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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 1000 NORTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641-0142

Filed: 5-8-97
 49th Day: 6-26-97
 180th Day: 11-4-97
 Staff: SPF-VNT *ja*
 Staff Report: 5-19-97
 Hearing Date: June 10-13, 1997
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-011

APPLICANT: Seastar Estates Homeowners Association AGENT: Richard Scott

PROJECT LOCATION: Intersection of Seastar and Morning View Drive, and lot 19 of Tract 45585, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Installation of motorized gate, a monument wall, signs, and improvements to a portion of Seastar Road and an existing trail easement.

Lot Area	Road easement and 2.4 acre lot
Building Coverage	0 sq. ft.
Pavement Coverage	approximately 3,000 sq. ft.
Landscape Coverage	0 new sq. ft.
Parking Spaces	0
Project Density	0 dua
Ht abv fin grade	6 feet

LOCAL APPROVALS RECEIVED: Approval in concept from the City of Malibu.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit Applications 5-90-327 (Javid), 4-93-101 (Winding Way Homeowners), 4-95-074 (Javid) and 4-96-037 (Seastar Estates Homeowners Association).

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing the installation of gates across Seastar Drive (a private road), improvements to the road and trail easement, construction of a monument wall on lot 19, and the installation of signs. Seastar Drive, north of Morning View Drive services 19 residential lots and one recreational lot created under a previous subdivision. There is an existing trail, and recorded trail easement, which crosses the intersection of Morning View and Seastar Drives and continues north adjacent to Seastar Drive for approximately 200 feet before turning north-east. To ensure trail users stay on the designated trail, the applicant is proposing signs indicating the location of the trail, warning the public to use the trail at their own risk, and to stay off private property. Staff recommends approval of the project with special conditions regarding public rights.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Public Rights

The applicant agrees, on behalf of themselves and any successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the subject trails. The applicant shall also acknowledge

that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist over the existing trails on site as shown in Exhibits 2 and 4.

IV. Findings and Declarations

The Commission finds and declares as follows:

A. Project Description and Background

The applicant is proposing the placement of a gate across Seastar Drive, just north of Morning View Drive to exclude vehicular traffic from traveling north on Seastar Drive. The applicant is also proposing changes to the paving of Seastar Drive at Morning View Drive; monument walls on Lot 19, immediately east of Seastar Drive; improvements to the footing of the dedicated pedestrian and equestrian trail which crosses Morning View Drive and runs adjacent to Seastar Drive for approximately 200 feet; and the installation of signs which indicate private property and trail locations. Exhibit 5 illustrates the proposed development. To ensure trail users stay on the designated trail, the applicant is proposing signs indicating the location of the trail, warning the public to use the trail at their own risk, and to stay off private property. Exhibit 6 shows the proposed sign language and location.

Seastar Drive, north of Morning View Drive services 19 residential lots and one recreational lot. These lots were created under a subdivision approved by the Commission under coastal development permit 5-90-327 (Javid). This subdivision also created an open space lot and required the recordation of the trail easement to protect the two existing trails on site. The permit was approved by the Commission with a total of ten special conditions, including a trail dedication, landscaping plans, restrictions on grading and site development, an open space deed restriction, and a revised tract map.

A coastal development permit amendment to this permit [5-90-327-A (Javid)] for additional grading on the site was denied by the Commission. Recently, the Commission approved a permit for restorative grading on lots 3-5 and 11-17 and restoration of lot 20 [4-95-074 (Javid)]. Several residences have been approved on the lots. The recreation lot, to the immediate west of the subject site was approved by the Commission for tennis courts and an ancillary structure under coastal development permit 4-96-037 (Seastar Estates Homeowners Association).

