

CALIFORNIA COASTAL COMMISSION

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February 3, 2011

VIA FACSIMILE (213-473-6818) AND REGULAR MAIL

Gerald M. Sato
Deputy City Attorney
City Hall East
200 N. Main Street, Room 800
Los Angeles, CA 90012

Re: Los Angeles Municipal Code section 63.44(B)(14)(b)

Dear Mr. Sato,

The last letter in the exchange of correspondence between California Coastal Commission ("Commission") staff and you regarding the above-referenced Los Angeles Municipal Code section (the "Beach Curfew") was a November 8 letter from the Commission's Executive Director. Later that month, you indicated to our Executive Director that you intended to arrange for him to meet with your City Attorney to discuss this matter. However, Commission staff subsequently made several, unsuccessful attempts to reach you to follow up, and we have received no response. It therefore appears that no such meeting is to take place.

Given our apparent stalemate on this issue, and consistent with our Executive Director's statements in his November 8 letter, our Enforcement Division is currently preparing to take the appropriate next steps.

Pending resolution of this matter, this letter is intended to convey our position regarding the status of the Beach Curfew. As we explained in our initial letter (dated August 26, 2010), the adoption, implementation, and enforcement of such a curfew, which restricts access to the sea, constitutes "development" as that term is defined in the California Coastal Act (*see* Cal. Pub. Res. Code § 30106), and any such development must be authorized pursuant to the Coastal Act to be valid (*see id.* at § 30600). Because no such authorization has been granted, it is the position of the Commission's Legal Division that the Beach Curfew is currently of no legal force or effect.

Please contact Andrew Willis (562-590-5071) or me (at the number above) by February 11, 2011, if you would like to discuss an amicable resolution of this matter. And feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Helperin".

ALEX HELPERIN
Senior Staff Counsel
California Coastal Commission