

# RECORD PACKET COPY

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

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**Wed.20a**

**Staff:** NC, RS - SF  
& SH - V  
**Staff Report:** July 31, 1997  
**Hearing Date:** August 13, 1997

### STAFF RECOMMENDATION FOR THE ISSUANCE OF CEASE AND DESIST ORDER

**CEASE AND DESIST ORDER:** CCC-97-CD-01

**RELATED VIOLATION FILE:** V-4-97-002

**PROPERTY LOCATION:** South side of Cliffside Drive (approximately 1000 feet in length from Birdview Avenue towards Dume Drive), adjacent to Point Dume State Park, Malibu, Los Angeles County  
APN 4468-001-900 and APN 4468-001-901  
(Exhibit #1)

**PROPERTY DESCRIPTION:** Cliffside Drive has a 24-ft. wide pavement and is located within a 60-ft. easement held by the City of Malibu. The 18-ft. wide dirt shoulder between the southern edge of the pavement and the fence along the State Park is the location of the violation.

**VIOLATOR:** City of Malibu

**VIOLATION DESCRIPTION:** 1) The effectuation in 1982 of parking restriction causing a change in intensity of use of land; 2) the intensification of the restriction in 1995; and 3) the addition of new restriction in 1995. These actions were accomplished by the erection of regulatory signs and installation of boulders in the subject area without a coastal development permit.

**SUBSTANTIVE FILE DOCUMENTS:** Point Dume Ecological Reserve, Biological Assessment and Conceptual Plan, Department of Fish and Game, March 1980.  
Coastal development permit Application file No.57-80  
Violation file V-4-97-002

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#### **I. SUMMARY**

The subject violation consists of: 1) The effectuation in 1982 of a parking restriction causing a change in intensity of use of land; 2) The intensification of the restriction in 1995; and 3) The

addition of new a restriction in 1995. These actions were accomplished by the erection of regulatory signs and installation of boulders in the subject area without a coastal development permit. The City has not complied with numerous requests by Commission staff to apply for a coastal development permit to either authorize the development after-the-fact or to restore the property to its pre-development state.

The proposed order would require the City to cease and desist from engaging in any further development at the subject property without first obtaining a coastal development permit and submit timely applications to the Commission for either: 1) removal of the unpermitted development and restoration of the site, or 2) after-the-fact authorization to allow retention of the development.

## **II. MOTION**

Staff recommends adoption of the following motion:

*I move that the Commission issue Cease and Desist Order No. CCC-97-CD-01 as set forth in Section IV of the Staff Report and Recommendation dated July 31, 1997.*

Staff recommends a **YES** vote. An affirmative vote by a majority of the Commissioners present is necessary to pass the motion.

## **III. PROPOSED FINDINGS**

Staff recommends that the Commission adopt the following findings in support of its action:

### **A. Site Description and History<sup>1</sup>**

The subject area consists of the 18-ft. wide dirt shoulder between the southern edge of the pavement of Cliffside Drive and the fence along the State Park. Cliffside Drive has a 24-ft. wide pavement and is located within a 60-ft. easement held by the City of Malibu. (**Exhibit #1**)

The State Park consists of an overlook which is a rock promontory including the Point and portions of adjoining beaches. There are numerous trails along this upland area established by extensive public use. The three shoreline areas below the promontory, which are part of the State Park that can be accessed by trails over the Point are: 1) Pirates Cove, a small crescent shaped beach nestled at the foot of the cliffs on the west side of the Point; 2) Dume Cove, a long curving beach to the east of the Point; and 3) low lying rock area between Pirates Cove and Dume Cove.

In 1978-79, the State of California acquired the land which is the Point Dume State Park Preserve.

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<sup>1</sup> From CDP Application file No. 57-80

**B. Background**

On August 8, 1995, a member of the public reported to Commission staff that the City had removed all the regulatory parking signs and placed new signs in the subject area, and as an added measure, placed boulders between the signs to prevent the public from parking along the shoulder. The same day Commission staff visited the subject area (south shoulder of Cliffside Drive) and confirmed the placement of boulders and installation of 7 new "No Parking symbol" and 7 new "Fire Lane Tow-away" signs. The boulders vary in size from approximately 10 to 60 cubic feet and are spaced with a gap of 2 to 3 feet between them. Commission staff also noted encroachment into the opposite north shoulder of Cliffside Drive by exotic plants and shrubbery planted by abutting property owners.

Commission staff opened violation file No. V-4-97-002 and in the course of an ensuing investigation obtained the following information from records of Los Angeles County and the City of Malibu:

Around July, 1929, a "Time Limited Parking R37B1R" sign was installed by Los Angeles County on the south side of Cliffside Drive, 650 feet west of Dume Drive. In August 1965, the 1929 sign was removed and a "No Parking Anytime R281" sign\* (**Exhibit #2**) was installed.

On August 16, 1966, the Los Angeles County Board of Supervisors adopted an Order (file reference no. T660843) prohibiting parking on each side of Cliffside Drive between Birdview Avenue and Fernhill Drive (**Exhibit #3**).

On July 5, 1972, the Los Angeles County Board of Supervisors adopted an Order (file reference no. T720719) prohibiting parking on the north side of Cliffside Drive between the easterly terminus of Cliffside Drive and a point 380 feet west thereof (**Exhibit #3**).

On February 1, 1973, the subject area was included in the jurisdiction of the "Permit area" of the California Coastal Zone Conservation Act of 1972.

On July 9, 1974, in response to a petition from abutting property owners, the Los Angeles County Board of Supervisors adopted an Order (file reference no. T740685) prohibiting parking on each side of Cliffside Drive between Birdview Avenue and the terminus of Cliffside Drive east of Fernhill Drive (**Exhibit #3**). In July 1974, the County placed approximately 20 signs on Cliffside Drive, near Fernhill Drive. The 1974 Order superseded the previous two Orders of 1966 and 1972. In effect the 1974 Order, if and when implemented, prohibited parking on the entire stretch of Cliffside Drive.

As of January 1, 1977, there was one "No Parking Anytime R281" sign located 650 feet west of Dume Drive, installed in August 1965 at the subject area. The 1965 sign was installed at the same location after the July 1929 sign was removed.

From Birdview Avenue to Dume Drive, Cliffside Drive is approximately 1000 feet long. In July 1982, the County installed a "No Parking Anytime R281" sign on the south side of Cliffside

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\*As per the Traffic Sign Inventory of the Los Angeles County Public Works Department. (**Exhibit #2**)

Drive, 815 feet west off Dume Drive\*. Thus as of July, 1982, there were only two "No Parking Anytime R281" signs, approximately 165 feet apart, in the subject area effectuating the parking restrictions set forth in the 1974 Order. On an unknown date before March, 1991 (City of Malibu date of incorporation), the July, 1982 "No Parking Anytime R281" sign was removed and a "Time Limited Parking R37B1R sign\* was installed.

In October, 1982, the County installed on the south side of Cliffside Drive, a "No Parking anytime R281" sign 210 feet and another "No Parking Anytime R281" sign 410 feet west of Dume Drive\*. The County's Inventory does not reflect the City's Inventory of a "Time Limited Parking R37B1R" sign installed in October 1982 on Cliffside Drive, 625 feet west of Dume Drive.

As per the City's Inventory 3 "Time Limited Parking R37B1R" signs were placed on Cliffside drive, at 0 feet east of Birdview Avenue, 0 feet west of Dume Drive and 1000 feet west of Dume Drive on unknown dates. The last actions in the Inventory for the signs indicate that they were installed before the incorporation of the City.

In March 1991, the City of Malibu was incorporated, effectively transferring to the City all operations and management of the subject area, including enforcement of parking prohibitions.

On August 8, 1995, Commission staff confirmed the presence of new parking signs and parking barriers in the form of boulders and opened violation file V-4-97-002.

On December 4, 1996, Commission staff member Steve Hudson telephoned John P. Clement, Public Works Director, City of Malibu, and informed him that placement of regulatory parking signs and installation of boulders undertaken by the City constitutes "development" as defined by Section 30106 of the Coastal Act. Hudson also told Clement that any "development" undertaken in the coastal zone without the benefit of a coastal development permit (CDP) constitutes a violation of the Coastal Act. Clement stated that the parking signs on Cliffside Drive were replaced in early 1995, and the boulders were installed around June, 1995. Clement stated that the boulders were necessary because people removed the regulatory parking signs and parked on the shoulder. Clement also stated that the signs that predated the City's incorporation, bearing the messages "no parking" and "tow-away / no stopping anytime", had faded and were replaced with the "no parking symbol" and "pavement fire lane tow-away" signs. According to Clement, the "fire lane" signs included language which referred only to the pavement, but the City erased that clarifying language because it was confusing.

By communications which include, but are not limited to, telephone conversations and letters to Clement dated January 21, 1997, March 17, 1997, and March 18, 1997, and a letter to the Mayor and members of the City Council dated April 10, 1997, Commission staff has recommended that the City obtain Commission approval for either after-the-fact authorization of the "development" or for the removal of the "development" and restoration of the site to resolve the Coastal Act violation.

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\* As per the Traffic Sign Inventory of the Los Angeles County Public Works Department. (Exhibit #2)

On April 17, 1997, the City Council of Malibu directed the City staff to:

- 1) Not process a coastal development permit application for the parking restriction signs along Cliffside Drive or Birdview Avenue and to advise the Coastal Commission that the signs were installed by L. A. County at least 14 years ago, and that the signs are now prima facie permitted (due to the City's understanding that the Commission's statute of limitations has expired);
- 2) Not remove the boulders along Cliffside Drive and to not process a coastal development permit to retain the same; and
- 3) Negotiate with State Parks and Recreation Department related to disabled parking spaces at the gate at Birdview Avenue.

On May 9, 1997, Commission staff sent a Notice of Intent to commence Cease and Desist Order proceedings and a Statement of Defense form to the City (**Exhibit #4**). At the request of the Christi Hogin, City Attorney for Malibu, the Executive Director extended the time for submittal of the Statement of Defense form to June 11, 1997. The City's Statement of Defense was duly received by Commission staff on June 11, 1997 (**Exhibit #5**).

**C. STAFF ALLEGATIONS**

The staff alleges the following:

1. Since March, 1991, the date of incorporation for the City of Malibu the south side of Cliffside Drive, between Birdview Avenue and Dume Drive (hereinafter "the subject area") has been located within the jurisdiction of the City. Prior to March, 1991, the County of Los Angeles had jurisdiction over the subject area.
2. The subject area is located within the coastal zone and is therefore also located within the permit jurisdiction of the California Coastal Commission.
3. Development, consisting of: 1) the promulgation of parking restrictions effectuated by the placement and replacement in 1982 of parking restrictive signs by the County of Los Angeles; 2) the intensification of the 1982 restriction in 1995 by the installation of new signs and boulders by the City of Malibu; and 3) the additional promulgation of a new restriction in 1995 by the City of Malibu has been undertaken in the subject area.
4. On August 16, 1966, the Los Angeles County Board of Supervisors (hereinafter County Board of Supervisors) adopted an order (File Reference No. T660843) which prohibited parking on each side of Cliffside Drive between Birdview Avenue and Fernhill Drive (the subject area of the proposed order is included within this location).
5. On July 5, 1972, the County Board of Supervisors adopted an order (File Reference No. T72079) which prohibited parking on the north side of Cliffside Drive between the easterly terminus of Cliffside Drive and a point 380 feet west thereof.

6. On July 9, 1974, the County Board of Supervisors adopted an order (File Reference No. T740685) which prohibited parking on each side of Cliffside Drive between Birdview Avenue and the terminus of Cliffside Drive east of Fernhill Drive.
7. The parking restrictions adopted in the 1966, 1972, and 1974 County resolutions were effectuated at the subject area only in 1982 by the installation of 3 new regulatory parking signs by the County. According to the County sign inventory logs, these were "No Parking Anytime R281" signs. From 1982 until March, 1991, the County periodically removed and/or added signs (See Table 2 on page 18).
8. From 1982 until March, 1991, the County failed to obtain a CDP for either the original 1982 placement or for the periodic removal and addition of signs.
9. In 1995, the City of Malibu removed existing County signs on Cliffside Drive and placed 25 new signs, containing a standardized "No Parking" symbol and the wording, "Fire Lane Tow-away". Of the 25 signs, 7 were located in the subject area. The City also installed boulders on Cliffside Drive, including the subject area.
10. The City has failed to obtain a CDP either for the placement of signs in 1982, or for the the installation of signs and of boulders in 1995.
11. The promulgation of parking restrictions as effectuated by the 1982 placement of parking restrictive signs, the 1995 installation of signs and boulders and the 1995 addition of a new restriction constitute the placement of solid material and a change in intensity of use of land and of access to water, and therefore said activities fall within the definition of development as set forth in section 30106 of the Coastal Act.
12. Section 30600 of the Act requires any person who wishes to perform development as defined in section 30106 of the Act to first obtain a CDP for such development. Section 30111 of the Act defines "person" to mean, in relevant part, "any local government."
13. Development undertaken without a CDP in the coastal zone constitutes a violation of the permit requirements of the Coastal Act. In order to resolve this Coastal Act violation, the City of Malibu must either obtain Commission approval of a CDP authorizing the activity "after-the-fact", or restore the subject area to its pre-violation status.
14. By communications which include, but are not limited to, letters to John P. Clement, Public Works Director dated January 21, 1997, March 17, 1997, and March 18, 1997, and a letter to then Mayor Harlow and members of the City Council dated April 10, 1997, Commission staff has recommended that the City must either rescind the unpermitted parking restrictions and remove the signage and boulders, or submit a CDP application for after-the-fact permit authorization, in order to resolve this Coastal Act violation.
15. The City of Malibu has neither obtained after-the-fact Commission permit approval for the unpermitted development or removed and restored the subject area to its pre-violation status.

**D. IMPACTS OF ALLEGED VIOLATION**

The subject unpermitted activities have an adverse impact on public access and recreational opportunities. Section 30210 of the Coastal Act provides that:

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 of 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 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 of the Act states:

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.

In addition, section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible.

The County and City have undertaken and continue to keep unpermitted development in place without a permit. The placement of signs and boulders and the promulgation of a new parking restriction has eliminated available parking areas located on the dirt shoulder, on the southside of Cliffside Drive between Birdview Avenue and Dume Drive, utilized by the public visiting the Point Dume State Preserve, in conflict with sections 30210, 30211, 30212.5, and 30223 of Chapter 3 of the Coastal Act.

The 34 acre Point Dume State Preserve comprises the south and east portions of Point Dume State Beach and includes the upland terrace, bluff faces and a small beach, Pirate's Cove, located just west of the Point in the headland area. Westward Beach is located upcoast from the Point; Westward Beach is heavily visited and has been improved with a parking lot. Dume Beach is located downcoast from the Point and remains relatively isolated and undeveloped.

Point Dume is a highly visible coastal zone landmark. Recreational uses of the State Park include, but are not limited to the following: Experiencing coastal views; whale watching; viewing sea lions, migratory birds and plant life; surfing at Dume Cove; snorkeling; scuba diving; sunbathing; and walking the trails and along the shoreline.

Point Dume is a popular visitor destination point. In 1963, the State acquired both Westward and Dume Beaches. In 1977, the South Coast Regional Commission authorized the Attorney General's Office to investigate the possibility of the existence of prescriptive rights at Point Dume. The Attorney General's Office completed the study, collecting supporting data to conclude that:

public use of the Point Dume area has been open and continuous since at least World War II. The intensity of said usage has increased almost every year. Said usage has occurred over much of the subject property, especially on and around the Point itself and the beach areas, i.e., Westward Beach, Dume Cove, and Pirates Cove (CDP App. No. 57-80 [Dept. of Fish and Game] Adopted Findings, June 18, 1980, pg.4).

The results of the prescriptive rights study were used by the Department of General Services in establishing the acquisition costs of the subject property. The purchase price was substantially reduced due to the extensive evidence of public prescriptive rights on the property (CDP App. No. 57-80 [Dept. Of Fish and Game] Adopted Findings, June 18, 1990, pg.4)

Recently, letters have been received by Commission staff which underscore the historic evidence that the public has visited the Point for many years to enjoy passive recreational activities upon the headland and more active recreational activities at Westward and Dume Beaches. In a letter sent to and published by *The Malibu Surfside News*, on June 26, 1997, Donn B. Tatum, Jr. writes:

As a Malibu resident and longtime user of the Point Dume Headlands State Reserve, I have registered a complaint with the California Coastal Commission in support of its action against the City of Malibu for unpermitted installation of no-parking signs, boulders and other material designed to restrict public access to the Point Dume Headlands.

The city's placement of these obstructions along Cliffside Drive, between Birdview and Dume drives, eliminates historic parking access along public road rights-of-way that I and many others have utilized as far back as the 1970s.

This installation is designed solely for the benefit of adjoining property owners by effectively granting them view easements over a publicly owned and maintained street to keep the public from enjoying its patrimony. The "fire lane" designation is a patent smoke screen in support of this grab; there is no analogous designation anywhere in Malibu that I am aware of, including much more constricted hillside fire-zone streets.

The Malibu City Council appears not at all to have the public interest in mind, but rather the convenience of a handful of wealthy property owners. Such elitism is not appropriate public stewardship.

I have urged the council to remove this embarrassment and let the public have back its historic access to its public coastline. It would be an appalling waste of overtaxed city resources to spend money to litigate the Coastal Commission on this issue, as some council members have intimated. (Mr. Tatum telephoned Steve Hudson of Commission



staff on June 27, 1997, and registered an oral complaint to the Commission, referencing his letter to the *Malibu Surfside News*)

On August 23, 1996, the Commission received a copy of a letter dated August 21, 1996, from Malcolm Dean to then City Manager for the City of Malibu, David Carmany. Mr. Dean's letter states in relevant part:

As you know, Point Dume is a location of great historical importance, in addition to being a fine area for whale spotting. When I first arrived in the Los Angeles area in 1990, I began to enjoy regular visits to the area, often introducing friends to its vistas, and not incidentally, benefiting Malibu businesses at any given moment. I never witnessed any undue garbage or rowdy behavior, and the atmosphere on the Point itself was always civil and almost scholarly.

Sometime in 1995 someone at Malibu City decided that the public has no business visiting this national treasure. A series of ugly boulders was placed along the road, denying anyone intending to visit Point Dume local parking. While it is true that the park located some 100' below offers beach parking at \$5, this does not address the needs of taxpayers who wish only to visit Point Dume for a brief period, or those who cannot make the 100' ascent due to physical limitations...

I am calling upon you to serve the greater good of California by agreeing to work together with the Coastal Commission and Parks & Recreation to provide a **MEASLY** five parallel daylight-only parking spaces at the gate to Point Dume. This is a low-cost solution which will have minimal impact on the neighborhood, answer the existing demand for visitation rights to this *public* property, and require very little fiscal expenditure.

In a letter to the editor of *The Malibu Times*, published May 8, 1997, Chris Ford writes:

...I have lived for more than three years neighboring what probably is the region's busiest public park: Santa Monica State Beach. For the privilege of inhabiting that gorgeous setting, I was perfectly content to accept the reality that the public has a right to access freely the park resources that it owns. So I was willing to put up with tight parking.

On the other hand, residents of beach neighborhoods in Santa Monica are not accorded so generously as Point Dume residents the opportunity to encroach on public rights-of-way with private accoutrements and appurtenances, such as thick landscaping, fencing, decorative stonework, etc...the solution [for public safety vehicles] is to enforce the public rights-of-way. Point Dume residents enjoy the benefits - and property value enhancement - of living near incredibly scenic public park and beach resources. The public has a right to park on Point Dume streets to access the headlands and beach. The time has come for neighboring residents to take the responsibility that comes with the benefit and embrace that right.

I heartily support any efforts by the state, via the Coastal Commission...to reopen Point Dume streets, which never should have been closed, to public parking.

In a letter dated June 4, 1997, to the Executive Director of the Commission, Missy Zeitsoff writes:

On Sunday, May 25, four Malibu residents set off to visit Pt. Dume Headlands, a public state park. We consisted of two grandmother types and a five year old boy and a six year old girl. The elders were eager to share beauty, environment, peace and fresh air with the younger set.

After a five minute drive from home, we spent fifteen minutes circling and circling Birdview, Cliffside, Dume Dr. and other streets, looking for a "legal" place to park. Huge boulders were strangely placed at the most appropriate place to park. Signs everywhere, "Fire-Zone - Towaway," blocked our simple right and desire to park near our state park!

Apparently these public streets are considered more fire prone than most other City...streets.

Finally...we parked on a dirt shoulder with four other cars. Besides the "security in numbers," this spot was the only offroad space available. All other shoulders have been encroached upon by homeowners who assume the public right-of-way is theirs to landscape and fence. In essence, these homeowners have eliminated all public safe parking by unfair encroachment!

With juvenile comments like "park the car - we are wasting our time" driving me to desperation, I succumbed to parking at this spot on Dume Dr.

After a lovely experience at the whale watch station, we trudged back to our car. We were welcomed by a \$50.00 ticket! What a spoiler to a great time!...

...this is a serious public park access issue, and I hope the Coastal Commission will act to immediately rectify this.

The public uses both the headland area above and the beaches located below Point Dume and has used said areas since at least the 1940's. Active recreational enthusiasts can easily park near their destination point at the Westward Beach parking area. Based upon the written evidence cited above, the Commission finds that passive recreational enthusiasts used to be able to park on the dirt shoulder adjacent to the Point Dume Preserve, on the southside of Cliffside Drive between Birdview Avenue and Dume Drive. Now persons desiring to utilize the top of Point Dume are precluded from parking along Cliffside Drive. These passive recreational enthusiasts can legally park at Westward Beach and hike up a moderately steep trail of approximately 100 feet. As stated by some of the letters received by the Commission, not all of the public wishing to enjoy the coast can accomplish this hike. The actions of the County and now the City effectively eliminate any opportunity to park near the top of Point Dume.

The Commission finds that it is feasible to provide parking support, where it was formerly available prior to boulder placement, on the dirt shoulder on the southside of Cliffside Drive between Birdview Avenue and Dume Drive. State Department of Parks and Recreation does not

object to the public parking on the dirt shoulder. In a letter dated April 18, 1997, Neil Braunstein, District Planner for State Parks and Recreation stated, "As for roadside parking, we do not object to parking along Cliffside Drive or Birdview."

Section 5019.71 of the Public Resources Code defines natural preserves:

Natural preserves consist of distinct areas of outstanding natural or scientific significance established **within the boundaries of other state park system units**. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems...Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference and to provide, in all cases, a practicable management unit...(emphasis added)

State Parks and Recreation Department policy appears not to allow the construction of parking areas within an area classified as a preserve. State Parks policy Number 40, PRESERVES states the following:

Activities in natural or cultural preserves shall be limited to those required to interpret, for public use, enjoyment, and understanding, the prime resources as defined in unit resource inventories. Public uses and facilities in preserves shall be limited to those required to permit the public observation, enjoyment, and understanding of the prime resources, shall be compatible with the preservation of the prime resources, and shall conform to unit resource elements and general plans. Roads and all facilities except trails are prohibited in natural preserves. Developments shall be limited to those necessary for resource protection and visitor safety and comfort.

The above-cited section of the Public Resources Code makes clear that "natural preserves" are established within existing State park systems. The cited Department of Parks and Recreation policy allows for limited public use within a natural preserve. State Parks and Recreation staff also appear to be supportive of public parking on the dirt shoulder adjacent to and **outside of** the defined boundaries of the Point Dume Preserve. The above-referenced letters also indicate that the public has in the past parked on this dirt shoulder in order to access the Preserve. The subject unpermitted activities have individual and cumulative impacts on public access and recreational opportunities. Prior to 1982, when the County first placed signs in the subject area to promulgate parking restrictions, the public used the subject area as support parking space to enjoy the Preserve, as stated in the letters the Commission recently received from the public. The parking prohibition continued until 1995, when the City enacted new restrictions and intensified the prohibition through additional unpermitted development resulting in the complete inability of the public to park. The Commission therefore finds that the subject unpermitted development has an ongoing, adverse impact on public access and recreation, in conflict with the above cited public access and recreational policies included in Chapter 3 of the Coastal Act.

**E. ALLEGED VIOLATOR'S STATEMENT OF DEFENSE AND COMMISSION RESPONSE**

On June 11, 1997, the City, through the law firm of Shute, Mihaly & Weinburger, sent the Commission staff its statement of defense.

In summary, the City's defense rests on five contentions:

1. The City did not perform development as defined by section 30106. The City performed "repair and maintenance" on pre-existing development; therefore pursuant to section 30610(d) of the Act, the City's action was exempt from CDP requirements.
2. The City's predecessor in local governmental jurisdiction for the property, the County of Los Angeles, also performed repair and maintenance activities exempt from permit requirements. The City states that the County's placement of parking restrictive signs pre-dates the effective date of the Coastal Act (1/1/77).
3. The Commission's decision to commence a cease and desist order proceeding was premised upon a mistake of fact and, accordingly, the NOI was issued in error by Commission staff.
4. The City is not responsible for correcting the unpermitted nature of development performed by its predecessor, the County, due to court precedents.
5. An enforcement action based upon actions the County allegedly took some fourteen years ago would be barred by the applicable statute of limitations, as well as the doctrines of laches, waiver, and estoppel.

**1. Repair and Maintenance or Development**

**City Contention**

The City maintains, contrary to the allegation in the NOI, that it has neither promulgated nor implemented any new parking restrictions within the subject property since its incorporation in March, 1991. In 1995, the City replaced existing signs bearing the word messages "no parking anytime" and "tow-away/no stopping anytime" with signs depicting a standardized no parking symbol. The City undertook this maintenance work because the existing signs were faded and in need of replacement.

In conjunction with the sign replacement, the City installed what it refers to as a "landscaping feature" (boulders) on the dirt shoulder of the subject property to enforce existing parking restrictions. The installed landscaping feature is also exempt from permit requirements pursuant to the Commission's regulations on repair and maintenance (Cal. Code of Regs., Title 14, section 13252(a)).

At most, the City maintains its actions reflect a decision to enforce more aggressively parking prohibitions that have been in place since long before the enactment of the Coastal Act.

### **Commission Response**

The Commission rejects the City's contention that the promulgation of parking restrictions subsequently effectuated by signs and "landscaping" constitutes repair and maintenance activities that are therefore exempt from permit requirements. Section 30610 states in relevant part:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

...(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

The Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements, adopted by the Commission on September 5, 1978 (hereinafter referred to as "The 1978 Document"), are incorporated into the Commission's Administrative Regulations by section 13252(a) thereof. The 1978 Document states:

The standards for these [repair and maintenance] exclusions are stated in Section 30610 of the Coastal Act: They do not relate to the environmental impact of the proposed activity. **The repair and maintenance exclusion is intended to allow continuation of existing development and activities which began before the effective date of the Coastal Act (emphasis added)**

The following construction activities comparable to those listed do not require a coastal development permit except as specified below:

A. Roads. No permit is required for repair and maintenance of existing public roads including landscaping, ...signing...and other comparable development within the existing right-of way as specified below...The following maintenance and alteration programs of the State Department of Transportation, **or their equivalent conducted by local road departments, which do not result in an addition to or enlargement or expansion of the existing public road facility itself**, do not require a permit except as noted...(7) **Sign Program...**

(7) Sign Program. The sign program includes all work performed on existing signs for the purpose of warning, regulating or guiding traffic including bicycle traffic using bike lanes. The work consists of manufacture, assembly and installation of **new signs to replace existing signs** and the repair, cleaning and painting of signs. (emphasis added)

The subject unpermitted development activities do not meet the criteria of the above-cited language of the 1978 Document because they are not a continuation of **existing** development and activities which began before January 1, 1977. Some of the cited activities were not effectively accomplished until 1982, well after the effective date of the Coastal Act. Further, in 1995, the

City promulgated an additional new parking restriction and intensified the previous restrictions effectuated by the County, with its action to place new signs with a new prohibition and "landscaping".

