

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 OceanGate, Suite 1000  
 Long Beach, CA 90802-4302  
 (562) 590-5071



Tu 20a

Filed: 12/10/97  
 49<sup>th</sup> Day: 1/28/98  
 180<sup>th</sup> Day: Waived  
 270<sup>th</sup> Day: 9/6/98  
 Staff: ajp-LB  
 Hearing Date: 3/10-13/99  
 Commission Action: 8/13/98

RECORD PACKET COPY

STAFF REPORT: REVISED FINDINGS

APPLICATION NO.: 5-97-399

APPLICANT: George Beck

PROJECT LOCATION: Immediately west and adjacent to 2331 Warmouth Street, San Pedro (2275 West 25th Street).

PROJECT DESCRIPTION: Erection of a 18-foot long, 30 inch high, chain link fence atop an existing 4 to 6-foot high concrete block retaining wall and construction of a 6-foot high chain link gate, both topped with razor wire, across a 18-foot wide undeveloped portion of a private bluff top lot that is used as an accessway to the edge of the coastal bluff and to the rocky beach below. The gate will be opened daily from 6:00 A.M. to 9:00 P.M. with a sign placed on the gate indicating the hours. The proposed gate and fence were constructed in 1997 without the benefit of a coastal permit.

Lot area: 66 acres  
 Ht abv fin grade: Fence-- 30 inches above an existing 4 to 6 foot high block wall  
 Gate-- 6 feet

COMMISSION ACTION: August 13, 1998

COMMISSIONERS ON PREVAILING SIDE: Areias, Herron, Brothers, Dettloff, Flemming, Johnson, Nava, Potter, Reilly, Tuttle.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on August 13, 1998, approving the permit, with special conditions. The special conditions require: 1) placement of signs to notify public of times gate will be

open and telephone numbers of operator(s) of gate; 2) no waiver of any public rights that may exist on the property; 3) a permit amendment for any proposed change in the hours the gate will remain open; 4) a permit amendment to retain the gate and fence beyond August 13, 2003.

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STAFF NOTE: According to the applicant the proposed project was constructed in 1997 without the benefit of a Coastal Development Permit. Commission staff was notified of the development by a user of the accessway. After the property owner was notified a Coastal Development Permit was subsequently submitted by the applicant.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the Revised Findings.

Motion. Staff recommends a YES vote on the following motion:

*I move that the Commission adopt the following revised findings in support of the Commission's approval with conditions of permit application #5-97-399.*

[Adoption of findings requires a majority vote of the members from the prevailing side present at the meeting, with at least three of the prevailing members present and voting (Public Resources Code Section 30315.1)].

Commissioners eligible to Vote on revised Findings:

Areias, Herron, Brothers, Dettloff, Flemming, Johnson, Nava, Potter, Reilly, Tuttle.

CALIFORNIA COASTAL COMMISSION ACTION:

On August 13, 1998, the Commission adopted the following resolution:

II. Approval with Conditions.

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

III. Standard Conditions.

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

IV. Special Conditions:

1. Signage

Prior to issuance of this permit the applicant shall submit, for review and approval of the Executive Director, a signage plan. The signage plan shall include the site location for a sign, content, and size of wording. The sign shall measure no less than 12 inches by 15 inches, with wording no less than 3/4 of an inch high. The approved signage shall include instructions, including the telephone numbers of the applicant and property owner/manager, for the public to follow to open the gate in the event that the gate is not opened during the posted public hours (6:00 A.M. to 9:00 P.M.). The sign shall also include the telephone number of the California Coastal Commission's

south coast district office for reporting access problems. The approved sign shall be placed on the gate or adjoining fence within 30 days after the permit has been issued.

2. Public Rights

The Commissions' approval of this permit shall not constitute a waiver of any public rights which may exist on the property. The permittee or property owner shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

3. Future Development

With the acceptance of this permit the applicant acknowledges that any change to the hours the gate will remain open (6:00 A.M. to 9:00 P.M.), as approved by this permit, will require an amendment to this permit.

4. Amendment Required

The fence and gate shall be removed no later than August 13, 2003 unless the applicant or landowner receives an approved coastal development permit amendment to retain the fence and gate beyond that date.

V. Findings and Declarations.

A. Project Description and Background

The applicant proposes to construct a 18-foot long, 30-inch high, chain link fence atop an existing concrete block retaining wall and an approximately 6-foot high chain link gate within the opening of the block wall, both topped with razor wire (see Exhibits No. 4 & 5). The fence and gate extend across an 18-foot wide by 190-foot long undeveloped portion of a private bluff top lot which is used as an accessway to the edge of the coastal bluff and to the rocky beach below. The remaining portion of the lot is improved with a mobile home park and private golf course. The gate would be opened daily from 6:00 A.M. to 9:00 P.M. to allow non-vehicular public access. A sign is proposed on the gate listing the proposed hours.

The applicant has indicated that he will be the primary person responsible for opening the gate. In addition, other neighboring residents have keys and will open the gate in the event the applicant is unable to.

The applicant states that the reason for the proposed fence/gate and limit to the hours of access along the accessway is due to nuisance problems which occur during the late evening hours. The applicant has submitted a letter from the Los Angeles Police

Department that states that over the years the Police Department has received numerous calls regarding late-night activities involving alcohol, drugs, vandalism and loud music (see Exhibit #6). In addition, the applicant has submitted eleven letters from neighbors and residents in the surrounding area regarding the problems involving the access way and the need for a fence and gate (see Exhibit #7).

The project site is an unimproved pedestrian accessway located between a private, approximately 66-acre, trailer park/ golf course and a single-family residence. The project site is located adjacent to the western terminus of Warmouth Street in the San Pedro area of the City of Los Angeles (see Exhibits No. 1-3). The accessway extends south from the western terminus of Warmouth Street to the edge of the south facing San Pedro coastal bluffs.

Based on documentation submitted by the applicant and research of City records the project site is privately owned by Royal Palms Investment Co., the owners of the adjacent trailer park/golf course (2275 West 25th Street). The applicant, Mr. George Beck, has received written permission from Royal Palms Investment Co. to construct the fence/gate and to apply for a coastal development permit.

The proposed project was before the Commission at the April 7, 1998 hearing. After the public hearing and Commission discussion the item was postponed to obtain evidence of any nuisance associated with nighttime use of the accessway and alternatives to the use of razor wire for the proposed fence and gate. Such information was obtained and discussed during the Commission's hearing on this item on August 13, 1998.

#### B. Public Access

All projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. The major access issue in this permit is whether a gate across an unimproved pathway on an oceanfront lot that is open from 6 a.m. to 9 p.m. so that it cannot be used by the public at night for access to the ocean or for oceanfront recreation is consistent with the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

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

Section 30211 requires that development shall not interfere with access:

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 30214 of the Coastal Act states in part that:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

As mentioned, the proposed development consists of the construction of a 30-inch high chainlink fence atop an existing retaining wall and a 6-foot high gate, both topped with razor wire, across an 18-foot wide by 190-foot long unimproved portion of an approximately 66 acre lot. Access would be limited to between 6:00 a.m. and 9:00 p.m. daily.

