

Interim Public Access Management Plan Lechuza Beach, Malibu, CA

March 15, 2007

Lechuza Beach is a sandy beach on the Pacific Ocean, in the City of Malibu. The beach is approximately a quarter of a mile long, located west of Lechuza Point and east of Robert H. Meyer Memorial State Beach as more specifically described below. The beach is at the base of coastal bluffs which rise approximately vertical 75 feet up to the nearest public road, Broad Beach Road. Lechuza Beach is located between East Sea Level Drive and West Sea Level Drive in the City of Malibu. The beach is surrounded by residential development.

Background

In October 2000, the State Coastal Conservancy (SCC) granted ten million dollars to the Mountains Recreation and Conservation Authority (MRCA) for the purchase of fee title and easement interests at Lechuza Beach for the purpose of providing public access to the beach. MRCA acquired this property in May 2002. In 2001, the landowner donated lots 142-148 to the MRCA. Subsequent to the acquisition, MRCA and the Malibu Encinal Homeowners Association (MEHOA) have worked to come to mutual agreement on the development of a public access management plan for this beach.

In August 2006, the California Coastal Commission (CCC) wrote a letter to the City of Malibu requesting that the City take enforcement action to respond to “an ongoing problem in the Lechuza Beach area of Broad Beach Road regarding public parking and public access to Lechuza Beach” (CCC Violation File No. V-4-04-005 (MEHOA)). In response to this letter notice, the City organized a meeting in November 2006 among the CCC, MRCA, MEHOA and SCC. At that meeting, the parties agreed to prepare and submit to the CCC for its approval an interim access management plan no later than January 31, 2007.

Purpose of This Document

The purpose of the Interim Management Plan is to put in place appropriate rules and signage that will enable public access rights, taking into account the need to preserve the sensitive physical attributes of Lechuza Beach and the rights of adjoining property owners. Although MRCA and MEHOA have not reached final agreement on all of the issues related to public access management, progress has been made on many issues sufficient to open the beach to public access under the terms and conditions of the plan. The purpose of the Interim Management Plan is to document these areas of agreement and to outline an interim public access management plan for Lechuza Beach to permit immediate public access to the beach property owned by MRCA. This Plan identifies basic management principles for continued public access to the beach and is not intended

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to comment on or affect the adjudication, if any, of any of the parties' legal property or other rights.

This Interim Management Plan sets forth the public's right to access and recreate on Lechuza Beach commensurate with the rights of MEHOA members to the same.

Site Description

The description herein is for general informational purposes only and is not intended to comment on or affect the adjudication, if any, of any of the parties' legal property or other rights.

MEHOA's Interest

Lechuza Beach is surrounded by and includes portions of a common interest subdivision known as "Malibu Encinal" generally consisting of numerous private residential lots, private roads, private access ways and other private rights within what is known as Tract 10630. The private common interest subdivision known as "Malibu Encinal" was created in September 1932 by the recordation of a Declaration of Covenants, Conditions and Restrictions (the "CC&Rs") by the original subdivider and creator of the subdivision, Marblehead Land Company. MEHOA has certain management duties and responsibilities under these CC&Rs for the Malibu Encinal subdivision property. MEHOA owns fee title to East Sea Level Drive and West Sea Level Drive.

MRCA Ownership

As shown below, MRCA owns fee title to approximately 4.1 acres along the beach, more specifically described as lots 140, 142-156, 76, U, I and a portion of Lot A. These lots are located south of Broad Beach Road, between East Sea Level Drive and West Sea Level Drive. MRCA owns fee title to "Lot I", which is a narrow access way that connects from Broad Beach Road to the beach.

