

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Filed: 5-8-97
49th Day: 6-26-97
180th Day: 11-4-97
Staff: SPF-VNT *[signature]*
Staff Report: 6-18-97
Hearing Date: July 8-11, 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 with the placement of concrete and stone on the road and decomposed granite on the trail path. The four different types of signs proposed are free-standing signs that will be 14 inches by 17 inches with large print. The language on the four different signs state: "Horse trail" with an arrow indicating the direction of the trail; "Stay on designated trail;" "Use trails at own risk;" and "Private property. No trespassing;" The applicant will maintain the signs and replace them when necessary.

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 du/a
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), 4-92-199 (Stiepel), 4-92-219 (Zuma Mesa Homeowners Association), 4-93-101 (Winding Way Homeowners), 4-95-074 (Javid), 4-95-228 (Vista A Mer Homeowners Association), 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, construction of a monument wall on lot 19, and the installation of signs indicating the location of the trail, identifying private property, and instructing trail users to stay on

the trail and use the trail at their own risk. Seastar Drive is a private street north of Morning View Drive that services 19 residential lots and one recreational lot created under a previous subdivision. There is an existing trail, 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. This trail is not a recorded trail easement. There is an offer-to-dedicate for this trail alignment; however it has not yet been accepted by a public agency. 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 one special condition 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.

STAFF NOTE

This application was originally before the Commission at the June Commission hearing. At that time, the Commission postponed the hearing in order to obtain further information and clarification regarding maintenance and replacement of the signs as needed; details regarding the size of the signs, the size of the lettering on the signs, the location of the signs, and their construction; the need for the gate; and the validity of a homeowners association. Staff has met with the applicant's agent and provides information regarding these concerns in the following findings.

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 pedestrian and equestrian trail, that 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 through a series of signs with arrows, informing the public to use the trail at their own risk, and to stay off private property. Exhibit 7 contains a letter from the applicant's agent describing the signs, and agreeing to maintain the signs. The design of each sign is included as Exhibits 7A through 7D. Finally, Exhibit 6 shows the location of the signs along the trail.

The four different types of signs are free-standing signs that will be 14 inches by 17 inches with four inch tall letters. The sign that states, "Stay on designated horse trail" will have letters that are three inches high. The signs are not proposed on walls. There is no significant vegetation adjacent to any of these signs that has the potential to grow large enough to cover the signs. Moreover, the applicant has agreed to maintain the signs to ensure

their continued existence and readability. There will be six signs that state "Horse trail" with an arrow indicating the direction of the trail; two signs stating "Stay on designated trail;" three signs that state "Use trails at own risk;" and one sign that states "Private property. No trespassing;" The applicant will maintain the signs and replace them when necessary.

Specifically, where the trail makes a 90 degree turn at the south-west corner of the property there will be two signs that say "Horse trail" and have arrows to direct trail users either north, east or west on the trail (Area 1 of Exhibit 6). At the southwest intersection of Seastar Drive and Morning View Drive there will be a sign with an arrow pointing east and west to direct trail users along the portion of the trail parallel to the southern property line (Area 2 on Exhibit 6). At the northeast corner of Seastar Drive and Morning View Drive there will be three signs. Two will indicate the location of the trail with arrows pointing north and west; the third will state "Use trail at your own risk" (See Area 3 on exhibit 6). Area 4 on exhibit 6 shows the trail adjacent to the gate. There is one sign here which states "Stay on designated horse trail." Finally, in area 5 on Exhibit 6, there will be signs which show that the trail proceeds south or east; a sign which states "Use trail at your own risk," and one "Private Property Sign. The latter sign will be located north of the trail where it turns east. The purpose of this sign is to discourage trail users from proceeding north on Seastar Drive, onto private property. This is the only "Private property" sign.

Seastar Drive is a private road north of Morning View Drive servicing 19 residential lots and one recreational lot, and ending in a cul-de-sac. This portion of Seastar Drive, north of Morning View Drive, is not maintained by the County of Los Angeles or the City of Malibu. Maintenance is the responsibility of the homeowners association. The applicant is thus proposing the gate to limit public use of the private road and provide a sense of privacy and security to the homeowners. Currently there is only one residence constructed in the subdivision. However, two other lots have received Commission approval; a third application for a residence is currently pending at the City of Malibu. There are a total of six lots which have been sold by the developer; all these property owners are part of the homeowners association.

