Coastal Conservancy

March 11, 2010

Norbert H. Dall
Dall & Associates
6700 Freeport Boulevard, Suite 206
Sacramento, California 95822

Subject: Request for Public Records, Lechuza Beach

Dear Norbert:

Enclosed are copies of a letter dated January 20, 2010, from Sam Schuchat to Joseph Edmiston and six exhibits to a letter dated February 1, 2010, from Allan Abshez to Douglas Bosco. I am sending you these documents in response to your Public Records Act request of February 19, 2010. I have received your check in the amount of $13.20 to cover the cost of copying 66 pages @ $.20.

Other requested documents have been sent to you by email. To the best of my knowledge, the Coastal Conservancy has fully complied with your request.

Sincerely,

Dick Wayman
Communications Director

Enclosures

1330 Broadway, 13th Floor
Oakland, California 94612-2512
510·286·1015 Fax: 510·286·0470

Dick,

THANK YOU.

Regards.

RECEIVED

MAR 11 2010

COASTAL CONSERVANCY
OAKLAND, CALIF.

7258

DALL & ASSOCIATES
916-392-0282
6700 FREEPORT BLVD, STE. 206
SACRAMENTO, CA 95822

90-4021/1211

DATE 10 MAR 2010

PAY TO THE ORDER OF STATE COASTAL CONSERVANCY $ 13.20

------THIRTEEN and 20/100 ---------- DOLLARS

Security Features Included. Details on Back.

WESTAMERICA BANK
POINT WEST OFFICE 1-800-848-1088
1610 ARDEN WAY, SUITE 199
SACRAMENTO, CA 95815

FOR 2808.043

MP

⑈007258⑈ ⑆121140218⑆ 0601030117⑈

RECEIVED
MAR 11 2010
COASTAL CONSERVANCY
OAKLAND, CALIF.

Coastal Conservancy

February 16, 2010

Norbert H. Dall
Dall & Associates
6700 Freeport Boulevard, Suite 206
Sacramento, California 95822

Subject: Recording of February 4, 2010, Coastal Conservancy Meeting

Dear Norbert:

Enclosed is a CD recording of the three public sessions of the Coastal Conservancy meeting held on February 4, 2010. The sessions were recorded as data files, which I've been told should be playable on any computer or MP3 player.

If you have any problems playing the recording, please let me know.

Sincerely,

Dick Wayman
Communications Director

Enclosure

1330 Broadway, 13th Floor
Oakland, California 94612-2512
510·286·1015 Fax: 510·286·0470

Dick Wayman

From: Norbert Dall [ndall49@sbcglobal.net]
Sent: Thursday, March 11, 2010 4:01 PM
To: Dick Wayman
Cc: Stevie Dall
Subject: Re: SCC Board Meeting, EO Report, Lechuza Beach: Distributed Documents

Dick,

Thank you.

Regards,

NHD

On Mar 11, 2010, at 2:02 PM, Dick Wayman wrote:

> Norbert—
>
> Your check arrived today and the requested materials are in the mail.
>
> --Dick
>
> Dick Wayman
> Communications Director & Real Estate Manager
> California State Coastal Conservancy
> (510) 286-4182
>
> ---
>
> **From:** Norbert Dall [mailto:ndall49@sbcglobal.net]
> **Sent:** Wednesday, March 10, 2010 2:57 PM
> **To:** Dick Wayman
> **Cc:** 'SDall49@aol.com'
> **Subject:** Re: SCC Board Meeting, EO Report, Lechuza Beach: Distributed Documents
>
> Dick,
>
> Thank you, again, for your email, below, and for the documents.
>
> I just placed the check for $13.20, which I thought had gone out two weeks ago, in the mail. I apologize for the delay in getting it to you.
>
> Cordially,
>
> **NHD**
>
> Norbert H. Dall
> Partner
> Dall & Associates
> Consultants and Advisers in Sustainable Coastal Management,
> Land Use, and Transportation
> 6700 Freeport Boulevard, Suite 206
> Sacramento, California 95822 USA
> Tel.: (Office Direct) ++916.392.0283
> Tel.: (Mobile) ++916.716.4126
> Fax: ++916.392.0462
> Email: NDall49@sbcglobal.net
>
> 2723.100310.3

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On Feb 24, 2010, at 11:47 AM, Dick Wayman wrote:

Norbert—

Attached are annotated aerial photos of East and West Sea Level Drive that were exhibited at the Coastal Conservancy board meeting on February 4. I will send you a third annotated aerial photo in a following message because of the photo's large size.

