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STATE COASTAL CONSERVANCY
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May 2, 1991

Peter Grenell
Executive Officer
California State Coastal Conservancy
1330 Broadway
Suite 1100
Oakland, California 94612

Re: Chiate/Wildman Easements
27910-27920 Pacific Coast Highway, Malibu, CA

Dear Mr. Grenell:

I am extremely pleased to propose a feasible program to achieve our collective objective of promoting appropriate public access to Escondido Beach. Since our last meeting Roger Wolk, Ken Chiate and I have scoured the Escondido Beach area attempting to locate a suitable location for developing a five car parking facility proximate to Escondido Beach. As you are aware, this area includes some of the most expensive and highly built out real estate in the world. There is extremely little vacant, developable property that would be economically feasible for development. Any vacant parcel even remotely buildable will cost in excess of \$1,000,000.

After a considerable search we were extremely fortunate to locate a situation which is well suited to the Conservancy's needs. The proposed site (the "Site") is located approximately 200 yards upcoast from Escondido Beach and across Pacific Coast Highway proximate to a coastal accessway commonly known as the Mintz easement. We have previously provided Brenda with a map and photographs further identifying the Site. The Site is approximately 120 feet long and 25 feet wide. The owners have offered to sell us an easement in perpetuity over the Site for a cost of \$600,000.00.

The Site is predominantly flat but will require a degree of slope retention on the interior side. The Site is adjacent to the entry road to a subdivision project being constructed above the adjoining bluffs. Development of a parking facility at the Site will not present any potential public/private conflicts because no other residential or commercial development is situated near this site.

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After identifying the Site I met on two occasions with Tom Gildersleeve, Senior Transportation Engineer for CALTRANS in the Malibu area. Mr. Gildersleeve reviewed the site plan with his development and traffic safety engineers. Enclosed is my letter to Mr. Gildersleeve confirming the content of our discussion. Essentially the CALTRANS staff concluded they did not see any prohibitive problems in developing this site for public parking.

It is also significant to note Mr. Gildersleeve confirmed it is CALTRANS policy not to permit development in any area which is either (1) part of the existing CALTRANS right-of-way or (2) in an area designated for future street widening purposes. This fact is significant because it casts serious doubt on whether it would ever be possible to develop any parking on the Wildman parcel because the Conservancy's easement is located entirely within an area designated for future widening of PCH. I refer you to my letter dated September 11, 1990, which outlines in considerable detail the multitude of other significant obstacles to the development of these existing easements. See attached.

After meeting with CALTRANS I met with Los Angeles County Regional Planning Department staff to discuss zoning of the Site. The Site is zoned R-1-2,000. Development of a parking facility would require a Conditional Use Permit. Jene S. McKnight from LACRPD indicated the County would also have to conduct a zoning consistency study pursuant to Government Code Section 65402 prior to acquisition of the Site by a state agency. Mr. McKnight suggested either the Coastal Conservancy or the Los Angeles County Department of Beaches and Harbors could consolidate the zoning consistency and CUP procedures and process them on an expedited basis by making a direct request to James Hartell, the Director of Planning for LACRPD. Mr. McKnight indicated he thought it was likely LACRPD would approve the consolidated application. However by this date it is no longer clear how this process would be impacted by the recent incorporation of the City of Malibu.

I also confirmed with LACRPD that it would be impossible to acquire fee title to the Site because the Site does not constitute a separate legally recognized parcel. The Site does not meet the minimum lot size in this area and therefore no subdivision could be approved.

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LACRPD did confirm we could acquire and develop an easement over the Site without processing a subdivision map. In our prior communications your staff has indicated an easement in perpetuity would be adequate for the Conservancy's purposes.

As you are no doubt aware, on January 9, 1991, the Coastal Commission approved a \$50,000 grant to the Surfrider Foundation to operate and maintain the Mintz easement. At the March 19, 1991, Coastal Commission hearings, Madeline Glickfeld specifically addressed the public safety issues of locating parking across PCH from the Mintz easement. Ms. Glickfeld commented she was aware the Conservancy was negotiating with private parties to acquire some parking across PCH from the Mintz easement. Ms. Glickfeld indicated she was not a daredevil and yet did not feel it was unsafe to have beach users cross PCH at this location. The Coastal Commission unanimously agreed with her assessment. It is thus apparent the Coastal Commission is favorably inclined to approve our proposed settlement which will provide additional parking to service the Mintz easement and Escondido Beach.

Based upon the foregoing considerations it is now apparent the acquisition and development of the Site is feasible and now is the most advantageous time to proceed. Therefore, on behalf of Donahue Wildman, Dr. Roger Wolk and Kenneth R. Chiate (collectively the "Applicants"), we propose the following:

1. The Applicants propose to provide the Coastal Conservancy with a funding commitment sufficient to acquire and develop the Site for up to five parking spaces. If the Coastal Conservancy Board accepts the outline of this proposal, the Applicants will provide the Conservancy with an option or other form of contractual commitment for the purchase of an easement in perpetuity over the Site, a detailed budget for development of the five parking spaces and a commitment of funds sufficient to complete these two components of the project.

2. The foregoing offer is expressly contingent upon three critical conditions precedent:

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A. The Coastal Conservancy credits the Black Tor mitigation fees towards the total costs of the project as described in Section 1.

B. The Conservancy makes its best efforts to expedite all necessary conditions for the approval of the settlement proposal including prompt scheduling and approval by both the the Coastal Conservancy and the Coastal Commission. The reason for this is the seller of the Site cannot be expected to make the Site available indefinitely and we must implement this settlement within a reasonable period of time.

D. Upon receipt of the funding commitment from the Applicants, the Coastal Conservancy and the Coastal Commission would join in executing and recording the documents necessary to extinguish both the vertical access easement and parking easement located on the Wildman/Chiate parcels.

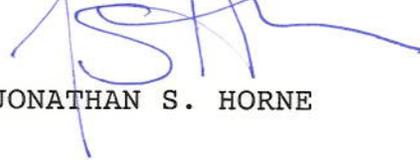
I sincerely believe the above represents a feasible manner of promoting public access to this portion of the underutilized Escondido Beach. I urge you to recommend approval of the proposal to your Board. I also urge you to explore the possibility of negotiating with the Mintz people to consolidate the two problematic parking spaces on their site with our proposed project to provide a total of seven parkings spaces at the Site. This would be a very logical and efficient way to resolve two related problems.

I will be available to meet with your staff or the Board in whatever manner you deem appropriate. I look forward to your response.

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Please feel free to call me if you have any questions.

Very truly yours,



JONATHAN S. HORNE

Enclosures

cc: Donahue Wildman
Kenneth R. Chiate
Roger Wolk, M.D.
Lee Marsh, Esq.
Burton S. Levinson, Esq.