

**CALIFORNIA COASTAL COMMISSION**

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Hearing Date: 11/16/01  
Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION No.** 4-00-223

**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 traffic gate across the entrance to a private street, including concrete footings, masonry columns, wrought iron fencing, control and communication devices, rock walls and landscaping, signage to indicate public access, and a five foot wide pedestrian/equestrian/bicycle accessway located across Avenida de la Encinal.

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

**LOCAL APPROVALS RECEIVED:** City of Malibu, Planning Department, January 3, 2000; County of Los Angeles, Fire Department, January 4, 2000; Southern California Edison, December 16, 1999; GTE, December 3, 1999; County of Los Angeles, Department of Public Works, November 29, 1999 and January 10, 1995; and County of Los Angeles, Sheriff's Department, July 12, 1999.

**SUBSTANTIVE FILE DOCUMENTS:** Letter from Dean De Leo, February 15, 2001; letter from Gary Wilstein, Secretary of the La Chusa Highlands Improvement Association, January 2001; letter from Edison Security, January 30, 2001; letter from Gary Wilstein, Secretary of the La Chusa Highlands Improvement Association, January 26, 2001; letter from Gary Wilstein, Secretary of the La Chusa Highlands Improvement Association, January 25, 2001; letter from the International Mountain Bicycling Association, January 24, 2001; letter from the Santa Monica Mountains Trails Council, April 29, 2000; letter from the International Mountain Bicycling Association, March 3, 2000; letter from J. Grant Gerson, May 3, 2000; letter from J. Grant Gerson, May 11, 2000; letter from Linda Joslynn, July 20, 2000; letter from the La Chusa Highlands Improvement Association, June 1, 1999; letter from Sandra A. Russell, August 18, 1997; letter from the La Chusa Highlands Property Owners Association, Inc., August 15, 1997; letter from the La Chusa Highlands Property Owners Association, Inc., August 12, 1997; letter from the La Chusa Highlands Property Owners Association, Inc., October

21, 1996; article from *Malibu Surfside News*, October 17, 1996; letter from the La Chusa Highlands Property Owners Association, Inc., October 9, 1996; Incident Report, Los Angeles County Fire Department, October 5, 1996; letter from the La Chusa Highlands Property Owners Association, Inc., August 25, 1996; letter from the La Chusa Highlands Property Owners Association, Inc., August 19, 1996; Coastal Development Permits 4-96-076 (Serra Canyon Property Owners Association), and 5-90-534 (Quiros); Coastal Development Permit Application 4-99-213 (La Chusa Highlands Improvement Association); Appeals A-4-VNT-98-225 (Breakers Way Property Owners Association) and A-3-SCO-95-001 (Santa Cruz County Service Area #2); Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report Summary, September 1997; Ordinance No. 153, City of La Habra Heights; and the certified Malibu/Santa Monica Mountains Land Use Plan.

**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. 4-00-223 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 contains approximately 34 residences. The proposed security gate is approximately 30 feet long, five feet high, electrically controlled, and of wrought iron construction. The applicant is also proposing a five foot wide public access opening to the west of the security gate, which would allow for pedestrian, equestrian, bicycle, and recreational use. The public access opening would not be gated, nor would the hours of access be restricted. In addition, the applicant is proposing a signage plan identify the public access route through the subdivision to the trailhead into Charmlee Park. Charmlee Park is located just above the Los Angeles County upper water tanks, at the northwest portion of the La Chusa Highlands subdivision (Exhibits 1, 2, and 3). The signage plan, in part, would include a map of the route to the park and trail from the public entrance in the security gate, a series of directional signs with arrows from intersections or turns within the subdivision to direct the public to the trailhead at highly visible locations, and a series of signs indicating the beginning of a Charmlee Park trailhead.

In addition, under the current application, the applicant originally proposed a public visitor vehicle parking area outside of the security gated area. However, this component of the project description has subsequently been withdrawn and is no longer part of the project or plans proposed by the applicant. The applicant is not proposing any public parking within or near the entrance to the subdivision.

Pursuant to Coastal Development Permit Application 4-99-213, the applicant previously applied for the construction of a security gate at the same location. The staff report for that application was prepared with a recommendation of denial. However, prior to the Commission hearing, the applicant withdrew the application. In submitting the current application, the applicant has eliminated the public access gate, replacing it with a five foot wide opening. Further, the applicant has stated that the security gate is proposed to address concerns of safety and security within the subdivision. Specifically, the applicant states that there have been repeated incidents and acts by transients, motorists, and teenagers of arson, assault, graffiti, vandalism, illegal camping, dumping of toxic waste and trash, speeding, loitering, consumption of alcohol and drugs, and skateboarding.

In addition, since the application for the current permit was submitted, the applicant has redesigned the proposed gate following meetings with Commission staff, in an effort to render the development less visually obtrusive and more compatible with the surrounding environment and landscape.

These revisions do not, however sufficiently reduce the proposed project's visual impacts and the unacceptable alteration of the community character, as discussed in the sections that follow. The applicant is now proposing to construct a 30 foot wide wrought iron, five foot high wrought iron, sliding, track mounted, chain driven gate with more space between the bars of the gate, thereby making it more visually permeable. In addition, the revised plans have incorporated the use of rock and indigenous plants into the design of the walls that flank the wrought iron security gate. The walls on either side of the security gate were originally proposed to also be wrought iron, with closely spaced bars and with no rock or landscaping (Exhibits 11 and 12). However, the applicant submitted revised plans on October 16, 2001 that illustrate five foot high rock walls that taper into the existing hillside and terrain in conjunction with the use of indigenous plant species, to soften the projects adverse visual impacts (Exhibits 9 and 10). The rock wall to the east of the wrought iron gate is approximately 45 feet long, while the rock wall to the west of the gate is approximately 35 feet long. These walls and the security gate would be located parallel to Encinal Canyon Road.

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 (Exhibits 1 and 2). 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 (Exhibits 1, 3, and 6). Hikers, equestrians, and bicyclists have traditionally accessed the southern end of Charmlee Park through the roads of this subdivision leading to the trailhead.

The area surrounding the project site is rural in character, with wide open spaces and vistas. A large network of publicly owned lands in the region add to this area's character. 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 are only sparsely developed, further preserving the rural character of 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 (Exhibits 4 and 5). 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.<sup>1</sup> 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 Angeles County is populated by well over nine million people, most of whom are within an hour's drive of the Santa Monica Mountains.<sup>2</sup> 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 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, 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 transferred by the County to 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 and into 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 .*

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<sup>1</sup> Public Law 95-625.

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

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 area surrounding the project site is rural in character, with wide open spaces and vistas. A large network of publicly owned lands in the region add to this area's character. 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 are only sparsely developed, further preserving the rural character of 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."<sup>3</sup> 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.<sup>4</sup> Within the SMMNRA, the Santa Monica Mountains offer rugged open spaces, jagged rock outcroppings, and primitive wilderness areas, in addition to homes, ranches, and communities. The SMMNRA 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,

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<sup>3</sup> Public Law 95-625.

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

the demand on the parks within the SMMNRA can be expected to grow. The preservation of the unique rural character of the parks and communities within the SMMNRA is, thus, of the utmost importance for continued quality coastal recreational opportunities.

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.

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 30 feet long, five feet high, electrically controlled, and of wrought iron construction. The applicant is also proposing a five foot wide public access opening that would be available for pedestrian, equestrian, bicycle, and recreational use.

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."<sup>5</sup> 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*

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

*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.*<sup>6</sup>

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.<sup>7</sup> One study estimates that one million Californians are seeking a gated refuge.<sup>8</sup> In fact, a 1991 poll of the Los Angeles metropolitan area found 16 percent of respondents living in some form of "secured-access" environment.<sup>9</sup>

The area surrounding the subject site, however 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."<sup>10</sup>

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 (Exhibit 42).<sup>11</sup> 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 . . ."<sup>12</sup> 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.<sup>13</sup> As a result, to prevent the urbanization

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<sup>6</sup> Id. at 1 and 2.

<sup>7</sup> Id. at 2 and 3.

<sup>8</sup> "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.

<sup>9</sup> Id.

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

<sup>11</sup> "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.

<sup>12</sup> Id.

<sup>13</sup> Id.



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. In the current application, the applicant has revised the project from the previous application to allow for a public access opening, as opposed to a public access gate adjacent to the two larger subdivision gate the applicant continues to propose. In addition, in the revised plans submitted on October 16, 2001, the applicant has increased the space between the bars of the wrought iron security gate, replaced the previously proposed wrought iron fencing on either side of the security gate with rock walls, and has incorporated indigenous plantings to soften the visual effect of the rock walls.

Despite these alterations to the proposed development, the Commission finds that the project 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, in past Commission actions, the Commission has required new development to be sited and designed to protect public views from scenic

highways, scenic coastal areas, and public parkland. Further, the Commission has also required structures to be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment. As a result, in highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) has been required to be sited and designed to protect views to and along the ocean and other scenic features, to minimize landform alteration, to be visually compatible with and subordinate to the character of the project setting, and to be sited so as not to significantly intrude into the skyline as seen from public viewing places. Additionally, in past actions, the Commission has also required new development to be sited to conform to the natural topography.

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 security gate is approximately 30 foot long, five feet high, electronically controlled, and of wrought iron construction with two key boxes for emergency services and one electronic control board. In addition, a five foot wide public access opening is also proposed to the west of the gate. A rock wall is proposed on either side of the gate, parallel to Encinal Canyon Road, approximately 35 feet long to the west and 45 feet long to the east. The rock wall would be five feet in height, although it would taper into the existing hillside to the west and taper into the existing terrain to the east, becoming lower in height. Further, the applicant is also proposing to place indigenous plants along the rock wall to soften the visual impact of the wall and to incorporate the wall into the surrounding environment.

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. Past Commission action with respect to density and use policies have been largely successful in maintaining the unique rural atmosphere of this area and presence of open space. Further, 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 (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."<sup>14</sup> 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."<sup>15</sup> 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 urban, and vast, open, scenic vistas and spaces, as opposed to closed, walled, and private. 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.

As stated previously, 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.<sup>16</sup> Similar to 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 . . ."<sup>17</sup> 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.<sup>18</sup> 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.

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

<sup>15</sup> Id. at 2 and 3.

<sup>16</sup> "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.

<sup>17</sup> Id.

<sup>18</sup> Id.

Although the applicant has made revisions to the proposed development that would serve to somewhat soften the visual impact of the project, particularly as contrasted with the more imposing and intrusive original design proposal, the proposed security gate would nevertheless adversely affect public views to scenic coastal areas and public parklands. In addition, the proposed project would not create a harmonious relationship with the surrounding environment, does not protect scenic views, will not be visually compatible with or subordinate to the character of the setting, and will not conform to the natural topography of the area. As a result, the proposed security gate and associated development would not be visually compatible with the character of the surrounding area, as required by Section 30251 of the Coastal Act.

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

### **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 approximately 30 feet long, five feet high, electronically controlled, and of wrought iron construction. The applicant is also proposing a five foot wide public access opening to the west of the security gate, which would be available for pedestrian, equestrian, bicycle, and recreational use. The public access opening would not be gated, nor would

the hours of access be restricted. In addition, the applicant is proposing a signage plan to identify the public access route through the subdivision to the trailhead into Charmlee Park (Exhibits 1, 2, and 3). Charmlee Park is located just above the Los Angeles County upper water tanks, at the northwest portion of the La Chusa Highlands subdivision (Exhibits 13, 14, 15, 16, 17, and 19). The signage plan, in part, would include a map of the route to the park and trail from the public entrance in the security gate, a series of directional signs with arrows from intersections or turns within the subdivision to direct the public to the trailhead at highly visible locations, and a series of signs indicating the beginning of a Charmlee Park trailhead. Further, the applicant has stated in writing and orally that it does not oppose the use of the proposed access opening or the private roadways within the subdivision leading to a Charmlee Park trailhead by members of the public for recreational purposes.

Under the current application, the applicant originally proposed a public visitor vehicle parking area outside of the security gated area. However, this component of the project description has subsequently been withdrawn and is no longer part of the project or plans proposed by the applicant. The applicant is not proposing any public parking within or near the entrance to the subdivision.

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, 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 transferred by the County to 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 and trailhead into Charmlee Park. This route through the subdivision and into Charmlee Park has historically been used by hikers, equestrians, and, most recently, bicyclists to access the southern trails of the park.

The applicant has submitted a letter to Commission staff, dated October 21, 1996, which states (Exhibit 26), in part:

***Our private streets are a popular hiking area because of the physical challenge of the grade, the rewarding scenery at the top, and the access to the trail system of Charmlee Natural Area. Since these incidents, we have been hearing from many of these hikers, mostly women walking alone. There are at least 15 regular daily hikers, perhaps more that we haven't heard from. In addition, and for the same reasons, there are regular mountain bikers on our streets.***

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 (Exhibit 41), 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.***

Several letters have also 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, (Exhibit 35), 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 (Exhibit 37), 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, (Exhibit 40) 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.***

A subsequent letter from the IMBA to Commission staff, dated January 24, 2001, however, withdraws IMBA's reservations regarding the project based on the applicant's pledge to protect public access (Exhibit 38). IMBA no longer is opposed to the project based on the statement to IMBA from the applicant that "the proposed gate is intended to better regulate motor vehicle traffic" and will include an ungated five foot wide "pedestrian, equestrian, bicycle accessway to enable any non-motorized users unrestricted egress to the trails of Charmlee park, by way of private streets within [the] subdivision (Exhibit 39)."

In addition, 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.***<sup>19</sup>

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

One article reports on Alamo, a city in the San Francisco Bay Area, where many people living next to wildlands are increasingly impeding access to trails and parks, due to fears that hikers will vandalize, litter, loiter, and become a nuisance<sup>20</sup>. 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.<sup>21</sup>

In past Commission actions, the Commission has found that gates may deter the public from using trails that exist across particular sites. Although the Commission has approved security gates in past actions, the Commission has also 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, the Commission was concerned the security gate would impede public access. 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 public access opening 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 date 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.<sup>22</sup>

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

<sup>21</sup> Id.

<sup>22</sup> "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.



As Blakely and Snyder write:

*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.*<sup>23</sup>

Further, in Fortress America, Gated Communities in the United States, Blakely and Snyder state the intent of controlled entrances: "to prevent penetration by nonresidents."<sup>24</sup> 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.*<sup>25</sup>

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.<sup>26</sup> 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.

Although the applicant is proposing a public access opening, as opposed to a public access gate, the public access opening would not be sufficient to override the public perception that visitors are not welcome into this area with a security gate and walls. As a result, the proposed development would create a chilling effect not only on public access and recreation directly, but also on the recreational experience of those visitors who might reside in the general vicinity of the development.

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

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

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

<sup>25</sup> Id. at 154.

<sup>26</sup> Id. at 122.

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 applicant has stated that the security gate is proposed to address concerns of safety and security of the subdivision. Specifically, the applicant states that there have been repeated incidents and acts by transients, motorists, and teenagers of arson, assault, graffiti, vandalism, illegal camping, dumping of toxic waste and trash, speeding, loitering, consumption of alcohol and drugs, and skateboarding. Commission staff has received six form letters from residents of the subdivision reiterating a desire for safety and requesting approval of the proposed security gate (Exhibit 20). In addition, the applicant has also submitted additional letters (Exhibit 21), past letters from homeowners' association regarding security issues (Exhibits 24, 25, 27, 28, and 29), a newspaper article regarding arson (Exhibit 30), a letter to the Los Angeles County Sheriff's Department (Exhibit 26), a letter to the Mayor of Malibu and the Malibu City Council (Exhibit 23), an incident report from the Los Angeles County Fire Department (Exhibit 32), incident reports and results of a recent inquiry from the Los Angeles County Sheriff's Department (Exhibits 31 and 33), and 44 photographs in an effort to document problems in this area (Exhibit 34).

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 (Exhibit 41), 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 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 Los Angeles County lots, if indeed a problem exists. 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.

The applicant submitted a letter to Commission staff from Edison Security, a company that provides private property security services (Exhibit 22). The letter from Edison Security also lists feasible alternatives to a structure such as the proposed security gate and fencing. In addition, other letters from the applicant to property owners within the subdivision also detail alternative solutions to potential security concerns, including coordination with neighbors, communication with the Los Angeles County Public Works Department, the Los Angeles County Sheriff's Department, installation of additional signage, video surveillance systems, and neighborhood watch programs (Exhibits 24, 26, 27, 28, and 29). Although there has been some communication between the applicant and the Los Angeles County Public Works Department and Los Angeles County Sheriff's Department, continued cooperation to reduce illegal trespass, loitering, vandalism, or littering is an alternative that may still be pursued further by the applicant. In addition, other alternatives suggested in the letters submitted by the applicant, such as additional signage and video surveillance systems, could provide feasible options to the applicant for security.

In fact, 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 . . .*<sup>27</sup>

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. In this paper, Zahm, Carter, and Zelinka state:

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

*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.<sup>28</sup>*

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. The Commission's decision to deny that project was based, in part, on the less restrictive alternatives that existed which could be implemented to address 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, because there was no indication that alternative security measures, such as public or private security patrols or litter pick up, were considered. 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, motor vehicles are already prevented from driving into Charmlee Park from the Los Angeles County Public Works Department's vacant lot and water tank, from where the trailhead begins 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 further 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 and achieve better maintenance and security of County lots within the subdivision.

Furthermore, although the applicant raises the 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 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

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

threat of fire from campers or transients in the subdivision that the applicant has expressed a fear of.

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.