The 19 lots serviced by Seastar Drive north of Morning View Drive 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. Exhibit 4 shows the alignment of the trail recorded in the offer to dedicate adopted under coastal development permit 5-90-327 (Javid). This offer to dedicate has not yet been accepted by a public agency. Although there is no recorded trail easement, the existing trail is used by the public.

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 adjacent to 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. Exhibit 2 shows the trail alignment.

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)

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 existence of these two trails. The trail alignment is shown in Exhibits 2-4. This offer-to-dedicate a trail easement has not been accepted by a public agency. The trail that currently exists on site is in the same general alignment as the trail outlined in the offer-to-dedicate. The applicant is willing to provide unimpeded access of this trail even though the trail has not been accepted by a public agency.

This application is for the installation of a gate across Seastar Drive immediately north of Morning View Drive, a monument wall on lot 19, replacement of the asphalt on the road with concrete and stone at the entrance to the subdivision, the placement of decomposed granite along the trail, and the placement of signs to direct trail users to the location of the trail. There is no fencing across the trail.

Development proposed under this application includes a monument wall and minor landscaping on lot 19, which is immediately east of Seastar Drive. 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.

The residential subdivision north of the intersection of Morning View Drive and Seastar Drive is serviced by a private road. This liability and maintenance of Seastar Drive, north of Morning View Drive is the responsibility of the homeowners within this subdivision. As such, the homeowners association is proposing the installation of the gate across Seastar Drive immediately north of Morning View Drive. The gate is intended to limit public use of the private road. The applicant does not intend to limit public use of the existing trail, on which a future easement may be recorded. Thus, the applicant, as noted below, is providing improvements to the trail to clearly mark the location of the trail on the property, and use a series of signs to help guide trail users to the location of the trail.

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. Currently there is one residence constructed in this subdivision. There are two other lots with coastal development permit approvals for the construction of single family residences. There is an additional proposal for the construction of a single family residence on another lot currently pending at the City of Malibu.

The proposed gate is located on the privately maintained portion of Seastar Drive. The gate is proposed to inhibit public vehicular access on the privately maintained portion of Seastar Drive. The fencing and gate will not block access to the trail which is recorded under the offer-to-dedicate. The trail runs along both the west and east property lines and crosses both Seastar Drive and Morning View Drive, as described above. The applicant understands that there is an offer-to-dedicate and does not want to impede access to or along this trail. Moreover, the applicant wants to ensure that trail users are provided safe and unimpeded access. Yet, the applicant does wish to provide a sense of privacy and security to the homeowners of the subdivision through the placement of the gate and fencing along the property line, not across the trail. Thus, the applicant is proposing to place decomposed granite on the trail path to delineate the path from the street and place signs to ensure that trail users can find the trail, stay on the trail and do not trespass on the private street or private lots.

The applicant is proposing a total of four different signs (See Exhibit 6). The first set of signs will have arrows to direct trail users to the trail at the intersection with the roads and at turns. There are approximately six of these signs; they are placed at every turn or road intersection with the trail. The second sign will direct trail users to stay on the trail. There are only two of these signs which will be located adjacent to the road. The third sign advises trail users to use the trails at their own risk; the applicant will place adjacent to other signs to limit liability. Finally, the fourth sign states "Private property, no trespassing;" there is only one such sign proposed. This sign is proposed to be north of the trail to warn trail users that failure to turn at the trail intersection will result in trespassing on private property. There are no other "Private property" signs proposed. All the signs are proposed to be of the same size, approximately 14 inches by 17 inches, three feet above the ground. The lettering on each sign is proposed to be three to four inches. The design of the signs can be seen in Exhibit 7.

Currently, the trail alignment exists and is used by equestrians and pedestrians. The trail easement 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 could deter people from using the trail, especially if the trail was not well marked or signed. 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, in this case, the applicant is proposing several signs and is improving the trail to specifically mark the location and invite the use of the trail. Moreover, the only sign that states "Private property" is located north of the gate, immediately north of the location where the trail turns off Seastar Drive and continues north-east between lots 18 and 19. Finally, the applicant is proposing the placement of three types of signs which refer to the use of the trail. As proposed by the applicant, there should be no psychological deterrent to use the trails.

