

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

Filed: 12/15/04  
180th Day: 6/13/05  
Staff: J. Johnson  
Staff Report: 5/18/05  
Hearing Date: 6/8-10/05  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-01-234-A2  
**APPLICANT:** Serra Canyon Property Owners Association  
**AGENT:** C. W. Carson  
**PROJECT LOCATION:** 3900 Serra Road, City of Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Construct three electronically operated "swing arm gates" and install "tiger teeth" to control vehicular traffic at gatehouse entrance to Serra Road.

**Height Above Finished Grade** 41 inches

**Swing Arm Length**

**Two Inbound:** 12 feet each  
**One Outbound:** 14 feet

**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department, Approval in Concept, 6/30/04.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu Local Coastal Program; Coastal Permit No. 4-01-234, Serra Canyon Property Owners Association.

**STAFF NOTE**

**DUE TO PERMIT STREAMLINING ACT REQUIREMENTS THE COMMISSION MUST ACT ON THIS PERMIT APPLICATION AT THE JUNE 2005 COMMISSION HEARING.**

**Summary of Staff Recommendation**

Staff recommends **DENIAL** of the proposed project as it is inconsistent with the public access policy requirements of the City of Malibu Local Coastal Program which is the standard of review for this proposal. The proposed swing arms will adversely affect public access to public lands and trails by deterring members of the public from using Serra Road, the western half owned by California Department of Parks and Recreation, and by physically blocking pedestrian and equestrian access along the road.

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 4-01-234-A2 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 the Malibu Local Coastal Program. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures and/or alternatives that would lessen the significant adverse effects of the development on the environment.

**II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

**A. PROJECT DESCRIPTION AND BACKGROUND**

**1. Project Description**

The Serra Canyon Property Owners Association (SCPOA), which represents 105 property owners in the Serra Canyon community, is requesting to construct three electronically operated "swing arm gates" and install "tiger teeth" also known as a directional traffic controller to control vehicular traffic at the gatehouse entrance to Serra Road (Exhibits 1- 4). The applicant submitted a written description of the proposed amendment as follows:

"Electronically operated barrier gates are proposed for traffic control at the Serra Road Gate House. The configuration of the gates is shown in the attached City of Malibu "Approval in Concept" dated June 30, 2004. (Staff note: See Exhibit 3)

The single exit lane gate would normally be open during daylight hours. At other times it would automatically open through actuation of a loop detector.

The two barrier gates on the in bound two lanes would usually be closed. The rightmost in bound gate would be actuated either from the guard shack or by a "clicker" similar to that on our Cross Creek Road gate. The inboard entry gate would be used for visitor control. It will be manually controlled by the gate guard.

Electric power would be from the existing gate house service."

## 2. Background

The Commission approved a coastal permit with conditions on May 9, 2003 for an after-the-fact request from the Serra Canyon Property Owners Association (SCPOA) to construct an existing 105 sq. ft. gatehouse at the entrance to Serra Road approximately 140 feet north of Pacific Coast Highway in order to restrict vehicular traffic into the area (See Exhibit 8 and Exhibit 3, page 1 of 5, photo). In addition, the approval included a request for after-the-fact approval for construction of an existing 3,800 sq. ft. area of paving to widen the existing road in order to create two ingress lanes on the east side of the gatehouse and one egress lane on the west side of the gatehouse. Serra Road is a private road, maintained by the SCPOA, the western portion in the vicinity of the gatehouse is owned by California Department of Parks and Recreation (State Parks) (Exhibit 2).

Construction of the gatehouse and road improvements occurred in 1991 without the benefit of a coastal development permit (CDP). The applicant had obtained a building permit from the County of Los Angeles for said activities, however, a coastal development permit from the Coastal Commission was neither sought, nor obtained, by the applicant prior to construction. SCPOA has applied for two prior coastal permits for the identical project, which the Commission had twice denied based on adverse impacts to public access and recreation (CDP Application Nos. 5-91-622 and 4-96-076). The California Department of Parks and Recreation opposed both permit applications based on concerns relative to public access to State Parks' lands located to the west and north of the project site, past the proposed gatehouse. In November 1998, after denial of the second permit application, SCPOA filed litigation against State Parks and the California Coastal Commission. The Coastal Commission was dismissed from the suit based on an agreement to reconsider the application if/when the dispute was resolved between SCPOA and State Parks. In November 2001, State Parks and SCPOA entered into a Settlement Agreement. SCPOA agreed to prescribed access to State Parks property over Serra Road by State Parks personnel and the public. The Settlement Agreement states that State Parks shall notify the Coastal Commission that said Agreement meets State Parks' public access needs for the inland portion of Malibu Lagoon State Park, a 24-acre parcel acquired by State Parks in 1977 that abuts the project site, and that the Agreement satisfies State Parks' concerns that led it to oppose earlier applications by SCPOA to construct a gatehouse in the proposed location.

