

Allan J. Abshez  
Tel 310.586.3873  
Fax 310.586.1373  
absheza@gtlaw.com

March 22, 2010

Laurie C. Collins, Chief Counsel  
Mountains Recreation & Conservation Authority  
Ramirez Canyon Park  
1510 Ramirez Canyon Road  
Malibu, CA 90265

Terry T. Fujimoto, Deputy Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013

Re: Mountains Recreation & Conservation Authority Coastal Development Application  
(CDP App. No. 07-087) (the "Application")

Dear Ms. Collins and Mr. Fujimoto:

As counsel for the Malibu Encinal Homeowners Association ("MEHOA"), we write to the Coastal Conservancy (Conservancy) and to the Mountains Recreation & Conservation Authority (MRCA) to respond to the MRCA's March 12, 2010 letter to Lisa Pallack, President of MEHOA.

The MRCA's March 12<sup>th</sup> letter fails to mention or reference the current litigation filed by MEHOA against the Conservancy and the MRCA on February 11, 2010.

The MRCA's request that MEHOA join in a Coastal Development Permit application is inappropriate in that, as asserted in MEHOA's Petition and Complaint against the Conservancy and the MRCA, by virtue of the MRCA's material breach of the conditions of the access easement over Sea Level Drive previously acquired by the MRCA (02 1025266), such easement has terminated and become void. Therefore, the MRCA no longer has any authority to seek to make any alterations or improvements to Sea Level Drive or any other land owned by MEHOA, or to maintain applications for any Coastal Development Permits regarding the same. In light of such circumstances, further comment regarding the MRCA's March 12<sup>th</sup> letter and the proposals discussed therein is unnecessary at the present time.

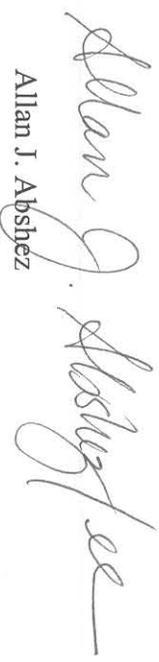
By copy of this letter, we are advising the City of Malibu (which is also named as a Real Party in Interest in the Petition and Complaint) of this state of affairs, that the easement underlying the MRCA's previous Coastal Development Permit application is

LA 128,737,505v1 3-22-10

void, and that no further action should be taken on any application by the MRCA over any property owned by MEHOA.

Finally, while the MRCA's request of March 12<sup>th</sup> is inappropriate as discussed above, our client remains willing to meet with the Conservancy and MRCA to explore whether a comprehensive settlement and resolution of the issues between the parties can be achieved. As we have discussed with Mr. Fujimoto, to facilitate such discussions, we have proposed a standstill agreement which we hope the parties will join in so that productive discussions can take place as soon as possible.

Sincerely,



Allan J. Abshez

cc: Stephanie Danner, City of Malibu  
Christi Hugin, Esq.  
Elena Eger, Esq.  
MRCA Board Members  
California Coastal Conservancy Board Members  
MEHOA Board of Directors  
Richard F. Davis, Esq.  
Elizabeth A. Camacho, Esq.  
James Goldman, Esq.

LA 128,737,505v1 3-22-10

**RECEIVED**

MAR 24 2010

COASTAL CONSERVANCY  
OAKLAND, CALIF.