles to Zuma Beach.

Your consideration of our request to open and improve this access at 27900 - 10 P.C.H. is greatly appreciated.

Sincerely,

William N. Weeger /mp

William N. Weeger

President

Winding Way - De Butts Terrace

Property Owners Association

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JUL 28 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

August 14, 1995

Mr. William N. Weeger
Winding Way - DeButts Terrace Property Owners Association
27437 Winding Way
Malibu CA 90265

Dear Mr. Weeger:

Thank you for your letter of July 26, 1995. I have noted that you support the opening of the Chiate/Wildman easement and will forward a copy of your letter to the Conservancy Board for their review. As you may know, the Escondido Beach access project was not discussed at the Conservancy's June meeting and has been rescheduled for Conservancy consideration and approval in September. You will receive notification of the meeting.

Let me also note that the Conservancy is not proposing to construct the Chiate/Wildman easement or an alternative at this time. The recommendation that will be presented to the Board in September is regarding an operation and maintenance agreement with the Mountains Recreation and Conservation Authority for the Escondido Beach access easements. The decision to construct the Chiate/Wildman easement or an alternative will be decided at a future date. I will be sure to notify you before any future Board actions regarding this easement.

I also would like to respond to some of the statements in your letter. The Conservancy does have $350,000 (currently $400,000 including interest) that it received pursuant to a condition of the California Coastal Commission's permit no. 5-89-1197 (Edwards Trust) for the subdivision of property at 27944 Pacific Coast Highway. The permit condition is attached. The Chiate subdivision, the permit action that created the vertical easement, and the Conservancy's subsequent acceptance of the vertical easement both preceded the Edwards Trust permit. Chiate did not agree to the use of this money for the construction of this easement.

My understanding is that Chiate is no longer the property owner and that he has sold his interest to Mancuso.

Both the vertical and the parking easement would require extensive development to open these to the public. In fact, these will be difficult easement to build. The parking easement covers portions of a ravine that may require

retaining walls and extensive fill. The vertical easement plunges down an eroding cliff face at the southern end, necessitating cantilevered decks, pilings, grading, and retaining walls. We are not sure if this easement could be built or if it could be built with the funds we have allocated. However, since the Mountains Recreation and Conservation Authority has agreed to operate and maintain this easement the Conservancy has undertaken a construction feasibility analysis to answer these questions.

The funds from the Edwards Trust have been available since late 1990 but the Conservancy has not been able to use these funds due to the lack of an operation and maintenance entity. In other words, even if the Conservancy had spent these funds to build these easements, they would have remain closed since there was no government agency or nonprofit to pick up trash, open gates, etc.

These funds could be used to construct an alternative accessway provided the property owners receive approval from the Coastal Commission's Executive Director.

Unfortunately, there is not adequate parking along Pacific Coast Highway despite the wide shoulder. There is no street parking allowed on the ocean side of Pacific Coast Highway adjacent to the Escondido Creek access, the Geoffrey Restaurant easement or the Seacliff easement. Providing more parking, particularly on the ocean side of the highway, would make it easier for the public to use this beach.

You are correct in noting that the location of the Chiate/Wildman easement in relation to other access points does come close to fulfilling the recommendations of the Malibu Land Use Plan. This is one of the advantages of this easement which we will take into consideration when evaluating whether or not to construct the easement or an alternative.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

VICTORIA ANN TALBOT
27187 SEA VISTA DRIVE
MALIBU, CALIFORNIA 90265

July 22, 1995

Brenda Buxton,
Project Manager, California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612-2530

Dear Ms. Buxton,

Thank you for your letter of July 18, responding to my inquiry concerning the Escondido Beach accessway. I appreciate getting a personal reply from a state agency and that you took the time to explain your position regarding this particular project.

However, I am still left with some other pressing questions.

I understand, I think, the location of this easement, and I understand the difficulty of putting a beach access there. However, I fail to understand the exchange of an easement with a property that is located down the beach, for whatever reasons. I am concerned that this policy, if indeed this is a policy of the Coastal Conservancy, is definitely prejudicial. Only a permit applicant who can afford to buy another property for the Coastal Commission can transfer the responsibility to someone else's backyard. Not only can they "re-neg" on their agreement to provide an easement, but they can overbuild their properties so that the easement is developed for their private use. How did they get a permit to build a driveway and tennis court over a dedicated beach access in the first place, assuming that this project was approved by Coastal? Unless there was already an understanding that the property was never to be built as a public easement, the Coastal Conservancy was wrong to approve this. And without a public hearing, I do not understand how this agreement could be legitimate.

Ms. Buxton, this policy indeed favors the wealthiest individuals. Furthermore, no disciplinary action has been taken against the individual(s) who developed this easement, yet it is my understanding that this behavior constitutes a violation of the coastal act. Does this not bar the public from its access?

In addition to these very weighty concerns, I am also concerned that the proposed parking lot would overburden the beach that is immediately in front of the Escondido access. It is my

understanding that the public has a horizontal easement to the mean high tide line, plus ten feet vertical from the stairs. But on a typical summer weekend this little spot is always completely full. Most of these people are visitors, though the easement is dedicate to the property owners of Sycamore Park. Somehow the public is very adequately finding places to park. Another access or two would help ease the burden, perhaps.

We all understand the public's right to access, because we pay taxes and we are the public. I respect the rights of private property, too, and I understand the great price one pays for a home on the beach. Their privacy is to be considered. But what about those people who live in Cove Colony whose homes will face a new wave of assault from the public, and who have already felt the burden for years? Because some guy wants to get out of his agreement down the beach and enjoy his complete privacy, theirs will get totally trampled. What did they do to deserve the additional liability, responsibility and invasion of their privacy?

To reiterate, I am again asking how can this happen? How can someone essentially "pay" his way out of his agreement with the Coastal Conservancy? How did they get a permit to develop over the Coastal easement? How come there weren't violations and penalties? It appears that instead of a penalty, these people are absolved of responsibility for everything, meanwhile turning the burden and responsibility for this over to others who had nothing to do with it. Did Coastal make a mistake when they gave them the permit to build their tennis court and driveway over the easement? Was there an agreement to trade the easement with another property already in existence, without a public hearing? How can you justify the burden being transferred to the residents of Cove Colony, or anywhere else for that matter? And finally, I state emphatically that this easement is way overburdened already, and that there is no need for more parking there to encourage further crowding.

Thank you again for the time and concern you have shown.

Sincerely,

Vicki Talbot

Vicki Talbot

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JUL 26 1995
THE COASTAL CONSERVANCY
OAKLAND, CALIF

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

August 14, 1995

Ms. Victoria Ann Talbot
27187 Sea Vista Drive
Malibu CA 90265

Dear Ms. Talbot:

Thank you for your letter of July 22, 1995. I have noted that you support the opening of the Chiate/Wildman easement and oppose the construction of a parking lot near Escondido Creek. As with your previous letter, I will be sure to forward a copy of your letter to the Conservancy Board.

Let me respond to your questions regarding the driveway and tennis courts. I do not know whether or not the property owners' permits included the tennis courts and driveway as the regulatory agency involved with issuing permits is the Coastal Commission, a separate state agency.

However, I can tell you that shortly after accepting the vertical Offer-to-Dedicate the Conservancy staff discovered that there were encroachments into both the vertical and the parking easement. We proceeded to discuss relocating the driveway with the property owners' representatives on several occasions. At about the same time, the property owners began exploring ways to provide alternative access to Escondido Beach. We suspended our discussion about the obstructions pending the outcome of the property owners' search for alternatives. This did not mean that the property owners were relieved of their obligation to move their obstructions if we elected to build this easement.

These easements have been closed to the public because the Conservancy has had no means of operating and maintaining them. Our repeated attempts to locate an entity to take on operation and maintenance were not successful. Even if the easements were free of obstructions, we would have not have been able to open them.

The Mountains Recreation and Conservation Authority's willingness to operate and maintain the Chiate/Wildman easement has changed the situation. The Coastal Conservancy is preparing a topographic map and a construction feasibility study of the easement. We will recommend for or against construction of this easement based on the results of this study and the relative merit of an

alternative that the property owners present. (Substitution of an alternative accessway would also require approval by the Coastal Commission, the agency that imposed the permit condition requiring dedication of the existing easement.)

As I mentioned previously, I will be sure to notify you if there are any future Conservancy actions regarding this easement.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

VICTORIA ANN TALBOT
27187 SEA VISTA DRIVE
MALIBU, CALIFORNIA 90265

June 20, 1995

Chairperson Penny Allen
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland CA 94612

RE: Offer-to-Dedicate Public Access Easements at Escondido Beach
Letter to Barbera Cameron, City of Malibu, by Brenda Buxton,
dated June 9. 1995.

I am writing as a resident of Sycamore Park, the area adjacent to the proposed acquisition for a parking lot for Escondido Beach. I am requesting that this matter be held over until a later time. Residents feel very strongly that we are being victimized by the concerns of a very monied and influential lawyer who is blatantly seeking to transfer the responsibility for his obligations to our neighborhood.

This report states:

> "A vertical OTD at this location was accepted by the Coastal Conservancy in 1982. Acceptance of the parking OTD was authorized but has not been completed due to unauthorized improvements in the easement area that would need to [be] relocated before the parking area could be constructed. Conservancy staff is working to resolve this problem and accept the parking OTD.
>
> ". . . The accessway at 27900-10 (Chiate/Wildman) has yet to be constructed. The future accessway would cross an existing driveway and tennis court (constructed on the Conservancy's easement without authorization), pass between two residences, and go down steep erodible cliffs to the beach. The access easement was required as a condition of a subdivision which created the two long, narrow parcels; both property owners object to the construction of the pathway along the easement. The parking area, located along PCH, could hold approximately five to eight cars. The design and construction of the path and parking without creating unacceptable environmental impacts will be challenging. Because of the property owners' objections and the site's physical challenges, Conservancy staff has been actively working for more than five years with the property owners to seek alternative access to Escondido

Beach in exchange for extinguishing this easement.

". . . The property owners strongly object to the construction of this accessway and have offered to pay an in-lieu fee for the Conservancy to construct an accessway elsewhere in Malibu. Staff has rejected this option for many reasons.

". . . However, staff has agreed to consider a property owner's proposal that would allow alternative access to Escondido Beach: a 13-car parking lot just east of the Escondido Creek public accessway."

This report needs to be circulated among the residents of this neighborhood and there must be ample amount of time for the residents to express their opinions. The construction of a parking lot would:

1. reward those whose actions in violation of the law were unfair and ill-advised
2. transfer the headaches of public access to our neighborhood regardless of the fact that we did nothing to create the situation, such as attempt to build or develop land
3. be constructed in an area that here-to-for was unbuildable because it is located next to a blue-line stream, an ESHA, and create more human access to an environmentally sensitive area
4. be an unnecessary adjunct to an already adequate situation. The public has been using the access across the street for decades and parking on the highway.
5. create more human traffic on PCH, a true hazard
6. ignore the violation that created the situation in the first place, and let the guy who built the tennis court and the driveway off the hook at this neighborhood's expense (the roads within this development are privately maintained and we would of course, become liable.)

This situation must be remedied! The Coastal Conservancy cannot just look the other way when someone whith money violates the law and offers to pay to make up for it, meanwhile disrupting innocent people's lives and homes. He buys his way out and offers our neighborhood to satisfy his obligation! Something smells worse than fishy.

I am sure that the Conservancy will find it necessary to wait until all the facts are in.

Thank you.

