



1055 Wilshire Blvd., Suite 1660 Los Angeles, CA 90017-2499

T: (213) 977 1035

F: (213) 977 5457

www.clipi.org

August 8, 2005

Honorable Members of the California Coastal Commission
Peter M. Douglas, Executive Director
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Re: *Commission Cease & Desist Order No. CCC-05-CD-9 (Trancas Property Owners Association, Malibu)*

Dear Members of the Coastal Commission and Executive Director Douglas:

We are writing to commend the California Coastal Commission, the State Lands Commission, and the Attorney General for the State of California for taking legal action after the Trancas Property Owners Association and others took the utterly astonishing step of using heavy equipment to remove sand from public land and create a sand berm along a stretch of beachfront in the City of Malibu, Los Angeles County, known as Broad Beach. The property owners' actions, which damaged natural resources along Broad Beach, demonstrate yet another attempt by homeowners in Malibu to impede the public's right of access to publicly owned beaches. This right of public access is guaranteed by the California Constitution, the California Coastal Act, and other California state laws.

Trancas Property Owners Association has used various means of preventing public access to publicly owned beaches for years. Thus, we are equally pleased that the California Coastal Commission has scheduled a public hearing to consider issuing a Cease and Desist Order to Trancas Property Owners Association preventing further unpermitted development on Broad Beach, including "private property" and "no trespassing" signs, fencing seaward of and/or adjacent to two County owned and operated vertical public access ways, and the use of private security guard patrols on all-terrain vehicles to harass the general public.

We applaud the Coastal Commission's efforts to remedy this situation through a Cease and Desist Order. Indeed, the order is wholly justified, and long overdue, given the Trancas Property Owner Association's and Broad Beach homeowners' long history of taking multiple actions to prevent and deter full public access on Broad Beach. If the Commission fails to issue a Cease and Desist Order against Trancas Property Owners Association by close of business on August

Board of Trustees

Greyson Bryan
Christopher L. Burrows
Lydia Camarillo
Kirk D. Dillman
Norman Emerson
Mark Fabiani
James Feldman

Thomas R. Freeman
Robert Garcia
Elliot K. Gordon
Johnny Griggs
Carlyle W. Hall, Jr.
Cary Hall
Kristin L. Holland

Virginia Keeny
Kay Kochenderfer
Wesley Marx
Kyle C. Murphy
Lyndon Parker
Kurt C. Peterson
Cynthia D Robbins

Thomas A. Rubin
Brent N. Rushforth
Roy J. Schmidt, Jr.
Christian D. Tregillis

Members of the California Coastal Commission and
Executive Director Peter Douglas

Re: *Commission Cease & Desist Order No. CCC-05-CD-9 (Trancas Property Owners
Association, Malibu)*

August 8, 2005

Page 2 of 2

19, 2005, to address the issues of illegal signs, fencing, ATVs, and public harassment, members of the public (including us) will be forced to file a lawsuit to enforce the public's rights under the California Coastal Act, the California Constitution, and other California state laws.

For a more detailed articulation of the legal and policy justifications for ensuring public access to public beaches, please see the enclosed Policy Report, *Free the Beach! Public Access, Equal Justice, and the California Coast*, published by the Center for Law in the Public Interest and the Surfrider Foundation earlier this year.

Thank you again for filing suit against the Trancas Property Owners Association following the bulldozing on Broad Beach. In order to fully ensure equal access for all Californians, the Coastal Commission should promptly issue the noticed Cease and Desist Order to end the use of illegal signs, fencing, ATVs, and public harassment on Broad Beach.

Respectfully submitted,

BERNARD BRUCE
Concerned Resident of California

CAROL JACQUES
Concerned Resident of California

EDWIN ROSALES
Concerned Resident of California

ROBERT GARCÍA
Center for Law in the Public Interest

JAMES R. WEATON
Environmental Law Foundation

VIRGINIA KEENY
Hadsell & Stormer, Inc.

RACHAEL E. MENY
Keker and Van Nest, LLP

cc: Marshall Grossman, Alschuler, Grossman, Stein & Kahan, LLP
Winifred Lumsden, Secretary and Director of the Trancas Property Owners Association