The lot is currently improved with a bluff top private trailer park/golf course. The 66-acre property extends from 25th street down to and beyond the existing bluff edge.

The existing accessway provides public access from a public street (Warmouth Street) to the edge of the coastal bluff and to a path that runs west along the top of the south facing bluffs. The bluff edge path provides a connection to the rocky beach below via a narrow path that descends down along the bluff face.

The accessway has been open since, and possibly prior to, the development of the trailer park/ golf course back in approximately 1972. The accessway is used by residents of the area, local surfers, and the general public.

The project raises issue with Section 30210 and 30211 of the Coastal Act because there is some evidence that over the years the property has been used by the public and therefore the potential for implied dedication exists over the property.

If the Commission finds that there is substantial evidence that the public has acquired a right of access to the sea across the property and development of the fence will interfere with that access, the proposed project would be inconsistent with Section 30210 and 30211 of the Coastal Act. Development inconsistent with Section 30210 and 30211 shall not be permitted.

A right of access through use is, essentially, an easement over real property which comes into being without the explicit consent of the owner. The acquisition of such an easement by the public is referred to as an "implied dedication". The doctrine of implied dedication was confirmed and explained by the California Supreme Court in Gion v. City of Santa Cruz (1970) 2 Cal.3d 29. The right acquired is also referred to as a public prescriptive easement, or easement by prescription. This term recognizes the fact that the use must continue for the length of the "prescriptive period" before an easement comes into being.

The rule that an owner may lose rights in real property if it is used without consent for the prescriptive period derives from common law. It discourages "absentee landlords" and prevents a landowner from a long-delayed assertion of rights. The rule establishes a statute of limitation, after which the owner cannot assert normal full ownership rights to terminate an adverse use. In California, the prescriptive period is five years.

For the public to obtain an easement by way of implied dedication, it must be shown that:

- a. The public has used the land for a period of five years or more as if it were public land;
- b. Without asking for or receiving permission from the owner;
- c. With the actual or presumed knowledge of the owner;

- d. Without significant objection or bona fide attempts by the owner to prevent or halt the use; and
- e. The use has been substantial, rather than minimal.

In general, when evaluating the conformance of a project with 30211, the Commission cannot determine whether public prescriptive rights actually do exist; rather, that determination can only be made by a court of law. However, the Commission is required under Section 30211 to prevent development from interfering with the public's right of access to the sea where acquired through use or legislative authorization. As a result, where there is substantial evidence that such rights may exist, the Commission must ensure that proposed development would not interfere with any such rights.

The courts have recognized the strong public policy favoring access to the shoreline, and have been more willing to find implied dedication for that purpose that when dealing with inland properties. A further distinction between inland and coastal properties was drawn by the Legislature subsequent to the Gion decision when it enacted Civil Code Section 1009. Civil code section 1009 provides that if lands are located more than 1,000 yards from the Pacific Ocean and its bays and inlets, unless there has been a written, irrevocable offer of dedication or unless a governmental entity has improved, cleaned, or maintained the lands, the five years of continual public use must have occurred prior to March 4, 1972. In this case, the subject site is within 1,000 yards of the sea; therefore, the required five-year period of use need not have occurred prior to March 1972 in order to establish public rights.

Aerial photographs located in the South Coast District office taken in 1978, 1986 and 1993 show a worn footpath along the pathway indicating public use. The applicant, residents and daily users of the accessway have indicated that the site has always been open and available for public use. Such use has continued for a period of over 20 years. Staff has also frequented the site over the past ten years and has observed the public using the accessway to get to the bluff edge or the rocky beach below.

The private trailer park/golf course has a perimeter fence along all property lines, except for this 18-foot wide portion. Based on discussions with a few of the residents in the area the proposed site has never been fenced and has continuously been open to the public without any attempt by the property owner to exclude the public. Furthermore, there is no evidence of any recorded documents at the Los Angeles County Recorders office that would imply that use of the property for any purpose is permissive.

As shown above, through staff site visits, conversations with nearby residents, users of the accessway, and aerial photographs, for a period extending over 20 years, information has been compiled indicating that the subject property is used by the public. Therefore, the potential for implied dedication exists.



Even though the potential for implied dedication may exist on the property there has not been a demonstration that such use amounts to a prescriptive right of access. Further, in order to deny or significantly modify development the Commission must find that development of the parcel would interfere with such beach access and coastal recreation and would be inconsistent with the Chapter 3 policies of the Coastal Act.

Where there is substantial evidence of the existence of a public access right acquired through use, and a proposed development would interfere with that right, the Commission may deny a permit application under Public Resources Code Section 30211. As an alternative to denial, the Commission may condition its approval on the development being modified or relocated in order to preclude the interference of adverse effect. This is because the Commission has no power to extinguish existing public rights, even though it may authorize development which affects the exercise of those rights.

A full assessment of the degree to which the criteria for implied dedication has been met in this case could only be made after a more intensive investigation of the issue has been performed. A survey of potential users of the site would provide very helpful information to augment the information staff has compiled.

In this case, although public prescriptive rights over the property has not been proven, the applicant's proposal to keep the gate open daily between 6 a.m. and 9 p.m. could serve to protect any existing public access rights which could be impacted by the proposed development. Section 30214 of the Coastal Act directs the Commission to implement the public access policies of the Act in a manner which balance various public and private needs. This section applies to all the public access policies, including those dealing with rights acquired through use. Therefore, the Commission must evaluate the extent to which the proposed public access is equivalent in time, place, and manner to the public use that has been made of the site in the past. If the Commission finds that the proposed access is in fact, equivalent in time, place, and manner to the access use made of the site in the past, the Commission need not do an exhaustive evaluation to determine if substantial evidence of an implied dedication exists because regardless of the outcome of the investigation, the Commission could find the project consistent with Section 30211. If an investigation indicated substantial evidence of an implied dedication exists, the proposed project would not interfere with such public rights because it proposed access that is equivalent in time, place, and manner to the access previously provided in the areas subject to the implied dedication. If an investigation indicated that substantial evidence of an implied dedication was lacking, the Commission could find that with or without the proposed public access proposed by the applicant, the project would not interfere with the public's right of access where acquired through use and would be consistent with Section 30211.

As stated, the site is a portion of a private property that is a bluff top lot. The site provides bluff top access for viewing and other passive recreational activities. The accessway is

used by surfers, hikers and area residents that come to enjoy the views offered along the bluff edge and to access the beach below. Such uses occur during the day and early evening hours which are normal beach use hours. Because the area is not lighted and the bluffs are hazardous at night the area is not used for beach and recreational access during the late evening hours.