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**EXHIBIT 2**  
**CDP 4-00-223 (La Chusa HIA)**  
**Topography Map**



LOCATION OF PROPOSED GATE

Los Angeles County  
Los Angeles Water Dept.  
Trails to Charlee Park  
From Santa Fe

CHARLEE PARK

CHARLEE PARK

EXHIBIT 3  
CDP 4-00-223 (La Chusa HIA)  
APN Map of La Chusa Highlands





SANTA MONICA MOUNTAINS NATIONAL  
RECREATION AREA BOUNDARY LINE

PROJECT SITE

PACIFIC OCEAN

SANTA MONICA MOUNTAINS

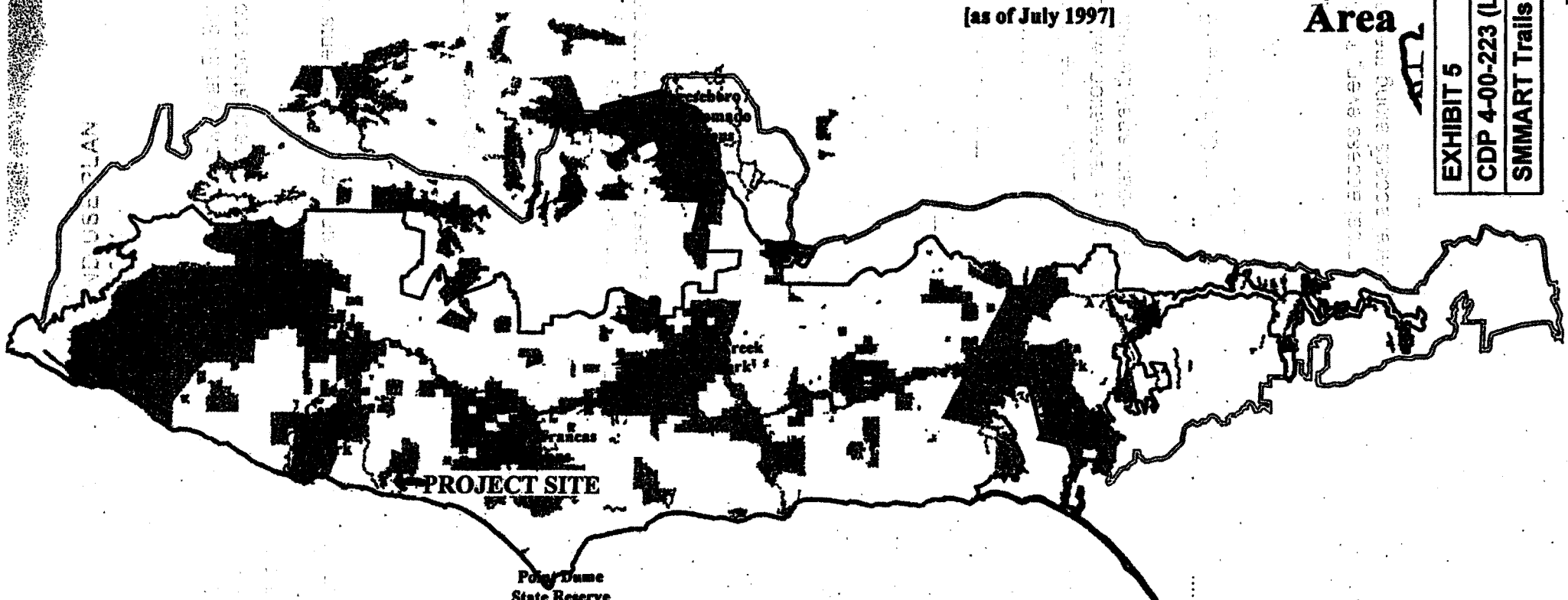
EXHIBIT 4  
CDP 4-00-223 (La Chusa HIA)  
SMM National Recreation Area Map

# SMMART Trails Inventory

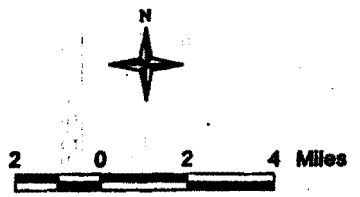
## Santa Monica Mountains National Recreation Area

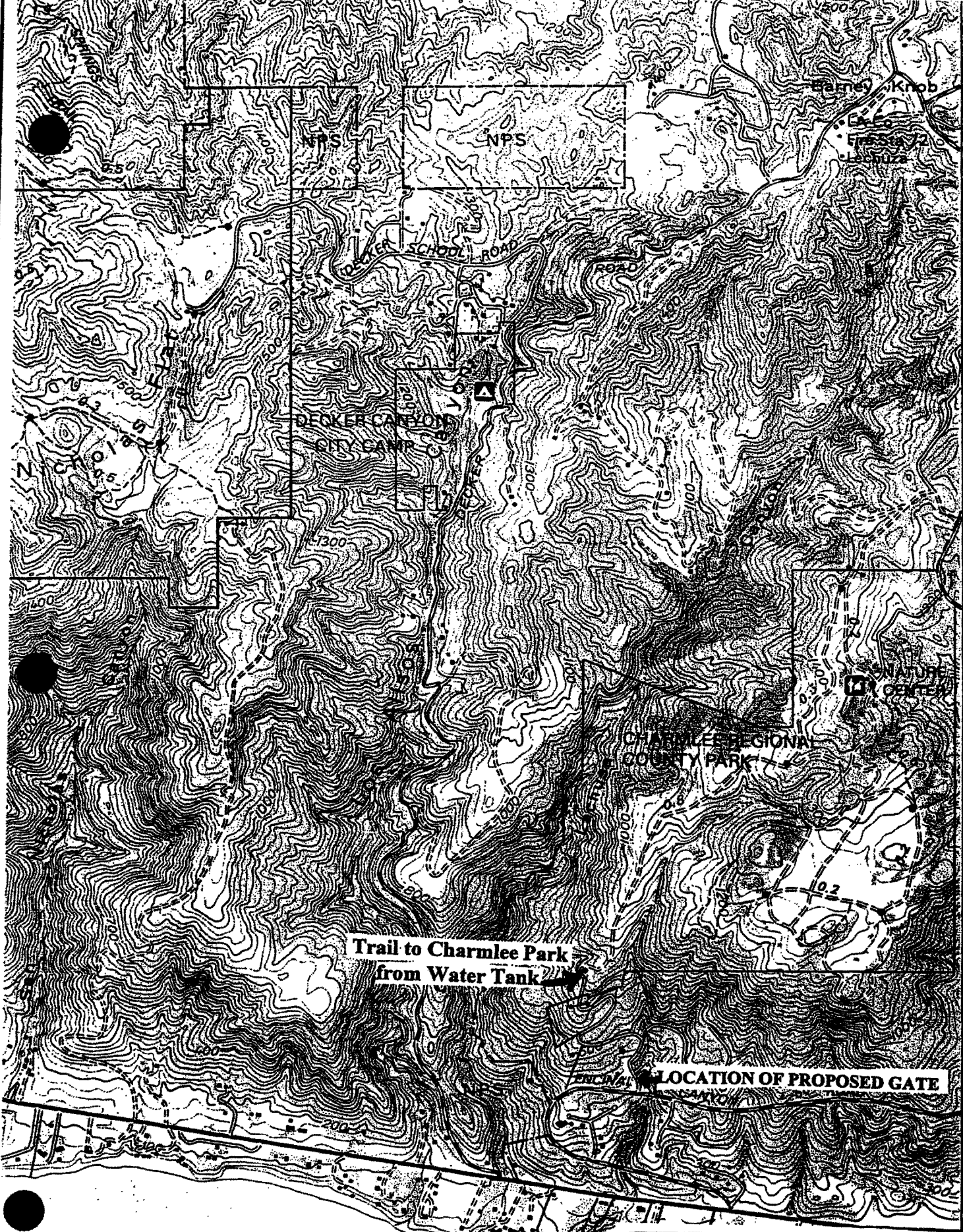
[as of July 1997]

EXHIBIT 5  
 CDP 4-00-223 (La Chusa HIA)  
 SMMART Trails Inventory-SMMNRA

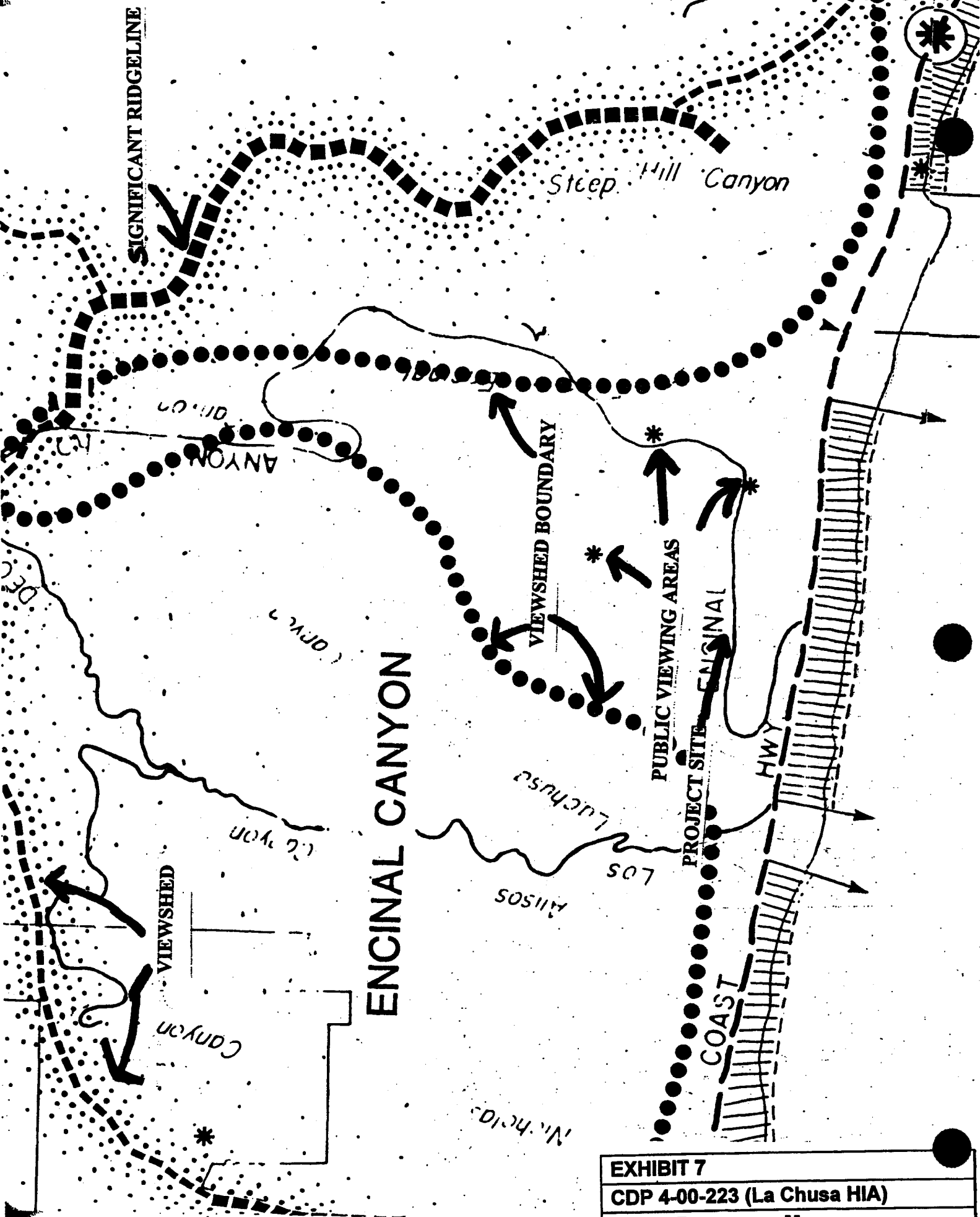


- ~ Trails
- ~ Backbone Trail
- ~ Santa Monica Mountains National Recreation Area Boundary
- ~ Santa Monica Mountains Zone
- Public Parkland (NPS, State, County, City)





**EXHIBIT 6**  
**CDP 4-00-223 (La Chusa HIA)**  
**Trails Map of Region/Charmlee Park**



**EXHIBIT 7**  
**CDP 4-00-223 (La Chusa HIA)**  
**Visual Resources Map**





CORRIGENDOS - SEE SHEET 1

8

7

6

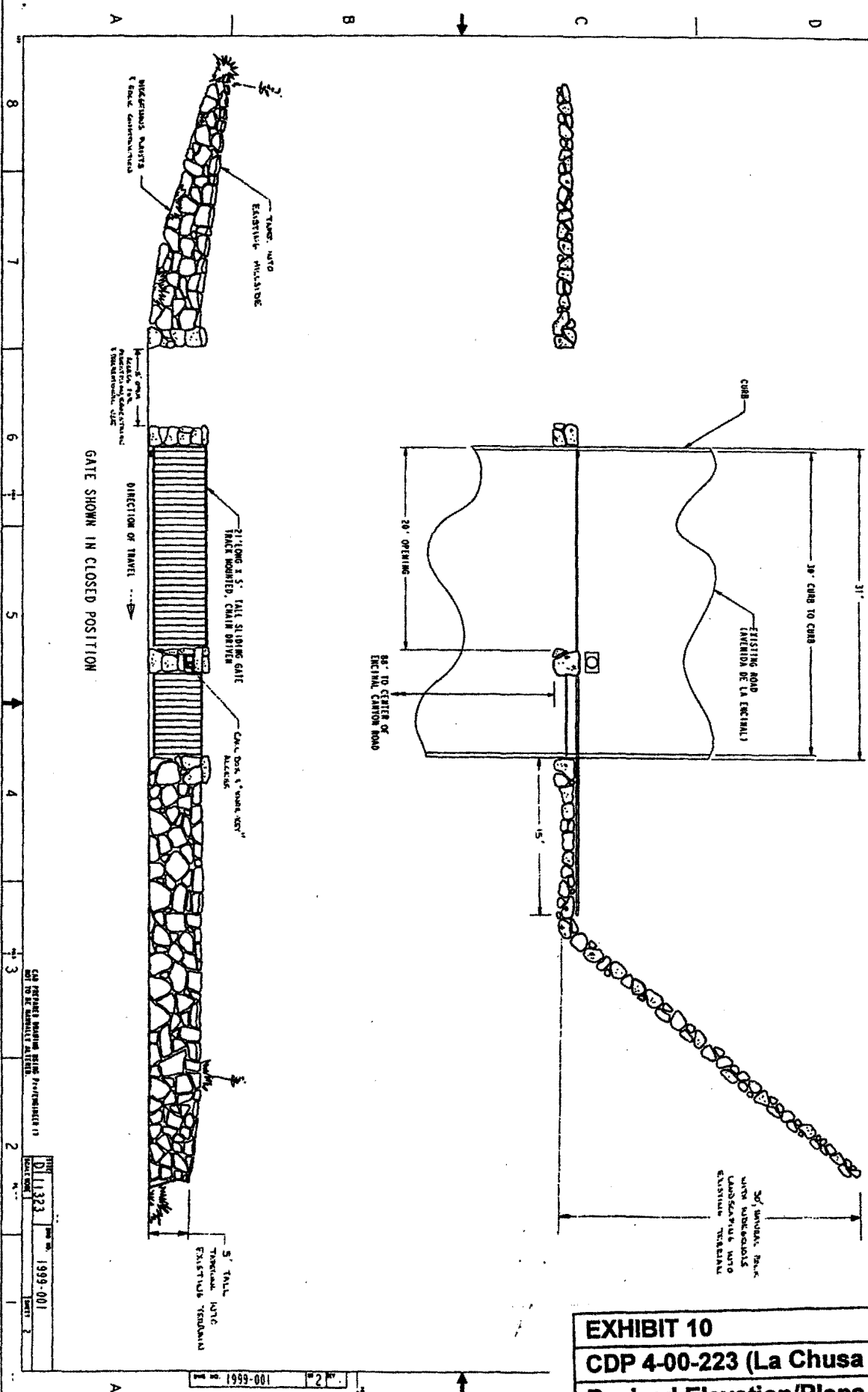
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NO.	DATE	REVISION



GATE SHOWN IN CLOSED POSITION

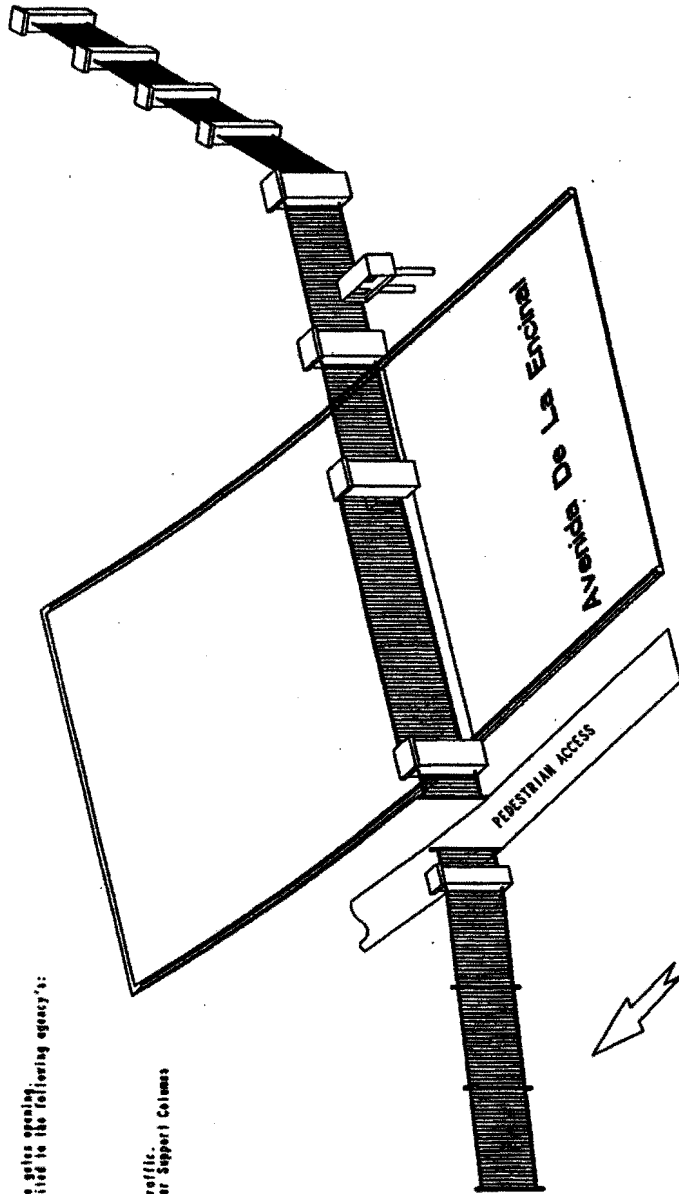
CDP 4-00-223 (La Chusa HIA)  
 1999-001

DATE: 11/23/99  
 1999-001

**EXHIBIT 10**  
**CDP 4-00-223 (La Chusa HIA)**  
**Revised Elevation/Plans**

1. Topographical Map Surveyed by:  
 Onsite Surveying  
 22240 Pacific Coast HWY  
 Malibu, California 90265  
 Phone: (310) 451-8922
2. Drawn at the request of:  
 La Chusa Homeowners Association  
 Attention: La Chusa (to private street)  
 City Of Malibu,  
 Los Angeles County, CA

3. Access to the gated entry shall be provided to any authorized personnel or agency by entering a numerical code as is typed or communicated by radio to the gate. In the event a power failure should occur, in addition, the gated entry can be manually operated by one man using the "pass key" override indicated by a red reflective placard at the gates opening.
4. Access to the gated entry code shall be provided to, but not limited to the following agency's:  
 A. Fire Department personnel and equipment  
 B. Police Department personnel and equipment  
 C. Public Works Department personnel and equipment  
 D. Utility Services  
 E. Any outside "Agency" or "Service Vendor" approved by the Homeowners Association.
5. Gated entry shall provide easy-on access to walkers and foot traffic.
6. Soil displacement during sand grading and installation of Pileator Support Columns shall not exceed 3 cubic yards.



