

CALIFORNIA STATE COASTAL CONSERVANCY

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June 17, 1991

Mr. Jonathan S. Horne
309 Santa Monica Blvd., Suite 307
Santa Monica, CA 90401

Dear Mr. Horne:

I am responding to your correspondence of May 2, 1991 regarding the Chiate/Wildman easement in Malibu. I have reviewed your proposal and identified several issues that need to be addressed before a recommendation can be presented to the Conservancy's Board.

First, let me correct a potential misunderstanding. The purpose of the proposed parking area is to serve the already existing accessway at Escondido Creek, not the "Mintz" or Escondido Beach Accessway at 27400 Pacific Coast Highway (PCH) which the Conservancy will be opening in conjunction with the Surfrider Foundation. Although the proposed parking area is across the street from the "Mintz" easement, the Conservancy does not want to establish a parking area that requires beach users to cross Pacific Coast Highway for obvious safety reasons. For your proposal to serve as an acceptable substitute to the easements dedicated on the applicants properties, beach visitors must be able to access the shore by crossing underneath the creek bridge. Further, there should be a clearly delineated path connecting the parking area to the bridge and signs should be placed in the parking area directing the public this way. Whether or not any further development of the existing path to the bridge is necessary should be decided by the management agency. Finally, the path must be legally available to the public. I assume that the path would lie in the CalTrans right-of-way and so approvals from this agency will need to be secured.

Second, in your letter you state that the applicants propose to "provide funding" to acquire the site and build improvements. This is contrary to what was our understanding of the applicants' role in this project. Acceptance of your proposal would require the Conservancy to devote time and resources to construction of the proposed improvements which we are not prepared to do. We are willing to recommend termination of the Conservancy's easements over the Chiate/Wildman properties only in exchange for

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a completed project, which means that all the permits have been obtained, the necessary title or easements acquired, the improvements built, and a maintenance organization has taken responsibility for the project. We understand your desire to complete this project as soon as possible and are willing to further discuss the timing and structure of these arrangements.

This brings me to my last area of concern. Until recently, the Conservancy understood that Beaches and Harbors had tentatively agreed to perform operation and maintenance at the proposed site. Although we do not have a commitment from Beaches and Harbors to operate and maintain the project, we are currently discussing this with them and will inform you as soon as we receive a response. You probably realize, of course, that securing an operation and maintenance entity is a critical component of this project and if Beaches and Harbors does not agree to this, then we must secure another management agency before the Conservancy can agree to any proposal.

In summary, subject to the condition that Los Angeles Beaches and Harbors or another appropriate entity agrees to accept responsibility for operation and maintenance of the site, we would be willing to recommend that the Conservancy extinguish the vertical access and parking easements on the Chiate/Wildman properties, and release to the applicants mitigation funds paid to the Conservancy under Special Condition 1.b of the Edwards permit No. 5-89-1197 in exchange for the following:

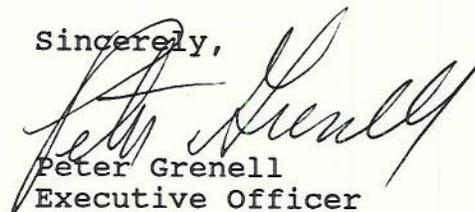
- (1) Conveyance to a public agency or nonprofit organization designated by the Conservancy of
 - a. an easement in perpetuity for public use of the site for parking; and
 - b. an easement for pedestrian access along PCH to Escondido Creek, unless evidence is provided, to the satisfaction of the Conservancy's Executive Officer, that the public currently has a legal right of access from the site to Escondido Creek; and
- (2) Construction of at least 5 parking spaces on the site, and of a clearly delineated path from the site to Escondido Creek, pursuant to plans and specifications approved by the Executive Officer and to all necessary regulatory permits and approvals.

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In order to present such a recommendation, it would also be necessary for my staff to review detailed cost information, as specified in my letter to Dr. Roger Wolk of December 20, 1990, a copy of which is enclosed.

I understand that Ms. Buxton and Mr. Reed Holderman are arranging a meeting with you and a representative of Los Angeles Beaches and Harbors during the last week of June or the first week of July to discuss the operation and maintenance of the site. If you have any questions before then, please contact Ms. Buxton at 415-464-1015.

Sincerely,



Peter Grenell
Executive Officer

cc: Peter Douglas, California Coastal Commission

PG/BB/bb