Sincerely,

Vicki Talbot

cc: Malibu Mayor and City Council Members
Residents of Sycamore Park and adjoining neighborhoods
The Honorable Sheila Keuhl and Tom Hayden
Governor Pete Wilson

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

July 18, 1995

Ms. Victoria Ann Talbot
27187 Sea Vista Drive
Malibu CA 90265

Dear Ms. Talbot:

I am writing in response to your June 20, 1995 letter to Chairperson Penny Allen. As you may know, the Escondido Beach access project was not discussed at the Conservancy's June meeting and has been rescheduled for Conservancy consideration and approval in September. You will receive notification of the meeting once the details have been arranged.

In your letter you stated your objections to exchanging the Chiate/Wildman easement for a parking lot. As a preliminary matter, please note that the Conservancy is *not* considering this exchange as part of the action that was recommended in June and rescheduled for September. That recommendation pertains to management of dedicated accessways at Escondido Beach, including the Chiate/Wildman easement or an alternative. The decision to either construct the existing Chiate/Wildman easement or to exchange it for another access will be the subject of a possible future staff recommendation for Board action.

In response to your comments about the blueline stream and Sycamore Park, I believe you are thinking of a different parcel than the one actually proposed for the parking area. The proposed parking lot alternative is located on a steeply sloping piece of property between Pacific Coast Highway and Malibu Cove Colony Dr. It is on the ocean side of Pacific Coast Highway and not near Escondido Creek, see attached map.

Let me clarify why Conservancy staff has been willing to consider exchanging this easement for an alternative access to Escondido Beach. This will be a difficult easement to build, as I pointed out in my staff recommendation. The parking easement covers portions of a ravine that may require retaining walls and extensive fill. The path plunges down an eroding cliff face at the southern end, necessitating cantilevered decks, pilings, grading, and retaining walls. If we build this accessway (which we still may do), it will require a degree of land alteration that we usually strive to avoid when building accessways.

The property owners' encroachments (tennis courts, etc.) do not deter us from building the access path and parking area. The property owners are obliged to remove their encroachments if we develop the accessway.

I have noted that you feel that the parking lot is not a better alternative to the Chiate/Wildman accessway, but let me explain why we thought it had sufficient merit to cause us to consider it. Beach parking is needed in the Escondido Beach area. There is no street parking on the ocean side of Pacific Coast Highway adjacent to the existing accessway at Escondido Creek; nor is there any street parking adjacent to two of the accessways, "Geoffrey's Restaurant" and "Seacliff", proposed for acceptance by the Conservancy . The Seacliff accessway does include an off-street parking easement, but only for two cars. Street parking on the inland side of the Pacific Coast Highway is available but is not the best alternative. A thirteen car parking lot that enabled beach goers to avoid crossing Pacific Coast Highway would make Escondido Beach available to more members of the public.

In conclusion, I would like to point out that there are many obstacles that the property owners must negotiate before Conservancy staff agrees to present this proposal to our Board for approval. Furthermore, Conservancy and Coastal Commission staff have not yet agreed that the parking alternative is a good one. But if this proposal or any other exchange does go to our Board for approval, I will be sure to notify you.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

JDA
JOHN DENTON & ASSOCIATES
CONSULTING MECHANICAL ENGINEERS

4253 Panamint Street
Los Angeles, California 90065
213/255-5136

RECEIVED
JUL 17 1995
CALIFORNIA COASTAL CONSERVANCY

PRINCIPAL
John Denton
ASSOCIATES
Deainwood L. Manzo
Willi Slaman
Marilyn Lierley Hermer
PROJECT ENGINEERS
Charles Vanderwall
Franz Huber

July 14, 1995

Attn: Brenda Buxton, Project Manager
STATE COASTAL CONSERVANCY
1330 Broadway, Suite 1100
Oakland, California
94612

RE: PROPOSED PUBLIC PARKING - MALIBU COVE COLONY

The undersigned are residents of 27050 Malibu Cove Colony Drive, Malibu, California. Recently, we received the enclosed sketch of a proposed public parking lot for 13 cars to be located on slope lot No. 27 of Tract 22886, which is part of our beach front Colony and which is deed restricted for R-1 usage.

We understand that this preliminary drawing is a proposal by a developer of a near-by residential project to purchase this lot for public parking adjacent to the limited public beach area which is the outfall of Escondido Creek. Thus, the residents of Malibu Cove Colony will be used as a pawn in a deal between the developer and the Conservancy to provide beach access in exchange for a Building Permit.

We object strongly to the use of this Malibu Cove Colony residential lot for public parking for the following reasons:

1. Slope lot 27 is geologically unsafe. The slope angle upwards from Malibu Cove Colony to Pacific Coast Highway is approximately 40-Degrees. This lot has always been identified on the County maps as a "slide area". A number of years ago, a good portion of this lot slid down onto our Colony Drive, blocking vehicular access. Much of this slide material remained on the road until it stabilized sufficiently to be removed months later. For a number of years, hydraugers have been installed at the foot of this lot directly behind our house by Cal Trans. Currently, the drainage quantities have been measured to be 3000-gallons per day.

I am sure that you are award of the massive landslide which occurred recently on the North side of Pacific Coast Highway directly North of our Colony, and principally, lot 27. The

work of repair is still not complete after an expenditure of hundreds of thousands of dollars. In our opinion, it would be the height of folly to install a parking space upon this lot, since it would require a considerable amount of cut and fill, along with massive retaining walls to achieve a level parking space and for the construction of the roadways entering and leaving the parking area.

2. At the proposed exit of the proposed parking lot to the Highway, the required level area for visual observance of oncoming traffic would necessitate a great deal of fill and retaining walls which would be put upon an unstable sub-structure. We cannot imagine a more unsuitable location for the public parking of cars.

3. The proposed location of the parking space is unsafe. It would be situated at some level below the level of Pacific Coast Highway and subject to run-away cars or trucks toppling over the edge of the Highway down to the parking space. Only recently a tanker truck ran off the shoulder and down the same slope lot and onto our Malibu Cove Colony, destroying trees in its path. How fortunate it was that no pedestrians or cars were on the street when this occurred; otherwise, there would have been fatalities.

4. Referring to the proposed sketch, we question the accuracy of the shoulder shown on the map. The over-all width of the Highway is 100-feet, and part of the 50-foot dimension on the South side of the Highway extends four or five feet down the slope. Effectively, there is <u>no shoulder</u> within the Pacific Coast Highway right-of-way.

5. The proposed use of a residential lot which is a part of our Colony is in violation of the CC&R's of Tract 22886, and, as such, its use is subject to the approval of the Malibu Cove Colony Association through its Architectural Committee.

In view of the foregoing compelling reasons, we respectfully request the Conservancy to reject the proposal to provide public parking space upon lot 27 of Tract 22886, as indicated in the Tract Maps for Los Angeles County. We can assure you that all owners of property in Malibu Cove Colony will vigorously oppose the implementation of this proposal, and, if necessary, will institute legal action to prevent its use.

John Denton
JOHN DENTON, Chairman
Architectural Committee
MALIBU COVE COLONY PROPERTY OWNERS ASSN.

Isabel H. Denton
ISABEL DENTON

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, *Governor*

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

July 17, 1995

Dear Malibu Resident:

Thank you for your letter commenting on the Escondido Beach access project. As you may know, this project has been rescheduled for consideration and approval by the Coastal Conservancy in September. You will receive notification of the Conservancy's meeting. A copy of your letter will be forwarded to the Conservancy Board in advance of this meeting.

If you have any additional comments, please send them in writing to:

Chairperson Penny Allen
California State Coastal Commission
1330 Broadway, Sutie 1100
Oakland CA 94612

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

Wednesday, July 05, 1995

Ms. Brenda Buxton
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA. 94612-2530

Dear Brenda:

I have had an opportunity to read your letter to Barbara Cameron, City of Malibu, and your Malibu Access: Escondido Beach File # 95-010. I have a couple of questions and I was hoping you could take the time to answer them for me. (I have attached a copy of your document that I am trying to comprehend.)

On page E-6 you have a heading ; *27900-10 Pacific Coast Highway (Chiate/ Wildman Exhibit D)* In this section you talk about how strongly the "property owners object to this accessway" and have offered to, at their expense, purchase a certain property located on the corner of Via Escondido and the Pacific Coast Highway to be developed into a parking lot, for that access. Herein lies my dilemma and questions. Do I understand that just because this particular person doesn't want to honor an agreement to provide 5 parking spaces and provide accessway to the beach (which was a condition of his developing his property) that he can make his obligation disappear by offering money and another way out? Whats the message here? Is this how it works? If I don't like it I can change it, with money? Is the Conservancy, because of cut backs (or whatever), willing to accept this kind of tactic? Accept money to go away? I hope not! Look at what part of the beach you are going to give up for a parking lot. The Chiate accessway is a really important trail to this northern part of the beach and I feel that you shouldn't accept the promise to develop a parking lot at an area that doesn't even need one. I can park any where on the Pacific Coast Highway at the Escondido Beach Accessway.

The parking lot, in itself, has alot of problems. First of all the property is not for sale, it's in a flood plane, the access to the beach would be by running across the highway dodging cars. Not only that but think about the property owners in that immediate area, they're not going to want you to come in and pave a parking lot. How come one person can be allowed to cause other people problems even though their not involved? Above that the plan doesn't make any sense, especially if your job is to get the accesses in place. I am concerned about this possible action and I was wondering if you could direct me to other sources that I could write and express my opinion to? I would appreciate a letter back from you regarding your position in this matter.

Thanks Brenda.

Skip Danielson
28943 Greyfox Rd.
Malibu, CA.90265
(310) 457-0904

RECEIVED
JUL 10 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

Tuesday, June 20, 1995

Chairperson Penny Allen
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA. 94612

Dear Penny:

I have just learned that tomorrow you will have the opportunity to vote on certain offers to dedicate Public Access Easements located at Escondido Beach in the Malibu area. I am concerned about only one issue concerning public access and it is as follows.

I believe that if you can get a person to dedicate a portion of his or hers property for public access as a prerequisite to developing that property and that person agrees to it and all that it means, then you have accomplished your goal. You are doing your job.

What I have a hard time understanding is this. There is someone (who is affluent), and who has willingly given you an accessway in return for developing their property, who has over built their property to the extent that their tennis court and other improvements are built over the dedicated accessway. It's been discovered and now they are negotiating with you and your department to work this problem out. So here's what they want to do. They want to give you some money (they have alot) so that you can go down the highway and purchase a portion of someone's property and make it into a parking lot (13 spaces) so there is parking at another accessway. How do things like this happen? Why isn't this person made to follow the rules like every one else? Is the lesson learned here that "money talks"? Not only does this person get away with breaking the laws, but he also causes alot of other people alot of grief. Now some people down there at Sycamore Park have to write letters, check with attorneys and get ready to stand up and fight for their rights and community. This one persons wrong will effect about 260 people....is this right? Is it fair? I hardly think so, I think the person at fault should be made to remove the improvements made on our accessway and open up that part of the beach, I'll find a place to park. There's lots of street parking by Sycamore Park. What you should look at is what part of the beach you're trading for a parking lot. Not only that, but the property that he is willing to fund isn't even for sale. This in itself really scares me. Was he going to have you sub-divide the parcel so that it could be purchased? How does that all work? Frankly Penny, this tactic has the ring of Joe Edmiston in it. Sounds like alot of hassle when the easier thing to do is make the other person do the right thing.

Any way Penny I hope that you will consider all that is involved with the parking lot issue and <u>especially</u> the beach access to the north end of Escondido that you will be giving up.