ISOMETRIC VIEW  
 FOR REFERENCE ONLY

SHEET NUMBER SPECIFIED CONTRACT NO. SP90001 SHEET NO. 1 OF 3 DATE 11/10/98	CONTRACT NO. SP90001 SHEET NO. 1 OF 3 DATE 11/10/98	LE CHUSA HIGHLANDS MALIBU, CALIFORNIA GATED ENTRY LA CHUSA HIGHLANDS MALIBU, CALIFORNIA 1999-001
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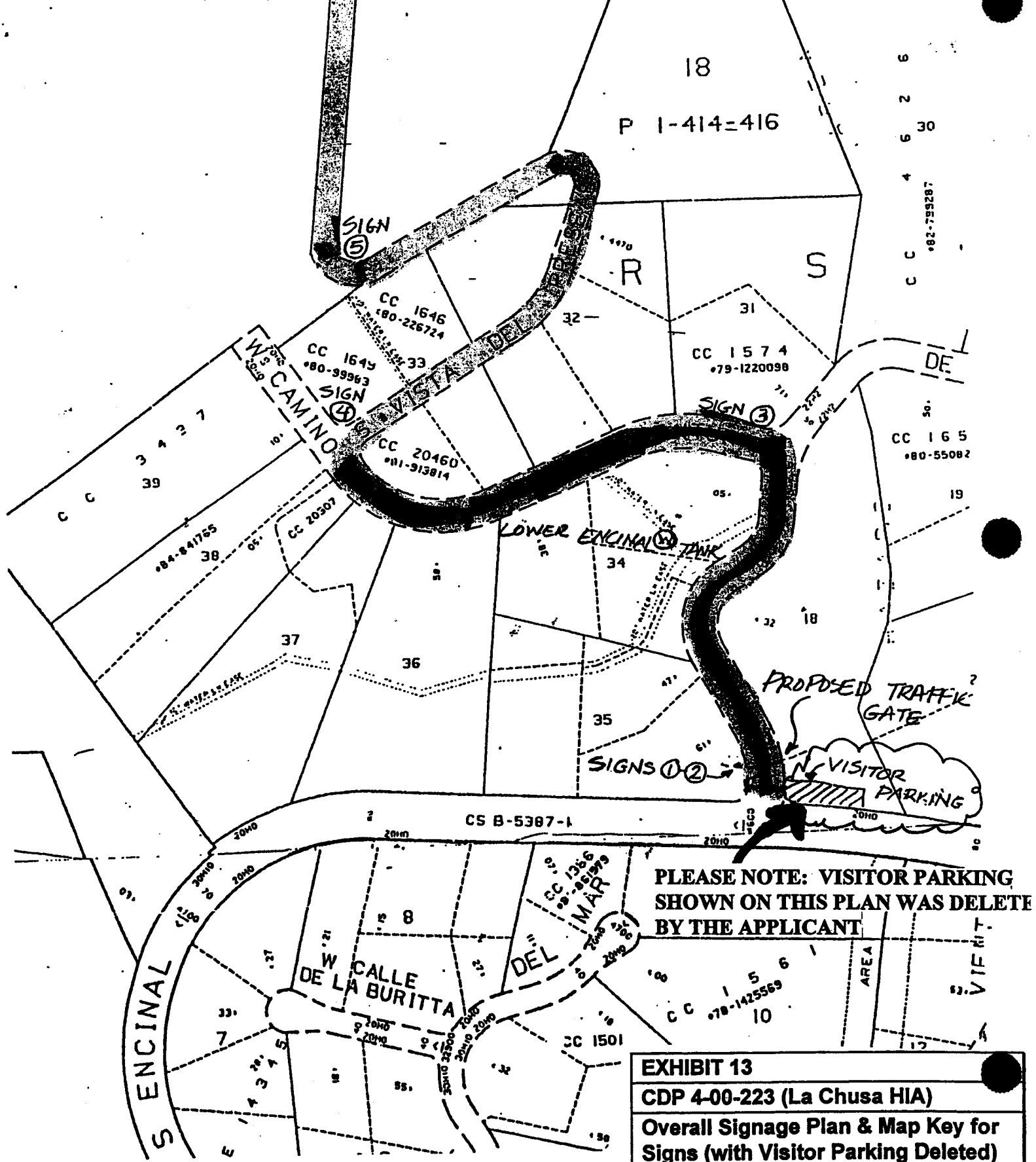
ALL DIMENSIONS SHOWN ARE PER PERMITS 11  
 NOT TO BE MANUALLY ALTERED.

**EXHIBIT 11**  
**CDP 4-00-223 (La Chusa HIA)**  
**Previously Proposed Site Plan**





SIGNS  
TRAILHEAD TO CHARMLEE PARK  
L.A. COUNTY UPPER ENCINAL TANKS



PLEASE NOTE: VISITOR PARKING SHOWN ON THIS PLAN WAS DELETED BY THE APPLICANT

**EXHIBIT 13**  
**CDP 4-00-223 (La Chusa HIA)**  
**Overall Signage Plan & Map Key for Signs (with Visitor Parking Deleted)**

#1

3" LETTER SIZE

14" x 17"

SIGN SIZE

**VISITOR PARKING**

**AT THE DIRT**

**TURNOUT 100'**

**EAST OF**

**AVENIDA DE**

**LA ENCINAL**

EXHIBIT 14

CDP 4-00-223 (La Chusa HIA)

Previously Proposed Sign #1 for Visitor  
Parking (Now Deleted from Plan)

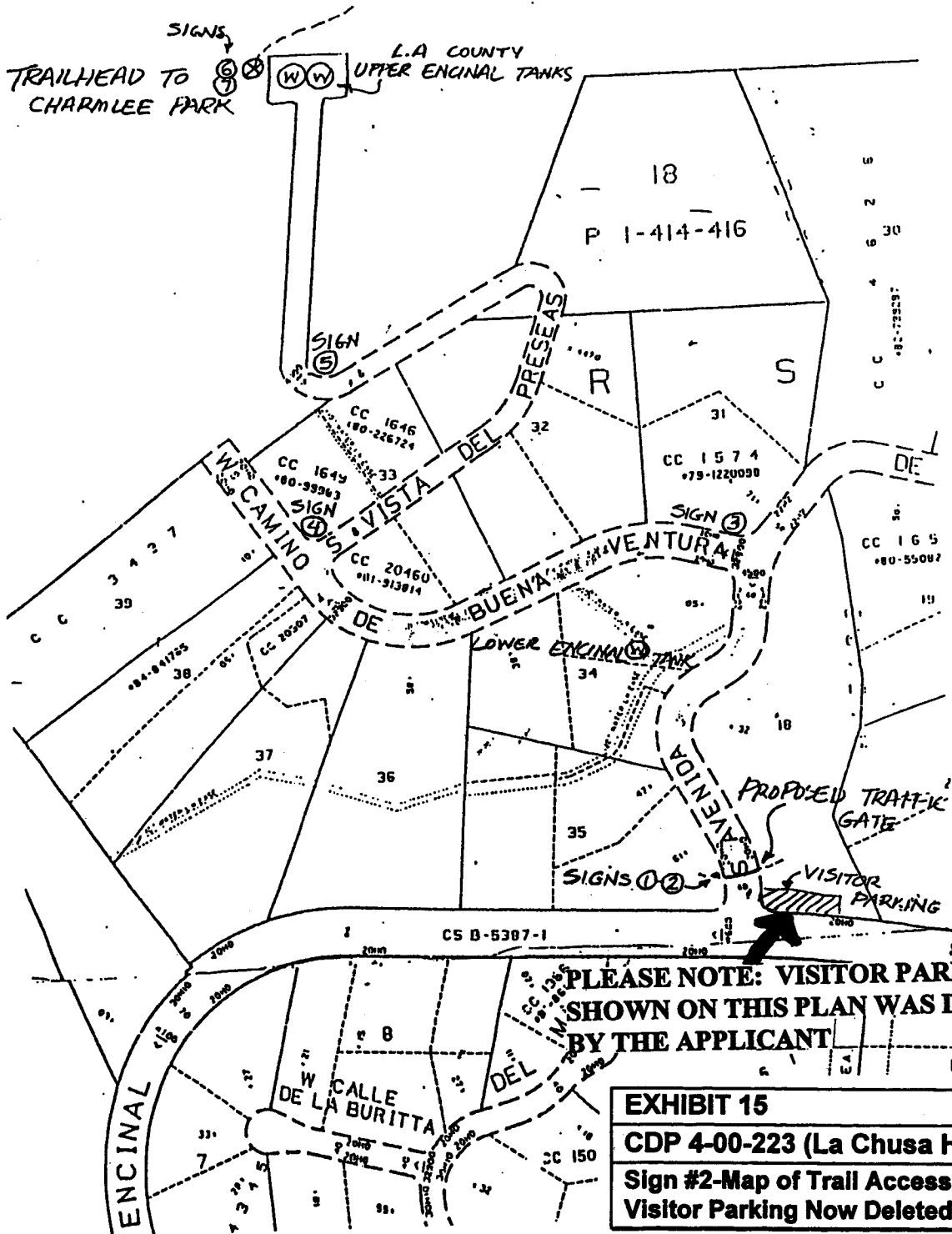
# TRAIL ACCESS

# 2

3"-4"

LETTER SIZE

WITH COLOR TRAIL ACCESS PLAN



PLEASE NOTE: VISITOR PARKING SHOWN ON THIS PLAN WAS DELETED BY THE APPLICANT

**EXHIBIT 15**  
**CDP 4-00-223 (La Chusa HIA)**  
**Sign #2-Map of Trail Access (Note: Visitor Parking Now Deleted from Plans)**

# 3

3'-4" LETTER SIZE

14" x 17" SIGN SIZE

**TRAILHEAD**

**ACCESS**



EXHIBIT 16

CDP 4-00-223 (La Chusa HIA)

Sign #3-Street Directions

#4

3"-4" LETTER SIZE

14" X 17" SIGN SIZE

**USE TRAIL**

**AT YOUR**

**OWN RISK**

EXHIBIT 17 (page 1 of 3)

CDP 4-00-223 (La Chusa HIA)

Sign #4(a)

#4

3"-4" LETTER SIZE

14" X 17" SIGN SIZE

**CHARMILLE**

**ACCESS**

**TRAILHEAD**

EXHIBIT 17 (page 2 of 3)

CDP 4-00-223 (La Chusa HIA)

Sign #4(b)

**NO  
SMOKING OR  
FIRES**

*3"-4" LETTER SIZE  
14" x 17" SIGN SIZE*

#4

EXHIBIT 17 (page 3 of 3)
CDP 4-00-223 (La Chusa HIA)
Sign #4(c)



La Chusa Highlands Improvement Association  
4240 Avenida De La Encinal  
Malibu, CA 90265  
310-457-9005

October 15, 2001

The California Coastal Commission Commissioners  
Mr. Jack Ainsworth  
Ms. Saphrina Telles  
South Central Coast Area  
89 South California Street Suite 200  
Ventura, CA 93001

Re: Application #4-00-223 / Avenida de la Encinal Traffic Gate / Amended Signage Proposal

Dear Coastal Commission Staff,

This correspondence is written to modify and delete the previous submission of our proposed Signage package, per our La Chusa Highlands Improvement Association previous letter dated January 26, 2001, shown as Exhibit #14, contained in the Alan Block submittal dated February 8, 2001.

Our signage submittal contained references, which show as a cross hatched area on the attached colored Signage Key Plan, which is designated as a "Visitor Parking Area", along Encinal Canyon Road, which is adjacent to the proposed Avenida de la Encinal Gate location. At this time, we would like to modify our previous submittal, and delete reference to the "Visitor Parking Area", and remove any references to its usage from our Exhibit #14 Signage proposal. That proposed location is widely used for construction staging, vehicle parking, and occasional storage, and is well suited for our proposed intended usage, however, it is outside of authority of our Homeowners Association and its property owners. All other aspects of the signage proposal shall remain the same.

Should you have any questions, please do not hesitate to contact myself at 310-457-9005, or Mr. Alan Block.

Respectfully submitted,

  
Gary Wilton, Secretary  
La Chusa Highland Improvement Association

Enclosures: Signage Location Plan

cc: Alan Block

<b>EXHIBIT 18</b>
<b>CDP 4-00-223 (La Chusa HIA)</b>
<b>Letter Deleting Visitor Parking Area</b>

La Chusa Highlands Improvement Association  
4240 Avenida De La Encinal  
Malibu, CA 90265  
310-457-9005

January 26, 2001

The California Coastal Commission Commissioners  
Mr. Jack Ainsworth  
Ms. Saphrina Telles  
South Central Coast Area  
89 South California Street Suite 200  
Ventura, CA 93001

Re: Application #4-00-223 / Avenida de la Encinal Traffic Gate

Dear Coastal Commission Staff,

Please find enclosed our proposed signage plan to accompany our current Application #4-00-223. Our Association is proposing the use of signage to direct and delineate the way to access the Charmlee Access Trailhead at the L.A. County Upper Water Tanks. The intent of our signage is to direct vehicles to a safe adjacent location to park their vehicles and to direct the trail users or equestrians to the trails point of access above the L.A. County Upper Water Tanks.

Our Homeowner's Association would further propose to construct and maintain these specified free standing signs, using permanent non-corroding metal signs measuring 14" X 17" which uses 3" to 4" high lettering in white over a contrasting background, mounted on a pole or vertical support, in a concrete footing, which puts the bottom edge of the sign at 3' above the natural grade. The signs shall be placed in locations which are cleared and free from plants and/or landscaping which could grow and potentially obscure the view of these signs over time. All of the designated sign locations shall be maintained at minimum intervals of no more than 6 month periods to ensure clear visibility at all times.

We are proposing a series of seven total signs which shall specify the proposed visitor parking location, and directions to the trail access entrance at the L.A. County Upper Water Storage Tank, as follows:

1. Visitor Parking: a sign located at the Traffic gate, located on the fencing adjacent to the pedestrian-equestrian-biker 5' ungated opening, directing visitors to park their vehicles just east of the intersection of Encinal Canyon and Avenida de la Encinal, in the flat dirt turnout. The sign would read "Please park visitor vehicles at the dirt Turnout 75 feet east of the Avenida de la Encinal", identified as Sign #1 on the attached plan.
2. Trail Access: a sign located at the Traffic gate, located on the fencing adjacent to the pedestrian-equestrian-biker 5' ungated opening, indicating the egress to the trailhead by way of a plan view map showing the area extending from Encinal Canyon to the Upper Water Tank, showing the route of travel from the Traffic gate up Avenida de la Encinal to Camino de Buena Ventura, on to Vista del Preseas, terminating at the end of the Upper Water Tank service road, at the unnamed Charmlee access Trailhead, as indicated as Sign #2.
3. Street Directions: a series of signs with directional arrows, reading "Trailhead Access" at highly visible locations, indicating the direction of travel to the unnamed Charmlee Access Trailhead from intersections or turns, or street name changes directing trail access traffic to the Charmlee Access Trailhead at the L.A. County Upper Water Tanks, identified as Signs #3, #4, #5, as shown on the attached plan.

EXHIBIT 19 (page 1 of 2)

CDP 4-00-223 (La Chusa HIA)

Letter Regarding Signage Plan (Note:  
Written Prior to Deleting Visitor Parking)

Page Two / January 26, 2001  
Avenida de la Encinal  
Traffic Gate Application #4-00-223

4. Charmlee Access Trailhead: a series one or two signs indicating the beginning of the "Charmlee Access Trailhead" and displaying the verbiage "Trail Use at Your Own Risk", and "No fires or Smoking" as indicated as Signs #6 and #7.

Some of the proposed verbiage is subject to change if this trail has an actual proper name that it is commonly known by or if additional information or verbiage is required. This plan shall serve as our signage proposal submittal to direct trail access pedestrian, equestrian or bicycle traffic to the trail access, and shall become part of our Coastal Application #4-00-223.

Respectfully submitted,



Gary Wilstein, Secretary  
La Chusa Highland Improvement Association

Enclosures: Signage Location Plan  
Sample Signs

**EXHIBIT 19 (page 2 of 2)**  
**CDP 4-00-223 (La Chusa HIA)**  
**Letter Regarding Signage Plan (Note:  
Written Prior to Deleting Visitor Parking)**

January 2001

The California Coastal Commission Commissioners  
Mr. Jack Ainsworth  
Ms. Saphrina Telles  
South Central Coast Area  
89 South California Street Suite 200  
Ventura, CA 93001

Re: Application #4-99-213 / Avenida de la Encinal Traffic & Pedestrian Gate  
Application #4-00-223 / Avenida de la Encinal Traffic Gate

To all Concerned Parties,

As residents of the community, members of the La Chusa Highlands Improvement Association which has proposed the construction of the traffic gate on our street under the referenced Coastal Commission Permits, we are both very disturbed and distressed over the previous staff report and the recommendation of denial of our application.

We find the basis and the logic for the Staff's recommendation of denial of our application lacking a complete understanding of the nature of our request, our concerns of safety and security within our neighborhood, the long history of past fire and vandalism occurrences, and our desire and effort to maintain the existing access and egress to the adjacent trails.

We had submitted our previous application and answered all of the required questions, however, we have not been given an adequate opportunity to prepare, investigate, and respond to the political nature of the Commission's Staff Report dated May 25, 2000. We have been forced to withdraw our original application for a variety of reasons, and resubmit under an additional permit application in an effort to make both the Staff and the Commission understand the true nature of our request, and to have an opportunity to respond to the prior Coastal Commission's Staff report and concern over our application.

As residents and homeowners living in the upper La Chusa Highlands subdivision, our traffic and pedestrian gate application motivation and action is born from our long lasting and deep concerns regarding the safety and security of our neighborhood, our families, our homes and properties. In the past several years we have been subjected to repeated incidents and the acts of transients, motorist or kids including arson fires, assaults, graffiti and vandalism, illegal camping, illegal dumping of toxic waste and trash, trespassing, speeding, unlawful loitering, and the consumption of alcohol and drugs, and the unauthorized skateboarding, as documented by our attachments.

In the past we have tried to address and mitigate these issues by requesting additional patrols from the Sheriff's Department, by the use of Neighborhood watches, we have added street lights to problem locations, and established a well maintained fire/emergency telephone tree and communication network within our neighborhood. However well intentioned our previous efforts were, they have proved to be both inadequate and ineffective, due to the excessive work load of the L.A. County Sheriff's Department and their lack of available forces, our somewhat remote location, the size of our neighborhood, the spacing of the properties and the nature of the house and streets, and the large amount of transient vehicle traffic which is attracted to our neighborhood due to its easy access to Encinal Canyon Road, PCH, its proximity to the Zuma beach and the adjacent coastline, and the secluded nature of our streets and/or lot parcels allows unrestricted opportunity for unlawful activities by transient traffic, without anyone's knowing.