In past Commission actions, the Commission has found that gates and "Private Property" or "No Trespassing" signs without delineation of a trail or signs does deter the public from using trails on those site. To avoid that psychological deterrent, the Commission has required previous applicants to clearly delineate trails through trail improvements or signs that illustrate that a trail exists. When such compliance is not possible, the Commission has 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." Currently, this trail is used by the public.

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 has in past permit actions approved gates on private roads even when there is a trail adjacent to the road. These developments mirror the proposed development. For example, in 4-92-219 (Zuma Mesa Homeowners

Association), the Commission approved the construction of an electronic gate across Cavalleri Road. Cavalleri Road is a private road; however there is also a trail adjacent to the road. To provide access to the trail, the applicants proposed a six foot wide accessway immediately adjacent to the gate to allow for unimpeded equestrian and pedestrian access of the trail. The Commission approved this project. The gate has been constructed, and the trail continues to be open for public use. The design of the gate and trail opening in the fence is identical to the proposed project.

In 4-92-199 (Stiepel), the Commission approved an electronic gate across Coasta Del Sol. As with Cavalleri Road and Seastar Road, there is a trail immediately adjacent to the road. The Commission approved the project with special conditions requiring a five foot wide accessway immediately adjacent to the road. Again, this gate has been constructed and the trail access is unimpeded.

The proposed project is identical to the last two projects described. The trail is immediately adjacent to the road. In this case, however, the applicant is proposing a delineated trail path. The applicant is also proposing signs to direct trail users to the trail. Unlike the project approved by the Commission in 4-93-101 (Winding Way Homeowners), the applicant is not proposing "Private property" signs on the gate or along the trail. The only "Private property" sign is proposed on Seastar Drive, north of the trail where it turns and proceeds east. Thus, this project is consistent with past Commission action in that it provides unimpeded trail access.

Finally, in 4-95-228, the Vista A Mer Homeowners Association did receive a coastal development permit to place a gate across Via Venezia Drive. This cul-de-sac road was created under a subdivision which created seven lots west of Kanan Dume Drive. No trails were impeded through the placement of this gate. This permit is similar to the subject permit in that it requested the placement of a private road created under a Commission approved subdivision.

One letter of objection to this proposal has been received and is included as Exhibit 8. The letter argues that the development will close off an area that is "open and not restricted;" that the applicant is not a homeowners association; and that the development will block existing easements. To begin with, the original 45 acre lot is a private lot not in public ownership. Under the subdivision, 22 acres of this 45 acre lot were set aside and recorded as an offer to dedicate to open space. This open space lot is planned to be dedicated to the National Park Service in the future. The existing trails on this site were protected and preserved through the recordation of an offer-to-dedicate a trail easement. That trail, as described above, will provide access from one end of the lot to the other. The applicant, in this proposal, is proposing to improve the trail in those locations where the trail is adjacent to the road. Finally, the homeowners association is an incorporation which has been collecting homeowners dues for four years. There are six lots in this subdivision which have been sold by the developer; the owners of these lots are part of the homeowners association.

In this case, the applicant is willing to provide, maintain, and replace, as necessary, signs that state where the trail is located and how to access that trail from either street. Moreover, the applicant is willing to provide plans of the design of the signs. The Commission finds that with the offer to provide, maintain, and replace the signs this project be consistent with the

public access policies of the Coastal Act. However, 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.