Regards,
Skip Danielson
28943 Greyfox Rd. Malibu, CA 90265

TATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
330 BROADWAY, SUITE 1100
AKLAND, CA 94612-2530
TSS 541-1015
ELEPHONE 510/286-1015
AX 510/286-0470

July 17, 1995

Mr. Skip Danielson
28943 Greyfox Rd.
Malibu CA 90265

Dear Mr. Danielson:

Thank you for your letter of July 5, 1995. I am forwarding a copy to the Coastal Conservancy Boardmembers for their review. You may send any additional comments directly to our Board by writing to:

Chairperson Penny Allen
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland CA 94612

As you may know, the Escondido Beach access project was not discussed at the Conservancy's June meeting and has been re-scheduled for Conservancy consideration and approval in September. You will receive notification of the meeting once the details have been arranged.

In your letter you stated your concerns about exchanging the Chiate/Wildman easement for a parking lot in another location. As a preliminary matter, please note that the Conservancy is *not* considering this exchange as part of the action that was recommended in June and rescheduled for September. That recommendation pertains to management of dedicated accessways at Escondido Beach, including the Chiate/Wildman easement or alternative. The decision to either construct the existing Chiate/Wildman easement or to exchange it for another access will be the subject of a possible future staff recommendation for Board action and it may well be that an exchange will not prove feasible.

Let me clarify why Conservancy staff has been willing to consider exchanging this easement for an alternative access to Escondido Beach. This will be a difficult easement to build, as I pointed out in my staff recommendation. The parking easement covers portions of a ravine that may require retaining walls and extensive fill. The path plunges down an eroding cliff face at the southern

end, necessitating cantilevered decks, pilings, grading, and retaining walls. If we build this accessway (which we still may do), it will require a degree of land alteration that we usually strive to avoid when building accessways.

I mentioned the property owners' objection to the construction of this easement only to explain why the property owners were willing to spend their time and money finding and constructing an alternative access to Escondido Beach. The Conservancy has a mandate to provide access to the coast. While we balance that mandate with a concern for property rights, the public does have the right to use this accessway, once it is opened. We take this right very seriously.

Escondido Beach is a high priority for the Conservancy and we have been willing to negotiate with the property owners because we hoped to find a better access to Escondido Beach. As I stated in my staff recommendation, if that proves impossible, we will construct the Chiate/Wildman easement. In fact, the staff recommendation includes authorization to arrange for operation and maintenance of the Chiate/Wildman easement *after it has been built*.

While I have noted that you feel that the parking lot is not a better alternative to the Chiate/Wildman accessway, let me explain why we thought it had sufficient merit to cause us to consider it. Contrary to your statement, parking is, indeed, needed in the Escondido Beach area. The lack of parking in this area is one of the factors that limits beach use. There is no street parking on the ocean side of Pacific Coast Highway adjacent to the existing accessway at Escondido Creek; nor is there any street parking adjacent to two of the accessways, "Geoffrey's Restaurant" and "Seacliff", proposed for acceptance by the Conservancy. The Seacliff accessway does include an off-street parking easement, but only for two cars. Street parking on the inland side of the Pacific Coast Highway is available but, as you yourself point out, not ideal. A thirteen car parking lot, on the ocean side of Pacific Coast Highway, would make Escondido Beach available to more members of the public.

In response to your comments about the floodplain, I believe you are thinking of a different parcel than the one actually proposed for the parking area. The proposed parking lot alternative is located on a steeply sloping piece of property between Pacific Coast Highway and Malibu Cove Colony Dr. It is on the ocean side of Pacific Coast Highway and not near Escondido Creek, see attached map.

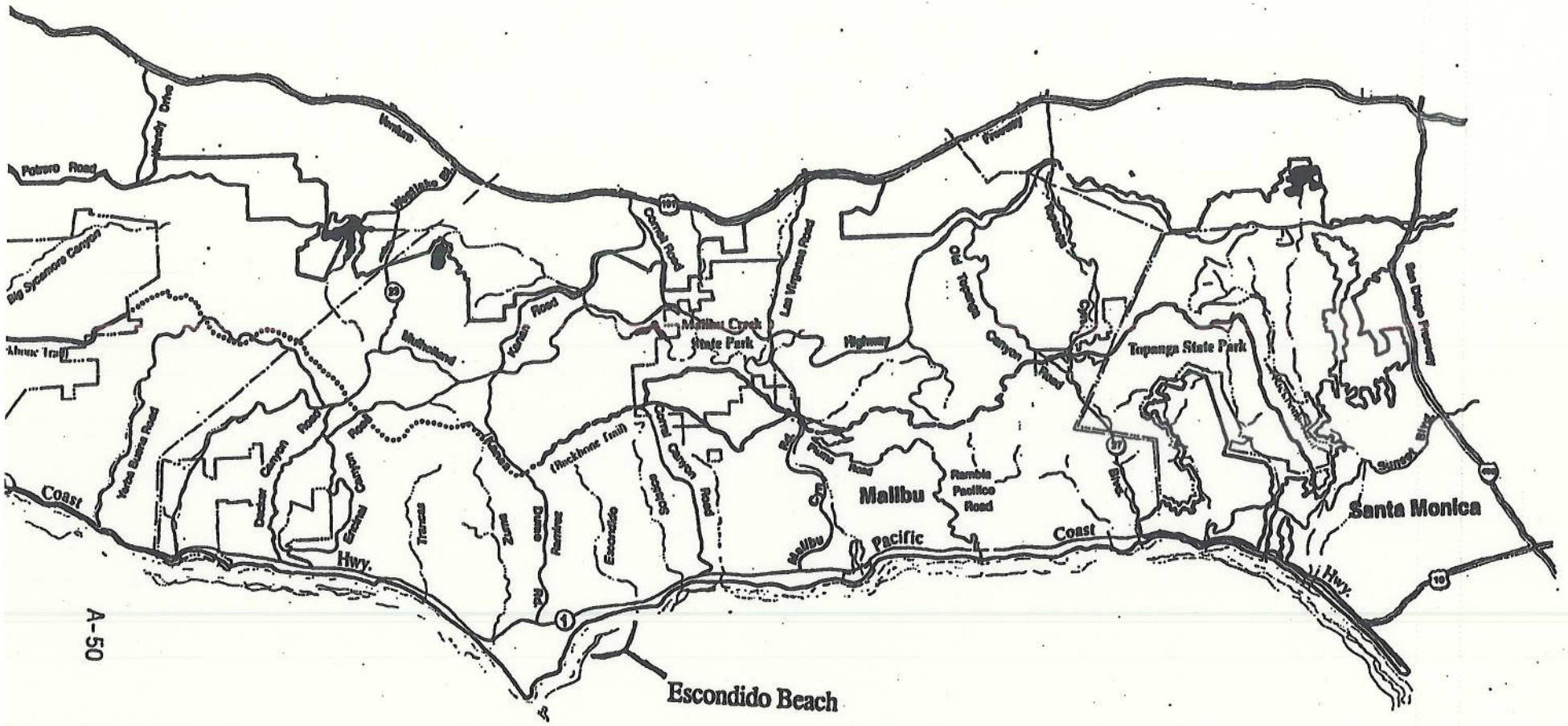
In conclusion, I would like to point out that this parking lot is not a done deal. There are many obstacles that the property owners must negotiate before Conservancy staff agrees to present this proposal to our Board for approval. Furthermore, Conservancy and Coastal Commission staff have not yet agreed that the parking alternative is a good one. But if this proposal or any other exchange does go to our Board for approval, I will be sure to notify you.

Please let me know if you have any further questions.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager




# Malibu Area Map

Exhibit H

## EXHIBIT I

**Letters supporting the project**

# LEAGUE FOR COASTAL PROTECTION

Post Office Box 190812
San Francisco, CA 94119

Office of Sara Wan
22350 Carbon Mesa Rd
Malibu, CA 90265
(310)456-6605; Fax (310)456-3380

**BOARD OF DIRECTORS**
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Robert Sulnick
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Darryl Young

Zad Leavy, *General Counsel*

**HONORARY MEMBERS**
The Honorable
Peter Behr

The Honorable
Anthony Beilenson

The Honorable
Edmond G. Brown

Melvin B. Lane

Sept. 1, 1995

Ms. Penny Allen
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612-2530

Re: Escondido Beach Access, Malibu

Dear Ms. Allen:

The League for Coastal Protection strongly supports the Conservancy's Escondido Beach access program. Increased public access is sorely needed in the Malibu area, perhaps more than almost anywhere along the entire coast of California. Because of intense local pressure to keep the public out. members of the public are effectively precluded from using any of the beaches in Malibu except for those that are owned and operated by the State and County, i.e. Zuma Beach, Topanga Beach and Malibu Creek State Park. There is always another reason, i.e parking, liter, danger, etc. None of these reasons are legitimate. The real reason is simply that Malibu residents believe they own the beach and don't want anyone else to use it.

Recently, the City of Malibu attempted to post "No Parking" signs on PCH across from Zuma Beach. The professed reason was the "danger" to pedestrians from crossing the highway, the same "danger" excuse used in this case. The Coastal Commission denied those signs, noting that over the years there was no evidence to indicate that landside parking had resulted in any significant number of traffic accidents. Zuma is a heavily used area and the "danger" to pedestrians was fabricated. The "danger" to beach goers, if they park on the inland side of PCH by Escondido, should therefore likewise not be a problem.

LCP also strongly opposes the payment of any in-lieu fee to avoid the opening of accessways at Escondido. Such fees would set a dangerous precedent, allowing any one who didn't want to open up "their" beach to the public to simply buy their way out of it. Payment of such fees would not guarantee that any accessways would ever actually be opened since there would be no guarantee that elsewhere there would be a willing seller or even that the fee would be adequate to cover the purchase. In addition, it would

not solve the problem of opening up Escondido beach. LCP does strongly suggest that you not only open up the Escondido OTD's but that you seek to find ways to open other OTDs elsewhere in Malibu. Eastern Malibu, particularly Carbon and Las Flores beaches are badly in need of some way for the public to gain access to the beach.

As for the City's position that they are writing their Local Coastal Plan and therefore not able to assume operations and maintenance responsibilities at this time, this is simply an excuse. There is no justification for this position. The City has been able to assume all types of "interim" activities and responsibilities far more involved and complicated than this. The City's refusal to assume operation can only be viewed as an attempt to delay the openings of these accessways until the offer to dedicate time runs out and they revert. In addition, we would point out that two members of the City Council should be asked to recuse themselves on this issue since they live on Escondido Beach and this constitutes a conflict of interest. Those two councilmembers are Councilman John Harlow and Mayor Joan House. Both of these officials have, at various times, indicated their strong opposition to allowing any members of the public to use the beaches of Malibu.

LCP also supports the decision to allow the MRCA to operate and maintain these accessways. The MRCA is a well run agency that would make an excellent choice to assume responsibility for their operation and maintenance and we urge that all the OTDs be accepted. We do not oppose the staff suggested study of the alternative to the Chiate/Wildman accessway, but urge that you look very closely at the "effective impact" of trading the Chiate/Wildman accessway. That is, any alternative proposed must actually increase public access by the same amount as that of Chiate/Wildman.

In summary, LCP urges the Conservancy to move forward as quickly as possible with its current plans for opening Escondido Beach.