On June 6, 2003, SCPOA requested an amendment to Coastal Permit No. 4-01-234 to construct three automatic barrier gates and "tiger Teeth" at the gatehouse. On July 8, 2003, Staff sent a letter to Clarence Carson of SCPOA determining that the Commission did not have jurisdiction over this permit pursuant to the 2002 Malibu Local Coastal Program, Implementation Plan Section 13.10.2 (B), as the City of Malibu retains permit authority over this development. The application was returned and fee refunded.

On November 15, 2004, SCPOA submitted a second amendment for the same development as that submitted in the June 6, 2003 amendment request. Staff agreed to accept this second amendment application because the City of Malibu refused to

accept this coastal permit application as it affected a special condition of the Coastal Commission coastal permit related to public access. This subject application was filed as complete by operation of law, due to limited staff availability.

**B. 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 that address the issues of public access and recreation within coastal areas.

On September 13, 2002, the Commission adopted the Malibu Local Coastal Program (LCP). After the adoption of the LCP the standard of review for permit applications located within the City of Malibu is the City of Malibu LCP. The Malibu Local Coastal Program (LCP) includes the following development policies related to public access and recreation that are applicable to the proposed development:

Section 30210 of the Coastal Act, which is incorporated as part of the Malibu LCP, 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 30253 of the Coastal Act, which is incorporated as part of the Malibu LCP, states in pertinent part:

***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.***

In addition, the following LCP policies are applicable in this case:

***2.1 The shoreline, parklands, beaches, and trails located within the City provide a large range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected and, where feasible, expanded or enhanced as a resource of regional, state, and national importance.***

- 2.2 New development shall minimize impacts to public access to and along the shoreline and inland trails....**
- 2.5 New development shall be sited and designed to minimize impacts to public access and recreation to the shoreline and trails. If there is no feasible alternative that can eliminate or avoid all access impacts, then the alternative that would result in the least significant adverse impact shall be required. Impacts may be mitigated through the dedication of an access or trail easement where the project site encompasses an LCP mapped access or trail alignment, where the City, County, State, or other public agency has identified a trail used by the public, or where there is substantial evidence that prescriptive rights exist. Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development.**
- 2.6 Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access.**
- 2.11 Public land, including rights-of-way, easements, and dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and protection of environmentally sensitive habitat areas.**
- 2.12 For any new development adjacent to or within 100 feet of a public park, beach, trail or recreation area, notice of proposed developments shall be provided, as applicable, to Los Angeles and Ventura Counties, the National Park Service, the California Department of Parks and Recreation and the Santa Monica Mountains Conservancy for their review with regard to potential impacts to public access, recreation, environmentally sensitive habitat and any other sensitive environmental resources.**
- 2.17 Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees and maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which affect the intensity of use, shall be subject to a coastal development permit.**
- 2.28 Gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted within private street easements where they have the potential to limit, deter, or**

***prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.***

The Serra Canyon Property Owners Association (SCPOA), proposes to construct three electronically operated "swing arm gates" and install "tiger teeth" also known as a directional traffic controller to control vehicular traffic at the gatehouse entrance to Serra Road (Exhibits 1- 4).

The subject site is located at the entrance of Serra Road immediately north of Pacific Coast Highway (PCH) within Serra Canyon in the City of Malibu (Exhibit 1). SCPOA members have a 50 ft. wide easement for ingress and egress, the western 25 ft. of which are located on State Parks' property, and the eastern 25 ft. of which are located on private property, owned by O'Connor (Exhibit 2). Its important to note that the applicant proposes to install two swing arms across the two inbound traffic lanes located on private property and one swing arm and "tiger teeth" on the one outbound lane located on State Parks property. No evidence of approval of the proposed swing arm and "tiger teeth" proposed on State Park property was provided by the applicant from State Parks in response to Staff's request in a letter dated January 6, 2005 to Clarence Carson, Serra Canyon Property Owners Association (Exhibits 5 and 6).