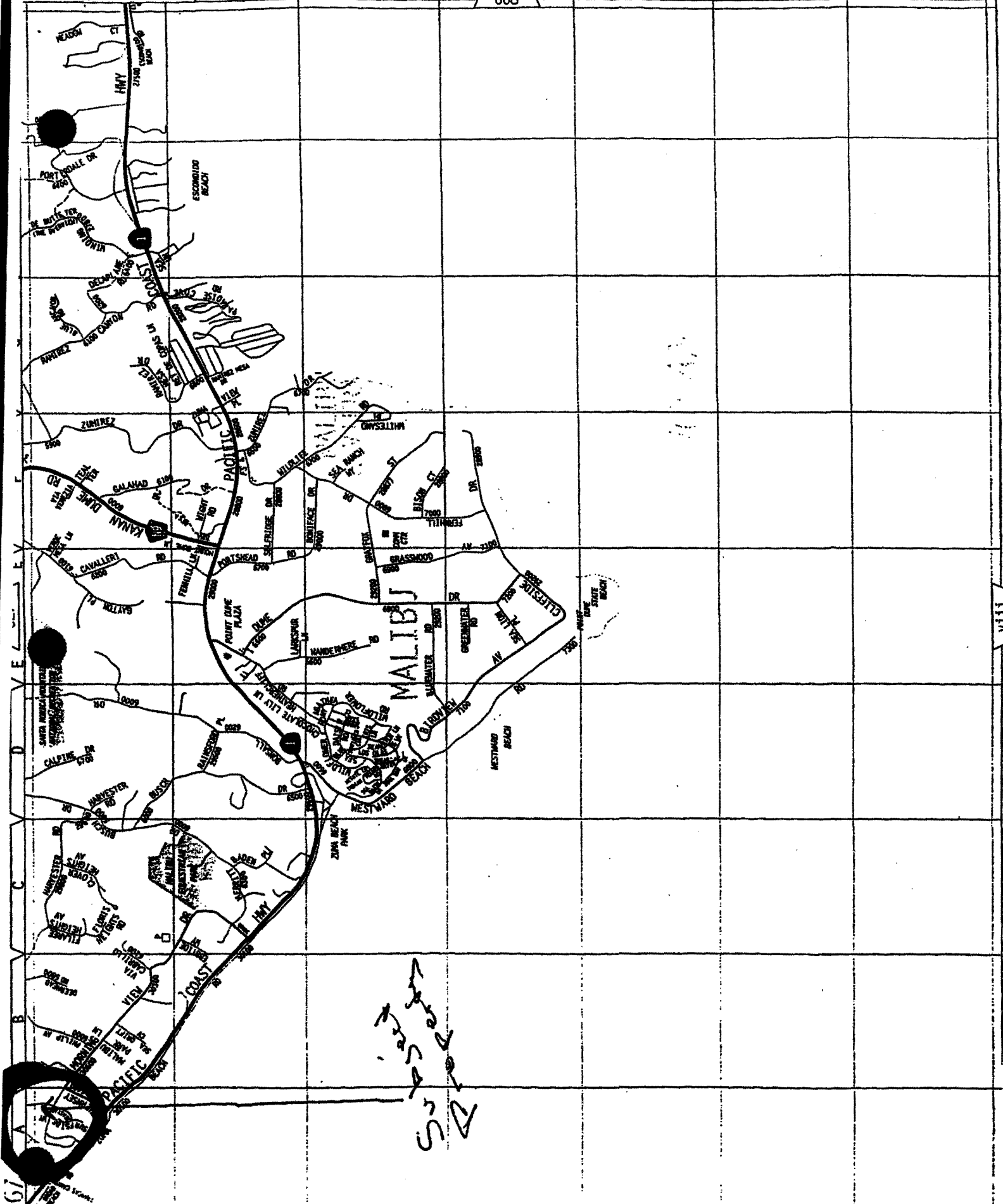


Exhibit 1: Location Map
4-97-011

SCALE: 1" = 100'

