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Friday, October 27, 2000

State to Buy Malibu Land and Create a Public Beach

By CATHERINE BLAKE, Special to The Times

VENTURA--After listening to two hours of impassioned debate, the State Coastal Conservancy agreed Thursday to pay \$10 million for a pristine stretch of private coastline in Malibu and open it to the public.

The decision comes after attempts by the landowner to develop 16 luxury homes along Lechuza Beach in western Malibu.

Members of a homeowners group that fought the development spoke out against the conservation deal at the meeting.

Although they said they supported the concept of a public beach there, they argued that they should have been part of the negotiating and planning process and that the 1,100-foot stretch of coastline is only worth \$2.5 million.

"This is an ill-considered decision," said Terence Sternberg, attorney representing the Malibu Encinal Home Owners Assn. "The only person who won out was the developer, who got \$10 million for property he couldn't give away."

About 30 people attended the contentious hearing, with the number of foes and backers evenly split over the sale. Lechuza Beach, about a mile east of El Matador State Beach, has been at the center of a long battle in Malibu.

Environmentalists argued in the early 1990s that allowing more homes on Lechuza Beach would set a devastating precedent and open wide stretches of private beaches to development. Now some opponents of the conservancy deal worry that the agency is buying a beach with poor public access and say more study is needed.

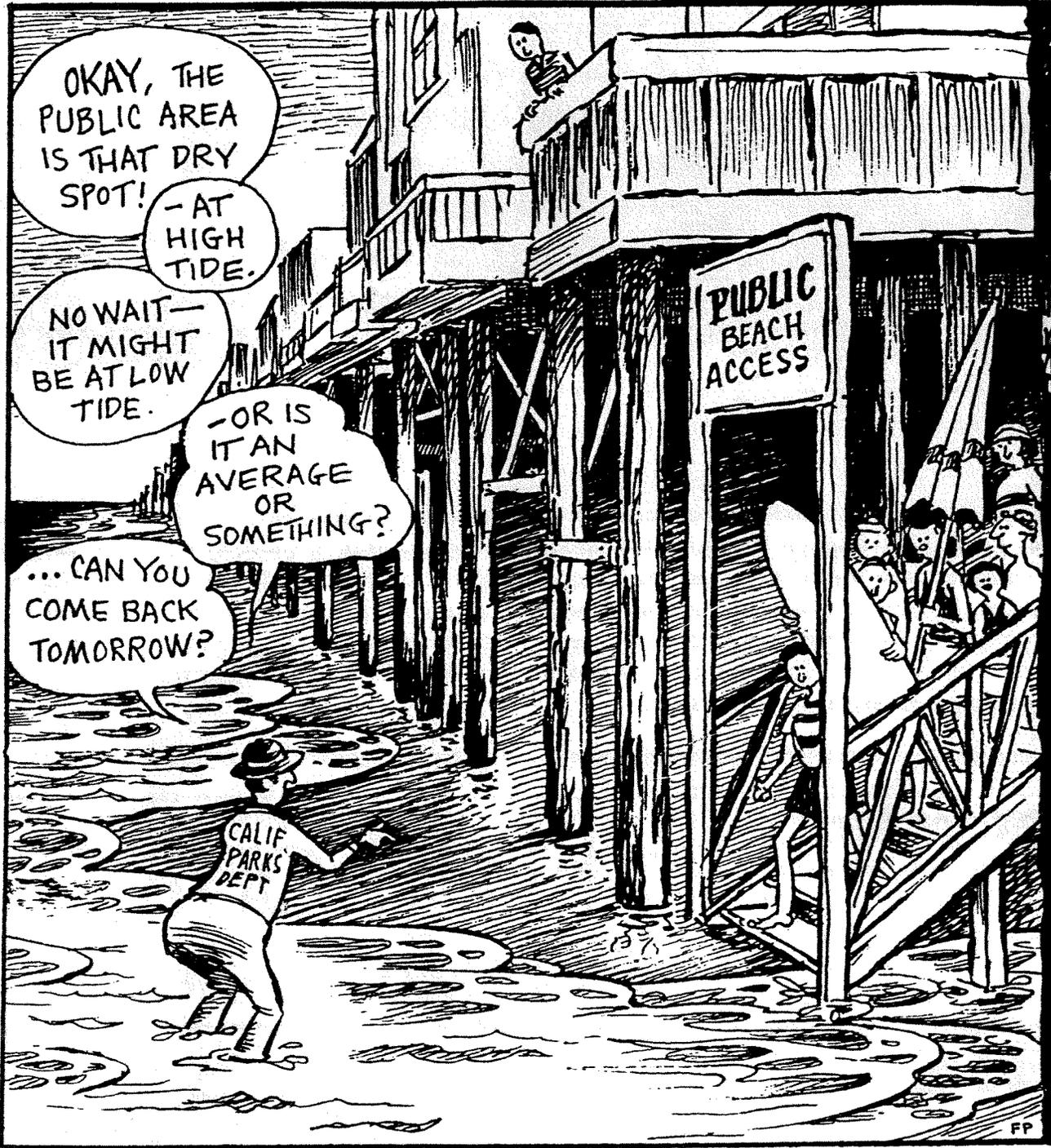
Norman Haynie, owner of the property, said: "The public will get to use this beach, and that makes me happy. But it irritates me that the wealthy homeowners did everything they could to stop it."

