

CALIFORNIA COASTAL COMMISSION

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

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Staff: S. N. Tilles *for*
Staff Report: 07/20/00
Hearing Date: 08/08/00
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION No. 4-99-213

APPLICANT: La Chusa Highlands Improvement Association

PROJECT LOCATION: Entrance of Avenida de la Encinal, 88 feet north of the center line of Encinal Canyon Road, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a 20 foot long, six foot high electric controlled wrought iron security gate with a three foot wide, six foot high pedestrian gate, two key boxes for emergency services, and one electronic control board at the entrance to Avenida de la Encinal, a private street.

Lot Area: road easement
Height Above Finished Grade: six feet

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval in Concept; County of Los Angeles, Fire Department, Approval in Concept, January 4, 2000; and County of Los Angeles, Department of Public Works, Approval, November 29, 1999.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit No. 4-96-076 (Serra Canyon Property Owners Association); Coastal Development Permit No. 5-90-534 (Quiros); Appeal A-4-VNT-98-225 (Breakers Way Property Owners Association); Appeal A-3-SCO-95-001 (Santa Cruz County Service Area #2); Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report Summary, September 1997; letter from the Santa Monica Mountains Trails Council, dated April 29, 2000; letter from the International Mountain Bicycling Association, dated March 3, 2000; letter from J. Grant Gerson, dated May 3, 2000; Letter from J. Grant Gerson, dated May 11, 2000; letter from Linda Joslynn, dated [July] 20, 2000; Ordinance No. 153, City of La Habra Heights; and the certified Malibu/Santa Monica Mountains Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends denial of the proposed project for the reasons discussed below.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-99-213 for the development proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

I. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The La Chusa Highlands Improvement Association, which represents the residents of the La Chusa Highlands subdivision, is proposing to construct a security gate across the entrance to the subdivision at Avenida de la Encinal, 88 feet north of the center line of Encinal Canyon Road, in order to restrict vehicular traffic into the subdivision. Avenida de la Encinal is a private road, maintained by the La Chusa Highlands Improvement Association. The subdivision was created prior to the Coastal Act of 1976 and maintains approximately 34 residences. The proposed security gate is 20 feet long, six feet high, electrically controlled, and of wrought iron construction. The applicant is also proposing a three foot wide, six foot high pedestrian gate, which would remain unlocked and open to pedestrian traffic. Although it is not included within the project description,

the Secretary of the La Chusa Highlands Improvement Association has orally stated that the public, including hikers and bicyclists, would be permitted to use the pedestrian gate in order to access Charmlee Park to the immediate north.

In addition, the has stated orally that the security gate is proposed to address concerns that teenagers are drinking at the Los Angeles County lots housing the water tanks and that transients sometimes pass through and camp on these vacant lots. The Secretary of the La Chusa Highlands Improvement Association also raised a concern that these individuals have started two fires in the past, which have posed a threat to the single family residences of the subdivision. Finally, the Secretary of the La Chusa Highlands Improvement Association also stated that some individuals have also been responsible for vandalism in the area.

The subject site is located immediately north of Encinal Canyon Road and one half of a mile north of Pacific Coast Highway in the City of Malibu, Los Angeles County (see Exhibit 1). The northern portion of the subdivision abuts the southern flank of the Santa Monica Mountains and Charmlee Park, a regional park now owned and operated by the City of Malibu. All of the roads within the proposed gated area, including Avenida de la Encinal, Camino de Buena Ventura, and Vista del Preseas, dead end within the subdivision. Vista del Preseas terminates at one of several lots within the subdivision that are owned by the County of Los Angeles which house water tanks for the Department of Public Works, Waterworks District. At this termination point of Vista del Preseas, an existing trail begins which leads into and continues on into the southern portion of Charmlee Park (see Exhibits 3 and 6). Hikers, equestrians, and bicyclists have traditionally accessed the southern end of Charmlee Park through the roads of this subdivision.

The character of the project site's surrounding area is rural in character, with wide open spaces and vistas, particularly due to the network of publicly owned lands located in the region. For example, Charmlee Park is located to the north and to the west of the subject site and National Park Service land is located to the southwest. Those areas within the vicinity of the project site that are not publicly owned land, maintain sparse residential development, also imparting a rural character to the surrounding area.

The subject site is also within an area which was designated as the Santa Monica Mountains National Recreation Area (SMMNRA) in 1978 by the United States Congress (see Exhibit 4). The SMMNRA was established to "manage the recreation area in a manner which will preserve and enhance its scenic, natural, and historical setting and its public health value as an airshed for the Southern California metropolitan area while providing for the recreational and educational need of the visiting public.¹" The SMMNRA is unique in that it is checkered with large tracts of parkland, including numerous National Park Service Land, State Parks and Beaches, Los Angeles County Parks and Beaches, City of Malibu Parks, and various other preserves. The Santa Monica Mountains and the SMMNRA form the western backdrop for the metropolitan area of Los Angeles and the heavily urbanized San Fernando and Conejo Valleys. Los

¹ Public Law 95-625.

Angeles County is populated by well over nine million people, most of whom are within an hour's drive of the Santa Monica Mountains.² Within the SMMNRA, the Santa Monica Mountains create rugged open spaces, jagged rock outcroppings, and primitive wilderness areas, in addition to homes, ranches, and communities. The SMMNRA, of which the subject site is a part, provides the public and local residents with outdoor recreational opportunities and an escape from urban settings and experiences.

Charmlee Park is one component of the SMMNRA and is made up of 460 acres, which were acquired by the Los Angeles County Department of Parks and Recreation in 1968. Historically, the area which is now Charmlee Park was part of an old Spanish land grant and has a history of ranching. Most recently, however, ownership and operation of Charmlee Park was placed with the City of Malibu, Department of Parks and Recreation. Charmlee Park is made up of plant communities of grassland, coastal sage scrub, southern oak woodlands, and chaparral and provides numerous trails with sweeping vistas of the Santa Monica Mountains and of the Pacific Ocean to the south. Presently, the only road entrance into Charmlee Park is located at its most northwestern end, off of Encinal Canyon Road and four miles north of Pacific Coast Highway. Vista del Preseas, however, a road within the subdivision where the current project is proposed, becomes a trail and provides for an alternative, and at present the sole, southern access point into Charmlee Park. This route through the subdivision which continues into the Charmlee Park has historically been used by hikers, equestrians, and, more recently, bicyclists to access the southern trails of the park.

B. Community Character

Section 30251 of the Coastal Act states:

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 land forms, to be visually compatible with the character of surrounding areas .

Section 30253(5) of the Coastal Act states:

New development shall:

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

As stated previously, the subject site is located immediately north of Encinal Canyon Road and one half of a mile north of Pacific Coast Highway in the City of Malibu, Los Angeles County. The northern portion of the subdivision abuts the southern flank of the Santa Monica Mountains and Charmlee Park. The character of the project site's surrounding area is rural in character, with wide open spaces and vistas, particularly

² Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, September 1997, page 34.

due to the network of publicly owned lands located in the region, such as Charmlee Park to the north and to the west and National Park Service land to the southwest. Those areas within the vicinity of the project site that are not publicly owned land, maintain sparse residential development, also imparting a rural character to the surrounding area.

The subject site is also within an area which was designated as the Santa Monica Mountains National Recreation Area (SMMNRA) in 1978 by the United States Congress. The SMMNRA was established to "manage the recreation area in a manner which will preserve and enhance its scenic, natural, and historical setting and its public health value as an airshed for the Southern California metropolitan area while providing for the recreational and educational need of the visiting public."³ The Santa Monica Mountains and the SMMNRA form the western backdrop for the metropolitan area of Los Angeles and the heavily urbanized San Fernando and Conejo valleys. Los Angeles County is populated by well over nine million people, most of whom are within an hour's drive of the Santa Monica Mountains.⁴ Within the SMMNRA, the Santa Monica Mountains create rugged open spaces, jagged rock outcroppings, and primitive wilderness areas, in addition to homes, ranches, and communities. The SMMNRA, of which the subject site is a part, provides the public and local residents with outdoor recreational opportunities and an escape from urban settings and experiences. It is the unique beauty, wilderness, and rural character of this area that continues to draw so many visitors and residents to it.

For the above reasons, the SMMNRA constitutes a unique and special wilderness and recreational area and, as a result, is a popular visitor destination point for active and passive recreational use. Available data indicate that existing recreational facilities in the region are currently experiencing sustained demand that is often over capacity. According to the State Department of Parks and Recreation, total visitation at state-managed parks and beaches alone was estimated at 2,747,000 from 1986 to 1987. The County of Los Angeles estimated that user activity days for hiking and backpacking will rise from 12,786,471 in 1980 to 16,106,428 in 2000; camping from 8,906,122 to 10,622,744; and horseback riding from 6,561,103 to 7,511,873. As the population in California, and in the Los Angeles metropolitan area in particular, continues to increase, the demand on the parks within the SMMNRA can be expected to grow and renders the preservation of their unique character of the utmost importance.