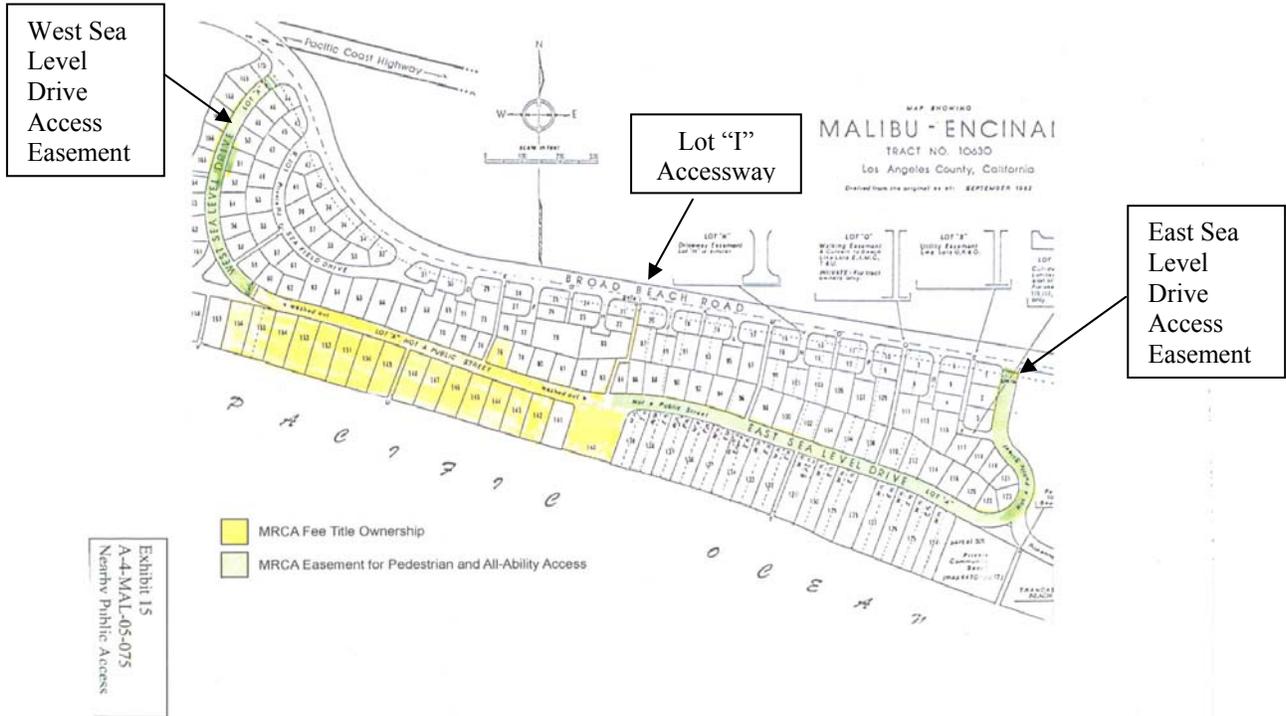
MRCA also holds easements for pedestrian and handicapped access along both East and West Sea Level Drive and easements for ingress and egress for emergency, maintenance and service access and to construct and/or control and maintain the pedestrian gates wherever the gates are or may be located. The easements also provide for up to 4 parking spaces on Sea Level Drive for handicapped access vehicles. There is private property between Broad Beach Road and the MRCA access easement on West Sea Level Drive, and it remains unclear what rights MRCA possesses to maintain the present access gate to West Sea Level Drive.

The above lots and access easements owned by MRCA are collectively referred to in this Agreement as "Lechuza Beach."

SCC Ownership

The SCC holds an easement for public access which runs parallel to the MRCA's Lot I, which easement is 5 feet wide at the top and 10 feet wide down the slope.

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Access ways

There are three pedestrian access ways currently open and which will be managed and operated in accordance with this Interim Management Plan: 1) Lot I, a stairway that begins at Broad Beach Road, opposite Bunny Lane, and connects to Lechuza Beach; 2) the pedestrian gate at East Sea Level Drive; and 3) the pedestrian gate at West Sea Level Drive.

MRCA owns an access easement along West Sea Level Drive; however additional work needs to be completed to determine if that easement crosses private property between the end of West Sea Level Drive and Broad Beach Road. In the interim, MEHOA will use its best efforts to arrange for access subject to private property rights through the West Sea Level gate and any such arrangement may be subject to further conditions required by any private owners of such private property to protect their rights. Subject to the above, hours of West Sea Level gate operation and signage shall be the same as that of other gates.

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Beach Rules

All provisions of the Malibu Municipal Code, including provisions of the Los Angeles County Code made applicable within the City of Malibu, and the provisions of this Interim Management Plan, shall be enforced at Lechuza Beach.

- Access gates at Lot I and East Sea Level Drive will be open from 8 a.m. to sunset. Vehicle gates are for use of residents' vehicles, emergency, maintenance and service vehicles and vehicles driven by or occupied by disabled people displaying proper license credentials.
- No launching of motorized watercraft. Use of non-motorized watercraft such as kayaks is permitted.
- No fires.
- No overnight camping or overnight stays.
- No firearms.
- No alcoholic beverages.
- No littering.
- No commercial activities.
- To the extent not prohibited by the Malibu Municipal Code, dogs shall be permitted only as licensed by MEHOA for animals owned by residents belonging to MEHOA, and MRCA for dogs owned by the general public. An equal number of licenses shall be issued each year in the form agreed upon by MEHOA and MRCA. No unleashed dogs shall be permitted to run at large and owners are responsible for the behavior of their dogs and cleaning up after them, with cancellation or non renewal of license as penalty for violations. Licenses may also be cancelled or not renewed if a dog is determined to be a danger to people or to other dogs.
- No trespassing on private property.

