From: Law Offices of G. Greg Aftergood, A Professional Corporation
To: "Elena Eger"
Cc: "Joan Cardellino"; "kara kemmler"; "Locklin, Linda@Coastal"; "Alex Helperin"
Subject: RE: 20802 Pacific Coast Highway, Malibu
Date: Thursday, April 18, 2013 1:03:04 PM

Dear Ms. Eger:

This shall acknowledge my receipt of your e-mail dated April 17, 2013, which responded to my earlier correspondence (dated March 7, 2013) to your client, the California Coastal Conservancy. Unfortunately, your communication does not resolve the anomaly that I raised in the third paragraph of my communication, which dealt with an apparent oversight/non-disclosure of the existing, open vertical accessways and proposed public works plan project site locations. The staff report unambiguously asserts, without qualification, that there are only 20 such accessways in the area described at Exhibit 2. Such Exhibit identifies the location of same, but omits the accessway(s) adjacent to Duke's Restaurant (21202 Pacific Coast Highway) as either an existing, open accessway or a proposed project site location.

In the interest of making sure that the administrative record is complete in connection with this project, let me pose the following questions:

1. Does the Conservancy deny that there was ever a vertical accessway adjacent to Duke's Restaurant (such accessways having been designated as LA No. 24 and No. 25 in chapter 3 of the Commission materials entitled "Vertical Accessways Acquired by California Coastal Commission Actions 1973-2011")?

2. Is the vertical accessway adjacent to Duke's Restaurant existing and open at the present time?

3. If not existing and open, why is this vertical accessway not being assessed in connection with the staff report?

We certainly understand that the "determination of suitability of the public accessway over [our] client's property for public use will be made . . . through this study." That being said, we want to make sure that all relevant facts are fully evaluated and considered.

Feel free to give me a call if you would like to discuss this subject in a real-time fashion. I personally dislike e-mails, because all too frequently they lead to a series of communications which, like parallel lines, do not intersect with respect to the issues that need to be addressed.

Sincerely,

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From: Elena Eger [mailto:eeger@scc.ca.gov]

Sent: Wednesday, April 17, 2013 2:29 PM
To: gga@aftergoodlaw.com
Cc: 'Joan Cardellino'; 'kara kemmler'; 'Locklin, Linda@Coastal'; 'Alex Helperin'
Subject: 20802 Pacific Coast Highway, Malibu

Dear Mr. Aftergood:

Thank you for your March 7, 2013 correspondence to my client, the Coastal Conservancy through Ms. Joan Cardellino, a copy of which is attached. I appreciate your patience in awaiting a response. Please contact me directly in any future correspondence to the Conservancy.

We forwarded your letter to the Mountains Recreation and Conservation Authority (MRCA) for inclusion in the feasibility study the MRCA is currently undertaking with a grant from the Conservancy approved on December 6, 2012. Pursuant to the Conservancy's December 6, 2012 authorization, all currently unopened accessways in Malibu, as more particularly described in the Conservancy's staff recommendation of December 6, 2012 and which includes the public accessway over your client's property, are subject to this feasibility analysis. None are excluded. Thus, while the information in your March 7, 2013 letter will be dutifully considered, the determination of suitability of the public accessway over your client's property for public use will be made only through this study.

We welcome any further information you may wish to provide us.

Sincerely,

Elena Eger
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