



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Ramirez Canyon Park
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VIA FACSIMILE AND ELECTRONIC MAIL

January 5, 2010

Mr. Steve Hudson
District Manager
South Central Coast District
California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001-2801

**Removal of Unpermitted Gate, Lot "I" (Bunnie Lane),
Tract No. 10630, Lechuza Beach, Malibu**

Dear Mr. Hudson:

On December 29, 2009 we met with you and Enforcement Supervisor Pat Veasart to discuss the status of the Lechuza Beach improvements CDP, and to seek yet another extension of the time limit, originally set for 2007, to develop a management plan for Lechuza Beach and to incorporate such into a Coastal Development Permit.

We explained that in 2007 the Mountains Recreation and Conservation Authority made an application for Lechuza Beach improvements, among which was a new and more aesthetic gate at Lot I (Bunnie Lane) and improvements to the staircase leading down to the beach. We have been delayed in obtaining this permit by the refusal of the Malibu-Encinal Homeowners Association (MEHOA) to concur with the application and by delays from the city of Malibu most recently failing to give us the "go ahead" to complete their final request which is scheduling an Environmental Review Board meeting, something that only can be done with consent of city staff.

At that meeting you and Mr. Veasart expressed the Coastal Commission's continuing frustration with the persistence of unpermitted gates at Lechuza Beach. You and Mr. Veasart reminded us that the Commission has sent previous letters of progressive severity and yet nothing has been done. Moreover, you said that in the near future the Commission would be sending us, as well as MEHOA, what you termed "an official letter" dealing with the unpermitted gate situation; by which I took it to mean enforcement action was in the offing.

The Authority has always tried to maintain a good working relationship with the California Coastal Commission. As a public agency we don't need to be sent any kind of "official"

Mr. Steve Hudson
January 5, 2010

Page 2

letter in order to obey the law, much less a notice of violation, which notice could be mistakenly construed to mean that the recipient was otherwise unwilling to comply.

At the December 29th meeting I asked you specifically if, in this instance, a CDP was required to take down the unpermitted gate at Bunnie Lane and your answer was "no;" coastal resources would not be adversely affected and coastal access would be enhanced.

Although we don't dispute the validity of your representation, and that of Mr. Veesart on the same matter given previously, and confirmed just today, I did obtain a written opinion of the Authority's chief counsel, concurred in by the Authority's independent outside counsel, that no permit is required in this instance to remove the Lot I (Bunnie Lane) gate.

Therefore, in order to comply with the California Coastal Act of 1976, I have directed that Authority staff forthwith remove the Lot I (Bunnie Lane) gate.

It is not our intention to permanently have no gate at Bunnie Lane. As stated above, we have a permit application for just such a gate pending. We hope that to the extent there is concern about the lack of a gate, such concern will translate into cooperation from MEHOA and the timely processing of our application by the city of Malibu.

Please feel free to contact me as necessary. Office: 310-589-3230 ext. 110. If you need my cell phone number please contact Melissa Cartelli in our office, ext. 141. You may always use e-mail, joseph.edmiston@mrca.ca.gov.

Sincerely,



Joseph T. Edmiston, FAICP, Hon. ASLA
Executive Officer

cc: Governing Board, MRCA
Peter Douglas, Executive Director, CCC
John Ainsworth, Deputy Director, CCC
N. Patrick Veasart, CCC
Laurie C. Collins, Chief Counsel, MRCA
Mary Small, South Coast Manager, SCC
Elana Egger, Staff Counsel, SCC
Steven H. Kaufmann, Esq.
Stephanie Danner, City of Malibu
Lisa Pallack, President, MEHOA
Rick Davis, Esq.