The character of the project site's surrounding area is varied, with residential development, commercial development, a scenic highway and a network of publicly owned lands imparting wide open spaces and vistas. Serra Canyon lies adjacent to and to the east of the Civic Center area and Malibu Creek and across PCH from Surfrider State Beach, the Malibu Pier and Malibu Lagoon State Park (Exhibit 1). State Park lands are located to the south, west and north of Serra Canyon. The western portion of Serra Road lies within Malibu Lagoon State Park.

### **1. Signage For Public Lands and Trails**

Staff conducted a site visit on May 3, 2005 to Serra Road, the gatehouse, the adjoining State Park property, and inspected the existing signage required and agreed to be removed and installed as a result of the approval of Coastal Permit No. 4-01-234 (Exhibit 7). According to the SCOPA Security Officer, Melvin Morales, the public is not stopped from walking along Serra Road to gain entrance to the State Park and public trails. However, there are no signs inviting the public to enter State Park property along the outbound lane of Serra Road which is located on State Park property. The only sign that indicates to the public the location and entrance to this State Park is now located about 50 feet west of Serra Road and about five feet inland of the sidewalk along Pacific Coast Highway. The sign is located near an overgrown trail entrance from the sidewalk along Pacific Coast Highway that is accessible only to those who bend down to a height of about three feet high to amble beneath the underbrush along the trail. There are no signs adjacent to or along the outbound lane of Serra Road, State Park property welcoming the public to Malibu State Park or to the public trails accessed within Serra Canyon. On the private property east of the gatehouse along the inbound lanes there are two signs indicating private property and no parking.

A review of the conditions required by the Commission on May 9, 2003 and agreed to by the SCPOA representatives on November 10, 2003 indicates that the applicant is in violation of these conditions. The two signs east of the gatehouse indicating private property and no parking have not been removed as required by Special Condition No. 1 and agreed to by the SCPOA specifically in a letter to the Commission received June 6, 2003 by Clarence Carson (Exhibit 7, pages 4 and 8). These signs were to be removed by November 24, 2003, within 14 days of the issuance of Coastal Permit No. 4-01-234, as required by Special Condition No. 1 and agreed to by Geoffrey Gee, President, SCPOA. As of May 3, 2005, these signs remain in violation of Special Condition No. One, Sign Removal, of Coastal Permit No. 4-01-234. This letter received June 6, 2003 outlined the proposed compliance of the special conditions. The terms of this letter were approved as part of Coastal Permit No. 4-01-234.

At the request of staff at the May 3, 2005 site visit, the SCPOA security officer did offer a handout prepared for the public identifying the locations for public parking since there is no parking for the general public to access the State Park and trails, except for limited public parking for 30 cars up to three times a year if approved by State Parks in advance (Exhibit 9). The handout identifies three public parking lots on the seaward side of Pacific Coast Highway available for public parking at Surfrider Beach directly across from Serra Road, Malibu Pier parking lot located about 1400 feet to the east and Malibu Lagoon Beach Park located about 1500 feet west and opposite Cross Creek Road. There is no public parking along the inland side of Pacific Coast Highway in the immediate vicinity of Serra Road nor any public parking along the street frontage of Malibu State Park adjacent to west of Serra Road. Public parking on this inland stretch of PCH is prohibited due to red painted curbs and a sign prohibiting stopping and presumably parking on the bridge spanning Malibu Creek. There is no record of coastal permits issued for prohibiting parking with red painted curbs, which is a change in the intensity of use and requires a coastal permit. Special Condition No. 2, Public Access Signs, of Coastal Permit No. 4-01-234 required informative public access signage to welcome hikers and equestrians into this area. These signs were to be placed adjacent to and visible from Pacific Coast Highway and at or on the gatehouse. As noted in Exhibit 7, pages 4 and 5, the Welcome sign was to be placed at the corner of PCH and Serra Road. This sign is now located about 50 feet west of Serra Road and about five feet inland of the sidewalk along Pacific Coast Highway, a location not consistent with Special Condition No. Two, (Exhibit 7, page 4 and 5). The location of this sign appears to identify a brush overgrown trail entrance and not the actual trail along the western, State Parks owned, portion of Serra Road. There are no signs identifying the Malibu Creek Trailhead as it exits from Serra Road near the gatehouse (Exhibit 7 pages 1, 4 and 6). The fact that these signs do not exist as of May 3, 2005 is a violation of Special Condition No. Two.