Prior to the subdivision of the original 45 acre parcel, there were trails across the site east to west and north to south. These trails connected seaward lots with the National Park Service Property to the north of the subject property, and provided a network of access for trail-users in the area traveling from developed areas east and west of the parcel towards the ocean and towards the mountains. Trails existing on site were preserved through an easement dedication. Exhibit 4 shows the trail easement adopted under coastal development permit 5-90-327 (Javid). Beginning at the north-west corner of the original subdivision parcel (parcel), the trail continues south through the open space lot. At the southern boundary of the parcel, the trail turns to the east and follows along a dirt path, paralleling Morning View Drive. At the intersection of Morning View Drive and Seastar Drive, the trail crosses Morning View Drive, proceeds north on Seastar Drive for approximately 200 feet and then turns north-east toward the north-east property boundary. The turn off of Seastar Drive occurs at the property lines of lots 18 and 19.

The subject site is located north of Pacific Coast Highway and east of Trancas Canyon. This site is a part of a larger subdivision. The original 45 acre lot is located approximately 1,500 to 2,000 feet above Pacific Coast Highway, west of the intersection of Morning View Drive and Guersney Drive. The northern boundary of the site approximates the break in the slope between the steeper mountain terrain to the north and the moderate gradient of the coastal terrace foothills on the subject site. The mountainous terrain north of the site consists of slopes 1.5:1 or steeper while the on-site topography generally descend gently from approximately 350 feet above sea level to approximately 30 feet above sea level.

B. Public Access

The Coastal Act requires the protection of maximum public access for every project where applicable and that lands suitable for coastal recreation be preserved. The Coastal Act also requires each development to provide and protect adequate recreational lands to serve the needs of the development. Applicable sections of the Coastal Act provide as follows:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a)

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development, with public transportation, (5) assuring the

potential for public transit from high intensity uses such as high-rise office building, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development. (emphasis added).

Section 30530

There is a need to coordinate public access programs so as to minimize costal duplication and conflicts and to assure that, to the extent practicable, different access programs complement one another and are incorporated within an integrated system of public accessways to and along the state's coastline. (emphasis added)

The applicant is proposing the installation of a motorized gate across Seastar Drive immediately north of Morning View Drive, and a monument wall on lot 19. Lot 19 is the vacant lot to the immediate east of Seastar Drive, and adjacent to Morning View Drive. No development is proposed under this coastal development permit on the "Recreation" lot to the immediate west of Seastar Drive. In addition, the applicant is proposing to replace the asphalt on the road with concrete and stone at the entrance to the subdivision, and place decomposed granite along the trail easement. There is no fencing along or across the trail easement.

The placement of the gate and monument wall is proposed by the applicant to offer a private community to the future residences of the subdivision. There is, however, a trail easement which runs along both the west and east property lines and crosses both Seastar Drive and Morning View Drive, as described above. To maintain a sense of privacy for the future residences and provide safe and unimpeded access along the trail, the applicant is proposing the placement of signs.

The applicant is proposing a total of four different signs (See Exhibit 6). The first set of signs will have arrows and direct trail users as to location of the trail at the intersection with the roads and at turns. The second sign will direct trail users to stay on the trail. The third sign advises trail users to use the trails at their own risk. Finally, the fourth set of signs state "Private Property. No Trespassing."

These four types of signs are proposed with the intent of ensuring that the trail stays open for use and that the homeowners, current and future, will retain a sense of privacy in their subdivision. While allowing trail users through the gate to the trailhead 200 feet north of Morning View Drive on Seastar Drive, the applicant does not want to allow the public into the subdivision.

There are two existing trails on the original subdivision lot, a portion of the Chumash Trail and a portion of the Zuma Canyon Trail. These two trails traverse on a north-south path, however, each trail curves and traverses east-west at the southern end of the property. The two trails cross paths at the terminus of Morning View Drive. In the underlying subdivision, the Commission required the applicant to dedicate a trail easement for the continued use and existance of these two trails. The trail alignment is shown in Exhibits 2-4.

Currently, the trail exists and is used by equestrians and pedestrians. The trail has not yet, however, been accepted by a public agency. The applicant understands and accepts the trail in the current alignment. The proposed plan calls for the placement of decomposed granite along the trail path adjacent to the pavement. The placement of decomposed granite will help delineate the trail from the road. The applicant is also proposing the placement of signs to guide trail users across Morning View Drive to the trail on Seastar Drive, and vice-versa.