Charmlee Park is one component of the SMMNRA and is made up of 460 acres, which were acquired by the Los Angeles County Department of Parks and Recreation in 1968. Historically, the area which is now Charmlee Park was part of an old Spanish land grant and has a history of ranching. Most recently, however, ownership and operation of Charmlee Park was placed with the City of Malibu, Department of Parks and Recreation. Charmlee Park is made up of plant communities of grassland, coastal sage scrub, southern oak woodlands, and chaparral and provides numerous trails with sweeping vistas of the Santa Monica Mountains and of the Pacific Ocean to the south.

³ Public Law 95-625.

⁴ Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, September 1997, page 34.

In order to aid in preserving the rural, open character of this area, the parcels within the subdivision itself were designated as Rural Land I (one dwelling unit per ten acres), Rural Land II (one dwelling unit per five acres), and Residential I (one dwelling unit per acre). Under the certified LUP, Rural Land is characterized as “[g]enerally low-intensity rural areas characterized by rolling to steep terrain usually outside established rural communities,” whereas Residential I is characterized by a “grouping of housing units on gently sloping or flat terrain often within established rural communities.” These density and use policies under the certified LUP have been largely successful in maintaining the unique rural character of this area and presence of open spaces and vistas.

The applicant is proposing to construct a security gate across the entrance to the La Chusa Highlands subdivision at Avenida de la Encinal, 88 feet north of the center line of Encinal Canyon Road in order to restrict vehicular traffic. The proposed security gate is 20 feet long, 6 feet high, electrically controlled, and of wrought iron construction. The applicant is also proposing a three foot wide, 6 foot high pedestrian gate which would remain unlocked and open to pedestrian traffic.

The relatively recent phenomenon of gated communities has become increasingly present in inner city and suburban areas since the late 1980s, often in response to security concerns. The spread of gated communities helps to create a “fortress mentality.”⁵ As Edward J. Blakely, Dean and of the School of Urban and Regional Planning at the University of Southern California, and Mary Gail Snyder, Professor in the Department of City and Regional Planning at the University of California at Berkeley, describe the phenomenon of gated communities:

*Millions of Americans have chosen to live in walled and fenced communal residential space that was previously integrated with the larger shared civic space. . . . In this era of dramatic demographic, economic and social change, there is a growing fear about the future in America. Many feel vulnerable, unsure of their place and the stability of their neighborhoods in the face of rapid change. This is reflected in an increasing fear of crime that is unrelated to actual crime trends or locations, and in the growing number of methods used to control the physical environment for physical and economic security. The phenomenon of walled cities and gated communities is a dramatic manifestation of a new fortress mentality growing in America. Gates, fences, and private security guards, like exclusionary land use policies, development regulations, and an assortment of other planning tools, are means of control, used to restrict or limit access to residential, commercial, and public spaces. Americans are electing to live behind walls with active security mechanisms to prevent intrusion into their private domains. Americans of all classes are fortifying up, attempting to secure the value of their houses, reduce or escape from the impact of crime, and find neighbors who share their sense of the good life.*⁶

Furthermore, it is estimated that at least three to four million and potentially many more Americans have already sought out this new form of refuge from the problems of urbanization.⁷ One study estimates that one million Californians are seeking a gated

⁵ Fortress America, Gated Communities in the United States, Edward J. Blakely and Mary Gail Snyder, the Brookings Institution, 1997.

⁶ Id. at 1 and 2.

⁷ Id. at 2 and 3.

refuge.⁸ In fact, a 1991 poll of the Los Angeles metropolitan area found 16 percent of respondents living in some form of "secured-access" environment.⁹

The Commission notes, however, that the area surrounding the subject site is rural in nature, as opposed to suburban or urban, and is open rather than closed, walled, and private. The proposed gate will convey to visitors the message: keep out, visitors are not welcome. This impact is inconsistent with the fact that the site is located with the SMMNRA, an area devoted to providing visitors with recreational opportunities and protecting natural habitats. In fact, one paper discussing security design options states that territorial reinforcement, such as a security gate, defines public and private spaces, and "serves as a warning and deters entry by an offender" while at the same time "legitimate users experience a sense of arrival or welcome and know they belong."¹⁰

The Commission notes that to deal with the increasing trend to gate communities, the City Council of La Habra Heights, located in Los Angeles County, California, adopted an ordinance in 1990 which made it expressly illegal to install a security gate across a private or public road in order to preserve the rural character of the community (see Exhibit 15).¹¹ Like the area of the subject site, La Habra Heights is also located within the near vicinity of the Los Angeles metropolitan area, increasing the inherent value of such open, rural, sparsely developed areas. As City Council members stated, at stake "is more than just an electronic security barrier, but the rural, independent, neighborly ambience that attracted residents to settle here . . ."¹² As with the area of the subject site, La Habra Heights also lacks city sewer lines, has narrow streets without curbs or gutters, and lacks street lights, in part to preserve the valued rural atmosphere.¹³ As a result, to prevent the urbanization of La Habra Heights, a particular threat due to an encroaching Los Angeles metropolis, and to protect the rural, neighborly ambience of the community, the municipality expressly banned all security gates.

The Commission finds that the construction of the proposed security gate is not consistent with the community character of the surrounding area and would detract from the rugged, natural atmosphere that is a unique characteristic of the SMMNRA, of which the subject site is a part. A security gate, one of the more dramatic forms of residential boundaries, would render the community character of this area more urban, developed, private, walled off, and closed in nature, as opposed to the rural, open community character it currently maintains and which attracts so many visitors seeking to experience the beauty of the rugged and scenic Santa Monica Mountains.

⁸ "Am I My Brother's Gatekeeper? The Fortressing of Private Communities Contributes to the Increasing Fragmentation of American Society," Edward J. Blakely, *The Daily News of Los Angeles*, March 1, 1998, page V1.

⁹ *Id.*

¹⁰ "Safe Place Design," Diane Zahm, Ph.D.; Sherry Carter, AICP; Al Zelinka, AICP; *Contrasts & Transitions*, Conference Proceedings, APA, San Diego, 1997.

¹¹ "La Habra Heights Shuts the Gates; Privacy: Council Majority Calls Action to Bar Gated Communities a Stand Against Elitism; Real Estate Industry Leader Express Dismay," Howard Blume, *The Los Angeles Times*, September 20, 1990, Page 7, Column 1.

¹² *Id.*

¹³ *Id.*

Thus, the Commission finds that the proposed development would alter the valued rural, open and scenic community character of this area within Malibu and the Santa Monica Mountains and would not protect the unique characteristics of the SMMNRA. As a result, the proposed development would not be compatible with the character of the surrounding area. As discussed above, the Commission also finds that the SMMNRA is a popular visitor destination point for recreational uses. Therefore, for the reasons discussed above, the Commission finds that the proposed project is not consistent with Sections 30251 or 30253(5) of the Coastal Act.

C. Visual Impacts

Section 30251 of the Coastal Act states:

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 land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

Section 30251 of the Coastal Act requires that visual qualities of coastal areas shall be considered and protected and that, where feasible, degraded areas shall be enhanced and restored. In addition, the certified Malibu Local Coastal Program Land Use Plan (LUP) provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These certified LUP policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

Policy 125 of the certified LUP states:

New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands . . .

Policy 129 of the certified LUP states:

Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment . . .

Policy 130 of the certified LUP states:

In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall be sited and designed to protect views to and along the ocean and to and along other scenic features . . . minimize the alteration of natural land forms . . . be visually compatible with and subordinate to the character of its setting, be sited so as not to significantly intrude into the skyline as seen from public viewing places . . .

Policy 134 of the certified LUP states:

Structures shall be sited to conform to the natural topography, as feasible.

The project site is located at the entrance of Avenida de la Encinal, 88 feet north of centerline of Encinal Canyon Road and one half of a mile north of Pacific Coast Highway in the City of Malibu, Los Angeles County. The proposed gate is a 20 foot long, six foot high, electric controlled wrought iron security gate with a three foot wide, six foot high pedestrian gate, two key boxes for emergency services, and one electronic control board.

As stated previously, the project site is located within the Santa Monica Mountains National Recreation Area (SMMNRA). Furthermore, the northern portion of the subdivision abuts the southern flank of the Santa Monica Mountains and Charmlee Park. The area surrounding the project site is highly scenic due to the rural atmosphere, wide open spaces and vistas, and extensive network of publicly owned lands. This region maintains plant communities of grassland, coastal sage scrub, southern oak woodlands, and chaparral and provides numerous trails with sweeping vistas of the Santa Monica Mountains and of the Pacific Ocean. In addition, those areas within the vicinity of the project site that are not publicly owned, are sparsely developed, which has maintained the natural beauty of the area. The density and use policies set forth under the certified LUP have been largely successful in maintaining the unique rural atmosphere of this area and presence of open space. This highly scenic atmosphere provides the public with exceptional outdoor recreational opportunities and an escape from the urban environment.