SHEET 3 OF 8 SHEETS

TRACT NO. 45585

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

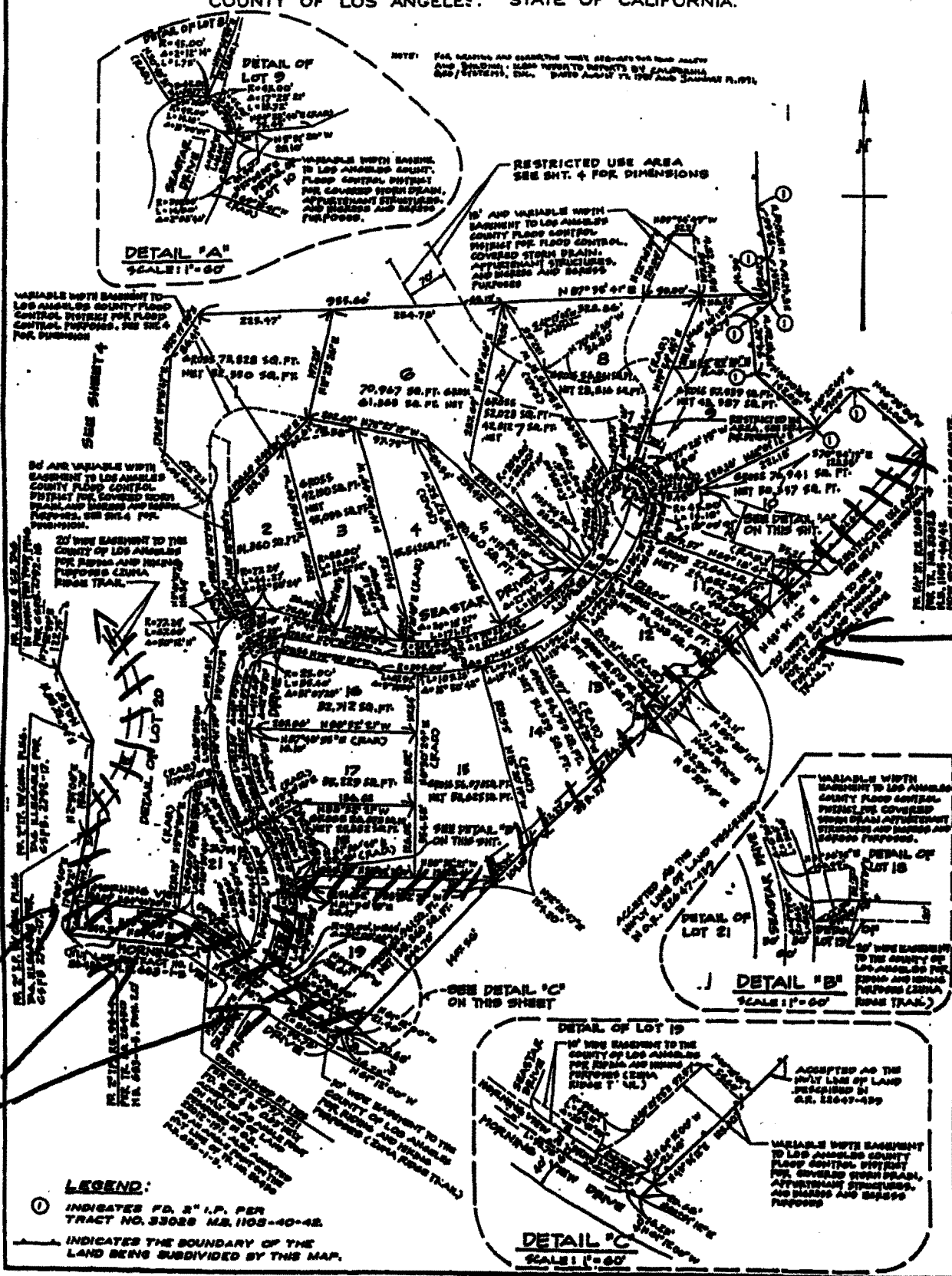
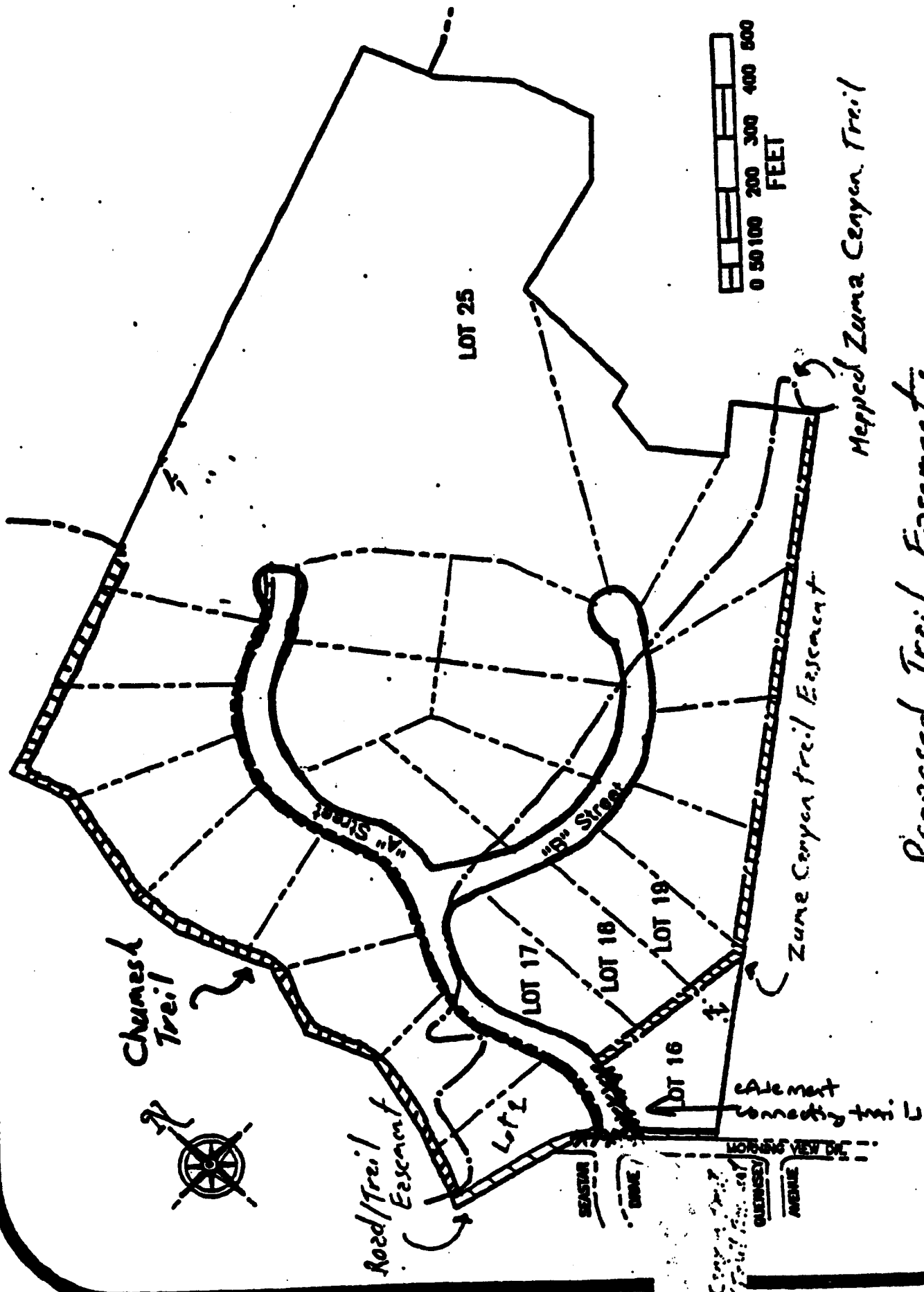