The unpermitted development activities were the promulgation of parking restrictions first effectuated by the County's placement of new signs in 1982. The City's 1995 unpermitted activities consist of intensification of the County's promulgation of parking restrictions by the City's placement of new signs, "landscaping" and a new restriction, in other words, a further change in the intensity of use of the subject land. Any change in the intensity of use of land is not repair and maintenance as defined in the 1978 Document sections cited. The unpermitted activities constitute new development; they do not continue existing development predating the Coastal Act. Notification of the restriction of the 1974 Order did not begin to occur in the subject area until 1982. In addition, the 1995 unpermitted activities intensified and expanded the activities effectuated in 1982, since additional new signs with a new restriction and "landscaping" were placed in the subject area. Existing signs were not replaced; new signs were erected.

In addition, the City's action to install boulders does not constitute "landscaping." The Commission rejects the notion that the placement of boulders constitutes landscaping. The City states that the boulders represent landscaping and effective parking barriers (Appendix A, John Clement's Declaration, Page 4, lines 22-25). The placement of parking barriers is not repair and maintenance when such parking barriers did not exist prior to January 1, 1977, and when the parking barriers obstruct public access to the water.

The Commission notes that the 1978 Document does not include an exclusion for the installation of "parking barriers". There is no evidence that physical parking barriers, whether they be boulders or some other solid material, have been installed in the subject area before the effective date of the Coastal Act.

Further, the City's 1995 action does not constitute replacement of existing signs. The City did not replace parking restrictive signs with similarly worded signs. The 1995 signs also state that Birdview Avenue and Cliffside Drive constitute a "fire lane" and therefore is also a "tow-away" zone. The 1995 activities involved **placement**, not **replacement**. Signs previously installed in the subject area did not designate Birdview and Cliffside Drive as "fire lanes." The exclusion of public parking areas on dirt shoulders is not necessary for the passage of fire safety vehicles. The 18-ft. wide south shoulder outside the 24-ft. pavement of Cliffside Drive is not the fire lane, and the signs prohibiting parking on the fire lane that remain at present are misleading. As confirmed by Mr. Clement, the City Public Works Director, the signs are intended to prohibit parking on the pavement of Cliffside Drive which is the firelane, not the dirt shoulder. The boulders are intended to prevent parking on the shoulder. In a telephone conversation with Steve Hudson of Commission staff on June 16, 1997, Captain James Jordan, a Fire Department Chief for the Los Angeles County Fire Department (the County provides fire department services for the City of Malibu) stated "there is plenty of room to park on Cliffside Drive off the pavement, as long as the pavement is 20-feet wide. I don't see a problem with parking on Cliffside as long as it's [the parked vehicle] at least 15 feet away from a fire hydrant."

Section 902.2.2.1 of the State Fire Code requires that a road shall be a minimum of 20 feet in width for Fire Department standards. Birdview Avenue and Cliffside Drive are 24 feet in width,

excluding right-of-way easements. Section 902.2.2.1 also provides that if vehicles are allowed to park on one side of the road, a 28-ft. paved width for the road is required; however, this is only applicable if the vehicles are to be **parked completely on the pavement** (emphasis added). Captain Jordan further stated that if a road is less than 28-ft. in width, it is still legal to park off or even partially on the pavement as long as at least 20 feet of paved surface is still available for safety requirements.

In conclusion, the Commission finds that the unpermitted activities do not meet the cited criteria of the 1978 Document. The development consists of placement and intensification of use that obstructs access to the shore. The change in sign wording is not necessary to achieve safe access for fire department vehicles.

## **2. Development Activities by County and City pre-date the effective date of the Coastal Act**

### **City Contentions**

The City states that the actions of its predecessor, Los Angeles County, to place and replace signs along the subject property did not affect existing parking restrictions in place in this section of the coastal zone. The City contends that the initial placement of parking restrictive signs along the subject property pre-dates the effective date of the Coastal Act.

In Attachment A of the City's Statement of Defense, John P. Clement, Public Works Director for the City of Malibu since 1993, states that signs were installed prior to 1977. The City therefore maintains the subject development activities are exempt from CDP requirements because they do not constitute "new" development, merely repair and maintenance activities exempt from permit requirements.

### **Commission Response**

In a series of Orders (**Exhibit # 3**) adopted in 1966, 1972, and 1974 by the County Board of Supervisors, the County promulgated parking prohibitions in the subject area. The Orders prohibit parking as follows:

- |                        |   |
|------------------------|---|
| <b>August 16, 1966</b> | <b>On each side of Cliffside Dr. between Birdview Ave. and Fernhill Dr.</b>   |
| <b>July 5, 1972</b>    | <b>On the north side of Cliffside Dr. between the easterly terminus of Cliffside Dr. and a point 380 feet west thereof.</b> |
| <b>July 9, 1974</b>    | <b>On each side of Cliffside Dr. between Birdview Ave. and the terminus of Cliffside Dr. east of Fernhill Dr.</b>           |

The 1974 Order superseded the 1966 and 1972 Orders. However, under applicable principles of state law these "Orders" did not become effective until after January 1, 1977, and therefore do not constitute pre-existing development activities that occurred before the effective date of the permit requirements of the Coastal Act.

Section 22507 of the State Vehicle Code states, in relevant part:

Local authorities may, by ordinance or resolution, prohibit or restrict the parking or standing of vehicles... on certain streets or highways, or portions thereof, during all or certain hours of the day... **no such ordinance or resolution shall apply until signs or marking giving adequate notice thereof have been placed** (emphasis added).

Thus, the cited Orders did not "apply" until after January 1, 1977, because the County failed to install signs or markings at the subject area, giving adequate notice of the cited parking prohibition described in the Orders.

The 1966 Order was adopted to prohibit parking on both sides of Cliffside Drive between Birdview Avenue and Fernhill Drive, an area which includes the subject area. However, the same Order also indicates that only five signs were to be placed to give notice of this resolution, and that the five signs were to be located on either side of Cliffside Drive between Dume Drive and Grasswood Avenue, an area which does **not** include the subject area. Thus, there were no signs placed upon the subject property with the exception of one, pre-existing sign<sup>2</sup> and the public was not adequately notified of the 1966 Order. Therefore, the 1966 Order did not "apply" to the subject area.

The 1972 Order is not relevant to the subject area because it was adopted to prohibit parking east of Fernhill Drive.

The 1974 Order superseded the previous orders and prohibited parking on both sides of the entire distance of Cliffside Drive. However, the County's Sign Inventory (**Exhibit #2**) does not show the placement of signs until 1982, within the subject area giving notice of the parking prohibition. Thus, like the 1966 Order before it, the 1974 Order as initially carried out by the County failed to give adequate notice and did not begin to "apply" to portions of the subject area until 1982, when the County removed and placed existing signs approximately 200 feet apart along Cliffside Drive, including the portion thereof subject to this Cease and Desist Order.

From the date of the adoption of the 1974 Order until July 1982, no signs were placed in the subject area and thereby adequate notice of the Order was not given to the public. In October 1982, there were four "No Parking Anytime R281" signs on the south side of Cliffside Drive, spaced approximately 165 feet to 240 feet apart. One of these was erected in 1965 and the remaining three were installed in 1982.

The 1974 Order or resolution was inapplicable until 1982 pursuant to the lack of adequate notice of the parking prohibition as stated in section 22507 of the Vehicle code. By the placement of regulatory parking signs on Cliffside Drive near Fernhill Drive, the County's 1974 Order became applicable in that respective stretch of Cliffside Drive. The **three** regulatory parking signs installed by the County at the subject area from July to October of 1982 were intended to prohibit parking along approximately **1000** feet length of the shoulder on Cliffside Drive between Birdview Avenue and Dume Drive. Whereas, at a **1725-ft.** stretch of Cliffside near Fernhill Drive, the County saw the need for 11 signs.

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<sup>2</sup> The sign was installed in 1929 as "time-limited parking"; in 1965 the 1929 sign was removed and a "no parking" sign was installed.



Section 30608 of the Coastal Act precludes the requirement of a coastal development permit for any person who has obtained a vested right in a "development" prior to the effective date of the Coastal Act of 1976 or who has obtained a permit pursuant to the Coastal Zone Conservation Act of 1972. However, no substantial change may be made in any such development without prior approval from the Commission. The County did not apply for a vested right claim for the signs installed before 1976 or obtain a coastal development permit for any of the new signs installed or changes made to the signs after 1976.

The County Inventory shows that one "No Parking Anytime R281" sign existed within the subject area before January 1, 1977. It was located 650 feet west of Dume Drive on the southside of Cliffside Drive and installed in August 1965. The other "No Parking Anytime R281" sign installed in September 1966 was located 200 feet east of Dume Drive on the southside of Cliffside Drive. Moreover, these two signs were situated approximately 850 feet apart (**Exhibit # 4**). The one sign placed within the subject area prior to January 1, 1977 thus did not provide adequate notice of the County's parking restrictions for Cliffside Drive as the City has maintained. The two signs did not appear to be within sight of each other and were 850 feet apart.

Thus, the County Board of Supervisors' Orders adopted in 1966, 1972 and 1974, (which superseded the 1966 and 1972 Orders) did not take effect until 1982, when 3 signs were installed both as replacement signs and as new signs, within the subject area, finally giving adequate notice of the existence of the County's Order. Since the Order only applied to the area starting in 1982, the placement of parking restrictive signs began to take effect **after** the effective date of the Coastal Act. This effectuation in 1982 constitutes development and therefore needed a CDP from the Commission.

The following information provides a visual reference along with **Exhibit #6** for the chronology and location of the signs installed by the County. It was obtained from the Traffic Sign Inventory of the Los Angeles County Public Works Department, except for Nos. 6, 7, 8 and 9 of Table 1 which were from the City's Inventory:

**TABLE 1      Chronology of the installation of signs relevant to and within the subject area**

<b>No.</b>	<b>Date</b>	<b>Message</b>	<b>Code</b>	<b>Location/Reference</b>	<b>Remarks</b>
1a.	07-29	Time Ltd. Pkg.	R37B1R	650 ft. west of Dume Dr.	
b.	08-65	No Pkg. Anytime R281		Same as above	1a was replaced by 1b
2.	09-66	No Pkg. Anytime R281		200 ft. east of Dume Dr.	<b>Outside subject area</b>
3a	07-82	No Pkg. Anytime R28S1		815 ft. west of Dume Dr.	
b.	Unknown	Time Ltd. Pkg.	R37B1D	Same as above	3a was replaced by 3b Last action 07-90
4.	10-82	No Pkg. Anytime R28S1		210 ft. west of Dume Dr.	
5.	10-82	No Pkg. Anytime R28S1		410 ft. west of Dume Dr.	

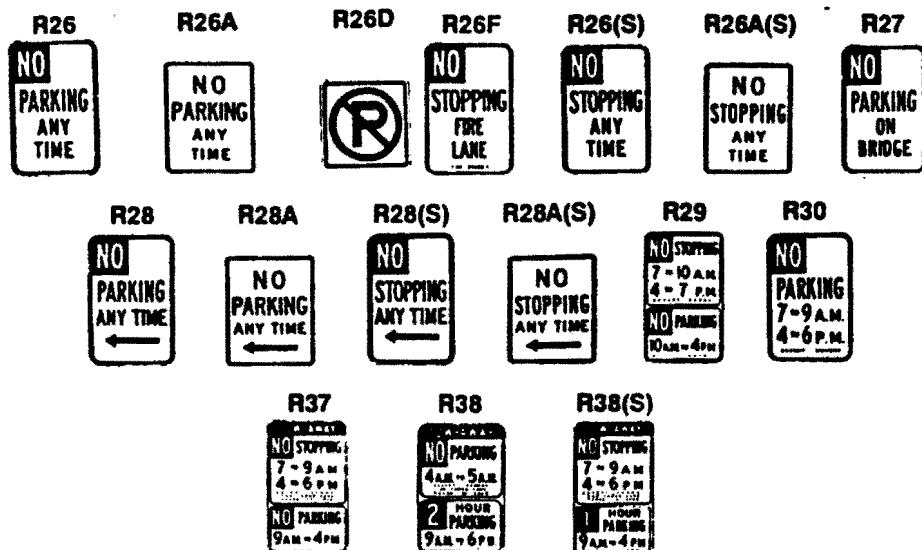
6.	10-82	Time Ltd. Pkg.	R37B	625 ft. west of Dume Dr.	City inventory Not in County's inventory
7.	Unknown	Time Ltd. Pkg.	R37B1R	0 ft. east of Birdview Ave.	City inventory Last action - 07-90
8.	Unknown	Time Ltd. Pkg.	R37B(R)	0 ft. west of Dume Dr.	Outside subject area City inventory Last action - 02-85
9.	Unknown	Time Ltd. Pkg.	R37	1000 ft. west of Dume Dr.	City inventory Last action - 10-83

**TABLE 2 Chronology of the installation of signs outside the subject area on Cliffside Drive**

Note: The signs outside the subject area in Table 1 are included below.

<u>No.</u>	<u>Year installed</u>	<u>Number of Signs</u>
1.	1962	1
2.	1965	1
3.	1966	6
4.	1968	1
5.	1972	3
6.	1974	20
7.	1982	4
8.	1983	2
9.	1985	1
10.	1990	2

The Uniform Sign Chart published by the Department of Transportation provides the codes and messages for warning, regulatory and guide signs prescribed pursuant to Section 21400 of the Vehicle Code. Following are the codes and messages for the regulatory signs relevant to this report:



Commission staff contacted and interviewed several professionals and local governmental officials employed in the field of traffic management. Those interviews support the conclusion that signs placed prior to 1982 did not establish a continuous no parking zone as maintained by the City's Statement of Defense, and failed to give adequate notice that such a continuous no parking zone existed along the subject area.

Anthony Cole, staff liaison with the State Department of Transportation (CALTRANS) informed Commission staff that CALTRANS has no precise dimension for placing *No Parking* signs in regard to regulatory distance. However, Mr. Cole stated that in practice, the standard is approximately 150 feet in rural areas and less in urban areas. Mr. Cole also stated that "it seems an unreasonable expectation that two *No Parking* signs 850 feet apart imply that all the area between them is *No Parking*." When asked what in his mind constitutes a continuous no parking zone, Mr. Cole responded, "There isn't a set answer, but I would say a distance no greater than 300 feet [between signs]. That would apply in a suburban or rural area; in a developed or urban area that distance would be 150 feet or less."

Section 4-01.21 Standardization of Location, of the CALTRANS Traffic Manual states the following regarding sign location:

...The signs should be spaced to allow enough time for motorists decisions to be made safely. Spacing should be determined in units of time from the vehicle approach speed.

The CALTRANS Highway Design Manual, Section 309.1, Clearances, states the following:

...The horizontal clearance to all fixed roadside objects including bridge piers, abutments, retaining walls, and noise barriers should be based on engineering judgment with the objective of maximizing the distance between fixed objects and the edge of traveled way.

Sergeant Kevin Mauch, Traffic Sergeant for the Los Angeles County Sheriff's Department, informed staff that the standard regulatory distance between *No Parking* signs is approximately 100 to 150 feet. Sergeant Mauch also stated that "if two *No Parking* signs had been 800 feet apart or more they would not be enforceable for more than 50 to 100 feet from each sign and that the distance between those two areas would be legal parking." Sergeant Mauch responded that there are no precise standards to define what constitutes a continuous no parking zone, but "if we figure that the regulatory zone for one sign is 150 feet, then the distance between two signs would be in the range of 300 feet."

Pat Ashburn with the County of Los Angeles Public Works Investigation Unit informed staff in a telephone conversation on June 16, 1997, that the "State Traffic Manual does not specify spacing" between *No Parking* signs and that ultimately it was "what is thought appropriate by the courts" that determines regulatory distance. However Mr. Ashburn also stated that in practice, the standard regulatory distance between signs is 200 to 250 feet apart. When asked on July 14, 1997, to define "continuous no parking zone," Mr. Ashburn responded that such a zone is spelled out by the Board of Supervisors and that every street has a separate action.

Ed Cline of Wildan Associates also was interviewed by Commission staff. Wildan Associates was the public works consultant for the City of Malibu prior to the hiring of Mr. Clement, the current Public Works Director for the City. Before working for Wildan Associates, Mr. Cline worked for Los Angeles County Public Works Department for 35 years. Mr. Cline stated that there are no government regulations pertaining to a precise regulatory distance between *No Parking* signs. Mr. Cline stated that the "rule of thumb" or the generally accepted standard is 50 feet of distance for 1 inch of legend lettering height (taken from the word "No" of a "No Parking" sign). Mr. Cline went on to state that the average legend height is 4 inches which would give a maximum distance of 200 feet. Mr. Cline indicated that a larger sign would allow a larger regulatory distance; however, he also said that he is familiar with the signs used by the County of Los Angeles in the 1960's and 1970's when he worked for the County and that the County used the average legend height of 4 inches for *No Parking* signs. When asked if signs that are 850 feet apart could regulate the distance between the signs, Mr. Cline replied, "I would say that is inadequate, the *No Parking* sign is basically unenforceable after 200 feet. 800 feet is unreasonable." Mr. Cline defined a continuous no parking zone to be "appropriate signs at reasonable spacing - 200 feet for a standard 12 inch by 18 inch *No Parking* sign. 300 feet between *No Parking* signs with arrows is marginal and 400 feet between signs is beyond reason."

Commission staff also contacted two traffic professionals in other coastal local governmental jurisdictions. Tom Mericle, traffic engineer for the City of Ventura, responded that there is no specified distance in state or federal traffic manuals. Mr. Mericle stated that the "standard" distance for a *No Parking* sign with arrows located on a residential street is 100 to 150 feet apart. Mr. Mericle defined a continuous no parking zone to be "a zone in which you could see or recognize the next *No Parking* sign with an arrow. At no point should the signs be placed more than 200 feet apart; a distance of 200 feet between signs with arrows would be unreasonable.

Robert Daton with the Department of Transportation for the County of Santa Barbara also stated that there is no definite regulatory distance between signs in writing. Mr. Daton stated that Santa Barbara County has considered 300 feet between signs to be enforceable, but that the County tries to place its signs 150 feet to a maximum of 200 feet between the signs. Mr. Daton also responded that he did not believe that an area of 850 feet could be regulated as an enforceable regulatory distance even if the two signs had arrows within their legends.. Mr. Daton concluded by defining continuous no parking zone to be "two *No Parking* signs with arrows at a distance from each other of up to 200 feet. Any distance of more than 200 feet between signs is unenforceable."

The Commission staff therefore concludes that while the County adopted Orders prior to January 1, 1977 which created a parking prohibition on both sides of the entire length of Cliffside, the County's placement of signs did not adequately notice the public that a continuous parking prohibition existed along the subject area until 1982, when the County installed approximately 3 new or replacement signs averaging 200 feet in regulatory distance from each other. Based upon the interviews of qualified professionals, the Commission staff also notes that the public, with less experience regarding parking signs would not be adequately notified that such a no parking zone existed until signs were placed approximately 200 feet apart from each other. The City's contention that parking restrictive signs calling for a complete parking prohibition along both sides of Cliffside Drive existed prior to January 1, 1977 is not proven correct based upon Commission staff interviews with other traffic control professionals and based upon the actual placement of signs as demonstrated by the County's Sign Inventory.

### **3. The Notice Of Intent was issued based upon a Mistake of Fact**

#### **City Contentions**

The City states that the Commission's Notice of Intent to issue a Cease and Desist Order (NOI) alleges the City violated section 30600 of the Act, since between 1977 and the present time, the City and its predecessor, the County, promulgated parking regulations without first obtaining a CDP. The City also states that Commission staff is mistaken due to an factual error made by the City Public Works Director, Mr. Clement:

From its review of the NOI and recent correspondence, the City believes that actions of its staff have contributed to a mistaken understanding of the relevant facts by Commission staff. An erroneous initial City Traffic Sign Inventory and a misstatement by City staff in a recent memorandum (**Exhibit #7**) appear to have given credence to the allegation that the County and City changed and intensified parking restrictions in the subject area in the early 1980's and in 1995...The City regrets that its actions may have contributed to causing Commission staff's misunderstanding, even if the County had undertaken unpermitted development. (City Statement of Defense, page 3, lines 11 through 21)

Mr. Clement stated in his declaration included in the City's Statement of Defense as Attachment A:

...An early version of the City's Traffic Sign Inventory, which I prepared in 1994, indicates erroneously that "Time Limited Parking" signs (code "R37") were installed along both sides of South Birdview Avenue and Cliffside Drive within the subject area. I prepared this early version...by taking the information from the County's Inventory and putting it into a different format, which included sign descriptions. When I prepared this...version..., I had not yet visually inspected the traffic signs in the Point Dume area. Consequently...I relied solely on the description contained in the California Department of Transportation's traffic manual...That manual describes an "R37" sign as one which prohibits parking and stopping during specific hours. Later, when I made my 1995 field survey, I learned that all "R37" signs installed within the subject area, including those installed prior to 1977 as well as those installed by the County in the early 1980's in fact prohibited parking and stopping at all times.

As a licensed traffic engineer and the Public Works Director for the City, I am familiar with the California Department of Transportation traffic sign codes. The traffic sign code "R37" refers to a sign bearing the word message "Tow-Away--No Parking/No Stopping." A sign designated as code "R37" may indicate specific time periods during which parking and stopping are prohibited or it may instead prohibit parking and stopping any time.

The City concludes its discussion regarding the mistake of fact by including eleven declarations from residents in the Point Dume area as evidence that there have never been "time limited" parking signs in the subject area (Exhibit C of City's Statement of Defense). The City therefore contends that the NOI has been issued in error and should be rescinded by Commission staff.

### **Commission Response**

The NOI alleges that **some** parking restrictions took effect before incorporation of the City, promulgated by the County of Los Angeles. Since the City's March 1991 creation, it has promulgated its own, new parking restrictions, and intensified the County's restrictions. The Commission relies upon its interpretation of State Vehicle Code section 22507 to find that development took place in 1982, when the County finally erected signs effectuating parking prohibitions around Point Dume, adopted by order of the County Board of Supervisors in 1974. In 1982, there were four "No Parking Anytime R281" signs at the subject area. In 1995, there were seven new signs with "No Parking" symbols. In 1995 the City also installed 7 new "Fire Lane Tow-away"<sup>3</sup> signs<sup>4</sup> and numerous parking barriers in the form of boulders placed every 2 to 3 feet.

The Commission disagrees with Mr. Clement's definition of a "R37" parking sign. According to the County sign inventory log, "R37" means "Time Limited Parking," not "No Parking at Any Time." The County sign inventory log defines an "R28" parking sign to be a sign prohibiting parking at all times.

According to CALTRANS 1990 Uniform Sign Chart, Regulatory Signs, contained within its traffic manual, an R37 sign indicates no parking within set time parameters (**Exhibit #7**). The CALTRANS Sign Chart identifies the R28 series to be "No Parking at Any Time. The Commission cannot find a factual basis for Mr. Clement's definition of legend lettering for R37 signs.

Regardless of these distinctions, the Commission has demonstrated in earlier sections of this report that the County performed new development without a CDP or Vested Rights Claim, in 1982, when it finally effectuated the orders adopted by the County Board of Supervisors. Thus, the Executive Director appropriately issued the NOI to the City. The issue now before the

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<sup>3</sup> The "Fire Lane Tow-away" sign is not a conventional sign as per the 1990 Uniform Sign Chart of the Department of Transportation. Additionally, by the placement of these signs within the 18-ft. shoulder of Cliffside the City has incorrectly regulated the public's right-of-way.

<sup>4</sup> Commission staff disagrees with Mr. Clement's definition of a "R37" parking sign, which is "a sign designated as code R37 may indicate specific time periods during which parking and stopping are prohibited, or it may instead prohibit parking and stopping any time.

According to the County sign inventory log, "R37" means "Time Limited Parking," not "No Parking at Any Time." The County sign inventory defines an "R28" parking sign to be a sign prohibiting parking at all times. According to CALTRANS 1990 Uniform Sign Chart, an R37 sign indicates "Tow-away with set times" (**Exhibit #7**). The CALTRANS Sign Chart identifies the R28 series to be "No Parking at Any Time, rather, than as Mr. Clement has declared. According to Appendix 2 of the City's Statement of Defense (Sections 4-0.7 and 4-0.8 of the CALTRANS Traffic Manual) an R28 is indicated as "No Parking Anytime" and an R37 is indicated as "No Parking / Stopping Tow-away with certain hours" sign. Since none of the sign charts cited depict Mr. Clement's meaning for a "R37 sign, the Commission cannot find a factual basis for Mr. Clement's definition.

Commission is whether or not a basis exists, pursuant to section 30810 of the Act, for the issuance of a Commission Cease and Desist Order.

#### **4. The City is Not Responsible for actions undertaken by its Predecessor**

##### **City Contentions**

The City states that contrary to Commission staff allegations, the City is **not** responsible "for correcting the unpermitted actions of its predecessor." First, the City contends California courts have held that a landowner does not violate the Act by failing to obtain a coastal development permit authorizing "development" undertaken by a previous owner. The City cites one depublished Court of Appeal decision, *California Coastal Comm'n v. Adams*, to back its statement concerning California law (Statement of Defense, pg. 3, line 24). The City therefore contends it cannot be held responsible for failing to obtain a permit for any alleged "development" undertaken by the County.

The City further explains its contentions by stating that it did not participate in any decision by the County to implement additional parking restrictions within the subject area. The City cites the same depublished Court of Appeal decision as authority for its position that the Commission may not hold a successor in interest liable for resolving a violation of the Coastal Act committed by a prior landowner.

##### **Commission Response**

Under applicable rules governing judicial precedent, the City of Malibu's citation to the *Adams* case is improper.

Court Rule No. 977(a), **Citation of unpublished opinions prohibited;**

(a) [**Unpublished opinions**] An opinion that is not ordered published shall not be cited or relied upon by a court or a party in any other action or proceeding

The Commission finds that the published and therefore precedential case that pertains to the subject violation is *Leslie Salt Co. v. San Francisco Bay Conservation and Development Commission* (1984) 153 Cal.App.3d 605, 618, where the Court held that a landowner cannot avoid liability under the Act based upon a claim that he did not perform the unauthorized activity on his property.