The road over which the proposed security gate would be constructed, Avenida de la Encinal, intersects Encinal Canyon Road at its southern end and would be visible from Encinal Canyon Road. Due to the significant visual resources along Encinal Canyon Road, the certified LUP designated particular scenic points along the road as "public viewing areas." Two such public viewing areas are located within two miles of the subject site, and one is located just north in Charmlee Park (see Exhibit 7). Although the certified LUP did not specifically designate the entire length of Encinal Canyon Road as a scenic highway, it is in fact a highly scenic road within Malibu and the Santa Monica Mountains and provides numerous dramatic sweeping ocean and mountain views.

As discussed previously, the relatively recent phenomenon of gated communities has become increasingly present in inner city and suburban areas since the late 1980s, often in response to security concerns from which may arise a "fortress mentality."¹⁴ In fact, it is estimated that "at least three to four million and potentially many more Americans are seeking this new form of refuge from the problems of urbanization."¹⁵ The Commission notes that the highly scenic qualities of the area surrounding the subject site are in part due to the area's rural character, as opposed to suburban or

¹⁴ Fortress America, Gated Communities in the United States, Edward J. Blakely and Mary Gail Snyder, Brookings Institution, 1997.

¹⁵ Id. at 2 and 3.

urban, and vast, open, scenic vistas and spaces, as opposed to closed, walled, and private. The Commission further notes that it is these visual resources, in part, that attracts many members of the public to the area's network of nearby nature trails and parks.

The Commission notes that to deal with the increasing trend to gate communities, the City Council of La Habra Heights, California, adopted an ordinance in 1990 which made it expressly illegal to install a security gate across a private or public road in order to preserve the rural character of the community.¹⁶ Like the area of the subject site, La Habra Heights is also located within the near vicinity of the Los Angeles metropolitan area, increasing the inherent value of such open, rural, sparsely developed areas. As City Council members stated, at stake "is more than just an electronic security barrier, but the rural, independent, neighborly ambience that attracted residents to settle here . . .¹⁷" As with the area of the subject site, La Habra Heights also lacks city sewer lines, has narrow streets without curbs or gutters, and lacks street lights, in part to preserve the valued rural atmosphere.¹⁸ As a result, to prevent the urbanization of La Habra Heights, a particular threat due to an encroaching Los Angeles metropolis, the municipality expressly banned all security gates.

The Commission finds that the construction of the proposed security gate is not consistent with the scenic character of the surrounding area and would not protect the unique attributes possessed by the SMMNRA. A security gate, one of the more dramatic forms of residential boundaries, would alter the scenic qualities that this area offers by rendering it a more urban, developed, private, walled off, and closed atmosphere, as opposed to a rural and open character. The proposed gate would be a relatively large, unnatural, manmade structure. Thus, the Commission finds that this development would alter the valued scenic qualities that this area possesses and would not be visually harmonious with or subordinate to the character of its setting in this area of Malibu, the Santa Monica Mountains, and the SMMNRA.

The proposed security gate would not be visually compatible with the character of the surrounding area as required by Section 30251 of the Coastal Act; would not protect public views to scenic coastal areas and public parklands, as required by Policy 125 of the certified LUP; would not create a harmonious relationship with the surrounding environment, as required by Policy 129 of the certified LUP; would not be sited and designed to protect scenic views or be visually compatible with and subordinate to the character of its setting, as required by Policy 130 of the certified LUP; and finally, it would not conform to the natural topography of the area, as required by Policy 134 of the certified LUP.

Therefore, for the reasons discussed above, the Commission finds that the proposed project is not consistent with Section 30251 of the Coastal Act.

¹⁶ "La Habra Heights Shuts the Gates; Privacy: Council Majority Calls Action to Bar Gated Communities a Stand Against Elitism; Real Estate Industry Leader Express Dismay," Howard Blume, The Los Angeles Times, September 20, 1990, Page 7, Column 1.

¹⁷ Id.

¹⁸ Id.

C. Public Access and Recreation

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act has several policies which address the issues of public access and recreation within coastal areas.

Section 30210 of the Coastal Act states:

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

Section 30212(a) of the Coastal Act states:

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

Section 30252(3) of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (3) providing non-automobile circulation within the development .

The applicant is proposing to construct a security gate across the entrance to the La Chusa Highlands subdivision at Avenida de la Encinal, 88 feet north of the center line of Encinal Canyon Road in order to restrict vehicular traffic. The proposed security gate is 20 feet long, six feet high, electrically controlled, and of wrought iron construction. The applicant is also proposing a three foot wide, six foot high pedestrian gate which would remain unlocked and open to pedestrian traffic. Although it is not included within the project description, the Secretary of the La Chusa Highlands Improvement Association has orally stated to Commission staff that the public, including hikers and bicyclists, would be permitted to use the pedestrian gate in order to access Charmlee Park to the immediate north.

The subject site is located immediately north of Encinal Canyon Road and one half of a mile north of Pacific Coast Highway in the City of Malibu, Los Angeles County. The northern portion of the subdivision abuts the southern flank of the Santa Monica Mountains and Charmlee Park, a regional park now owned and operated by the City of Malibu. Although all of the roads within the proposed gated area, including Avenida de la Encinal, Camino de Buena Ventura, and Vista del Preseas, dead end within the subdivision, Vista del Preseas terminates at one of several lots within the subdivision that are owned by the County of Los Angeles which house water tanks for the Department of Public Works, Waterworks District. At this termination point of Vista del Preseas, an existing trail begins which leads into and continues on into the southern

portion of Charmlee Park. Hikers, equestrians, and bicyclists have traditionally accessed the southern end of Charmlee Park through the roads of this subdivision.

Charmlee Park is one component of the SMMNRA and is made up of 460 acres, which were acquired by the Los Angeles County Department of Parks and Recreation in 1968. Historically, the area that is now Charmlee Park was part of an old Spanish land grant and was used for ranching. Most recently, however, ownership and operation of Charmlee Park was placed with the City of Malibu, Department of Parks and Recreation. Charmlee Park is made up of plant communities of grassland, coastal sage scrub, southern oak woodlands, and chaparral and provides numerous trails with sweeping vistas of the Santa Monica Mountains and of the Pacific Ocean to the south. Presently, the only entrance into Charmlee Park is located at its most northwestern end, off of Encinal Canyon Road and four miles north of Pacific Coast Highway. Vista del Preseas, however, a road within the subdivision where the current project is proposed, becomes a trail and provides for a southern access point into Charmlee Park. This route through the subdivision which continues into the Charmlee Park has historically been used by hikers, equestrians, and, most recently, bicyclists to access the southern trails of the park.

In fact, several letters have been received by the Commission from recreational organizations regarding the access route into Charmlee Park through the La Chusa Highlands subdivision, where the proposed gate would be constructed. The Santa Monica Mountains Trails Council wrote a letter dated April 29, 2000, (see Exhibit 11), that states:

The access route from Encinal Canyon into Charmlee Park via the present Lechusa Highlands subdivision . . . was routinely used by equestrian groups . . . Given the historic trail use of the area, we recommend that you either deny the application by the Lechusa Highlands Homeowners Association to gate their now private road; or, if a private gate is approved, then approve it only with the condition of providing a five-foot wide trail easement from Encinal Canyon Road into Charmlee Park. There should be unhindered access for hiking and mountain biking, with a bar or device barring motorcycles but over which bicycles could be lifted; there should be no locked gates barring the trail access.

A letter dated May 3, 2000, written by J. Grant Gerson (see Exhibit 12), states:

In 1949 Calamigos Ranch began operating equestrian trail rides from its central location in the Santa Monica Mountains using much of the extensive trail system then in existence. One such trail route led to the beach via the southern trail route through what is presently Charmlee Park (the approximate location of the lower watertank site at Charmlee Park via what is now the Lechusa Highlands subdivision). This trail route was used throughout the 1950's, 1960's and into the 1970's. Hikers were encountered by equestrian groups on a regular basis, but the occasional cyclist was a novelty at that time. It is requested that you deny the Lechusa Highlands HOA request to gate Avenida de la Encinal; or approve it with the condition of a required five-foot wide trail easement from Encinal Canyon Rd. into Charmlee Park for hiking and mountain bike use. . . . There should be no locked gate as proposed in the application for discouraging, hindering, or preventing the permitted users trail access into Charmlee Park.

