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March 28, 2000

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VIA FACSIMILE

Gary Hernandez, Esq., Chair
California Coastal Conservancy
Sonnenschein Nath & Rosenthal
685 Market Street, 6th
San Francisco, California 94105

Dear Gary:

Re: Chiate/Wildman Easement, 27910-27920 Pacific Coast Highway

In response to your request, I am pleased to provide a brief outline of the history and status of the coastal access easement at the Chiate/Wildman property referenced above.

It is our understanding that the Coastal Conservancy staff is about to recommend the development of a beach access easement at the above address despite major questions about its feasibility and despite the owners' efforts to honor a good faith agreement to facilitate development of nearby coastal access as an alternative.

Three homeowners in Malibu would be affected by development of an easement across their properties from Pacific Coast Highway to the beach. The easement, granted as a condition of development in 1980-81, would create a few parking spaces along a busy and dangerous part of PCH and a perilous set of suspended walkways and many steps along the side of a steep, crumbling ravine, leading to a narrow beach in front of the homes. The ravine is sufficiently impassable that all three homes have access to the beach through an easement across a neighboring property to the north.

PAUL HASTINGS, JANOFSKY & WALKER LLP

Gary Hernandez, Esq., Chair
California Coastal Conservancy
March 28, 2000
Page 2

For over ten years the owners of these homes have negotiated in good faith with the Coastal Conservancy and Coastal Commission to extinguish these easements in return for payments that would be used for development of existing nearby beaches at Escondido Beach or Dan Blocker Beach. The last such agreement required a payment of \$987,000 that would be dedicated for this purpose.

Each time an agreement has been reached, staff has eventually derailed it in favor of proceeding with development of the easement. A staff report in December 1998 opined that the easement could be developed for a maximum of \$600,000, a conclusion which the homeowners believe ignores significant resource protection and public health and safety issues, not to mention the policy choice of whether this is the best approach to beach access for the general public. Although the homeowners do not have specific information about the Conservancy's present plans, they fear that staff is again developing a proposal to implement the easement.

The proposed easement development would:

- Be 1100 feet long, built within a ten foot wide strip of land, and built on the steep sidewall of a 40' deep ravine that the Conservancy has described as "highly erodable." The easement would entail suspended metal walkways and steep steps in getting to the beach. The beach easement is only 25' wide.
- Be accessible only to 6 automobiles at any one time, given a lack of parking anywhere nearby except at the parking spots created by the easement.
- Have no public amenities (e.g. bathrooms), lifeguards, or other public investment.
- Sharply limit the privacy of the occupants of the homes.

At a time when significant segments of the general public have limited practical access to Los Angeles County beaches (whether State or County owned or operated), either because of lack of transportation resources or because of individual needs for beaches with public facilities, the choice to develop this easement is questionable. When the owners of the affected property are willing to provide substantial resources to develop alternative access plans, whether at Dan Blocker State Beach, Escondido Beach, or in the form of dedicated transportation resources, the choice of easement development is even more questionable.

In addition, we have learned that the Resources Agency and/or Coastal Commission is currently moving forward with similar proposals from area property owners to extinguish easements in exchange for assistance with the development of nearby coastal access. Thus, there appears to be support for what our clients are proposing.

We would appreciate the opportunity to discuss these issues more fully with Conservancy members, and would be pleased to show members and staff the property in question. I have

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Gary Hernandez, Esq., Chair
California Coastal Conservancy

March 28, 2000

Page 3

contacted your assistant to set up a time when we can meet. For your review and comment, I will forward a copy of the feasibility study prepared for the Conservancy under separate cover. Please contact me should you have any additional questions.

Very truly yours,



David J. Frommer

For PAUL, HASTINGS, JANOFSKY & WALKER LLP

DJF:bjs

cc: Philip N. Feder, Esq.
Peter H. Weiner, Esq.
Alan J. Abshez, Esq.
Jonathan Horn, Esq.