In *Leslie Salt* the Court held that under similar legislation<sup>5</sup> the McAteer-Petris Act (Gov. Code, section 66000, et seq.) allows the San Francisco Bay Conservation and Development Commission (BCDC) to hold a landowner strictly liable for unauthorized bay fill placed upon his property by unknown third persons.

In addition, Civil Code § 3483 provides that "Every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of, such property, created by a former owner,

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<sup>5</sup> The language of Government Code section 66632(a) of the McAteer-Petris Act at issue in *Leslie Salt* is, in essence, identical to that of section 30600 of the Coastal Act.

is liable therefor in the same manner as the one who first created it." In the case of *CREED v. Cal. Coastal Zone Conservation Comm'n* (1974) 43 Cal.App.3d 306, 318-319, the Court of Appeal held that "Contemporary environmental legislation [such as the Coastal Zone Conservation Act, predecessor legislation to the California Coastal Act] represents an exercise by government of the traditional power to regulate activities in the nature of nuisances...[and] constitutes but 'a sensitizing of and refinement of nuisance law.' [Citation omitted.]" Accordingly, development, such as that at issue in the present proceeding, which is performed in violation of the permit requirements of the Coastal Act, may legitimately be considered to be a "continuing nuisance" for purposes of section 3483.

Therefore the Commission rejects the City's contention that, as a matter of law, it cannot be held responsible for the actions of its predecessor, Los Angeles County.

**5. The Commission is barred from taking Enforcement Action against the City by the Statute of Limitations, and by the Doctrines of Laches, Waiver, and Estoppel**

**(a) Statute of Limitations**

**City Contentions**

The City contends that the County has not placed any parking restrictive signs within the subject area since October, 1983, as evidenced by the County's sign inventory log. Because the signs themselves and the inventories have been available to the Commission for at least 14 years, the Commission either knew or should have known about the County's sign placement. In these circumstances, the time has long passed for any enforcement action against the City, based on conduct which the county allegedly engaged in nearly fourteen years ago.

The City further contends that the statute of limitations expired long ago on any enforcement action against the City for civil penalties pursuant to section 30805.5 of the Act.

**Commission Response**

The Commission's primary enforcement interest in the subject area has always been to subject the parking restrictions along Cliffside Drive to the permit requirements of the Coastal Act as opposed to the collection of civil penalties. The NOI sent by Commission staff is silent on the issue of civil penalties; it alleges that "development" has been performed and that the development is unpermitted and is thus a violation unless and until the Commission issues a permit for said activity. The Commission will not seek court action for the collection of civil penalties for the occurrence of the underlying violation.

The applicable statutes of limitation for initiating litigation to enforce the provisions of the Coastal Act depend on the type of remedy sought. The City is correct in its statement that section 30805.5 of the Act requires that actions to recover civil fines or penalties under Chapter 9 of the Coastal Act be commenced not later than three years from the date on which the cause of action for the recovery is known or should have been known.

However, the City is incorrect in its statement that section 30805.5 of the Act bars the Commission from taking an enforcement action for the purpose of rectifying a violation of the



Coastal Act Section 30805.5 pertains solely to litigation initiated by the Commission pursuant to sections 30805 or 30822 of the Act to collect civil penalties for violations of the Coastal Act. The Commission is considering whether or not to issue a cease and desist order pursuant to section 30810, not to seek civil fines but to halt the ongoing nature of this violation initiated by the County and continued by the City, and to require that a permit be obtained.

The statute of limitations for monetary penalties or injunctive relief commences to run from the date the violation occurred. However, it does not run in the case of a continuing nuisance (Civ. Code, section 3490; *Phillips v. City of Pasadena* (1945) 27 Cal.2d 104, 107; *Tucker v. Watkins* (1967) 251 Cal.App.2d 327, 333.) A continuing nuisance is a "use which may be discontinued at any time." (*Baker v. Burbank-Glendale-Pasadena Airport Authority* (1985) 39 Cal.3d 862, 869-870.) It is distinguished from a permanent nuisance where "by one act a permanent injury is done, [and] damages are assessed once and for all." (*Baker*, at 868.) The parking restrictions involved in this matter are continuously causing an adverse impact on coastal resources protected by the resource policies of Chapter 3 of the Coastal Act. The courts have similarly held that a limitations period does not accrue while a statutory or ordinance violation continues. (*City of Fontana v. Atkinson* (1963) 212 Cal.App.2d 499, 509.) Since, as indicated<sup>6</sup>, an action to restrain a violation of the Coastal Act is akin to a suit to abate a continuing nuisance, the fact of the continuing violation delays running of the applicable statute of limitations.

The Commission therefore finds that its action to issue a cease and desist order to the City of Malibu to halt the ongoing nature of unpermitted development activity which has continuously occurred since 1983 is **not** barred by any statute of limitations.

**(b) The Commission's action is barred by the Doctrine of Laches**

**City Contentions**

Any claim against the City for equitable relief based on the County's sign placement is barred by the doctrine of laches. In an appropriate case, the doctrine of laches will bar equitable relief in quasi-adjudicative proceedings brought by administrative agencies. The defense of laches requires unreasonable delay plus either the acquiescence in the act about which the plaintiff complains or prejudice to the defendant resulting from the delay. The City maintains all the elements of laches exist in the subject violation situation.

First, the Commission's delay in enforcing the Act's CDP requirements with respect to County sign placement has been unreasonable. Plainly a delay of nearly fourteen years qualifies as an unreasonable delay, particularly given the Commission staff's complete failure to provide any explanation to the City for its inaction to this point.

Second, the Commission has clearly acquiesced in any sign placement action taken by the County in the early 1980's. While the Commission either has known or should have known about the County's parking restriction/sign placement for well over a decade, the Commission has done nothing (until now) about those actions.

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<sup>6</sup> See discussion of *CREED v. CCZCC*, *supra* p.23.

Finally, the prejudice to the City resulting from the delay is severe. The doctrine of laches is "designed to promote justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence have been lost, memories have faded, and witnesses have disappeared." *Id.* at 1161 (*quoting Wood v. Elling Corp.*, 20 Cal.3d 353, 362, 142 Cal.Rptr. 696 (1977)). Here the City would be severely prejudiced by having to unearth evidence concerning the County's sign placement which, some fourteen years later, may no longer exist.

### **Commission Response**

First, although it is true that a substantial period of time has elapsed since the County's effectuation in 1982 of its parking restrictions it does not appear that any delay in enforcement action has caused a severe prejudice to the City. In this case, evidence has not been lost, memories have not faded, and witnesses have not disappeared. Both the City's and County's sign inventory logs are still in existence, indicating specific dates signs were installed, specific locations for sign installation and even specific wording for a particular sign code. Further, the Commission staff investigating this matter obtained orders adopted by the County Board of Supervisors imposing parking restrictions more than 30 years ago. Finally, the City undermines its own laches argument by easily producing eleven residents who have signed declarations asserting that as far back as 1950, some forty-seven years, the wording of parking restrictive signs has never been time limited parking as opposed to no parking at any time.

Furthermore the doctrine of laches does not apply against the Commission when to do so would defeat a policy adopted for the benefit of the public (*In re Marriage of Mena*, 212 Cal App. 3rd 12, opinion modified). Where there is no showing of manifest injustice to a party asserting laches, and when the application of the doctrine would nullify policy adopted for public protection, laches may not be raised against a governmental agency (*Morrison v. California Horse Racing Bd.*, 205 Cal.App.3rd 211, review denied). Finally, the doctrine of laches is rarely involved against a public entity to defeat policies adopted for the protection of the public. (*In re Marriage of Lugo*, 170 Cal.App.3rd 427). The Chapter 3 resource policies of the Act previously cited in this report constitute policies adopted for the benefit of the public. The Coastal Act creates a permit program to protect the availability of coastal resources (in this instance public access to and along the coast and public recreational opportunities) for the general public today and in the future.

The Commission finds the City has not made a showing of manifest injustice occurring in this particular situation. Further, the City does not appear to be harmed in making a defensive statement in light of the document and attachments submitted.

### **(c) The Commission's Enforcement Action is Barred by the Doctrines of Waiver and Estoppel**

#### **City contentions**

The doctrines of equitable estoppel and waiver arise when a party has, by his own inaction or relinquishment of a known right, led another to act in reliance on that inaction or relinquishment. Such doctrines may be applied in a quasi adjudicative proceeding brought by an administrative agency (*See, e.g., Lentz v. McMahon*, (1989)49 Cal.3d 393).

The Commission relinquished any claim it may once have had against the County for placing signs restricting parking within the subject area and thus has led City staff to reasonably conclude that such signs may be replaced without obtaining a coastal development permit. In such circumstances, the doctrines of waiver and estoppel preclude the Commission from bringing an enforcement action against the City for its sign replacement and boulder installation.

#### **Commission Response**

Just as in the case of laches, the doctrine of estoppel will be applied against the government only where justice and right require it, and it will not be applied if to do so would result in effectively nullifying a strong rule of policy adopted for the benefit of the public. (*County of San Diego v. Cal. Water etc. Co.* (1947) 30 Cal.2d 817, 829-830; Accord: *Lentz v. McMahon*, *supra*, 49 Cal.3d at 399.)

In addition, in the *Lentz* case, on which the City principally relies in making its estoppel argument, the Supreme Court held merely that "estoppel...may be appropriate when...a government agent has...caused a claimant to fail to comply with a *procedural* precondition to eligibility...." (39 Cal.3d at 401-402; emphasis in original.) The court indicated that it might not be as willing to find an estoppel where the preconditions to eligibility for a governmental benefit with which an applicant has failed to comply are *substantive* in character. (*Id.*) The requirement under section 30600 of the Coastal Act to obtain a coastal development permit before engaging in any development activity in the coastal zone is the process mandated by the legislature by which a determination is made as to the conformity of such development with the Coastal Act's *substantive* standards. Compliance with this requirement must thus be viewed as falling outside of the scope of the Supreme Court's decision in *Lentz*.

#### **IV. CONCLUSION**

The Commission concludes that all relevant investigative facts available as of the date of this report, and the statements of defense submitted by the City of Malibu have been fully considered in this report. Unpermitted development has been performed, since 1982, intensified in 1995, and continues to this day along the dirt shoulder of Cliffside Drive, adjacent to the publicly owned Point Dume State Preserve.

The City has refused to voluntarily file for a coastal development permit after receiving several written and oral requests to do so by the Commission. It is therefore necessary, in order to cure this violation, to issue a Cease and Desist Order to the City so that the Chapter 3 resource impacts caused by this violation can either be evaluated, mitigated and permitted in a Commission permit proceeding, or eliminated.

Those impacts include the removal of available upland area, the dirt shoulder, as an area for parking support for Point Dume State Preserve visitors. Point Dume State Preserve was acquired with public funds, is a public park and should be available to the public to the maximum extent feasible in accordance with Chapter 3 public access and recreation policies of the Act.

The City is unwilling to accept the Commission's finding that unpermitted development has occurred and refuses to remove the unpermitted parking restrictions. The City's decision has forced the issuance of this Cease and Desist Order so that regulatory compliance with the Act can be achieved.

The Commission notes the issued Cease and Desist Order does not preclude the possibility of a CDP being issued for the subject unpermitted activities. The purpose of the issuance of the Cease and Desist Order is to achieve compliance with CDP permit requirements that all persons performing development in the Coastal Zone, whether they be municipalities or individuals must achieve.

The Commission rejects all of the City's arguments as to why a CDP is not necessary. First, the City performed development, not repair and maintenance activities at the subject area. There was no pre-existing development in place that was repaired or maintained by the City's undertaking in 1995. The City's erection of 24 signs with new, more prohibitive parking wording is not exempt as repair. Further, the Commission finds no basis to conclude that the unpermitted installation of boulders constitutes "landscaping."

Similarly, the Commission rejects the City's argument that its predecessor performed repair and maintenance activities and that the unpermitted development at the same subject area was installed prior to January 1, 1977 of the Act. While the County may have adopted resolutions that called for the effectuation of parking restrictions, the County first implemented these restrictions in the subject area in 1982, as has been thoroughly demonstrated in the preceding sections.

The Commission's enforcement action is not barred by the applicable statute of limitations, or by the doctrine of laches, waiver and estoppel. The City has been prejudiced by when Commission staff first began its investigation of unpermitted activity at Point Dume. The City was easily able to present eleven declarations from local Point Dume residents. Similarly, the Commission's own research has produced 30-year old records. Finally, any factual and policy basis which may exist for the City's increase in 1995, or continuing today the parking restrictions at this site remains fully available for the City to present to the Commission at an appropriate permit proceeding, as the Coastal Act contemplates.

The Commission notes the primary purpose of this investigation has been to **resolve** an unpermitted activity taking place in the coastal zone. All the City must do to rectify its current situation is to file a CDP within the timeframe set forth in the Cease and Desist Order. The Commission is not prejudging any application that the City may wish to consider filing to respond to the Cease and Desist Order. It will determine the unpermitted development activity's consistency with the Act at the permit application hearing. After the City's application is accepted and scheduled for hearing, the hearing will become the forum in which the City can explain to the Commission their reasons for prohibiting public parking adjacent to a public park acquired with public funds.

The Commission's concern for the public's right to access Point Dume is long documented and has been voiced continuously since the passage of the Coastal Act. The Commission asked and received a prescriptive rights study that demonstrated conclusively that the public had visited the Point Dume headland for over fifty years. The Commission has helped craft the multi-area,

multi-use Point Dume State Park with other state and local agencies and therefore must ensure that the public can still reach land they have always visited and paid to acquire.

Despite the City's submittal and argument, the Commission finds the issuance of a Cease and Desist Order to be necessary to resolve this Coastal Act violation and refusal by the City to submit voluntarily to the Commission's permitting process.

**V. CEASE AND DESIST ORDER**

Staff recommends that the Commission issue the following Cease and Desist Order:

Pursuant to its authority under Pub. Res. Code §30810, the California Coastal Commission hereby orders The City of Malibu, all its agents and any persons acting in concert with any of the foregoing to cease and desist from : 1) engaging in any further development activity at the property without first obtaining a coastal development permit which authorizes such activity; and 2) continuing to maintain any development on the PROPERTY that violates the California Coastal Act. Accordingly, all persons subject to this order shall fully comply with the following:

- A. Refrain from engaging in any development activity at the PROPERTY without first obtaining a coastal development permit which authorizes such activity.
- B. (1) Within 60 days of the date of this order, submit to the Commission for its review and approval a complete coastal development permit application for either: (a) removal of all parking restrictions, signs and boulders, and restoration of the PROPERTY to its pre-violation state; or (b) the after-the-fact authorization of the DEVELOPMENT.  
  
(2) Within 60 days of the date of Commission denial, in whole or in part, of an application for after-the-fact authorization of the DEVELOPMENT, submit a complete coastal development permit application for the removal and restoration of that portion of the DEVELOPMENT which remains unpermitted.
- C. Fully comply with the terms, conditions and deadlines of any coastal development permit for the restoration and/or development of the PROPERTY as the Commission may impose.

**Identification of the Property**

The property that is the subject of this cease and desist order is described as follows:

18-ft wide shoulder along the south side of Cliffside Drive between Birdview Avenue and Dume Drive, approximately 1000 feet in length, Malibu, Los Angeles County.

**Description of Unpermitted Development**

1) The effectuation in 1982 of parking restrictions causing a change in intensity of use of land; 2) the intensification of the restrictions in 1995; and 3) the addition of new restrictions in 1995. These actions were accomplished by the erection of regulatory signs and installation of boulders in the subject area without a coastal development permit.

### **Term of the Order**

This order shall remain in effect permanently unless and until modified or rescinded by the Commission.

### **Findings**

This order is issued on the basis of the findings adopted by the Commission on August 13, 1997, as set forth in the attached document entitled "Adopted findings for Cease and Desist Order No. CCC-97-CD-01".

### **Compliance Obligation**

Strict compliance with this order by all parties subject thereto is required. Failure to comply strictly with any term or condition of this order including any deadline contained in this order or in the above required coastal development permit(s) as approved by the Commission will constitute a violation of this order and may result in the imposition of civil penalties of up to SIX THOUSAND DOLLARS (\$6,000) per day for each day in which such compliance failure persists. Deadlines may be extended by the Executive Director for good cause. Any extension request must be made in writing to the Executive Director and received by Commission staff at least 10 days prior to expiration of the subject deadline.

### **Appeal**

Pursuant to Pub. Res. Code §30803(b), any person or entity against whom this order is issued may file a petition with the Superior Court for a stay of this order.

### **EXHIBITS**

1. Location of the property.
2. Traffic Sign Inventory of the Los Angeles County Public Works Department and City of Malibu.
3. Parking prohibition Orders adopted by LA County Board of Supervisors.
4. Notice of Intent to commence Cease and Desist Order proceedings dated May 9, 1997.
5. City's Statement of Defense.

**EXHIBIT NO.1**

**LOCATION OF PROPERTY**

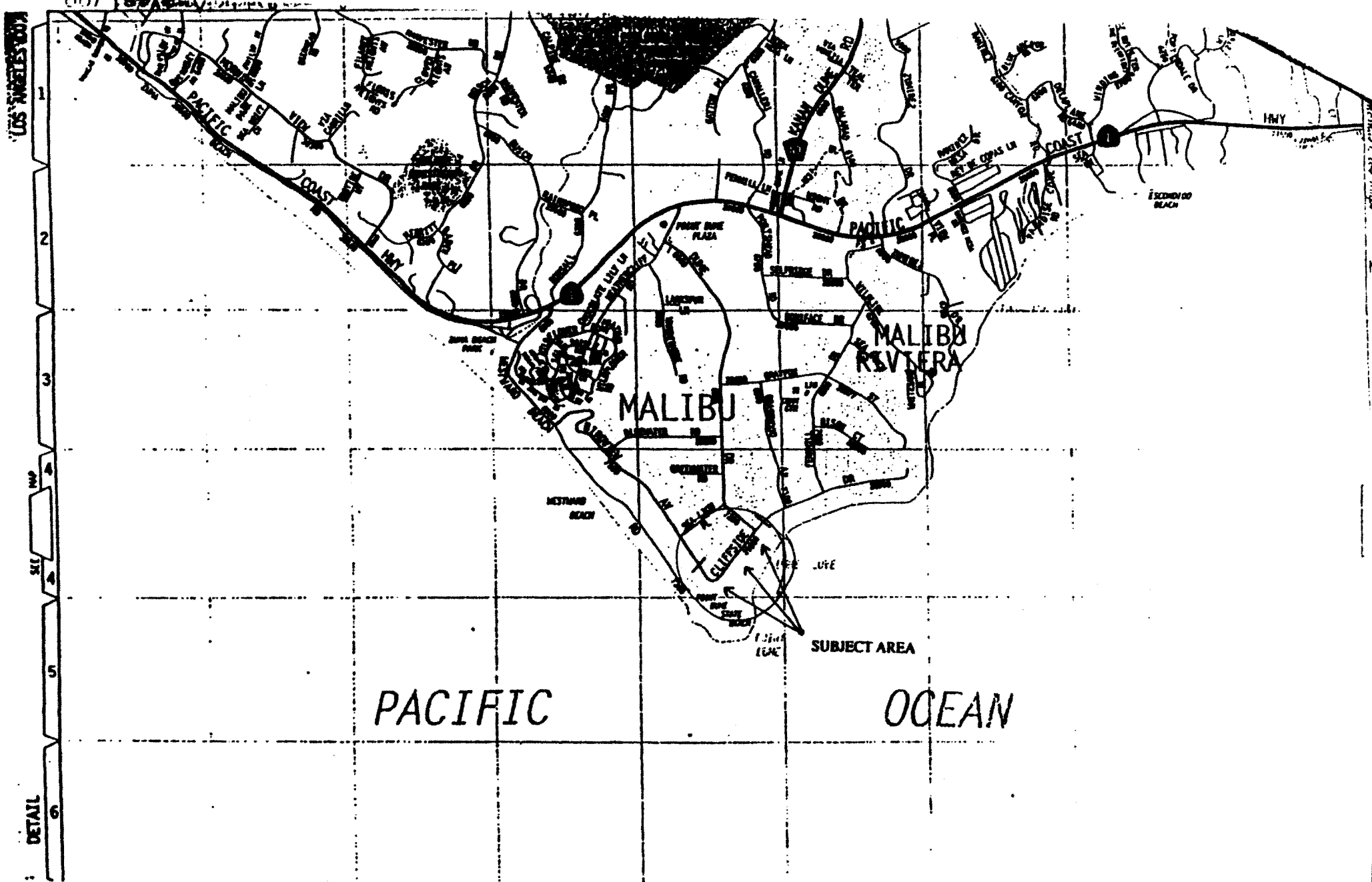
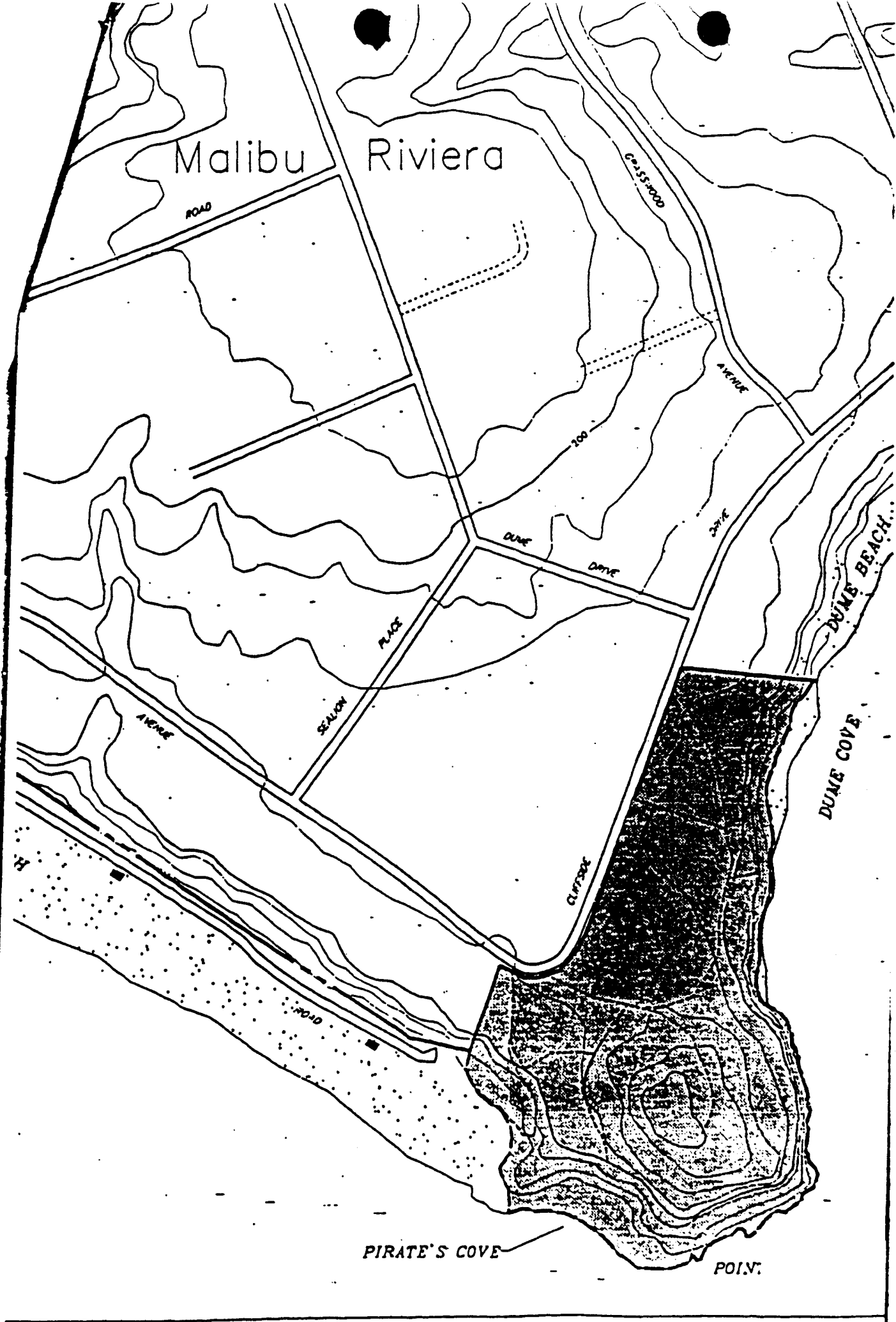