Another letter received from the International Mountain Bicycling Association (IMBA), dated March 3, 2000, (see Exhibit 13) states:

IMBA and our local affiliate CORBA, the Concerned Off-Road Bicyclists Association would be very concerned about any development that limited bicycle, hiker or equestrian access to existing trails. Neighborhood access trails are extremely important for a number of environmental and quality of life reasons. In our view, an existing trail that connects public roads to public lands should generally be protected and public access should be maintained.

In addition, a letter received in the Commission office on July 20, 2000 from a resident of the La Chusa Highlands subdivision, where the security gate is proposed, also discusses this trail route into Charmlee Park (see Exhibit 16), and states:

The overgrown "trail" which starts at the water tower is a steep uphill hike the entire way into Charmlee Park. It is used by 4 people in the area.

Commission staff has also reviewed aerial photographs of the subject site, from the early 1970's until 1985. The aerial photographs clearly illustrate a trail beginning at the northwestern lot of the subdivision, owned by the County of Los Angeles which houses a water tank, which continues on into the network of trails within Charmlee Park. In addition, when Commission staff visited the site of the proposed development and hiked the trail into Charmlee Park, staff noted that the trail was well established, easy to navigate, was not overgrown. As a result, it is apparent from the aerial photographs, site visit, and letters submitted from the Santa Monica Trails Council and J. Grant Gerson, that there has been public use of this access trail into Charmlee Park from the subdivision, perhaps as early as the 1950's and continuing on into the present. Evidence exists of public use of the roads within the La Chusa Highlands subdivision to access Charmlee Park, including potential prescriptive rights, which would be affected by the proposed development.

This concern is addressed in the Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, (SMMART), which was prepared through the cooperative effort of the Santa Monica Mountains Area Recreation Trails Coordination Project, facilitated by the Rivers, Trails and Conservation Assistance program of the National Park Service, and with input from interested local agencies, organizations, individuals. That report states:

*Although over 450 miles of recreational trails exist within the park lands of the Santa Monica Mountains National Recreation Area, needs for trails exist in the areas outside of the established park system. For example, trails provide linkages between parks and from residential areas into parks. Trail linkages enhance the park experience for visitors and help to bring visitors into the parks. Some of these trails are located on privately owned land and their future use may be restricted due to development or fencing of property.*¹⁹

One article reports on Alamo, a city in the San Francisco Bay Area, many people living next to wildlands are increasingly impeding access to trails and parks due to fears that

¹⁹ Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, September 1997, page 25.

hikers will vandalize, litter, loiter, and become a nuisance²⁰. Steve Fiala, a trails specialist for the East Bay Regional Park District, states that as the number of hikers has grown and homeowners become more fearful of strangers, the two groups are eyeing each other with distrust and suspicion.²¹

In past Commission actions, the Commission has found that gates deter the public from using trails that exist across those sites. The Commission has denied similar proposals in the past on the basis that a security gate would deter or inhibit public access. In the appeal 4-VNT-98-225 (Breakers Way Property Owners Association), the Commission denied a permit for a security gate, that also provided for a pedestrian gate, at the entrance to the Mussel Shoals Community in Ventura County, due to a determination that public access would be discouraged. In that appeal, although the applicant had indicated that the pedestrian gate would be kept open, the Commission was concerned that the pedestrian gate could be locked at some time in the future and that the access could be easily closed off. Similarly, in appeal A-3.SCO-95-001 (Santa Cruz County Service Area #2), the Commission denied a permit for a gate on a bluff top stairway to restrict access during evening hours to a public beach on the basis that there were less restrictive alternatives that could be implemented to address the neighborhood security concerns.

As with the application by Breakers Way Property Owners Association, the La Chusa Highlands Improvement Association has orally stated that they would allow members of the public to use the proposed pedestrian gate to access Charmlee Park through the subdivision. Commission experience, however, indicates that pedestrian gates can easily be locked or closed off. Likewise, the proposed pedestrian gate could easily be locked in the future due to security concerns or a desire at some future dated to keep the public from passing over the subdivision streets to access Charmlee Park. In fact, the Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, (SMMART) states:

Although over 450 miles of recreational trails exist within the park lands of the Santa Monica Mountains National Recreation Area, needs for trails exist in the areas outside of the established park system. For example, trails provide linkages between parks and from residential areas into parks. Trail linkages enhance the park experience for visitors and help to bring visitors into the parks. Some of these trails are located on privately owned land and their future use may be restricted due to development or fencing of property.

In addition, research indicates that a major deterrent to public use of recreational trails and similar public recreation areas and facilities is a perception by the public that an area is private property. Gates create physical barriers to access and privatize community space, not merely individual space.²² As Blakely and Snyder write:

²⁰ "Access Battles, Homeowners Near Park Entrances Wary of Noisy Hikers, Parking Woes," San Francisco Chronicle, Patricia Jacobus, April 16, 1998, page A1.

²¹ *Id.*

²² "Am I My Brother's Gatekeeper? The Fortressing of Private Communities Contributes to the Increasing Fragmentation of American Society," Edward J. Blakely, The Daily News of Los Angeles, March 1, 1998, page V1.

Gated communities physically restrict access so that normally public spaces are privatized. They differ from apartment buildings with guards or doormen, which exclude public access to the private space of lobbies and hallways. Instead, gated communities exclude people from traditionally public areas like sidewalks and streets.²³

Further, in Fortress America, Gated Communities in the United States, Blakely and Snyder state the intent of controlled entrances: "to prevent penetration by nonresidents.²⁴" Blakely and Snyder also list one potential consequence of gates, which is a critical consideration in an area such as the subject site, located adjacent to Charmlee Park and within the vast tract of the SMMNRA which is checkered with invaluable parkland. They state:

Gates can make access to shorelines, beaches, and parks so difficult that those public resources become essentially private preserves.²⁵

In addition, one element of the theory supporting street closures, "crime prevention through environmental design" (CPTED) which uses psychological inducements and deterrents, recommends natural access controls (such as the proposed gate) for the physical guidance of people coming and going from a space.²⁶ Another principle of CPTED includes the use of territorial reinforcement (such as the proposed security gate, so that defensible space or clear physical boundaries are created.

In the case of the current permit application, the security gate would clearly delineate a boundary between public and private property and foster a sense of privatization. The security gate would deter entry by members of the public who wish to access Charmlee Park through this route that has traditionally been used to reach Charmlee Park. As a result, the security gate would decrease the public's perception that they may pass through the La Chusa Highlands subdivision to Charmlee Park, and this alternative southern entrance into the park will likely experience diminished use.

As a result, the Commission finds that the proposed development, for the reasons stated above, would not comply with Sections 30210, 30212(c), and 30252(3) of the Coastal Act, which mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Therefore, the Commission finds that the proposed project is not consistent with the sections of the Coastal Act regarding public access and recreation.

D. Alternatives

The Secretary of the La Chusa Highlands Improvement Association has stated orally that the La Chusa Highlands Improvement Association is proposing a security gate on the subject site in order to address concerns that teenagers are drinking at the Los

²³ "Putting Up the Gates," Edward J. Blakely and Mary Gail Snyder, National Housing Institute, May/June 1997.

²⁴ Fortress America, Gated Communities in the United States, Edward J. Blakely and Mary Gail Snyder, the Brookings Institution, 1997, page 2.

²⁵ Id. at 154.

²⁶ Id. at 122.

Angeles County lots where the water tanks are located and that transients sometimes pass through and camp on these vacant lots. The Secretary of the La Chusa Highlands Improvement Association also raised a concern that these individuals have started two fires in the past, which posed a threat to the single family residences of the subdivision. Finally, the Secretary of the La Chusa Highlands Improvement Association also stated that some individuals have also been responsible for vandalism in the area.

In addition, a letter received in the Commission office on July 20, 2000 from a resident of the La Chusa Highlands subdivision, where the security gate is proposed (see Exhibit 16), states the following:

The street where I reside borders Charmlee Wilderness Park. The years I have lived here have proven that this area needs the added protection of a gate. The water tower at the end of Vista del Preseas has had graffiti on it several times. The area is remote which lends itself as an ideal place to party. The tremendous amount of trash and broken bottles left behind as well as several fires, deliberately set of just a dropped cigarette is a hazard to us all as well as Charmlee Wilderness Park and its fauna and flora. I have personally witnessed a car draining its oil on the ground near my house on Avenida de la Encinal. I asked them to leave but was unable to explain why, what they were doing, was wrong as I do not speak Spanish. Motorized vehicles a prohibited in the park, yet this is an easy undetectable way to enter the park on these vehicles.