The placement of the gate, monument wall and "Private Property/No Trespassing" signs can deter people from using the trail easement. There is a psychological factor inherent with the placement of gates across roads and the use of signs that state "Private Property" and "No Trespassing" that discourages trail users from finding and using trails. However, with the placement of three types of signs which refer to the use of the trail, the psychological deterrent should be minimal.

In past Commission actions, the Commission has found that gates and "Private Property" or "No Trespassing" signs do deter the public from using trails on those site. To avoid that psychological deterrent, the Commission has required previous applicants to provide signs that illustrate that a trail exists. The Commission has also denied proposals for gates on the basis that the gate will deter or inhibit public access.

For example, in 4-93-101 (Winding Way Homeowners) the Commission approved a project for the placement of "No Parking" signs along Winding Way and DeButts Terrace Roads in addition to an entrance sign at the beginning of Winding Way where it intersects with Pacific Coast Highway. The placement of "No Parking" signs was to prevent people from parking cars along the trail which exists along Winding Way. The entrance sign was proposed to keep the public from driving on Winding Way, which is a private road. The applicants agreed to change the wording of the entrance sign to state both "Private Property" and "Public Hiking and Riding Trail. The Commission found that it was necessary for the sign to indicate that there was a a trail to prevent a psychological deterrent which would be created from a sign which simply read" No Parking. Private Property."

In 4-96-076 (Serra Canyon Property Owners Association) the Commission denied a permit for the placement of a guard house at Serra Road just north of Pacific Coast Highway. Although Serra Road is a private Road, there is parkland just north of the proposed gate. The applicants were not willing to provide access or signs indicating that there is a park entrance north of the sign. The Commission found that as proposed, the guard gate would deter use of the park and future vehicular parking.

The Commission finds that only as proposed to offer signs that state where the trail is located will the placement of the gate, monument wall and "Private Property" signs will this project be consistent with the public access policies of the Coastal Act. In order to ensure that public rights to the trail are preserved, the applicant shall agree, as noted in special condition 1, that the issuance of the permit shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the trail. The Commission finds that as conditioned, the project is consistent with the policies of the Coastal Act.

C. Local Coastal Program.

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development as conditioned will not prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the Chapter Three policies of the Coastal Act.