Exhibit No. 1: Location Map of Side Drive between Birdview and Dume Drive





Malibu Riviera

ROAD

GRASSWOOD

AVENUE

100

DUNE

DRIVE

PLACE

SEALION

AVENUE

CLIFFSIDE

DUNE BEACH

DUNE COVE

PIRATE'S COVE

POINT

**EXHIBIT NO.2**

**TRAFFIC SIGN INVENTORIES OF LA COUNTY AND CITY OF MALIBU**

\*\*\*\*\*  
\* TRAFFIC SIGN INVENTORY \*  
\* BY JURIS & STREET NAME \*  
\*\*\*\*\*  
== MAIL ==

== MAIL ==

STATION CODE PLI	LOC	FIRST STREET	LOC REF	SECOND STREET	DIST	SIGN #	PST	ORIG INST	PREV ACTN	BS YR	LAST ACTION DATE CW	---UPDATE KEY---	MTCE THOMAS	JUR
												ALIGN# COOR1 C SEQ	RTE	GUIDE
R 2440 NS	CIVIC CENTER WY	WO	CROSS CREEK RD	200	JRO428	D12	0890		01	90	EGG 08/27/90	N	119520 08021 7 014	B190 0628J7
R2441 NS	CIVIC CENTER WY	WO	CROSS CREEK RD	275	LR5117		0480	0185	01		AAA 12/09/86	V	119520 08021 7 007	A310 0628J7
R2442 NS	CIVIC CENTER WY	WO	CROSS CREEK RD	370	LR8768		0480	0185	01		AAA 12/09/86	V	119520 08021 7 005	A310 0628J7
W 6115 SS	CIVIC CENTER WY	WO	CROSS CREEK RD	480	CW5054	D12	0580	0185	02		AAA 12/09/86	V	119520 08021 7 010	A310 0628J7
W 6115 SS	CIVIC CENTER WY	WO	CROSS CREEK RD	480	CW1990	D12	0580	0185	02		AAA 12/09/86	V	119520 08021 7 011	A310 0628J7
W171 NS	CIVIC CENTER WY	WD	LA PAZ LN	760									119520 07964 9 001	A360 0628J7
W1114P NS	CIVIC CENTER WY	EO	MALIBU CANYON RD	300	XW4083		0671	1286	04		BAA 09/12/88	N	119520 07547 2 001	A450 0628H6
R448 NS	CIVIC CENTER WY	EO	MALIBU CANYON RD	450	JRO431	D11	0890		01	90	EGG 08/28/90	N	119520 07547 2 014	A280 0628H6
R 2240 SS	CIVIC CENTER WY	EO	MALIBU CANYON RD	450	KR1500	D11	0890		01	90	BGG 08/28/90	N	119520 07547 2 015	A280 0628H6
W1114 NS	CIVIC CENTER WY	EO	MALIBU CANYON RD	600	VW0463		0777	1286	04		BAA 09/12/88	N	119520 07547 2 006	A450 0628H6
T 1114 NS	CIVIC CENTER WY	IE	MALIBU CANYON RD	0	XW0085		0671	1286	05		BAA 09/12/88	N	119520 07547 2 002	A450 0628H6
W59 NS	CIVIC CENTER WY	IE	MALIBU CANYON RD	0	YW1359		0671	1286	05		BAA 09/12/88	N	119520 07547 2 003	A450 0628H6
W65 NS	CIVIC CENTER WY	SU	MALIBU CANYON RD	300	DW 013	A12	1084	1286	02	84	BAA 09/12/88	N	119520 07547 2 011	A450 0628H6
R72 NS	CIVIC CENTER WY	SO	MALIBU CANYON RD	645	TR9128	F12	0281	1286	03	84	BAA 09/12/88	N	119520 07547 2 009	A450 0628H6
W65 NS	CIVIC CENTER WY	SO	MALIBU CANYON RD	645		F12	0286	0286	02	86	BAA 09/12/88	N	119520 07547 2 013	A450 0628H6
R 1114 SA	CIVIC CENTER WY	ON	STUART RANCH RD	0	FSA039	D12	0570	1286	03	70	GCE 11/28/89	N	119520 07842 7 001	A350 0628J7
W1114 NS	CIVIC CENTER WY	EO	WEBB WY	420	EW0484	F11	U	0388	04	86	CAE 03/09/89	N	119520 07841 9 036	A340 0628J7
T 1114 NS	CIVIC CENTER WY	EO	WEBB WY	460	YW2007		0480	1284	01		AAA 12/03/86	N	119520 07841 9 030	A340 0628J7
W59 NS	CIVIC CENTER WY	EO	WEBB WY	460	ZW0944		0480	1284	01		AAA 12/03/86	N	119520 07841 9 031	A340 0628J7
R 1114 SA	CIVIC CENTER WY	ON	WEBB WY	0	FSA037	F12	0570	1286	02		AAA 12/03/86	N	119520 07841 9 004	A340 0628J7
R2241 NS	CIVIC CENTER WY	WL	WEBB WY	0	DR4366	D11	1274	1284	05		AAA 12/03/86	N	119520 07841 9 032	A340 0628J7
W59 NS	CIVIC CENTER WY	WL	WEBB WY	0	AW3711	A10	0683	1284	01	83	AAA 12/03/86	N	119520 07841 9 035	A340 0628J7
R1814P NS	CIVIC CENTER WY	WL	WEBB WY	0	CR4186	A12	0974	1284	03		AAA 12/03/86	N	119520 07841 9 006	A340 0628J7
R2241 NS	CIVIC CENTER WY	WO	WEBB WY	150	DR1625	D11	1274	1284	03		AAA 12/03/86	N	119520 07841 9 027	A340 0628J7
R2241 NS	CIVIC CENTER WY	WO	WEBB WY	150	CP4187	D12	0974	1284	04		AAA 12/03/86	N	119520 07841 9 007	A340 0628J7
R2241 NS	CIVIC CENTER WY	WO	WEBB WY	300	DR4366	D11	1274	1286	04		ACX 02/01/90	N	119520 07841 9 028	A340 0628J7
W1114 NS	CIVIC CENTER WY	WO	WEBB WY	500	DW3295	D12	1274	1286	06		CBC 05/11/89	N	119520 07841 9 021	A340 0628J7
R2241 NS	CIVIC CENTER WY	WO	WEBB WY	700	DR1620	D11	1274	1284	03		AAA 12/03/86	N	119520 07841 9 012	A340 0628J7
R2241 NS	CIVIC CENTER WY	WO	WEBB WY	900	DR1618	A11	1274	1284	04		AAA 12/03/86	N	119520 07841 9 009	A340 0628J7
R2241 NS	CIVIC CENTER WY	WO	WEBB WY	1100	FR 659	D11	1274	1286	03		BBD 02/07/89	N	119520 07841 9 013	A340 0628J7
W1114P NS	CIVIC CENTER WY	WO	WEBB WY	1100	GW1735	D12	1274	0289	06		CCE 11/19/90	N	119520 07841 9 025	A340 0628J7
R2241 NS	CIVIC CENTER WY	WO	WEBB WY	1500	DR1619	A11	1274	1284	02		AAA 12/03/86	N	119520 07841 9 014	A340 0628J7
R2241 NS	CIVIC CENTER WY	WO	WEBB WY	1700	DR1622	A11	1274	1284	04		AAA 12/03/86	N	119520 07841 9 015	A340 0628J7
R2241P NS	CIVIC CENTER WY	WO	WEBB WY	1900	DR1624	A11	1274	1284	03		AAA 12/03/86	N	119520 07841 9 019	A340 0628J7
W66 NS	CIVIC CENTER WY	EL	WINTER CANYON RD	0	RW7127	D12	1178	0487	04		AAA 09/12/88	N	119520 07608 2 010	A460 0628H7
W66 NS	CIVIC CENTER WY	EL	WINTER CANYON RD	0	RW7593	D12	1178	0487	04		AAA 09/12/88	N	119520 07608 2 011	A460 0628H7
P 1115 SA	CIVIC CENTER WY	ON	WINTER CANYON RD	0	CA3850	D12	0652	0987	08		AAA 09/12/88	N	119520 07608 2 001	A460 0628H7
T 1115 NS	CIVIC CENTER WY	SO	WINTER CANYON RD	500	TR9127		0974	1286	01		AAA 09/12/88	N	119520 07608 2 002	A460 0628H7
T 1115 NS	CIVIC CENTER WY	SO	WINTER CANYON RD	500	TR8983		0974	1286	01		AAA 09/12/88	N	119520 07608 2 004	A460 0628H7
W66 NS	CIVIC CENTER WY	SO	WINTER CANYON RD	500	TW2379		0974	1286	01		AAA 09/12/88	N	119520 07608 2 007	A460 0628H7
P3781P SS	CLIFFSIDE DR	EL	BIRDVIEW AV	0	KR2335	D11	U	0285	02	83	BAD 07/05/90	N	122120 04330 4 006	A920 0667D4
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T 1115 NS	CLIFFSIDE DR	EL	BIRDVIEW AV	0		D11	U		01	90	BBH 06/28/90	N	122120 04330 4 008	A920 0667D4
P 1115 SA	CLIFFSIDE DR	EO	BIRDVIEW AV	400	CR0251	D12	U	1083	01	83	AAA 02/13/85	R	122120 04330 4 005	A920 0667D4
T 1115 NS	CLIFFSIDE DR	EL	BIRDVIEW AV	0		D12	U	0285	02	80	ACD 05/23/91	N	122120 04330 4 002	A920 0667D4

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TRAFFIC SIGN INVENTORY  
BY JURIS & STREET NAME  
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== MAL ==

LOC REF	FIRST STREET	LOC REF	SECOND STREET	DIST	SIGN #	PST	INST	PREV ACTN	NT	BS YR	LAST ACTION DATE	CW	---UPDATE KEY---	MTCE THOMAS RTE	GUIDE	JUR
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2	CLIFFSIDE DR	EL	DUME DR	0	CR2547	D12	U	1083	01	83	AAA 02/13/85	R	122120 04405 4 047	A910	0667F4	MAL
3	CLIFFSIDE DR	EO	DUME DR	200	SR0746	A11	0966	0285	03		AAA 02/13/85	R	122120 04405 4 012	A910	0667F4	MAL
4	CLIFFSIDE DR	EO	DUME DR	200	KR6300	D10	0966	0285	03	80	BBH 01/24/91	N	122120 04405 4 015	A910	0667F4	MAL
5	CLIFFSIDE DR	EO	DUME DR	400	JR8036		0966	0285	01		AAA 02/13/85	R	122120 04405 4 013	A910	0667F4	MAL
6	CLIFFSIDE DR	EO	DUME DR	400	CR2421	A10	0966	0285	05		AAA 02/13/85	R	122120 04405 4 016	A910	0667F4	MAL
7	CLIFFSIDE DR	ON	DUME DR	0	GA0271	D12	0977	0285	04		BGH 06/08/87	I	122120 04405 4 019	A910	0667F4	MAL
8	CLIFFSIDE DR	WL	DUME DR	0	CR2282	D12	1082	0285	02	82	AAA 02/13/85	R	122120 04405 4 036	A910	0667F4	MAL
9	CLIFFSIDE DR	WL	DUME DR	650	CR4147	D12	0729	1083	02	82	AAA 02/12/85	N	122120 04405 4 023	A910	0667F4	MAL
10	CLIFFSIDE DR	WO	DUME DR	210	BR0613	D11	1082	1083	02	82	AAA 02/27/85	N	122120 04405 4 035	A910	0667F4	MAL
11	CLIFFSIDE DR	WO	DUME DR	210	BR0452		1082	1082	01	82	AAA 02/27/85	N	122120 04405 4 033	A910	0667F4	MAL
12	CLIFFSIDE DR	WO	DUME DR	410	BR0619	D11	0865	1083	04		AAA 02/27/85	N	122120 04405 4 003	A910	0667F4	MAL
13	CLIFFSIDE DR	WO	DUME DR	410	BR0460		1082	1082	01	82	AAA 02/27/85	N	122120 04405 4 032	A910	0667F4	MAL
14	CLIFFSIDE DR	WO	DUME DR	510	BR0618	D11	1082	0285	03	82	ACC 07/05/90	N	122120 04405 4 031	A910	0667F4	MAL
15	CLIFFSIDE DR	WO	DUME DR	650	BR0616	D11	1082	1083	02	82	AAA 02/27/85	N	122120 04405 4 039	A910	0667F4	MAL
16	CLIFFSIDE DR	WO	DUME DR	650	AR1886	D11	0865	0682	05		AAA 02/27/85	N	122120 04405 4 008	A910	0667F4	MAL
17	CLIFFSIDE DR	WO	DUME DR	750	JW1854	D12	0966	0985	11		BBH 07/02/90	N	122120 04405 4 018	A910	0667F4	MAL
18	CLIFFSIDE DR	WO	DUME DR	755	HW1881	D12	0966	0985	10		BBH 07/02/90	N	122120 04405 4 017	A910	0667F4	MAL
19	CLIFFSIDE DR	WO	DUME DR	815	KR4527	D12	0729	0782	01	82	AAA 02/27/85	N	122120 04405 4 024	A910	0667F4	MAL
20	CLIFFSIDE DR	WO	DUME DR	815	RR0364	D12	0782	0782	01	82	AAA 02/27/85	N	122120 04405 4 028	A910	0667F4	MAL
21	CLIFFSIDE DR	WO	DUME DR	815	KR2343	D11	U	0285	02	83	BAD 07/05/90	N	122120 04405 4 045	A910	0667F4	MAL
22	CLIFFSIDE DR	WO	DUME DR	1000	BR0624	D11	U	1083	01	83	AAA 02/27/85	N	122120 04405 4 046	A910	0667F4	MAL
23	CLIFFSIDE DR	EL	FERNHILL DR	0	CR5422	D11	0874	0284	03		AAA 02/27/85	N	122120 04534 1 009	A770	0667F3	MAL
24	CLIFFSIDE DR	EL	FERNHILL DR	0	JW0918	D10	0862	0285	06		BBH 03/29/90	N	122120 04534 1 001	A770	0667F3	MAL
25	CLIFFSIDE DR	EL	FERNHILL DR	0	JR0024	D10	U		01	90	BBH 03/29/90	N	122120 04534 1 032	A770	0667F3	MAL
26	CLIFFSIDE DR	EO	FERNHILL DR	175	CR2405	D12	0974	0284	04		AAA 02/27/85	N	122120 04534 1 028	A770	0667F3	MAL
27	CLIFFSIDE DR	EO	FERNHILL DR	175	CR2406	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 018	A770	0667F3	MAL
28	CLIFFSIDE DR	EO	FERNHILL DR	425	CR2407	D12	0874	0284	02		AAA 02/27/85	N	122120 04534 1 011	A770	0667F3	MAL
29	CLIFFSIDE DR	EO	FERNHILL DR	425	CR2408	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 020	A770	0667F3	MAL
30	CLIFFSIDE DR	EO	FERNHILL DR	625	CR2409	D12	0874	0284	02		AAA 02/27/85	N	122120 04534 1 012	A770	0667F3	MAL
31	CLIFFSIDE DR	EO	FERNHILL DR	625	CR2410	D11	0874	1183	03		AAA 02/27/85	N	122120 04534 1 019	A770	0667F3	MAL
32	CLIFFSIDE DR	EO	FERNHILL DR	600	CR2411	D12	0874	0284	02		AAA 02/27/85	N	122120 04534 1 013	A770	0667F3	MAL
33	CLIFFSIDE DR	EO	FERNHILL DR	800	CR2412	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 021	A770	0667F3	MAL
34	CLIFFSIDE DR	EO	FERNHILL DR	1000	CR2581	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 014	A770	0667F3	MAL
35	CLIFFSIDE DR	EO	FERNHILL DR	1000	CR2482	D12	0874	0884	03		AAA 02/27/85	N	122120 04534 1 022	A770	0667F3	MAL
36	CLIFFSIDE DR	EO	FERNHILL DR	1200	CR2583	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 015	A770	0667F3	MAL
37	CLIFFSIDE DR	EO	FERNHILL DR	1200	CR2584	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 023	A770	0667F3	MAL
38	CLIFFSIDE DR	EO	FERNHILL DR	1380	CR2585	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 016	A770	0667F3	MAL
39	CLIFFSIDE DR	EO	FERNHILL DR	1380	CR2586	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 024	A770	0667F3	MAL
40	CLIFFSIDE DR	EO	FERNHILL DR	1515	CR2490	D12	0772	1183	02		AAA 02/27/85	N	122120 04534 1 005	A770	0667F3	MAL
41	CLIFFSIDE DR	EO	FERNHILL DR	1525	CR2494	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 025	A770	0667F3	MAL
42	CLIFFSIDE DR	EO	FERNHILL DR	1645	CR2495	D12	0772	1183	02		AAA 02/27/85	N	122120 04534 1 008	A770	0667F3	MAL
43	CLIFFSIDE DR	EO	FERNHILL DR	1665	CR2397	D12	0874	1183	02		AAA 02/27/85	N	122120 04534 1 026	A770	0667F3	MAL
44	CLIFFSIDE DR	EO	FERNHILL DR	1725	CR2398	D12	0772	1183	02		AAA 02/27/85	N	122120 04534 1 007	A770	0667F3	MAL
45	CLIFFSIDE DR	ON	FERNHILL DR	0	CA1275	D12	0668	0285	08		GCC 03/21/88	N	122120 04534 1 004	A770	0667F3	MAL
46	CLIFFSIDE DR	SO	FERNHILL DR	1550	1W3525		0967	0476	03		AAA 02/27/85	N	122120 04534 1 003	A770	0667F3	MAL
47	CLIFFSIDE DR	WL	FERNHILL DR	0	CR2461	D11	U	0285	03	83	GCC 03/21/88	N	122120 04534 1 029	A770	0667F3	MAL
48	CLIFFSIDE DR	WL	FERNHILL DR	0	CR2960		0874	1083	02		AAA 02/27/85	N	122120 04534 1 017	A770	0667F3	MAL
49	CLIFFSIDE DR	WO	FERNHILL DR	100	AG0833		1074	1081	05		AAA 02/27/85	N	122120 04534 1 027	A770	0667F3	MAL

SIGN LOC CODE REF	FIRST STREET	LOC REF	SECOND STREET	DIST	SIGN #	PST	ORIG INST	PREV ACTN	NT	BS YR	LAST ACTION DATE	CH	---UPDATE KEY---	MTCE RTE	THOMAS GUIDE	JUR
R28 1R WS	BIRDVIEW AV	SO	BLUEWATER RD	682	CR2544	D10	0872	0285	04		AGD 06/05/90	N	068160 04132 0 021	A940	0667D3	MAL
R28 1L WS	BIRDVIEW AV	SO	BLUEWATER RD	812	BR1030	D10	0872	0285	03		AGD 06/05/90	N	068160 04132 0 020	A940	0667D3	MAL
R28 1 WS	BIRDVIEW AV	SO	BLUEWATER RD	970	CR2601	D11	0872	0285	02		AAA 02/12/85	N	068160 04132 0 016	A940	0667D3	MAL
R28 1 WS	BIRDVIEW AV	SO	BLUEWATER RD	1130	CR2602	D11	0872	0285	02		AAA 02/12/85	N	068160 04132 0 017	A940	0667D3	MAL
R28 1 WS	BIRDVIEW AV	SO	BLUEWATER RD	1310	CR2603	D11	0872	0285	02		AAA 02/27/85	N	068160 04132 0 018	A940	0667D3	MAL
R28 1 WS	BIRDVIEW AV	SO	BLUEWATER RD	1515	CR2604	D11	0872	0285	02		AAA 02/27/85	N	068160 04132 0 019	A940	0667D3	MAL
R28 1 WS	BIRDVIEW AV	SO	BLUEWATER RD	1680	CR2605	D11	0966	0285	06		AAA 02/27/85	N	068160 04132 0 001	A940	0667D3	MAL
R28 1 WS	BIRDVIEW AV	SO	BLUEWATER RD	1850	JR8048	D11	0966	0285	05		BGB 06/27/90	N	068160 04132 0 002	A940	0667D3	MAL
R37B10 ES	BIRDVIEW AV	NL	CLIFFSIDE DR	0	KR2707	D10	U	1185	03	83	BBH 01/10/90	N	068160 04330 0 012	A920	0667D4	MAL
W57 2L SB	BIRDVIEW AV	NL	CLIFFSIDE DR	0	FW1360	D10	U		01	86	BGH 08/06/86	N	068160 04330 0 013	A920	0667D4	MAL
R295 1 WS	BIRDVIEW AV	NL	CLIFFSIDE DR	0	AR3006	D12	0782	0782	01	82	AAA 02/13/85	R	068160 04330 0 009	A920	0667D4	MAL
R37B10 WS	BIRDVIEW AV	NL	CLIFFSIDE DR	0	JR3580	E12	U	0285	02	83	BBH 06/28/90	N	068160 04330 0 011	A920	0667D4	MAL
R 2200 ES	BIRDVIEW AV	NO	CLIFFSIDE DR	150	CR3169	D12	0874	1083	04		AAA 02/13/85	R	068160 04330 0 006	A920	0667D4	MAL
R37B10 ES	BIRDVIEW AV	NO	CLIFFSIDE DR	150	BRO627	D12	U	1183	01	83	AAA 02/13/85	R	068160 04330 0 010	A920	0667D4	MAL
R37B10 ES	BIRDVIEW AV	NO	SEALION PL	365	BRO628	D11	U	0285	01	83	AAA 02/12/85	N	068160 04275 7 046	A930	0667D4	MAL
R37B10 ES	BIRDVIEW AV	NO	SEALION PL	560	BRO629	D11	U	0285	01	83	AAA 02/12/85	N	068160 04275 7 047	A930	0667D4	MAL
R37B10 ES	BIRDVIEW AV	NO	SEALION PL	755	BRO630	A10	U	0285	01	83	AAA 02/12/85	N	068160 04275 7 048	A930	0667D4	MAL
R 1 SR EA	BIRDVIEW AV	ON	SEALION PL	0	ESJ030	D12	0478	0285	04		BGD 09/19/85	N	068160 04275 7 025	A930	0667D4	MAL
R37B10 ES	BIRDVIEW AV	SI	SEALION PL	0	CR4101	D11	U	0285	01	83	AAA 02/12/85	N	068160 04275 7 045	A930	0667D4	MAL
P28 1R WS	BIRDVIEW AV	SL	SEALION PL	350	CR2596	D12	1082	0285	02	82	AAA 02/12/85	N	068160 04275 7 032	A930	0667D4	MAL
R37B10 WS	BIRDVIEW AV	SL	SEALION PL	525	CR2279	D12	1082	0285	02	82	AAA 02/12/85	N	068160 04275 7 030	A930	0667D4	MAL
R2851 ES	BIRDVIEW AV	SO	SEALION PL	150	BRO438	A10	1082	0285	01	82	AAA 02/12/85	N	068160 04275 7 038	A930	0667D4	MAL
R2851 WS	BIRDVIEW AV	SO	SEALION PL	150	BRO439	A10	1082	0285	01	82	AAA 02/12/85	N	068160 04275 7 035	A930	0667D4	MAL
R37B10 WS	BIRDVIEW AV	SO	SEALION PL	150	BRO635	A10	U	0285	01	83	AAA 02/12/85	N	068160 04275 7 041	A930	0667D4	MAL
R2851 ES	BIRDVIEW AV	SO	SEALION PL	350	BRO456	D12	1082	0285	01	82	AAA 02/12/85	N	068160 04275 7 039	A930	0667D4	MAL
R37B10 WS	BIRDVIEW AV	SO	SEALION PL	350	BRO636	D12	U	0285	01	83	AAA 02/12/85	N	068160 04275 7 042	A930	0667D4	MAL
W 2 1 WS	BIRDVIEW AV	SO	SEALION PL	450	JW0045	D12	0966	0285	03		GCX 05/23/91	N	068160 04275 7 014	A930	0667D4	MAL
W 1120 WS	BIRDVIEW AV	SO	SEALION PL	450	JW2780	D12	0966	0285	03		CCX 05/23/91	N	068160 04275 7 015	A930	0667D4	MAL
R2851 ES	BIRDVIEW AV	SO	SEALION PL	525	BRO454	D12	1082	0285	01	82	AAA 02/12/85	N	068160 04275 7 036	A930	0667D4	MAL
R37B10 WS	BIRDVIEW AV	SO	SEALION PL	525	BRO637	D12	U	0285	01	83	AAA 02/12/85	N	068160 04275 7 043	A930	0667D4	MAL
R37B10 WS	BIRDVIEW AV	SO	SEALION PL	860	JR3581	D11	U	0285	02	83	BBH 07/03/90	N	068160 04275 7 044	A930	0667D4	MAL
R37B10 ES	BIRDVIEW AV	NL	WESTWARD BCH RD	0	KR2347	D10	1183	0887	03	83	BBH 07/10/90	N	068160 04051 2 030	A950	0667D3	MAL
R37B10 WS	BIRDVIEW AV	NO	WESTWARD BCH RD	75	KR2340	D12	0980	0285	03		BGD 07/06/90	N	068160 04051 2 015	A950	0667D3	MAL
R37B10 ES	BIRDVIEW AV	NO	WESTWARD BCH RD	400	RR4875		0980	1080	01		AAA 02/12/85	N	068160 04051 2 016	A950	0667D3	MAL
R37B10 WS	BIRDVIEW AV	NO	WESTWARD BCH RD	450	BR 567	D11	0980	0584	03		AAA 02/12/85	N	068160 04051 2 011	A950	0667D3	MAL
R47 1 WS	BIRDVIEW AV	NO	WESTWARD BCH RD	750	RRB952		0169	0780	05		AAA 02/12/85	N	068160 04051 2 001	A950	0667D3	MAL
R47 1 ES	BIRDVIEW AV	NO	WESTWARD BCH RD	825	AR4076	D11	0169	0183	05		AAA 02/12/85	N	068160 04051 2 002	A950	0667D3	MAL
R37B10 ES	BIRDVIEW AV	NO	WESTWARD BCH RD	1300	TRA013		0980	1080	01		AAA 02/12/85	N	068160 04051 2 007	A950	0667D3	MAL
R37B10 WS	BIRDVIEW AV	NO	WESTWARD BCH RD	1300	RR4771		0980	1080	01		AAA 02/12/85	N	068160 04051 2 008	A950	0667D3	MAL
R 1 SR EA	BIRDVIEW AV	ON	WESTWARD BCH RD	0	KAC096	E11	0782	0285	02	82	BGB 08/01/90	N	068160 04051 2 023	A950	0667D3	MAL
R37B10 WS	BIRDVIEW AV	SL	WESTWARD BCH RD	0	BRO570	D11	1183	1183	01	83	AAA 02/12/85	N	068160 04051 2 029	A950	0667D3	MAL
R37B10 WS	BIRDVIEW AV	SO	WESTWARD BCH RD	150	BRO568	D11	0980	1183	02		AAA 02/12/85	N	068160 04051 2 014	A950	0667D3	MAL
R37B10 WS	BIRDVIEW AV	SO	WESTWARD BCH RD	720	BRO566	D11	0980	1183	03		AAA 02/12/85	N	068160 04051 2 012	A950	0667D3	MAL
R37B10 WS	BIRDVIEW AV	SO	WESTWARD BCH RD	915	BRO365	D11	0773	1183	02		AAA 02/12/85	N	068160 04051 2 003	A950	0667D3	MAL
R37B10 WS	BIRDVIEW AV	SO	WESTWARD BCH RD	1300	BRO563	D11	0773	1183	04		AAA 02/12/85	N	068160 04051 2 004	A950	0667D3	MAL
R 2200 WS	BIRDVIEW AV	SO	WESTWARD BCH RD	1530	ZR3462	D12	1083	0285	02	83	ACD 04/12/88	N	068160 04051 2 024	A950	0667D3	MAL
R2851R WS	BIRDVIEW AV	SO	WESTWARD BCH RD	1530	BRO632	D12	1083	1083	01	83	AAA 02/12/85	N	068160 04051 2 025	A950	0667D3	MAL
R2851R WS	BIRDVIEW AV	SO	WESTWARD BCH RD	1530	CR2612	D12	1083	0285	02	83	ACD 04/12/88	N	068160 04051 2 026	A950	0667D3	MAL