Its seems to our residents and our Association, that the previous Staff report shows little or no concern for the past history of events and rights of the effected property owners. How can we best defend ourselves and families from this constant added outside risk threat, and the associated liability of having unwanted traffic free to access our streets and properties, that has continued to increase year after year? Our research and investigation has led us to the conclusion that the proposed traffic gate would be the best,

**EXHIBIT 20 (page 1 of 2)**

**CDP 4-00-223 (La Chusa HIA)**

**January 2001 Form Letter (Sent by 6  
Residents of Applicant's Subdivision)**

most effective deterrent to this type of transient activity that has eroded our neighborhoods sense of well being.

We do not want to be further victimized by the invasion of unwanted transients who potentially can destroy our neighbor by way of fire, who can cause fear, and create a sense of insecurity by unauthorized camping and encroachment, unchecked and unauthorized transient people and vehicle access to streets and properties, the danger and hazards to our resident pedestrians and pets caused by the speeding transient vehicles, skateboarding by non residents, both physical and verbal assaults on the residents who have had occasion to ask transients or visitors what business they had on our streets while they were camping, spying on residents, changing their motor oil, dumping trash or drinking alcohol and/or using drugs. The exposure and general liability faced by our residents for these acts and the risk exposure to our residents is both unreasonable and unacceptable, and can be easily remedied by our proposed development.

In addition, and in response to the Commission Staff report we do not to be misunderstood with regard to our position as a Property Owner's Association with regards to egress, access and the use of the trails adjacent to our community and Charmlee Park. For the record, it has never been our intent to impose any type of restriction to the lawful use of the local natural resources by outside hikers, equestrians, and bikers that access to the trail that leads from the Upper Water Tank to Charmlee Park. Many of our residents participate in hiking and biking on a regular basis and are advocates for the unrestricted egress and access to use these areas, and is why our revised proposed plan contains a widened ungated pedestrian-equestrian passageway opening, specifically designed to allow access and egress to these type of trail users.

We have modified our previous application to make this project submittal friendlier to outside egress, we shall add signage to delineate the trail location and access instructions, and we shall further discuss the option of introducing planting and landscaping to soften the visual impact of the gate and columns. We are eager and receptive to have an ongoing dialog with your agency to resolve the Staff's concerns and mitigate any remaining issues. What we are asking for is not any different than similar projects already permitted and built within the City of Malibu.

It is our desire as property owners and residents to see the Coastal Commission Staff respond to the welfare and security needs of our neighborhood, with regard to a long history of incidents and events that have left our residents and property owners within our community fearful of unauthorized persons and traffic causing the need for the proposed traffic gate. Please take a moment to review a few photos and some of the HOA newsletters which will hopefully give you all some added insight into our fear and motivations. The attached material only reflects a few snap shots in time.

Respectfully submitted,

  
signature

dated 1/25/01

GARY WILSTEIN  
printed name

4240 AVENIDA DE LA ENCINAL  
address

APN #:

EXHIBIT 20 (page 2 of 2)

CDP 4-00-223 (La Chusa HIA)

January 2001 Form Letter (Sent by 6  
Residents of Applicant's Subdivision)

La Chusa Highlands Improvement Association  
4240 Avenida De La Encinal  
Malibu, CA 90265  
310-457-9005

RECEIVED

JUN 11 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

June 7, 2001

The California Coastal Commission Commissioners  
Mr. Jack Ainsworth  
Ms. Saphrina Telles  
South Central Coast Area  
89 South California Street Suite 200  
Ventura, CA 93001

Re: Application #4-00-223 / Avenida de la Encinal Traffic Gate

To all Concerned Parties,

We are writing in response to the Coastal Commission's March 12, 2001 request for information to complete the referenced application submittal.

1. Please find attached an updated list of adjacent property owners, per the specified Item #4 request, identified as Exhibit #1.
2. Please find attached stamped addressed envelopes per the specified Item #5 request, held together with a binder clip.
3. Please find attached two additional sets of Signage plans, per the specified Item #13 request, identified as Exhibit #2.
4. Please find attached two updated letters from the two adjacent property owners on which the gate and/or fending shall extend, providing their updated approvals, per the specified Item #2 Application Form request, identified as Exhibit #3.
5. Regarding Staff Comment #1: The applicant is not proposing a formal trail easement, as part of this project. Our signage plan is strictly directed at the very occasional hiker or bicycle user that might want to access the fire road/trail that originates above the upper L.A. County Water Tank, that leads to Charmlee Park. The signage is informational only and intended only to direct an incidental trail user to the trailhead located behind the water tank, so they will not become lost.
6. Regarding Staff Comment #2: Please find attached an official record and incident reports provided from Lieutenant Thomas Bradstock, of the Lost Hills Sheriff's Station, that show specific incidents, and calls involving the participation of the L.A. County Sheriff's Department, covering a period roughly 1993-2000, involving the streets of Avenida de la Encinal, Vista de las Preseas, and Camino de Buena Ventura, which are the streets located in the area that would be behind the proposed gate, as Exhibit #4. This is only a partial list of events, as many illegal occurrences were not reported by the victims or neighbors, or documented by the Sheriff's Department. Some occurrences such as naissance type violations such as illegal dumping, underage drinking, graffiti, etc. were not reported after the events took place, because no authority had any power or desire to act on that information. In addition, there is a single Los Angeles County Fire Department incident report, which is all that was found in the Fire Department records.

EXHIBIT 21 (page 1 of 2)

CDP 4-00-223 (La Chusa HIA)

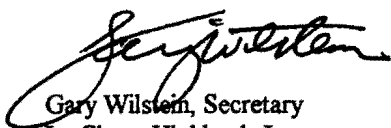
June 7, 2001 Letter from the  
Applicant

Page Two / June 7, 2001  
Coastal Application #4-00-223  
Responses to March 12, 2001 Correspondence

7. Regarding Staff Comment #3: It has been informally discussed that the visual impact of the gate might be made more harmonious with the environment by the specification of a paint color that blends easily with the chaparral environment, and/or the use of indigenous type shrubs and the natural brush that exists adjacent to the proposed site today. Properly placed shrubs and brush would soften the visual impact of the gate, and especially the fencing that is on both sides of the gate that could be made to disappear as it merges into the existing natural brush.

Please feel free to contact us or our representative, Mr. Block to discuss these matters further.

Respectfully submitted,



Gary Wilstein, Secretary  
La Chusa Highlands Improvement Association

Attachments, Exhibits #1-4

<b>EXHIBIT 21 (page 2 of 2)</b>
<b>CDP 4-00-223 (La Chusa HIA)</b>
<b>June 7, 2001 Letter from the Applicant</b>



2230 Michigan Avenue  
Santa Monica, CA 90404  
Tel (310) 893-7872  
Fax (310) 893-7879

January 30, 2001

Gary Wilstin  
La Chusa Highlands HOA  
4240 Avenida De La Encinal  
Malibu, Ca 90265

I want to thank you for considering Edison Security for the security needs of the your property. Edison, formerly Westec is the one of the largest full-service providers in the United States. We employ over 3000 highly trained personnel, serve over 85,000 clients in California, and more than 110,000 satisfied subscribers nationwide. Edison is a full service security company as we provide patrol, sentry service, armed response, alarm monitoring and installation for both homes and businesses.

Beyond the numbers, Edison believes in quality. Our patrol officers are screened, selected, and trained to the highest professional standards. Extensive background checks, psychological testing, behavior profiling, and drug testing ensure the integrity and character required to be an Edison officer - the highest qualifications in the security industry. After passing our rigorous screening process, Edison patrol officers receive basic police instruction at the Rio Hondo Police Academy, West Covina Police Department's Firearms Training Simulator and the Orange County Sheriff's Laser Village. After the first phase of employment is completed, Edison armed officers have more than 240 hours of initial training. Edison Sentry officers receive training in Customer Care, First Aid, and Community Safety.

We are very interested in providing the security services for the property. Please call me at the numbers listed below if I can answer any questions prior to commencement of services. We look forward to being of service.

Sincerely,

Caleb Logan Jr.  
Patrol Sales Consultant  
(310) 893-7875 (310) 239-5654

*Edison Security is not the same company as Southern California Edison, the utility Commission. You do not have to buy Edison Security products in order to continue*

**EXHIBIT 22 (page 1 of 2)**

**CDP 4-00-223 (La Chusa HIA)**

**January 30, 2001 Letter from Edison Security to Applicant**



## Patrol Security Service:

- **24 hour Visual Deterrent** in the form on Edison Security signs will be placed around your property in order to warn potential criminals such as trespassers and vandals that your property is protected by Edison Security personnel.
- **Emergency Response Service** is available where officers will respond to common ground locations 24 hours a day, 7 days per week. When applicable and prudent, Edison officers can make arrests and notify police.
- **Patrol Inspections** night/day with the officer conducting common location area inspection. Edison officers will use marked patrol vehicles and spotlights during their inspection of chained common locations. Edison officers will document and investigate suspicious circumstances or persons on the property.

### Total Monthly Investment:

#### Patrol Service

##### Option A

**(3) Three Daily Patrol Inspections** **\$650.00**  
(Free armed response service, limit (3) three/month, \$25 for each additional/month)

##### Option B

**(4) Four Daily Patrol Inspections** **\$850.00**  
(Free armed response service, limit (3) three/month, \$25 for each additional/month)

#### Sentry Service

One unarmed sentry officer, 8 hours per day, 7 days per week. Approx. \$4000/mo.

One unarmed sentry officer, 16 hours per day, 7 days per week. Approx. \$7000/mo.

One unarmed sentry officer, 24 hours per day, 7 days per week. Approx. \$10,500/mo.

**Note:** These rates are valid for 90 days.

*Edison can further customize a plan to suit the need of your property. We want your business! Please let us know how we can be of service to you!*

**EXHIBIT 22 (page 2 of 2)**

**CDP 4-00-223 (La Chusa HIA)**

**January 30, 2001 Letter from Edison Security to Applicant**

*Sandra A. Russell*  
4244 Avenida de la Encinal  
Malibu, California 90265  
Phone 310 457-4445  
Fax 310 457-4149

Aug. 18, 1997

Mayor Jennings and Malibu City Council  
City of Malibu  
23555 Civic Center Way  
Malibu, CA 90265  
By Fax 456-3356

Dear Mayor Jennings and City Council Members,

As a resident of La Chusa Highlands and president of our homeowners association, I along with many other neighbors wish to commend the efforts of Parks and Recreation Supervisor Matt Kouba and his wife Beth for their quick actions which resulted in the apprehension of suspected car burglars perpetrating crimes in our area.

Yesterday, Sunday, there was a car burglary - window smashed and wallet taken- in the parking lot of Charmlee Natural Area, which was witnessed by the owners of the car and by the Koubas. Beth Kouba phoned in the report, and Matt followed the perpetrators in his car to the PCH. As in past crimes already reported, the criminals ducked up one of our residential streets to dispose of the looted wallet in the canyon, and possibly change clothes to avoid recognition. The sheriffs, nine patrol cars by my count, later apprehended the suspects on the PCH at Broad Beach.

LCHPOA had just sent out a special newsletter alert to our residents, as we have recently reported two residents' cars with windows smashed, and witnessed the suspect car in the act of dumping items into the canyon twice. It has become clear to us that the summer traffic along Encinal Canyon Road has also brought crime, and threatens the security of our neighborhood. The perpetrators were using this route from beach and park parking areas, and had discovered our residential streets as well. Even though they knew they had been seen and reported by our residents, these criminals boldly persisted

We are very pleased and relieved that this gang of car burglars has been stopped, and we are very appreciative of the actions of the Koubas and the Sheriff's Department.

Sincerely,

*Sandra A. Russell*  
Sandra A. Russell

<b>EXHIBIT 23</b>
<b>CDP 4-00-223 (La Chusa HIA)</b>
<b>August 18, 1997 Letter from Sandra Russell to Mayor and City of Malibu</b>

*La Chusa Highlands*  
*Property Owners Association, Inc.*  
*P. O. Box 6172, Malibu, CA 90264*

August 15, 1997

Dear Neighbor,

**The following recent incidents have been reported to the Sheriff:**

- \* Vandalism (windows smashed in) of two cars parked on the street on Vista Del Preseas.
- \* Our lock on chain of upper water tank (Vista Del Preseas) stolen, chain left down, garbage, liquor bottles & cigarette butts.
- \* Car window smashed and theft of purse & wallet from car parked at Charmlee; perpetrators in older blue hatchback vehicle observed dumping these articles into Clyde Canyon by the mailboxes on Avenida de la Encinal.

With the hot summer weather driving the valley folks to the beach, and more traffic by our residences, there is an increase in crime to which we must be alert. To avoid problems of last year (vandalism, arson, parties in vacant property, etc.), please consider the following:

**\*Be vigilant in the neighborhood-** report any unusual or suspicious behavior, persons or cars. Carry a pad & pen to write down descriptions to report. Call Lost Hills Sheriff Station at 456-6652, especially from a car or cell phone (on these phones, 911 connects to Highway Patrol and they never answer), or 911 from a grounded home phone. Report non-immediate matters to Deputy Jim Castro or Community Relations Dept. They have promised to add our streets to their patrol to present a deterrent presence.

**\*Do not park on the street;** lock your cars; do not leave anything of value within sight in the car.

**\*Let neighbors know** if you will be away, so your home will be watched in your absence.

**\*Report any problems,** chains down, trash, cigarettes, etc. on the water company installations to Harry Campbell or Rick La Sance, 456-6621. Ag. Dept. crews have been careless and sloppy with their lunch when clearing brush in these areas; the water company is ultimately responsible for safe maintenance.

**Pool signage:** The LA Co. Fire Dept. and Malibu Emergency Preparedness advises that a new ordinance will require all new pools or spas, 5000 gallons or

**EXHIBIT 24 (page 1 of 2)**

**CDP 4-00-223 (La Chusa HIA)**

**August 15, 1997 Letter from  
Applicant to Property Owners**

greater, to be identified by signage at the street. Homeowners may wish to mark existing water sources as well. The reason: "During a large wildfire, water systems can be overwhelmed. The signs will allow ALL agencies ready identification of available sources of water. All Los Angeles Co. Fire Engines carry a device (eductor) which can suck water from a pool or spa to be used to protect structures. During heavy smoke from fire, swimming pools and spas are difficult to see and locate." The sign may also be painted in reflective paint on the curb, if you have a curb and the house number is also painted there. There is a separate "hydrant" sign for pools piped to the street. An order form is enclosed for these signs.

**The City's new Emergency Operations Center** will have a "mini-exercise" followed by a community open house on Sept. 5th. Oct. 7-15, the California Specialized Training Institute will train the EOC staff and volunteers for disaster preparedness. Contact Hap Holmwood at the City (456-2489) for further details.

Make certain you still have your **Emergency Telephone Tree** information, and have made a copy to travel with you in your car. There have recently been two small brush fires, probably accidental, in Thousand Oaks and Malibu Creek State Park. Conditions did not promote their spread. The high temperatures and Santa Ana Winds are yet to come, so think and prepare now.

As you know, LCHPOA won the lawsuit against the County and Banyan, voiding the permits for this inappropriate development with monstrous impacts on our area. Banyan appealed the judgment, and the appeal case will not be heard until early 1998. Banyan has "changed hands" again, to a firm even further removed from experienced development, and most likely hopes to liquidate their holdings at the highest price (that is, with permits), which is why they continue the appeal. We are defending the appeal, confident that the good judgment will be upheld. If you wish to contribute to the cause, checks (any amount greatly appreciated) may be made payable to "LCHPOA Community Defense Fund", and sent to the address above.

Come up to "your back yard park" and enjoy scenic Charmlee on those weekend days when you can't even get down Encinal to the PCH. Full Moon Hikes will be held on Aug. 18, Sept. 16, & Oct. 16. Docent Naturalist training begins Sept. 18th. If you are interested in learning more about your immediate natural environment, contact Sandy (457-4445).

**We hope that the rest of the summer will be safe and healthy for all!**

LCHPOA Board

**EXHIBIT 24 (page 2 of 2)**

**CDP 4-00-223 (La Chusa HIA)**

**August 15, 1997 Letter from  
Applicant to Property Owners**

*La Chusa Highlands*  
*Property Owners Association, Inc.*  
*P. O. Box 6172, Malibu, CA 90264*

---

Aug. 12, 1997

Dear Jerry, Nancy, Judy and Roberta,

Finally got all the pieces assembled for this newsletter! Please edit and advise, any additions? As soon as you approve, it will be ready to go. I'll print on both sides of the paper, to save space, and will include the order forms.

Deputy Castro is on vacation for a week, so we are currently dealing with whoever answers the Community Relations phone. The incident at Charmlee fits last year's pattern of two perpetrators cruising beach parking lots, smashing windows when they saw desirable items left on the seats. Last year, they included Charmlee's parking lot on their way back to the valley. What is disturbing is that this year, they are coming up our streets to dump stolen items, and may go after other cars here. The full story: Mary Smith observed a blue hatchback parked at the mailboxes, with the passenger dumping stuff down the ravine. She yelled at him, he jumped back in the car, and they backed all the way down to Encinal. Don went down the ravine and discovered the stolen items, and immediately reported it. The sheriff matched the items up with the car burglary, and when the owner was on the way here to claim the items, a truck harassed him on Encinal, passed him on the downslope and waved a gun at him! It's getting to be dangerous around here!

Matt reports that the Charmlee water tank is being kept full until the rains start—that is reassuring, as it is piped as our emergency back-up supply.

Mark Waind and other local hikers have been reporting an increase in trash, beer and liquor bottles, and cigarette butts in dry brush. Water Co. still blames the brush crews. We have replaced the combination lock which was stolen with a bicycle chain type lock, which winds in and out of the other chain, just to make it more difficult to remove!

We will be away, attending to family matters in Michigan, from Aug. 26th to Sept. 8th.

Let me know of your approval of the Newsletter.  
Thanks!

Sandy

**EXHIBIT 25**

**CDP 4-00-223 (La Chusa HIA)**

**August 12, 1997 Letter from  
Applicant to Various Parties**

*La Chusa Highlands*  
*Property Owners Association, Inc.*  
*P. O. Box 6172, Malibu, CA 90264*

---

October 21, 1996

Deputy Jim Castro, Community Services Officer  
Los Angeles County Sheriff's Department  
Lost Hills Sheriff's Station  
27050 Agoura Road  
Agoura, CA 91301

Dear Deputy Castro,

We wish to thank you for your very prompt and effective response to the problems our neighborhood has been experiencing over the last four months with brushfires started in vacant lots and utility areas by arson or accident.

This week we noted that the water company has marked the location of the new post and chain barrier, which will prevent unauthorized vehicular access to their facility and easement areas. We thank you for your efforts in requesting this safety feature to protect both their equipment and our residences.

We are pleased that this area, now known for several incidents, is included in your regular patrols. The presence of patrol cars, the gates barring access to secluded parking, and the appearance of maintenance of these areas serve as deterrents to further criminal activity.