Although the Commission is denying the applicant a coastal development permit for a security gate, the Commission notes that the applicant is not barred from applying for a permit for or pursuing an alternative proposal to address the security problems expressed by the La Chusa Highlands Improvement Association. Less burdensome alternatives could include the placement of no parking signs, use of a video camera at the entrance to the subdivision to record license plates or faces of those who enter, etcetera. The applicant is also not precluded from finding and implementing creative solutions in cooperation with the Los Angeles County Sheriff's Department or the Los Angeles County Public Works Department, which owns the lots in the subdivision where the water tanks are located. In particular, since the Los Angeles County Public Works Department owns the lots in the subdivision where the water tanks are located, the applicant could coordinate to with this agency to resolve issues of graffiti, trash, or broken bottles on those County lots, if indeed a problem. Furthermore, the applicant could also form a neighborhood watch group, a security measure that has proven effective in many communities and is advocated by law enforcement groups.

In fact, the Commission notes that there does not appear to be any conclusive finding that security gates are actually effective in reducing criminal activity. Blakely and Snyder, two preeminent scholars on the issue of security gates, conclude:

*Some argue that gates and barricades are unfortunate but necessary. . . . In the course of our fieldwork, we interviewed local law enforcement and analyzed local studies of street closures. We found no firm evidence of any general permanent reductions of crime in fully gated communities or in the barricaded streets . . .*²⁷

²⁷ "Putting Up the Gates," Edward J. Blakely and Mary Gail Snyder, National Housing Institute, May/June 1997.

Furthermore, Blakely and Snyder also state:

Two of the more thorough and wide-ranging studies were conducted by police in Ft. Lauderdale. The first found no significant change in rates for violent or property crime in a closed-street neighborhood. For auto theft, burglary, and some other crimes, there were sometimes considerable drops immediately after closure, but none were sustained for more than a short time. A second study, conducted in 1990 by the Ft. Lauderdale Police Crime Prevention Unit, compared the change in crime rates in several closed-street neighborhoods with that of the city as a whole and concluded that the gates and barricades had no significant effect. A simultaneous survey of patrol officers found that the majority dislike the street closures; most think that they do not reduce crime but do slow emergency response time and inhibit police patrols.

The paper written by Zahm, Carter, and Zelinka, entitled, "Safe Place Design," reaches the same conclusion. They state:

A popular model for suburban development is the "gated" community . . . to prevent access by nonresidents. Though in great demand and therefore gladly provided by developers, the security value of the gate and the guard may be insignificant.²⁸

In past Commission action, the Commission has denied gates in situations where other feasible alternatives were available to an applicant to address a security concern. In the appeal A-3-SCO-95-001 (Santa Cruz County Service Area #2), the Commission denied a permit for a gate on a bluff top stairway which would restrict access during the evening hours to a public beach below, in part, due to the fact that less restrictive alternatives that could be implemented to address the neighborhood security concerns. The Commission found that while the use of a gate may seem like a simple means to control nuisance problems, a range or more appropriate responses was available to the applicant, such as increased security patrols, increased lighting, and improved litter pick-up.

Similarly, in the appeal A-4-VNT-98-225 (Breakers Way Property Owners Association), the Commission denied a permit for a security gate, in part, since that there was no indication that alternative security measures were considered to mitigate security concerns, such as public or private security patrols or litter pick-up. The Commission found that there was a range of feasible alternatives to a security gate, which would have less adverse effects on coastal resources and access.

While erecting a security gate across the entrance to the subdivision may appear to be a simple means to control unwanted activity within the subdivision, a range of more appropriate responses is available to the La Chusa Highlands Improvement Association, including parking restrictions, video cameras, neighborhood security patrols, a neighborhood watch group, or even increased coordination with Los Angeles County Sheriff's Department or the Los Angeles County Public Works Department. In addition, the Commission notes that motor vehicles are already prevented from driving into Charmlee Park from the Los Angeles County Public Works Department's vacant lot

²⁸ "Safe Place Design," Diane Zahm, Ph.D.; Sherry Carter, AICP; Al Zelinka, AICP; Contrasts & Transitions, Conference Proceedings, APA, San Diego, 1997.

and water tank, from where the trail continues into Charmlee Park. At the entrance to this lot there is already a locked gate that blocks vehicular traffic, while still providing an opening for hikers, bikers, and equestrians to pass and continue on along the trail into Charmlee Park. If, however, there are motorcycles which are able to pass through this existing gate and which continue on into Charmlee Park, the applicant could coordinate with the Los Angeles County Sheriff's Department, the Los Angeles County Public Works Department, or with the City of Malibu, who owns and exercises jurisdiction over Charmlee Park, to reach a resolution.

Furthermore, although oral statements from the Secretary of the La Chusa Highlands Improvement Association and the letter received on July 20, 2000 from a subdivision resident raise concern of fire from trespassers or individuals who may camp on the Los Angeles County Public Works Department's vacant lots, fire is an inherent risk in Malibu and the Santa Monica Mountains. The construction of a security gate, however, will not eliminate the risk of fire that is an inherent threat to this entire area. The range of alternatives discussed above could serve to reduce the threat of fire from campers or transients in the subdivision that the Secretary of the La Chusa Highlands Improvement Association and subdivision resident have expressed.

Therefore, the Commission finds that the proposed security gate is not consistent with the access or visual resource policies of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states:

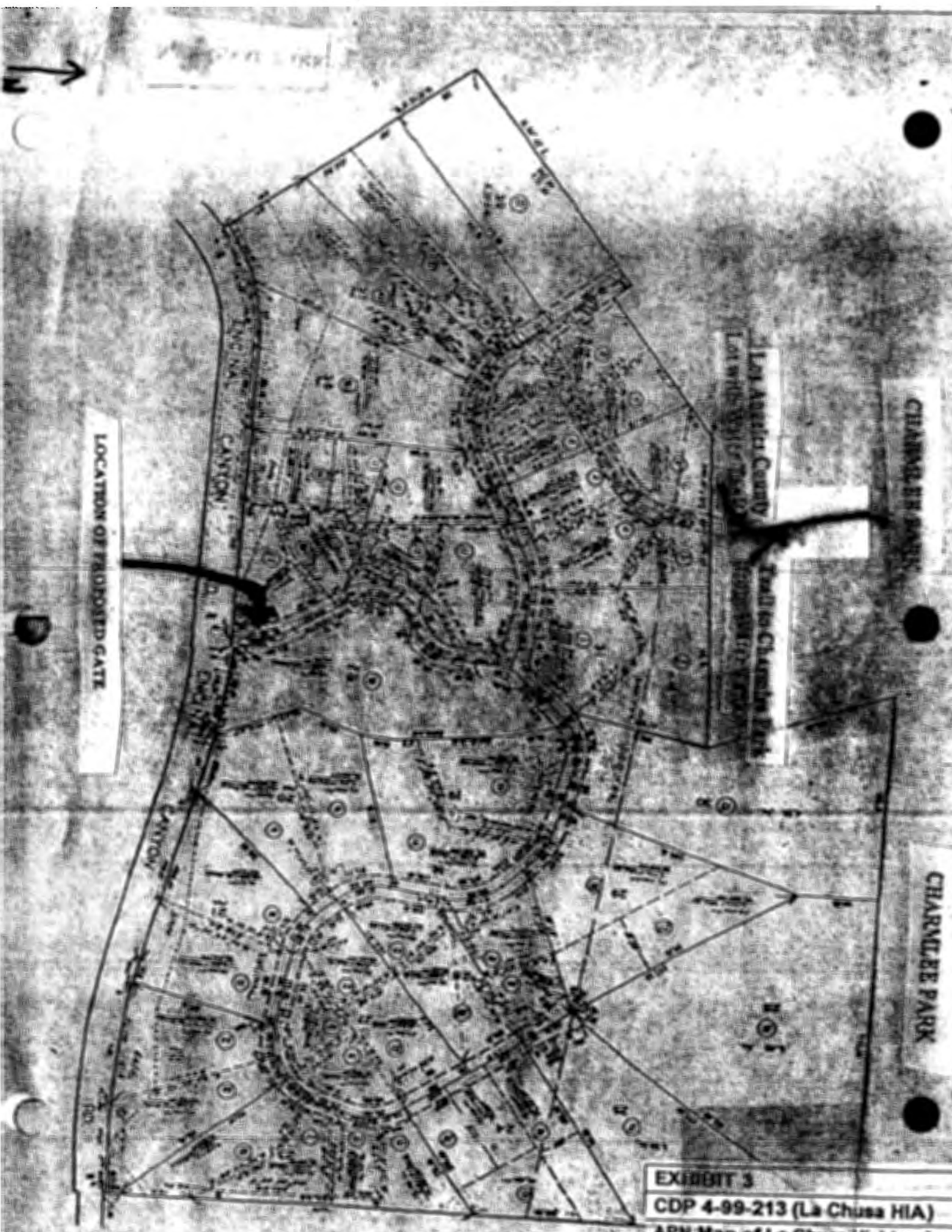
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

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

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 that the activity may have on the environment.

The Commission finds that the proposed project would result in significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970 and that there are feasible alternatives which would not have significant impacts on coastal access or visual resources. Therefore, the proposed project is determined to be inconsistent with CEQA and the policies of the Coastal Act.



