

Memo to: Chairman Gwyn, California Coastal Commission
From: Malibu Encinal HomeOwner's Association
Date: June 9, 1991
re: Request to deny permit applications 5-91-183 & 5-91-188
(Lechuza Villas West, agent N. Haynie)

Dear Chairman Gwyn,

Your fellow Commissioners will be happy to know that the Board of Directors of the Malibu Encinal HomeOwner's Association has recently voted to allow vertical public access to Lechuza beach through three pedestrian gates on Broad Beach Road. The gates will be open from sunrise to sunset, 7 days a week. Dialog with the Coastal Conservancy has been opened to help the Board adopt the best way to ensure public safety. As the homeowners have dominant tenancy over the tract easements, we believe the Board has acted within its rights.

The gates are located at:

1. East Sea Level Drive. This gate is now open.
2. West Sea Level Drive. This gate is now open.
3. The intersection of Broad Beach Road and Bunny Lane. This easement is presently unused because it is unsafe and will be opened as soon as this can be rectified.

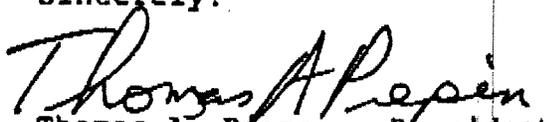
In addition, a group of local residents have submitted an offer to purchase the Lechuza Beach lots from Mr. Haynie's company. Mr. Haynie's company has owned the property for five months and the offer includes a reasonable profit over their recent purchase price. Commissioners can, therefore, feel comfortable in the knowledge that no-one is effectively dispossessed by the denial of a building permit. The intent of those residents is to make a covenant, binding in perpetuity, not to build on the beach and to allow public access. Copies of the purchase offers, which were delivered to Mr. Haynie on June 7, and previous cover letters are enclosed.

Summing up, we now have the following:

1. Public vertical access to Lechuza Beach from Broad Beach Road
2. An offer which would provide a reasonable profit to the developer, and which would preserve the beach for the public in perpetuity at no cost to the State
3. Protection of the ESHA at Lechuza Beach.

With a Coastal Permit the property would attain a value many multiples of its recent purchase price, the purchase offer would be refused and the beach destroyed. Public access which may be offered by the developer, in return for permits, will lead only to the gaps between his buildings.

Sincerely,


Thomas A. Pieper, President