Our private streets are a popular hiking area because of the physical challenge of the grade, the rewarding scenery at the top, and the access to the trail system of Charmlee Natural Area. Since these incidents, we have been hearing from many of these hikers, mostly women walking alone. There are at least 15 regular daily hikers, perhaps more that we haven't heard from. In addition, and for the same reasons, there are regular mountain bikers on our streets. We wish to keep our streets and neighborhood safe for these recreational visitors as well as for our residents. Restriction of vehicles and elimination of secluded parking eliminates the opportunity for many of the minor criminal activities, as well as the arson which has been our major concern this fall. We are very appreciative of your assistance in securing our neighborhood safety.

Sincerely,

Sandra A. Russell, President LCHPOA

**EXHIBIT 26**

**CDP 4-00-223 (La Chusa HIA)**

**October 21, 1996 Letter from  
Applicant to LA County Sheriff**

*La Chusa Highlands*  
*Property Owners Association, Inc.*  
*P. O. Box 6172, Malibu, CA 90264*

Dear Neighbor,

October 9, 1996

Last Saturday evening, October 5th, we had another small brush fire in the abandoned lot adjacent to the water company installation off Avenida de la Encinal. The fire appeared to have been started from a campfire that got out of control into the dry dead brush surrounding the site. Again we were fortunate that there was no wind, heavy fog, and quick response with three engines to the fire report. The Fire Department extinguished the fire, chain-sawed and excavated the burned brush to eliminate hot spots. Arson Watch called in the alarm to us, and the telephone tree was activated, although the danger was passed by the time word was out.

Sunday afternoon, our Board of Directors and other interested neighbors surveyed the site and adjacent area. It is evident that the County-owned lot just below and the access road into the water company installation (the middle tank) and beyond into the abandoned site have been used extensively in recent months by persons wishing to conceal their activities. There was evidence of at least two fire rings, a large pile of bottles, other food trash and rags, and an "open toilet" of feces and toilet paper.

Deputy Jim Castro, Special Assignments, from Lost Hills Station, surveyed the site with me on Wednesday. His conclusion, based on the variety of liquor bottles and the lack of cached belongings, is that this has become a recent "party spot" of local teens. The area will now be regularly patrolled. Report directly to Deputy Castro any license plate numbers of suspicious vehicles at 310-456-6652 or 818-878-1809.

We have already spoken with Deputy Laura Fay in Supervisor Yaroslavsky's field office, requesting the County to take measures to clean up, clear and secure their sites from transient camping and other illegal uses. We have contacted the Fire Department and L. A. County Agricultural Commission for enforcement of brush clearance. We have spoken with Harry Campbell, Supervisor of Water Works #29, asking the water company to better secure their site, clear brush and remove the attractive nuisance of two unlocked portable toilets visible from the road.

The Santa Ana Winds are coming; the area has already experienced several arson fires; and now it is apparent that this site has been used by illegal campers. As before, **watch for unusual activity, cars or trespassers; call in to police.** If you are a solitary hiker past any of these recent trouble spots, please be observant but do not put yourself at risk by confronting any trespassers. Carrying pepper spray is also a good idea. Arson Watch strongly recommends that each household have a procedure and/or evacuation plan, family drills and supply checks. On a Santa Ana day, reschedule to remain close to home, or let a neighbor know of your absence and where you can be reached.

Let's have a safe and healthy fall season!

Sandy Russell, President, and  
LCHPOA Board of Directors

**EXHIBIT 27**

**CDP 4-00-223 (La Chusa HIA)**

**October 9, 1996 Letter from Applicant  
to Property Owners**

*La Chusa Highlands*  
*Property Owners Association, Inc.*  
*P. O. Box 6172, Malibu, CA 90264*

---

August 25, 1996

Dear Jerry, Judy, Nancy and Roberta,

Since the fire at the water tank last Sunday, we have done the following:

- sent out a newsletter to ALL residents, informing them and requesting their vigilance.
- contacted the Lost Hills Sheriff's Station and the Arson Watch, requesting patrols of this area.
- contacted the City of Malibu Public Works, Charmlee Park, Waterworks 29, etc. to discern who has jurisdiction of the abandoned gate, and our desire to reinstate it.
- photographed the burn area for documentation.
- Neil Bullock has ordered a road sign which will read: "Private Road. No Exit. No Turn Around". Neil is on vacation, and will install the sign on his return, probably on the right side of the street at the upward curve before the last house, where there is turn around access in the vacant lot.

Next, we need official written requests to all the interested parties- sheriff, fire department, water company and the City. Drafts follow; please edit, amend, approve. I will follow up with phone calls again next week, and perhaps meet on the site. The water company is the main factor.

Matt Kouba has suggested an additional sign, "Video Surveillance", which can be purchased in hardware stores. There is also the "Neighborhood Watch" type of sign. Any other suggestions?

Paul has purchased a scanner, and is in the process of programming it, seeing if we get reception. The Wilsteins report poor success with their Arson Watch radio, so this area may be in a "reception hole". We will keep you posted.

Please phone or fax me back to approve:

1. LCHPOA purchase of a combination lock and repair of the cable, should be less than \$100.00.
2. Letter to Sheriff.
3. Letter to water company.
4. Letter to Fire Department
5. Letter to Public Works, Parks & Rec., City.

Thanks!  
Sandy

457-4445. fax 457-4149

**EXHIBIT 28**

**CDP 4-00-223 (La Chusa HIA)**

**August 25, 1996 Letter from  
Applicant to Various Parties**



*La Chusa Highlands*  
*Property Owners Association, Inc.*  
*P. O. Box 6172, Malibu, CA 90264*

-----  
*Monday, August 19, 1996*

Dear Neighbor:

Yesterday afternoon there were two more small arson fires. One was set just after 5 pm on the property opposite the entrance to Charmlee Park. It was promptly put out by water dropping helicopters. Just prior to that, smoke odor was detected blowing up to Charmlee--so staff on duty was on the alert. This morning, we discovered the source of that smoke, on our walk up to the water tower at the end of Vista del Preseas--the slope around the water tank had been recently burned. It had not been evident on Saturday afternoon, so we assume it occurred on Sunday, just prior to the Charmlee event. It appeared that the fire started at the roadside and burned up the slope, and fortunately burned out on the top. The arsonist may have been watching from the site above Charmlee, before starting the next one.

We know an arsonist has been on our streets. Encinal Canyon seems to be a target, as we have not burned previously, and there is easy access to various escape routes for the perpetrator.

This is why we are sending out a SPECIAL ALERT to all homeowners: to notice and write down descriptions of ANY strange person or vehicle, including license number, and to report ANY suspicious behavior. Call the Sheriff at 456-6652, and request a patrol car to check on the incident. Call 911 if you see or smell smoke. Call the Fire Department information line, 456-6603, to report evidence of past fire or info on any in progress. Add these numbers to your telephone tree and keep them handy.

LCHPOA has made a very generous contribution to Arson Watch, the largest so far received in Malibu, enabling them to obtain more powerful radios and establish better coverage of our area, which is a priority. They have 31 volunteers in Malibu, and need 100-- Please consider becoming a volunteer. Call Doug Robbins for details, 450-3444, 457-7540.

We have been extremely lucky with no wind and high moisture content in the vegetation, due to the heavy fogs. This recent arson activity, however, does not bode well for later, when the winds and dry brush increase the danger. If you will be away, please let a neighbor know where you can be reached. And please become another set of eyes, ears and nose, to help report and stop arson in our area!  
Have a safe Summer!

Sincerely,  
Sandy Russell, LCHPOA Pres.  
Board of Directors

EXHIBIT 29

CDP 4-00-223 (La Chusa HIA)

August 19, 1996 Letter from  
Applicant to Property Owners

The committee is composed of five voting members and various non-voting representatives from Falcon Cablevision, the City of Malibu, the Malibu Chamber of

Malibu Birenbaum, Nann Miller, Edward Lipnick and Marilyn Santman to the panel. The remaining seat is expected to be filled this week.

ing to the Los Angeles County Sheriff's Department which has prepared a wish list for city officials on how to spend the money. The Public Safety Study

city council members will fund a juvenile intervention program. The council is expected to act on the PSSG's recommendations at an upcoming meeting.

Officials of the sheriff's department have suggested some grant money could be used for a community alert network known as CAN—described as the world's first telephone warning and recall service. The PS recommended that \$6,000 allocated for CAN, according to Lorimer.

The high-speed telephone messaging system has the potential to notify either those that need to know or entire communities by zip code, street names, geographic zones or pre-defined areas.

CAN is described as an instant telephone tree which can transmit recorded messages at about 1 call per minute. The message could be either an evacuation notice or other pertinent information in the event of a disaster. The system could also be used

# Encinal Fire Sparks Resident Concerns

## Area Has Experienced A Number of Alleged Arson Incidents During the Last Few Months

Encinal Canyon homeowners, who live in the brush-covered hillsides and have kept a wary eye due to arson fires, recently discovered that another small brush fire that erupted last week was caused by a campfire at an illegal encampment in an abandoned lot in their neighborhood.

"The fire appeared to have been started from a campfire that got out of control into the dry dead brush surrounding the site," wrote La Chusa Highlands Property Owners Association Presi-

dent Sandy Russell, in a letter to Malibu city council members in seeking help to make the area safe during the fire season.

Homeowners say they are relieved that heavy fog coupled with no wind helped in allowing firefighters to keep the upper hand in controlling the blaze, but are now worried about the encampment that was discovered nearby where two fire rings and large piles of trash provided evidence of an extensively used site.

Additionally, homeowners are seeking help from Los Angeles

County officials and the fire department and are asking that the sheriff conduct periodic sweeps to secure the site from transient camping and other illegal uses.

"The Santa Ana winds are coming, the area has already experienced several arson fires, and now it is apparent that the area is well-used by illegal campers...we feel [the city's support] of our requests will be effective in reaching a solution to this situation," the POA communication went on to say.

BY BILL KOENEKER

*October 17, 1996 Malibu Surfside News*

EXHIBIT 30

CDP 4-00-223 (La Chusa HIA)

October 17, 1996 Article from the Malibu Surfside News

La Chusa Highlands Improvement Association  
4240 Avenida De La Encinal  
Malibu, CA 90265  
310-457-9005

January 2001

The California Coastal Commission Commissioners  
Mr. Jack Ainsworth  
Ms. Saphrina Telles  
South Central Coast Area  
89 South California Street Suite 200  
Ventura, CA 93001

Re: Application #4-00-223 / Avenida de la Encinal Traffic Gate

To all Concerned Parties,

As residents of the community, and members of the La Chusa Highlands Improvement Association which has proposed the construction of the traffic gate on our street under the referenced Coastal Commission Permits, we were asked to provide additional information regarding calls to the L.A. County Sheriff's Department regarding incident reports of occurrences within our neighborhood, that took place in the year 2000.

Mrs. Lisa Sprafke spoke to Lieutenant Bradstock stationed at the Lost Hills Sheriff's Department who provided the following activity regarding calls to Avenida de la Encinal, Malibu, CA during 2000:

1. 01/09/00---459A---A Burglar Alarm call.
2. 02/08/00-----A report of a suspicious person, watching properties
3. 07/26/00-----An accidental 911 call from a resident
4. 09/25/00-----A family disturbance call
5. 10/07/00---459A---Three burglar alarm calls to the same residence. A transient vehicle was reported parked at the same unoccupied residence where the alarms were generated.

This is a report of the Sheriff's Department records as reported to us by Lt. Bradstock.

Respectfully submitted,



Gary Wilstein, Secretary  
La Chusa Highlands Improvement Association

**EXHIBIT 31**

**CDP 4-00-223 (La Chusa HIA)**

**January 2001 Letter from Applicant of  
2001 Incidents**

**LOS ANGELES COUNTY FIRE DEPARTMENT  
INCIDENT REPORT**

**INCIDENT:96-149834 INCIDENT DATE: OCTOBER 05,1996 DISPATCH TIME: 19:10:55**

**Incident Location Information**

**Address:** Encinal Canyon Rd, Malibu  
**Owner/Occupant:** Not Reported  
**Specific Property Use:** Open Land, Field (Wildland)  
**Number Of Stories:**  
**Roof Covering:** Not Applicable/Unreported  
**Detection System Type:** Not Applicable/Unreported  
**Detection Performance:** Not Applicable/Unreported

**Reporting Unit**

**Station/Engine:** E99  
**Action(s) Taken:** Extinguishment

**Incident Description**

**Situation(s) Found:** Fire In Trees, Brush, Grass, Standing Crops  
**Exposure Number:** 0  
**Fire Origin Area:** Wildland Area, Woods  
**Fire Origin Level:** Grade Or 1st Floor  
**Form Of Heat:** Heat From Other Open Flame/Sparks/Or Smoking Materials Not Classified  
**Ignition Factor:** Reckless-Careless/Negligent Action That Directly/Indirectly Cause Fire  
**Flame:** Not Applicable/Unreported  
**Smoke:** Not Applicable/Unreported

**Materials First Ignited**

**Type:** Leaves, Needles, Litter (Vegetative)  
**Form:** Forests, Brush, And Grass. Growing Or Natural Form Whether Living/Dead

**Equipment Involved In Ignition**

**Type:** No Equipment Involved In Ignition

**Damage Estimate**

**Estimated Property Loss:** \$  
**Estimated Contents Loss:** \$

**INFORMATION AVAILABLE AS OF APRIL 19,2001**

**PUBLIC RECORDS OFFICE  
5815 Rickenbacker Rd  
Commerce, California 90040  
(323) 890-4191**

**EXHIBIT 32**

**CDP 4-00-223 (La Chusa HIA)**

**LA County Fire Department Incident  
Report,1996-2001**

RECEIVED

JUN 11 2001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Los Angeles County  
Sheriff's Department



Lost Hills Station

27050 Agoura Rd

Agoura, CA 91301

Bus. Phone # (818)878-1808

Fax Phone # (818)880-5209

**Fax Transmittal**

To: Lisa Number of pages \_\_\_\_\_ (Including cover page)

Agency: \_\_\_\_\_

Fax # \_\_\_\_\_

From: Thom Bradstock

If there are any questions in regards to the material involved in this transmittal, or if the transmittal is incomplete, please contact the sender at the business phone number.

*Index of Codes are on the last 2 pages*

EXHIBIT 33 (page 1 of 10)
CDP 4-00-223 (La Chusa HIA)
LA County Sheriff's Dept. Incident Reports, 1993-2001

Ave De La Encinal

MDREDIGE

05/30/2001 04:56:25

Incidents

Sta	Date	Entry		Incident	Src	Pri	Pat	RD	-- Codes --		Resp Min
		Tag	Time						Radio	CLRC	
LHS	01/23/1999	250	1919	LHS99023-0250	C	R	11	1010	459A	700	93
LHS	02/10/1999	121	1133	LHS99041-0121	C	R	11	1011	459A	700	26
LHS	03/31/1999	143	1113	LHS99090-0143	C	R	11	1010	459A	700	18
LHS	05/21/1999	253	1650	LHS99141-0253	C	R	11	1010	459A	700	14
LHS	10/02/1999	180	1518	LHS99275-0180	C	R	11	1010	459A	700	19
LHS	11/14/1999	212	1813	LHS99318-0212	C	R	11	1010	459A	700	29
LHS	12/18/1999	257	2011	LHS99352-0257	C	R	14	1033	459A	700	6
LHS	01/09/2000	323	2331	LHS00009-0323	C	R	11	1010	459A	700	13
LHS	02/08/2000	273	1922	LHS00039-0273	O	R	11	1011	925A	717	
LHS	07/26/2000	91	0814	LHS00208-0091	S	R	11	1010	927H	212	34
	09/25/2000	275	2002	LHS00269-0275	S	P	11	1010	416F	212	16
	10/07/2000	163	1422	LHS00281-0163	C	R	11	1010	459A	700	45
	10/07/2000	225	1656	LHS00281-0225	C	R	11	1010	459A	700	19
	10/07/2000	271	1951	LHS00281-0271	C	R	11	1012	459A	764	
	05/13/2001	180	1513	LHSC1133-0180	C	R	11	1010	459A	712	20

Burglary alarm

person acting suspiciously  
in vehicle  
911 hangup  
Disturbance  
Burglary alarm

Back

Drill down

List of Values

EXHIBIT 33 (page 2 of 10)  
CDP 4-00-223 (La Chusa HIA)  
LA County Sheriff's Dept. Incident Reports, 1993-2001

IPS - (Incident Inquiry)

1 Window

Ave de la Encinal

MDREDIGE

05/30/2001 04:56:25

Incidents

Codes

Stn	Date	Tag	Time	Incident	Src	Pri	Pat	RD	Radio	CLRC	Rsp Min
LHS	07/27/1993	346	2130	LHS93161-0346	C	R	11	1010	P459N	777	19
LHS	07/27/1993	371	2220	LHS93186-0331	9	R	11	1010	927H	777	30
LHS	07/28/1993	77	0804	LHS93324-0077	C	R	11	1011	459A	700	17
LHS	11/26/1993	90	0841	LHS93324-0090	C	R	00	2200	459A	765	
LHS	01/03/1994	279	2244	LHS94003-0279	C	R	11	1010	911N	716	33
LHS	05/03/1994	153	1329	LHS94123-0153	C	R	11	1011	459A	700	33
LHS	05/30/1994	279	1832	LHS94150-0279	9	R	11	1011	902N	472	69
LHS	06/09/1994	259	1633	LHS94160-0259	C	R	11	1011	459A		
LHS	09/15/1994	268	2056	LHS94258-0268	9	P	13	1021	242N	144	14
LHS	10/13/1994	196	1525	LHS94286-0196	C	R	11	1011	459A	700	73
LHS	11/20/1994	280	2131	LHS94324-0280	C	R	11	1010	459A	700	19
LHS	02/17/1995	243	1903	LHS95048-0243	C	F	11	1010	P459N	777	17
LHS	02/22/1995	181	1317	LHS95053-0181	C	R	11	1010	917A	718	14
LHS	02/22/1995	272	1836	LHS95053-0272	C	R	11	1010	487R	777	41
LHS	02/23/1995	218	1716	LHS95054-0218	C	R	11	1010	917A'S	722	27

Burglary  
 911 hang up  
 Burglary alarm  
 "  
 "  
 Burglary alarm  
 Traffic accident  
 Burglary alarm B  
 1320 W. LAW  
 "  
 "  
 abandon vehicle  
 Grand Theft  
 Suspicious vehicle

EXHIBIT 33 (page 3 of 10)  
 CDP 4-00-223 (La Chusa HIA)  
 LA County Sheriff's Dept. Incident Reports, 1993-2001