LOCATION OF PROPOSED GATE

Los Angeles County
Trailer Charlebe Park
Lot with Split Easement

CHARLEBE PARK

CHARLEBE PARK

EXHIBIT 3
CDP 4-99-213 (La Chusa HIA)
APN Map of La Chusa Highlands



SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA BOUNDARY LINE

PROJECT SITE

PACIFIC OCEAN

SANTA MONICA BAY

EXHIBIT 4
 CDP 4-99-213 (La Chusa HIA)
 SMM National Recreation Area Ma

SMMART Trails Inventory

Santa Monica Mountains National Recreation Area

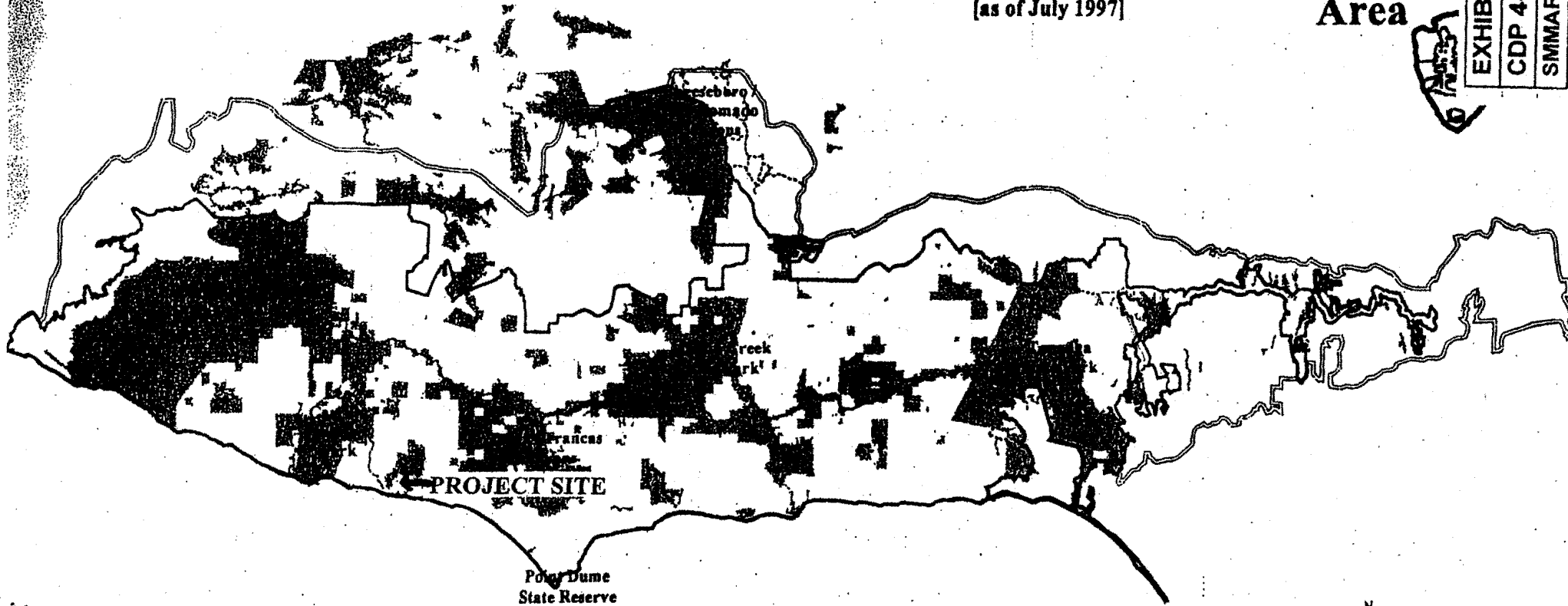
[as of July 1997]

Area

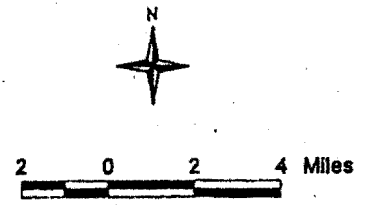
EXHIBIT 5

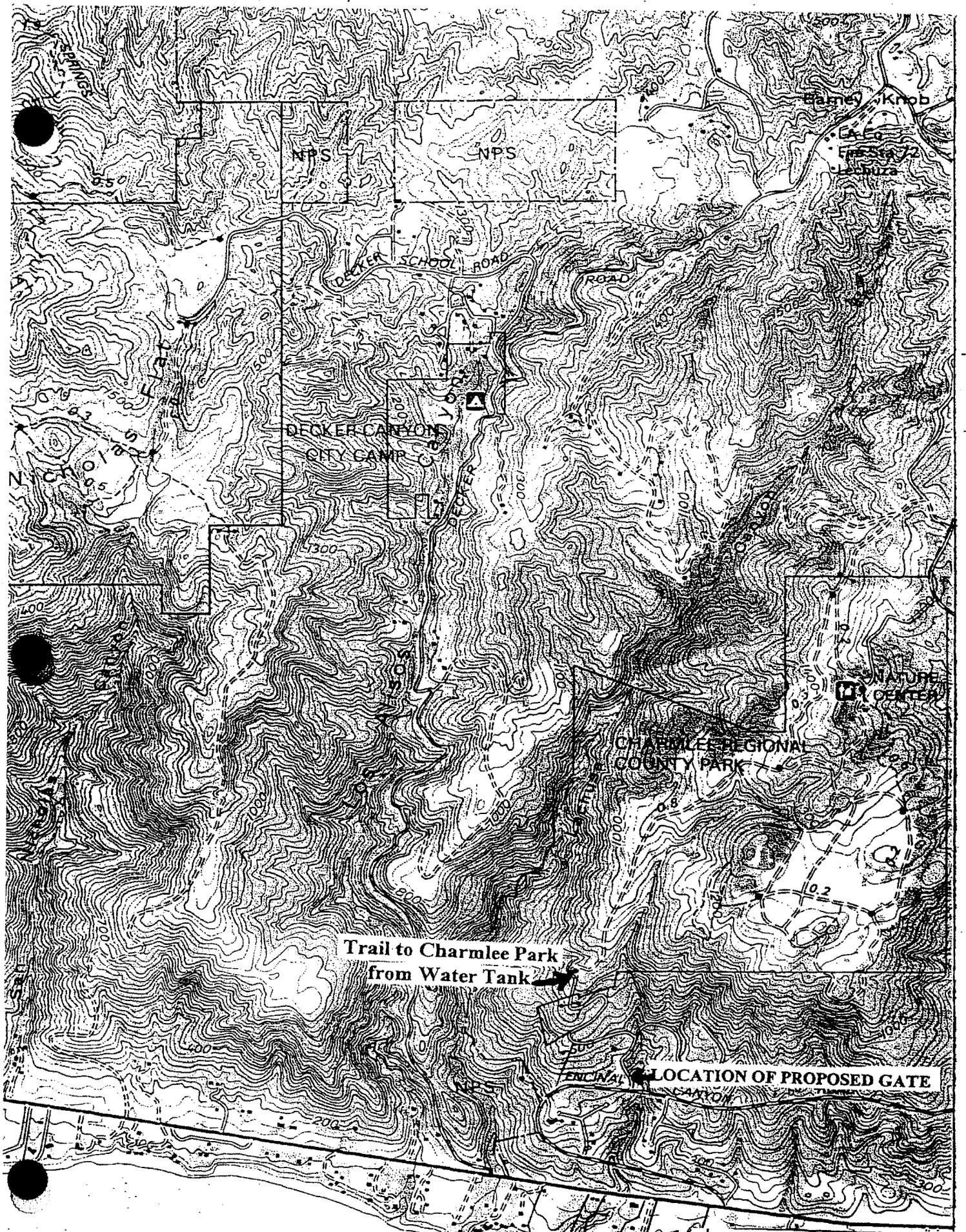
CDP 4-99-213 (La Chusa HIA)

SMMART Trails Inventory-SMMNRA



- ∨ Trails
- ∨ Backbone Trail
- ∨ Santa Monica Mountains National Recreation Area Boundary
- ∨ Santa Monica Mountains Zone
- Public Parkland (NPS, State, County, City)