## **2. Public Recreation and Trails**

The Santa Monica Mountains 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 who are within an

hour's drive of the Santa Monica Mountains.<sup>1</sup> The Santa Monica Mountains create rugged open spaces, jagged rock outcroppings, and primitive wilderness areas, in addition to homes, ranches, and communities. The Santa Monica Mountains area, including the City of Malibu, provides the public and local residents with outdoor recreational opportunities and an escape from urban settings and experiences.

Two private roads branch off Serra Road, beyond the proposed gatehouse: Sweetwater Mesa Road to the east and Palm Canyon Lane to the west. There is an existing link to the Malibu Creek Trail clearly marked by posted signs identifying the entrance to California State Parks Property at the western terminus of Palm Canyon Lane. To reach this trailhead, visitors must walk down Serra Road to Palm Canyon Lane. Visitors can also reach State Parks property beyond a gate along the western side of Serra Road. This entrance is less noticeable, but once beyond the gate, one can wind their way onto a connector to the Malibu Creek Trail. This gate is located approximately 600 feet north of the gatehouse. In addition, there is an existing trail known as the Sweetwater Mesa Trail, which connects Serra Road to the Saddle Peak Trail. The trail traverses the O'Connor property from Serra Road to Sweetwater Mesa Road. The CDP 5-88-443 (O'Connor) staff report dated September 26, 1988 states:

***The subject parcel has a high potential for passive recreational use and public viewing of the shoreline and the many natural, historic and cultural features of the area. The subject site is currently heavily used by local residents and visitors as an informal scenic overlook as evidenced by litter and reports by local residents. The property provides a unique opportunity for surfers to judge the height, direction and form of waves at Surfrider State Beach and Malibu Lagoon State Park. Archeological reports indicate that it is likely that Native Americans used the site for similar purposes thousands of years ago.***

***In 5-82-66, one of the earlier permits on this property, the Commission required the applicant to make available the entire slope area for trail and viewing purposes. The agency which would accept the public easement was to select its precise location and design. The Commission's findings included an illustration of a trail that would connect to an existing State Park self-guided nature trail and lead to a spot on the upper seaward projection of the knoll where views east and west along the coast were available. The purpose of the trail would be to afford visitors sweeping views to and along the coastline nearly as dramatic in quality as those that are presently available from the top of the property where the residence is to be built.***

***The Mountains Restoration Trust and the Santa Monica Mountains Trails Council have in the past indicated that a trail connecting the State Park picnic area with Sweetwater Mesa Road at the property's northern***

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<sup>1</sup> Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, September 1997, page 34.



***boundary line would provide a connection for State Parks visitors using the parking lot to an eventual loop trail around the ridges surrounding the Serra Retreat. This loop connects to the adopted Malibu Creek Trail, Coastal Slope Trail and Saddle Peak Trail, thus affording access from public parking areas on the coast to the expanding network of trails in the Santa Monica Mountains. In addition, Staff has received a letter stating that a trail connecting Malibu Lagoon State Park and the Sycamore Farms horse stable crosses the property and has been used for upwards of fifty years.***

In connection with residential development along Sweetwater Mesa Road, multiple trail easements have been dedicated to formalize the location of this trail [CDP No. 5-86-293-A (Topanga Pacific Land Co., Rancho Topanga Development Land Co., RTMS Land Co., Rancho Coast Land Co.), CDP No. 5-89-145 (De Joria), CDP No. 5-88-443 (O'Connor), 5-85-362 (Tunney)]. The Santa Monica Mountains Trail Council has assisted applicants and the Coastal Commission in coordinating the best alignments for these easements. Thus, Serra Road provides public pedestrian and equestrian access to the trailhead at the end of Palm Canyon Lane and the Sweetwater Mesa Trail. Serra Road has historically been used by hikers and equestrians to access these trails.