Exhibit 2: Tract Map 45585
4-97-011

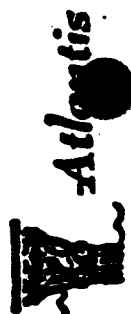
||||| = TRAIL

Exhibit 4: Trail Alignment
4-97-011



Proposed Trail Easements

Exhibit 4 5-90-327



~~XX~~

TRAIL

~ 12 FT WIDE



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

LOT 19

WATERIAL
IBLIC
EMITT

RE
SITE

GATE

~~NO~~

~~TA~~

SEE PLAZA ENLARGEMENT PLAN

SHT. A1-3

2.09 MAX
SLOPE 1:1

~~PART~~

~~MONUMENT WALL MAX
5'0" ABOVE FINISH GRADE,
ON BOTH SIDES OF THE
SECTORS.~~

MORNING VIEW
DR
(DIRT)

Exhibit 5: Site Plan
4-97-011

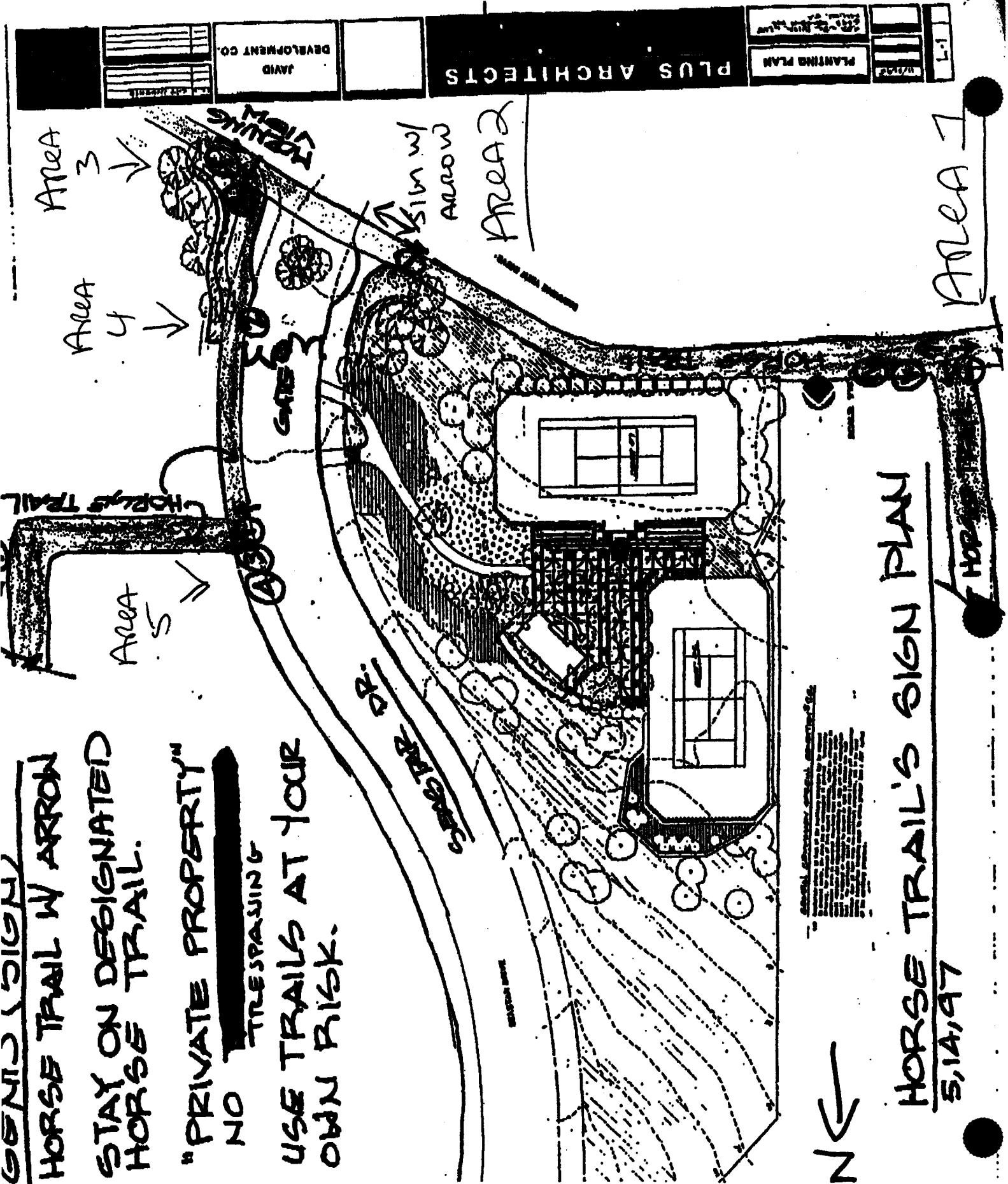


Exhibit 6: Sign Plan
4-97-011

TELEPHONE
(310) 456-5373

RICHARD N. SCOTT, INC.
A PROFESSIONAL LAW CORPORATION
24955 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265

FACSIMILE
(310) 456-9729

Ms Susan Friend
California Coastal Commission
89 South California Street
Suite 200
Ventura, Ca 93001

Via Facsimile No.
(805) 641-1732 and
Regular Mail

RE: Permit No. 4-97-011

Dear Susan:

I am enclosing herewith, depictions of the four signs referred to on Exhibit 6 of the Staff Report dated May 19, 1997 for the above numbered permit. As discussed all of the subject signs would be placed on poles so that the bottom of each sign were 3 feet above grade and the signage area would be maintained vegetation free by the Homeowners Association as part of its regular monthly maintenance. The applicant will accept the sign specifications, pole specifications and maintenance requirements as a condition of approval of the subject permit.

