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WRITERS DIRECT DIAL NUMBER

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July 11, 1990

California Coastal Commission
631 Howard Street
4th Floor
San Francisco, California 94105

Re: Application No. 5-89-1197 (Edwards)
(Formerly Black-Tor)

Gentlemen:

I am currently in New York and write in response to the above-application. I respectfully request that the hearing (about which I learned on July 9) be postponed until I receive proper notice of the application and hearing, and have an opportunity to explore with the Coastal Commission and applicant an alternative approach to providing access to the beach area involved in this application.

PROPER NOTICE NOT RECEIVED BY ME

Since September 25, 1989, when the deed was recorded, I have been the general partner of a limited partnership which owns the adjacent parcel (to the east) at 27930 PCH. I also own the property adjacent to that one, 27920 PCH. I have not received a copy of the Coastal Commission application for this sub-division, nor any of the correspondence between the applicant and the commission. On July 9 my office received the staff report and notice of the hearing scheduled for July 12, 1990. (It was mailed July 6, 1990.) Unfortunately, I am in New York and unable to attend the scheduled hearing. Obviously, it does neither the applicant nor the Commission any benefit to approve this application in the absence of adequate notice to me as the adjacent property owner. This is particularly so since the current application so directly affects my property at 27920 PCH.

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ADJACENT PARCEL

More than ten years ago the Coastal Commission approved my sub-division of a 5.3 acre parcel into two parcels of 2.6 and 2.7 acres each on the parcel adjacent (to the east) of the applicant's property. As a condition of granting the sub-division, the staff required an offer of dedication of a vertical easement for public pedestrian access. There were extensive negotiations concerning the exact location of the easement. Ultimately it was recorded in the exact location desired by the Coastal Commission. The location was contrary to where we wanted the easement, was impractical then and is still impractical, if not impossible. Since that time, at least three separate studies of the easement have been undertaken by various agencies to consider a possible design of the pedestrian access. One study was undertaken by P.O.D. on behalf of the Mountains Restoration Trust in 1983. It resulted in the conclusion the dedicated easement posed so many privacy, security and feasibility problems that an alternative and less environmentally disruptive easement should be sought. Other studies have reached the same conclusion. More recently, at the request of applicant's attorney and the Coastal Commission, the Coastal Conservancy arranged for a landscape architect to study the easement and estimate the cost to open it. (No opinion was sought as to the feasibility or desirability of the easement!) The cost, including construction of a long swinging bridge across a 100 foot ravine was estimated to be in excess of \$400,000. The easement would be nearly 1000 feet long, pose security and privacy problems, be impractical and would likely be unacceptable to any agency for ongoing maintenance and supervision responsibility.

REASONS FOR CONTINUING HEARING

The hearing on this matter should be continued for several reasons:

(1) Inadequate notice of the application and the hearing. Any action on July 12 would be reversible and a waste of everyone's time and effort.

(2) Since there is no actual, open, operating or feasible access within 2000 feet of the subject parcel, public access is required by LUP P51 for the subject property and can't be waived unless an alternative available and existing developed access way can be shown to exist. As of now, there is no viable alternative access way.

(3) Even assuming the offer to dedicate on 27920 PCH (which is the focus of applicants' cost estimate) was lawfully demanded by the Coastal Commission initially, it can not be developed or opened as presently configured. There is nothing that gives the Coastal Conservancy, Mountains Restorations Trust, Coastal Commission or the Applicant the right to bring onto the affected properties bulldozers and drilling equipment necessary to erect and construct a lengthy swinging bridge in the middle of the dedicated easement; nor would any such improved easement ever be acceptable to any public agency. The liability would be enormous and the benefits not worth the cost.

(4) The amount proposed to be paid by applicant is far from sufficient to construct the improvement necessary to open the easement at 27920 PCH, even if it were feasible, environmentally acceptable, authorized by the offer to dedicate or lawfully demanded initially.

SUGGESTION

The undersigned respectfully suggests that the hearing on the subject application be postponed for at least sixty (60) days. During that time, the undersigned will meet with members of the Coastal Commission, Mountains Restoration Trust, Coastal Conservancy and applicant and will work toward a mutually agreeable alternative to what has been proposed by applicant. For example, it makes considerably more sense for the applicant's contribution to be used in conjunction with a contribution to be made by the undersigned (and perhaps others) to achieve a fund sufficient to enforce and open up another more feasible easement. For example, a fund of \$500,000 could likely be raised and would provide sufficient money to:

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(1) Employ private legal counsel to enforce existing offers to dedicate where obstacles have been created to the opening of easements;

(2) Construct improvement for necessary accessways (where permitted by the offers to dedicate); and

(3) Purchase an annuity providing for monthly payments for ten to fifteen years to assure funds necessary to maintain and keep open the accessway.

The undersigned has proposed the foregoing approach to members of the Coastal Conservancy and representatives of the applicant. Regrettably, no one has yet taken a leadership role in getting all the involved parties together, and thus nothing has yet been accomplished. However, the undersigned is anxious to contribute his fair share of a fund necessary to accomplish the above, in return for eliminating the existing unusable easement on his property at 27920 Pacific Coast Highway, and will actively pursue such efforts if there is sufficient inclination on behalf of the parties involved.

In any event, the undersigned respectfully requests that the hearing in this matter be continued for at least sixty (60) days.

Very truly yours,

[DICTATED ONLY]

Kenneth R. Chiate

cc: Roger S. Wolk
Don Wildman