All of the roads within the Serra Canyon area, including Serra Road, Palm Canyon Lane and Sweetwater Mesa Road, dead end within the canyon, with the exception of Cross Creek Road. Cross Creek Road is roughly parallel to Serra Road and intersects Palm Canyon Lane. Cross Creek Road traverses Malibu Creek via an Arizona Crossing toward the Civic Center area. A mechanized security gate permitted under CDP No. 4-96-060 (Serra Canyon Property Owners Association) spans this road along the Creek, preventing public vehicular and pedestrian access into the area via this route. CDP No. 4-96-060 authorized installation of a mechanized gate to replace a pre-existing gate across Cross Creek Road. When this permit was approved, the Commission found that the gate would not adversely impact coastal or recreational access opportunities because there were no designated public trails on the west side of Malibu Creek where the gate would be located.

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

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>2</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 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>3</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>4</sup> One study estimates that one million Californians are seeking a gated refuge.<sup>5</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>6</sup>

Serra Canyon and the surrounding area provide numerous trails with sweeping vistas of the Santa Monica Mountains and of the Pacific Ocean to the south. Presently, the only entrance accessible to the public into Serra Canyon is Serra Road, off of Pacific Coast Highway. As described above, Palm Canyon Lane and Sweetwater Mesa Road, roads

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

<sup>3</sup> Id. at 1 and 2.

<sup>4</sup> Id. at 2 and 3.

<sup>5</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>6</sup> Id.

within the community that branch off of Serra Road, become existing trails, which connect to mapped trails in the Los Angeles County trails system. The route through Serra Canyon along Serra Road has historically been used by hikers and equestrians to access the existing public trails. The proposed swing arm gates will convey to visitors the message: keep out, visitors are not welcome. This impact is inconsistent with the fact that the site is located adjacent to State Park lands, an area devoted to providing visitors with recreational opportunities and protecting natural habitats and is the only entry point at which the public can access existing trails in Serra Canyon that connect to other inland hiking trails.

A letter received in the Commission office on May 17, 2002 with photos attached from a resident of the Serra Canyon community, where the gatehouse was proposed, also discusses the trail route from Palm Canyon Lane and states:

***...at the western end of Palm Canyon Road (Retreat Court) there exists a marked trail head into the Santa Monica Mountains and the Backbone Trail. This trail head has been here for at least the last 24 years I have lived here...The only access to this trail head is via Serra Road...Accordingly, I strongly urge the Commissioners to deny this request for a guarded gate entrance to Serra Road in Malibu.***

Several letters have also been received in the past by Commission staff from recreational organizations and members of the public in relation to previous coastal permit applications regarding the existing Sweetwater Mesa Trail, which connects to the Saddle Peak Trail. For example, a letter from Linda Palmer, President of the Santa Monica Mountains Trails Council dated October 11, 1988 submitted in support of a trail easement dedication, which was a part of CDP No. 5-88-443 (O'Connor) states:

***We support the trail condition in your staff recommendation to require dedication of an easement for the Sweetwater Mesa Trail. This trail is part of a very popular 4-5 mile loop, utilizing parts of the Coastal Slope Trail and the Malibu Canyon Trail. It connects State Park land at Malibu Lagoon to State Park land up in Malibu Canyon to the north. This loop contains fantastic diversity.***

***We know that the Sweetwater Mesa Trail has been used by the public for many, many years, and I am acquainted with quite a few who have used it, including my husband and myself.***

Further, another letter from the Santa Monica Mountains Trails Council dated June 15, 1989 was submitted regarding CDP No. 5-89-145 (De Joria), which expresses the Council's support of the easement stating that the trail is existing and heavily used by the public and goes on to list prior coastal permits that required trail easement dedications over the subject trail.