The other documents you requested make up a total of 66 pages. The cost for their duplication is $.20 per page, or $13.20 total. Please remit a check for that amount made payable to the State Coastal Conservancy and sent to:

State Coastal Conservancy
Attn: Dick Wayman
1330 Broadway 13th Floor
Oakland, CA 94612-2530

Let me know if you have any questions.

--Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

From: Norbert Dall [mailto:ndall49@sbcglobal.net]
Sent: Tuesday, February 23, 2010 5:40 PM
To: Dick Wayman
Cc: SDall49@aol.com
Subject: Re: SCC Board Meeting, EO Report, Lechuza Beach: Distributed Documents

Dick,

Thank you. Regarding #3, we already have that as an electronic attachment to a MRCA report.

Regards,

NHD

On 2/23/10 5:27 PM, "Dick Wayman" <dwayman@scc.ca.gov> wrote:

Norbert—

I'm assembling the documents you requested and hope to be able to get them off to you tomorrow, with one exception: The Coastal Conservancy does not have your requested document #3, survey of Broad Beach Road encroachments. I recommend that you contact MRCA for that.

--Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy

(510) 286-4182

From: Norbert Dall [mailto:ndall49@sbcglobal.net]
Sent: Friday, February 19, 2010 11:57 AM
To: Dick Wayman
Cc: S. Dall
Subject: Re: SCC Board Meeting, EO Report, Lechuza Beach: Distributed Documents

Dick,

Thank you again for the for four attachments and the link to the LA Urban Rangers access map.

I notice the following referenced or attached documents to the four attachments, and would, if you have them, also appreciate receiving a copy of them, as follows:

1. Letter from SCC EO Sam Schuchat to MRCA, of January, 2010, referenced in paragraph 1, page 1, of Abshez letter to Chairman Bosco, February 1, 2010;

2. Abshez February 1, 2010 letter exhibits, as follows:

2.1. Exhibit 1, October 26, 2000 SCC staff report for the SCC-MRCA grant agreement (ref. at Abshez letter, page 2 of 7, paragraph 4)

2.2. Exhibit 2, MRCA application to City of Malibu for CDP 87-07, as amended or or about January 6, 2010 (ref. at Abshez letter, page 4 of 7, paragraph 4)

2.3. Exhibit 3, MRCA ED letter of on or about January 5, 2010 (ref. at Abshez letter, page 4 of 7, paragraph 5)

2.4. Exhibit 4, (?) image of removed gate at upper Lot I and Broad Beach Road (ref. at Abshez letter, page 5 of 7, paragraph 2)

2.5. Exhibit 5, (?) document/s relating to MRCA actions regarding Tract 10630 CC&R's (ref. at Abshez letter, page 5 of 7, paragraph 3)

2.6. Exhibit 6, (?) document/s relating to CC&R's (ref. at Abshez letter, page 6 of 7, paragraph 4).

3. The survey, pages 1-6, of Broad Beach Road encroachments, completed by Mark D. Sandstrom (LS 6487) in or about 2007, to which MRCA EO Joe Edmiston refers in his letter to Malibu City Attorney Hogin, February 3, 2010, at pages 1, paragraph 5, and 2, paragraph 1. (When we printed the referenced pdf file to scale, the attached six sheets contained Land and Air Surveying, Inc.'s 2001-2002 topographical mapping of Tract 10630 and adjacent areas.)

Also, it appears from the audio recording of the Board's meeting that SCC staff utilized several graphics, that were shown to the Board during the EO Report regarding the Lechuza Bech conundrum, but not specifically identified by name, exhibit number, or other reference/s. I would also appreciate receiving a copy of each of them.

Please let me know if there is a reproduction cost for any of these requested documents, and we will promptly remit payment. Please email or call me if you have any question/s regarding this request, made pursuant to PRA to the extent SCC procedures may require. Thank you.