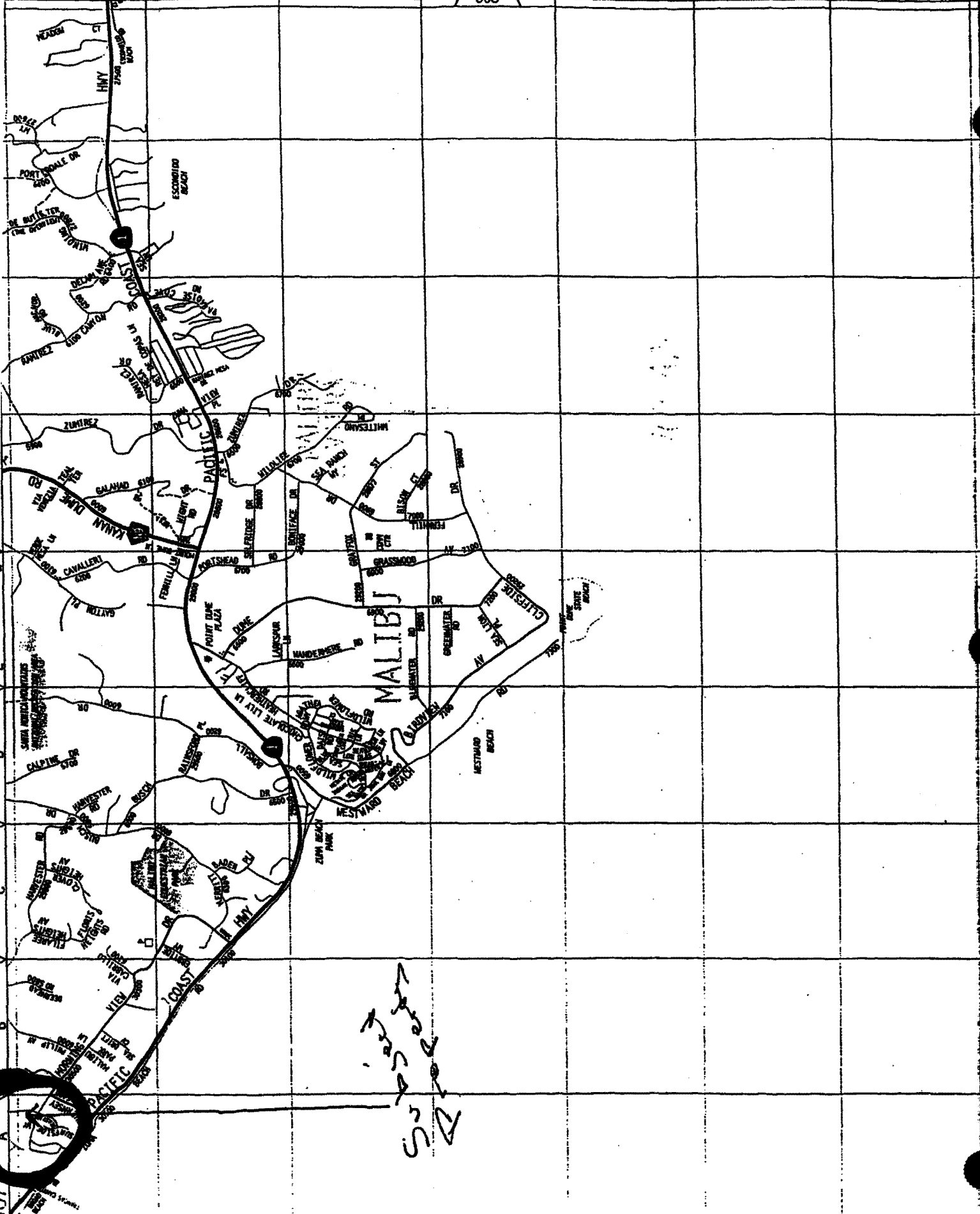


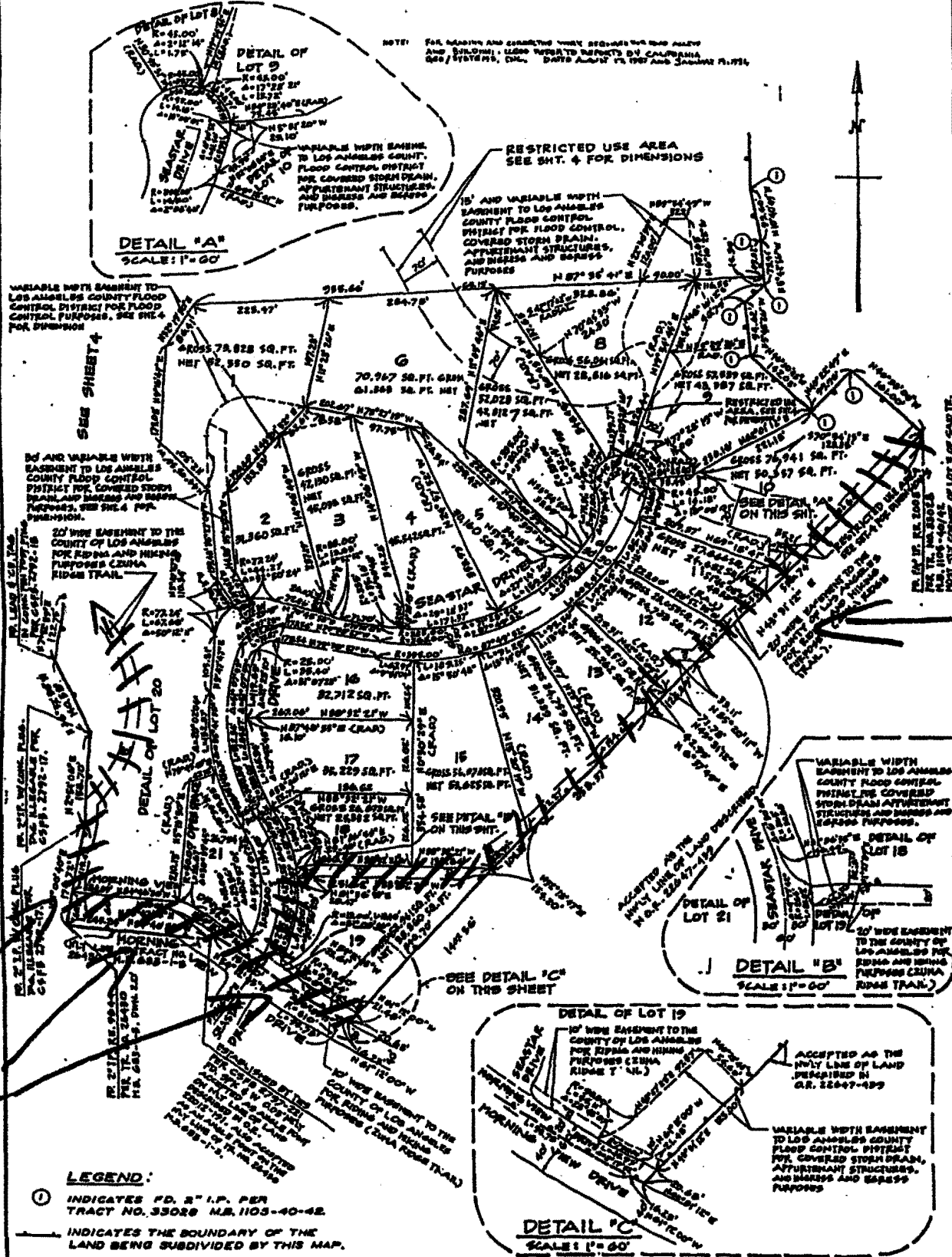
Exhibit 1: Location Map
4-97-011

SCALE: 1" = 100'