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Drill down

List of Values



Window

CAMINO DE BUENA VENTURA

MDREDIGE

05/30/2001 04:56:25

Incidents

Sta	Date	Entry		Incident	Sic	Pri	Pat	RD	-- Codes --		Resp Min
		Tag	Time						Radio	CLRC	
LHS	09/15/1993	32	0318	LHS93258-0032	9	P	11	1010	P921	716	17
LHS	04/20/1994	355	2207	LHS94110-0355	C	P	11	1010	927	701	15
LHS	02/21/1995	72	0608	LHS95052-0072	C	R	11	1010	927P	444	15
LHS	03/10/1995	194	1459	LHS95069-0184	C	R	11	1010	924	444	45
LHS	07/03/1995	201	1530	LHS96185-0201	C	R	13	1021	927P	701	15
LHS	03/26/1997	89	0827	LHS97087-0089	C	R	11	1010	927P	444	10
LHS	07/27/1997	283	2133	LHS97208-0283	C	R	11	1010	927P	701	18
LHS	09/20/1997	113	1117	LHS97263-0113	C	R	11	1010	917A	718	37
LHS	02/10/1999	30	0500	LHS99041-0030	9	P	11	1010	927H	444	15
LHS	05/11/1999	88	0915	LHS99131-0088	C	R	11	1010	927P	701	10
	11/07/1999	71	0927	LHS99311-0071	C	R	11	1011	925A	718	57
	07/29/2000	294	2138	LHS00211-0294	C	R	11	1010	911N	212	25
	12/06/2000	139	1018	LHS00341-0139	9	P	03	2241	904B	764	

Prowler  
 suspicious circumstances  
 suspicious circumstances  
 Panic Alarm  
 Station Detail  
 suspicious circumstances  
 "  
 "  
 "  
 ABANDON vehicle  
 911 hang up  
 Panic Alarm  
 Person acting suspiciously  
 Do not contact informant  
 Fire Brush or Grass

Back

Drill down

List of Values

EXHIBIT 33 (page 4 of 10)  
 CDP 4-00-223 (La Chusa HIA)  
 LA County Sheriff's Dept. Incident  
 Reports, 1993-2001



[Incident Inquiry]

Window

Vista Del Preseas

MOREDIGE

05/30/2001 04:56:25

Incidents

Sta	Date	Entry		Incident	Src	Pri	Pat	RD	-- Codes --		Resp Min
		Tag	Time						Radio	CLRC	
LHS	02/17/1998	293	2009	LHS98048-0293	C	R	11	1010	459A	700	16
LHS	03/17/1998	316	2157	LHS98076-0316	C	R	11	1010	459A	700	25
LHS	05/30/1998	283	1835	LHS98150-0283	C	R	11	1015	925A	764	
LHS	06/25/1998	262	2123	LHS98177-0262	C	R	11	1010	917S	764	
LHS	07/05/1998	238	1645	LHS98187-0238	C	R	11	1010	459A	700	25
LHS	07/12/1998	186	1526	LHS98193-0186	C	R	11	1010	927P	764	
LHS	03/12/1999	96	1042	LHS99071-0096	C	R	11	1010	925	777	35
LHS	03/27/1999	196	1639	LHS99086-0196	C	R	03	2241	925S	764	
LHS	05/12/1999	84	0810	LHS99132-0084	C	R	11	1011	459A	700	42
LHS	01/05/2000	221	1519	LHS00006-0221	C	R	11	1010	459A	764	
	02/05/2000	105	1109	LHS00037-0105	C	R	13	1021	930	717	6
	04/16/2000	226	2357	LHS00107-0226	C	R	11	1010	459A	700	25
	10/06/2000	151	1331	LHS00280-0151	C	R	11	1011	459A	700	41
	10/06/2000	151	1423	LHS00280-0151	C	R	11	1012	459A	765	
	11/02/2000	119	0804	LHS00313-0119	C	R	11	1010	459A	700	4

Burglary Alarm  
 person acting suspicious  
 in vehicle  
 Suspicious vehicle  
 Burglary Alarm  
 suspicious circumstances  
 Panic Alarm  
 Person acting susp.  
 Alarm  
 See the man  
 Alarm  
 " " " "

EXHIBIT 33 (page 5 of 10)  
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 LA County Sheriff's Dept. Incident  
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List of Values

# VISTA DEL PRESEAS

MOREDIGE

05/30/2001 04:56:25

## Incidents

Sta	Date	Entry		Incident	Src	Pri	Pat	RD	-- Codes --		Resp Min
		Tag	Time						Radio	CLRC	
LHS	02/27/1994	302	2215	LHS94058-0302	S	R	11	1011	653MR	217	52
LHS	01/24/1995	221	1939	LHS95024-0221	C	R	11	1010	459A	700	33
LHS	02/26/1995	16	0129	LHS95057-0016	C	R	11	1010	927	764	
LHS	03/11/1995	200	1642	LHS95070-0200	C	R	11	1010	459A	700	71
LHS	06/07/1995	232	1625	LHS95158-0232	C	R	11	1010	459A	700	50
LHS	10/04/1995	313	2341	LHS95277-0313	C	R	11	1012	927B	777	29
LHS	01/17/1996	185	1539	LHS96017-0185	C	R	11	1010	459A	700	32
LHS	03/02/1996	290	2153	LHS96062-0290	C	R	11	1010	459A	700	32
LHS	12/19/1996	257	1843	LHS96354-0257	C	R	11	1010	459A	444	37
LHS	01/12/1997	205	1726	LHS97012-0205	C	R	11	1010	917S	718	64
LHS	05/24/1997	3	0006	LHS97144-0003	S	P	11	1010	P459N	700	13
LHS	05/24/1997	8	0028	LHS97144-0008	O	R	11	1011	101AK	779	
LHS	08/30/1997	131	1154	LHS97242-0131	C	R	11	1016	930	261	38
LHS	09/20/1997	113	1117	LHS97263-0113	C	R	11	1010	917A	718	37
LHS	10/15/1997	184	1604	LHS97289-0184	C	R	11	1010	459A	700	18

THREATENING PHONE CALL

ALARM SUSPICIOUS CIRCUMSTAN

ALARM

SUSPICIOUS CIRCUMSTAN

ALARM Burglary

SUSPICIOUS VEHICLE

FOR FOUND C/C RECEIPT

NEAR WATER TOWER

DEPT TECH VANDALISM REPORT

PERSON W/A KNIFE

Burglary

Back

Drill down

List of Values

EXHIBIT 33 (page 6 of 10)  
 CDP 4-00-223 (La Chusa HIA)  
 LA County Sheriff's Dept. Incident Reports, 1993-2001

Codes 10-27 to 10-98

Radio Codes 187 - 314

- 10-29 ..... Vehicle Registration and Wants  
(Summary Information)
- 10-29F ..... Subject is Wanted for a Felony.  
Use caution, advise when subject in  
custody and ready for information.
- 10-29FD ..... Subject is Wanted for a Felony, Considered Armed and  
Dangerous.  
Use extreme caution, advise when subject in  
custody and ready for information.
- 10-29H ..... Are you Clear to Copy Confidential Information?
- 10-29M ..... Subject is Wanted for a Misdemeanor Crime
- 10-29P ..... Subject is a parolee, probationer, career criminal, regis-  
tered sex offender, or registered arsonist. Send a con-  
tact message if subject matches.
- 10-29T ..... Subject is Wanted for a Traffic Warrant
- 10-29V ..... Property Reported Stolen
- 10-30 ..... Transmission does not Conform to Regulations
- 10-31 ..... Request Unit and Channel
- 10-33 ..... Request Emergency Clearance
- 10-34 ..... Request Routine Clearance
- 10-36 ..... Correct Time
- 10-37 ..... Identify Operator
- 10-38 ..... Request Clearance to Run a Subject
- 10-39 ..... Request to Clear an Incident
- 10-97 ..... Arrived at Scene
- 10-98 ..... Finished Assignment

40

**RADIO CODES**

- 187 ..... Murder
- 207 ..... Kidnapping
- 211 ..... Robbery
- 211S ..... Robbery Alarm-Silent
- 215 ..... Carjacking
- 242 ..... Battery
- 245 ..... Assault with a Deadly Weapon
- 246 ..... Shooting at an Inhabited Dwelling
- 261 ..... Rape
- 273A ..... Child Abuse
- 273.5 ..... Felony Spousal Assault
- 288 ..... Sex Crimes Against Children
- 314 ..... Indecent Exposure

EXHIBIT 33 (page 7 of 10)
CDP 4-00-223 (La Chusa HIA)
LA County Sheriff's Dept. Incident Reports, 1993-2001

Lisa This should help



RADIO CODES (continued)

- 330 .....Gambling
- 368 .....Elderly Abuse
- 374B .....Illegal Dumping
- 390 .....Drunk
- 390P .....Possible Use of PCP
- 415 .....Disturbance
- 415B .....Disturbance-Business
- 415D .....Disturbance-Drunk
- 415E .....Disturbance-Music or Party
- 415F .....Disturbance-Family
- 415FT .....Disturbance-Fight
- 415G .....Disturbance-Gang Activity
- 415j .....Disturbance-Juveniles
- 415LT .....Disturbance-Landlord/Tenant
- 415N .....Disturbance-Neighbors
- 417 .....Person with a Gun
- 417A .....Person with a Knife
- 417B .....Barricaded Suspect
- 417BH .....Barricaded Suspect-Hostage Situation
- 417S .....Shots Fired
- 422 .....Terrorist Threats
- 451 .....Arson
- 459 .....Burglary
- 459A .....Burglary Alarm-Audible
- 459S .....Burglary Alarm-Silent
- 470 .....Forgery
- 480 .....Hit and Run-Felony
- 481 .....Hit and Run-Misdemeanor
- 483 .....Hit and Run-Parked Vehicle
- 487 .....Grand Theft
- 488 .....Petty Theft
- 488B .....Petty Theft-Bicycle
- 496 .....Receiving Stolen Property
- 502 .....Drunk Driving
- 503 .....Vehicle Theft
- 503A .....Recovered Vehicle
- 504 .....Tampering with Vehicle
- 504A .....Vehicle Stripping
- 510 .....Speeding or Racing
- 537 .....Defrauding an Innkeeper
- 586 .....Illegal Parking
- 586D .....Illegal Parking-Driveway

41

Radio Codes 33C

EXHIBIT 33 (page 8 of 10)
CDP 4-00-223 (La Chusa HIA)
LA County Sheriff's Dept. Incident Reports, 1993-2001

RADIO CODES (continued)

- 586F .....Illegal Parking-Fire Hydrant
- 586H.....Illegal Parking-Handicap
- 594 .....Vandalism
- 602 .....Trespassing
- 604 .....Throwing Objects
- 646.9.....Stalking
- 647.6.....Person Annoying/Molesting Children
- 653M .....Lewd or Threatening Phone Call
- 901N.....Ambulance Needed
- 901S .....Person Sick or Injured-Ambulance Dispatched
- 901T .....Traffic Collision-Ambulance Dispatched
- 902 .....Person Sick or Injured
- 902A.....Attempt Suicide
- 902H.....Enroute to Hospital
- 902N.....Traffic Collision-No Injuries
- 902R .....Rescue Responding
- 902T .....Traffic Collision-Unknown if Injuries
- 903 .....Aircraft Accident
- 903L .....Low Flying Aircraft
- 904 .....Fire
- 904A.....Fire-Auto
- 904B .....Fire Brush or Grass
- 904I.....Smoke Investigation
- 904S .....Fire-Structure
- 904T .....Fire-Trash
- 905A.....Abuse to Animals
- 905B .....Animal-Bite
- 905D.....Animal-Dead
- 905N.....Animal-Noisy
- 905S .....Animal-Stray
- 905V .....Animal-Vicious
- 909 .....Traffic Stop
- 909A.....Wires Down
- 909C.....Child Locked in Vehicle
- 909M .....Monitoring Traffic
- 909R .....Radar Enforcement
- 909S .....Safety Hazard
- 909T .....Traffic Hazard
- 911A.....Contact Informant
- 911B .....Contact Officer
- 911C.....Citizen Contact
- 911N.....Do not Contact Informant
- 912 .....Are we Clear?
- 913 .....You are Clear

EXHIBIT 33 (page 9 of 10)
CDP 4-00-223 (La Chusa HIA)
LA County Sheriff's Dept. Incident Reports, 1993-2001

**RADIO CODES (continued)**

- 914C.....CHP Notified
- 914F .....Fire Department Notified
- 914N.....Concerned Party Notified
- 916 .....Officer Holding Misdemeanor Suspect
- 916A.....Officer Holding Felony Suspect
- 916B .....Citizen Holding Misdemeanor Suspect
- 916C.....Citizen Holding Felony Suspect
- 917A.....Abandoned Vehicle
- 917S .....Suspicious Vehicle
- 918 .....Insane Person
- 918V .....Violently Insane Person
- 919 .....Keep the Peace
- 920 .....Missing Person
- 920C.....Missing Critical
- 920F .....Found Adult/Juvenile
- 921 .....Prowler
- 922 .....Illegal Peddling
- 923 .....Illegal Shooting
- 924 .....Station Detail
- 924B .....Briefing, Vehicle Preparation/Exchange/Trouble, End of Shift
- 924C.....Court Appearance
- 924M .....Messenger Service
- 924P .....Patrol Check
- 925 .....Person Acting Suspiciously
- 925A.....Person Acting Suspiciously In Vehicle
- 926 .....Tow Truck Requested
- 926A.....Tow Truck Dispatched
- 927 .....Suspicious Circumstances
- 927A.....Suspicious Circumstances-Person Pulled from Phone
- 927B .....Suspicious Circumstances-Open Door or Window
- 927C.....Check Vicinity
- 927D.....Suspicious Circumstances-Possible Dead Body
- 927H.....9-1-1 Hang Up
- 927P .....Suspicious Circumstances-Panic Alarm
- 927S .....Suspicious Circumstances-Person Screaming
- 928 .....Found Property
- 928L .....Lost Property
- 929 .....Person Down
- 930 .....See the Man
- 930A.....See the Manager
- 931 .....See the Woman
- 962 .....Levy Completed without Defendant's Knowledge

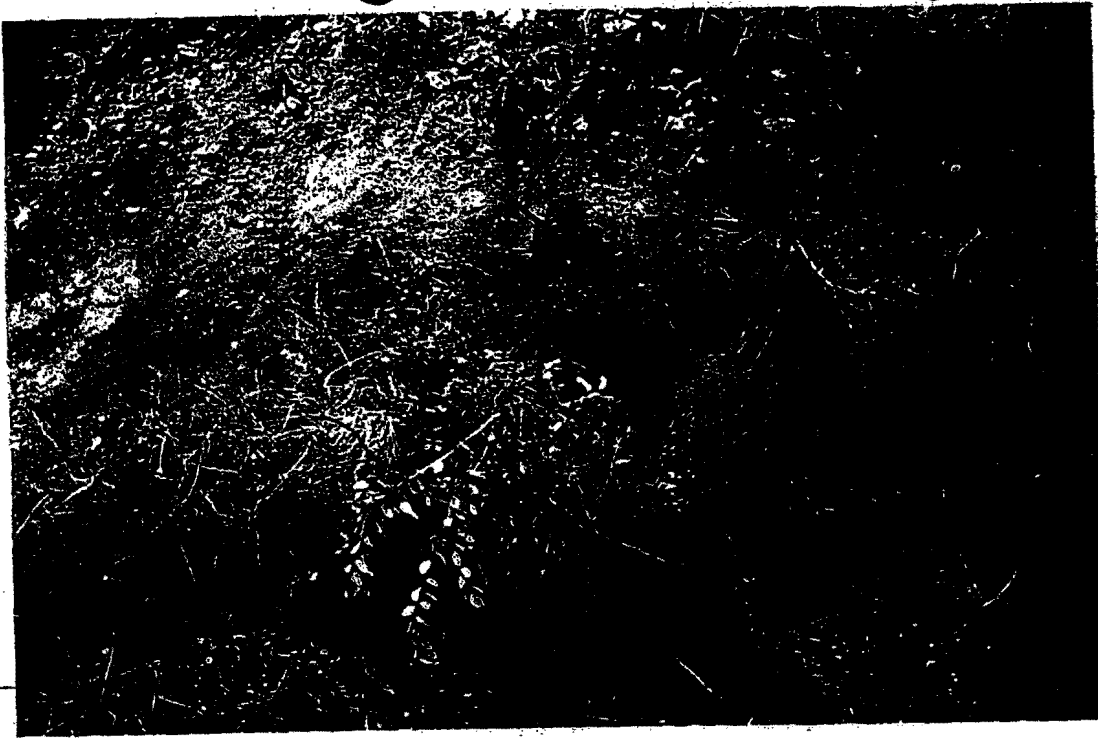
43

Radio Codes 914C - 9

EXHIBIT 33 (page 10 of 10)

CDP 4-00-223 (La Chusa HIA)

LA County Sheriff's Dept. Incident Reports, 1993-2001



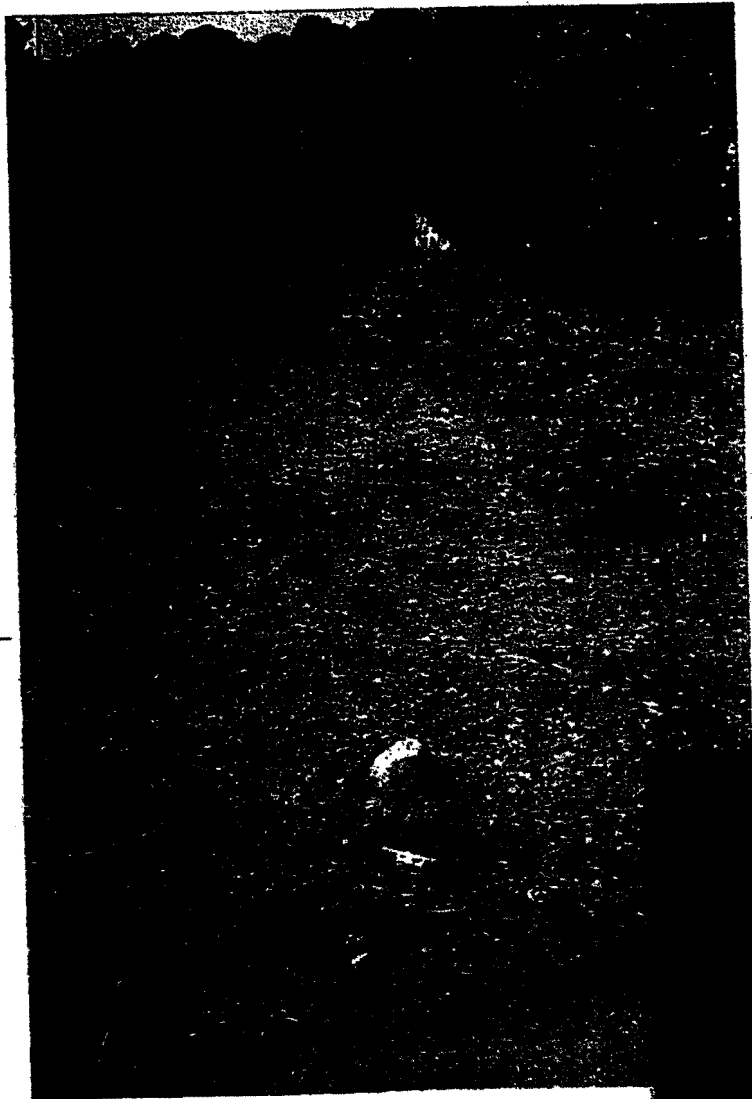
Fire Department crew had to chain - saw and excavate area  
to eliminate burning brush - portion of burnt stump in center.