Although the applicant is proposing a fence and gate, the applicant is also proposing to keep the gate open daily between 6:00 a.m. to 9:00 P.M. to continue to allow public access during the day and early evening hours. The proposed hours will continue to allow public access during the hours which are normally associated with beach access and coastal recreation and will significantly reduce any nuisance problem that occurs during the non-beach use hours (late evening hours). Furthermore, razor wire is a material that could discourage public use by giving an unwelcomed appearance; however, due to the development's location, proximity to similar fencing and existing surrounding development the use of razor wire atop this narrow portion of property will not adversely impact public access.

Thus, the Commission finds that the public access proposed by the applicant is equivalent in time, place, and manner, to the access use that appears to have been made of the project area in the past. However, as currently operated, according to the applicant, the applicant is responsible for opening and closing of the gate. In the event that the applicant is away other neighbors assume the responsibility. This method may not ensure that the gate will continue to be open during the proposed hours and may interfere with public access. Therefore, as a condition of this permit the applicant shall post a sign on the gate or fence listing the phone numbers of the applicant and property manager and instructions for the public to follow to have the gate opened in the event the gate is closed during the proposed public hours. The sign shall also include the telephone number of the Coastal Commission's south coast district office for reporting access problems. The applicant shall submit a signage plan indicating the wording, location, and size of the signage. Furthermore, any change to the hours that the gate will be open will require an amendment to this permit to ensure that the change in hours will not adversely impact public access. To ensure that the gate will continue to operate as proposed and will not adversely impact access this permit is conditioned to terminate in five years from the date of issuance. The applicant can reapply prior to the expiration date. At that time the Commission will re-evaluate the operation of the fence and gate and its impact on public access.

Although there is an unresolved controversy as to the existence of public prescriptive rights, the applicant's proposed project, as conditioned, protects the rights of the public and the Commission finds that the project, as conditioned, is consistent with Section 30211 of the Coastal Act. However, the Commission finds that the potential for prescriptive rights over the property or portions of the property may exist and the applicant should be placed on notice that such rights may exist and that granting of this permit does not constitute a waiver of any public rights which may exist on the property.

C. Visual Resources

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed project is located approximately 190-feet from the coastal bluff edge and adjoins a privately developed single-family residence to the east and a private trailer park to the west, in the San Pedro area of the City of Los Angeles. The 30-inch fence topped with razor wire is built atop an existing 4 to 6-foot high brick retaining wall. Within an opening of the fence and block wall that extend across the width of the access corridor the applicant has installed an approximately 6-foot high chainlink gate. The fence with gate extend 18-feet across the width of the pathway between the trailer parks' perimeter 6-foot high chain link fencing and the applicant's boundary line block wall. The private trailer park's perimeter 6-foot high chainlink fence is topped with razor wire and barbed wire fencing.

Because of the setback distance from the bluff edge and existing development the area where the fence/gate is located does not provide any public views to or along the ocean. Views of the ocean, ocean horizon, and shoreline are not available until one is standing at the edge of the approximately 150-170 foot high coastal bluffs. Furthermore, the 18-foot wide accessway is situated between two developed properties that eliminate views up or down coast until one is at the bluff's edge.

The applicant has indicated that the razor wire atop the fence is necessary to prevent people from simply climbing over the fence during the evening hours. The applicant has also stated that since the existing trailer park/golf course fence that runs perpendicular to the proposed fence is a chainlink fence topped with razor wire, similar fencing would be appropriate for this area.

As located, because the area does not offer any significant coastal views the proposed development will not adversely impact views to the ocean from the surrounding area. The placement of razor wire atop a fence across an accessway that is heavily used by the public could impact the visual quality of the area and discourage public use by giving an unwelcomed appearance. However, in this particular case due to the narrowness of the accessway and location of the entranceway at the end of a cul-de-sac within a residential neighborhood, the area is not highly visible from any public areas, except at the end of the

cul-de-sac. Furthermore, as stated by the applicant the adjacent perimeter fence that extends along the property line of the trailer park and private golf course is topped with razor wire and the addition of razor wire across the 18 foot wide accessway will not adversely impact the visual quality of the area nor detract from the character of the area.

The Commission, therefore, finds that the development, as conditioned, will not adversely impact views to the ocean from the surrounding area and will be visually compatible with the character of the surrounding area and will consistent with Sections and 30251 of the Coastal Act.

#### D. Local Coastal Program

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

On September 12, 1990, the Commission certified, with suggested modifications, the land use plan portion of the San Pedro segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains polices to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these polices are those specified in the preceding section regarding public access and visual resources. The proposed development is consistent with the policies of the certified LUP. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### E. Unpermitted Development

Recent site improvements include the construction of the fence and gate and placement of a sign indicating the hours (6:00 A.M to 9:00 P.M.) the gate will be open. Although unpermitted development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