# MALIBU TRAFFIC SIGNS INVENTORY

C T Y	Sign Code	Sign Message	Sign Size	Ref	Road Sign On	Dist	Ref	Reference Road	Orig Inst		Last Action		Grid	
									MO	YR	MO	YR		
	R24	PARK PARALLEL	12X18	SS	Civic Center Way	275	WO	Cross Creek Road	4	80	12	86	629	A7
	R24	PARK PARALLEL	12X18	SS	Civic Center Way	370	WO	Cross Creek Road	4	80	12	86	629	A7
	W3(R)	Rt Angle Curve	30X30	SS	Civic Center Way	480	WO	Cross Creek Road	5	80	12	86	629	A7
	W6(15)	Advisory Speed 15	15SSIN	SS	Civic Center Way	480	WO	Cross Creek Road	5	80	12	86	629	A7
C	W17	Stop Ahead Sym	1	NS	Civic Center Way	760	WO	La Paz					628	J7
	R63	Do Not Pass	24X30	SS	Civic Center Way	195	EO	Malibu Canyon Road	U		U		628	H6
	W11	Lane Drop	30X30	SS	Civic Center Way	195	EO	Malibu Canyon Road	6	71	U		628	H6
	R48	Spd Chk By Radar	30X30	SS	Civic Center Way	315	EO	Malibu Canyon Road	U		U		628	H6
	R2(40)	Speed Limit 40 mph	36X45	SS	Civic Center Way	315	EO	Malibu Canyon Road	U		U		628	H6
	R72	When Childm Pres	24X12	WS	Civic Center Way	570	EO	Malibu Canyon Road	2	81	U		628	H6
	W65	School	30X10	WS	Civic Center Way	570	EO	Malibu Canyon Road	2	86	U		628	H6
	R2(25)	Speed Limit 25 mph	36X45	WS	Civic Center Way	570	EO	Malibu Canyon Road	7	77	9	88	628	H6
	W41	Signal Ahead Sym	30X30	ES	Civic Center Way	600	EO	Malibu Canyon Road	7	77	9	88	628	H6
	R1	Stop	30X30	NS	Civic Center Way	0	@	Malibu Canyon Road	U		U		628	H6
	W59	Merge Arrows	30X30	NS	Civic Center Way	0	@	Malibu Canyon Road	U		U		628	H6
	W17	Stop Ahead Sym	30X30	NS	Civic Center Way	0	@	Malibu Canyon Road	U		U		628	H6
	R17B		30X36	SS	Civic Center Way	0	@	Malibu Canyon Road	U		U		628	H6
	W17	Stop Ahead Sym	30X30	NS	Civic Center Way	420	EO	Webb Way	U		3	89	628	H6
	W58	Lt 7 Rt Arrows Split	30X30	NS	Civic Center Way	460	EO	Webb Way	4	80	12	86	628	H6
	TN 4	N Marker	18X18	NS	Civic Center Way	460	EO	Webb Way	4	80	12	86	628	H6
C	R18	Rt Ln Must Trn Rt	1R	SS	Civic Center Way	0	WL	Webb Way	9	74			628	J7
C	W58A	Lt 7 Rt Arrows Split	1R	NS	Civic Center Way	0	WL	Webb Way	6	83			628	J7
	R28S	No Stopping	12X18	NS	Civic Center Way	150	WO	Webb Way	12	74	12	86	628	J7
	R2(40)	Speed Limit 40 mph	35X45	NS	Civic Center Way	155	WO	Webb Way	U		U		628	J7
	R28S	No Stopping	12X18	NS	Civic Center Way	455	WO	Webb Way	12	74	2	90	628	J7
	W17	Stop Ahead Sym	30X30	SS	Civic Center Way	455	WO	Webb Way	12	74	5	89	628	J7
	R28S	No Stopping	12X18	NS	Civic Center Way	650	WO	Webb Way	12	74	12	86	628	J7
	R28S	No Stopping	12X18	NS	Civic Center Way	900	WO	Webb Way	12	74	12	86	628	J7
	R28S(R)	No Stopping	12X18	SS	Civic Center Way	980	WO	Webb Way	U		U		628	J7
	W5(R)	Slight Curve	30X30	NS	Civic Center Way	1,050	WO	Webb Way	12	74	U		628	J7
	R28S	No Stopping	12X18	NS	Civic Center Way	1,050	WO	Webb Way	12	74	U		628	J7
	R28S	No Stopping	12X18	SS	Civic Center Way	1,280	WO	Webb Way	U		U		628	J7
	R28S	No Stopping	12X18	NS	Civic Center Way	1,425	WO	Webb Way	12	74	U		628	J7
	R17		30X30	NS	Civic Center Way	1,560	WO	Webb Way	U		U		628	J7
	R17B		30X36	NS	Civic Center Way	1,560	WO	Webb Way	U		U		628	J7
	R28S(L)	No Stopping	12X18	SS	Civic Center Way	1,600	WO	Webb Way	U		U		628	J7
	TN4	N Marker	18X18	SS	Civic Center Way	1,600	WO	Webb Way	U		U		628	J7
	W58(L)	Lt 7 Rt Arrows Split	30X30	SS	Civic Center Way	1,600	WO	Webb Way	U		U		628	J7
	R28S	No Stopping	12X18	NS	Civic Center Way	1,620	WO	Webb Way	12	74	U		628	J7
	R28S(R)	No Stopping	12X18	NS	Civic Center Way	1,830	WO	Webb Way	12	74	U		628	J7
	W7A	T Inter Rt	30X30	NS	Civic Center Way	1,870	WO	Webb Way	U		U		628	J7
	R47	Littering Fine	52X36	NS	Civic Center Way	1,960	WO	Webb Way	U		U		628	J7
	R1	Stop	30X30	SS	Civic Center Way	0	@	Webb Way	U		U		628	J7
	R48	Spd Chk By Radar	30X30	SS	Civic Center Way	0	@	Webb Way	U		U		628	H6
	R1	Stop	30X30	NS	Civic Center Way	0	@	Webb Way	12	74	10	89	628	J7
	R2(40)	Speed Limit 40 mph	36X45	SS	Civic Center Way	0	@	Webb Way	U		U		628	H6
C	W66	School Xing Sym	4	NS	Civic Center Way	0	EL	Winter Canyon Road	11	78			628	H7
C	W66A	School Xing Sym	2	NS	Civic Center Way	0	EL	Winter Canyon Road	11	78			628	H7
	W66A	School Xing Sym	24X18	NS	Civic Center Way	500	SO	Winter Canyon Road	11	78	U		628	H6
	W66	School	30X10	NS	Civic Center Way	500	SO	Winter Canyon Road	9	74	9	86	628	H7
	R72	When Childm Pres	24X12	NS	Civic Center Way	500	SO	Winter Canyon Road	9	74	9	88	628	H7
	W66	School Xing Sym	30X30	NS	Civic Center Way	500	SO	Winter Canyon Road	11	78	U		628	H7
	R2(25)	Speed Limit 25 mph	36X45	NS	Civic Center Way	500	SO	Winter Canyon Road	9	74	9	86	628	H7
	W3(L)	Slight Curve	30X30	NS	Civic Center Way	500	SO	Winter Canyon Road	U		U		628	H7
	W3(R)	Sharp Right Curve	30X30	NS	Cliffside Drive	350	EO	Birdview Avenue	9	86	4	95	667	E4
	W6(15)	Advisory Speed 15	24X24	WB	Cliffside Drive	350	EO	Birdview Avenue			4	95	667	E4
C	R2(30)	Speed Limit 30 mph	2	SS	Cliffside Drive	450	EO	Birdview Avenue					667	D4
	TN 1	N Marker	18X18	SS	Cliffside Drive	0	@	Birdview Avenue	U		4	95	667	E4
	W57	Arrow	46X24	SS	Cliffside Drive	0	@	Birdview Avenue	U		4	95	667	E4
	R37B	Time Limited Pkg	12X15	SS	Cliffside Drive	0	@	Birdview Avenue	U		7	90	667	E4
	TN 4	N Marker	18X18	SS	Cliffside Drive	0	EL	Dume Drive	U		U		667	E4
	R25	No Parking	12X18	NS	Cliffside Drive	0	EL	Dume Drive	10	83	2	85	667	E4
	R28	No Parking	12X18	SS	Cliffside Drive	65	EO	Dume Drive	7	72	2	83	667	E4



# MALIBU TRAFFIC SIGNS INVENTORY

C T Y	Sign Code	Sign Message	Sign Size	Ref	Road Sign On	Dist	Ref	Reference Road	Orig Inst		Last Action		Grid	
									MO	YR	MO	YR		
	R28	No Parking	12X18	SS	Cliffside Drive	225	EO	Dume Drive	9	66	1	91	667	E4
	R28	No Parking	12X18	NS	Cliffside Drive	225	EO	Dume Drive	9	66	2	85	667	E4
	R28	No Parking	12X18	NS	Cliffside Drive	425	EO	Dume Drive	9	66	2	85	667	E4
	R28	No Parking	12X18	SS	Cliffside Drive	490	EO	Dume Drive	9	66	U		657	E4
28	R37B/L	Time Limited Pkg	12X18	SS	Cliffside Drive	0	WL	Dume Drive	10	82	U		657	E4
28	R37B/R	Time Limited Pkg	12X18	SS	Cliffside Drive	0	WL	Dume Drive	U		2	85	667	E4
7	R37B	Time Limited Pkg	12X18	NS	Cliffside Drive	205	WO	Dume Drive	U		U		657	E4
9	R37B	Time Limited Pkg	12X18	NS	Cliffside Drive	420	WO	Dume Drive	8	65	U		667	E4
11	R37B	Time Limited Pkg	12X18	NS	Cliffside Drive	525	WO	Dume Drive	10	82	7	85	667	E4
24	R37B	Time Limited Pkg	12X18	SS	Cliffside Drive	625	WO	Dume Drive	10	82	2	85	667	E4
	R2(30)	Speed Limit 30 mph	36X45	SS	Cliffside Drive	625	WO	Dume Drive	U		2	85	667	E4
25	R37	Time Limited Pkg	12X18	NS	Cliffside Drive	800	WO	Dume Drive	U		7	90	667	E4
17	R37	Time Limited Pkg	12X18	NS	Cliffside Drive	1,000	WO	Dume Drive	U		2	85	667	E4
*26	R37	Time Limited Pkg	12X18	SS	Cliffside Drive	1,000	WO	Dume Drive	U		U		667	E4
5	R37B/L	Time Limited Pkg	12X18	NS	Cliffside Drive	0	@	Dume Drive	10	82	2	85	667	E4
	R28	No Parking	12X18	NS	Cliffside Drive	0	EL	Fernhill Drive	8	74	2	85	667	F4
	W53	Not A Through St	24X24	SS	Cliffside Drive	75	EO	Fernhill Drive	8	62	3	90	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	75	EO	Fernhill Drive	U		3	90	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	180	EO	Fernhill Drive	9	74	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	180	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	420	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	520	EO	Fernhill Drive	8	74	U		667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	630	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	630	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	820	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	820	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	1,020	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	1,020	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	1,180	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	1,180	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	1,370	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	1,370	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	1,515	EO	Fernhill Drive	7	72	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	1,640	EO	Fernhill Drive	7	72	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	1,640	EO	Fernhill Drive	8	74	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	0	WO	Fernhill Drive	U		3	88	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	0	EL	Grasswood Avenue	U		2	85	667	F4
	TN 4	N Marker	18X18	SS	Cliffside Drive	eastern	EO	Grasswood Avenue	U		U		667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	eastern	EO	Grasswood Avenue	U		U		667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	175	EO	Grasswood Avenue	9	66	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	175	EO	Grasswood Avenue	9	66	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	360	EO	Grasswood Avenue	9	66	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	360	EO	Grasswood Avenue	9	66	2	85	667	F4
	G 8		12X36	SS	Cliffside Drive	460	EO	Grasswood Avenue	10	74	2	85	667	F4
	R2(30)	Speed Limit 30 mph	36X45	NS	Cliffside Drive	520	EO	Grasswood Avenue	U		U		667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	520	EO	Grasswood Avenue	U		U		667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	565	EO	Grasswood Avenue	9	66	2	85	667	F4
	R28	No Parking	12X18	NS	Cliffside Drive	0	WL	Grasswood Avenue	9	66	2	85	667	F4
	R28	No Parking	12X18	SS	Cliffside Drive	0	WL	Grasswood Avenue	9	66	2	85	667	F4
	TN 4	N Marker	18X18	SS	Cliffside Drive	0	WL	Grasswood Avenue	9	67	2	85	667	F4
	W45	Equestrian Sym	24X24	WS	Clover Heights Avenue	100	SO	Harvester Road	U		3	85	667	C1
	W53	Not A Through St	24X24	WS	Clover Heights Avenue	0	@	Harvester Road	12	64	5	90	667	C1
C	W31	END	2	SB	Coast View Drive	980	SO	Malibu Knolls Road	3	70			628	H7
	TN 5	N Marker	18X18		Colony View Circle	end of	SO	Harbor View Drive	9	67	1	85	628	J6
	R37	1 AM-7 AM	12X18		Colony View Circle	end of	SO	Harbor View Drive	U		U		628	J6
	R37	1 AM-7 AM	12X18	WS	Colony View Circle	65	SO	Harbor View Drive	U		U		628	J6
	R37	1 AM-7 AM	12X18	WS	Colony View Circle	0	@	Harbor View Drive	U		U		628	J6
C	W31F	Rd Ends X Feet	1	ES	Cool Oak Way	0	NL	Big Rock Drive					629	H2
C	W31F	Rd Ends X Feet	1	WS	Cool Oak Way	780	SO	Big Rock Drive	9	80			629	H2
C	W68	Dear Xing Sym	1	ES	Corral Canyon Road	865	NO	Mm 04.62	1	81			628	C7
C	W68	Dear Xing Sym	1	WS	Corral Canyon Road	2,700	NO	Mm 04.62	1	81			628	C7
	W53	Not A Through St	24X24	ES	Corral Canyon Road	0	NL	Pacific Coast Highway	U		2	85	628	C7
	W15	Road narrows	36X36	ES	Corral Canyon Road	160	NO	Pacific Coast Highway	6	82	9	86	629	C7

Repair

Repair

Repair

# MALIBU TRAFFIC SIGNS INVENTORY

C T Y	Sign Code	Sign Message	Sign Size	Ref	Road Sign On	Dist	Ref	Reference Road	Orig Inst		Last Action		Grid	
									MO	YR	MO	YR		
1	W53	Not A Through St	24X24	SS	Baden Place	0	@	Merritt Drive	U		3	85	667	C1
2	C W31F	Rd Ends X Feet	1	ES	Big Rock Drive	0	NL	Cool Oak	6	78			629	J6
3	C W31F	Rd Ends X Feet	1	ES	Big Rock Drive	0	SL	Cool Oak					629	J6
4	C G8	Advance Road		ES	Big Rock Drive	0	SL	Cool Oak	7	90			629	J6
5	W53	Not A Through St	24X24	ES	Big Rock Drive	0	NL	Pacific Coast Highway	4	75	1	75	629	J7
6	W53	Not A Through St	24X24	SS	Big Rock Drive	0	NL	Pacific Coast Highway	4	75	12	88	629	J7
7	W3(L)	Rt Angle Curve	30X30	ES	Big Rock Drive	475	NO	Pacific Coast Highway	9	81	1	85	629	J7
8	W71	Next x Miles	24X18	ES	Big Rock Drive	475	NO	Pacific Coast Highway	9	81	1	85	629	J7
9	C W57	Arrow	1R	SB	Big Rock Drive	800	NO	Pacific Coast Highway	9	81			629	J7
10	W14(R)	Mtn Road	30X30	ES	Big Rock Drive	1,100	NO	Pacific Coast Highway	U		1	85	629	J7
11	C W15	Road narrows	1	ES	Big Rock Drive	1,200	NO	Pacific Coast Highway	3	84			629	J7
12	W71	Next x Miles	24X18	WS	Big Rock Drive	1,300	NO	Pacific Coast Highway	9	81	1	85	629	J7
13	W3(R)	Rt Angle Curve	30X30	WS	Big Rock Drive	1,300	NO	Pacific Coast Highway	9	81	1	85	629	J7
14	C3		36X24	ES	Big Rock Drive	0	@	Pacific Coast Highway	U		U		629	J7
15	C2		36X24	ES	Big Rock Drive	0	@	Pacific Coast Highway	U		U		629	J7
16	TN 4	N Marker	18X18	WS	Big Rock Drive	0	SL	Pinnacle Way	2	84	1	85	629	J7
17	TN 4	N Marker	18X18	WS	Big Rock Drive	720	NO	Seaboard Road	2	84	1	85	629	J7
18	R28	No Parking	12X18	ES	Birdview Avenue	30	NO	Bluewater Road	7	68	2	85	667	E4
19	W14(LT)	Mtn Road	30X30	WB	Birdview Avenue	250	NO	Bluewater Road			4	95	667	D4
20	W8(15)	Advisory Speed 15	24X24	NB	Birdview Avenue	250	NO	Bluewater Road			4	95	667	D4
21	R28	No Parking	12X18	WS	Birdview Avenue	115	SO	Bluewater Road	7	68	2	85	667	E4
22	R28	No Parking	12X18	ES	Birdview Avenue	160	SO	Bluewater Road	U		U		667	E4
23	R28	No Parking	12X18	WS	Birdview Avenue	200	SO	Bluewater Road	7	68	2	85	667	E4
24	R28	No Parking	12X18	WS	Birdview Avenue	325	SO	Bluewater Road	7	68	2	85	667	E4
25	R28	No Parking	12X18	ES	Birdview Avenue	325	SO	Bluewater Road	7	68	2	85	667	E4
26	R28	No Parking	12X18	WS	Birdview Avenue	480	SO	Bluewater Road	8	72	2	85	667	E4
27	R28	No Parking	12X18	ES	Birdview Avenue	700	SO	Bluewater Road	U		U		667	E4
28	R28(R)	No Stopping	12X18	WS	Birdview Avenue	700	SO	Bluewater Road	8	72	6	90	667	E4
29	R28(L)	No Stopping	12X18	WS	Birdview Avenue	805	SO	Bluewater Road	8	72	6	90	667	E4
30	R28	No Parking	12X18	ES	Birdview Avenue	805	SO	Bluewater Road	U		U		667	E4
31	R28	No Parking	12X18	WS	Birdview Avenue	975	SO	Bluewater Road	8	72	2	85	667	E4
32	R28	No Parking	12X18	ES	Birdview Avenue	975	SO	Bluewater Road	U		U		667	E4
33	R28	No Parking	12X18	ES	Birdview Avenue	1,100	SO	Bluewater Road	U		U		667	E4
34	R28	No Parking	12X18	WS	Birdview Avenue	1,315	SO	Bluewater Road	8	72	2	85	667	E4
35	R28	No Parking	12X18	ES	Birdview Avenue	1,315	SO	Bluewater Road	U		U		667	E4
36	R28	No Parking	12X18	ES	Birdview Avenue	1,500	SO	Bluewater Road	U		2	85	667	E4
37	R28	No Parking	12X18	WS	Birdview Avenue	1,670	SO	Bluewater Road	9	66	2	85	667	E4
38	R28	No Parking	12X18	ES	Birdview Avenue	1,670	SO	Bluewater Road	U		2	85	667	E4
39	R28	No Parking	12X18	ES	Birdview Avenue	1,825	SO	Bluewater Road	U		2	85	667	E4
40	R28	No Parking	12X18	WS	Birdview Avenue	1,825	SO	Bluewater Road	9	66	2	85	667	E4
41	R28	No Parking	12X18	WS	Birdview Avenue	0	@	Bluewater Road	7	68	1	90	667	E4
42	W57	Arrow	48X24	SB	Birdview Avenue	0	NL	Cliffside Drive			4	95	667	D4
43	W6(15)	Advisory Speed 15	24X24	SB	Birdview Avenue	400	NO	Cliffside Drive			4	95	667	D4
44	W3(L)	Sharp Left Curve	30X30	WS	Birdview Avenue	400	NO	Cliffside Drive	9	66	4	95	667	D4
45	TN 4	N Marker	18X18	SS	Birdview Avenue	0	@	Cliffside Drive	U		4	95	667	E4
46	R37(R)		12X18	ES	Birdview Avenue	0	SO	Sealion Place	U		2	85	667	E4
47	R37	Time Limited Pkg	12X18	ES	Birdview Avenue	140	SO	Sealion Place	U		2	85	667	E4
48	R37	Time Limited Pkg	12X18	WS	Birdview Avenue	140	SO	Sealion Place	U		2	85	667	E4
49	R37	Time Limited Pkg	12X18	ES	Birdview Avenue	335	SO	Sealion Place	10	82	2	85	667	E4
50	R37	Time Limited Pkg	12X18	WS	Birdview Avenue	335	SO	Sealion Place	U		2	85	667	E4
51	R37	Time Limited Pkg	12X18	ES	Birdview Avenue	525	SO	Sealion Place	U		2	85	667	E4
52	R37	Time Limited Pkg	12X18	WS	Birdview Avenue	525	SO	Sealion Place	U		U		667	E4
53	R37	Time Limited Pkg	12X18	WS	Birdview Avenue	675	SO	Sealion Place	U		2	85	667	E4
54	R2(30)	Speed Limit 30 mph	36X45	ES	Birdview Avenue	725	SO	Sealion Place	8	74	2	95	667	E4
55	R37	Time Limited Pkg	12X18	ES	Birdview Avenue	725	SO	Sealion Place	U		U		667	E4
56	R37	Time Limited Pkg	12X18	WS	Birdview Avenue	844	SO	Sealion Place	U		6	90	667	E4
57	W57	Arrow	48X24	WS	Birdview Avenue	890	SO	Sealion Place	U		4	95	667	E4
58	TN 4	N Marker	18X18	WS	Birdview Avenue	910	SO	Sealion Place	U		4	95	667	E4
59	TN 4	N Marker	18X18	WS	Birdview Avenue	910	SO	Sealion Place	U		U		667	E4
60	R37	Time Limited Pkg	12X18	ES	Birdview Avenue	915	SO	Sealion Place	U		2	95	667	E4
61	TN (RED)	N Marker	18X18	WS	Birdview Avenue	950	SO	Sealion Place	U		U		667	E4
62	R37	Time Limited Pkg	12X18	WS	Birdview Avenue	950	SO	Sealion Place	U		6	90	667	E4
63	TN (RED)	N Marker	18X18	WS	Birdview Avenue	960	SO	Sealion Place	U		4	95	667	E4



**EXHIBIT NO. 3**

**1966, 1972, AND 1974 LA COUNTY BOARD OF SUPERVISORS ORDERS**

LOS ANGELES COUNTY ROAD DEPARTMENT

August 9, 1966

In reply please  
refer to File T-4

Board of Supervisors  
County of Los Angeles  
383 Hall of Administration

Gentlemen:

TRAFFIC REGULATIONS  
SUPERVISORIAL DISTRICTS 1-2-3-4

RECOMMENDATION:

That your Honorable Board adopt Orders as indicated  
in the attached items.

All locations have been considered by our Traffic Engineering staff.

At such time as these recommendations may be approved, please return  
two copies of this letter to the Road Department.

Respectfully submitted,

I. L. MORHAR  
Road Commissioner

CCC:bkr

cc: Each Supervisor (5)  
Communications Section (3)  
C. A. O. (1)  
County Counsel (1)

B/S Approval  
Aug. 16, 1966

(8) LOCATION:

Birdview Avenue between Cliffside Drive and Sea Lion Place  
Cliffside Drive between Birdview Avenue and Fernhill Drive

SUPERVISORIAL DISTRICT:

4

SUBJECT:

Parking Regulations

FILE REFERENCE:

T660843

An Order prohibiting parking as follows:

On each side of Birdview Avenue between Cliffside Drive and a point 300 feet north of Sea Lion Place;

On each side of Cliffside Drive between Birdview Avenue and Fernhill Drive;

On each side of Sea Lion Place between Birdview Avenue and Dume Drive;

On each side of Dume Drive between Cliffside Drive and Sea Lion Place.

Regulations as recommended above will establish additional prohibited parking regulations in the Pt. Dume area and will supersede regulations on Birdview Avenue and Cliffside Drive established by Orders of 8-3-65.

3s 3p R28 WS Birdview Ave. between Sea Lion Pl. and 300 feet north of Sea Lion Pl.  
3s 3p R28 ES Birdview Ave. between Sea Lion Pl. and 300 feet north of Sea Lion Pl.  
7s 7p R28 NS Sea Lion Pl. between Birdview Ave and Dume Dr.  
7s 7p R28 SS Sea Lion Pl. between Birdview Ave and Dume Dr.  
5s 5p R28 WS Dume Dr. between Sea Lion Pl. and Cliffside Dr.  
5s 5p R28 ES Dume Dr. between Sea Lion Pl. and Cliffside Dr.  
5s 5p R28 NS Cliffside Dr. between Dume Dr and Grassutter Ave.  
5s 5p R28 SS Cliffside Dr. between Dume Dr and Grassutter Ave.  
5s 5p R28 NS Cliffside Dr. between Grassutter Ave. and Fernhill Dr.  
5s 5p R28 SS Cliffside Dr. between Grassutter Ave. and Fernhill Dr.

Pt. Dume Dist. 2 A6, B6

7/10/72

ROAD DEPARTMENT  
1210 ALCAZAR STREET  
LOS ANGELES, CALIFORNIA 90071  
TELEPHONE 222-1077

I. L. MORHAR, ROAD COMMISSIONER  
N. R. MARTINEZ, CLERK

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 5012  
LOS ANGELES, CALIFORNIA 90071

June 27, 1972

Board of Supervisors  
County of Los Angeles  
383 Hall of Administration

DATE: 7-4  
REFERENCE: 850,27,14.2

Gentlemen:

TRAFFIC REGULATIONS  
SUPERVISORIAL DISTRICTS 1-2-3-4-5

RECOMMENDATION:

That your Honorable Board adopt Orders as indicated in the attached items.

At such time as these recommendations may be approved, please return two copies of this letter to the Road Department.

Respectfully submitted,

*I. L. Morhar*

I. L. MORHAR  
Road Commissioner

CCC:jm

cc: Supervisors (5)  
Communications Section (6)  
C. A. O. (1)  
County Counsel (1)

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

112

JUL 5 1972

*James E. Hise*  
JAMES E. HISE

(7) LOCATION:  
SUPERVISORIAL DISTRICT:  
SUBJECT:  
FILE REFERENCE:

Cliffside Drive east of Fernhill Drive  
4  
Parking Regulations  
T720719

An Order prohibiting parking as follows:

Ordered

~~X~~ On the north side of Cliffside Drive between the eastern terminus of Cliffside Drive and a point 100 feet west thereof.

The above regulations are recommended to facilitate access to abutting property and the movement of emergency equipment.

(8) LOCATION:  
SUPERVISORIAL DISTRICT:  
SUBJECT:  
FILE REFERENCE:

Agoura Road between Rendell Street and  
Reyes Adobe Road  
5  
Speed Limit Regulations  
T720399

Comp  
8/2/72

An Order establishing speed limit regulations as follows and authorizing the posting of proper signs:

~~X~~ 40 Miles Per Hour on Agoura Road between Reyes Adobe Road and Rendell Street.

OVER

~~X~~ 40 Miles Per Hour on Roadside Drive between Reyes Adobe Road and the terminus of Roadside Drive west of Reyes Adobe Road.

Traffic and engineering studies have disclosed that these roads qualify for the posting of speed limit regulations in accordance with provisions of the Vehicle Code.

(9) LOCATION:  
SUPERVISORIAL DISTRICT:  
SUBJECT:  
FILE REFERENCE:

Lake Hughes Road east of Old Ridge Route  
5  
Stop Regulations  
T720771

An Order establishing stop regulations as follows:

Ordered

~~X~~ Lake Hughes Road (Castaic District) Each side of Lake Hughes Road at its intersections with Castaic Road, Ridge Route and Gorder Way, on the west side of Lake Hughes Road at its intersection with Lake Hughes Detour Road and on the east side of Lake Hughes Road at its intersection with the Afterbay launching area access road.

Regulations as recommended above will extend existing stop regulations at Lake Hughes Road and will supersede Order of 8-24-71.

CLA

0-11-74

COUNTY OF LOS ANGELES

ROAD DEPARTMENT  
1540 ALCAZAR STREET  
LOS ANGELES, CALIFORNIA 90033  
TELEPHONE 225-1577

I. L. MORHAR, ROAD COMMISSIONER  
H. G. MARTINDALE, CHIEF DEPUTY

March 19, 1974

ADDRESS ALL CORRESPONDENCE TO:  
P. O. Box 4089  
LOS ANGELES, CALIFORNIA 90031

Board of Supervisors  
County of Los Angeles  
383 Hall of Administration

IN REPLY PLEASE  
REFER TO FILE:

T-4  
850.27.14.2

Gentlemen:

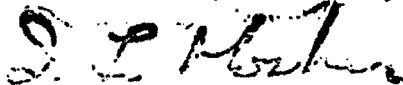
TRAFFIC REGULATIONS  
SUPERVISORIAL DISTRICTS 1-3-4-5

RECOMMENDATION:

That your Honorable Board adopt Orders as indicated in the  
attached items.