Yours truly,

Sara J. Wan

Sara J. Wan
Vice Chair
League for Coastal Protection

Chairperson Penny Allen
California State Coastal Commission
1330 Broadway, Suite 1100
Oakland, CA 94612

Dear Chairperson Allen,

This letter is written to urge the California State Coastal Commission to accept the offers to dedicate two vertical accessways located at 27398-400 (Stern et al) and 27420-26 PCH (Shane, Seacliff), Escondido Beach, Malibu. Further, we urge the Coastal Commission to require the construction of the already accepted OTD located at 27900-10 PCH (Chiate-Wildman) Escondido Beach, Malibu.

It is our understanding that there is approximately $400,000 (Edwards' Trust) dedicated for the sole purpose of construction of the 27900-10 PCH (Chiate-Wildman) accessway and/or the opening of the existing easements from Escondido Creek to Paradise Cove as established under the conditions of the California Coastal Commission permit (application 5-89-1197 111,1b Special Conditions, Access Impact Mitigation). We, therefore, urge the California Coastal Conservancy to pursue as expeditiously as possible the construction and dedication of the accessways so the public may have access to Escondido Beach.

We are in favor of building and opening all the aforementioned accessways. We must insist that the California Coastal Conservancy live up to the agreement of the Edwards' Permit and Trust and that the money be spent for the designated purposes for which the Edwards' Permit was issued. The special conditions attached to the Permit state:

> " The funds shall be specifically for construction of access improvements at the Chiate-Wildman easement unless the Executive Officer of the Commission determine that an alternative easement could be developed with the same funds that provides equivalent access to the same beach area."

Nowhere in the Edwards' Permit does it state that the funds may be used for acquisition of land for parking lots or the construction of parking lots. We are adamantly oppposed to the building of any parking lots anywhere. The pictures that were presented to your representatives at the meeting of August 10, 1995 in Malibu demonstrated that there is ample parking available (280 spaces) along the ocean side of PCH for people using the three accessways.

Thank you for your help and consideration in this matter.

| NAME | ADDRESS |
|---|---|
| Joyce A Kanchanus | 27940 Winding Way |
| | Malibu, Ca |
| | 90265-4459 |

| Name | Address |
| --- | --- |
| [illegible] S. Spear | 6455 Sycamore Meadows Dr. |
| Frederick C. Houghton, Jr. | 6300 SYCAMORE MEADOWS DRIVE |
| Marian S. Houghton | 6300 Sycamore Meadows Drive |
| Jeff Nicholson | 6363 Sycamore Meadows Drive |
| Beverly B. Peeples | 6414 Via Escondido |
| Judy O'Brien | 6314 Sycamore Meadows Dr |
| D.W. Cox | 24600 W. HEATHERCLIFF RD, MALIBU, CA. |

| Name | Address |
| --- | --- |
| Lowell Hensley | 6474 Sycamore Mdws Dr Malibu CA 902 |
| Barbara Hensley | 6474 Sycamore Meadows Malibu Ca 902 |
| George Peeples | 6414 Via Escondido Malibu CA 902 |
| C. Hugh Dale | 6349 Sycamore Meadows Dr CA 9026 |
| Cathy Gray | 6471 Sycamore Meadows Dr. Malibu Ca |
| Julie Hensley | 6473 SYCAMORE MEADOWS DR (310) 457-3857 |
| Peter C. Kenny | 6348 Sycamore Meadows Malibu 90265 |
| Mary N. Frazier | 6417 Via Escondido, Malibu 90265 |

| Name | Address |
| --- | --- |
| Paul F. Lemley | #44 29500 Heathercliff Rd MALIBU, CA. |
| Jillian Lemley | " " " " " |
| Mayant Jacobs | 29500 Heathercliff #1C |
| Alfred Jacobs | " " " |
| Joe Zurich | 26842 Malibu Cove " |
| Ward Lauer | 6216-B Tapia Dr. Malibu |
| Ernie Knobel | 1427. 17th S.M., CA |

| Name | Address |
| --- | --- |
| Duncan H. Cox | 29500-76 HEATHERCLIFF RD., MALIBU, CA. 90265 |
| Marian C. Cox | " " |
| Gertrude Blue | #77 " " |
| Peggy Crosier | #15 " " |
| B. Schum | 248 " " |
| Philip Sutton | #190 |
| Dr. Stowne R. Sutton | #190 " " |

| Name | Address |
| --- | --- |
| Grace T. Spradlin | 27071 Sea Vista |
| Patricia Martin | 23405 Pacific Coast Hwy, MALI |
| Thomas Beirith | 6456 Sycamore Meadows |
| Carrie Cullen | 27077 Sea Vista Dr. Malibu |
| [illegible] | 6314 Sycamore Meadows D |
| [illegible] | 27069 SEA VISTA DR. |
| Vicki Talbot | 27187 Sea Vista Dr |
| William C. Talbot | 27187 Sea Vista Dr. |

| Name | Address |
| --- | --- |
| HORST KRICHSEN | 6363 SYCAMORE MEADOWS DR MALIBU, CA. 90265 |
| Horst Krichsen | |

| Name | Address |
| --- | --- |
| [illegible] H. Wilson | 27437 [illegible] WAY MALIBU CA. 90265 |

| Name | Address |
| --- | --- |
| Carol S Cox | 913 Bienvenida Ave PP 90272 |
| Craig J Cox | 913 Bienvenida Ave PP 90272 |
| Carol Cox | 913 Bienvenida Ave PP 90272 |
| D.S. Fiorillo | 29335 HEATHERCLIFF RD., MALIBU, CA. 90265. |

| NAME | ADDRESS |
| --- | --- |
| Emine Murphy O'Hara | 5524½ de Butts Terrace, Malibu 902 |

**Kanner**

Kanner Architects
10924 LeConte Avenue
Los Angeles CA 90024
310 208 0028 *Telephone*
310 208 5756 *Telefax*

L Herman Kanner AIA
1901-1953

Charles G. Kanner FAIA
*President*

Stephen H. Kanner AIA
*Vice President*

23 August 1995

Ms. Brenda Buxton
COASTAL CONSERVANCY
1330 Broadway Street, #1100
Oakland, CA 94621

Re: Coastal Access
27420/27428 Pacific Coast Highway
Malibu, CA 90265

Dear Ms. Buxton:

In compliance with the terms of our settlement with the state, we (the owners of the captioned property) have completed the coastal accessway at the captioned location.

We understand that the Coastal Conservancy intends to accept our accessway and will assume full responsibility for it. The purpose of this letter is to fully support the Conservancy's acceptance of our accessway as soon as possible.

Sincerely,

Charles G. Kanner, FAIA
for Seacliff Homeowners Association

cc: Judy Davidoff

Surfrider Foundation
Malibu/Santa Monica Chapter

June 5, 1995

Ms. Penny Allen, Chair
State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Re: Escondido Beach Easements

Dear Chairperson Allen,

The Malibu/Santa Monica Chapter of the Surfrider Foundation has long supported the efforts of the Coastal Conservancy to open up accessways to our local beaches. The Santa Monica Mountains Conservancy has offered to operate and maintain three accessways and two parking easements along Escondido Beach at no cost to the state. This offer is summarized in a staff recommendation being submitted for review.

Beach access at this location will not only benefit the public visiting the beach from out of town, but will also benefit the many Malibu residents who do not live on the beach. We urge the Conservancy board to approve its staff recommendations and open up these accessways and parking easements along Escondido Beach.

The ocean and beach to the high tide line are public property. Accessways such as this will enable the public to use and enjoy recreational resources which are rightfully theirs.

Very truly yours,

John Hearne

Debi Tappis

RECEIVED
JUN - 7 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.



100 Wilshire Boulevard, Suite 1000 Santa Monica, California 90401
Tel: (310) 451-4430 Fax: (310) 451-1423

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

June 2, 1995

Penny Allen
Chair, California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Re: Malibu Access at Escondido Beach
Scheduled for Conservancy Board action June, 1995

Attn: Brenda Buxton

Dear Chairwoman Allen:

The Commission staff strongly supports this proposal which will ultimately result in a significant increase in public access opportunities. Many of the beaches in Malibu are difficult to access, mainly due to a lack of parking and vertical accessways. This project will provide parking and open the three vertical easements to Escondido Beach, that were required by the Commission to mitigate impacts to public access from private development. The development has long been built but the mitigation has yet to be implemented. Escondido Beach is a long sandy beach, capable of providing significant public recreational opportunities. This project will provide the public with the necessary support facilities to find and use this resource.

We are pleased to see the partnership arrangement between the Coastal Conservancy and the Santa Monica Mountains Conservancy which implements all of our agencies goals to provide increased recreational opportunities for the public.

Sincerely,

Linda Locklin
Manager, Coastal Access Program

LL/cm
cc: Peter Douglas, Executive Director
Gary Timm, Assistant Director
0458a

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JUN - 5 1995
THE COASTAL CONSERVANCY
OAKLAND, CALIF.

**EXHIBIT J**

**Letters opposing the project**

July 14,1995

Brenda Buxton,Project Manager
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612

Re: Easement dedications
Escondido Beach, Malibu

Dear Ms. Buxton,

Recent publicity and public hearings in Malibu concern some "Offers to Dedicate" Access Easements at Escondido Beach.

We have owned a home on Escondido Beach(27208 Pacific Coast Highway ) since 1968. For 15 years I served as secretary of the property owners association there; two of the three presidents were attorneys, the third was Charles Kanner, architect, deeply involved in the Shane-Seacliff easement. For 15 years we spent about half our time at every board meeting on the problems of the road:parking,repairs,maintenance,security,etc.

The attorneys spent endless hours with title insurance companies, land use attorneys,governmental authorities,the county supervisor. Believe me, if our supervisor had been anyone but Deane Dana, there would be no city of Malibu today.Incorporation was the only way to get SOME control over our destiny; clearly Dana would never provide that.

Let me ask you most earnestly to consider these facts.

1/ The C,C & R's running with the title of every property on that road spell out in detail the fact that ESCONDIDO BEACH ROAD is a PRIVATE ROAD. It is so posted and always has been. It is built, owned,maintained by the property owners. The road is clearly designated by CalTrans( look for yourself ); parking or use of the road is restricted and the sheriff can and does cite and tow those using the road or parking illegally. All of this is easily documented;it has been true since the original subdivision.

2/Take a very close look at the easement at 27398-400 PCH which runs through the restaurant,down the stairs,ACROSS ESCONDIDO BEACH ROAD, and between 2 houses to the "beach"(your Exhibit B) Pay close attention to this: THE PROPERTY ON WHICH THE RESTAURANT STANDS IS NOT NOW AND NEVER HAS BEEN A PART OF THE ESCONDIDO BEACH SUBDIVISION. IT IS IN A SEPARATE TRACT.When Mr.Shucart and Murphy set up those original parcels, the present restauarant property was started as a motel "Holiday House ".Because it was a commercial enterprise fronting on the Coast Highway and NOT CONNECTED IN ANY WAY WITH ESCONDIDO BEACH ROAD IT WAS PLACED IN A SEPARATELY NUMBERED AND DESIGNATED SUBDIVISION TRACT.

3/CLEARLY,UNMISTAKABLY, IN YOUR OWN PLAT MAPS, THE EASEMENT IN QUESTION USES ESCONDIDO BEACH ROAD AS PART OF THAT EASEMENT. RIGHT TO USE OF THAT ROAD IS RESTRICTED TO THE PROPERTY OWNERS ALONG THAT ROAD. MALIBU COVE COLONY ROAD IS EXACTLY ANALOGOUS AND THAT RIGHT OF EXCLUSIVE CONTROL HAS BEEN TESTED SUCCESSFULLY IN THE COURTS AND IS A MATTER OF PUBLIC RECORD.