TRACT NO. 45585

SHEET 3 OF 5 SHEETS

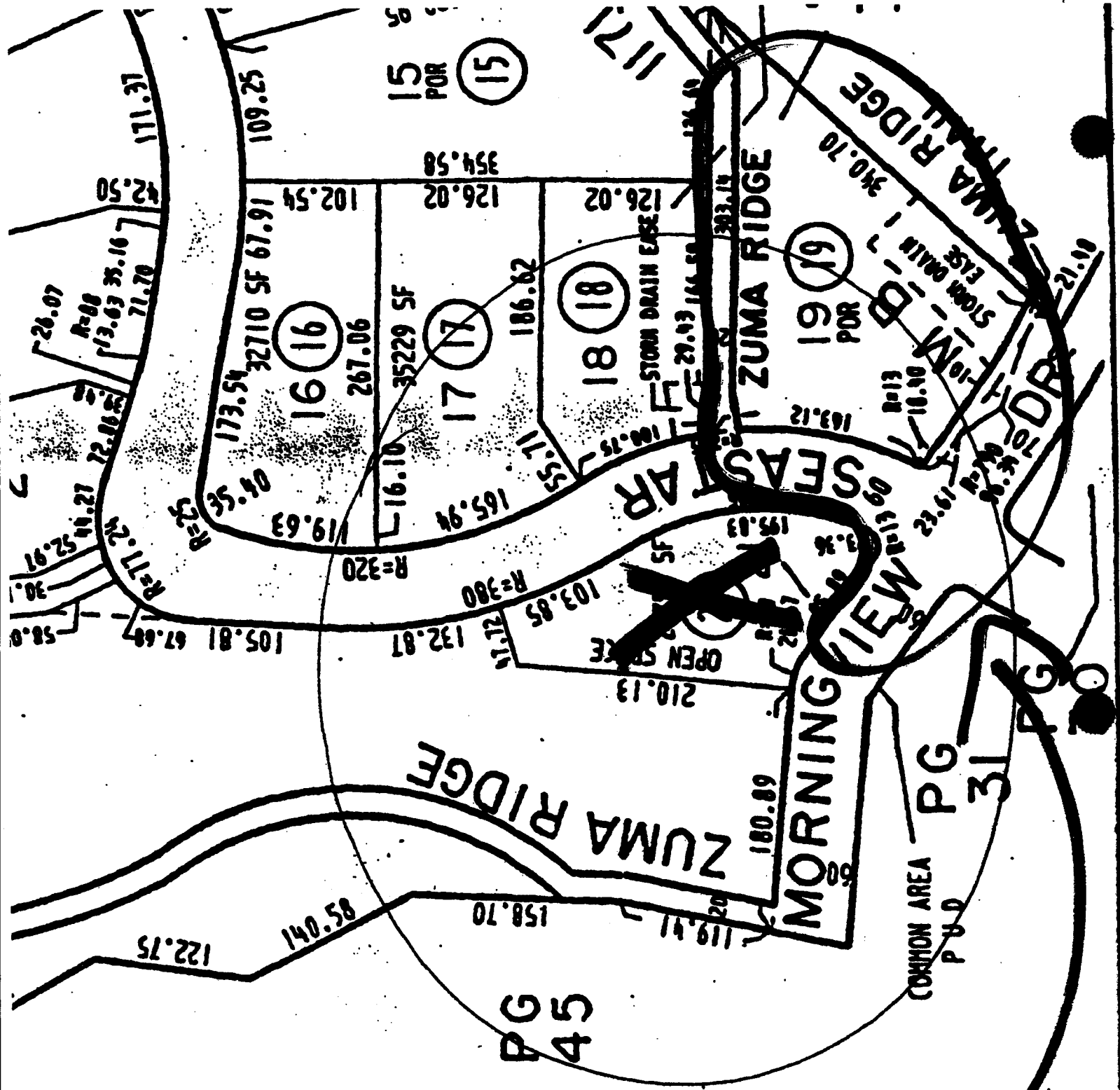
IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.



LEGEND:

- ① INDICATES PD. 2" I.P. PER TRACT NO. 35026 M.B. 1103-40-42.
- INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