At such time as these recommendations may be approved, please  
return two copies of this letter to the Road Department.

Respectfully submitted,



I. L. MORHAR  
Road Commissioner

CLA:sfb

cc: Supervisors (5)  
Communications Section (6)  
C. A. O. (1)  
County Counsel (1)

ADOPTED  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

104

APR 2 1974

  
JAMES S. MIZE  
EXECUTIVE OFFICER

(4) LOCATION: *Point* Dume Canyon Road between Mulholland Highway and Pacific Coast Highway  
Malibu District  
SUPERVISORIAL DISTRICT: 4 & 5  
SUBJECT: Stop Regulations  
FILE REFERENCE: T740298

X  
An Order establishing stop regulations as follows:

*Point*  
Each side of Dume Canyon Road between Mulholland Highway and Pacific Coast Highway.

*u*  
The above regulation will require all traffic on side streets to stop before entering *Point* Dume Canyon Road in conjunction with the recent improvement of Dume Canyon Road.

(5) LOCATION: Fernhill Drive north of Cliffside Drive  
Point Dume District  
SUPERVISORIAL DISTRICT: 4  
SUBJECT: No Parking Regulations  
FILE REFERENCE: T740238

X  
An Order prohibiting parking as follows:

*CLA*  
On each side of Fernhill Drive between Cliffside Drive and a point 500 feet northerly thereof.

The above regulation is recommended in response to a petition of a majority of the abutting property residents.

(6) LOCATION: Georgian Road and Commonwealth Avenue  
Flintridge/La Canada District  
SUPERVISORIAL DISTRICT: 5  
SUBJECT: Stop Regulations  
FILE REFERENCE: T740225

X  
An Order establishing stop regulations as follows:

*GWB*  
Commonwealth Avenue (Flintridge/La Canada District) On each side of Commonwealth Avenue at its intersections with Berkshire Avenue and Lynnhaven Lane and on the east side of Commonwealth Avenue at its intersections with Craig Avenue and Georgian Road and on the west side of Commonwealth Avenue at its intersection with Houseman Street.

The above regulation will add Georgian Road to those streets on which traffic is required to stop before entering Commonwealth Avenue to control potential conflict due to increasing traffic volumes and will supersede Order of 6-26-73.



# COUNTY OF LOS ANGELES

ROAD DEPARTMENT  
1540 ALCAZAR STREET  
LOS ANGELES, CALIFORNIA 90033  
TELEPHONE 225-1677

I. L. MORHAR, ROAD COMMISSIONER  
N. G. MARTINDALE, CHIEF DEPUTY

June 25, 1974

ADDRESS ALL CORRESPONDENCE TO:  
P. O. Box 4089  
LOS ANGELES, CALIFORNIA 90031

Board of Supervisors  
County of Los Angeles  
383 Hall of Administration

IN REPLY PLEASE REFER TO FILE: T-4  
850.27.14.2

Gentlemen:

TRAFFIC REGULATIONS  
SUPERVISORIAL DISTRICTS 2-3-4-5

RECOMMENDATION:

That your Honorable Board adopt Orders as indicated in the attached items.

At such time as these recommendations may be approved, please return two copies of this letter to the Road Department.

Respectfully submitted,

*I. L. Morhar*  
I. L. MORHAR  
Road Commissioner

CIA:lm

cc: Supervisors (5)  
Communications Section (6)  
C. A. O. (1)  
County Counsel (1)

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

88

JUL 9 1974

*James S. Hize*  
JAMES S. HIZE  
EXECUTIVE OFFICER

115  
22-1  
100



Between the hours of 8 a.m. and 10 a.m., Tuesdays only, on the north side of 4th Street between Eastman Avenue and the Pomona Freeway ramp.

Between the hours of 6 a.m. and 8 a.m., Tuesdays only,

On the south side of 3rd Street between Eastern Avenue and Eastman Avenue.

On the south side of 3rd Street between Rowan Avenue and Indiana Street.

These regulations are recommended to facilitate street sweeping operations adjacent to school property and will supersede regulations established by Orders of 7-3-73.

DJP  
\*(5) LOCATION: Cliffside Drive east of Fernhill Drive  
Point Dume District  
SUPERVISORIAL DISTRICT: 4  
SUBJECT: No Parking Regulations  
FILE REFERENCE: T740685

An Order prohibiting parking as follows:

On each side of Cliffside Drive between Birdview Avenue and the terminus of Cliffside Drive east of Fernhill Drive.

The above regulation will extend the existing parking regulations to include the remainder of Cliffside Drive east of Fernhill Drive in response to a petition of the abutting property owners and will supersede Orders of 8-16-66 and 7-5-72.

(6) LOCATION: Sierra Highway between <sup>the City of Santa Clarita</sup> Soledad Canyon Road and Vasquez Canyon Road <sup>boundary south of</sup> Fitch Avenue  
Saugus District  
SUPERVISORIAL DISTRICT: 5  
SUBJECT: Speed Limit Regulations  
FILE REFERENCE: T740565 JFP 11/1/74

GWB  
An Order establishing speed limit regulations as follows and authorizing the posting of proper signs:

50 Miles Per Hour on Sierra Highway between Soledad Canyon Road and Vasquez Canyon Road.

Traffic and engineering studies have disclosed that portions of Sierra Highway qualify according to provisions of the Vehicle Code for an increase in the speed limit from 45 Miles Per Hour to establish a uniform 50 Miles Per Hour speed limit between Soledad Canyon Road and Vasquez Canyon Road. This Order will supersede Orders of 6-30-64 and 11-20-73.

**EXHIBIT NO.4**

**NOTICE OF INTENT TO COMMENCE CEASE AND DESIST ORDER  
PROCEEDINGS**

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-6200

**NOTICE OF INTENT TO COMMENCE CEASE AND DESIST ORDER PROCEEDINGS**

May 9, 1997

Jeff Jennings, Mayor  
Harry Peacock, City Manager  
City of Malibu  
23555 Civic Center Way  
Malibu, CA 90265-4804

FILE NUMBER: Coastal Act Violation File No. V-4-MAL-97-002

PROPERTY LOCATION: Property located along Cliffside Drive and Birdview Avenue adjacent to Point Dume within the City of Malibu (Exhibit 1)

UNPERMITTED  
ACTIVITY: Promulgation of parking restrictions and erection of signs and placement of boulders to implement said restrictions

PROPERTY  
OWNERS: The signs and boulders are placed within a right-of-way easement held by the City of Malibu.

Dear Mayor Jennings and Mr. Peacock:

This notice is addressed to you in your capacities as Mayor and City Manager for the City of Malibu, concerning alleged violations of the California Coastal Act (PRC section 30000 et seq.) at the above referenced property. The alleged violations involve development, consisting of the promulgation, between 1977\* and the present time, of parking restrictions and the placement of signs and boulders to implement said restrictions, without a required coastal development permit (CDP) in violation of PRC section 30600.

Prior to January 1, 1977, there were five parking restrictive signs in place in the subject area (Exhibit 2). At least two of the five signs allowed parking on a limited time basis, and three signs prohibited parking at any time. As demonstrated in Exhibit 2, the five signs were located on both sides of Cliffside Drive, from its intersection with South Birdview Avenue to a point two parcels east of the intersection of Dume Drive and Cliffside. Between 1977 and 1995, the County of Los Angeles, predecessor agency to the City of Malibu, and the City of Malibu

\* Certain parking restrictions took effect before the City of Malibu was created in March, 1991. However, as successor to the County of Los Angeles, the City is responsible for correcting the unpermitted actions of its predecessor by obtaining permits from the Coastal Commission for said restrictions.

promulgated more restrictive parking regulations and implemented them by the erection of approximately 20 additional parking signs without first obtaining a permit from the Coastal Commission (Exhibit 3). According to the City of Malibu Traffic Sign Log, fifteen of these 20 signs allowed "Time Limited Parking," and the remainder prohibited parking at all times. As depicted in Exhibit 3, the signs were placed along both sides of South Birdview Avenue at a point starting two parcels west of its intersection with Cliffside Drive, along both sides of Cliffside Drive to a point two parcels east of the intersection of Dume Drive and Cliffside. In 1995, the City of Malibu Public Works Department replaced all the existing signs with approximately 25 signs with a standardized No Parking symbol (Exhibit 4).

By communications which include but are not limited to letters to John P. Clement, Public Works Director dated January 21, 1997, March 17, 1997, and March 18, 1997, and a letter to then Mayor Harlow and members of the City Council dated April 10, 1997, Commission staff has recommended that, in order to resolve this matter, the City must either rescind the unpermitted restrictions and remove the signage and boulders, or submit a CDP application for the after-the-fact authorization of the restrictions promulgated and the placement of signs and boulders installed along Cliffside and Birdview.

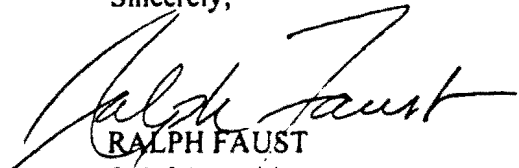
On April 14, 1997, the City Council unanimously decided not to remove the unpermitted signage and boulders and also not to apply for an after-the-fact CDP from the Coastal Commission. The Commission has not been formally notified of this City Council action; the Commission became aware of this City action by receipt of a FAX on April 18, 1997, to John Ainsworth from Harry Peacock, City Manager. The FAX is entitled, *City Council Meeting Action Summary*. It is also my understanding that you have contacted Steve Scholl, Deputy Director of our South Central Area office, and requested a meeting, to be held on May 14, 1997, regarding the Point Dume parking situation. Your most recent contact did not indicate that the City planned to file a CDP application as requested by Commission staff, however.

Our last letter to then Mayor Harlow and members of the Malibu City Council indicated that if the City failed to submit a CDP application for the promulgation of parking restrictions and the placement of signage and boulders, the Commission would have no choice but to move forward with an appropriate enforcement action. Therefore, staff has decided to commence a proceeding to recommend that the Commission issue a Cease and Desist Order pursuant to PRC section 30810 requiring the City to cease and desist from (1) engaging in any further development and (2) continuing to maintain any unpermitted development on the subject property, without first obtaining a necessary CDP.

In accordance with the Commission's regulations, the City has the opportunity to respond to the staff's violation allegations as set forth in this notice by completing the enclosed Statement of Defense Form. **The completed Statement of Defense Form must be received by this office by no later than June 6, 1997.**

If the City Council changes its position on this issue and decides to rescind the restrictions remove the unpermitted signage and boulders or to apply for an after-the-fact CDP, please contact Nancy Cave of my staff at (415) 904-5290 so that we may postpone the cease and desist order hearing to allow time for the submittal and processing of the aforementioned CDP application, or for the removal of unpermitted development.

Sincerely,



RALPH FAUST  
Chief Counsel

enclosures

cc: Peter Douglas  
Steve Scholl  
Gary Timm

## **EXHIBIT NO.5**

### **CITY'S STATEMENT OF DEFENSE**

Note: Apart from the main section the following attachments are also included:

- Exhibit A - Declaration of John Clement**
- Appendix 1. - Clement's field survey sketch**
- Appendix 2. Traffic Sign Manual Section 4-0.7 and 4-0.8**
- Appendix 3. - Parking restrictions as per County**
- Appendix 4. - Letter dated May 6, 1997, from Clement to Scholl**
- Exhibit D. - Declarations from Malibu residents.**

A full copy of the City's Statement of Defense will be available at the Commission hearing

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2 CITY OF MALIBU  
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4 Malibu, CA 90265  
5 Telephone: (310) 456-2489  
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13 Facsimile: (415) 552-5816

14 Attorneys for City of Malibu

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CALIFORNIA  
COASTAL COMMISSION

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BEFORE THE CALIFORNIA COASTAL COMMISSION

12 In The Matter of the NOTICE OF ) File no. V 1 MAL-97-002  
13 INTENT TO COMMENCE CEASE AND DESIST )  
14 ORDER PROCEEDINGS ) CITY OF MALIBU'S STATEMENT  
15 ) OF DEFENSE  
16 )  
17 )

18 INTRODUCTION

19 The City of Malibu ("City") submits this Statement of  
20 Defense to the California Coastal Commission ("Commission") in  
21 response to the Commission staff's May 9, 1997 Notice of Intent to  
22 Commence Cease and Desist Order Proceedings ("NOI"), file number V  
23 1 MAL-97-002, concerning alleged violations of the California  
24 Coastal Act, Public Resources Code § 30000 et seq. ("Act").<sup>1</sup> As  
25 discussed in detail herein, the NOI was based on a mistake of fact  
26 and, accordingly, was issued in error.

27  
28  
This Statement of Defense is fully responsive to the  
questions posed in the Commission's Statement of Defense Form.  
The City may have other defenses not discussed herein, and  
reserves its right in that regard.

1 The NOI alleges that the City has violated section 30600  
2 of the Act by failing to obtain a coastal development permit for  
3 the placement of signs and boulders within a right-of-way easement  
4 held by the City, located adjacent to the Point Dume Preserve  
5 along Cliffside Drive and South Birdview Avenue ("subject area").  
6 Commission staff asserts that, between 1977 and the present time,  
7 the City and its predecessor, the County of Los Angeles  
8 ("County"), promulgated parking regulations and implemented them  
9 in the subject area without first obtaining a coastal development  
10 permit. NOI at ¶ 2.

11 As set forth in detail below, Commission staff is  
12 mistaken. The City has neither promulgated nor implemented any  
13 parking restrictions within the subject area since its  
14 incorporation in 1991. In 1995, the City simply replaced  
15 existing, faded signs bearing the word messages "no parking  
16 anytime" and "tow-away--no stopping anytime," with signs depicting  
17 a standardized "no parking" symbol. In conjunction with that sign  
18 replacement, the City installed a landscaping feature (boulders)  
19 on the dirt shoulders along Cliffside Drive both to enforce  
20 existing parking restrictions and to deter motorists from  
21 illegally parking their vehicles in this location. Both  
22 replacement of the signs and placement of the boulders fall  
23 squarely within the Act's exception to the permit requirement for  
24 "repair or maintenance activities."

25 Commission staff seeks enforcement against the City for  
26 unpermitted development purportedly undertaken by the County years  
27 before Malibu cityhood. However, the available evidence shows  
28 that the County did not undertake any unpermitted "development"

1 within the subject area between 1977 and March 1991. While the  
2 County and City Traffic Sign Inventories indicate that, in the  
3 early 1980's, the County placed additional signs prohibiting  
4 stopping and/or parking along Cliffside Drive and South Birdview  
5 Avenue to supplement those that were already in place, the  
6 County's sign placement did not change existing parking  
7 restrictions. Declarations submitted herewith by long-time  
8 residents in the Point Dume area confirm that restricted parking  
9 (without limited hours) has been in effect in the subject area  
10 continuously since the 1960's.

11 From its review of the NOI and recent correspondence,  
12 the City believes that actions of its staff have contributed to a  
13 mistaken understanding of the relevant facts by Commission staff.  
14 An erroneous initial City Traffic Sign Inventory and a  
15 misstatement by City staff in a recent memorandum appear to have  
16 given credence to the allegation that the County and City changed  
17 and intensified parking restrictions in the subject area in the  
18 early 1980's and in 1995. The errors are described in detail in  
19 this Statement. The City regrets that its actions may have  
20 contributed to causing Commission staff's misunderstanding, even  
21 if the County had undertaken unpermitted development.

22 Moreover, contrary to the allegation in the NOI, the  
23 City is not responsible "for correcting the unpermitted actions of  
24 its predecessor[.]" NOI at ¶ 1. First, the California courts  
25 have held that a landowner does not violate the Act by failing to  
26 obtain a coastal development permit authorizing "development"  
27 undertaken by a previous owner. The City therefore cannot be held  
28 responsible for failing to obtain a permit for any alleged



1 "development" undertaken by the County. Second, an enforcement  
2 proceeding based on actions the County allegedly took some  
3 fourteen years ago would be barred by the applicable statute of  
4 limitations, as well as the doctrines of laches, waiver, and  
5 estoppel.

6 As there is no evidence which shows that either the City  
7 or the County has undertaken any "development" within the subject  
8 area, the Commission should decline to issue a Cease and Desist  
9 Order. Such an order, if issued, would lack the requisite factual  
10 and legal support.

#### 11 STATEMENT OF FACTS

##### 12 A. The City Has Not Implemented Any New Parking 13 Restrictions Within the Subject Area Since Its Incorporation in March 1991.

14 Contrary to the allegation in the NOI (at ¶ 2), the City  
15 has neither promulgated nor implemented any new parking  
16 restrictions within the subject property since its incorporation  
17 in March 1991. Declaration of John P. Clement ("Clement Decl.")  
18 at ¶¶ 13, 16.<sup>1</sup> In 1995, the City simply replaced existing signs  
19 bearing the word messages "no parking" and "tow-away/no stopping  
20 anytime" with signs depicting a standardized no parking symbol.  
21 Id. at ¶¶ 7, 11. The City undertook this maintenance work because  
22 the existing signs had become faded and therefore were in need of  
23 replacement. Id. at ¶¶ 8, 11. In conjunction with the sign  
24 replacement, the City installed a landscaping feature (boulders)  
25 on the ocean side dirt shoulder of Cliffside Drive in order both  
26 to enforce existing parking restrictions and to deter motorists  
27

28 <sup>1</sup> The Clement declaration is attached as Exhibit A to this  
Statement of Defense.

1 from parking their vehicles illegally in that location. Id. at  
2 ¶ 12. Neither the sign replacement nor the boulder installation  
3 altered existing parking restrictions. Id. at ¶ 13.

4 The NOI alleges incorrectly that, prior to the City's  
5 1995 sign replacement, there were seventeen signs within the  
6 subject property which allowed parking on a limited time basis.  
7 NOI at ¶ 2. According to the NOI, two of these signs were  
8 installed prior to 1977, and the remainder were installed between  
9 1977 and 1995 by the County and by the City. Id. The Commission  
10 staff purports to base this allegation on entries in the County of  
11 Los Angeles Traffic Sign Inventory ("County's Sign Inventory") and  
12 the City of Malibu Traffic Sign Inventory ("City's Sign  
13 Inventory").<sup>1</sup> Id. However, as discussed in detail below, all  
14 signs installed within the subject area prior to 1995 in fact  
15 prohibited stopping and/or parking at all times. While an early  
16 iteration of the City's Sign Inventory erroneously indicated that  
17 "time limited parking" signs were installed within the subject  
18 area prior to 1995, a 1995 field survey disclosed that those signs  
19 actually prohibited parking at all times. Consequently,  
20 Commission staff relies on an error by City staff which did not  
21 accurately reflect the on-the-ground reality.

22 In early 1995 Mr. Clement, the City's Public Works  
23 Director, conducted a comprehensive field survey of all existing  
24 road signs in the Point Dume area, including the signs within the  
25 subject area, just prior to the City's 1995 sign replacement.  
26

27 <sup>1</sup> True and correct copies of the County's Traffic Sign  
28 Inventory and the initial, erroneous version of the City's Traffic  
Sign Inventory are attached as Exhibit B to this Statement of  
Defense.

1 Clement Decl. at ¶ 5, 11. While conducting this survey,  
2 Mr. Clement carefully identified the traffic signs on a map  
3 depicting the streets on Point Dume.<sup>4</sup> Id. at ¶ 6.  
4 Significantly, Mr. Clement did not observe any signs allowing  
5 parking on a limited time basis. Id. at ¶ 7. Rather, all parking  
6 restrictive signs within the subject area bore the word messages  
7 "no stopping anytime," "no parking anytime," and "tow-away/no  
8 stopping anytime." Id. Further, the parking and stopping  
9 restrictions within the subject area were continuous; there were  
10 no zone "begin" or "end" signs. Id.

11 In early 1997, using his notes from the 1995 field  
12 survey, Mr. Clement drew a map of the subject area and carefully  
13 plotted all parking restriction signs that existed within the  
14 subject area prior to the City's sign replacement action in 1995,  
15 and all parking restriction signs which the City installed in  
16 1995.<sup>5</sup> Id. at ¶ 15. This map clearly shows that there were no  
17 "time limited" parking signs within the subject area prior to the  
18 City's 1995 sign replacement and that the City's sign replacement  
19 did not modify existing parking restrictions. Clement Decl.,  
20 Appendix 3.

21 Note that the entries in the City's and County's Sign  
22 Inventories, upon which Commission staff relies in asserting that  
23 there were "time limited parking" signs within the subject area,  
24 all bear the code designation "R37." The traffic sign code "R37"  
25 refers to a sign containing the word message "tow-away/no  
26

27 <sup>4</sup> A true and correct copy of this map, including Mr. Clement's  
field notes, is attached as Appendix 1 to his declaration.

28 <sup>5</sup> A true and correct copy of this map is attached as Appendix 3  
to Clement Declaration.

1 stopping." Clement Decl. at ¶ 10. A sign designated as code  
2 "R37" may prohibit stopping during specific time periods, or it  
3 may instead prohibit stopping at all times. Id. When Mr. Clement  
4 conducted his 1995 field survey, he learned that all pre-existing  
5 signs in the subject area designated "R37" in the City's and  
6 County's Sign Inventories were not "time limited" signs, but  
7 instead prohibited stopping at all times. Id. at ¶ 9. Thus, the  
8 initial version of the City's Sign Inventory indicating that,  
9 prior to 1995, parking was allowed on a limited time basis within  
10 the subject area was inaccurate. Id.

11 This error occurred because, when Mr. Clement prepared  
12 the initial version of the City's Sign Inventory, he had not yet  
13 visually inspected the traffic signs in the Point Dume area to  
14 determine the actual messages contained on those signs. Id.  
15 Mr. Clement prepared that initial City Inventory by taking the  
16 information from the County's Sign Inventory and transferring it  
17 into a different format, which included a sign description. Id.  
18 When providing a written description of the signs, Mr. Clement  
19 relied solely on the description contained in California  
20 Department of Transportation traffic manual.<sup>6</sup> Id. That manual  
21 describes an "R37" sign as one which contains the message "No  
22 Parking/Stopping Tow Away" with certain hours indicated. Clement  
23 Decl., Appendix 2.

24 In sum, there were no "time limited parking" signs  
25 within the subject area when the City replaced the existing signs  
26 in 1995. Rather, all signs prohibited stopping and/or parking at  
27

28 <sup>6</sup> Relevant portions of the California Department of  
Transportation traffic manual are attached as Appendix 2 to the  
Clement Declaration.

1 all times. Thus, the City's sign replacement and boulder  
2 installation did not change the pre-existing parking restrictions.

3 In correspondence to the City, Commission staff has  
4 asserted that parking historically was permitted along the dirt  
5 shoulders of Cliffside Drive. See letter from Gary Timm, District  
6 Manager, to Mayor John Harlow and Members of City Council, dated  
7 April 10, 1997.<sup>1</sup> In reaching its conclusion, Commission staff  
8 unfortunately may have been misled by a misstatement contained in  
9 a memorandum from Mr. Clement to Ryan Embre of the Transportation  
10 Study Group which suggests that it was once legal to park along  
11 the dirt shoulders of Cliffside Drive near the Point Dume  
12 headlands. See id. As set forth in the Clement Declaration (at  
13 ¶ 14), to the extent that memorandum implies that it formerly was  
14 legal to park along those dirt shoulders, the memorandum is  
15 inaccurate. Based on his field survey and his review of the  
16 County's Traffic Sign Inventory, Mr. Clement has concluded that  
17 parking has been prohibited along the dirt shoulders of Cliffside  
18 Drive since at least January 1, 1977. Id.

19 In order to assuage any possible doubt about the  
20 foregoing, the City has queried eleven residents of the Point Dume  
21 area, who have resided in the area from between 1955 and 1986  
22 until the present time, regarding the posted parking restrictions  
23 near the Point Dume headlands. See declarations of City  
24 residents, attached as Exhibit D to this Statement of Defense.  
25 Each of these residents has attested that the parking signs  
26 located on Cliffside Drive near the headlands have never

27  
28 <sup>1</sup> The April 10, 1997 letter is attached as Exhibit C to this  
Statement of Defense.

1 designated a time period during which parking was allowed, but  
2 instead have always read "no parking anytime," "no stopping," or  
3 "tow-away--no stopping anytime." Id.

4 Mr. Clement's observations during his field survey, as  
5 well as the observations of the long-time Point Dume residents,  
6 provide the best available evidence concerning the parking  
7 restrictions that have existed within the subject area. This  
8 evidence clearly shows that parking has been prohibited within the  
9 subject area since long before 1977, and that the City's 1995 sign  
10 replacement and boulder installation did not alter the existing  
11 parking restrictions.

12 B. The Available Evidence Shows that the County of Los  
13 Angeles Did Not Implement New Parking Restrictions  
14 Within the Subject Area Between 1977 and March  
1991.

15 While the County's Sign Inventory indicates that, in the  
16 early 1980's, the County placed additional parking restrictive  
17 signs within the subject area to supplement those that were  
18 already in place, the County's sign placement did not intensify  
19 the existing restrictions. As depicted in Mr. Clement's 1997 map,  
20 signs prohibiting stopping and/or parking were placed throughout  
21 the subject area in the mid 1960's. Clement Decl., Appendix 3.  
22 The parking restrictions implemented in the 1960's were  
23 continuous; no zone "end" or "begin" signs existed within the  
24 subject area. Clement Decl. at ¶ 7. The additional parking  
25 restrictive signs which the County installed thus did not alter  
26 the pre-existing restrictions.

27 During his 1995 field survey, Mr. Clement learned that  
28 all "R37" signs installed within the subject area, including those  
installed prior to 1977, prohibited parking and stopping at all

1 times. Id. at ¶ 9. As already noted, the initial version of the  
2 City's Sign Inventory indicating that "parking time limited" signs  
3 were installed within the subject area prior to 1977 was  
4 inaccurate. Id. All available evidence--including the County's  
5 Sign Inventory, Mr. Clement's field survey, as well as his notes  
6 and maps, and the observations of Point Dume residents, many of  
7 whom have lived in the area since long before the County's sign  
8 installation in the mid 1980's--shows that the County's sign  
9 placement did not change pre-existing parking restrictions. Apart  
10 from the erroneous, initial version of the City's Sign Inventory,  
11 Commission staff has not produced any evidence showing the  
12 contrary.

13 In sum, neither the City nor the County before it  
14 promulgated or implemented more restrictive parking regulations  
15 within the subject area between 1977 and the present time.  
16 Commission staff evidently has been misled by the erroneous,  
17 initial version of the City's Traffic Sign Inventory, and possibly  
18 by a misstatement in a memorandum from Mr. Clement to Ryan Embre.  
19 However, beneath the unfortunate mistakes and misunderstandings  
20 lies an inescapable truth: parking has been prohibited within the  
21 subject area since long before the enactment of the California  
22 Coastal Act.