It should be obvious to you that no one can dedicate an easement over property that he does not own. The only persons legally permitted to use Escondido Beach Road are the property owners along that road, of which I am one. You may be very confident that if you persist in asserting a right to the use of property that HAS NOT BEEN AND CAN NOT BE DEDICATED TO YOU (ESCONDIDO BEACH ROAD) the firestorm that will follow will make this the mother of all trials, believe me.

In my opinion it would be far wiser to spend your limited resources on maintaining the easements you have right now. I am enclosing some photos taken from the bridge over Escondido Creek right at the existing public easement after one of the storms last winter. John Harlow, Malibu City Councilman, was standing beside me when I took these pictures.

During high runoff periods wave action regularly builds up the huge barrier seen here, creating a very large pond.Eventually it breaks out to run either right or left along the beach for remarkable distances. The photos from my porch show that effect this time,including the fact that a visitor could not use the easement without swimming across the pond, etc. In addition, this pond contains the fecal contamination from hundreds of animals living up the canyon,creating a well documented public health hazard.

All of the year round creeks in Malibu have the same problem. Cross Creek gets most attention because it contains residue from the Tapia Park Sewage Treatment plant upstream in that canyon and it is right next door to a large public access easement and to Malibu Colony. Every year they have to go out there with a bulldozer to clear that sand bar away and permit Cross Creek to empty into the sea, sometimes more than once.

At Escondido Creek we have another problem not seen in other easements. Many people on the mountain side of the highway have horses and by walking them under the bridge they regularly gain access to the beach, ride there,defecate there,imperil small children, excite the dogs, etc. I have seen many run-aways.

At our own expense some of the owners have paid a bulldozer operator to take down the sand bar to permit flow of the creek, but that is very expensive and difficult because there is no access for heavy earth moving equipmment for over two miles.

Let me encourage you to undertake the creation of a channel for the creek ( such as they have built in the creek bed on the mountain side of the highway -look at it once) to guarantee that the stream will always go straight out to sea,THUS PRESERVING THE PUBLIC EASEMENT THAT YOU ALREADY HAVE THAT IS HEAVILY USED.

Sincerely yours,

William F. Pollock, M.D., F.A.C.S.

RECEIVED
JUL 19 1995
THE COASTAL CONSERVANCY
OAKLAND, CALIF.

A-65

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

July 26, 1995

Dr. William F. Pollock
1268 N. Amalfi Drive
Pacific Palisades CA 90272

Dear Dr. Pollock:

Thank you for your letter of July 14, 1995 and the accompanying pictures. I will provide our Boardmembers with a copy of your letter. As you may know, the Escondido Beach access project was not discussed at the Conservancy's June meeting and has been rescheduled for Conservancy consideration and approval in September. You will receive notification of the meeting once the details have been arranged.

In regards to Escondido Beach Road, it is the policy of the Coastal Conservancy to respect private property and I will investigate this further in order to discover on what grounds the original grantor used to dedicate the easement at 27398-400 Pacific Coast Highway.

Your pictures clearly illustrate that the Escondido Creek access, maintained by Los Angeles County Dept. of Beaches and Harbors, is impassable for sometime during heavy winter rains. This further underscores the importance of opening up alternative accessways to Escondido Beach since building a channel on the beach to prevent ponding at the creek mouth is infeasible. A channel extending out to the ocean would interrupt sand transport, alter the creek hydrology and salinity, fill up with sand and debris, and be subject to damage from storm waves. A less costly and more environmentally appropriate alternative is to open up the other accessways that are available along Escondido Beach.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
(510) 464-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

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1268 N. Amalfi Drive
Pacific Palisades CA 90272

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Yours truly,

Brenda Buxton
Project Manager

WILLIAM F. POLLOCK, M.D.
1268 N. Amalfi Drive
Pacific Palisades, Calif 90272
(213) 454-7564

July 28,1995

Ms.Brenda Buxton
c/o Coastal Conservancy
Oakland

Dear Ms. Buxton,

Your many public statements have created the impression that you and your colleagues are unalterably committed to a program with respect to Escondido Beach, and have no significant interest in trying to learn about the problems on that beach. If that is true, we have nothing more to say to each other. If, on the other hand, you really want to understand Escondido Beach before you act on your program,let me make a suggestion. The next time you have a free day and /or night on a visit to Malibu, give me a day or two advance notice and my wife and I will be pleased to have you stay with us; we can walk the beach, see the terrain and the problems, you might be surprised at what there is to learn. So pack your toothbrush and your nightie and come have a look. We will go to dinner at Sand Castle so you can understand Paradise Cove a little better. There is no charge for this service.

Examples of what you might learn: 1/ In the 27 years we have lived there, we have NEVER, I MEAN NEVER, seen anyone surfing on that beach. Simple reason: you can't. There is a remarkably large kelp bed extending all the way from Point Dume to Latigo Point. (For years they harvested the kelp to make agar and chemicals.) That very effectively kills the waves needed for surfing.

2/ Every year or two since we have been there we have seen horrible traffic accidents on that stretch of P.C.Highway.I will SHOW YOU the scars, including one where a drunk in a VW beetle went off the highway, rolled to a stop when he hit our garage door ( show you !!). He got out, rolled the car back onto its wheels and drove off, I swear it. Within the last year Caltrans has TAKEN THE SIDEWALK AWAY where the bridge crosses Escondido Creek and replaced it with those crash barrels and rubber/steel guard barriers for the bridge itself. Let me show you. Then simple research into WHY they did that will make the point.That is an extremely dangerous traffic situation, very well documented.

3/ Take a walk along our private road to the point where the "easement" stair from the restaurant comes down to the road. Then go just another 100 feet and look at the sand bag wall created to protect the homes below Geoffrey's when THAT ENTIRE HILL slid down in the heavy rains of January and then again in March with the second storm. A phone pole fell over, smashing a car and garage, all of which I will show you if you like. If you want to see videotapes of the actual slides, one of the

residents has them and will show them to you, if you like. That slide damage, denying access to the homeowners there, has never been repaired, now 6 months later. Across the face of the slide, believe this or not, is a flexible hose carrying the effluent from the septic tanks at Geoffrey's across the entire slide and thence to the sea ! Until you see this you will not believe it, I am sure.The slide exposed the entire seaward side of the swimming pool at the condos up above - you can see it easily. This is a 24 carat public health hazard, trust me.
4/ You want to open the easements at Geoffrey's and Kanner's condos. Before you do that, you should know that Caltrans thinks the traffic along there is so dangerous they will not permit anyone, even the valet boys at Geoffrey's, to park on the seaward side of the highway for 150 feet below the crest and for 150 feet before you get to the entrance/exit of Escondido Beach Road. WHY?? Too many fatal accidents, those people come down that hill at better than 60 mph regularly.
5/Come see the tremendous earth moving project that has been going on on the highway just above Escondido Creek for 6 months now, expected to take another three months. Broke the water main, the gas line and allegedly uncovered a hidden spring under the Coast Highway that had been responsible for three or four previous slides. This is not just talk. It happened. The water and gas mains are still temporary, exposed above ground, as they have been for two or three years now. Come see it. Don't rely on your field crew; see for yourself. It will turn your hair white.

There is no substitute for personal on site inspection. THEN, if you are indeed open to suggestion, we will talk about some practical, low cost, alternatives. But, first, you have to indicate that you want to learn about Escondido Beach. I will help you.

Sincerely yours,

William F. Pollock, M.D., F.A.C.S.

RECEIVED
JUL 31 1995
COASTAL CONSERVANCY
OAKLAND, CALIF.

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

August 14, 1995

Dr. William Pollock
1268 N. Amalfi Dr.
Pacific Palisades CA 90272

Dear Dr. Pollock:

I have received your letter of July 28, 1995 and will forward a copy to Conservancy Board members for their review. I must decline your invitation as I have already visited the Escondido Beach area many times. While Escondido Beach is not known for surfing, many people use this beach for walking, swimming, and kayaking.

I have also seen the landslide below the restaurant. At this time, the stairway down from Geoffrey's seems undamaged and currently is being used by the Holiday House condo owners. Before opening the stairway we will conduct a thorough investigation. Furthermore, we will monitor the stair as part of the maintenance program.

The landslide just above Escondido Creek certainly temporarily disrupts traffic along Pacific Coast Highway but is far enough away from the accessway to have little or no impact.

I am aware that PCH is a busy road with speeding cars and that there are no parking signs posted immediately adjacent to the Geoffrey's Restaurant accessway and the Seacliff accessway. However, there is ocean-side, on-street parking about 100 feet further up PCH (towards Paradise Cove) and the Seacliff homeowners will be constructing two off-street parking spaces next to the stairway for beach goers.

In regards to Escondido Beach Road which you wrote about in your last letter, the Coastal Commission's investigation indicates that the section of Escondido Beach Road at issue was owned by the BFS Stern Partnership and thus the grantor had the right to include the road in the access easement. If you have information to the contrary I would appreciate it if you would send it to me.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
(510) 464-1015
TELEPHONE (510)286-1015
FAX (510)286-0470

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1269 N. Amalfi Dr.
Pacific Palisades CA 90272

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Yours truly,

Brenda Buxton
Project Manager

WILLIAM F. POLLOCK, M.D.
1268 N. Amalfi Drive
Pacific Palisades, Calif 90272
(213) 454-7564

AUG 2

August 18,1995

Ms. Brenda Buxton
Coastal Conservancy
Oakland,California

Dear Ms. Buxton,

Your most recent letter indicates either a grievous lack of understanding or an incredible naivete regarding Escondido Beach.

1/" The landslide below the restaurant". This is not the first landslide there. There was a very large one about ten years ago which is still visible if you know what you are looking for; the cavity beneath the restaurant to the right of the present slide is one of the remnants of that slide. The restaurant at that time had a permit for about 80 diners ( determined by the size of the septic system ) but they regularly had well over a hundred customers at a time and there was a resultant seepage of raw sewage into the road below the restaurant. Outraged residents finally got Deane Dana and his field deputy Ireland out there, with photographers, media ,etc. and an official finding was made that the slide or whatever had created a serious public health hazard, so they had to rework their septic system after that slide, reduce the number of customers, etc.

The present slide has again aggravated that septic problem and although the restaurant has been closed for this and other reasons twice since the first of the year, the present pipe running across the face of the slide carries the effluent out to the sea at that point. If that is acceptable management of our coastal resource, I can only express my amazement.

2/." The stairway is being used by the Holiday House Condo Owners " Incredible. You can not possibly have looked at it. It is locked and although they theoretically have access to a key, no one I know on the street has ever seen it used. Further, the passage to the beach from Escondido Beach Road between Wolk's two speculative houses is locked and no one that I know has a key to that beach access, except possibly Wolk himself. Surely you don't believe that it is "being used".

3/. " The landslide just above Escondido Creek... is far enough away to have litle or no impact". You should spend a little more time with the engineers. There have been innumerable instances of an underground spring under the highway there. The entire Pacific Coast Highway(!) slid down and blocked Malibu Cove Colony road;many previous slides have ruptured the water main several times, both the water and the gas mains have been rerouted above ground for years because that whole area, both sides of the highway in both directions from the creek are now and have always been geologically unstable. There are volumes of reports,tests, studies,suits demonstrating this. Yet you are

blithely recommending a parking lot, access and egress roads, right smack in the center of that unsolved problem.You are demanding "easement access" on demonstrably unstable land at Geoffrey's and at the other two farther on, obviously over extremely unstable hillsides. The present massive earthmoving project will theoretically replace the water main underground, but it includes a huge drainage provision to attempt to prevent further slides of the Coast highway. Don't trust me, GO LOOK AT THE SITE! If that doesn't scare you, you are not paying attention.