F. CEQA

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

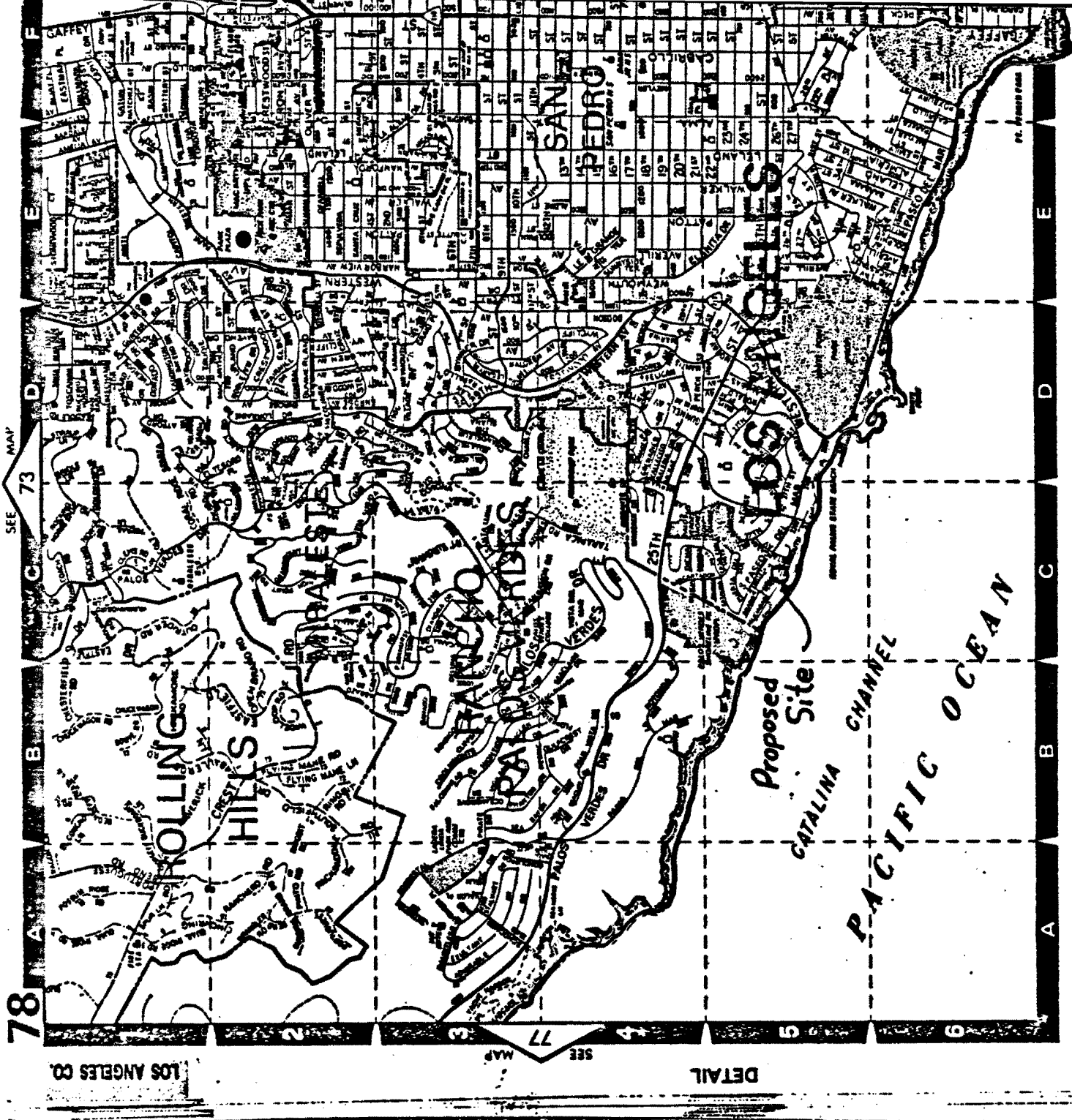


EXHIBIT NO. <b>7</b>
Application Number <b>5-97-399</b>
<b>Vicinity Map</b>
California Coastal Commission