Trail to Charmlee Park
from Water Tank

LOCATION OF PROPOSED GATE

EXHIBIT 6
CDP 4-99-213 (La Chusa HIA)
Trails Map of Region/Charmlee Par

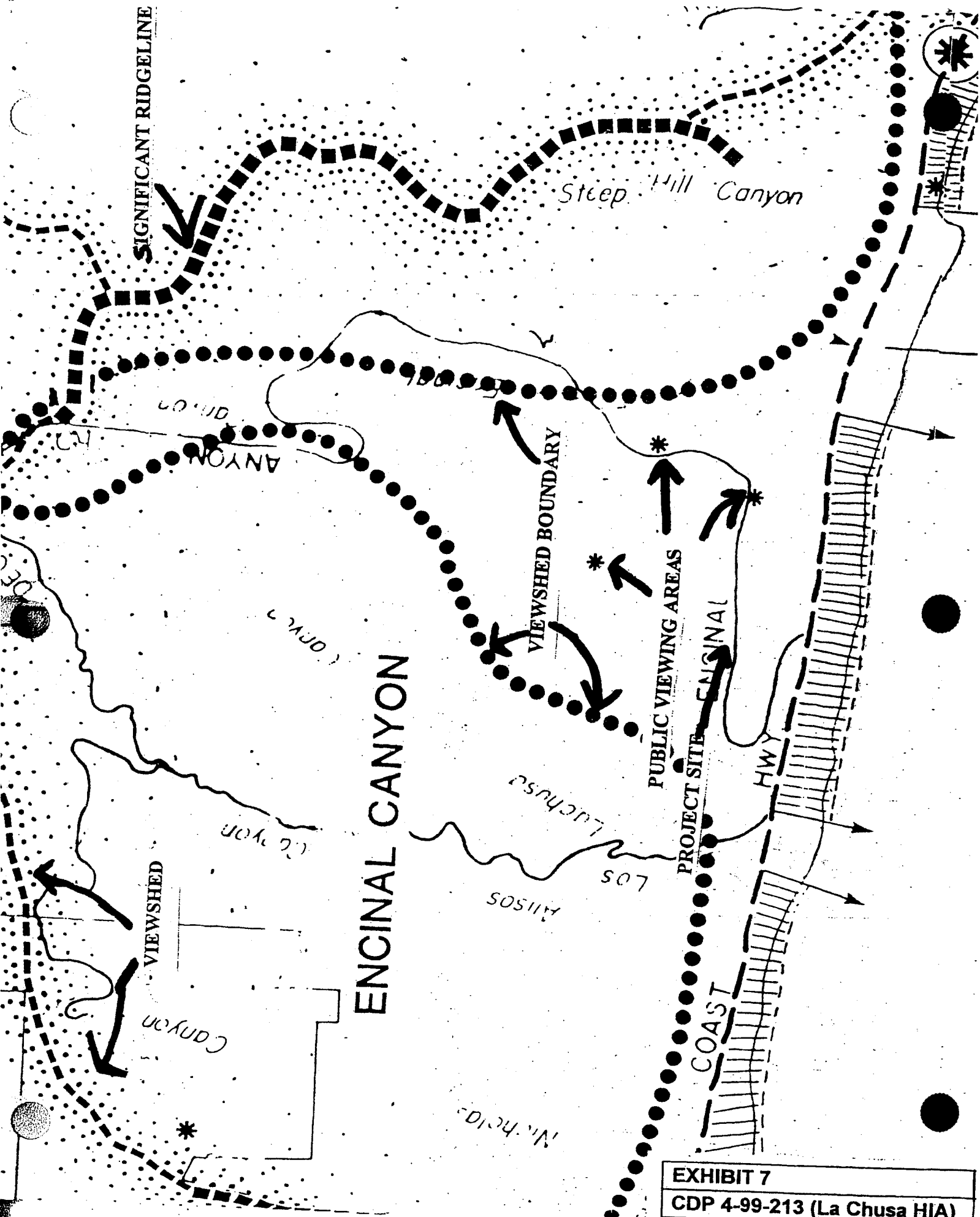


EXHIBIT 7
CDP 4-99-213 (La Chusa HIA)
Visual Resources Map

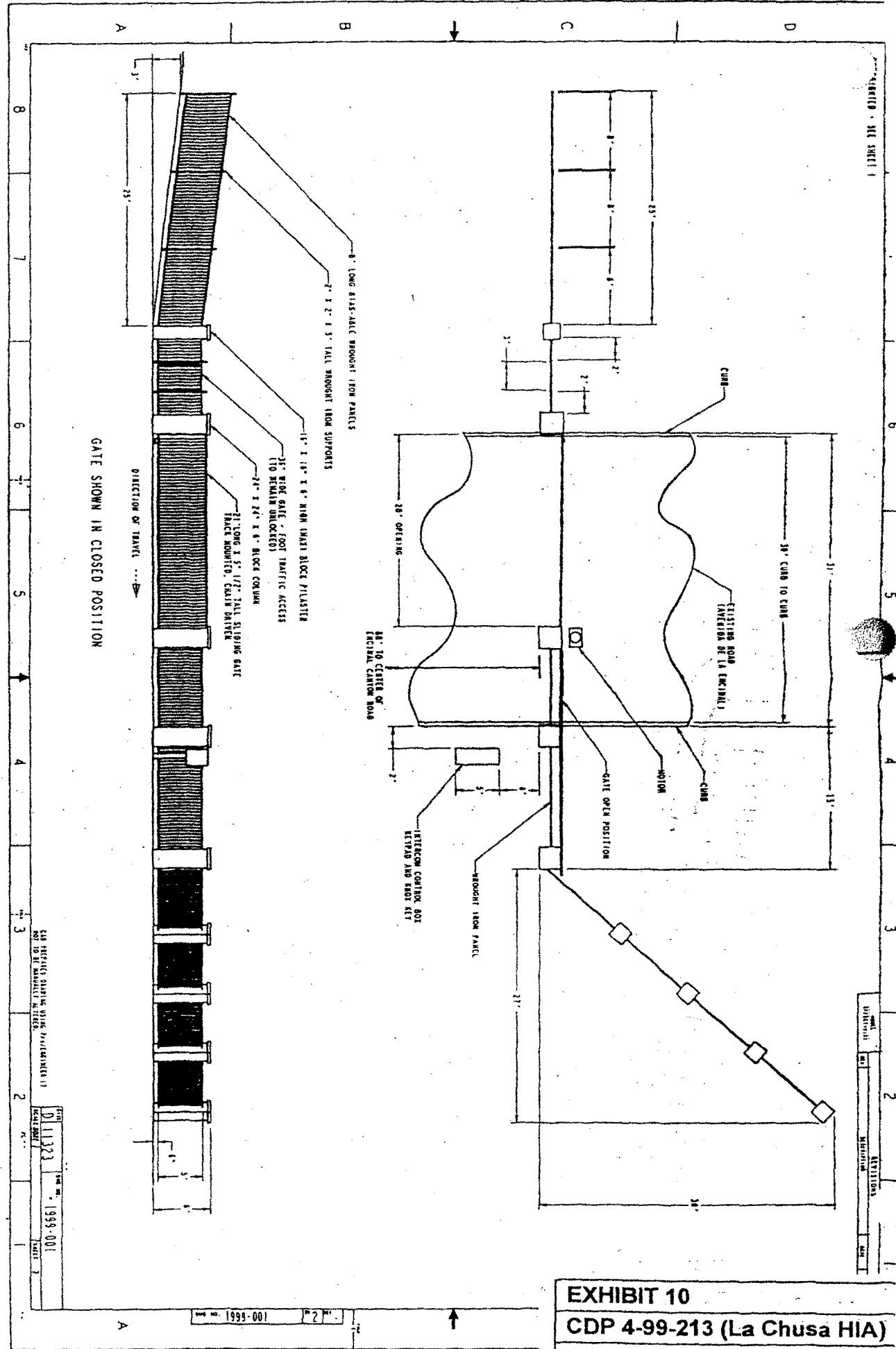


EXHIBIT 10
CDP 4-99-213 (La Chusa HIA)
South Elevation

SEE HAZARDOUS SUBSTANCE STORAGE AND HANDLING PLAN
 FOR THE HAZARDOUS MATERIALS

DATE: 01/13/23
 DRAWING NO.: 1999-001
 SHEET: 7

1999-001 P. 2



SANTA MONICA MOUNTAINS TRAILS COUNCIL

P.O. Box 345, Agoura Hills, CA 91376
April 29, 2000

RECEIVED
MAY 02 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
89 S. California St, Suite 200
San Buenaventura, CA 93001
Fax: 805-641-1732

Re: Application #4-99-213 : Lechuza Highlands HOA Request For Gating of Private Road
("Traffic & Pedestrian Gate across Avenida de la Encinal, a private road. Construction shall include footings, masonry, columns, and wrought iron fencing, gates, controls and communication devices.")

After preliminary research of the issue by several members, the Board of Directors at its regular meeting on April 13, 2000 reviewed the trail access issue from the Lechuza Highlands subdivision into Charmlee Park via the water tank. Aerial photographs dating to the 1970's were also reviewed.

