

CALIFORNIA COASTAL COMMISSION

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VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



VIA CERTIFIED AND REGULAR MAIL

April 27, 2007

Warren M. Lent
150 N. Robertson Blvd, Suite 140
Beverly Hills, CA 90211-2143

Subject: Notice of Coastal Act Violation No. V-4-02-058: Failure to comply with permit conditions

**Property Location: 20802 Pacific Coast Highway, Malibu, Los Angeles County
APN 4450-007-027**

Dear Mr. Lent:

I am writing to you today regarding your property at 20802 Pacific Coast Highway in Malibu, Los Angeles County. (APN 4450-007-027). The California Coastal Commission granted the original coastal development permit (permit # 421-78) to build a residence at that site in 1979. The property is within the Coastal Zone and subject to the California Coastal Act (Public Resources Code sections 30000, *et seq.*).

The conditions of approval for the coastal development permit are binding on the property, and on all current and future owners of the residence constructed on the property noted above. In consideration of the Commission issuing the permit, the permit required recordation of an offer to dedicate a vertical easement, for the purpose of providing public pedestrian access from Pacific Coast Highway to the mean high tide line. Additionally, the permit included provisions for the recordation of an offer to dedicate a lateral easement for the purposes of public access and recreation along the shoreline located adjacent to the mean high tide line extending 25 feet inland from the current high water mark, but not closer than five feet to the residence. These offers to dedicate (or OTDs) were recorded in the chain of title for this property on July 16, 1980, and they were subsequently accepted by the State Coastal Conservancy on November 17, 1982, on behalf of the State of California, and formally became legal easements. The Conservancy's acceptances were recorded against the property on December 29, 1982. Thus, easements were in place and recorded against the property when you purchased it in 2002.

These two easements allowing public coastal access are requirements of the coastal development permit for your property and they run with the land. Any failure at any time to meet the requirements of the permit for your property would constitute a violation of the California Coastal Act.

The focus of this letter is the vertical easement, which is obstructed by the presence of a white metal fence and gate, vegetation, planters, a mailbox, and a deck area, all of which appear to be inconsistent with the permit condition and purpose of an easement for public access. In addition, no separate permit was ever granted for this additional development. I have attached a

copy of the original permit conditions and easement description for your reference. These were also recorded in the chain of title for this property. In 1993 the Conservancy, as holder of the easements, sent a letter to a previous owner of the subject property asking that the gate blocking the easement be removed or that permission to keep the gate be obtained. It has recently come to the attention of the Commission that access remains blocked.

Special Condition #5 of the original permit requires:

"The applicant shall execute and record a document...irrevocably offering to dedicate to a public agency or private association...an easement for public access to the shoreline. Such easement shall be free of prior liens and encumbrances except tax liens. The easement shall allow for pedestrian access to and from the shoreline. The offer shall be irrevocable...and shall run in favor of the People of California binding successors and assigns of the applicant landowner. Applicant shall also provide an area for stairs down from the vertical accessway, if necessary, to the beach seaward of the structure."

Before the State Coastal Conservancy can properly administer public access by way of the required dedicated easement, we would like to work with you to make the area accessible to the public as required by the easement, by removing the encroachments and complying with the permit conditions generally.

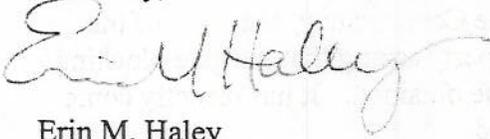
The development obstructing the accessway is unpermitted and in violation of the Coastal Act and is inconsistent with the easement. We note that the easement was recorded in the chain of title for this property. Current owners of the property are liable for resolving any outstanding violations of the Coastal Act that exist on the property. If you believe that our information is in error, we would welcome the receipt from you of any documentation showing conformance with the permit condition.

Although we would like to resolve this informally and would like to work with you to do so, we also note that the Executive Director of the Coastal Commission is authorized, after providing notice and the opportunity for a hearing as provided in section 30812 of the Coastal Act, to record a Notice of Violation against the subject property, under Section 30812 of the Coastal Act, as well as to seek other administrative and judicial remedies. The purpose of such notices is to avoid any potential parties from unwittingly purchasing a property with a Coastal Act violation on the property.

Attached please find a copy of the original permit conditions and the title report including a legal description of the easements. Please contact me at 415-597-5894 or at the address above by May 7, 2007 to discuss this matter. Your consideration and cooperation on this issue would be greatly appreciated. Any documentation you wish to submit may be sent to my attention at the address on the letterhead. Should you have any questions regarding the foregoing, please do not hesitate to contact me. I look forward to hearing from you.

Warren M. Lent
April 27, 2007
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Sincerely,



Erin M. Haley
Statewide Enforcement Officer

CC: Nancy Cave, CCC, Enforcement Supervisor
Lisa Haage, CCC, Chief of Enforcement
Linda Locklin, Access Program Manager

Enclosures: Permit Conditions (CCC)
Preliminary Title Report (California Land Title Company)