RECEIVED  
DEC 10 1997

5-97-399

CALIFORNIA  
COASTAL COMMISSION

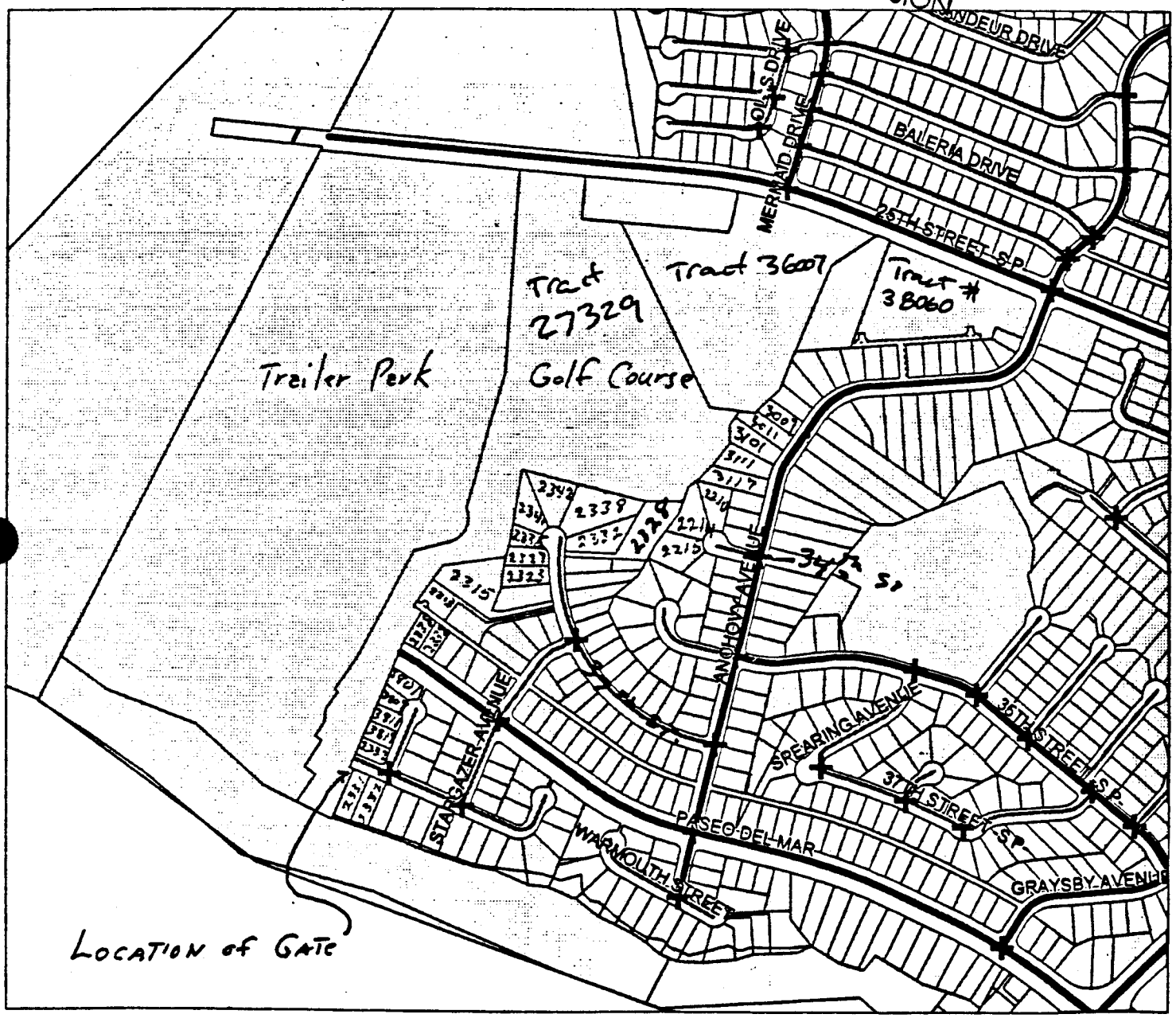


EXHIBIT NO. 2
Application Number 97-399
Parcel Map
California Coastal Commission

s/maps/la.mwf

Monday, November 10, 1997 11:32 AM

TRACT NO. 22374  
 MAP NO. 12  
 606-12-73  
 3721  
 1272  
 5595  
 70  
 71  
 184.91

SECONDARY PAVED HIGHWAY  
 VEHICULAR

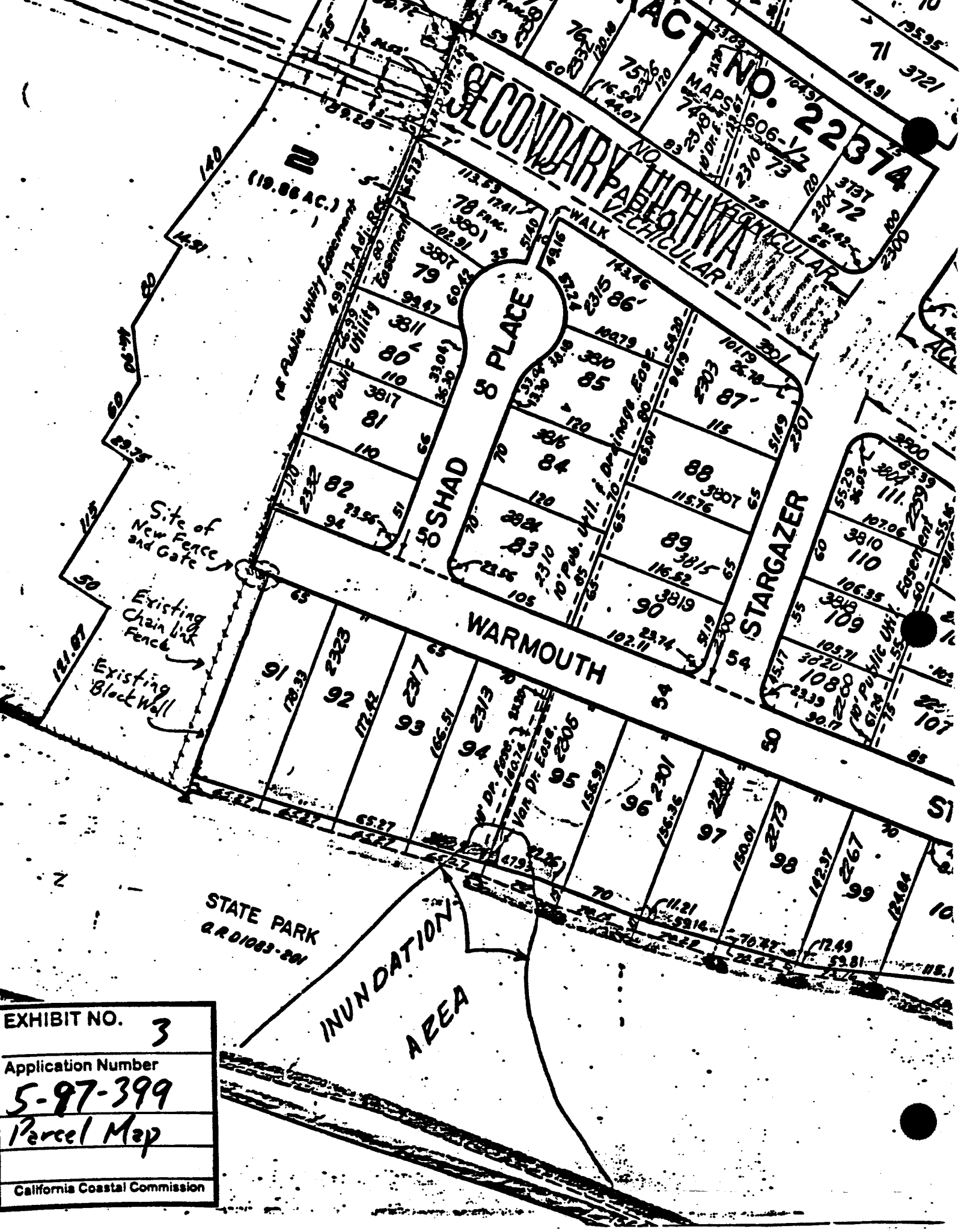


EXHIBIT NO. 3  
 Application Number  
 5-97-399  
 Parcel Map  
 California Coastal Commission

STATE PARK  
 Q.R. 01089-80V



West of 2331 WASHINGTON ST.

APPROVED  
DEC 10 1997  
CALIFORNIA COASTAL COMMISSION

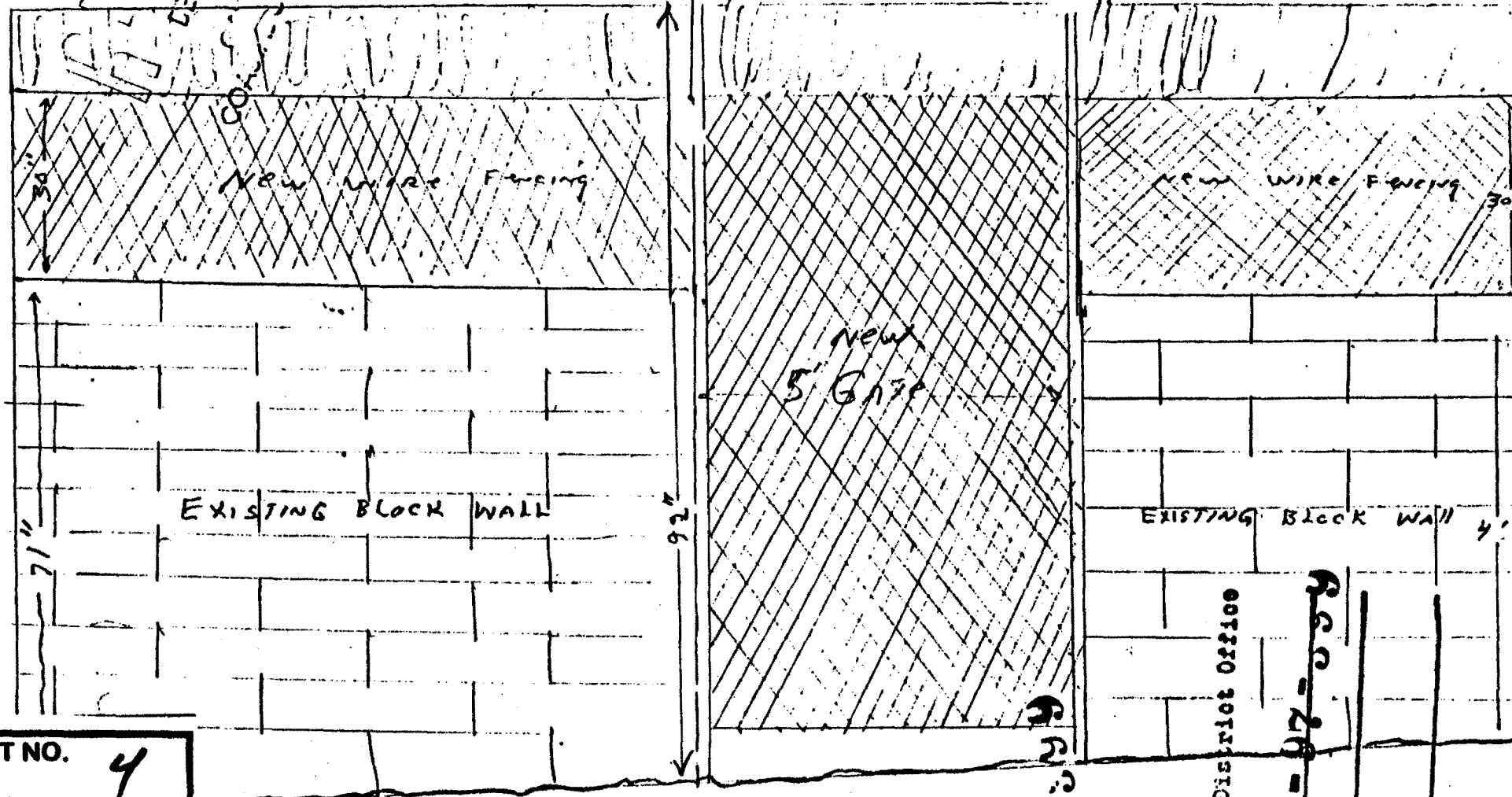


EXHIBIT NO.	4
Application Number	5-97-399
Drawing of	Gate / Fence
California Coastal Commission	

5-97-399

Coast District Office

RECEIVED  
Permit No. 5-97-399

PERMITIVE

Shad TL.

