

CALIFORNIA COASTAL COMMISSION

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Th 7.1 & 7.2

ADDENDUM

September 13, 2012

TO: Coastal Commissioners and Interested Parties

FROM: Lisa Haage, Chief of Enforcement

SUBJECT: ADDENDUM TO ITEMS **TH 7.1 & 7.2 (LINDER)**: COASTAL COMMISSION CONSENT CEASE AND DESIST ORDER NO. CCC-12-CD-04 AND CONSENT RESTORATION ORDER NO. CCC-12-RO-04 – FOR THE COMMISSION MEETING OF **SEPTEMBER 13, 2012**

Documents included in this addendum:

1. September 10, 2012 Letter from Fred Gaines, counsel for the Linders, to Mary Shallenberger, Commission Chairperson, in support of issuance of the Consent Cease and Desist and Consent Restoration Orders.
2. Commission staff's changes to Consent Cease and Desist Order No. CCC-12-CD-04 and Consent Restoration Order No. CCC-12-RO-04, found at Appendix A of the Staff Report for items Th 7.1 and 7.2. These changes are to correct typographical errors and do not change the substance. Changes are as follows:

Commission staff hereby revises Appendix A, the proposed Consent Cease and Desist Order No. CCC-12-CD-04 and Consent Restoration Order No. CCC-12-RO-04 by making the following revisions. Respondents have agreed to this revised language. Language to be added is shown in ***bold, italic, and underlined*** and language to be deleted is in ~~strike through~~, as shown below:

- Page 1, Section 1.4.1, line 1 is changed to read as follows:

Development within the ~~d~~Deed-restricted ~~a~~Area, ***as defined in Section 4.3, below***, that is unpermitted and / or inconsistent with CDP No. 5-85-057 or CDP No. 4-97-077....

- Page 15, Section 7.0 is changed to read as follows:

The recorded document shall reflect that no development, as defined in PRC Section 30106, shall occur within the ~~Deed Restriction Area~~ **Open Space Area**, as defined in Section 4.7, except as otherwise set forth in the Deed Restriction, as described below....

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September 10, 2012

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Th 7.1 & 7.2

Mary Shallenberger, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: 33440 Pacific Coast Highway, Malibu
Consent Cease and Desist Order No. CCC-12-CD-04
Consent Restoration Order No. CCC-12-RO-04
Commission Hearing Date: September 13, 2012

Dear Chair Shallenberger and Honorable Commissioners,

This law firm represents Eric and Barbara Linder (the "Linders") with respect to the above-referenced matter. We urge you to accept Staff's recommendation to approve Consent Cease and Desist Order No. CCC-12-CD-04 and Consent Restoration Order No. CCC-12-RO-04 (the "Consent Orders") as proposed. The Linders signed the Consent Orders on August 24, 2012 and have, therefore, agreed to accept all terms as proposed for the Commission's approval.

Please note that despite the Linders' agreement with the Consent Orders, the Linders do not agree with all of the Staff's findings of fact. The Staff Report and findings were not provided to the Linders until after they signed and agreed to the Consent Orders and, as such, the Linders waiver of their right to contest the findings only applies to the Consent Orders and not to any other document or proceeding.

Due to the distant location of the Commission meeting, our clients will not be able to attend or be represented at the September 13th hearing. We do, however, respectfully request that you approve the Consent Orders as recommended by Commission staff.

Mary Shallenberger, Chair
September 10, 2012
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Thank you for your consideration. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By


FRED GAINES

cc: All Coastal Commission Members
Charles Lester, Executive Director (Via E-Mail)
Renee T. Ananda, San Francisco Office (Via E-Mail)
Pat Veesart, Ventura Office (Via E-mail)