

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**

19 April 2010

Lisa Tent
Senior Code Enforcement Officer
City of Malibu
2385 Stuart Ranch Road
Malibu, CA 90265

CCC Violation File Number: V-4-04-005 (Lechuza Beach)

Property location: Lechuza Beach; at the terminus of Lot A (APN 4470-021-009) at Broad Beach Road and separately at 31885 Sea Level Drive (APN 4470-026-003); City of Malibu; County of Los Angeles

Unpermitted Development: Placement of gates and signs at two locations (described above) blocking and/or restricting public access to a public beach; placement of private encroachments in the public ROW on Broad Beach Road in the vicinity of Lechuza Beach

Dear Ms Tent:

Pursuant to your request during our telephone conversation on February 22, 2010, I am enclosing correspondence from our files regarding the above mentioned violation case and a disk with photographs and other information regarding the above mentioned encroachments in the Broad Beach Road (BBR) right-of-way (ROW). Please be advised that this may not be all the correspondence we have regarding this matter, but this is what I could easily find and copy and what seemed most relevant. The purpose for sending you these materials is to better inform the City regarding the violations discussed in our January 15, 2010 letter and to assist the City in the resolution of said violations.

Please find enclosed a disk with the following:

1. An aerial photograph overview, with lot-lines, of BBR from East Sea Level Drive to Pacific Coast Highway;
2. A list of property owners, with APNs, for the area described above;

3. Photographs made by Commission staff of individual properties on BBR in the area described above.

The photographs are sorted by address and by their location on either the seaward or landward side of BBR. There is an area west of Bunnie Lane where BBR is full width with curb and gutter on the landward side where there are no encroachments that we are aware of and, therefore, no photographs.

In addition, please find enclosed the following correspondence:

From the Coastal Commission (CCC)

1. February 3, 2010 letter to Christi Hogin (Malibu);
2. January 15, 2010 letter to Lisa Tent (Malibu);
3. April 23, 2007 letter to Joseph Edmiston (MRCA) and Shari Plummer (MEHOA);
4. November 13, 2006 letter to Joseph Edmiston (MRCA);
5. August 21, 2006 letter to Gail Sumpter (Malibu);
6. May 12, 2006 letter to Gail Sumpter (Malibu).

From CCC and MEHOA - 1977 letters

Nine letters exchanged between the CCC and the MEHOA in 1977 regarding the gates.

From the MRCA

1. February 7, 2010 letter to Christi Hogin (Malibu);
2. January 11, 2010 letter to Stephanie Danner (Malibu), Steve Hudson (CCC) and Patrick Veasart (CCC);
3. January 8, 2010 letter to Stephanie Danner (Malibu);
4. January 5, 2010 letter to Lisa Pallack (MEHOA);
5. January 5, 2010 letter to Steve Hudson (CCC);
6. September 1, 2009 letter to Anthony Giordano (MEHOA);
7. December 1, 2008 letter to Anthony Giordano (MEHOA);
8. December 1, 2008 letter to Stephanie Danner (Malibu);
9. June 20, 2007 letter to Patrick Veasart (CCC);
10. October 25, 2006 letter to Patrick Veasart (CCC);
11. October 24, 2006 letter to Ken Kearsley and City Council (Malibu).

From the City of Malibu

1. January 29, 2010 letter to Patrick Veasart (CCC);
2. April 17, 2007 letter to MEHOA and Sharyl Beebe (Prism Planning);
3. December 12, 2006 letter to MEHOA;
4. September 18, 2006 letter to Patrick Veasart (CCC).

From the MEHOA

1. January 22, 2010 letter to Lisa Tent (Malibu) and Patrick Veesart (CCC);
2. January 8, 2010 letter to Stephanie Danner (Malibu) and Steve Hudson (CCC);
3. January 6, 2010 letter to Joseph Edmiston (MRCA) and the MRCA Board;
4. January 6, 2010 letter to the MRCA Board;
5. October 21 letter to Paul Edelman (MRCA) and Stephanie Danner (Malibu);
6. June 15, 2007 letter to Patrick Veesart (CCC).

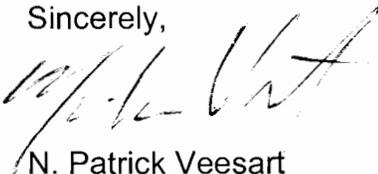
Finally, we again refer you to the survey contracted for by the MRCA in 2007 that shows BBR, property lines, and the subject encroachments. We understand that the City has a copy of said survey, but if you cannot locate your copy, we suggest contacting the MRCA to request another.

As of the date of this letter, we understand that the MRCA is working to complete and file a CDP application with the City for a management plan and public access improvements at Lechuza Beach. However, the gates and signs continue to impede public access (including vehicular access for disabled persons) at Lechuza Beach and the private encroachments on BBR continue to severely reduce the availability of public parking for beachgoers. It is our sincere hope that the City will begin to address and resolve these issues as detailed in our January 15, 2010 letter. If I or my staff can be of any assistance to that end, please do not hesitate to call upon us.

Please be advised that unless appropriate action is taken by the City by **June 1, 2010**, the Commission will assume that the City declines to act to resolve the violations after receiving a request to act from the Commission and the Commission will assume primary responsibility for issuing an order(s) pursuant to Section 30810(a) of the Coastal Act in this matter. I look forward to hearing from you soon regarding how the City intends to proceed.

Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me.

Sincerely,



N. Patrick Veesart
Enforcement Supervisor

cc (without attachments):

John Ainsworth, Deputy Director, CCC
Lisa Haage, Chief of Enforcement, CCC
Alex Helperin, Staff Counsel, CCC
Steve Hudson, South Central District Manager, CCC
Barbara Carey, Supervisor, Planning and Regulation, CCC
Tom Sinclair, South Central District Enforcement Officer, CCC
Aaron McLendon, Statewide Enforcement Officer, CCC
Linda Locklin, Public Access Manager, CCC
Joseph Edmiston, MRCA
Mary Small, State Coastal Conservancy