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September 16, 1991

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

Re: Escondido Beach Parking Lot
Chiate/Wolk/Wildman

Dear Brenda:

This letter sets forth the substance of our various discussions regarding the proposed Escondido Beach parking lot and includes the tasks remaining at hand.

1. Easements. The Conservancy will enter into a binding agreement with the private parties agreeing to extinguish the two easements upon completion of the parking lot. Our agreement must also provide for a commitment of the Black Tor funds and contingencies in the event we cannot obtain necessary approvals to develop the parking lot.

2. Permitting. David Saltman of the Surfrider Foundation has agreed that building permits can be sought in the Foundation's name which will ultimately be the title holder and operator for the parking lot. It would greatly facilitate matters if all requests for approval from Malibu and the Coastal Commission were also sought in the name of the Conservancy rather than the private parties.

3. Pathway. You discussed with Roger Wolk the need to clear a small pathway within the Caltrans right-of-way between the parking lot and the Escondido Creek bridge. I was a little surprised by this since there already exists a wide apron off PCH resulting from cars parking along the shoulder. Nonetheless, we are willing to provide whatever brush clearance is necessary provided we are in agreement this does not require development of any hardscape or any form of physical separation from PCH. Signage is not a problem. Tom Gildersleeve of Caltrans has already indicated that all Caltrans rights-of-way include the right of pedestrians to utilize their easements subject to public

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safety laws regarding usage. I will discuss with Mr. Gildersleeve what, if any, permits may be necessary for the brush clearance.

4. Escondido Creek Bridge. You suggested construction of a stairway at the bridge to ease public access to the ravine floor. I don't think this is a very good idea for several reasons. First, Caltrans has already made it very clear it will not prohibit public passage under the bridge but it will not do anything to encourage such use. I think it is highly unlikely Caltrans would ever permit the development of a public stairway down to the ravine. In fact, I would be concerned that making such an application could actually jeopardize the project by focusing attention on our intent to direct the public under the bridge. Tom Gildersleeve basically counseled us to not involve Caltrans any more than is absolutely necessary in this project. I agree with Tom's assessment.

Second, there is an existing pathway down to the ravine floor which adds barely 15 seconds to the route from the parking lot to the beach. I see no reason to believe the existing pathway will be closed off. The pathway is being maintained so a large number of pedestrians from a variety of places could have access to the beach. There has never been any attempt to regulate who uses this pathway and practically speaking it would be impossible to do so. This is not going to change. Third, even though the existing pathway passes over private property the public has passed over that path for many years and may well have acquired prescriptive rights to continue such usage. The additional increment of use resulting from the parking lot will be minimal in relation to the number of existing users. I see little risk this accessway will ever be cut off.

5. Surfrider Foundation. I met last week with David Saltman who is having our proposed operating agreement reviewed by his legal staff. Your staff has previously reviewed and approved the agreement. David sees no problem with the Foundation taking over and operating the parking lot. I will forward a copy of the executed contract to you when I receive it.

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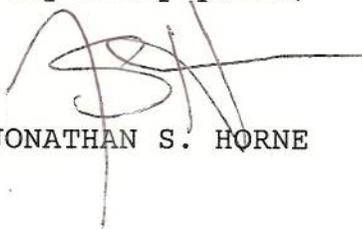
6. Mintz Parking. We have previously discussed the possibility of having the Mintz people contribute to having their two parking spaces added to our project for a total of seven parking spaces. This concept makes sense since it consolidates the operation and maintenance of the spaces at a single location and incorporates the economy of scale in development. Unless I hear otherwise I will assume this concept is still acceptable to the Conservancy.

7. Alternate Site. Roger Wolk shared with you the possibility of obtaining a site for the 5 or 7 parking spaces on the seaward side of PCH. We are continuing to explore this possibility and must determine whether the proposed site is buildable. As soon as we determine the feasibility I will contact you.

In light of the above, you should be able to go to your Board with a favorable recommendation of our proposed settlement once you receive clarification regarding the brush clearance and an executed copy of the operating agreement. As we discussed, you will require 4-5 weeks lead time before the matter can be considered by your board. I am confident we will clear the two remaining matters up within the next couple of weeks so PLEASE go ahead and schedule this matter for the next possible Board meeting. Time is very much of the essence because we cannot expect this particular parcel to remain available indefinitely.

I look forward to hearing from you.

Very truly yours,



JONATHAN S. HORNE

cc: Lee Marsh, Esq.
Roger Wolk

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