Residence 2332 Warnovich

2300 Block Warnovich St. San Pedro

Residence 2331 Warnovich

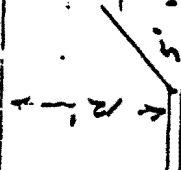
Driveway

EXISTING BLOCK WALL

EXISTING CHAIN LINK FENCE

RECEIVED  
DEC 10 1997  
CALIFORNIA  
COASTAL COMMUNITY DEVELOPMENT

END OF STREET  
30'  
12'



663-28-9

APPROVED  
PERMIT NO. 5-97-399  
S. Coast District Office

EXHIBIT NO. 5
Application Number 5-97-399
S. K. Pan
California Coastal Comm.

RECEIVED  
DATE

# LOS ANGELES POLICE DEPARTMENT

BERNARD C. PARKS  
Chief of Police



P.O. Box 30158  
Los Angeles, Calif 90030  
Telephone: (310) 548-7601  
Ref #: 5.3

RICHARD J. RICORDAN

RECEIVED  
Mayer  
JUL 9 1998

CALIFORNIA  
COASTAL COMMISSION

July 2, 1998

Al Padilla  
California Coastal Commission  
200 Ocean Gate 10<sup>th</sup> Floor  
Long Beach CA. 90802-4302

Dear Mr. Padilla:

During the past several years, the area immediately west of and adjacent to 2331 Warmouth Street in San Pedro, has been the subject of numerous calls for service. This is due to the easy access to a small-undeveloped portion of a private bluff, which is used as an accessway to the edge of the coastal bluff and to the rocky beach below. For years, very few knew about this accessway and there were few problems. However, over the past several years this has become a very popular, late-night spot for local kids, gang members, and teens contemplating suicide. Their activities often involve alcohol, drugs, smoking, vandalism and loud music.

The Los Angeles Police Department, in conjunction with the residents of that area attempted to identify long-term solutions. However, we were only successful in establishing short-term solutions which were very labor intensive. In June 1997, after becoming totally frustrated and desperate, the residents, independent of the Police Department, paid for the construction of a gated fence for that area. The gate remains locked between 9:00 PM and 6:00 AM.

Resultantly, a four-year study of the average calls for service for the above-mentioned area prior and subsequent to June 1, 1997, revealed a significant reduction of calls for service after the construction of the gate.

What was once a location of repeated calls for service prior to the construction of the fence, has now become the safe quiet community the residents deserve. The initiative these residents have

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

EXHIBIT NO. 6

APPLICATION NO.

5-97-399

Letter From Police



California Coastal Commission

Al Padilla  
California Coastal Commission  
Page 2  
5.3

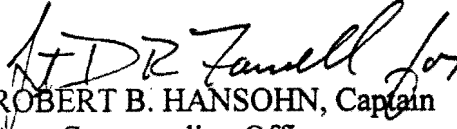
taken has significantly decreased calls for service, improved the quality of life for the residents of the area and has protected the gated area from destructive teens who often vandalized the property by graffiti, destroying plants and shrubbery and leaving bottles, papers and human waste behind.

The gated fence has had, and will continue to have a positive long-term effect, and I encourage you to consider allowing the fence to remain in place, subject to your conditions.

If you have any questions, please feel free to contact me at (310) 548-7601.

Very truly yours,

BERNARD C. PARKS  
Chief of Police

  
ROBERT B. HANSOHN, Captain  
Area Commanding Officer  
Harbor Community Police Station

October 24, 1997

To: Coastal Commission

From: Joseph Bird

Subject: Gate at trails access between Palos Verdes Shores Mobile Estates and the west end of Warmouth Street.

I have lived approximately one-half mile east of the above mentioned trail access since 1973. In that time I have greatly enjoyed the privilege of running, biking and walking on the trail above the cliff in front of the trailer park. I have shared this pleasure with my family, neighbors and friends. Twice each week a group of us meet for the specific purpose of running in this area. On many other occasions the use is impromptu.

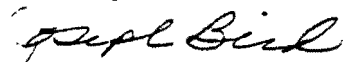
I am in complete accord with both the purpose and the method for which the trail access has been gated. I appreciate the fact that it was the residents of the trailer park and the immediate neighborhood that allowed the access when it first became an issue many years ago. It was their patience and understanding that created a precedence of use in the first place.

As a former L.A. County Lifeguard I am especially aware of the potential nuisance and danger that necessitate the locking of the gate access to Royal Palms Park that is one-half mile west of my home and a mile from the trailer park gate. The Royal Palms gate is on public property and the trailer park gate is on private property, yet both need to be secured for the same reasons.


The manner in which the trailer park gate has been locked is quite benign. We have had no difficulty with the process. It is opened by the neighbors at 6:00 AM each day and locked for everyone's peace, quiet and safety at 9:00 PM (note: Royal Palms Park closes at dusk). Serious early trail users can park and access the trail approximately one-half mile to the north on 25th St. although the location and availability of keys has been no secret among surfers, runners, hikers and immediate neighbors.

Both the disturbance and the danger of late night interlopers justify the permanent elimination of this trail access. The gate offers a much more desirable solution to those of us who wish to use the trail for health and recreation.

Sincerely,



Joseph Bird  
2216 Warmouth  
San Pedro, Ca. 90732

EXHIBIT NO. 7
APPLICATION NO. 5-97-399
Letters from Area Residents
 California Coastal Commission

Postal Commission  
Los Angeles, Calif.

Re: Permit to have gate closed  
nightly at west end of Warmouth Avenue,  
San Pedro, Ca.

Dear Sirs,

How sad one objection to the liberal  
hours the gate is already open to allow  
access to the Cliff trail, is allowed over  
the benefit of a nightly gate closing  
to the immediate neighbors and citizens  
of the area.

One should ask, why does this  
person want, or need to traverse this  
area at night? Drugs? Alcohol?  
Sex? All these things plus wild parties  
went on before.

Cannot law abiding folk prevail  
and ask your permission to close

page 2 -

this gate as has been previously done  
and as is done at Royal Palms Park.

Thank you.

