STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, *Governor*

CALIFORNIA STATE COASTAL CONSERVANCY
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Robert Joseph
California Coastal Commission
South Coast Area
245 West Broadway, Suite 380
Long Beach, California 90802

Dear Mr. Joseph:

The State Coastal Conservancy staff generally supports your staff's recommendation regarding the amendment of Coastal Development Permit No. 5-81-35 for a single family house located at 27920 Pacific Coast Highway. We understand that the amendment would involve relocating the driveway onto the recorded vertical access easement and a lot line adjustment involving property to the East at 27910 Pacific Coast Highway. We are further advised that the applicant will request that the item be continued to the Commission's July meeting. However, we would like to take this opportunity to state our concerns and to make an additional suggestion regarding the proposed conditions of approval.

As you know, both the vertical access easement and an easement for public parking were required to be dedicated as conditions of the original permit. On July 11, 1982, the Coastal Conservancy authorized the acceptance of both easements, and a Certificate of Acceptance of the vertical easement was recorded by the Conservancy in January of 1983. It became apparent thereafter that both easement areas are blocked along Pacific Coast Highway by fencing, landscaping, and a private driveway, making public use of the easements impossible. Pending the resolution of these violations, the Conservancy has deferred recordation of a certificate of acceptance of the parking easement dedication, and has advised the current property owner, Donahue Wildman (co-applicant on this permit), of the need to correct these violations.

In 1986, representatives of Mr. Wildman proposed to realign the driveway and remove other obstructions to the easements in conjunction with a relocation of the vertical access easement to the boundary between these parcels. We have no objection to this solution, only upon condition that the existing violations be corrected.

As noted in the staff recommendation, the driveway shown on the recorded Certificate of Compliance, and associated improvements, are inconsistent with the requirements of the permit condition and use of

the easements. Your enforcement staff investigated the site in June of 1985 and reached the same conclusion.

Inasmuch as the present application concerns a lot line adjustment as well as relocation of the driveway, we believe it appropriate that the requested amendment be granted by your commission only upon condition that the existing violations to prior conditions, and to the easements, be corrected. This remedial action could be affected by requiring the obstructions to be removed from the easement areas, and/or by relocation of the vertical easement to the driveway at 27920 Pacific Coast Highway or other location mutually agreeable to the Commission, the Conservancy, and affected property owners. In this regard, we support SPECIAL CONDITIONS 1 and 3, as set forth in the staff recommendation, but suggest that the following additional language be added to Special Condition 1:

> With the agreement of the Coastal Conservancy and the co-applicant, the Executive Director [of the Coastal Commission] may approve a relocation of the easement in lieu of a new configuration of the structures, provided that the relocated easement provides public access substantially equivalent, in the opinion of the Executive Director, to that provided under the original permit requirements.

We believe this additional language would provide affected parties with the additional flexibility which may be necessary to resolve the current situation. We understand that the applicants may propose some alternative conditions to correct the easement violations. We would like to be advised of any such alternative, and assume that the Commission will approve any alternative affecting the interests of the Conservancy only subject to Conservancy approval.

With respect to the substance of the amendment, we have no objection to relocation of the driveway onto the vertical access easement which is held by the Conservancy, provided that no impediments to public use of the accessway are thereby created. No development should be approved which would prevent the development of the required parking lot and vertical accessway on the subject properties.

The Coastal Conservancy has acted to accept easements required by your Commission and intends to complete that action, and ultimately open the easements for public use, pending a satisfactory resolution of the situation. We are willing to work with the property owners to devise the least burdensome solution consistent with the rights of the public to obtain access to the coast. We hope we can count upon your assistance and cooperation to assure that these rights of public use, which have been determined by you to be essential to the consistency of this development with the Coastal Act, and through the dedication of

which the applicant has obtained the benefits of development, be preserved for future use.

Should you desire further information, please contact Peter Brand or Marcia Grimm of my staff.

Very truly yours,

Peter Grenell
Executive Officer

cc: Jonathan Horne, Law Office of Sherman L. Stacey
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