Exhibit 2: Tract Map 45585
4-97-011



**AREA PROPOSED
FOR IMPROVEMENT**

Exhibit 3: Area subject to CDP
4-97-011


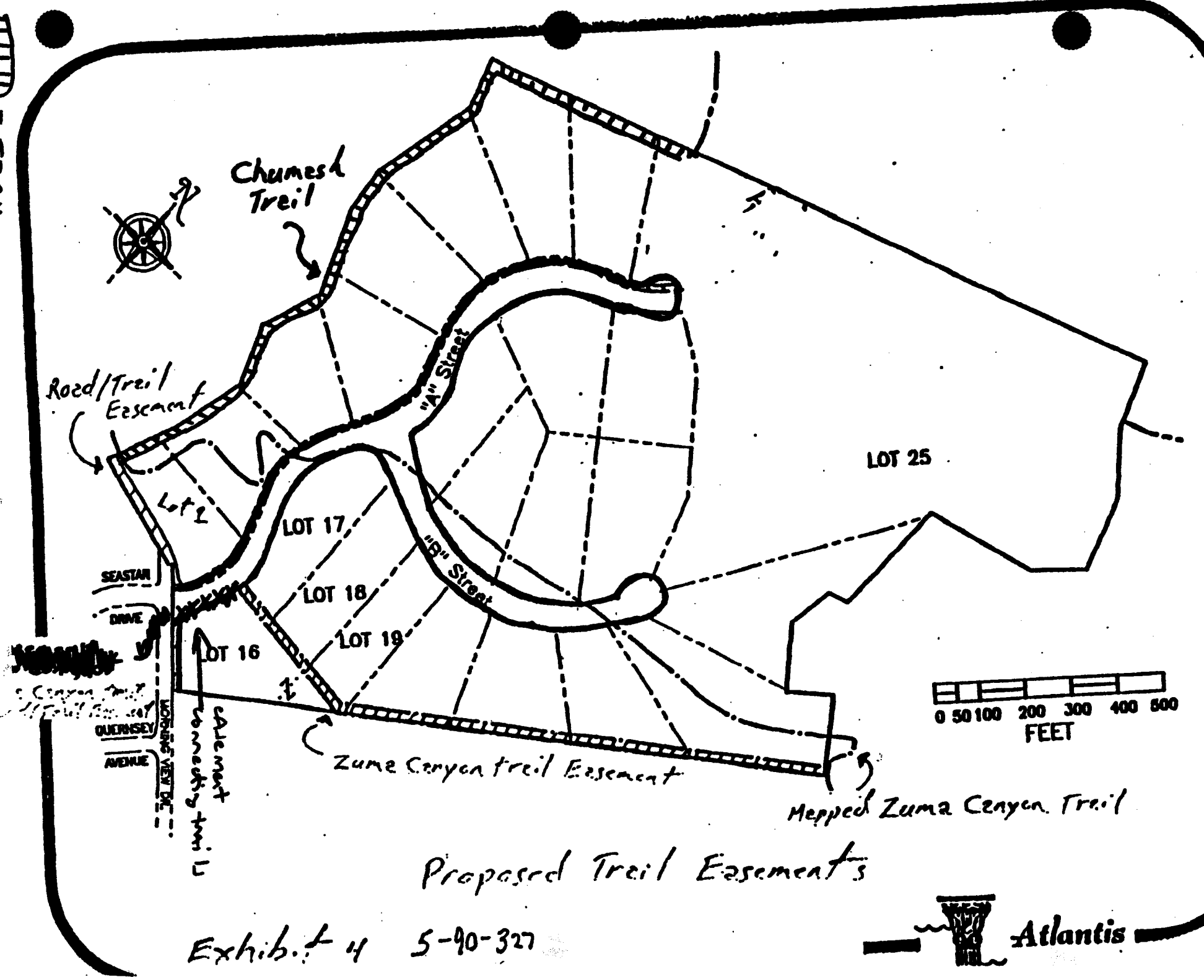
 = TRAIL

Exhibit 4: Trail Alignment
4-97-011



Chumesh Trail

Road/Trail Easement

Lot 2

LOT 17

LOT 18

LOT 19

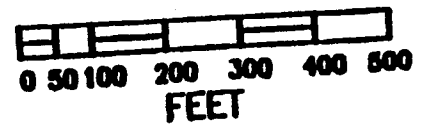
LOT 16

LOT 25

"A" Street

"B" Street

Zuma Canyon trail Easement



Mapped Zuma Canyon Trail

Proposed Trail Easements

Exhibit 4 5-90-327





TRAIL

EXTEND WALL TO
STORM DRAIN GATE
(3'-6" MAX. ABOVE GR)

LOT 19



4
ALT

1
ALT

MATERIALS
PUBLIC
EMMIT

IRE
SITE

GATE

3
ALT

1
ALT

5
ALT

4
ALT

6
ALT

~~NOT A PART~~

FORM. H.C.
ACCESS

SEE PLAZA ENLARGEMENT PLAN

SHT. A1-3

2.09 MAX.
SLOPE

50 F. RETAIN WALL

~~PART~~

55.0%
50-20% (W)

MONUMENT WALL MAX.
3.0' ABOVE FINISH GRADE,
ON BOTH SIDES OF THE
SEXSTAR.