Sincerely,

Audrey and  
Edwin J. McManus  
3817 SHAD PL.  
SAN PEDRO, Ca 90732

Calif Coastal Commission

10-27-97

I support the gate controlling the access to the Cliff trail in question -

I have a personal interest in this issue, for the following reasons. I am a 67 year resident of San Pedro and a retired S.A. City Firefighter and needless to say I love this community and its beautiful shoreline. About 5 years ago, I began to notice the rapid deterioration of this scenic trail, to try to slow this down, I began cleaning up the trail of trash, broken glass, beer cans, erasing graffiti etc., maintaining the trail in general. I do this on an average of 4 days a week, filling 3 to 4 trash barrels a week. 90% of this thrashing goes on at night, when wild beer and narcotic activities occur. This trail is not a safe place at night. The cliff sides are littered with trash, which can only be reached by repelling over the cliffs edge with ropes. Since the gate has been closed after 9 P.M. this summer the trash I pick up is down to less than 1/2 barrel a week and only 2 graffiti incidents for the whole summer.

Please help me preserve this beautiful trail and ocean vista for my children and grand children, so they can also enjoy it as much as I have.

John E. Simich  
1846 Santa Cruz St  
San Pedro Cal. 90732



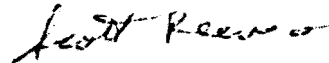
November 1, 1997

To: Coastal Commission

Concerning: Night access to ocean at 2331 Warmouth St.

We are in support of having a gate to close off night access to the cliffs. All other ocean access areas in San Pedro have curfews, which has helped immensely to rid the areas of violence, drug use, and vandalism. We live directly in front of the trail that leads to the cliffs. The police were called at least three times a week for many different reasons, such as disturbing the peace, loitering, drinking, drug use, violence, graffiti, vandalism, suicides, gangs with weapons, and attempted rape. Now that the gate closes off night access the area has **improved 100%**. Besides the crime this is a dangerous cliff area at night and needs to be closed for the safety of the public. In order to protect this area the gate must stay put, or this area will surely be ruined.

Scott Reeves  
Shellee Reeves



2332 Warmouth St.  
San Pedro, CA 90732  
(310) 831-5034

10/25/87

To: George and Elma Beck, Scott and Shellee Reeves, Mike and Kit Stavros, and John and Corky Hanley

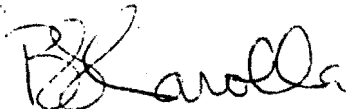
Subject: Our support for the gated access to the cliff trails at night.

My family lives two blocks from the gated access next to the Becks house. For many years my family has enjoyed surfing, walking, biking, and generally relaxing along the cliff side trails. We have seen many other happy people, cooperatively using the trails, enjoying the unspoiled natural environment. But in recent years, the environment has changed. Another type of person takes over at night. One that has no concern for the neighborhood or the beauty of the natural environment around them. These people leave alcohol bottles, used condoms, trash and other assorted items behind for blocks around. It can be a dangerous place at night, as my daughter and I found out while checking the waves one night.

The access that is in place now, is the perfect compromise. Open 6am to 9pm. Perfect for almost everyone. Earlier or later access can be arranged with the neighbors, who are always accommodating. Since the gate access started, there has been a huge improvement in the cliff trails and the neighborhoods that surround them.

I believe that the only complaint came from an overreaction to a misunderstanding. That misunderstanding has been resolved to everyone's satisfaction. My family and I are in full support of the gated access.

Sincerely,



Brian Carolla  
2239 Warmouth  
San Pedro, Ca

2193 Warmouth St.  
San Pedro, CA 90732  
October 27, 1997

Dear Members of the California Coastal Commission:

The gate which limits access to the South Shores cliff trail should definitely be allowed to remain.

My wife, my brother and I frequently walk on the cliff trail, which begins on the west end of Warmouth Street.

Before the gate was erected, the area was attracting undesirables. Several times we had to paint out graffiti in the area. One morning we found a group of about six gang-like teenagers near the cliff edge. They had apparently been partying through the night. Several had bottles of beer in their hands, and a couple of them appeared uncontrollably drunk.

One morning we found a teenager in a coma-like state. He was squatted on on his haunches, teetering on the edge of the cliff about 100 feet above the rocky shore below. I asked him if anything was wrong, but I couldn't make out his answer. I telephoned the police dispatcher, who sent out a car to rescue the boy.

Loud "boom box" music often disturbed the neighborhood at all hours of the night.

Problems on the trail have virtually disappeared since residents in the area paid to have a gate constructed at the beginning of the trail. Police officers have indicated that problems have been greatly reduced since the gate was built.

A prominently-displayed sign indicates that the trail is open from 6 a.m. until 9 p.m.

Aren't those reasonable hours for a trail which is narrow and dangerous even during daylight hours?

Most of the people who live in the area are reasonably tolerant people. We would not discourage youth from having good clean fun.

But that cliff is NOT a place for late-night parties, which was what it was becoming until the gate was erected.

My wife, my brother, my neighbors, and I strongly urge you to allow the gate to remain.

Sincerely,

*Sam Domancich*  
Sam Domancich  
(310) 514-1860

October 28, 1997

To: Southern California Coastal Commission

From: Lawrence L. & Margaret M. Jensen

Re: Gate controlling access to cliff trail

Dear Coastal Commission Members,

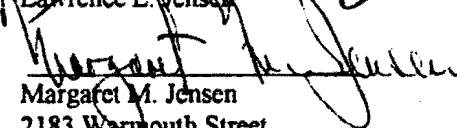
My wife and I have lived in the South Shores area of San Pedro, since 1961. We raised our children here and were never fearful for either their safety, or our own. They were able to play on the streets and in the fields, flying kites, riding bikes, etc. They were care free, that is no longer the case. Neighbors have found graffiti on their property. The streets were littered with garbage, bottles, trash of all kinds, after visitors have spent the night noisily partying in the same fields where our children used to so innocently play. My wife and I still walk along the cliff, but now we take a sack along to pick up the trash that the gang element had left behind, some of which is obscene. We have even found live ammunition. Since the gate was installed and kept closed from 9:00PM at night to 6:00am in the morning the area has seen a marked improvement. The undesirable element has stayed away. The environment has improved significantly. The entire area has improved as far as safety for the people that live in this area is concerned.

Please help to protect the environment, our property, not to mention the safety of those that live in the area.

Sincerely,



Lawrence L. Jensen



Margaret M. Jensen  
2183 Wardmouth Street  
San Pedro, Ca. 90732-4530

Thomas Galbraith  
3602 Barbara Street  
San Pedro, Ca. 90731  
November 11, 1997

California Coastal Commission  
c/o Mr. and Mrs. George Beck  
2331 Warmouth Street  
San Pedro, Ca. 90732

Dear California Coastal Commission Members:

I am writing in support of a permit for the gate adjacent to the Beck's residence on Warmouth Street.