If you have any questions regarding the above, please give me a call.

Yours very truly,

RICHARD N. SCOTT, INC.



BY:

Richard N. Scott
President

RNS:r

Exhibit 7: Letter from applicant's
agent with sign designs
4-97-011

HORSE TRAIL



Sign - 14" x 17"
Letters - 4"
Arrow - 2"

Exhibit 7A: Sign Design
4-97-011

SIGN 14x17
LETTERS 4"
ARROW 2"

Sign 14" x 17"
Letters - 4"

USE TRAIL AT
YOUR OWN RISK

Exhibit 7B: Sign Design
4-97-011

Sign 14" x 17"
Letters 4"

LETTERS "I"
[REDACTED]
S. 282 - 14" x 17"

STAY ON DESIGNATED HORSE TRAIL

Sign - 14" x 17"
LETTERS 4"

Priavate Property

No Trespassing

Max and Mary Perry
6403 SURFSIDE WAY
MALIBU, CALIFORNIA 90265

RECEIVED

JUN 04 1997

May 29, 1997

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DIST.

Ms. Susan Friend
Coastal Program Analyst
89 South California Street, Suite 200
Ventura, CA 93001

Re: Public Hearing Notice on Permit No. 4-97-011, gates w/motors and signs on Seastar Drive, Morning View Drive, Malibu, CA

Dear Ms. Friend:

This is in response to the Notice of Public Hearing, dated May 27, 1997 for a hearing scheduled for June 12, 1997 in Marin County for the referenced matter.

We strenuously object to the further development of amenities and gates in a community that is open and not restricted. We have lived in this neighborhood for ten years. It is the kind of place that is affordable to families and a nice place for kids to ride their bikes and everyone to walk around on open streets. Most of the people in this part of Malibu live in un-gated subdivisions.

The applicant is a fictitiously named entity. The Javids have been involved in the development from start and do not live in the neighborhood. Out of the 19 lots that were subdivided, there has only been one house built, so to call the applicant a "Homeowners Association" is wishful thinking.

What was once a rolling hillside suitable for a few lots overlooking the ocean is now gone. In its place is a paved street, lined with trees out of character for S. California, and a couple of lots filled with excavation rubble that has been there for years. The one house that has been built has its own gate w/motor. Perhaps the people that end up building on the lots would rather build their own fences and gates w/motors. Maybe they won't even like Javids' plans.

From what I understand, the most serious impact will be the restriction on the rights of way that the public has been using to get to the beach since this area was developed in the early 1960's. Everyone uses the end of Morning View Drive to walk to the beach going under the bridge at Trancas Creek to avoid the traffic on PCH, or to walk to and from school. The location of the proposed gates and fences may violate existing easements or rights of way. The Javids have already erected a fence at the end of Morning View and the big sign out in front proclaims Sea Star Estates to be a gated community.

Our house, where we have lived 10 years, overlooks the so-called recreation lot which the Javids bulldozed into the side of the hill three or four years ago. To boost lagging sales, the Javids

wanted to put in a lighted tennis court. The Malibu Planning Commission turned it down and the Council upheld the Planning Commission on a 5 to 0 vote on May 27, 1997. The lots that have been improved by the Javids do not really need anything other than a rising real estate market to make them extremely desirable. To add fences, gates and lights will actually detract from their appeal and detract from the environment. At the very least, why not let the real Homeowners Association, once the developer turns over control, apply for the types of things it feels are necessary, and table the application until then.

Please consider the pending application to be contrary to the best interests of all of the people of California to preserve coastal access and to limit unnecessary coastal development.

Very truly yours,



Max and Mary Perry