MORNING VIEW
DR
(DIRT)

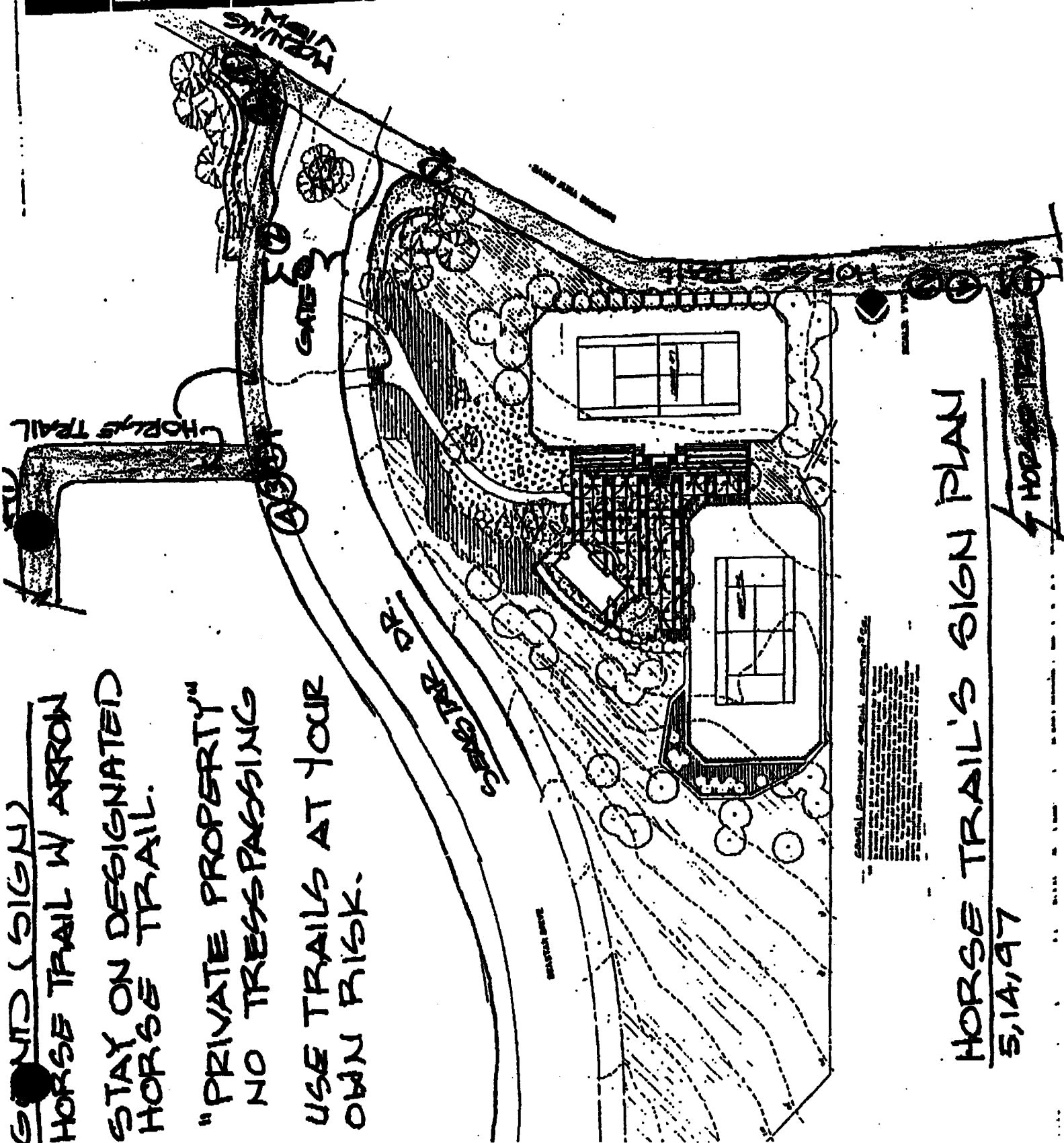
Exhibit 5: Site Plan
4-97-011

PLUS ARCHITECTS

JAVID
DEVELOPMENT CO.

PLANTING PLAN

L-1



- LEGEND (SIGN)
- ① HORSE TRAIL W/ ARRON
 - ② STAY ON DESIGNATED HORSE TRAIL.
 - ③ "PRIVATE PROPERTY" NO TRESPASSING
 - ④ USE TRAILS AT YOUR OWN RISK.

HORSE TRAIL'S SIGN PLAN
5/14/97

Exhibit 6: Sign Plan
4-97-011