#### 23 ARGUMENT

24 I. THE CITY HAS NOT UNDERTAKEN ANY "DEVELOPMENT" WITHIN THE  
25 SUBJECT AREA FOR WHICH A COASTAL DEVELOPMENT PERMIT IS  
26 REQUIRED.

26 Contrary to the allegation set forth in the NOI (at  
27 ¶ 2), the City has not engaged in any "development" within the  
28 subject area which would require a coastal development permit.

1 First, as set forth above, the City's 1995 sign replacement and  
2 boulder installation did not affect existing parking restrictions  
3 in the subject area. Second, the City's actions fall squarely  
4 within the exception to the Act's permit requirement for "repair  
5 or maintenance" activities.

6 Section 30600(a) of the California Coastal Act provides  
7 that any person "wishing to perform or undertake any development  
8 in the coastal zone . . . shall obtain a coastal development  
9 permit." The Act defines the term "development" to mean:

10 on land, in or under water, the placement or erection of  
11 any solid material or structure; discharge or disposal  
12 of any dredged material or of any gaseous, liquid,  
13 solid, or thermal waste; grading, removing, dredging,  
14 mining, or extraction of any materials; change in the  
15 density or intensity of use of land, including, but not  
16 limited to, subdivision pursuant to the Subdivision Map  
17 Act (commencing with Section 66410 of the Government  
18 Code), and any other division of land, including lot  
19 splits, except where the land division is brought about  
20 in connection with the purchase of such land by a public  
21 agency for public recreational use; change in the  
22 intensity of use of water, or of access thereto;  
23 construction, reconstruction, demolition, or alteration  
24 of the size of any structure, including any facility of  
25 any private, public, or municipal utility; and the  
26 removal or harvesting of major vegetation other than for  
27 agricultural purposes, kelp harvesting, and timber  
28 harvesting operations which are in accordance with a  
timber harvesting plan submitted pursuant to the  
provisions of the Z'berg-Nejedly Forest Practice Act of  
1973 (commencing with Section 4511).

As used in this section, "structure" includes, but  
is not limited to, any building, road, pipe, flume,  
conduit, siphon, aqueduct, telephone line, and  
electrical power transmission and distribution line.

24 Pub.Res.Code § 30106 (emphasis added).

25 As discussed above, the City's 1995 sign replacement and  
26 boulder installation did not implement any additional parking  
27 restrictions beyond those that were already in place.  
28 Accordingly, the City's actions did not in any way affect the

1 public's lawful use of or access to the Point Dume headlands. The  
2 City's sign replacement and boulder installation thus do not fall  
3 within the Act's definition of "development."

4 Moreover, the Act expressly exempts the City's actions  
5 from the permit requirement. Section 30610(d) of the Act  
6 provides, in pertinent part: "Notwithstanding any other provision  
7 of this division, no permit shall be required pursuant to this  
8 chapter for . . . [r]epair or maintenance activities . . . ." The  
9 scope of this exception is clarified by the Commission's September  
10 5, 1978 Guidelines ("Guidelines"), which implement the Act's  
11 exception for "repair or maintenance" activities.<sup>1</sup> Section II A  
12 of the Guidelines expressly provides that "[n]o permit is required  
13 for repair and maintenance of existing roads including  
14 landscaping, . . . signing."

15 In correspondence with the City, the Commission has  
16 taken the position that the City's sign placement and boulder  
17 installation does not meet the "repair or maintenance" exception.  
18 See letter dated January 21, 1997, from the Commission to John P.  
19 Clement, attached as Exhibit F, to this Statement of Defense. The  
20 letter does not clarify the Commission's position. Because  
21 placing boulders and signs along city streets falls well within  
22 the plain meaning of the words "landscaping" and "signing," the  
23 City is perplexed about the Commission's stance. The City can  
24 only assume that the Commission's position reflects its mistaken  
25 impression that the City's actions were taken to implement newly  
26 promulgated parking restrictions. See NOI, at ¶ 2. However, as

27  
28 <sup>1</sup> The "Repair and Maintenance Guidelines," adopted by the  
Commission on September 5, 1978, are attached as Exhibit E to this  
Statement of Defense.

1 discussed above, the City's actions in fact did not affect  
2 existing parking restrictions.

3 At most, the City's actions in 1995 reflect a decision  
4 to enforce more aggressively the parking prohibitions that have  
5 been in place since long before the enactment of the California  
6 Coastal Act. While in the past, parking enforcement within the  
7 vicinity of Point Dume was at times lax, with the result that  
8 posted restrictions sometimes were violated, the City's decisions  
9 are justified to provide more aggressive parking enforcement in  
10 order to protect public safety and the environmentally sensitive  
11 headlands.<sup>2</sup> Clement Decl. at ¶ 18.

12 II. THE AVAILABLE EVIDENCE INDICATES THAT THE COUNTY DID NOT  
13 UNDERTAKE ANY "DEVELOPMENT" WITHIN THE SUBJECT AREA  
BETWEEN 1977 AND MARCH 1991.

14 As set forth in the Statement of Facts above, the  
15 available evidence indicates that the County's sign placement did  
16 not affect existing parking restrictions within the subject area.  
17 Thus, contrary to the allegation contained in paragraph 2 of the  
18 NOI, the County did not promulgate or implement more restrictive  
19 parking regulations without first obtaining a coastal development  
20 permit. Rather, the County's sign placement constitutes a "repair  
21 or maintenance" activity for which no coastal development permit  
22 is required. Pub. Res. Code § 30610(d); Guidelines, § 11A.

23 ///

24 ///

25  
26 <sup>2</sup> Commission staff has not alleged that the City's enforcement  
27 efforts constitute "development," as defined by the Act, nor is  
28 the term susceptible to such an interpretation. Clearly, the  
City's enforcement of pre-existing parking restrictions does not  
effect a change in the public's lawful use of the Point Dume  
headlands or access thereto.

1 III. EVEN ASSUMING ARGUENDO THAT THE COUNTY ENGAGED IN  
2 UNPERMITTED DEVELOPMENT, THE CITY, AS THE SUCCESSOR TO  
3 THE COUNTY'S INTEREST, IS NOT OBLIGATED TO OBTAIN A  
4 COASTAL DEVELOPMENT PERMIT.

5 Contrary to the allegation set forth in paragraph 1 of  
6 the NOI, the City is not "responsible for correcting the  
7 unpermitted actions of its predecessor" since a landowner does not  
8 violate the Act by failing to obtain a permit for the unauthorized  
9 development of a predecessor in which the landowner did not  
10 participate. The City did not participate in any decision by the  
11 County to implement additional parking restrictions within the  
12 subject area. Therefore, even assuming arguendo that the County  
13 did engage in unpermitted development, the City has no obligation  
14 under the Act to obtain a permit authorizing that development.

15 In California Coastal Comm'n v. Adams, 39 Cal.App.4th  
16 1409, 46 Cal.Rptr.2d 545 (1995), the court addressed whether the  
17 Commission has authority to obtain remedial injunctive relief  
18 against a landowner when the landowner's predecessor engaged in  
19 unpermitted development. In that case, the Commission ordered a  
20 landowner, who had begun developing coastal land without a permit,  
21 to undertake immediate restoration of its property. Early in the  
22 development of the restoration plan, the landowner borrowed  
23 \$800,000 from respondents, secured by a deed of trust on the  
24 property. When the landowner failed to make payments on its debt,  
25 respondents acquired the property by way of a trustee's sale. The  
26 Commission then demanded that respondents proceed with restoration  
27 of the property, but respondents refused to do so. 54 Cal.Rptr.  
28 at 546-47.

The Court of Appeal held that the Commission lacked  
authority to obtain remedial injunctive relief against

1 respondents. The Court stated:

2 It is plain to us that one who merely owns land, without  
3 conducting any activities on it, does not "perform or  
4 undertake any development" and therefore does not  
5 violate the statute by failing to obtain a coastal  
6 development permit. The fact that a previous owner  
7 performed and undertook development without a permit  
8 does not affect the analysis, so long as the present  
9 owner had no direct or vicarious participation in the  
10 previous owner's performance or undertaking of that  
11 development or in the previous owner's efforts to avoid  
12 the consequences of his noncompliance.

13 46 Cal.Rptr. at 548.

14 Applying that principle here, the Commission cannot hold  
15 the City responsible for failing to obtain a permit authorizing  
16 the alleged "development" performed by its predecessor. Clearly,  
17 the City did not participate in the County's sign placement  
18 decision, as the City did not even exist at the time the County  
19 placed additional parking restrictive signs within the subject  
20 area. Therefore, even assuming arguendo that the County engaged  
21 in unpermitted "development" prior to the City's incorporation,  
22 the Commission has no authority to bring an enforcement action  
23 against the City in connection with the County's alleged  
24 unpermitted development."

25 IV. ANY ENFORCEMENT ACTION BROUGHT AGAINST THE CITY FOR THE  
26 UNPERMITTED CONDUCT OF ITS PREDECESSOR IS BARRED BY THE  
27 STATUTE OF LIMITATIONS, AND BY THE DOCTRINES OF LACHES,  
28 WAIVER, AND ESTOPPEL.

As the traffic sign inventories plainly show, the County  
has not placed any parking restrictive signs within the subject

10 The enactment of section 30811 (which prompted the Adams  
11 court to vacate its prior decision to certify its opinion for  
12 publication) has no impact on this analysis. Section 30811  
13 authorizes the Commission to order restoration of a site if it  
14 finds that unpermitted development is causing "continuing resource  
15 damage." The NOI does not allege, nor is there any evidence that  
16 any parking regulations implemented by the County are causing  
17 "continuing resource damage."

1 area since October 1983. Because the signs themselves and the  
2 inventories have been available to the Commission for at least 14  
3 years, the Commission either knew or should have known about the  
4 County's sign placement. In these circumstances, the time has  
5 long passed for any enforcement action against the City based on  
6 conduct which the County allegedly engaged in nearly fourteen  
7 years ago.

8       A.       The Commission's Enforcement Action Is Barred By  
9       the Statute of Limitations.

10       The statute of limitations expired long ago on any  
11 enforcement action against the City for civil penalties based on  
12 the County's alleged unpermitted "development" within the subject  
13 area. The Coastal Development Act provides a three year statute  
14 of limitations for an action to recover civil penalties for  
15 violation of the Act's permit requirement. Pub.Res.Code  
16 § 30805.5. Because the signs have been in place and traffic sign  
17 inventories have been available to the Commission, the Commission  
18 either has known or should have known about the County's sign  
19 placement for well over a decade. Accordingly, any penalty action  
20 against the City based on the County's unpermitted sign placement  
21 is time-barred.

22       B.       The Commission's Enforcement Action Is Barred By  
23       the Doctrine of Laches.

24       Any claim against the City for equitable relief based on  
25 the County's sign placement is barred by the doctrine of laches.  
26 In an appropriate case, the doctrine of laches will bar to  
27 equitable relief in quasi adjudicative proceedings brought by  
28 administrative agencies. See, e.g., Brown v. California State  
Personnel Board, 166 Cal.App.3d 1151, 1158, 213 Cal.Rptr. 53

1 (1985). The defense of laches requires unreasonable delay plus  
2 either acquiescence in the act about which the plaintiff complains  
3 or prejudice to the defendant resulting from the delay. Id. at  
4 1159. All of the elements of laches are present here.

5       First, the Commission's delay in enforcing the Act's  
6 permit requirement with respect to the County's sign placement has  
7 been unreasonable. In determining whether the delay has been  
8 unreasonable, courts often look to the statute of limitations  
9 applicable to actions at law. Id. Here, as noted, the California  
10 Coastal Act supplies a three-year limitations period for civil  
11 penalty actions for violation of the Act's requirements. Plaintiff's  
12 a delay of nearly fourteen years qualifies as an unreasonable  
13 delay, particularly given the Commission staff's complete failure  
14 to provide any explanation to the City for its inaction to this  
15 point.

16       Second, the Commission clearly has acquiesced in any  
17 sign placement action taken by the County in the early 1980's.  
18 While the Commission either has known or should have known about  
19 the County's sign placement for well over a decade, the Commission  
20 has done nothing (until now) about that sign placement.

21       Finally, the prejudice to the City resulting from the  
22 delay is severe. The doctrine of laches is "designed to promote  
23 justice by preventing surprises through the revival of claims that  
24 have been allowed to slumber until evidence have been lost,  
25 memories have faded, and witnesses have disappeared." Id. at 11  
26 (quoting Wood v. Elling Corp., 20 Cal.3d 353, 362, 142 Cal.Rptr.  
27 696 (1977)). Here, the City would be severely prejudiced by  
28 having to unearth evidence concerning the County's sign placement

1 which, some fourteen years later, may no longer exist.

2 C. The Commission's Enforcement Action Is Barred By  
3 the Doctrines of Waiver and Estoppel.

4 The doctrines of equitable estoppel and waiver arise  
5 when a party has, by his own inaction or relinquishment of a known  
6 right, has led another to act in reliance on that inaction or  
7 relinquishment. Such doctrines may be applied in a quasi  
8 adjudicative proceeding brought by an administrative agency. See,  
9 e.g., Lentz v. McMahon, 49 Cal.3d 393, 261 Cal.Rptr. 310 (1989).

10 Here, the Commission's relinquished any claim it may  
11 once have had against the County for placing signs restricting  
12 parking within the subject area and thus has led City staff  
13 reasonably to conclude that such signs may be replaced without  
14 obtaining a coastal development permit. In such circumstances,  
15 the doctrines of waiver and estoppel preclude the Commission from  
16 bringing an enforcement action against the City for its sign  
17 replacement and boulder installation.

18 CONCLUSION

19 Based on the foregoing, it is clear that the Commission  
20 has neither the factual nor legal basis to proceed. All available  
21 evidence shows that the City, and the County before it,  
22 consistently maintained signs prohibiting parking within the  
23 subject area throughout the period in question. Further, the  
24 facts show that the City has acted properly in replacing  
25 preexisting signs restricting parking and placing boulders to  
26 ensure that long-standing parking restrictions would be observed.

27 ///

28 ///

///

1 As there is no basis for a cease and desist order, the Commission  
2 should take no action on the Commission staff's NOI.

3 Respectfully Submitted,

4 CHRISTI HOGIN, City Attorney

5 SHUTE, MIHALY & WEINBERGER

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8 Attorneys for City of Malibu  
9

10 BEFORE THE CALIFORNIA COASTAL COMMISSION

11  
12 In The Matter of the NOTICE OF ) File no. V 1 MAL-97-002  
13 INTENT TO COMMENCE CEASE AND DESIST )  
ORDER PROCEEDINGS ) DECLARATION OF JOHN P.  
14 ) CLEMENT  
15 )  
16 )

17 I, John P. Clement declare that:

18 1. I am the Public Works Director for the City of  
19 Malibu ("City"). If called as a witness in an enforcement action  
20 brought by the California Coastal Commission ("Commission")  
21 against the City, I could and would testify competently to the  
22 matters set forth herein.

23 2. I have worked as the Public Works Director for the  
24 City of Malibu since 1993. I am a registered professional  
25 engineer in California with licenses in traffic and civil  
26 engineering.

27 3. As the City's Public Works Director, I am familiar  
28 with all decisions concerning the promulgation and implementation

1 of parking restrictions within the City.

2 4. I have personal knowledge of facts pertinent to the  
3 allegations set forth in the May 9, 1997 Notice of Intent to  
4 Commence Cease and Desist Order Proceedings of the California  
5 Coastal Commission, file number V 1 MAL-97-002 ("NOI"), as set  
6 forth herein.

7 5. In early 1995, I conducted a comprehensive field  
8 survey of the traffic signs in the Point Dume area, including the  
9 signs along both sides of Cliffside Drive and South Birdview  
10 Avenue adjacent to the Point Dume State Preserve. My field survey  
11 included, among other areas, the property described in the NOI as  
12 the "subject area" and, specifically, the portion of Cliffside  
13 Drive from its intersection with South Birdview Avenue to a point  
14 two parcels east of the intersection of Dume Drive and Cliffside  
15 Drive, and the portion of South Birdview Avenue at a point  
16 starting two parcels west of its intersection with Cliffside Drive  
17 to a point two parcels east of the intersection of Dume Drive and  
18 Cliffside Drive (property hereinafter referred to as the "subject  
19 area").

20 6. While conducting the field survey, I carefully  
21 depicted the traffic signs within the subject area (and elsewhere)  
22 on a map of City streets near the Point Dume Preserve. A true and  
23 correct copy of that map and my field notes are attached as  
24 Appendix 1 to this declaration.

25 7. At the time of my field survey, there were no  
26 "Time Limited Parking" signs within the subject area. Rather, all  
27 signs contained the word messages "No Parking Anytime," "Tow-away,  
28 No Stopping Anytime," or "No Stopping Anytime." Further, the

1 parking and stopping restrictions within this area were  
2 continuous; there were no zone "begin" or "end" signs.

3 8. While conducting the field survey, I observed that  
4 some motorists were continuing to park their vehicles illegally on  
5 the dirt shoulders on the ocean side of Cliffside Drive despite  
6 the posted parking prohibition. I therefore noted on the map  
7 (attached as Appendix 1) that rocks should be placed on the dirt  
8 shoulders to deter motorists from parking illegally in this  
9 location. I also observed that the existing parking restrictive  
10 signs within the subject area were faded and in need of  
11 replacement.

12 9. I have reviewed the City of Malibu's Traffic Sign  
13 Inventory ("City's Inventory") and the County of Los Angeles  
14 Traffic Sign Inventory ("County's Inventory"). An early version  
15 of the City's Traffic Sign Inventory, which I prepared in 1994,  
16 indicates erroneously that "Time Limited Parking" signs (code  
17 "R37") were installed along both sides of South Birdview Avenue  
18 and Cliffside Drive within the subject area. I prepared this  
19 early version of the City's Inventory by taking the information  
20 from the County's Inventory and putting it into a different  
21 format, which included sign descriptions. When I prepared this  
22 initial version of the City's Inventory, I had not yet visually  
23 inspected the traffic signs in the Point Dume area. Consequently,  
24 in my written description of the "R37" signs, I relied solely on  
25 the description contained in the California Department of  
26 Transportation's traffic manual, which is attached as Appendix 2  
27 to this declaration. That manual describes an "R37" sign as one  
28 which prohibits parking and stopping during specific hours.

1 Later, when I made my 1995 field survey, I learned that all "R37"  
2 signs installed within the subject area, including those installed  
3 prior to 1977 as well as those installed by the County in the  
4 early 1980's, in fact prohibited parking and stopping at all  
5 times.

6 10. As a licensed traffic engineer and the Public Works  
7 Director for the City, I am familiar with the California  
8 Department of Transportation traffic sign codes. The traffic sign  
9 code "R37" refers to a sign bearing the word message "Tow-Away--No  
10 Parking/No Stopping." A sign designated as code "R37" may  
11 indicate specific time periods during which parking and stopping  
12 are prohibited, or it may instead prohibit parking and stopping  
13 any time.

14 11. In 1995, shortly after I conducted the field  
15 survey, the City replaced all existing signs within the subject  
16 area with signs bearing a standardized "No Parking" symbol. The  
17 City performed this maintenance work because the existing signs  
18 had become faded and were in need of replacement. As stated in  
19 paragraph 7 of this declaration, all signs placed by the City in  
20 1995 replaced signs which prohibited parking at all times or  
21 prohibited stopping and parking at all times.

22 12. Also in 1995, the City installed a landscaping  
23 feature (boulders) on the ocean side dirt shoulder of Cliffside  
24 Drive both to enforce existing parking restrictions and to deter  
25 motorists from parking illegally in that location.

26 13. The 1995 sign replacement performed by the City did  
27 not impose more restrictive parking regulations than those that  
28 ///

1 had existed previously. Likewise, the City's boulder placement  
2 did not alter pre-existing parking restrictions.

3 14. To the extent that my December 27, 1996 memorandum  
4 to Ryan Embre of the Transportation Study Group may imply that it  
5 formerly was legal to park along the dirt shoulders of Cliffside  
6 Drive within the subject area, the memorandum is inaccurate.  
7 Based on my review of the County's Traffic Sign Inventory and my  
8 field survey, I have concluded that parking has been prohibited  
9 along the dirt shoulders of Cliffside Drive since at least January  
10 1, 1977.

11 15. In early 1997, using my field notes, I drew a map  
12 of the subject area and carefully plotted all signs restricting  
13 parking and/or stopping within the subject area which were  
14 installed prior to 1995, and all signs restricting parking and/or  
15 stopping which the City installed within the subject area in 1995.  
16 A true and correct copy of that map is attached as Appendix 3 to  
17 this declaration.

18 16. The City has not taken any action since its  
19 incorporation in March 1991 to alter the parking restrictions  
20 within the subject area or to otherwise restrict the public's use  
21 of or access to the Point Dume headlands.

22 17. I have received and reviewed letters from  
23 Commission staff requesting information regarding the City's 1995  
24 sign replacement and boulder installation in the Point Dume area.  
25 In response to those letters, I researched and reaffirmed the  
26 appropriateness of the City's actions, and sent a letter, dated  
27 May 6, 1997, to Commission staff explaining the City's actions.  
28 The May 6, 1997 letter is attached as Appendix 4 to this

1 Declaration.

2 18. The City's decision to provide more aggressive  
3 parking enforcement in the vicinity of Point Dume is justified to  
4 protect both public safety and the environmentally sensitive Point  
5 Dume headlands.

6  
7 I affirm under penalty of perjury that the foregoing is  
8 true and correct. Executed this 10<sup>th</sup> day of June 1997, in the City  
9 of Malibu, California.

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11   
12 JOHN P. CLEMENT

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85 IN PERCENTAGE SPACE  
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Robert  
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West Coast  
Landing Zone

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

SEE THE SIGN SPECIFICATIONS PUBLICATION FOR A COMPLETE LISTING

## REGULATORY SIGNS

Code	Title	Code	Title
R1	STOP sign	R26, R26A	NO PARKING ANY
R1-2	YIELD sign	R23, R23A	TIME sign
R1-3	4-WAY sign	R26D	NO PARKING symbol sign
R1-1	ALL WAY sign	R26E	NO PARKING supplemental plate series
R2	SPEED LIMIT	R26F	NO STOPPING FIRE
R2-1	— ZONE AHEAD sign		LANE sign
R3	END — SPEED LIMIT sign	R26(S)	NO STOPPING ANY
R4	TRUCK sign		TIME sign
R5	PATROLLED BY AIRCRAFT sign	R26A(S)	NO STOPPING ANY
R6	MAXIMUM SPEED — sign		TIME sign
R7	KEEP RIGHT symbol sign	R28(S), R29A(S)	NO STOPPING ANY
R7A	KEEP RIGHT educational plate	R29D	TIME W/ARROW sign
R10	ONE WAY sign		NO PARKING VEHICLES
R10A	ONE WAY sign		OVER 6 FEET HIGH sign
R11	DO NOT ENTER sign	R29	NO PARKING and NO STOPPING with certain hours sign
R11A	WRONG WAY sign		NO PARKING with certain hours sign
R13	NO TURN ON RED sign	R31	LIMITED PARKING WITH-
R15	NO RIGHT TURN symbol sign	R31(S)	in a No Parking period sign
R16B	NO RIGHT TURN sign	R32, R32A	LIMITED HOUR/MINUTE
R17	NO LEFT TURN symbol sign	R32B	PARKING sign
R17B	NO LEFT TURN sign	R34	NO U TURN symbol sign
R18	HIGH LANE MUST TURN RIGHT sign	R34-2	NO LEFT OR U TURN symbol sign
R18-1	HIGH LANE MUST TURN RIGHT sign	R34A	NO U TURN sign
R18A	HIGH LANE MUST EXIT sign	R35	TRUCK ROUTE sign
R19	NO LEFT OR U TURN sign	R36	COMMERCIAL VEHICLES OVER
R20	WEIGHT LIMIT symbol sign		— TONS PROHIBITED sign
R20A	WEIGHT LIMIT symbol sign	R37	NO PARKING/STOPPING TOW
R20B	NO TRUCK symbol sign		AWAY with certain hours sign
R20D	TRUCK RESTRICTION plates	R38, R38S	LIMITED PARKING within a No Parking/Stopping Tow Away restriction during certain hours sign
R21	BRIDGE SPEED AND WEIGHT LIMIT sign	R40	TWO WAY TRAFFIC AHEAD sign
R24	PARK PARALLEL sign	R41	RIGHT TURN ONLY sign
R25	PARK OFF PAVEMENT sign	R42	LEFT TURN ONLY sign
		R43	PEDESTRIANS PROHIBITED sign
		R44	PEDESTRIANS BICYCLES MOTOR-DRIVEN CYCLES PROHIBITED sign
		R44A	BIKE PATH sign

Code	Title	Code	Title
R44B	BICYCLES MOTOR-DRIVEN CYCLES MUST EXIT sign	R63	PASSING LANE AHEAD sign
R44C	BICYCLES MUST EXIT sign	R70	TRUCKS OK sign
R45	EMERGENCY PARKING ONLY sign	R72	WHEN CHILDREN ARE PRESENT sign
R47	\$1,000 FINE FOR LITTERING sign	R73 series	LANE-USE CONTROL sign
R48	SPEED CHECKED BY RADAR sign	R74 through R80	CHAIN CONTROL sign series
R49	NO PED CROSSING/USE CROSSWALK sign	R81	BIKE LANE sign
R50	TURNOUT 1/4 MILE sign	R81A	BEGIN sign
R51	TURNOUT sign	R81B	END sign
R52	SLOWER TRAFFIC USE TURNOUTS sign	R82 through R84	BUS CARPOOL LANE sign series
R53	TRUCK LANE — FEET sign	R85	NO BICYCLES symbol sign
R53A	END TRUCK LANE sign	R85A	NO BICYCLES educational plate
R53B	TRUCKS RIGHT LANE ONLY sign	R86	NO PEDESTRIAN symbol sign
R53C	TRUCKS USE RIGHT LANE sign	R86A	NO PEDESTRIAN WALK educational plate
R54	— WAY SIGNAL sign	R86B	USE CROSSWALK sign
R55	YIELD TO UPHILL TRAFFIC sign	R86C	PEDESTRIAN PROHIBITED sign
R56	SLOWER TRAFFIC KEEP RIGHT sign	R88	DIVIDED HIGHWAY sign for "T" intersections
R57	BEGIN FREEWAY sign	R89A	DIVIDED HIGHWAY sign for cross streets
R58	END FREEWAY sign	R89 through R100D	HANDICAPPED PARKING sign series
R61 series	LANE-USE CONTROL signs	R101	PRIVATE ROAD VEHICLE CODE ENFORCED sign
R62 series	PEDESTRIAN PUSH BUTTON TRAFFIC SIGNAL CONTROL signs	R102 through R103A	HAZARDOUS WASTE MATERIAL PERMITTED/PROHIBITED sign series
R65	DO NOT PASS sign		
R66	PASS WITH CARE sign		
R67	DO NOT STOP ON TRACKS sign		
R67A	TWO-WAY LEFT TURN LANE symbol sign		
	2 WAY LEFT TURN LANE educational plate		