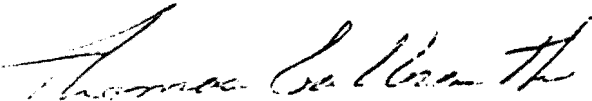
For over twenty years, I have jogged the trail that begins adjacent to the Beck's residence. During that time I have observed groups congregate in the small area at the cliff edge immediately next to the Beck's home. For the most part these groups were well behaved. Many came to enjoy the view, observe surf conditions and to socialize before or after surfing in the ocean below. During this period the Beck's have resided next to the trail without a gate, which reflects the gate installation was not an impulsive decision.

However, in the last few years there has been an increase in drinking and littering at the trail head. Also, some of the groups congregating have become loud and crude. As a result, a gate was installed to limit these activities during late and early hours.

I believe the gate is a reasonable solution as long as it remains open during daylight. The city and county have found similar restrictions reasonable and apply them to the parks along Paseo del Mar just below Western Avenue. These parks are closed at dusk to prevent the kinds of activity the Beck's and their neighbors find offensive.

I also believe a permit for the gate does not unreasonably restrict access to the coast. There are many other access points nearby with adequate parking and away from residential neighborhoods.

For the reasons above I urge you to grant the permit for the gate adjacent to the Beck's residence providing it is open during daylight hours.



Thomas Galbraith

November 5, 1997  
San Pedro, CA

To Whom It May Concern:

On behalf of our family, I would like to express support for the action taken by our concerned neighbors when they erected a gate to limit nighttime access along a pathway to the cliffs from the cul-de-sac on Warmouth at Shad Place. Previously, we had been subjected to elements that do not belong in this quiet lower south shores neighborhood and since the gate was erected, the incidents and the transient types seem to have been dramatically reduced. No longer do I hear wild parties late at night, especially on Friday and Saturday. No longer do I hear the breaking of glass bottles at night and find broken glass, empty beer cans and used condoms curbside and in our yards; no longer is my neighbors yard utilized as a toilet. The cruising cars have diminished and we feel more secure when we sleep.

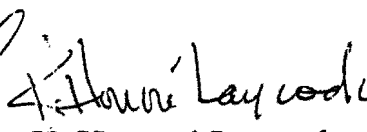
Access to the beach is available to any hiker or surfer from 6:00 am to 9:00 p.m. daily. If people wish to access the beach after the gate is locked, entry can be made at Royal Palms state beach just a half mile east of the gate.

I do not want to see this gate removed or required to be open 24 hours a day as that action would only serve to invite trouble back into our neighborhood.

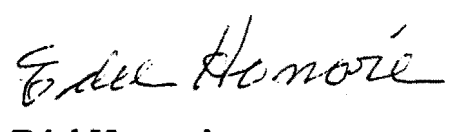
Respectfully submitted.,



Byron Laycock  
3816 Shad Place  
San Pedro, CA 90732



K. Honore' Laycock  
3816 Shad Place  
San Pedro, CA 90732



Edel Honore'  
3816 Shad Place  
San Pedro, CA 90732

TO: CALIFORNIA COASTAL COMMISSION

RE: Proposed gate at public access (Warmouth ave.) in lower South Shores,  
San Pedro.

My name is Michael G. Stavros. I live in lower South Shores, San Pedro, with my wife and two children. Our address is 3824 Shad Pl. which is across the street and two houses down from proposed gate. We purchased our home in 1986 and have lived here for the past twelve years. My wife and I were both born in San Pedro, attended local public schools and have owned a local business in town since 1973, San Pedro Surf & Sport, located at 2234 s. Pacific Ave in San Pedro.

The question of public access at this particular point is especially of interest to me because of the fact that this is a premiere surf spot. I shape surfboards for a living and my son and I both enjoy surfing at this spot. To deny the public access would not only be wrong it would be financial suicide for my business due to the fact that many of the same people that use the access to surf and enjoy the ocean also shop in my store.

Access has to be used responsibly and for the purpose that the commission was set up to protect. Prior to the installation of a gate this access way was used during the night by many who came only to party, deal and use drugs, fornicate along the path and bluff top, break bottles on the rocks below, and spread graffiti on any bare space. Almost every night there was some type of disturbance. I have had to chase people away numerous times, 3 times at gunpoint, when police could not or would not respond. We have had cars broken into and cars stolen. People would urinate and fornicate on our lawns, set off cherry bombs on our porches and have even tried to use our pool. One night after the police towed away 8 or 10 cars they told our neighbor, Mr. Beck, to put up a gate because they could not respond to all our calls. Since the installation of the gate these incidences have completely stopped. There is no more trash, beer and alcohol bottles, condoms, needles or syringes. It was not uncommon on a Saturday or Sunday morning to fill 2 trash cans with debris left by partying during the night. Nighttime in our neighborhood is now peaceful and quiet.

All parks have restricted access during the night and Royal Palms Beach is closed in the winter from 5pm to 7am and in summer from 7pm to 7am. Mr. Beck has gone to great lengths to make sure the access way is open at dawn and closed long after dusk. In case of an emergency, all neighbors have a key.

My family and neighbors feel that we deserve to have a neighborhood that is safe, peaceful, and secure during the evening hours. We feel that denial of the permit would be giving a license to all the problem people who use the bluff for all the wrong reasons.

Respectfully,

Michael, Kristin, Christopher, and Kara Stavros

  
Home-547-4038

Oct. 31, 1997

To the Coastal Commission.

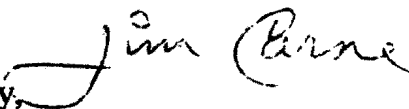
In regards to the gate controlling cliff access from Warmouth Street:

Since the gate has been in place the residents living in the immediate area have had quiet nights on week-ends as well as week nights. The gate has even improved the poor behavior we were beginning to see in the daylight hours. This is all due to the gate that is locked at 9pm and opened at 6am.

Before the gate there was a constant parade of cars parking in the neighborhood at all hours of the night. With the occupants heading to the cliff to party and what ever other activity they could indulge themselves using the cover of darkness and the remoteness that the area provides. These activities had been out of hand before the gates installation. Police cars were constantly being called to the area to intercede. Several times I arrived home from work late at night greeted by the Police and having to prove my residency in order to reach my house. Cars were often parked illegally and the occupants could be seen drinking alcohol and using drugs in their cars or would carry on their activities out onto the cliff. Our children have even witnessed this numerous times.

We are grateful to the residents that took the initiative to do something that has improved and made the our neighborhood safe at night and possibly saved someone's life. There have been no Police and no interruptions in the middle of the night since the gate was installed.

We would invite the Coastal Commission to leave well enough alone. We don't feel the rights of one who is denied access to the ocean and cliffs between the hours of 9pm and 6am are more important then the safety and tranquillity of an entire neighborhood.

Sincerely, 

James and Marjorie Carne  
3807 Shad Place  
San Pedro, Ca 90732  
(310) 831-3817