Fire site - steep hillside



EXHIBIT 34 (page 1 of 19)
CDP 4-00-223 (La Chusa HIA)
Photos Submitted by Applicant

Outside Water Company fence on Avenida de la Eranda



One fire-damaged  
area, building  
outside, both  
and trash  
dumped.

**EXHIBIT 34 (page 2 of 19)**  
**CDP 4-00-223 (La Chusa HIA)**  
**Photos Submitted by Applicant**



More of expanded hillside  
at fire site.



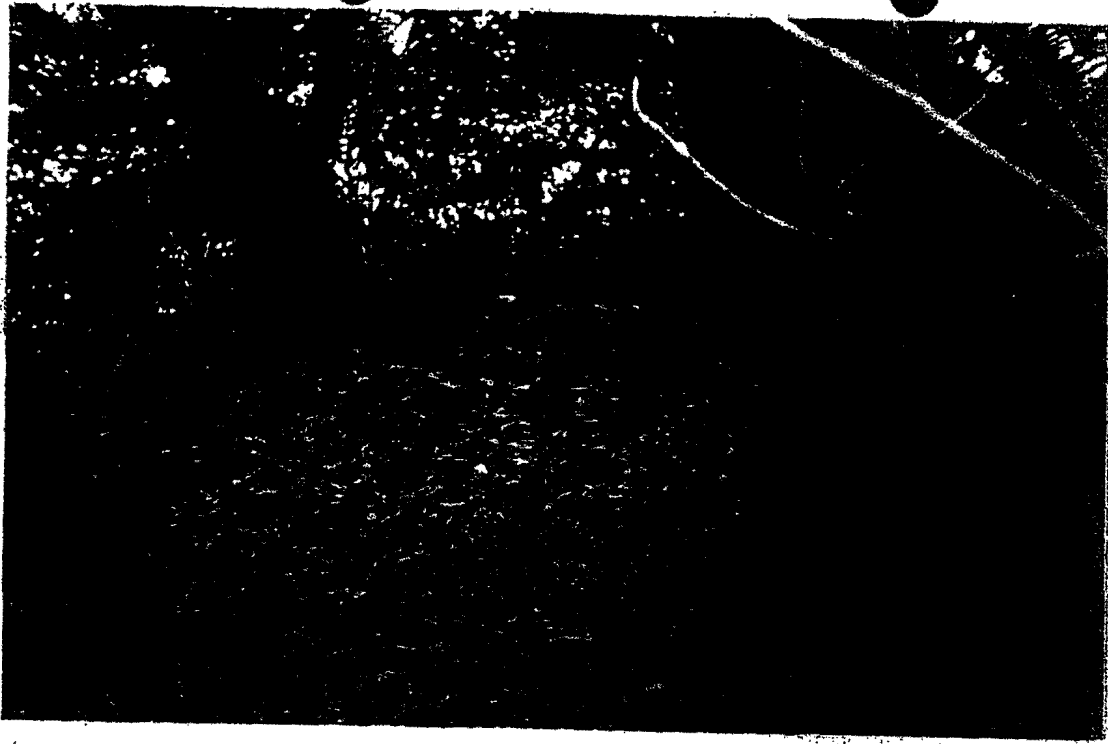
Scout fire ring, using  
dumpster building rubble



EXHIBIT 34 (page 3 of 19)

CDP 4-00-223 (La Chusa HIA)

Photos Submitted by Applicant



More bottles  
& trash on  
County lot.  
Examples  
hidden areas  
used for  
camping.



**EXHIBIT 34 (page 4 of 19)**

**CDP 4-00-223 (La Chusa HIA)**

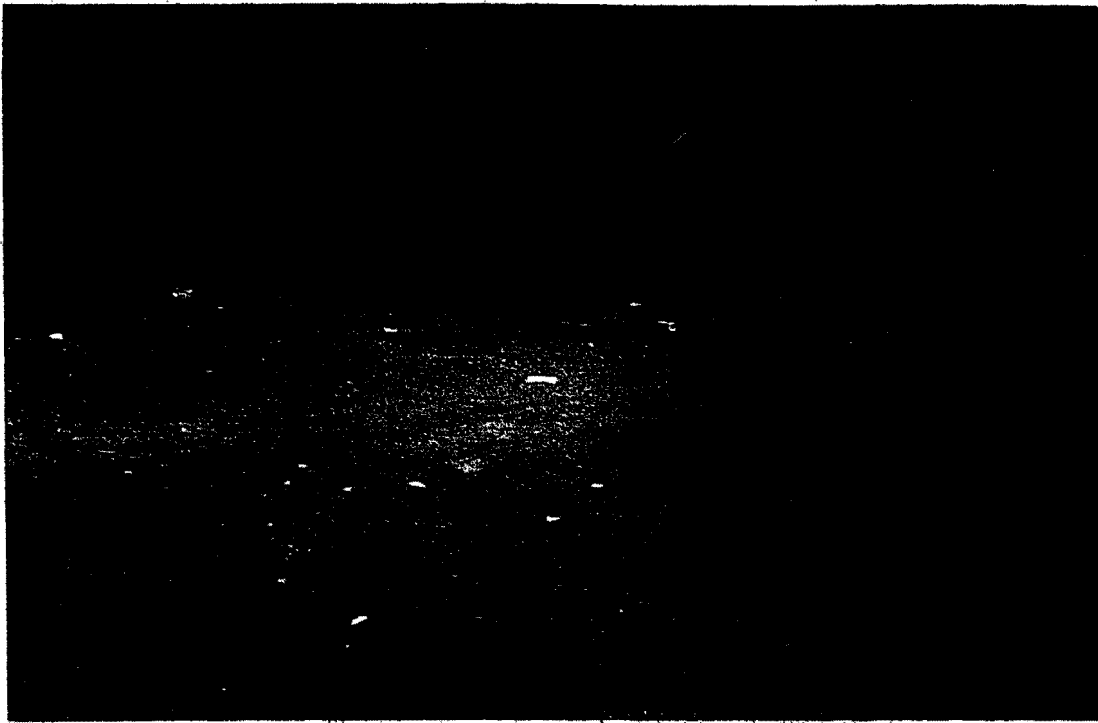
**Photos Submitted by Applicant**



Bottles, trash  
in County lot  
used for  
illegal camping,  
dumping, looting.  
Site of previous  
arm dump.



Pile of bottles  
in County lot.  
Entrance  
Oregon Road  
visible below

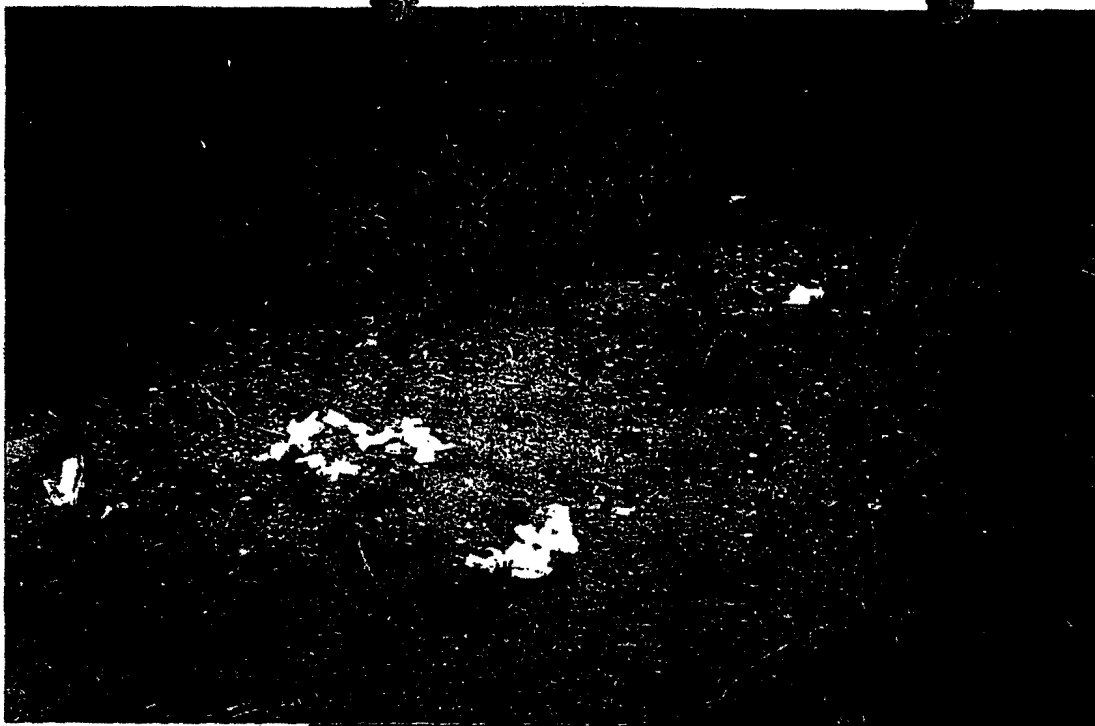


*Rock from Water Company site into the area of fire -  
Amount of work shows illegal usage.*

**EXHIBIT 34 (page 6 of 19)**

**CDP 4-00-223 (La Chusa HIA)**

**Photos Submitted by Applicant**



Toltec paper  
 + feces from  
 large area of  
 County lot -  
 just off  
 Avenida de la  
 Encina

**EXHIBIT 34 (page 7 of 19)**  
**CDP 4-00-223 (La Chusa HIA)**  
**Photos Submitted by Applicant**

Arson Fire - October 5, 1996 - probable cause according to  
Deputy Corro, partying trespassers with set of control campfire -



2 portable toilets, outside gate of Water Company equipment area -  
unlocked, one filled with trash... an invitation to illegal campers.



EM 1 road from Water Company site - building rubble  
used for fire-rings

EXHIBIT 34 (page 8 of 19)

CDP 4-00-223 (La Chusa HIA)

Photos Submitted by Applicant



In photo below, car is parked just before the broken post and chain gate belonging to the Water Company, which allowed vehicles access. The water Co. has repaired and locked this gate, which now forces all cars to park in a visible area, and limits their ease of quick exit, as there is no thru-lane area. Vandalism seems to be the primary problem in these areas where we have had vandalism, arson, dumping, illegal partying & camping, etc.

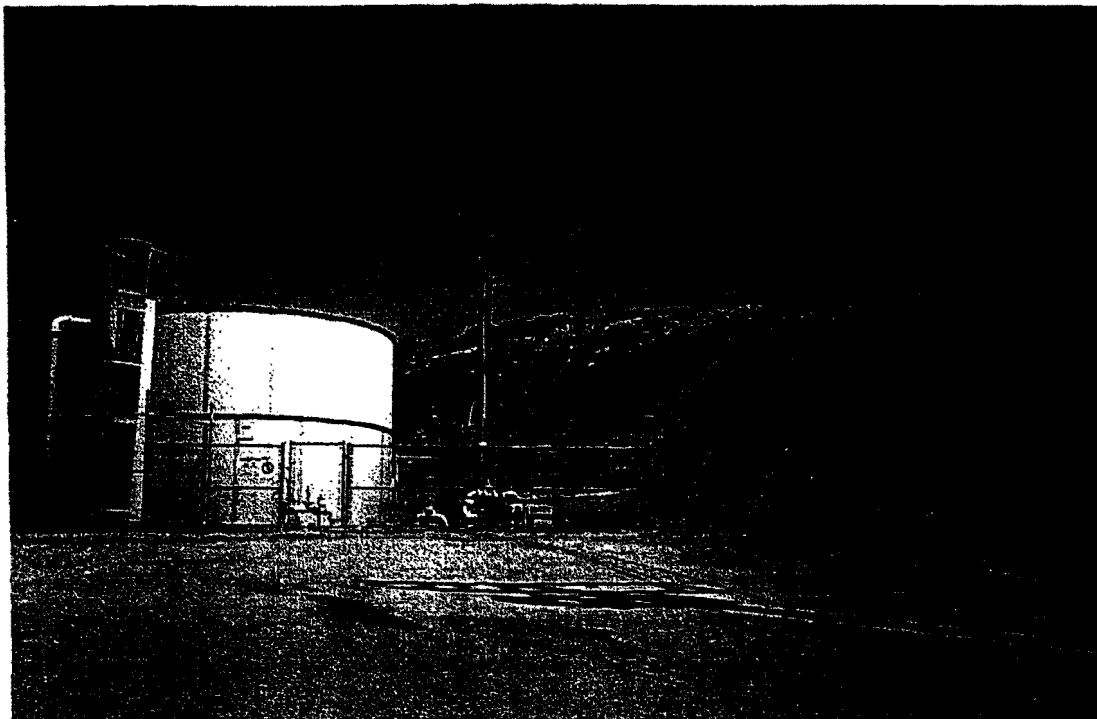


EXHIBIT 34 (page 9 of 19)

CDP 4-00-223 (La Chusa HIA)

Photos Submitted by Applicant

August 18, 1996 - Arson Fire Set at Water Tank at end of Vista del Paseo.  
Area now gated by water company and posted by LCHPOA. -



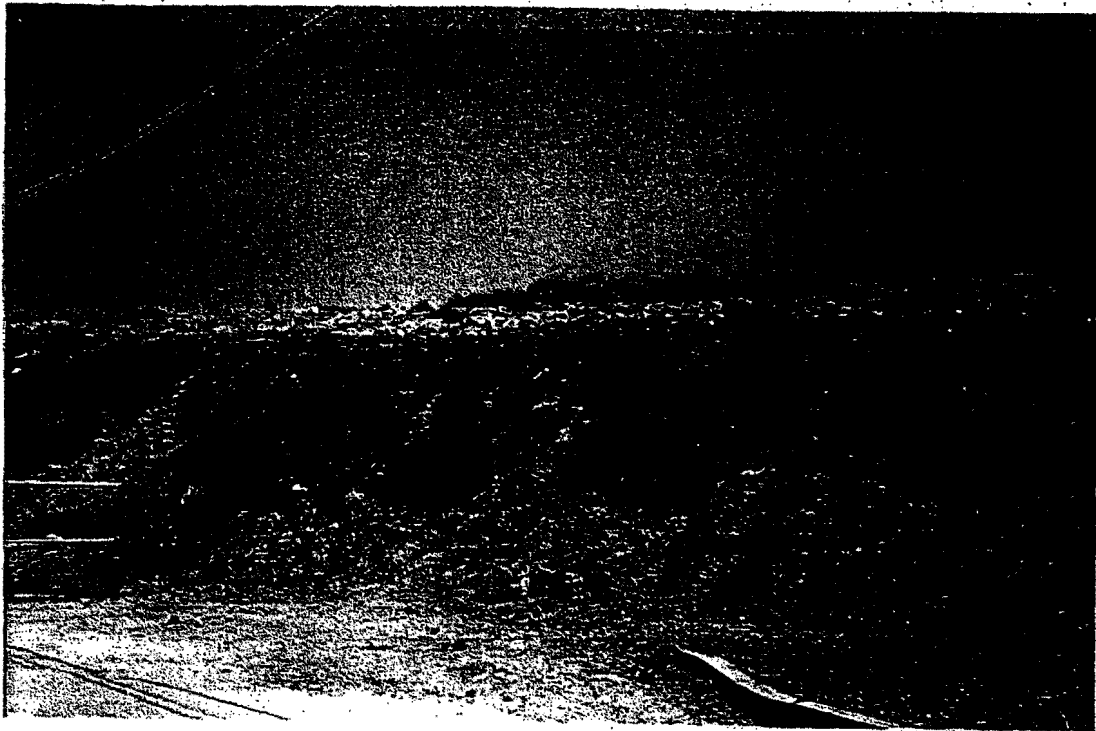
} Burned area  
-  
Near  
equipment,  
utility poles,  
water supply  
pump, etc.