In 1992, the California Coastal Commission twice rejected his requests to build on the land.

His attorney, Sherman Stacey, said that building homes would have brought his client a lot more money but that he is satisfied the beach will be an asset to the public.

Conservancy board Chairwoman Sara Wan said she wants to involve the homeowners group in discussing how the beach will be managed.

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STATE OPENS PUBLIC BEACH ACCESS EASEMENTS

Beach skirmish continues

By Laura Tate
Editor

In the continuing brouhaha over the Lechuza Beach property on Lechuza Point, developer Norm Haynie has filed applications with the city for permits to tear down gates, widen roads, put in parking spaces and even restroom facilities on the

beachfront property he owns.

The Lechuza lots have been a developer's nightmare for nearly 10 years for Haynie, who purchased the land for approximately \$2 million in 1991, with the intent of building homes on several of the 20 lots he owns.

In litigation with the California Coastal Commission for the past nine

years over denial of permits to build on the lots, Lechuza Villas West, L.P., in which Haynie has an interest, has recently agreed to sell the lots to the state for a sum estimated at \$12.5 million. When the California Coastal Conservancy approved up to \$10 million toward the purchase, the Malibu Encinal Homeowners

See Lechuza, page A13

Lechuza

From page A1

Association (MEHOA) filed a lawsuit blocking, or at least stalling, the sale.

"It appears to me that lawyers for MEHOA are not concerned about whether their lawsuits have any merit," said Haynie. "They simply file the lawsuits with the intent of preventing the public from gaining access to the beach and their efforts to try and kill public acquisition of the beach."

Despite the lawsuit, Haynie filed the applications for the permits several weeks ago and pleaded with the City Council at their latest meeting for help in the legal battle with the association. Interim City Manager Christi Hogin strongly urged the council not to get involved

until the litigation was resolved.

Planning Director Barry Hogan confirmed that Haynie did indeed file applications for permits to tear down two gates, located at the west and east ends of Sea Level Drive and to put in parking spaces, numbering 59, and one to build restroom facilities.

Hogan said Haynie was informed the applications were incomplete, pending proof that his ownership of the property is not restricted by Covenants Conditions and Restrictions (CC&Rs), which have been in place since 1932. Hogan also said MEHOA filed a letter with the city saying Haynie does not have the authority to file the applications without their signature.

"He is a little irritated with us right now," said Hogan, regarding Haynie's response to the city's reluctance to get involved while a lawsuit is pending.

"I basically have to verify to the state that the homeowners will not be able to prevent the public from gaining access to the beach," said Haynie. "The homeowners have claimed that the CC&Rs prevent access to the beach, and prevent any portions of the beach for being used for public recreational uses.

"They are absolutely wrong."

Terence Sternberg, the lawyer representing MEHOA in the lawsuit, said he thinks Haynie filed the applications out of "resentment" and "spite."

"I wanted to put in restrooms so people can take care of their needs while being able to enjoy the beach," said Haynie. "It's not an unreasonable request to want to put in facilities for the public.

"Most homeowners that are adjacent to this beach are very upset that they'll have to share the beach with the public."

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