In addition, Commission staff has also reviewed aerial photographs of the area, from the 1970's and 1986. The aerial photographs clearly illustrate a trail in what appears to be the same location as the existing Sweetwater Mesa Trail, which continues on into the network of LA County trails. In addition, when Commission staff visited the site of the proposed development and hiked the trail from the gate on the western side of Serra Road and from the trail head at the end of Palm Canyon Lane that connect to the Malibu Creek Trail, staff noted that the trail and links were well established, easy to navigate, were not overgrown. As a result, it is apparent from the aerial photographs, site visit, and letters submitted from the Santa Monica Trails Council and residents, that there has been public use of these inland trails from Serra Road, at least as early as the 1970's and continuing on into the present. Thus, there is substantial evidence of prescriptive rights to use Serra Road to access the inland hiking trails. Further there are easement rights on record with respect to properties along Sweetwater Mesa Road. The easement on the property subject to CDP No. 5-86-293,-A1, -A2, -A3, -A4, -A5 (Topanga Pacific Land Co., Rancho Topanga Development Land Co., RTMS Land Co., Rancho Coast Land Co.) is in the process of being accepted by the Santa Monica Mountains Conservancy (SMMC) and Mountains Recreation and Conservation Authority. SMMC has committed to accepting all the Santa Monica Mountains Trail Offer to Dedications (OTDs) and have been routinely accepting the Trail OTDs, in the order of their expiration, prior to expiration. In addition, State Law now requires that every OTD will be accepted, in the event SMMC declines to accept an OTD, State Law requires the State Coastal Conservancy to accept any OTD within 90 days of expiration.

### 3. Past Commission Actions

In past Commission actions, the Commission has found that gates may deter the public from using trails that exist nearby across particular sites. Although the Commission has approved security gates in past actions, the Commission has also denied similar proposals 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, which 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 inhibit 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 applications by Breakers Way Property Owners Association, SCPOA has stated that they would allow members of the public to enjoy continued hiking and equestrian use of Serra Road to access State Parks property and trails. Commission experience, however, indicates that pedestrian use can easily be discouraged or closed off. Likewise, the proposed swing arm gates could serve to inhibit public pedestrian and equestrian use in the future due to security concerns or a desire at some future dated to keep the public from passing over the private streets to access State Park

lands and public trails. 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>7</sup>

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>8</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>9</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 State Parks. They state:

***Gates can make access to shorelines, beaches, and parks so difficult that those public resources become essentially private preserves.***<sup>10</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 gatehouse) for the physical guidance of people coming and going from a space.<sup>11</sup> Another principle of CPTED includes the use of territorial reinforcement (such as the proposed manned gatehouse), so that defensible space or clear physical boundaries are created.

#### 4. Conclusion

In the case of the current permit application, the gatehouse with the proposed swing arms would clearly delineate a boundary between public and private property and foster a sense of privatization. The gatehouse with the swing arms would physically and psychologically deter entry by members of the public who wish to access trails through this route that has traditionally been used to reach public trails and parklands. As a result, the gatehouse with the swing arms would decrease the public's perception that they may access Serra Road to pass through Serra Canyon to those trails.

<sup>7</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>8</sup> "Putting Up the Gates," Edward J. Blakely and Mary Gail Snyder, National Housing Institute, May/June 1997.

<sup>9</sup> Fortress America, Gated Communities in the United States, Edward J. Blakely and Mary Gail Snyder, the Brookings Institution, 1997, page 2.

<sup>10</sup> Id. at 154.

<sup>11</sup> Id. at 122.

Although the applicant is proposing to allow continued public pedestrian and equestrian access along Serra Road, this is not sufficient to override the public perception that visitors are not welcome into this area with a security gatehouse with the proposed swing arms. As a result, the proposed development would create a chilling effect on public access and recreation. Policy 2.28 of the City of Malibu LCP clearly states that no gates, guardhouses, barriers or other structures designed to regulate or restrict access shall be permitted within private street easements where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist. The Commission notes that construction of gatehouses, guardhouses, swing arms and other such structures which serve to privatize and limit public access may deter members of the public from utilizing public lands acquired through offers to dedicate in those areas. Gatehouses, guardhouses, swing arms and similar structures serving to privatize coastal areas and create physical barriers to public access within coastal areas may create a perception that even publicly owned lands and trail easements acquired through offers to dedicate are private. The Commission finds that construction of the proposed swing arms may cause members of the public seeking access to the trails, of which several trail easements have been dedicated for public use, to assume that all portions of the area are private and not available for public recreational use. In the event these swing arms were constructed, they would appear to the public to indicate private property behind the gatehouse and swing arms. The swing arms would therefore discourage public use of the western portion of Serra Road owned by State Parks, discourage access to the trails of Malibu State Park and other public trails within Serra Canyon. Further, the outbound swing arm located on State Park property would physically prevent hikers and equestrians from walking or riding along Serra Road to access the trails within Malibu State Park and other trails located within Serra Canyon. Therefore, the Commission finds that the proposed development is inconsistent with Policy 2.28 and the other public access and recreation policies noted above in the Malibu LCP. The Commission finds that maintenance of the gatehouse without swing arm gates, as approved in CDP 4-01-234, is a feasible alternative that would avoid the adverse impacts on public access and recreation that would result from the proposed amendment.

