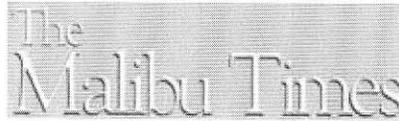


Elena Eger

From: Dick Wayman [dwayman@scc.ca.gov]
Sent: Thursday, January 21, 2010 9:49 AM
To: AAARasa Gustaitis; Eger, Elena; Ann Notthoff; Bonnie Neely; 'Bosco, Douglas'; Bryan Cash; 'Hansch, Susan'; Jack Baylis; Karen Finn; Marisa Moret; Peterson, Pat; 'Scarborough, Karen'; 'Schuchat, Sam'; 'Bane, Karen'; 'Bob Thiel'; 'Brand, Peter'; 'Cardellino, Joan'; 'Greg Gauthier'; 'Hayes, David'; 'Kara Kemmler'; 'Kroll, Chris'; Megan Johnson; Rachel Couch; 'Ruddock, Debbie'; 'Small, Mary'; 'Williams, Prentiss'
Subject: Clip-Coastal goes after city over Lechuza Beach development
Attachments: image001.jpg; image002.jpg



Coastal goes after city over Lechuza Beach development

A notice of violation to the city follows a battle between a homeowners association and the Mountains Recreation and Conservation Authority.

By Olivia Damavandi / Assistant Editor
January 21, 2010



Yellow caution tape marks where a gate once hung at the entrance of a public accessway to Lechuza Beach. The gate was removed by Joe Edmiston of the Santa Mountains Conservancy and the Mountains Recreation and Conservation Authority, to the ire of local residents.

The City of Malibu last week received a notice of violation from the California Coastal Commission that charges the city with allowing unpermitted development in a Broad Beach neighborhood that is restricting public access to Lechuza Beach.

The notice warns that unless the city removes the unpermitted development, which includes two public access gates and “private encroachments” such as residents’ mailboxes, landscaping, planters and paving that eliminate public parking, by Feb. 12, the commission will issue orders to have it done. In addition, the commission could order a cease and desist order if it finds that the unpermitted development is causing environmental damage.

“What I’m looking for the city to do is either begin physically removing the unpermitted development or begin the enforcement process to make that happen,” Commission Enforcement Supervisor Pat Veasart, who authored the notice, said Tuesday in a phone interview. “That’s going to be a lot of work for the city, but at least they can begin addressing the problem by notifying property owners that they have unpermitted development in their front yards that’s in the public’s right of way.”

Veeasart said an ongoing battle between the Mountains Recreation and Conservation Authority (an arm of state agency Santa Monica Mountains Conservancy) and the MEHOA over a public access enhancement project has triggered a renewed interest in the issue. In addition, the MRCA recently presented the commission with a survey that indicates the location of all unpermitted development in the Broad Beach area. The notice of violation also follows a complaint by Malibu-Encinal Homeowners Association lawyer Rick Davis about the removal of a third gate by SMMC Executive Director Joe Edmiston from a public accessway on Lechuza Beach owned by the MRCA.

The commission in its notice of violation, or NOV, states that the Malibu-Encinal Homeowners Association constructed two metal gates blocking two public accessways without a coastal development permit, or CDP, in 1977 to replace wooden gates. That same year, the commission states, it notified the MEHOA that the gates required a CDP. Although a series of letters were exchanged, the matter was not resolved at that time.

In 1993, the city authorized MEHOA to replace the gates. The commission subsequently issued an exemption letter for the replacement plan that same year, but now claims that MEHOA did not inform the commission that the gates that were proposed to be replaced were the unpermitted gates that were the subject of the 1977 letters.

According to the notice, an exemption letter issued by the commission is based on information provided by the recipient. If, at a later date, that information is found to be incorrect or incomplete, the letter becomes invalid.

Calls made Monday to MEHOA lawyer Allen Abshez, City Code Enforcer Lisa Tent and City Planner Stephanie Danner were not returned.

Battle over beach management plan

The MRCA purchased the Lechuza Beach parcels from developer Norm Haynie for \$9 million in 2001 with public funds. Since that time, the MEHOA and the MRCA have failed to agree on a mandatory beach management plan for the proposed project, which dictates the uses of the beach and whether it should be treated as public or private in certain circumstances, such as hours of access.

The project proposed by the MRCA is comprised of several additions intended to improve public access to Lechuza Beach through the three gates, which are located at the entrances of East Sea Level and West Sea Level drives, and across the street from Bunnie Lane off Broad Beach Road. The first gate is on land owned by MEHOA, the second on land owned by resident William Kiefer, and the latter is the property of the MRCA.

The beach management plan currently includes the addition of four handicap parking spaces, a new coastal viewing area and reconstruction of the existing view platform and stairs to the beach at West Sea Level Drive, a new view platform at East Sea Level Drive, reconstruction of existing stairs, and a new gate and new signage at the entrance of the MRCA-owned property.

However, the MRCA has scheduled a special meeting on Jan. 25 to amend the project plan to also include a portable restroom facility, a removable seasonal beach accessible ramp between the proposed viewing platform and beach adjacent to East Sea Level Drive, and a 24-foot-wide access road between Broad Beach Road and the end of West Sea Level Drive.

The project application has been pending city approval since its submission in 2007. But the city says it cannot begin reviewing the application until a beach management plan is agreed upon.

In the meantime, MRCA head Edmiston and the MEHOA continue to battle over the beach management plan proposed by the MRCA and over Edmiston's removal of the gate 10 days ago.

Its removal incensed the homeowners association, whose lawyers in a Jan. 6 written statement called Edmiston's action an "unauthorized attempt" to pressure the city into advancing the processing of the project application.

Edmiston last week said a CDP was not required to remove the gate and that he did so because the gate was declared unpermitted by the Coastal Commission. But in a Jan. 5 letter to the commission, Edmiston wrote that he hoped the absence of the gate would "translate into cooperation from MEHOA and the timely processing of our application by the City of Malibu."

The statement by MEHOA lawyers also said Edmiston's action jeopardized homeowners' security and created a "highly hazardous public safety risk and liability for the MRCA" because the property that now lacks a gate is not lighted, follows a steep set of stairs along the bluff face, has no usable handrails or protective railings to guard against a fall from the bluffs, and has a severely uneven walking surface and many twists and turns.

Furthermore, the statement reads, the substantial erosion of Lechuza Beach has resulted in its entire flooding during high tide, increasing the public's risk of drowning, getting swept away or thrown into the rocks by high tide and rough ocean conditions.

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