4/ "The section of Escondido Beach Road at issue was OWNED by the BFS Stern partnership " Brenda , Brenda . If he offers to sell you the Brooklyn Bridge, don't buy it. Your mother must have told you, never take candy from strangers. It is going to come as a tremendous surprise to all the Title Insurance Companies, all the homeowners ( including me) to hear that he got you to believe he OWNED it.Stern lives at 27352 Escondido Beach Road ( I live at 27208) but let me tell you once again, loudly, clearly, the Geoffrey's property is not and has never been a part of the Escondido Beach private road, is not a party to the C C and R's on which all of our titles are based and insured. For five of my 15 years as secretary of the property owners association, the president was Philip Westbrook, Stern's next door neighbor and the head honcho of O'Melveny and Myers, a legal firm that may have crossed your horizon. The association spent large sums of money on land use attorneys, experts in L.A.,San Francisco and Sacramento and we can state absolutely and categorically that Stern, with or without his partners, NEVER OWNED THE ESCONDIDO BEACH ROAD. HE CAN NOT DEDICATE AN EASEMENT OVER PROPERTY THAT HE DOES NOT OWN. IF YOU INSIST, WE WILL GET THE TITLE INSURANCE COMPANY TO EXPLAIN IT TO YOU, PREFERABLY OUTSIDE COURT BECAUSE OF THE EXPENSE. THE ONLY SERIOUS MISTAKE YOU CAN MAKE HERE IS TO PROCEED ON THE ASSUMPTION THAT HE OWNED THE ROAD.HE DID NOT. Are you really as naive as you sound?

Sincerely,

William F. Pollock

William F. Pollock, M.D.,F.A.C.S.

WILLIAM F. POLLOCK, M.D.
1268 N. Amalfi Drive
Pacific Palisades, Calif 90272
(213) 454-7564

August 25,1995

Ms. Brenda Buxton
Coastal Conservancy
Oakland

Dear Ms. Buxton,

The conduct of the inquiries into the advisability, even feasibility, of the so-called dedicated easements along Escondido Beach and its environs has led most of us to believe that your mind is made up and you don't wish to be confused by any facts.

In previous communications I have commented many times on the slides, old and new, on to Escondido Beach Road from the unstable hill on which Geoffrey's restaurant perches, somewhat precariously.

I have told you that the septic tank discharge in time past (documented) and now again and again since the January and March slides have resulted not only in closure of the restaurant on several occasions, but has been extremely badly answered by that plastic hose running across the face of the slide from the septic tanks and out to sea. You have been told repeatedly about that public health hazard; apparently it doesn't bother you.

This monthly report from the August 24th issue of the Malibu Times is simply another published report of this hazard. You will note that the ocean in the area of the discharge from Geoffrey's is rated D for the month of July.

Let me ask you if your legal advisors see any possibility that you PERSONALLY might be liable if you tell the public that the beach and the ocean are safe at the point of the easements? If you assure the public that this is a safe beach for children, etc. when the governmental agencies report that " the risk of getting sick from ocean waters, and counts of fecal coliform, or bacteria from the intestines and feces, recently exceeded EPA contamination standards at Paradise Cove in Malibu" are you not liable for that false assurance ??? Our attorneys think you are.

Sincerely yours,

William F. Pollock, M.D.,F.A.C.S.

RECEIVED
AUG 28 1995

# Toxins continue to brew at Surfrider

Bacteria counts in the waters of some local beaches — chief among them Malibu Surfrider Beach — remain high despite a month without rain, even though bacteria counts in the ocean normally diminish during the summer, according the Surfrider Foundation.

The foundation's June/July Ocean Contamination Report reveals that fecal coliform levels at Surfrider Beach, which were already above Environmental Protection Agency standards in June, have increased more than seven times since then. Enterococcus counts at the world-famous surfing beach continue to fluctuate above EPA standards, the report said. Contamination levels were measured by the Los Angeles County Department of Health Services and by the city of Los Angeles.

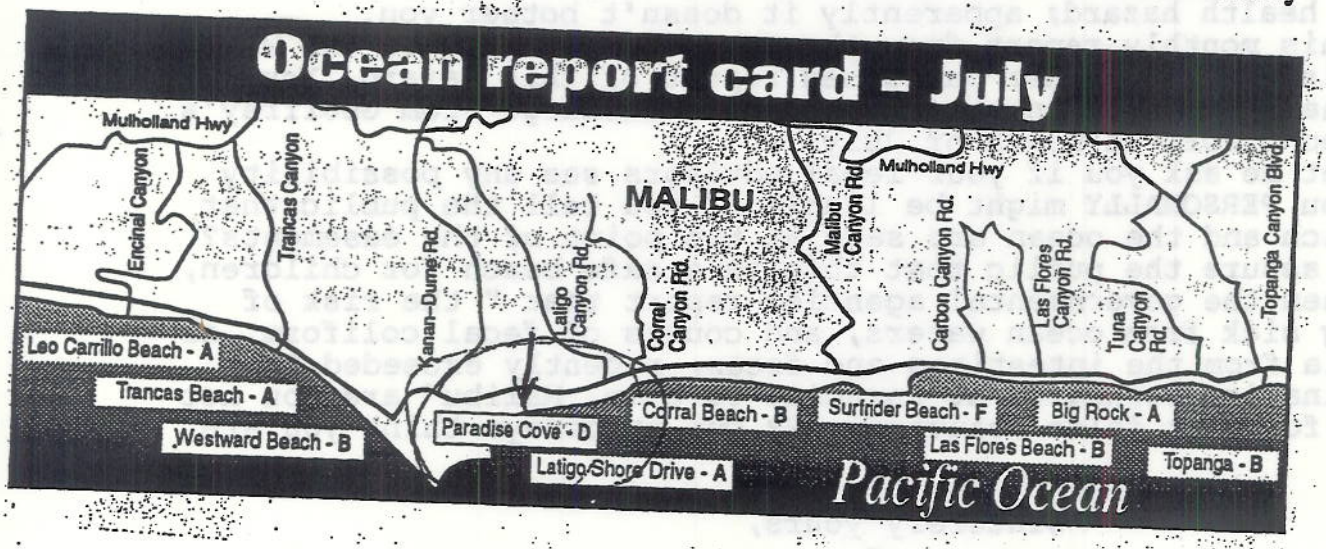
Heal the Bay, in its own report, says that flows from the Malibu Creek Watershed are affecting bacteria levels at Surfrider, which has received an F rating from the environmental group for the entire summer. The contamination also probably is affecting the bacteria counts near Malibu Pier, the report says.

Susan Chang, an official at Hyperion Wastewater Treatment Plant in El Segundo, noted that the testing site at Surfrider was moved 150 feet closer to the storm drain in June 1994.

Surfrider Foundation also reports that enterococcus levels, which best show the risk of getting sick from ocean waters, and counts of fecal coliform, or bacteria from intestines and feces, recently exceeded EPA contamination standards at Paradise Cove in Malibu.

The beach near the Pico-Kenter storm drain south of Santa Monica Pier received an F rating for the month of July, down from a D grade in June.

— Karin Bellomy



G. Lloyd Isaacs
Senior Vice President/Financial Consultant
Portfolio Manager

818-715-1850

SMITH BARNEY

A Member of TravelersGroup

August 15, 1995

California State Coastal Conservatory
1330 Broadway Ste. 1100
Oakland, Ca. 94612
Attn: Brenda Paxton

RE: Meeting 6/21/95
Item IX, Tentative Agenda

This referenced item proposes opening an easement at 27400 Pacific Coast Highway, Malibu, Ca. 90625 for public access to the ocean in front of the restaurant parking lot.

There is little public parking available. The parking is across the highway. There is no stop sign or signal--nor one possible for this high-speed zone.

I own a condo at 27400 Pacific Coast Highway, just west of the restaurant. Many accidents and deaths have occurred at this exact spot. (Check your records!!). The visibility, the Highway Patrol will tell you, is nonexistent.

Cal Trans has refused to install a stop signal.

If the Coastal Commission approves this access, you may rest absolutely assured that a death from a serious accident will follow this enactment.

This sad result and your responsibility to help all citizens will very much focus on this careless approval of this access.

Please don't make this mistake.

Sincerely,

Lloyd Isaacs

G. Lloyd Isaacs
Sr. Vice-President/
Financial Consultant

RECEIVED
AUG 17 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

August 15, 1995

California State Coastal Conservatory
1330 Broadway  Ste. 1100
Oakland, Ca. 94612
Attn: Brenda Buxton

RE: Meeting 6/21/95
Item IX, Tentative Agenda

This referenced item proposes opening an easement at 27400 Pacific Coast Highway, Malibu, Ca. 90265 for public access to the ocean in front of the restaurant parking lot.

There is little public parking available. The parking is across the highway. There is no stop sign or signal--not one possible for this high-speed zone.

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Cal Trans has refused to install a stop signal.

If the Coastal Commission approves this access, you may rest absolutely assured that a death from a serious accident will follow this encroachment.

This sad result and your responsibility to help all citizens will very much focus on this careless approval of this access.

Please don't make this mistake.

Sincerely,

G. Lloyd Isaacs
Sr. Vice-President/
Financial Consultant

Charles H. Stern
27352 Escondido Beach Road
Malibu, CA 90265
July 24, 1995

Penny Allen
California State Coastal Commission
1330 Broadway, Suite 1100
Oakland, CA 94612

Dear Ms. Allen:

The California Coastal Conservancy is having a meeting in September to discuss the opening of the Geoffrey's accessway to the public. (27400 Pacific Coast Highway, Malibu).

We urge you to visit the proposed accessway. It is very dangerous, going across the restaurant parking lot for Geoffrey's Restaurant which serves more than 2000 visitors each week.

You have a public access less than 400 yards away and this serves the public very well when it comes to Escondido Beach. They only have to go down 18 steps on to a safe beach where they can surf, engage in boating, sunbathing, diving, etc. You will see that the beach is well occupied every day of the week and the public has full access to Escondido Beach.

The Geoffrey's Accessway is not needed and should be abandoned.

Sincerely,

Charles Stern

Charles H. Stern

CHS:mh

RECEIVED
JUL 26 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

Charles H. Stern
27352 Escondido Beach Road
Malibu, CA 90265
August 11, 1995

Brenda Buxton
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612
VIA MAIL & FAX: 510-286-0470

Dear Brenda:

Thank you for taking the time to visit Malibu with your group to hear public comments.

We are pleased that you were able to view the public easement at the entrance to Escondido Beach Road to see how well it is utilized by the public. There is a Summer Camp for children taking place; folks are sunbathing, surfing, walking on the beach, diving, boating and taking advantage of the beach. It has very easy access with the few stairs down to the beach.

You mentioned that you want to make it easy for folks to get to the beach. This is the perfect easement -- similar to the easy access to the beach in San Francisco below the Cliff House.

Your other proposed easements through Geoffrey's and Sea Cliff are very difficult easements and extremely dangerous. Our neighbors were attempting to bring this point home to your staff. We hope that you will re-consider by dropping your request for the Geoffrey's easement and the Sea Cliff easement.

Please let us know the time and place of the September meeting well in advance of the date.

We thank you for your time and consideration.

Sincerely,

Charles H. Stern
CHS:mh

RECEIVED
AUG 14 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

August 29, 1995

Mr. Charles H. Stern
27352 Escondido Beach Road
Malibu CA 90265

Dear Mr. Stern:

Thank you for your letters of July 24, 1995 (to Penny Allen) and August 11, 1995. Copies will be forwarded to our Board for their review.