Cordially,

NHD

Norbert H. Dall

Partner

Dall & Associates

Consultants and Advisers in Sustainable Coastal Management,

Land Use, and Transportation

6700 Freeport Boulevard, Suite 206

Sacramento, California 95822 USA

Tel.: (Office Direct) ++916.392.0283

Tel.: (Mobile) ++916.716.4126

Fax: ++916.392.0462

Email: NDall49@sbcglobal.net

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On Feb 18, 2010, at 5:21 PM, Dick Wayman wrote:

Norbert—

Attached are three letters and a memo (with attached map) that were distributed at the meeting. A Malibu Public Beaches guide produced by the Los Angeles Urban Rangers was also distributed—here's a link:

http://www.laurbanrangers.org/content/files/malibubeachessafari/laur_malibu_guide.pdf

To the best of my knowledge, this response fully complies with your request.

Have a good weekend—Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

From: Norbert Dall [mailto:ndall49@sbcglobal.net]
Sent: Thursday, February 18, 2010 4:38 PM
To: Dick Wayman
Cc: Stephanie Dall
Subject: SCC Board Meeting, EO Report, Lechuza Beach: Distributed Documents

Dick,

Thank you again for the CD that contains the audio of the Board's February 4 meeting.

In listening to the Board's proceedings regarding Lechuza Beach matters, it appears that SCC staff and other participants variously distributed documents (correspondence, photos, maps, plans, etc.) to the Board.

I would appreciate receiving a copy of these distributed documents. Please let me know the cost of reproduction and I will promptly remit payment. Thank you.

Please email or call me if you have any question/s regarding this request. To the extent SCC's procedures may require, please deem this request to be made pursuant to the Public Records Act.

Thank you again.

Cordially,

NHD

Norbert H. Dall

Partner

Dall & Associates

Consultants and Advisers in Sustainable Coastal Management,

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6700 Freeport Boulevard, Suite 206

Sacramento, California 95822 USA

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<Lechuza_response to Hogin_020310.pdf><MRCA 2-3-10 response to Hogan Lechuza letter.pdf><0372_001.pdf><20100204Board4a_Lechuza_Beach_EO_Memo.pdf>

<Lechuza Beach-East SLD Photo 2-10.jpg><Lechuza Beach-West SLD Photo 2-10.pdf>

Dick Wayman

From: Norbert Dall [ndall49@sbcglobal.net]
Sent: Wednesday, February 24, 2010 1:21 PM
To: Dick Wayman
Cc: 'SDall49@aol.com'
Subject: Re: Lechuza Beach aerial photo

Dick,

Thank you.

Regards,

NHD

On Feb 24, 2010, at 11:49 AM, Dick Wayman wrote:

> Norbert—
>
> Here is the third annotated photo that was exhibited at the Coastal Conservancy's February 4 meeting.
>
> --Dick
>
> Dick Wayman
> Communications Director & Real Estate Manager
> California State Coastal Conservancy
> (510) 286-4182
>
> <Lechuza Beach-Aerial 2-10.pdf>

Dick Wayman

From: Norbert Dall [ndall49@sbcglobal.net]
Sent: Wednesday, February 24, 2010 1:22 PM
To: Dick Wayman
Cc: Stevie Dall
Subject: Re: SCC Board Meeting, EO Report, Lechuza Beach: Distributed Documents

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The check for $13.20 will go out in today's mail.

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>
> State Coastal Conservancy
> Attn: Dick Wayman
> 1330 Broadway 13th Floor
> Oakland, CA 94612-2530
>
> Let me know if you have any questions.
>
> --Dick
>
> Dick Wayman
> Communications Director & Real Estate Manager
> California State Coastal Conservancy
> (510) 286-4182
>
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Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

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Cordially,

NHD

Norbert H. Dall

Partner

Dall & Associates

Consultants and Advisers in Sustainable Coastal Management,

Land Use, and Transportation

6700 Freeport Boulevard, Suite 206

Sacramento, California 95822 USA

Tel.: (Office Direct) ++916.392.0283

Tel.: (Mobile) ++916.716.4126

Fax: ++916.392.0462

Email: NDall49@sbcglobal.net

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Have a good weekend—Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

From: Norbert Dall [mailto:ndall49@sbcglobal.net]
Sent: Thursday, February 18, 2010 4:38 PM
To: Dick Wayman
Cc: Stephanie Dall
Subject: SCC Board Meeting, EO Report, Lechuza Beach: Distributed Documents

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Thank you again.