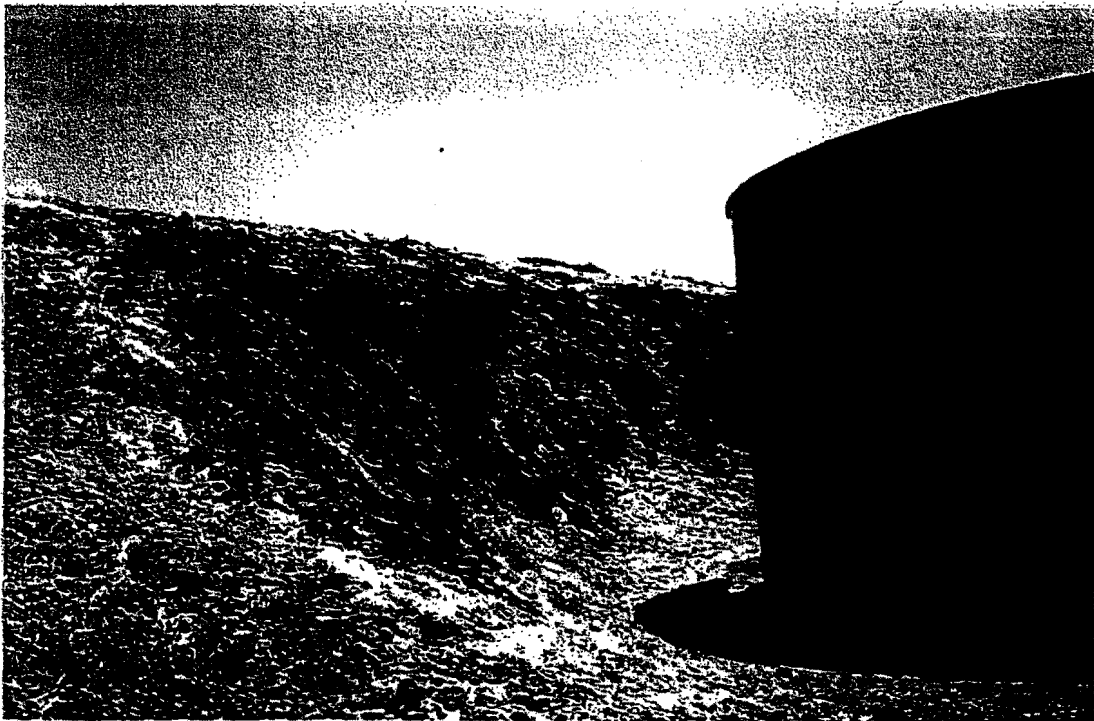
} Fire Set  
Near barn,  
burned to  
top of slope  
Area on top  
has been  
disked -

EXHIBIT 34 (page 10 of 19)  
CDP 4-00-223 (La Chusa HIA)  
Photos Submitted by Applicant



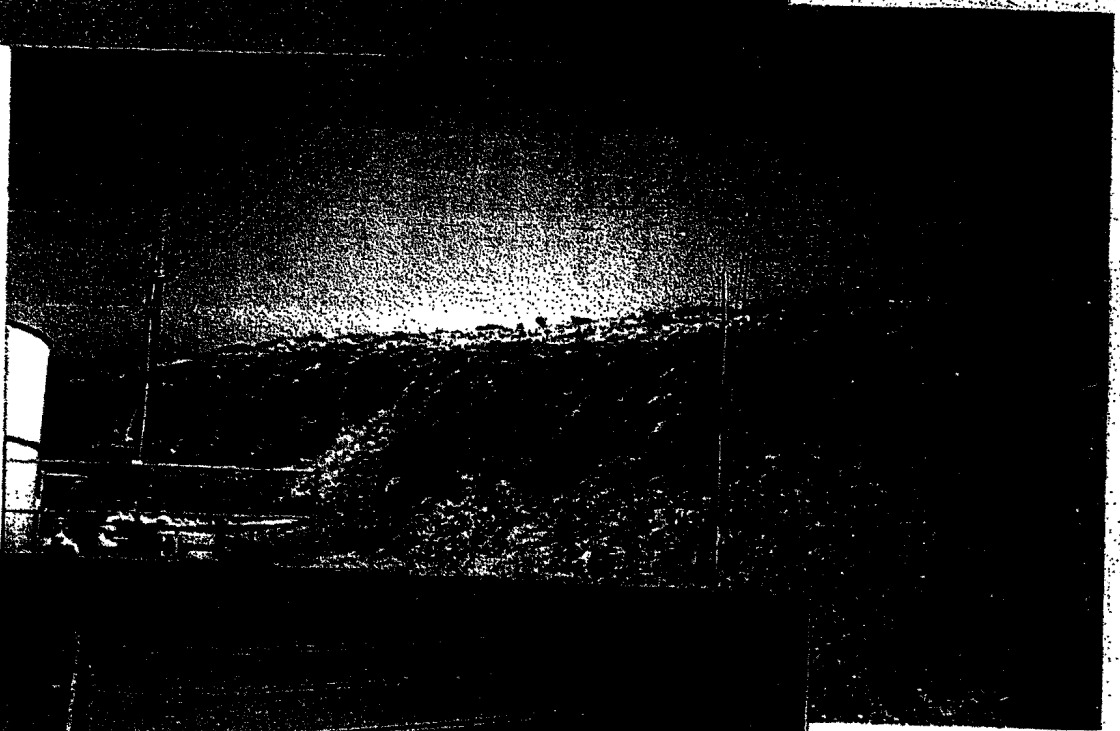


} Burned  
Area



Area burned  
around back  
of water  
tank

EXHIBIT 34 (page 11 of 19)
CDP 4-00-223 (La Chusa HIA)
Photos Submitted by Applicant



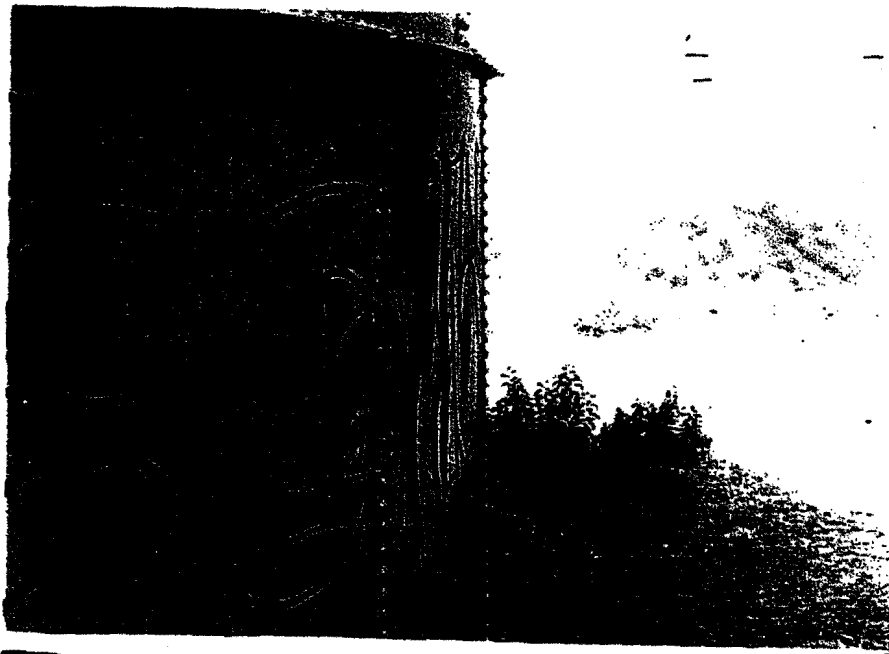
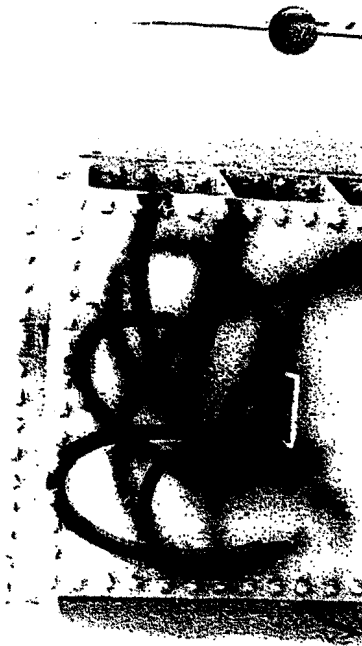
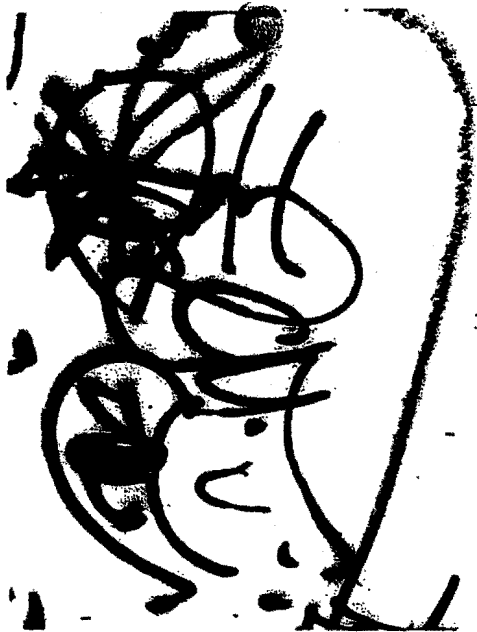
**EXHIBIT 34 (page 12 of 19)**  
**CDP 4-00-223 (La Chusa HIA)**  
**Photos Submitted by Applicant**



**EXHIBIT 34 (page 13 of 19)**

**CDP 4-00-223 (La Chusa HIA)**

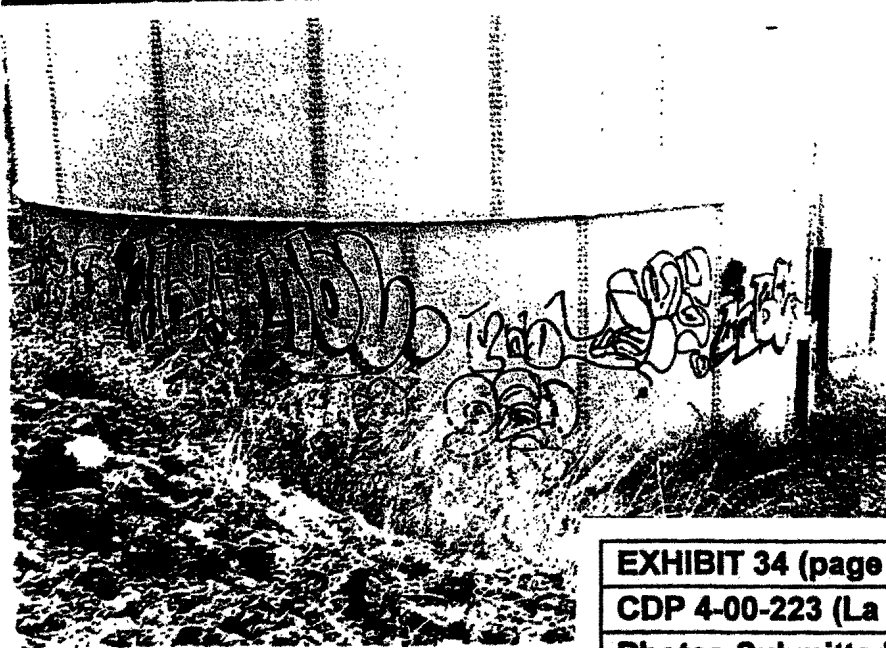
**Photos Submitted by Applicant**



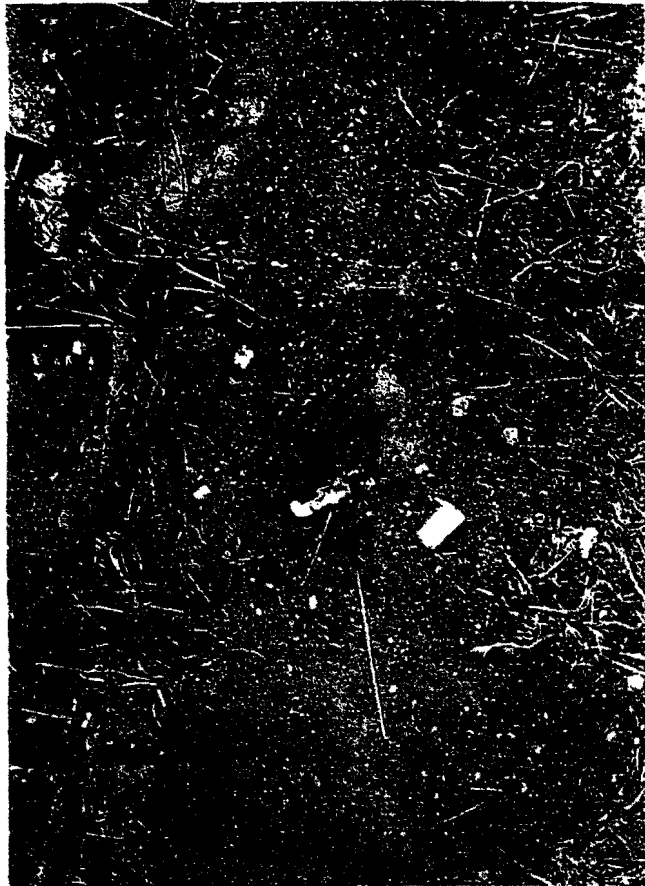
**EXHIBIT 34 (page 14 of 19)**  
**CDP 4-00-223 (La Chusa HIA)**  
**Photos Submitted by Applicant**



**EXHIBIT 34 (page 15 of 19)**  
**CDP 4-00-223 (La Chusa HIA)**  
**Photos Submitted by Applicant**



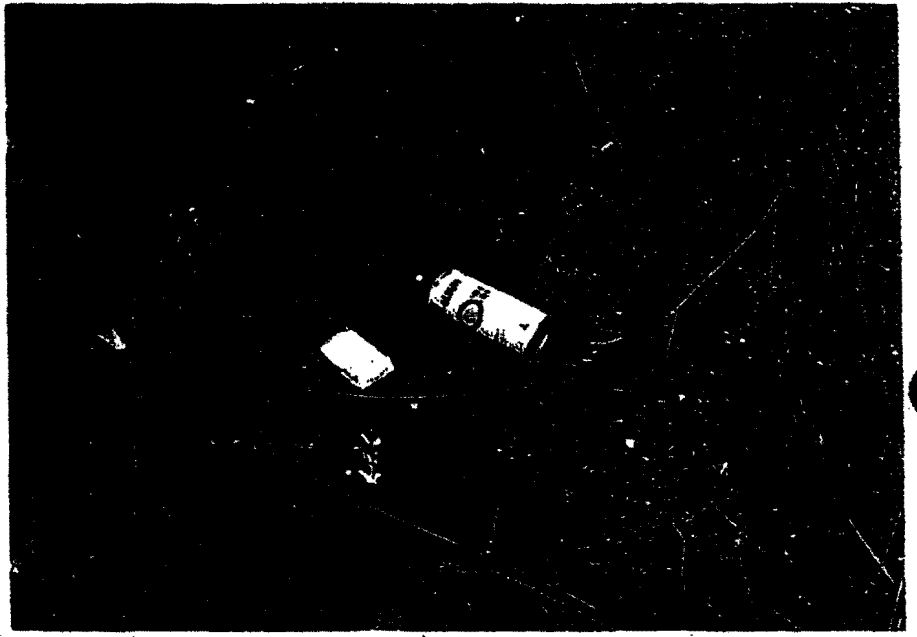
**EXHIBIT 34 (page 16 of 19)**  
**CDP 4-00-223 (La Chusa HIA)**  
**Photos Submitted by Applicant**



**EXHIBIT 34 (page 17 of 19)**

**CDP 4-00-223 (La Chusa HIA)**

**Photos Submitted by Applicant**



**EXHIBIT 34 (page 18 of 19)**

**CDP 4-00-223 (La Chusa HIA)**

**Photos Submitted by Applicant**





**EXHIBIT 34 (page 19 of 19)**

**CDP 4-00-223 (La Chusa HIA)**

**Photos Submitted by Applicant**



**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 35

CDP 4-00-223 (La Chusa HIA)

April 29, 2000 Letter from the Santa  
Monica Trails Council

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 36
CDP 4-00-223 (La Chusa HIA)
May 11, 2000 Letter 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

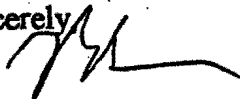
Re: Application #4-99-213; Lechuza Highlands HOA Request For Gating of Private Road  
("Traffic & Pedestrian Gate across Avenida de la Encinal, a private road. Construction shall include footings, masonry, columns, and wrought iron fencing, gates, controls and communication devices.")

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 37

CDP 4-00-223 (La Chusa HIA)

May 3, 2000 Letter from J. Grant  
Gerson



**I·M·B·A**

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION PO BOX 7578 BOULDER CO 80306 USA 303.545.9011 www.imba.com

**RECEIVED**  
JAN 29 2001  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Jim Hasenauer  
4359 Pampas Road  
Woodland Hills, CA 91364

January 24, 2001.

Sabrina Tillis  
Coastal Commission

re.: Charmlee Trail Access

Sabrina,

On March 3, 2000, I sent you a letter expressing concern about possible loss of access to trails in Charmlee park in Malibu. I have recently been contacted by Gary Wilstein of the La Chusa Highlands Improvement Association. Gary has assured me that the proposed gate is intended to better regulate motor vehicle traffic. In addition, he has included a statement that the plan for the vehicular gate includes:

“an ungated 5 foot wide pedestrian equestrian bicycle accessway to enable any non-motorized users unrestricted egress to the trails of Charmlee park, by way of the private streets within our subdivision. Our development further proposes signage that is specific to the areas to park visitor vehicles outside the gated area and directions to access the trail from within the gated area.”

Gary has also provided me with two pages of plans of the project. One identifies the trail access as “foot/horse traffic access” and the other identifies the trail access as “pedestrian access”. Gary assured me that bicycle access would be allowed as well.

This pledge satisfies our concern about public trail access. Under these conditions, we are happy to withdraw our reservations about the project. In fact, this looks like a good example of balancing neighborhood and public needs.

Best wishes,

Jim Hasenauer  
Board of Directors

<b>EXHIBIT 38</b>
<b>CDP 4-00-223 (La Chusa HIA)</b>
<b>January 24, 2001 Letter from IMBA to Applicant</b>

Gary Wilstein, Secretary  
 La Chusa Highlands Improvement Association  
 4240 Avenida De La Encinal  
 Malibu, CA 90265  
 310-457-9005

RECEIVED  
 JAN 29 2001  
 CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

January 23, 2001

Mr. Jim Hasenauer, Director  
 INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION  
 4359 Pampas Road  
 Woodland Hills, CA 91364

Re: Coastal Commission Application #4-00-223 / Avenida de la Encinal Gate

Dear Mr. Hasenauer,

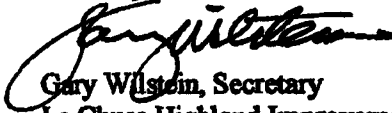
I appreciate your time and IMBA interest in our proposed development to construct a traffic gate on our private street, and all of your organization's efforts to maintain access to the public roads and lands for recreational use.

I am writing per our telephone conversation of today, to further clarify the intent of our project, and the reasoning behind our desire to restrict the vehicle traffic on our subdivision streets. Our proposed development is the result of several years of large and small occurrences, ranging from illegal camping and dumping, to teenage drinking and partying, assaults, speeding vehicles, skateboarding, graffiti, vandalism and arson fires, which have been made possible by the unrestricted access to our subdivision by transient vehicles, and our close proximity and our street's easy access from PCH and Encinal Canyon.

Our proposed vehicular traffic gate development has made a significant and substantial effort to preserve and protect the public access to the Charmlee Park via the trail that connects to our subdivision, by the creation of an ungated 5 foot wide pedestrian, equestrian, bicycle accessway to enable any non-motorized users unrestricted egress to the trails at Charmlee Park, by way of the private streets within our subdivision. Our development further proposes signage that is specific to the areas to park visitors vehicles outside the gated area and directions to access the trail from within the gated area.

Our Homeowner's Association seeks your organizations support for our project, by way of letter expressing your conditional approval of our proposed development to the California Coastal Commission, knowing that our development intends to preserve and protect the public access to recreational use areas such as Charmlee Park.

Sincerely,



Gary Wilstein, Secretary  
 La Chusa Highland Improvements Association

Enclosures

EXHIBIT 39

CDP 4-00-223 (La Chusa HIA)

January 23, 2001 Letter from  
 Applicant to IMBA



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

EXHIBIT 40
CDP 4-00-223 (La Chusa HIA)
March 3, 2000 Letter from IMBA

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

June 20, 2000

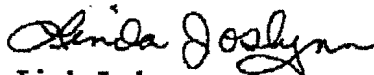
Sabrina Tillis  
California Coastal Commission  
89 S. California St. suite 200  
Ventura, CA 93001  
fax 805-641-1732

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 41

CDP 4-00-223 (La Chusa HIA)

June 20, 2000 Letter from Linda  
Joslynn



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:

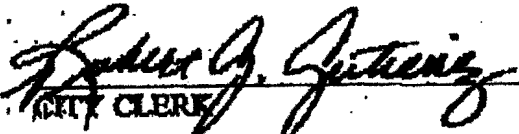
Section 9206.10 - Zone R-A - Gated Communities Prohibited

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 Nembra  
NOES: COUNCILMEMBERS: Wible  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

EXHIBIT 42

CDP 4-00-223 (La Chusa HIA)

La Habra Heights Ordinance