The Escondido Creek access certainly is easier to use in that it has fewer steps. However, this does not mean it provides sufficient access or should be the only free access to this beach. The beach below the access area was quite crowded when I saw it on a weekday morning. This indicates that the public would benefit from more access to the beach, even if required to walk down more stairs.

More access to Escondido Beach is needed for several reasons. When there are numerous accessways along a beach, people spread out and do not concentrate in one area -- as they do at present at Escondido Creek. Without the Geoffrey's and Seacliff accessways people will continue to avoid the rest of Escondido Beach because they have to trudge long distances over the sand or pay $15. at Paradise Cove. The Geoffrey's and Seacliff accessways also provide access to parts of Escondido Beach cut off to the public by seawalls at high tide or by the flooding creek during winter storms. Parking for these easements is available on the ocean side of PCH immediately downcoast of the restaurant property and about 500 hundred feet upcoast from the Seacliff stairway.

The stairs at the Geoffrey's and Seacliff easements do require more effort to use than the stairs at Escondido Creek. However, this does not mean they are unsafe. Both stairs have been used for many years by their adjacent homeowners (Holiday House and Seacliff). Furthermore, these stairs are no more steep than those in other areas of the coast with high cliffs.

One of the Mountain Recreation and Conservation Authority's first tasks when assuming management of these accessways will be to inspect the accessways and correct any hazards. When we meet on September 8 at 2pm, I will welcome any specific suggestions you may have on how to improve these accessways for public use.

I will be sure to let you know the time and place of the September meeting as soon as the details are arranged.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

RSW Investments

Dr. Roger S. Wolk
28 Malibu Colony Drive, Malibu, CA 90265
(310) 456-6972
(310) 456-7232 Fax

RECEIVED
JUL 27 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF

July 24, 1995

Michael Fisher, Executive Director,
California Coastal Conservency
1330 Broadway, # 1100
Oakland, CA 94612-2530

RE: Easement at Geoffrey's Restaurant
Malibu, CA

Dear Michael:

I am a homeowner at 27336 Escondido Beach Road adjacent to the easement which your office proposes to accept for the public.

I must voice my serious opposition to the opening of this accessway due to the obvious danger to pedestrians crossing PCH and the Geoffrey's Restaurant parking lot at this location. Also, the public must walk to a private residential road to get to the beach walkway. The residents on the road near the easement feel a public easement at this site will be a danger, not only to the public, but also the security of the nearby residents, who will be greatly impacted on our small private road.

The easement at Seacliff is a short distance away and is more suitable for public use as the walkway is not in the middle of residences and the stairway goes to a part of Escondido Beach which has no homes on the beach, but only on the bluff above.

I urge to to reconsider this issue.

Sincerely,

Dr. Roger S. Wolk

RSW/pol

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, *Governor*

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

August 29, 1995

Dr. Roger Wolk
28 Malibu Colony Drive
Malibu CA 90265

Dear Dr. Wolk:

Thank you for your letter of July 24, 1995 to Michael Fischer. A copy will be forwarded to our Board for their review.

We agree that the Seacliff easement will be easier for the public to use and the Geoffrey's easement will be less welcoming to the public. Despite this limitation, the Geoffrey's easement still has merit. Instead of preventing public use, we would propose that the Geoffrey's easement be signed for public use appropriately. For example, smaller signs could be used on the stair and the entrance at PCH remain unsigned. This way some people, such as restaurant patrons, could still use the accessway but the majority of beach goers would use the more noticeably signed Seacliff accessway. These sorts of arrangements will be finalized in the management plan.

We also appreciate that local residents may have safety concerns. The accessways will be locked at night in order to protect the privacy of the local residents. Accessways in other coastal communities are often open 24 hours a day, yet we are proposing to limit the public's night time use because this is a residential area.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS: 541-1012
TELEPHONE: 510/286-1015
FAX: 510/286-0470

August 29, 1995

Dr. Roger Wolk
28 Malibu Colony Drive
Malibu CA 90265

Dear Dr. Wolk:

Thank you for your letter of July 24, 1995 to Michael Fischer. A copy will be forwarded to our Board for their review.

We agree that the Sandtiff easement will be easier for the public to use and the Geoffrey's easement will be less welcoming to the public. Despite this limitation, the Geoffrey's easement still has merit. Instead of preventing public use, we would propose that the Geoffrey's easement be signed for public use appropriately. For example, smaller signs could be used on the stair and the entrance at PCH remain unsigned. This way some people, such as restaurant patrons, could still use the accessway but the majority of beach goers would use the more noticeably signed Sandtiff accessway. These sorts of arrangements will be finalized in the management plan.

We also appreciate that local residents may have safety concerns. The accessways will be locked at night in order to protect the privacy of the local residents. Accessways in other coastal communities are often open 24 hours a day, yet we are proposing to limit the public's night time use because this is a residential area.

Yours truly,

Brenda Buxton
Project Manager

27408 ESCONDIDO BEACH ROAD MALIBU CA 90265

MS BRENDA BUXTON
CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA. 94612-2530

VIA TELEFAX & U.S. MAIL

July 11 1995

Dear Ms Buxton,

We live at 27408 Escondido Beach Road in Malibu, and our house is only a few feet away from that hideous eyesore known as the "Seacliff stairway," which, by the bye, someone at the Coastal Commission once sheepishly admitted to us that they had compelled the Seacliff Association to build. Be that as it may, the news that this ill conceived accessway might soon be open to the public causes us grave anxiety as it appears that several IMPORTANT SAFETY issues have been utterly overlooked:

1) The heavy rains of 1994-1995 have caused such severe erosion to the cliffside behind our house and behind the stairway itself, that the entire stability of the hill is now in serious question. The problem is both extensive and of such a serious nature that motoring access to our house is still prevented by the presence of a huge landslide on Escondido Beach road caused by bedrock failure. At present, a costly overall remedial plan is being examined by all the parties involved. Compounding the problem, the outer "shaft" of the stairway channels debris and mud onto our property.

At the present juncture, THE ULTIMATE SAFETY OF THE STAIRWAY AND OF THE HOUSES IS IN QUESTION.

2) Immediately adjoining the stairway in a westerly direction lies a wild area of chapparal brush, eucalyptus trees and other native plants that host a wealth of undisturbed wild life including rare birds and insects.
Furthermore are you not aware of the fact that the whole area in question is a CHUMASH burial ground and is not without interest on both sacred and archeological grounds?

3) An augmentation of traffic down these stairs and onto Escondido Beach carries with it the considerably increased risks of ACCIDENTAL FIRE. A casually tossed cigarette butt could very easily start a devastating fire. Such a fire starting west of us and fanned by an omnipresent westerly breeze would swiftly engulf our wooden house, and our precious collections, spread to a gigantic eucalyptus tree in front of our house burn up the cliff to the "Holiday House" condominiums and Geoffreys' restaurant while, of

course, devastating our neighbors houses along Escondido Beach road, which, by the way, due to its narrowness has been described by firefighters as "an absolute nightmare."

4) On the other hand, has the safety of the public been considered? Pacific Coast Highway has claimed several pedestrian victims over recent years, including a child killed while attempting to cross the road at that very location which is "a blind hill" Parking spaces are virtually non-existent.

5) The Stairway itself is very steep and treacherous especially when wet.

6) Has the safety of the residents been considered? Our property lies exposed and unprotected from possible trespasses, vandalism and worse. We wish to go on record that we will not hesitate to use our considerable resources to hold to account those in authority who fail to prevent such easily foreseeable future problems if such an unwise course is adopted without our objections being properly addressed.

7) In conclusion, we should like to appeal to you to reconsider and would like to remind you that PUBLIC ACCESS to Escondido Beach is already AVAILABLE at the entrance of our road, that it is easier and much safer. People walk down from there and often find quiet places to spend the day near our house and we don't mind that at all, on the contrary. But if hordes of rowdy people were to come down that stairway: EVERYBODY WOULD LOSE!

Sincerely,

H.H. PRINCE STANISLAS KLOSSOWSKI de ROLA

RECEIVED
JUL 18 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

Charles H. Stern
27352 Escondido Beach Road
Malibu, CA 90265
June 19, 1995

Brenda Buxton
California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612
VIA FAX: 510-286-0470

Dear Brenda:

Today's *Los Angeles Times* detailed the losing position for the Santa Monica Mountains Conservancy with the Streisand Estate.

How can they be expected to take over costs of an easement when they are doing so poorly with the Streisand Estate which was donated in 1993?

Sincerely,

Charles Stern

Charles H. Stern

CHS:mh
Enclosure

# The Holiday House Homeowner Association

June 19, 1995

California State Coastal Conservancy
1330 Broadway
Suite 1100
Oakland, CA 94612

Attention: Brenda Paxton
Re: Meeting 06/21/95

We are responding to item IX in the Tentative Agenda of the Meeting Notice for Wednesday, June 21, 1995 at the State Capitol, Room 113 in Sacramento California.

We hereby lodge our opposition to the proposed opening of the easement at 27400 Pacific Coast Highway, Malibu CA 90265, for public access across the existing restaurant parking lot.

We believe that by opening the easement it will cause unnecessary congestion on the Pacific Coast Highway in close vicinity to the restaurant and condo units. We also believe it will add an increased security risk in terms of both visibility awareness and increased access to potential intruders. Please note that there is a sea cliff access way currently under construction approximately 100 yards north of our property.

Sincerely,

Jens Holst
Holiday House Homeowner Association

JH/cgv

cc: Paul Morrow
William Mudd
Charles Stern

27400 Pacific Coast Highway ~ Malibu ~ California ~ 90265

SEYMOUR MORROW, D.D.S.
27400 PACIFIC COAST HIGHWAY #9.
MALIBU, CA 90265.

June 19, 1995

California State Coastal Conservancy
1330 Broadway
Suite # 1100
Oakland, CA 94612

Attention: Brenda Paxton
Re: Meeting 6/21/95
Item IX , Tentative Agenda

We are very much opposed to item # IX in the Tentative Agenda of the Meeting Notice for Wednesday, June 21, 1995 at the State Capitol, Room 113 in Sacramento, California. This relates to the proposed opening of the easement at 27400 Pacific Coast Highway, Malibu CA. 90265, for public access in front of the restaurant parking lot.

The location in question on Pacific Coast Highway is 1/3 rd of the way down a moderate hill; when traveling in a south eastern direction (toward Santa Monica) with virtually no visibility until you get to the top of the hill, about 200 yards east from the proposed crossing.. Most people would be parking across the coast highway because there is very limited beach parking on the beach side of the highway. **The majority of the automobiles are travelling at least 60 miles per hour when they reach the top of the hill and it would be very difficult to stop for the pedestrians in time under these conditions. There is no stop light or traffic signal for about 1/2 mile to the west and about three miles to the east.**

We have owned condominiums at 27400 Pacific Coast Highway, just west of the restaurant, since 1979. That stretch of the highway is like a freeway and there have been numerous accidents and some deaths in that exact spot. There is already an approved public beach access about 200 yards west from the one currently proposed at the entrance to the restaurant parking lot. The existing access(actually not in use as yet), just to the west of our condominiums is **also extremely dangerous because of the speed the cars are traveling and the poor visibility on the hill.**

It appears that the only way that would be safe would be if a signal were to be placed in that area.. It is my understanding that Cal Trans has refused to permit the signal and that they are opposed to the public access due to the traffic hazards in the area. If the access is approved, after the first death, you can be sure that most of the residents in the area would be testifying that the Conservancy was warned ahead of time

Please do what you can to stop this very dangerous and unnecessary public access from being approved by the Coastal Conservancy.