Cordially,

NHD

Norbert H. Dall

Partner

Dall & Associates

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<Lechuza Beach-East SLD Photo 2-10.jpg><Lechuza Beach-West SLD Photo 2-10.pdf>

Dick Wayman

From: Norbert Dall [ndall49@sbcglobal.net]

Sent: Thursday, February 18, 2010 2:18 PM

To: Dick Wayman

Cc: Stephanie Dall

Subject: SCC Board Meeting Feb. 4, 2010 Audio CD

Dick,

Thank you for sending the CD; I look forward to listening to the Board's proceedings this evening.

Regards,

NHD

Norbert H. Dall
Partner
Dall & Associates
Consultants and Advisers in Sustainable Coastal Management,
Land Use, and Transportation
Co-author, *The Coasts of California* (in preparation)
6700 Freeport Boulevard, Suite 206
Sacramento, California 95822 USA
Tel.: (Office Direct) ++916.392.0283
Tel.: (Mobile) ++916.716.4126
Fax: ++916.392.0462
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Dick Wayman

From: Dick Wayman [dwayman@scc.ca.gov]
Sent: Tuesday, February 09, 2010 11:03 AM
To: 'Norbert Dall'
Cc: 'Stevie Dall'
Subject: RE: Request for Feb 4 SCC Board Meeting Audio-Video Recording

Norbert—

Our IT people are in the process of preparing the files from the meeting and expect a copy of the recording will be available for you no later than early next week. If I can get it out sooner, I'll do so. If there's a cost to you, I'm sure it won't be much.

--Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

From: Norbert Dall [mailto:ndall49@sbcglobal.net]
Sent: Monday, February 08, 2010 8:47 AM
To: Norbert H. Dall; Dick Wayman
Cc: Stevie Dall
Subject: Re: Request for Feb 4 SCC Board Meeting Audio-Video Recording

Dick,

Thank you in advance for advising me today as to what the production time and cost for the video/audio recording of last week's Board meeting will be.

Regards,

NHD

On 2/4/10 9:27 AM, "Norbert Dall" <ndall49@sbcglobal.net> wrote:

Dick,

Thank you. May today's voices sing on key.

Is there any plan for the Board's meetings to be web cast in the foreseeable future?

Regards,

NHD

On Feb 4, 2010, at 9:14 AM, Dick Wayman wrote:

Norbert—

I've put in a request and will let you know when the recording is available.

--Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

From: Norbert Dall [mailto:ndall49@sbcglobal.net]
Sent: Thursday, February 04, 2010 8:58 AM
To: dwayman@scc.ca.gov
Cc: Stevie Dall
Subject: Request for Feb 4 SCC Board Meeting Audio-Video Recording

Dick,

I called the front desk this morning to request a copy of the recording of today's Board meeting, and was transferred to a staff member ("Peter") whose phone immediately rolled over to voice mail.

Please let me know the cost for reproducing the recording and we will remit payment. Thank you.

Please call or email me if you have any questions regarding this request.

Cordially,

NHD

Norbert H. Dall

Partner

Dall & Associates

Consultants and Advisers in Sustainable Coastal Management,

Land Use, and Transportation

Co-Author, *The Coasts of California* (in preparation)

6700 Freeport Boulevard, Suite 206

Sacramento, California 95822 USA

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Dick Wayman

From: Dick Wayman [dwayman@scc.ca.gov]
Sent: Thursday, February 04, 2010 9:14 AM
To: IT Support (support@scc.ca.gov)
Subject: FW: Request for Feb 4 SCC Board Meeting Audio-Video Recording

Please give me a recording of today's meeting to send to Mr. Dall. Let me know the cost, and I'll get payment if it's worth the trouble.

--Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

From: Norbert Dall [mailto:ndall49@sbcglobal.net]
Sent: Thursday, February 04, 2010 8:58 AM
To: dwayman@scc.ca.gov
Cc: Stevie Dall
Subject: Request for Feb 4 SCC Board Meeting Audio-Video Recording

Dick,

I called the front desk this morning to request a copy of the recording of today's Board meeting, and was transferred to a staff member ("Peter") whose phone immediately rolled over to voice mail.

Please let me know the cost for reproducing the recording and we will remit payment. Thank you.

Please call or email me if you have any questions regarding this request.

Cordially,

NHD

Norbert H. Dall
Partner
Dall & Associates
Consultants and Advisers in Sustainable Coastal Management,
Land Use, and Transportation
Co-Author, *The Coasts of California* (in preparation)
6700 Freeport Boulevard, Suite 206
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Dick Wayman

From: Dick Wayman [dwayman@scc.ca.gov]
Sent: Monday, February 01, 2010 5:45 PM
To: 'LawsonJ@gtlaw.com'
Subject: RE: Lechuza Beach agreement and staff report

James—

We will be ready for your copy service at 9:00 on Wednesday. I will let you know if anything conflicts with this appointment.

--Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

From: LawsonJ@gtlaw.com [mailto:LawsonJ@gtlaw.com]
Sent: Monday, February 01, 2010 3:59 PM
To: dwayman@scc.ca.gov
Subject: RE: Lechuza Beach agreement and staff report

Dick,

We would like to have the Lechuza Beach project documents copied there on Wednesday. Is 9:00 am the best time to have a copy service be there? I will arrange for a copy service to be there to make the necessary copies and will forward their information to you so that you can know who will be coming. Let me know if there are any changes in timing and if you have any questions.

Thanks,
James

From: Dick Wayman [mailto:dwayman@scc.ca.gov]
Sent: Monday, February 01, 2010 10:13 AM
To: Lawson, James C. (Bstf-LA-EmpLaw)
Subject: RE: Lechuza Beach agreement and staff report

James—

It will not be possible to have all of the publicly available records regarding the Lechuza Beach project available for copying before this Wednesday. It will take Conservancy staff until then to assemble all of the files and separate those that are not public records. We expect to have the paper records available for a copying service, along with records that exist in electronic format, by 9:00 a.m. on this Wednesday.

Please let me know if you would like to arrange a time for copying the records on Wednesday or a later date.

--Dick

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

From: LawsonJ@gtlaw.com [mailto:LawsonJ@gtlaw.com]
Sent: Friday, January 29, 2010 8:36 PM

To: dwayman@scc.ca.gov
Subject: RE: Lechuza Beach agreement and staff report

Dick,

Thank you for forwarding the Agreement and Staff Report. As I mentioned on the phone, we would like to have a copy of the records for the Lechuza Beach Public Access Project. We would like to have them as soon as possible and we can arrange for a copy service to come and make the copies. Is this possible for this coming Monday or Tuesday? Let me know and I will arrange for the copy service to be there to duplicate these records.

Thanks for your help,

James C. Lawson
Paralegal
Greenberg Traurig LLP | 2450 Colorado Avenue | Suite 400 East | Santa Monica, CA 90404
Tel 310.586.3847
lawsonj@gtlaw.com | www.gtlaw.com

GT GreenbergTraurig

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From: Dick Wayman [mailto:dwayman@scc.ca.gov]
Sent: Friday, January 29, 2010 2:27 PM
To: Lawson, James C. (Bstf-LA-EmpLaw)
Subject: Lechuza Beach agreement and staff report

Sent at the request of James Watson.

Attached are copies of Agreement 05-071 between the State Coastal Conservancy and the Mountains Recreation and Conservation Authority and the accompanying staff report/recommendation. (Note: Although the copy of the staff report is stamped "Exhibit A," it is referenced as "Exhibit 1" in the agreement. The attached version includes the exhibits to the report.)

Please let me know if you would like additional information.

--Dick Wayman

Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

Mary Small

From: Dick Wayman [dwayman@scc.ca.gov]
Sent: Sunday, January 31, 2010 1:08 PM
To: Mary Small; Elena Eger
Subject: fw: RE: Lechuza Beach agreement and staff report

From: LawsonJ@gtlaw.com
Sent: Friday, January 29, 2010 9:04 PM
To: dwayman@scc.ca.gov
Subject: RE: Lechuza Beach agreement and staff report

Dick,

Thank you for forwarding the Agreement and Staff Report. As I mentioned on the phone, we would like to have a copy of the records for the Lechuza Beach Public Access Project. We would like to have them as soon as possible and we can arrange for a copy service to come and make the copies. Is this possible for this coming Monday or Tuesday? Let me know and I will arrange for the copy service to be there to duplicate these records.

Thanks for your help,

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--Dick Wayman

Dick Wayman
Communications Director & Real Estate Manager
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Sam Schuchat

From: Sam Schuchat [sschuchat@scc.ca.gov]
Sent: Tuesday, February 02, 2010 11:09 AM
To: 'Douglas H. Bosco'
Subject: RE: Lechuza

Expires: Wednesday, June 02, 2010 12:00 AM

Absolutely, they are welcome to address the board. What we can do is save Lechuza for the end of the EO report, to give us plenty of time for a leisurely discussion. They should just fill out a public comment card, like everyone else.

