From: Eger, Elena@SCC
To: Law Offices of G. Greg Aftergood, A Professional Corporation
Cc: Kemmler, Kara@SCC; Jessica Nguyen; jeff.maloney@mrca.ca.gov
Subject: FW: 20802 Pacific Coast Highway, Malibu
Date: Thursday, January 15, 2015 11:27:27 AM

Dear Mr. Aftergood:

On Monday, January 12, at approximately 1:00 p.m., the Coastal Conservancy and MRCA staffs (namely, Kara Kemmler/Elena Eger (Conservancy) and Jessica Nguyen (MRCA)) visited the public access easement burdening your client's property. Your client, Mr. Lent, provided us with access to the easement and remained with us for the duration of the less-than-10-minute site visit. At the conclusion of that visit, Mr. Lent asked me why he was not invited to be part of the planning process for the public access easement in a different manner than the "regular" public (as he put it). I responded that I had invited Mr. Lent, through you, his counsel, to provide any information Mr. Lent would like to provide to the MRCA for its consideration in its preparation of the plan currently in development. Mr. Lent seemed surprised by this invitation; I suggested that he contact you for a copy of the letter sent to you in June 2013, below.

The invitation still is open to Mr. Lent. I believe you have the contact information for the MRCA. If you do not, please do not hesitate to ask me for it. I've included both Jessica Nguyen and her counsel, Jeff Maloney, on this email so you have their electronic mailing addresses too.

Sincerely,

Elena Eger
Senior Attorney
California Coastal Conservancy
1330 Broadway, Ste. 1300
Oakland, CA 94612
510-286-4089 tele/voicemail
510-286-0470 fax

From: Elena Eger [mailto:eeger@scc.ca.gov]
Sent: Monday, June 24, 2013 11:54 AM
To: 'Law Offices of G. Greg Aftergood, A Professional Corporation'
Cc: 'jcard@scc.ca.gov'; 'jsmith@malibucity.org'; 'kkemmler@scc.ca.gov'; 'sschuchat@scc.ca.gov'; 'Christi Hogin'; 'galex@scc.ca.gov'; 'llocklin@coastal.ca.gov'; 'Judi Tamasi'; 'Helperin, Alex@Coastal'; 'Joseph T. Edmiston, FAICP'; 'jeff.maloney@mrca.ca.gov'
Subject: RE: 20802 Pacific Coast Highway, Malibu

Dear Mr. Aftergood:

We are in receipt of your June 13, 2013 letter attached to your email, directly below. As we stated in our April 17, 2013 response to your March 2013 initial letter to us, the Conservancy will forward any correspondence from you to the Mountains Recreation and Conservation Authority (MRCA) for its consideration in its preparation of the Malibu Accessway Public Works Plan. To date, we have forwarded all of your correspondence to the MRCA including that of April 18, 2013.

Furthermore, as we provided in our April 2013 response to you, until such time as this planning process is completed, the Conservancy does not intend to make any response to your continuing correspondence pertaining to the facts, analysis or debate on the publicly-owned accessways lying over your clients' property or on any other accessways included or not included in the proposed plan. Any information provided by you will be considered by the MRCA in its preparation of its Public Works Plan for Malibu Accessways. A lack of specific response from us back to such correspondence from you means that we have forwarded your correspondence to the MRCA for its consideration and until the MRCA completes its plan, we do not have a response.

Sincerely,

Elena Eger
Senior Attorney
California Coastal Conservancy
1330 Broadway, Ste. 1300

Oakland, CA 94612
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510-286-0470 fax

From: Law Offices of G. Greg Aftergood, A Professional Corporation [mailto:gga@aftergoodlaw.com]
Sent: Thursday, June 13, 2013 1:16 PM
To: 'Elena Eger'
Cc: mmcenespy@scc.ca.gov; jcard@scc.ca.gov; jsmith@malibucity.org; kkemmler@scc.ca.gov; sschuchat@scc.ca.gov; 'Christi Hogin'; galex@scc.ca.gov
Subject: FW: 20802 Pacific Coast Highway, Malibu

Please see attached correspondence.

G. Greg Aftergood, Esq.
LAW OFFICES OF G. GREG AFTERGOOD
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From: Law Offices of G. Greg Aftergood, A Professional Corporation [mailto:gga@aftergoodlaw.com]
Sent: Thursday, April 18, 2013 12:58 PM
To: 'Elena Eger'
Cc: 'Joan Cardellino'; 'kara kemmler'; 'Locklin, Linda@Coastal'; 'Alex Helperin'
Subject: RE: 20802 Pacific Coast Highway, Malibu

Dear Ms. Eger:

This shall acknowledge my receipt of your e-mail dated April 17, 2013, which responded to my earlier correspondence (dated March 7, 2013) to your client, the California Coastal Conservancy. Unfortunately, your communication does not resolve the anomaly that I raised in the third paragraph of my communication, which dealt with an apparent oversight/non-disclosure of the existing, open vertical accessways and proposed public works plan project site locations. The staff report unambiguously asserts, without qualification, that there are only 20 such accessways in the area described at Exhibit 2. Such Exhibit identifies the location of same, but omits the accessway(s) adjacent to Duke's Restaurant (21202 Pacific Coast Highway) as either an existing, open accessway or a proposed project site location.

In the interest of making sure that the administrative record is complete in connection with this project, let me pose the following questions:

1. Does the Conservancy deny that there was ever a vertical accessway adjacent to Duke's Restaurant (such accessways having been designated as LA No. 24 and No. 25 in chapter 3 of the Commission materials entitled "Vertical Accessways Acquired by California Coastal Commission Actions 1973-2011")?

2. Is the vertical accessway adjacent to Duke's Restaurant existing and open at the present time?

3. If not existing and open, why is this vertical accessway not being assessed in connection with the staff report?

We certainly understand that the "determination of suitability of the public accessway over [our] client's property for

public use will be made . . . through this study." That being said, we want to make sure that all relevant facts are fully evaluated and considered.

Feel free to give me a call if you would like to discuss this subject in a real-time fashion. I personally dislike e-mails, because all too frequently they lead to a series of communications which, like parallel lines, do not intersect with respect to the issues that need to be addressed.

Sincerely,

G. Greg Aftergood, Esq.
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From: Elena Eger [mailto:eeger@scc.ca.gov]
Sent: Wednesday, April 17, 2013 2:29 PM
To: gga@aftergoodlaw.com
Cc: 'Joan Cardellino'; 'kara kemmler'; 'Locklin, Linda@Coastal'; 'Alex Helperin'
Subject: 20802 Pacific Coast Highway, Malibu

Dear Mr. Aftergood:

Thank you for your March 7, 2013 correspondence to my client, the Coastal Conservancy through Ms. Joan Cardellino, a copy of which is attached. I appreciate your patience in awaiting a response. Please contact me directly in any future correspondence to the Conservancy.

We forwarded your letter to the Mountains Recreation and Conservation Authority (MRCA) for inclusion in the feasibility study the MRCA is currently undertaking with a grant from the Conservancy approved on December 6, 2012. Pursuant to the Conservancy's December 6, 2012 authorization, all currently unopened accessways in Malibu, as more particularly described in the Conservancy's staff recommendation of December 6, 2012 and which includes the public accessway over your client's property, are subject to this feasibility analysis. None are excluded. Thus, while the information in your March 7, 2013 letter will be dutifully considered, the determination of suitability of the public accessway over your client's property for public use will be made only through this study.

We welcome any further information you may wish to provide us.

Sincerely,

Elena Eger
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