Signs

Signs will be installed that clearly identify the hours that the beach is open to the public and describe the beach rules listed above. The text of the signs is provided in Exhibit 1.

All signage on the gates of East Sea Level Drive and Lot I shall be reviewed by representatives of MEHOA, MRCA and the Coastal Commission to ensure that there are

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no signs which inadvertently discourage public access. Signage inconsistent with this Interim Management Plan is not permitted and shall be removed by law enforcement.

When public access is provided to West Sea Level Drive, signage at that gate shall be consistent with the provisions of this Interim Management Plan.

Access and Parking

Parking shall be provided within the public right of way located on the north side of Broad Beach Road. Signage that purports to limit or prohibit parking on the public right of way is not permitted and shall be removed by law enforcement. At least two spaces for handicapped parking shall be provided on East Sea Level Drive proximate to the beach, along with a ramp or similar structure if required by applicable law for handicapped access to the beach. To accommodate the private property owners adjacent to this area, the parking spaces may be moved within a 100 foot area from time to time, so long as accessibility is not compromised.

Maintenance

MEHOA and MRCA shall each be responsible for maintenance of the beach and facilities located on their properties or for maintenance necessitated by activity on their respective properties that affect property of the other. For convenience and expedience, MEHOA and MRCA may jointly agree to a Property Manager or other functionary to perform these services for mutual benefit.

Enforcement

This Interim Management Plan is consistent with the City of Malibu Municipal Code, the Los Angeles County Code and the Coastal Act. Enforcement of the rules set forth herein shall be the mutual responsibility of MRCA and MEHOA, each on its own property. To prevent undue or overbearing interference with public enjoyment of the beach or the rights of private property owners, MRCA and MEHOA shall establish a means by which members of the public and/or private property owners can address enforcement issues and seek redress of grievances related thereto. Additionally, enforcement of all laws, including the rules set forth herein, may be performed by any peace officer of the State of California.

Issues that Remain to be Resolved

Access through the West Sea Level gate will be dependent on determining the ownership of the underlying property. The Coastal Conservancy staff will work with MRCA, MEHOA and any private property owner to ascertain ownership and, subject to approval of the Coastal Conservancy, take such actions as may be necessary to provide for public access. In the interim, MEHOA will arrange for access subject to private property rights through the West Sea Level gate. Hours of gate operation and signage should be similar to that of other gates.

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Additional parking, if any, to be allowed along East or West Sea Level Drive.

Final design and construction of access improvements along and to Lot I and at any other locations within Tract 10630.

Enforcement mechanisms under the final management plan.

Physical structures on public property shall be designed and constructed by MRCA, which shall consult with representatives of MEHOA during the process, shall take all steps in good faith and that are reasonably necessary to achieve agreement, and shall comply with applicable law.

Watercraft storage

Development of public access signs which depict public and private property at Lechuza Beach.

Finalization of Interim Management Plan

The California Coastal Conservancy shall provide its good offices for finalization of a Management Plan for Lechuza Beach, and shall work with MRCA, MEHOA, the California Coastal Commission, the City of Malibu and members of the public for such purposes. It is expected that such final plan can be achieved within three years and that the physical improvements provided for herein will be completed in that period of time. Pending the completion of a final Management Plan and subject to the terms of this Interim Management Plan, the parties reserve all of their rights.

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Exhibit 1 – Sign Text

Welcome to Lechuza Beach

Lechuza Beach is open to the public, subject to the following rules*:

- Pedestrian gates are open from 8 a.m. to sunset. The public may only use vehicle gates for disabled access.
- No launching of motorized watercraft. Use of non-motorized watercraft is permitted.
- No fires.
- No overnight camping or overnight stays.
- No firearms.
- No alcoholic beverages.
- No littering.
- No commercial activities.
- No dogs permitted unless specially licensed for this beach. For information on obtaining a dog license for this beach, please contact: _____
- No trespassing on private property.

*All provisions of the Malibu Municipal Code, including provisions of the Los Angeles County Code made applicable within the City of Malibu not inconsistent with the above rules, shall be enforced at Lechuza Beach. Rules shall be enforced by the Sheriff, MRCA Rangers or any peace officer.
In case of emergency, dial 911.