Call me when you get a chance before the meeting, since we also need to talk about Hamilton...

sam

Sam Schuchat
Executive Officer
CA State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

w:510-286-4185
f:510-286-0470
e:sschuchat@scc.ca.gov

-----Original Message-----
From: Douglas H. Bosco [mailto:dbosco@boscolaw.com]
Sent: Tuesday, February 02, 2010 4:31 AM
To: Sam Schuchat
Subject: Lechuza

Sam, two of the Mehoa lawyers called and want to address the Board on Thursday. I read everything that Mary prepared (very well done) and have some ideas on the subject myself, but don't know if this is the time and place for a full blown discussion of this. What do you and Mary think? Please forward this to Mary as I am in DC and don't seem to have her address.

Douglas Bosco-iPhone

Sam Schuchat

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Douglas Bosco-iPhone

Sam Schuchat

From: Sam Schuchat [sschuchat@scc.ca.gov]
Sent: Monday, January 25, 2010 12:29 PM
To: 'Douglas H. Bosco'
Subject: Lechuza (what else?)
Attachments: 20100120 letter edmiston grant compliance ee edits 1-21-10.docx; Lechuza beach fact sheet 1-10 (4).doc

Attached are:

1) A chronology the Elena and Mary prepared to bring the board up to speed. Shouldn't take more than a few hours to read...
2) MRCA asked us (me) to send a letter responding to some of the allegations in the recent flurry of MEHOA missives. We tried to make the letter factual...

sam

Sam Schuchat
Executive Officer
CA State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

w:510-286-4185
f:510-286-0470
e:sschuchat@scc.ca.gov

Sam Schuchat

From: Finn, Karen [Karen.Finn@dof.ca.gov]
Sent: Thursday, January 21, 2010 9:59 AM
To: Sam Schuchat
Cc: 'Bryan Cash'
Subject: FW: Clip-Coastal goes after city over Lechuza Beach development
Attachments: image001.jpg; image002.jpg

This is the best entertainment I have had in a long time.....keeps getting better.....can't wait to see the reaction to the "portable restroom facility" being added ☺

From: Dick Wayman [mailto: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; Finn, Karen; 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

The Malibu Times

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 Veesart, 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."

Veesart 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 pubic 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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Dick Wayman
Communications Director & Real Estate Manager
California State Coastal Conservancy
(510) 286-4182

Steve Horn

From: Elena Eger [eeger@scc.ca.gov]
Sent: Saturday, January 01, 2005 11:34 AM
To: mcommins@schmitzandassociates.net
Cc: horn@scc.ca.gov; 'Marc Beyeler'; Dick Wayman
Subject: Public Records Act request

Dear Ms. Commins:

We have received from you a request to review our public records described as follows:

"...we are requesting immediate access and exact copies of all documents and files that have any bearing on the following parcels: The parcels located at 4470-001-900, -028-900, -901, -902, -903, -904, -905, -906, -907, -908, -909, -910, -911, -912, -913, -914, -915, -916, -917, -918, -001 along Sealevel Drive in the City of Malibu, CA. These beachfront parcels may also be identified as having even numbered addresses along Sealevel Drive that are between 31670 and 31842."

Our response is as follows. First, we are unable to respond to this request without further information from you on the meaning of your language "all documents and files that have any bearing on". Please clarify what you mean by "bearing on" in your request.

Second, we don't recognize these APNs, except APN 4470-028-001. We do not have any information regarding this APN as we did not fund the acquisition of this property. With respect to the other APNs listed in your request, we do not recognize these APNs. Please clarify the properties for which you request our records.

Third, the Coastal Conservancy gave a grant to the Mountains Recreation and Conservation Authority (MRCA) for the acquisition of several properties along Sea Level Drive (not identified by your APNs). Those files are available for your review at your request. If you wish to receive copies of all our documents on the MRCA grant, there are several large boxes of documents. Upon your verification that this is included in your request, we will estimate the costs of duplication and mailing.

Please be advised that the staff members best able to assist with your inquiry have been out of the office for the holiday period, returning on January 3.

Sincerely,

Elena Eger
Sr. Staff Counsel
California Coastal Conservancy
1330 Broadway, Ste. 1100
Oakland, CA 94612
(510) 286-4089 (Tele)
(510) 286-0470 (FAX)
eeger@scc.ca.gov