The access route from Encinal Canyon into Charmlee Park via the present Lechuza Highlands subdivision (Avenida se La Encinal) was regularly used by equestrian groups from the early 1960's to the late 1970's. Then other trails were opened and became available that were less steep, more accessible for equestrian groups, and could be maintained easier. The trail route in question was still used by occasional equestrians but heavy use was discontinued in the late 1970's. We are presently studying the trail use by other groups, and we will have a representative from the Santa Monica Mountains Trails Council provide further testimony of trail usage at the June hearing in Santa Barbara.

Please note that the Santa Monica Mountains Trails Council was also told that the southern route out of what is now known as Charmlee Park onto what eventually became part of Encinal Canyon Road was historically used to access the area before Encinal Canyon Road was even built. The 1900 USGS map, which is the first comprehensive topographic map of the area, shows a trail/dirt road (the only one shown in the area crossing the mountain) leading up from the coast into and through what is now known as Charmlee Park.

Given the historic trail use of the area, we recommend the you either deny the application by the Lechuza Highlands Homeowners Association to gate their now private road; or, if a private gate is approved, then approve it only with the condition of providing a five-foot wide trail easement from Encinal Canyon Road into Charmlee Park. There should be unhindered access for hiking and mountain biking, with a bar or device barring motorcycles but over which bicycles could be lifted; there should be no locked gates barring the trail access.

Thank you for considering our recommendations.

Sincerely,


Ruth L. Gerson, President

EXHIBIT 11

CDP 4-99-213 (La Chusa HIA)

Letter from SMMTC



Jim Hasenauer
 4359 Pampas Road
 Woodland Hills, CA 91364

March 3, 2000

Sabrina Tillis
 Coastal Commission

re.: Charmlee Trail Access

Sabrina,

Here are sections of my mountain bike guidebook and Milt McAuley's wildflowers hikes book that concern Charmlee.

IMBA and our local affiliate CORBA, the Concerned Off-Road Bicyclists Association would be very concerned about any development that limited bicycle, hiker or equestrian access to existing trails. Neighborhood access trails are extremely important for a number of environmental and quality of life reasons. In our view, an existing trail that connects public roads to public lands should generally be protected and public access should be maintained.

I have called a local bike shop to contact Charmlee riders. If more information becomes available I will provide it to you.

Best wishes,

Jim Hasenauer
 Board of Directors

P.O Box 7578, Boulder, CO USA 80306-7578 (303-545-9011)

EXHIBIT 12
CDP 4-99-213 (La Chusa HIA)
Letter from IMBA

J. Grant Gerson
P.O. Box 787
Agoura, CA 91376

May 11, 2000

Ms. Sabrina Tillis
California Coastal Commission
89 S. California St. Suite 200
San Buenaventura, CA 93001
Fax: 805-641-1732

RECEIVED
MAY 15 2000
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

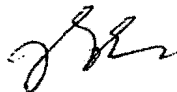
Re: Application #4-99-213; Lechuza Highlands HOA request For Gating of Private Road ("Traffic & Pedestrian Gate across Avenida de la Encinal, a private road. Construction shall include footings, masonry, columns, and wrought iron fencing, gates, controls & communication devices.")

As the founder of Calamigos Ranch in 1949, I often rode on the trail rides that we regularly led through the Santa Monica Mountains using the trail system then existing.

This letter is to reaffirm that I personally used the trail route that led to the beach via the southern trail route through what is presently Charmlee Park (the approximate location of the lower watertank site at Charmlee Park via what is now the Lechuza Highlands subdivision.) I used this trail route throughout the 1950's, 1960's and into the 1970's. I often encountered hikers as I rode up and down this trail, but it was unusual to see a cyclist then.

It is requested that you condition a 5-ft-wide trail easement from Encinal Canyon Rd. into Charmlee Park for hiking and mountain bike use as part of approval for a gate at Avenida de la Encinal. Motorcycles and other non-permitted trail users should be denied access; but there should not be a locked gate as proposed that would prevent, discourage or hinder the permitted trail users access by trail into Charmlee Park.

Sincerely,



J. Grant Gerson

EXHIBIT 13
CDP 4-99-213 (La Chusa HIA)
Letter #1 from J. Grant Gerson

J. Grant Gerson
P.O. Box 787
Agoura, CA 91376

May 3, 2000

Ms. Sabrina Tillis
California Coastal Commission
89 S. California St. Suite 200
San Buenaventura, CA 93001
Fax: 805-641-0142 1732

RECEIVED
MAY 05 2000
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

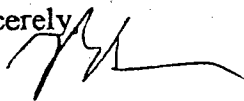
Re: Application #4-99-213; Lechuza Highlands HOA Request For Gating of Private Road
("Traffic & Pedestrian Gate across Avenida de la Encinal, a private road. Construction shall include footings, masonry, columns, and wrought iron fencing, gates, controls and communication devices.")

In 1949 Calamigos Ranch began operating equestrian trail rides from its central location in the Santa Monica Mountains using much of the extensive trail system then in existence. One such trail route led to the beach via the southern trail route through what is presently Charmlee Park (the approximate location of the lower watertank site at Chamlee Park via what is now the Lechuza Highlands subdivision). This trail route was used throughout the 1950's, 1960's and into the 1970's. Hikers were encountered by equestrian groups on a regular basis, but the occasional cyclist was a novelty at that time.

It is requested that you deny the Lechuza Highlands HOA request to gate Avenida de la Encinal; or approve it with the condition of a required five-foot wide trail easement from Encinal Canyon Rd. into Chamlee Park for hiking and mountain bike use.

I understand that motorcycle use of the Charmlee Park trail system via Avenida de la Encinal is a real concern to the Homeowner Association; however, locking out the nonpermitted trail uses should be achieved without locking out hikers and trail bike users. There should be no locked gate as proposed in the application for discouraging, hindering, or preventing permitted users trail access into Charmlee Park.

Sincerely,



J. Grant Gerson

EXHIBIT 14
CDP 4-99-213 (La Chusa HIA)
Letter #2 from J. Grant Gerson

ORDINANCE NO. 153

AN ORDINANCE OF THE CITY OF LA HABRA HEIGHTS
PROHIBITING GATED COMMUNITIES AND AMENDING
THE LA HABRA HEIGHTS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1.

Chapter 2 of Article IX of the La Habra Heights Municipal
Code is hereby amended by adding new Section 9206.10 thereto
to read as follows:

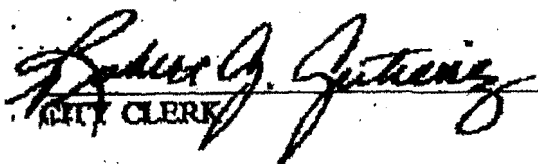
Section 9206.10 - Zone R-A - Gated Communities Prohibited

No gate shall be constructed across any private street or alley
or across any driveway which provides access to more than one
single-family residence if the residence is not located on the
same lot or parcel.

PASSED, APPROVED, AND ADOPTED this 11th day of October, 1990.


MAYOR

ATTEST:


CITY CLERK

AYES: COUNCILMEMBERS: Collins, Hathaway-Francis, Kane and Newbra
NOES: COUNCILMEMBERS: Wible
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

EXHIBIT 15

CDP 4-99-213 (La Chusa HIA)

La Habra Heights Ordinance

Agenda #23B
APN(s) 4473-009-022,
4473-008-030
Linda Joslynn
IN FAVOR
permit #4-99-213

June 20, 2000

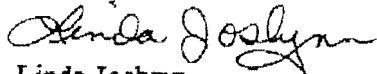
Sabrina Tillis
California Coastal Commission
89 S. California St. suite 200
Ventura, CA 93001
fax 805-641-1732

The street where I reside borders Charmlee Wilderness Park. The years I have lived here have proven that this area needs the added protection of a gate. The water tower at the end of Vista del Preseas has had graffiti on it several times. The area is remote which lends itself as an ideal place to party. The tremendous amount of trash and broken bottles left behind as well as several fires, deliberately set or just a dropped cigarette is a hazard to us all as well as Charmlee Wilderness Park and its fauna and flora. I have personally witnessed a car draining its oil on the ground near my house on Avenida de la Encinal. I asked them to leave but was unable to explain why, what they were doing, was wrong as I do not speak Spanish. Motorized vehicles are prohibited in the park, yet this is an easy undetectable way to enter the park on these vehicles.

The overgrown "trail" which starts at the water tower is a steep uphill hike the entire way into Charmlee Park. It is used by 4 people in the area. We are not trying to keep people out who want to enjoy the area, the hikers, mountain bikers and horseback riders, because there is easy access for them, just the trouble makers. Charmlee Wilderness Park is a beautiful area that needs to be protected. Our street is Charmlee's backyard. What happens here affects the park. Our goal here is protection not exclusion.

Please allow us to keep this a beautiful and safe area for all of us including the wildlife.

Sincerely,



Linda Joslynn
President of the Charmlee Wilderness Park Docents

EXHIBIT 16
CDP 4-99-213 (La Chusa HIA)
Letter from Linda Joslynn