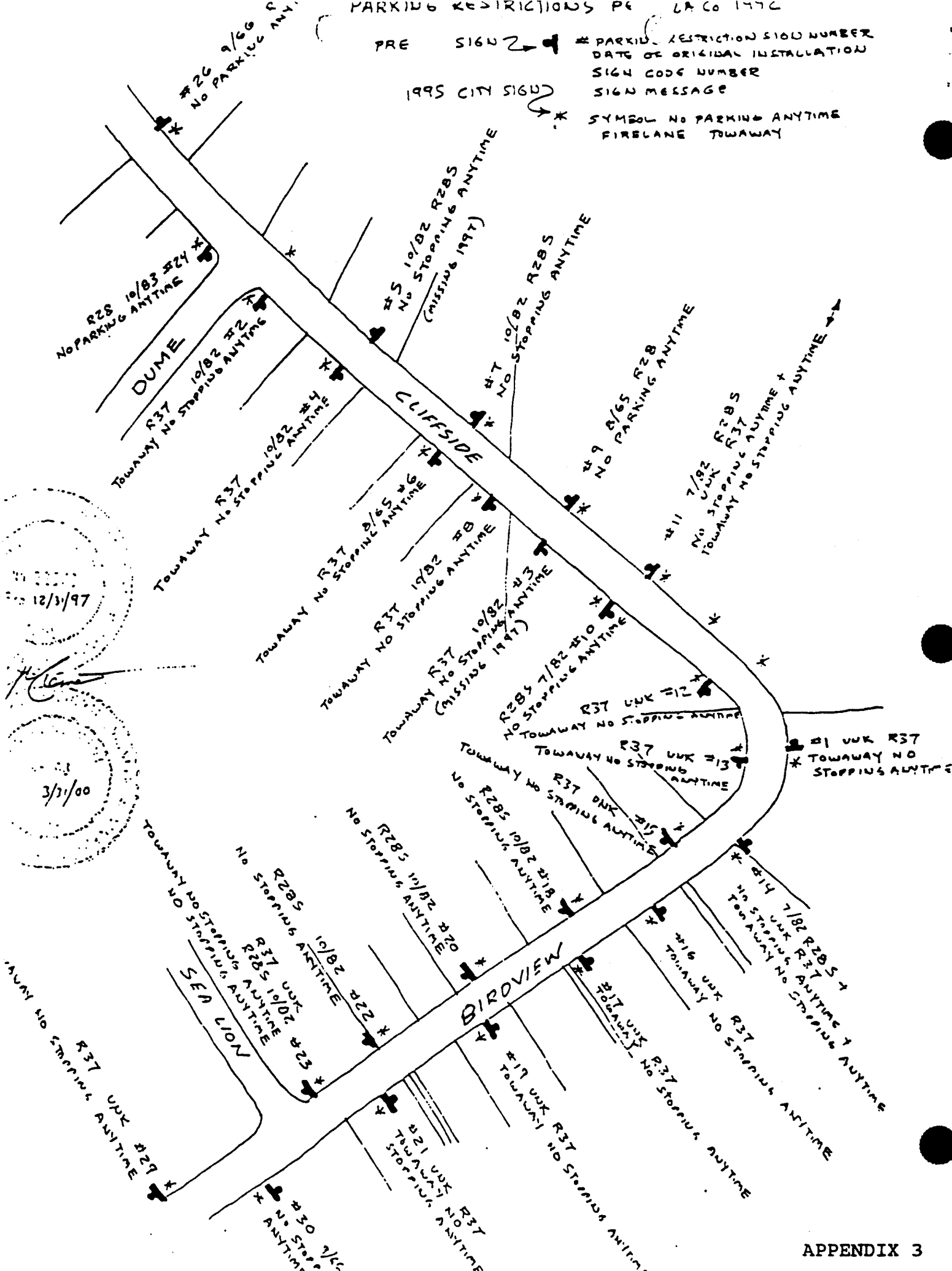
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SIGN 2

# PARKING RESTRICTION SIGN NUMBER  
DATE OF ORIGINAL INSTALLATION  
SIGN CODE NUMBER  
SIGN MESSAGE

1995 CITY SIGN

SYMBOL NO PARKING ANYTIME  
FIRELANE TOWAWAY





# City of Malibu

23555 Civic Center Way, Malibu, California 90265-4804  
(310) 456-CITY Fax (310) 456-3354  
WWW Site: <http://www.ci.malibu.ca.us> Email: [jdclament@ci.malibu.ca.us](mailto:jdclament@ci.malibu.ca.us)  
John P. Clament, P.E., Public Works Director (CE 2257)

RECEIVED

MAY - 8 1997

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

May 6, 1997

Mr. Steve Scholl  
Deputy Director  
California Coastal Commission  
89 South California St, Suite 200  
Ventura, CA 93001

**Subject:** Cliffside Drive  
**Reference:** Your letter of March 18, 1997 which requested that by May 19, 1997 Malibu either remove the "No Parking" signs and boulders, or return an executed waiver of legal argument form and/or submit a completed coastal development permit application in order to retain the "No Parking" signs and/or boulders

Dear Mr. Scholl:

Thank you for scheduling some time on May 14, 1997 to meet with Mr. Jeff Jennings, Malibu's Mayor; Mr. Harry Peacock, Malibu's City Manager; Mr. Russell Guiney, Malibu Sector Superintendent for the State Department of Parks & Recreation; and myself. We're looking forward to resolving our mutual disagreements regarding the "No Parking" signs and the boulders along Cliffside Drive.

As a matter of formal record only, you should be advised that on April 14, 1997, the Malibu City Council voted to:

- ✓ Direct City staff to not process a Coastal Development Permit Application for the parking restriction signs along Cliffside Drive or Birdview Avenue because the signs are not structures, because they're needed to continue to abate a public nuisance, and because the signs were installed by LA County at least 14 years ago, which now makes the signs prima facie permitted (ie the Coastal's practical statute of limitations has expired); and,

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Page 1

- ✓ Direct City staff to not remove the boulders along Cliffside Drive and to not process a Coastal Development Permit Application to retain same because they do not alter any parking conditions and because they are landscaping features not requiring a coastal permit; and,
- ✓ Direct City staff to negotiate with the State Department of Parks and Recreation to resolve the issue of providing 2 to 3 handicapped parking spaces possibly located near the main gate at the intersection of Cliffside Drive and Birdview Drive.

The City Council asked that I take this opportunity to detail why the City Council took this action. To that end, please note that the City believes that the existing parking restrictions have become an issue over the past several years only because of recent heavy enforcement of the long existing restrictions. While Malibu was under the jurisdiction of LA County, the C.H.P. was the law enforcement agency and they rarely (if ever) concentrated on any parking enforcement effort on Cliffside Drive. Motorists regularly parked in clear violation of the existing parking restriction signs because they knew there was little chance of their being cited. However, after the City of Malibu incorporated in 1991, the City contracted with the LA County Sheriff's Department to provide law enforcement efforts within the new Malibu City limits. The Sheriff's Department developed a very aggressive parking enforcement effort in Malibu especially during the summer months. Now, motorists who park in violation of the existing "No Parking" signs on Cliffside Drive are cited.

It should also be noted that the City of Malibu did not originally install any of the subject parking restrictions along Cliffside Drive. These signs were installed by LA County long before the City of Malibu incorporated and the City does not believe that it is appropriate to enforce an alleged Coastal permit violation that is more than 14 years after the fact (the last sign was installed in 1983) especially after a jurisdictional change that occurred more than 8 years after the fact (Malibu incorporated in 1991).

The only work that the City of Malibu has undertaken has been the replacement of faded existing "No Stopping Anytime" word message signs with symbol "No Parking Anytime" signs. No new or more restrictive parking restrictions were imposed. In fact, the City's "No Parking Anytime" signs are less restrictive than the prior "No Stopping Anytime" signs. Furthermore, only 3 new signs were installed by the City between existing signs within existing parking restriction zones (where clearly signs existed previously - the parking restriction zone limits were never altered). No zone "Begin" or "End" signs previously existed in this area, therefore, the parking restrictions were continuous (not sporadic). The September 5, 1978 Coastal Act Exclusions Policy clearly states under "Section II A" that "No permit is required for the repair and maintenance of existing public roads including landscaping, ... signing ...". Furthermore, the previously existing signage (under LA County) clearly stated either "No Stopping Anytime"

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(code R285), "No Parking Anytime" (code R28), or "No Parking or Stopping Anytime" (code R37). The new signs installed by the City in 1995 are simply symbolized "No Parking Anytime" signs which are clearly less restrictive than the prior LA County signage. The City Council, therefore, strongly believes that the City's maintenance action (replacing the signs) is not a violation of the Coastal Act.

The City also believes that the existing parking restriction signs must remain in place to ensure that motorists do not block the narrow pavement of Birdview and Cliffside which are only 30 feet wide. This pavement width is barely sufficient for two standard lanes of traffic (each 12 feet wide) plus two 3 foot drainage swales. A parked vehicle requires 7 to 8 feet of pavement. There is no shoulder on the landside of Cliffside (nor either side of Birdview) to permit any on-street parking. The dirt shoulder on the ocean side of Cliffside has very few areas that could safely support the parking of motorists without significant regrading because most modern passenger vehicles would "bottom out" on the existing shoulder. Furthermore, if motorists were allowed to somehow park on the dirt shoulder, the parked vehicles would in themselves block the headlands view shed from passing motorists and they would deposit oil and other toxins into the dirt shoulder at the headlands of the State designated "Preserve". The dirt shoulder is also so sandy that many motorists who illegally parked there frequently get stuck. Maintaining the existing parking restrictions ensures the continued abatement of the public nuisance.

The City installed the boulders along Cliffside Drive only after some motorists continued to park on the dirt shoulders violating the posted parking restrictions. Some motorists allegedly believed that the signs only meant the parking of vehicles on the pavement. The dirt shoulder is very uneven in this area and many modern vehicles bottom out if they attempt to pull off the pavement and park on the dirt. Some motorists with four wheel drive vehicles even take the liberty of frequently removing entire sign installations and/or defacing the existing parking restriction signs (by modifying the arrow heads, etc) to better suit their individual parking preferences. To reduce maintenance costs, to better delineate the fact that the parking restriction signs mean no parking within the City's right-of-way (a standard practice), and to ensure that creative motorists would not attempt to park on the dirt shoulder at the headlands of a designated preserve (thereby increasing the introduction of environmental contaminants into the headlands), and as a landscaping feature, boulders were placed along the ocean side dirt shoulder of Cliffside. Again, the September 5, 1978 Coastal Act Exclusions Policy clearly states under "Section II A" that "No permit is required for the repair and maintenance of existing public roads including landscaping, ... signing ...". Because no new parking restrictions were imposed by the placement of the boulders, the boulders should be considered simply a landscaping feature, therefore, the City Council strongly believes that the City's action is not a violation of the Coastal Act.



It should be noted that the City has been advised by Russell Guiney, Malibu Sector Superintendent for the California State Department of Parks and Recreation, that the State Parks does not want parking at the headlands preserve except for possibly a couple of handicapped parking spaces (not just for wheelchair bound individuals, but for legally handicapped individuals who want to access the headlands). Even though it may be more desirable for State Parks to develop parking for the headlands (handicapped or otherwise) within the park boundaries as is done in any other park, City staff has no objection to configuring an area near Cliffside and Birdview for 2 to 3 handicapped parking places.

We, therefore, look forward to meeting with you in an effort to resolve our mutual disagreements regarding the parking issues along Cliffside Drive.

Sincerely,

John P. Clement  
Director

cc: Jeff Jennings, Mayor  
City Council  
Harry Peacock, City Manager  
Russell Guiney, Malibu Sector Superintendent for the State Department of Parks & Recreation

file: Cliffside Drive  
computer file: cliffside.506





DECLARATION

1  
2  
3 1. My name is John Stevens and I live at 2935 Cliffside  
4 \_\_\_\_\_ in the City of Malibu. I am over the age of eighteen and have personal  
5 knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
6 would testify competently thereto.

7 2. I have lived in Malibu since 1970. I am familiar with the parking restrictions  
8 located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
9 time period during which parking was allowed. The signs have always read "No Parking Anytime"  
10 or "Tow Away-No Stopping Anytime" or "No Stopping"

11 I declare under penalty of perjury that the foregoing is true and correct. Executed this \_\_\_\_ day  
12 of June 1997

13  
14 Signature: \_\_\_\_\_

15 Print name: \_\_\_\_\_

John R. Stevens  
John R. STEVENS



City of the  
City Attorney

# DECLARATION

1. My name is Hope Stravis and I live at 29135  
Cliffside Dr in the City of Malibu. I am over the age of eighteen and have personal  
 knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
 would testify competently thereto.

2. I have lived in Malibu since 1970. I am familiar with the parking restrictions  
 located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
 time period during which parking was allowed. The signs have always read "No Parking Anytime"  
 or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the foregoing is true and correct. Executed this    day  
 of June 1997.

Signature: Hope G. Stravis  
 Print name: Hope G. Stravis



Seal of the  
City Attorney

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# DECLARATION

1. My name is Brian Merrick and I live at 29245  
Lions Pl. in the City of Malibu. I am over the age of eighteen and have personal  
 knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
 would testify competently thereto.

2. I have lived in Malibu since 1968. I am familiar with the parking restrictions  
 located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
 time period during which parking was allowed. The signs have always read "No Parking Anytime"  
 or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9 day  
 of June 1997.

Signature: Brian Merrick  
 Print name: Brian Merrick



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City Attorney

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DECLARATION

1. My name is Jack N. Read and I live at \_\_\_\_\_  
in the City of Malibu. I am over the age of eighteen and have personal  
knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
would testify competently thereto.

2. I have lived in Malibu since \_\_\_\_\_. I am familiar with the parking restrictions  
located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
time period during which parking was allowed. The signs have always read "No Parking Anytime"  
or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the foregoing is true and correct. Executed this \_\_\_\_ day  
of June 1997.

Signature: Jack N. Read

Print name: Jack N. Read



Office of the  
City Attorney

DECLARATION

1. My name is Faye S. Hove and I live at 29500-274  
Cliffside Dr. in the City of Malibu. I am over the age of eighteen and have personal  
knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
would testify competently thereto.

2. I have lived in Malibu since 1955. I am familiar with the parking restrictions  
located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
time period during which parking was allowed. The signs have always read "No Parking Anytime"  
or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1<sup>st</sup> day  
of June 1997.

Signature: Faye S. Hove

Print name: FAYE S. HOVE



Office of the  
City Attorney

# DECLARATION

1. My name is Joan Plummer and I live at 2451  
CLIFFSIDE in the City of Malibu. I am over the age of eighteen and have personal  
 knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
 would testify competently thereto.

2. I have lived in Malibu since 1967. I am familiar with the parking restrictions  
 located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
 time period during which parking was allowed. The signs have always read "No Parking Anytime"  
 or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the forgoing is true and correct. Executed this \_\_\_ day  
 of June 1997.

Signature: [Signature]

Print name: Joan Plummer



Office of the  
City Attorney

- 1 -

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# DECLARATION

1. My name is Midge Reag and I live at \_\_\_\_\_  
 \_\_\_\_\_ in the City of Malibu. I am over the age of eighteen and have personal  
 knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
 would testify competently thereto.

2. I have lived in Malibu since \_\_\_\_\_. I am familiar with the parking restrictions  
 located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
 time period during which parking was allowed. The signs have always read "No Parking Anytime"  
 or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the forgoing is true and correct. Executed this \_\_\_ day  
 of June 1997.

Signature: [Signature]

Print name: \_\_\_\_\_



Office of the  
City Attorney

- 1 -

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DECLARATION

1. My name is David Plummer and I live at 29151 Cliffside Dr  
Malibu, 90265 in the City of Malibu. I am over the age of eighteen and have personal  
knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
would testify competently thereto.

2. I have lived in Malibu since 1965. I am familiar with the parking restrictions  
located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
time period during which parking was allowed. The signs have always read "No Parking Anytime"  
or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the foregoing is true and correct. Executed this \_\_\_ day  
of June 1997.

Signature: David Plummer

Print name: DAVID PLUMMER



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City of Malibu

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Seal of the  
City of Malibu

DECLARATION

1. My name is Jessica Closson and I live at 29151 Cliffside Dr  
\_\_\_\_\_ in the City of Malibu. I am over the age of eighteen and have personal  
knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
would testify competently thereto.

2. I have lived in Malibu since 1971. I am familiar with the parking restrictions  
located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
time period during which parking was allowed. The signs have always read "No Parking Anytime"  
or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9 day  
of June 1997.

Signature: Jessica Closson

Print name: Jessica Closson

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DECLARATION

1. My name is Bruno's Real and I live at 2112 71  
2112 71 in the City of Malibu. I am over the age of eighteen and have personal  
knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
would testify competently thereto.

2. I have lived in Malibu since 1986. I am familiar with the parking restrictions  
located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
time period during which parking was allowed. The signs have always read "No Parking Anytime"  
or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the foregoing is true and correct. Executed this \_\_\_ day  
of June 1997.

Signature: Bruno's Real  
Print name:

- 1 -

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DECLARATION

1. My name is David Real and I live at 708 Forest  
708 Forest in the City of Malibu. I am over the age of eighteen and have personal  
knowledge of the facts contained in this declaration. If called as a witness in court, I could and  
would testify competently thereto.

2. I have lived in Malibu since 1982. I am familiar with the parking restrictions  
located on Cliffside Drive, near the headlands. The parking signs posted have never designated a  
time period during which parking was allowed. The signs have always read "No Parking Anytime"  
or "Tow-Away-No Stopping Anytime" or "No Stopping."

I declare under penalty of perjury that the foregoing is true and correct. Executed this \_\_\_ day  
of June 1997.

Signature: David Real  
Print name: David Real

- 1 -

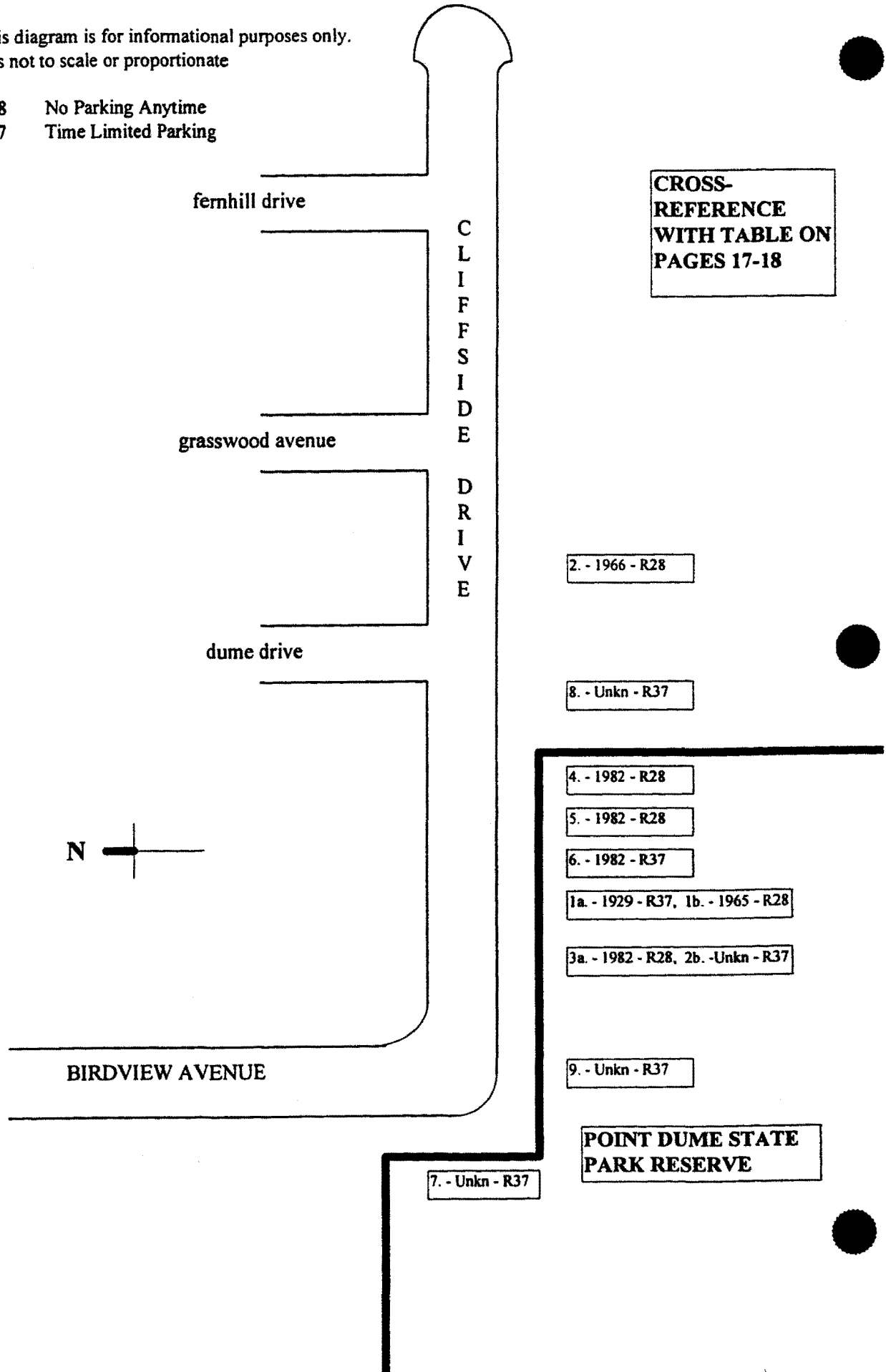
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**EXHIBIT NO.6**

**ILLUSTRATION OF SIGN LOCATION**

**Note:** This diagram is for informational purposes only.  
It is not to scale or proportionate

R28 No Parking Anytime  
R37 Time Limited Parking





**EXHIBIT NO. 7**

**MEMORANDUM DATED DECEMBER 27, 1997 (SIC), FROM CLEMENT TO  
EMBRE, TSG**



## City of Malibu

23555 Civic Center Way, Malibu, California 90263-4804  
(310) 456-CITY Fax (310) 456-3356  
WWW: http://www.ci.malibu.ca.us Email: jrclement@ci.malibu.ca.us  
John P. Clement, P.E., Public Works Director (CE 22578 & TRE 96)

### MEMORANDUM

Date: December 27, 1997  
TO: Ryan Embre, Chair, Transportation Study Group  
FROM: John Clement, Public Works Director

SUBJECT: Parking Restriction Policies

The next regular Transportation Study Group (TSG) meeting is scheduled for January 21, 1996, at 7 PM at Civic Center, 23555 Civic Center Way. When you prepare the agenda, please include a lengthy discussion on Parking Restriction Policies. It is my intent that we discuss and develop some consistent policies with respect to parking restrictions and any permitted deviations on a Citywide basis.

As an example, in the Point Dume Neighborhood a quantity of parking restrictions have been imposed over time to keep motorists from blocking traffic on paved street areas (fire lanes) and some restrictions have been placed where it would be otherwise legal to park in order to provide for safe stopping sight distances (at intersections and driveways). Some restrictions have also apparently been imposed to keep motorists from parking on dirt shoulders where it is otherwise legal and safe to do so (such as on Cliffside). We also frequently receive requests from residents of the Point Dume Neighborhood to allow for special event parking in the no parking zones (which City staff has regularly refused to grant based on the philosophy that "if a parking restriction is warranted, it's warranted all of the time".

The TSG should also be aware that the staff of the California Coastal Commission is currently looking into the legality and appropriateness of the existing "No Parking Zone" along Cliffside Drive. The City is also being inundated with complaints, requests for dismissals and administrative hearings from those receiving parking citations, particularly in the Point Dume Neighborhood. While it's obvious that it's unsafe and illegal to park in some areas (like blocking traffic lanes and parking in gardens), it's not so obvious in other areas like dirt shoulders. The City is consistently being forced to justify and interpret many of the existing parking restrictions.

Malibu needs a policy that defines when a No Parking Zone is warranted. I need the TSG to help develop such a recommended policy, which would ultimately be presented to the City Council for ratification.

As you're aware, the City Council will hold its regular City Council meeting of February 24, 1997 at the Point Dume Community Center to especially discuss traffic issues in the Point Dume Neighborhood via a public hearing forum. Therefore, it would be timely to have the TSG discuss this parking issue at your January meeting so the results can be presented at the February City Council meeting.



Page 2

#### Suggested Parking Restriction Policies:

No Parking Zones should only be created where it would be hazardous to park:  
in front of fire hydrants  
blocking available intersection sight distance  
blocking through traffic lanes  
blocking driveways

Under such conditions, parking permits should never be issued under any circumstances.

Parking should not be imposed simply to restrict free access to any property.

On a requested case by case basis, parking restrictions may be imposed in certain areas between Midnight and 5 AM to eliminate a particular problem with overnight camping, etc.

Parking should generally be allowed on any dirt or paved shoulder where driveways are not blocked and where intersection sight distance is adequate. This would make it legal to park on much of the dirt shoulder along Cliffside Drive (after removal of the boulders). Although, here's a situation where "No parking between Midnight and 5 AM" may be appropriate to keep this area from becoming a "lovers lane".

cc: Malibu Times, 3864 Las Flores Cyn Rd  
Malibu Surfside News, 28900 PCH  
TSG Members  
Ryan Embree, P.O. Box 100  
Graeme Clifford, P.O. Box 1033  
Carol Randall, 20837 PCH  
Russ Wolpert, 7230 Birdview  
Marlene Matlow, 28970 Cliffside Dr  
Pat Greenwood, 3906 Philip Ave  
Bob Stratman, 28128 PCH #100  
John Wall, 5934 Philip Ave  
Don MacIsy, 29356 Bluewater Rd  
Judy Decker, 7107 Grasswood Ave  
Lt John O'Brien, LA Co Sheriff's, 27050 Agoura Rd, Agoura 91301  
Sgt. Kevin Mauch, LA Co Sheriff's, 27050 Agoura Rd, Agoura 91301  
City Councilmembers  
Mayor John Hartow, 27136 PCH  
Mayor Protem, Jeff Jennings, 6070 Merritt Drive  
Councilmember Joan House, 27726 PCH  
Councilmember Carolyn Van Horn, 28843 Selfridge Rd  
Councilmember Walt Keller, 4984 S. Encinal Cyn Rd  
Steve Hudson, Coastal Commission, 89 S. California St., 2nd floor, Ventura, CA 93001  
Linda Pop, 6343 Merritt Drive, Malibu, CA 90263  
Point Dume Riverias  
Barry Tyreman, 2250 Imperial Hwy #1200, El Segundo, CA 90245  
Joanne Fletcher, 6785 Pontthead Rd, Malibu, CA 90263  
Bill Pajares, 28820 Grayfox Dr, Malibu, CA 90263  
Dan Bertonneau, 7003 S. Grasswood Ave, Malibu, CA 90263  
Geoffrey Ortiz, 29500 Heathercliff Rd, #169, Malibu, CA 90263  
Frank Basso, P.O. Box 234, Malibu, CA 90263  
Nancy Steiner, City of Malibu  
file: isg d27