Sincerely,

Seymour Morrow #9

SEYMOUR MORROW, UNIT #9

Paul Morrow

PAUL MORROW, UNIT # 4

**Geoffrey's/Malibu**
**A Taste of the World**

*June 20, 1995*
*via fax: 510 286-0470*

*Brenda Buxton*
*California Conservancy*
*1330 Broadway, Suite 1100*
*Oakland, CA 94612*

*Dear Ms. Buxton,*

*I am writing regarding the proposed easement to allow public beach access at 27400 Pacific Coast Highway.*

*Geoffrey's is a restaurant situated at that address. We feel that the proposed easement is very dangerous to the public and would cause several potentially serious problems for them and us:*

*The public would be required to park on Pacific Coast Highway on a very dangerous hill. Oncoming traffic comes over the hill and down toward the restaurant and would not be able to see pedestrians trying to run across the highway. Cars parked on the beach side of the highway would be on the edge of a steep hill which drops sharply several stories. Children exiting automobiles on the passenger side would do so to a very dangerous cliff. People walking uphill towards the access would have to do so either between traffic and parked automobiles or on the edge of the cliff. Once they reach the top of our driveway, they would have to walk down a steep incline and across our parking lot, which is rather small and is constantly busy with cars coming and going from the restaurant. I do not see any safe way for people to access the beach in this way.*

*Also, we are the only public restrooms in the area, and are very concerned about overuse of our limited septic system and very small bathrooms, not to mention the congestion caused by cars trying to use our parking lot for beach access or restroom use.*

*I hope this helps to clarify what we consider to be a very inappropriate site for a public beach access. Please feel free to contact me if I can be of assistance.*

*Sincerely,*

Chris Schaefer

*Chris Schaefer*
*General Manager*



27400 Pacific Coast Highway Malibu, CA 90265 (310) 457-1519 FAX (310) 458-6161

Albert H. Gersten

15760 VENTURA BOULEVARD · SUITE 828
ENCINO, CALIFORNIA 91436
(818) 981-2700

RECEIVED
JUN 23 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF

**CERTIFIED MAIL**
**RETURN RECEIPT REQUESTED**

June 21, 1995

Mr. Michael L. Fischer
Executive Officer
California State Coastal Conservancy
1330 Broadway #1100
Oakland, CA 94612-2530

Dear Mr. Fischer:

This will confirm our understanding as a result of my telephone conversation with you, and a subsequent telephone conversation made to my office by Mr. Mark Bailor.

Yesterday, Tuesday, June 20, 1995, I telephoned to inform you that I had received by mail, Monday, June 19, 1995, at approximately 3:00 PM, notice of the pending action that was to be heard at 10:00 AM, Wednesday, June 21, 1995. I requested a postponement at that time in that the notice did not give me or the other homeowners the opportunity to properly respond and/or be in attendance at the Conservancy hearing. You understood the problem and took it under advisement with your counsel. Subsequently, yesterday afternoon, Tuesday, June 20, 1995, my office received a call from Mr. Mark Bailor to inform me that the matter regarding public access on Escondido Beach would be postponed to the Conservancy's September meeting and that proper notice would advance that hearing.

Thank you for your prompt attention to this matter, and of course I will be in touch with you and your members regarding my feelings on this issue.

Sincerely,

Albert H. Gersten, Jr.



AHG/hlz

TO: BRENDA BUXTON MARK TAYLOR FAX 510-286-0470

FROM: MOLLY AND JOE NOVAK FAX 310-278-5783

RE: EASEMENT AT ESCONDIDO BEACH
DATE: JUNE 26, 1985

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It is our understanding that the discussion on additional Easement has been postponed.

We are strongly OPPOSED to additional Easement opportunities...The existing easement at the entrance to the road allows ample opportunity for surfers, sun bathers, childrens camps etc.

To invite more people in would be encouraging traffic and parking problems that risks public safety. We feel the State Coastal Conservancy would be responsible for endangering human life and would need to account for extra budget to secure the public safety.
We thank you for your consideration.

sincerely
Molly Novak
MOLLY AND JOE NOVAK
27222 PACIFIC COAST HWY ESCONDIDO BEACH
MALIBU ,CAL.

RECEIVED
JUN 29 1995
STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, *Governor*

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

July 19, 1995

Mr. John Denton
Ms. Isabel Denton
John Denton and Associates
4253 Panamint St
Los Angeles CA 90065

Dear Mr. and Ms. Denton:

Thank you for your letter of July 14, 1995 regarding the proposed parking lot near the intersection of Malibu Cove Colony Drive and Pacific Coast Highway. A copy of your letter will be forwarded to our Board.

First, let me take this opportunity to clear up some misunderstandings. This is a proposal by several Escondido Beach property owners to exchange a Coastal Conservancy-held public access easement that traverses their property for a parking lot in an alternative location. This proposal has nothing to do with pending or future building permit applications before the City of Malibu or the Coastal Commission. The City of Malibu is not involved with this proposal and I furnished Joyce Parker-Bozylinski, Malibu Planning Director, a copy of this preliminary drawing for information purposes only.

The Coastal Conservancy is not considering authorizing this exchange at this time. All that has occurred are some preliminary discussions between the property owners and Conservancy staff regarding this proposal. The decision to either construct the existing public access easement or to go forward with this exchange would be the subject of a possible future Conservancy Board action and subject to approval by the California Coastal Commission. You will be notified if this exchange does go to our Board for approval.

Before the Coastal Conservancy would agree to exchange its public access easement for this parking lot many questions would have to be answered. I am aware that this area is geologically unstable; the project proponents would have to demonstrate that the parking area can be safely built before the Conservancy

would agree to this exchange. Furthermore, the project proponents would be obliged to secure all permits, such as an encroachment permit from CalTrans, and approvals required by CC&Rs or deed restrictions.

Yours truly,

Brenda Buxton

Brenda Buxton
Project Manager

**EXHIBIT K**

**Staff letter responding to questions**

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470

September 7, 1995

The Honorable Jo An House
City of Malibu
23555 Civic Center Way
Malibu CA 90265-4865

Dear Mayor House:

Thank you for hosting the August 10, 1995 meeting and allowing me to hear concerns of the local community. Malibu residents certainly are concerned about the issues affecting their community, especially a controversial issue like public access.

This letter responds to several of the questions that you asked at the meeting. This letter may not answer every question presented at the meeting, but I hope it addresses some of your major concerns. Once I have the list of questions from Joyce Parker-Bozylinski, I will be able to respond further.

1. Have you considered traffic flows and hazards represented by PCH?

Yes. We have reviewed accident reports furnished by Caltrans and traffic reports prepared in the early '90's for the Seacliff property owners. We are aware that cars speed in this area and that it is difficult for pedestrians to cross.

However, for beachgoers who drive to these accessways, oceanside, on-street parking is permitted immediately adjacent to the downcoast (east) side of the Geoffrey's restaurant property and 176 yards upcoast (west) of the Seacliff stairway (and in this area people have an extensive view of traffic). This will minimize the necessity for parking on the inland side of PCH. In addition, there will be parking for 2 cars provided adjacent to the Seacliff accessway.

Since these accessways and the on-street parking will be free, beachgoers will not have a financial incentive to park on the inland side of the highway. This is in contrast to other areas of Malibu were beachgoers park on the inland side to avoid paying fees at oceanside parking lots.

Local inland residents (the most likely users of these accessways) already must cross the highway to get to the beach. The opening of these accessways will not increase the hazards these people face. Rather, it will offer them more numerous and convenient ways to reach the beach.

Other safety issues, such as construction, sun glare, and landslides, represent hazards that, unfortunately, are not unique to this site. While we have taken these points into consideration, they do not seem severe enough to merit prohibition of coastal access in this case.

2. How will maintenance be performed?

The Mountains Recreation and Conservation Authority will perform the maintenance, under an interagency agreement with the State Coastal Conservancy. We are currently drafting the management agreement. Maintenance costs will be reimbursed from the Coastal Commission's Malibu Beach Access Fund but it will be the Conservancy's responsibility to monitor the MRCA's performance.

Maintenance responsibilities will include daily opening and closing of gates, weekly trash pick up, repairs as needed, quarterly inspections of stairs, foundations, pilings, etc., ranger services on an on-call basis, and monthly cleaning. The frequency of these tasks can be adjusted as needed.

Restroom facilities are not proposed as part of this project due to space constraints. Nor do we have the right to put in restrooms under the terms of the Offers-to-Dedicate. This will limit the appeal of these accessways to people who do not live locally.

A local resident recently suggested that there may be room for a restroom (i.e. a suitably screened portable toilet) at the existing access at Escondido Creek. Is this agreeable to local residents? If so, I would be happy to pursue this with Los Angeles County (the owner and operator of this accessway).

3. What about property owners' liability?

At the present time, the Escondido Beach property owners are protected from liability by Civic Code Section 846, known as the Recreational Use Statute. This statute was intended to relieve private property owners from liability for injuries sustained by people who use their land, free of charge, for recreational purposes. There are exceptions, but they likely would not apply in this situation. I will refer you to the enclosed booklet for more information on this statute. Unfortunately, in this litigious society, this does not mean that the local residents cannot be sued. These protections do mean that the likelihood of someone winning such a suit is considerably lessened.

Once the easements are accepted, responsibility for their use goes to the easement holder. The Conservancy and the MRCA, as the easement holder and operator, will be the most likely targets of any legal action arising from use of these easements. The Conservancy and the MRCA have the immunities that apply to government agencies under Government Code Sections 831.2, 831.4 and 831.7.

4. Have you considered the geology of site?

Geological analysis is usually not part of our review of Offers-to-Dedicate unless construction is required to open the OTD. Since two of the Escondido Beach accessways, already built and used by adjacent homeowners, were part of a permit review that included the construction of residences, we have determined that further geological analysis would be repetitive and unnecessary. For the Chiate/Wildman accessway however, a geological analysis would be part of the construction feasibility analysis.

The Conservancy and the MRCA realize that there has been a slide between the Geoffrey's easement and the Seacliff easement. The accessways appear to be undamaged at this time but the MRCA will perform quarterly inspections of the pilings, foundations, etc. as part of its maintenance agreement with the Conservancy. Any noted hazards or damage will be immediately corrected or the accessways will be closed until repairs can be made.

5. Have you considered the quality of the beach experience and carrying capacity of the beach?

Determining the carrying capacity of a beach is inherently subjective -- one person's packed, overcrowded beach is another person's fun place to see and be seen. Different people will have a very different notions of what makes up a quality beach experience and when a beach has reached its "carrying capacity".

There are, however, several goals in coastal planning. One is to have numerous accessways along a beach so that people spread out and do not overburden or concentrate in one area, as they presently do at Escondido Creek. Without additional accessways, beachgoers will continue to avoid the middle part of the beach because they have to trudge long distances over the sand, negotiate seawalls or a flooding creek, or pay $15 at Paradise Cove.

Another goal is to provide beachgoers with a variety of experiences. Escondido Beach offers visitors a different beach experience than that offered at Zuma, for example, but the trade-off for a less crowded beach will be a lower level of services.

I hope this responds to some of your concerns. Please let me know at 510-286-1015 if you have additional questions or would like to discuss the Conservancy' s project further.

Sincerely,

Brenda Buxton

Brenda Buxton
Project Manager

cc: Mayor Pro Tem John Harlow
Councilmember Carolyn Van Horn
Barbara Cameron
Joyce Parker-Bozylinski