### **C. VIOLATION**

The applicant has a coastal permit, (No. 4-01-234) to construct a gatehouse with special conditions that require the applicant to remove signs, provide public access and trail signs, provide visitor information at the gatehouse, comply with special requirements for the SCOPA carry out these conditions, maintain and replace all public access signs, and limit access to daylight hours, and not interfere with rights of public access. These conditions were to be implemented within certain time frames.

Staff conducted a site visit on May 3, 2005 to Serra Road, the gatehouse, the adjoining State Park property, and inspected the existing signage required and agreed to be removed and installed as a result of the approval of Coastal Permit No. 4-01-234 (Exhibit 7). According to the SCOPA Security Officer, Melvin Morales, the public is not stopped from walking along Serra Road to gain entrance to the State Park and public trails. However, there are no signs inviting the public to enter State Park property along

the outbound lane of Serra Road located on State Park property. The only sign that indicates to the public the location and entrance to this State Park is now located about 50 feet west of Serra Road and about five feet inland of the sidewalk along Pacific Coast Highway. The sign is located near an overgrown trail entrance from Pacific Coast Highway that is accessible only to those who bend down to a height of about three feet high to amble beneath the underbrush along the trail. This sign was required to be located at the western intersection of PCH and Serra Road. There are no signs adjacent to or along the outbound lane of Serra Road, State Park property welcoming the public to Malibu State Park or to the public trails accessed within Serra Canyon.

On the private property east of the gatehouse along the inbound lanes there are two signs indicating private property and no parking. A review of the conditions required by the Commission on May 9, 2003 and agreed to by the SCPOA representatives on November 10, 2003 indicates that the applicant is in violation of these conditions. The two signs east of the gatehouse indicating private property and no parking have not been removed as required by Special Condition No. 1 and agreed to by the SCPOA specifically in a letter to the Commission received June 6, 2003 by Clarence Carson (Exhibit 7, pages 4 and 8). These signs were to be removed by November 24, 2003, within 14 days of the issuance of Coastal Permit No. 4-01-234, as required by Special Condition No. 1 and agreed to by Geoffrey Gee, President, SCPOA. As of May 3, 2005, these signs remain in violation of Special Condition No. One, Sign Removal, of Coastal Permit No. 4-01-234. This letter received June 6, 2003 outlined the proposed compliance of the special conditions. The terms of this letter were approved as part of Coastal Permit No. 4-01-234.

There are no trailhead signs located at the entrance to the public trail to Malibu State Park west of Serra Road and south of the gatehouse as identified in Exhibit 7, pages 2 and 4. The above-mentioned violations will be addressed in a separate action by Commission enforcement staff.

There is no public parking along the inland side of Pacific Coast Highway in the immediate vicinity of Serra Road nor any public parking along the PCH frontage of Malibu State Park adjacent to and west of Serra Road. Public parking on this inland stretch of PCH is prohibited due to red painted curbs and a sign prohibiting stopping and presumably parking on the bridge spanning Malibu Creek. There is no record of coastal permits issued for prohibiting parking with red painted curbs, which is a change in the intensity of use and requires a coastal permit. Caltrans appears to be the responsible agency regarding the change in these parking requirements.

As a result of the above, the applicant has not complied with the special conditions of approval for the gatehouse in Coastal Permit No. 4-01-234. Although the applicant has not complied with the special conditions prior to and after the submission of this permit amendment application, consideration of the application by the Commission has been based solely upon the City of Malibu LCP. The Commission's action on this permit application does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of the condition

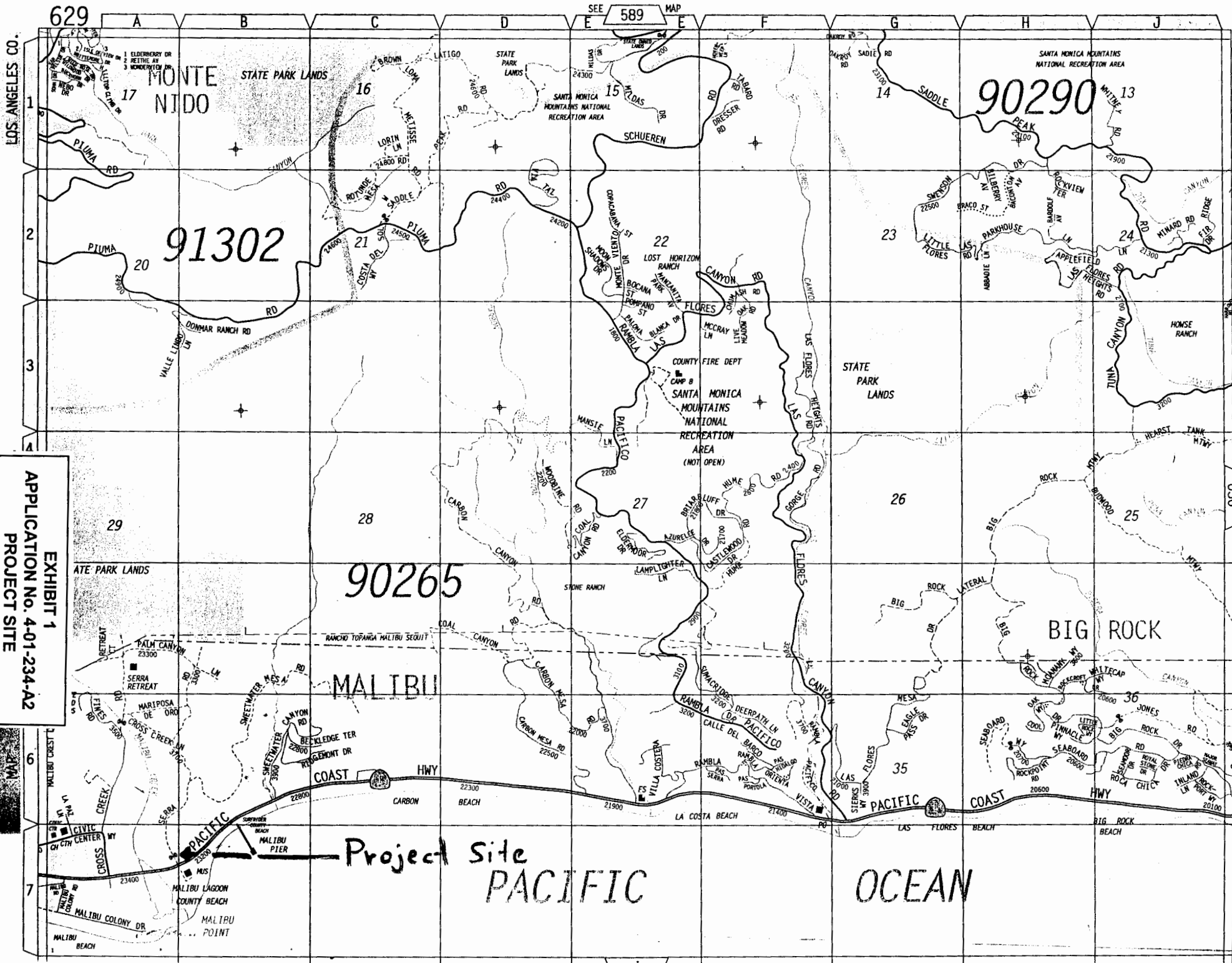
compliance required on the subject site as a result of the approval of Coastal Permit No. 4-01-234.

**D. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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 which the activity may have on the environment.

The Commission finds that, the proposed project will have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, is not the environmentally preferred alternative and as proposed has not been adequately mitigated to be consistent with CEQA and the policies of the Coastal Act.





LOS ANGELES CO.

COPYRIGHT 2000 Thomas Barr, Map ©

EXHIBIT 1  
APPLICATION No. 4-01-234-A2  
PROJECT SITE

Project Site  
PACIFIC

OCEAN

MAP 630

629

SEE 589 MAP

SEE 630 MAP



Malibu  
STATE  
PARK

O'CONNOR PARCEL

East Boundary Line  
State Park Property

West Boundary Line O'Conner Property  
O'CONNOR

Proposed One Swing  
Arm & Tiger Teeth

Proposed Two Swing Arms

Existing Gatehouse  
7.5 X 14'

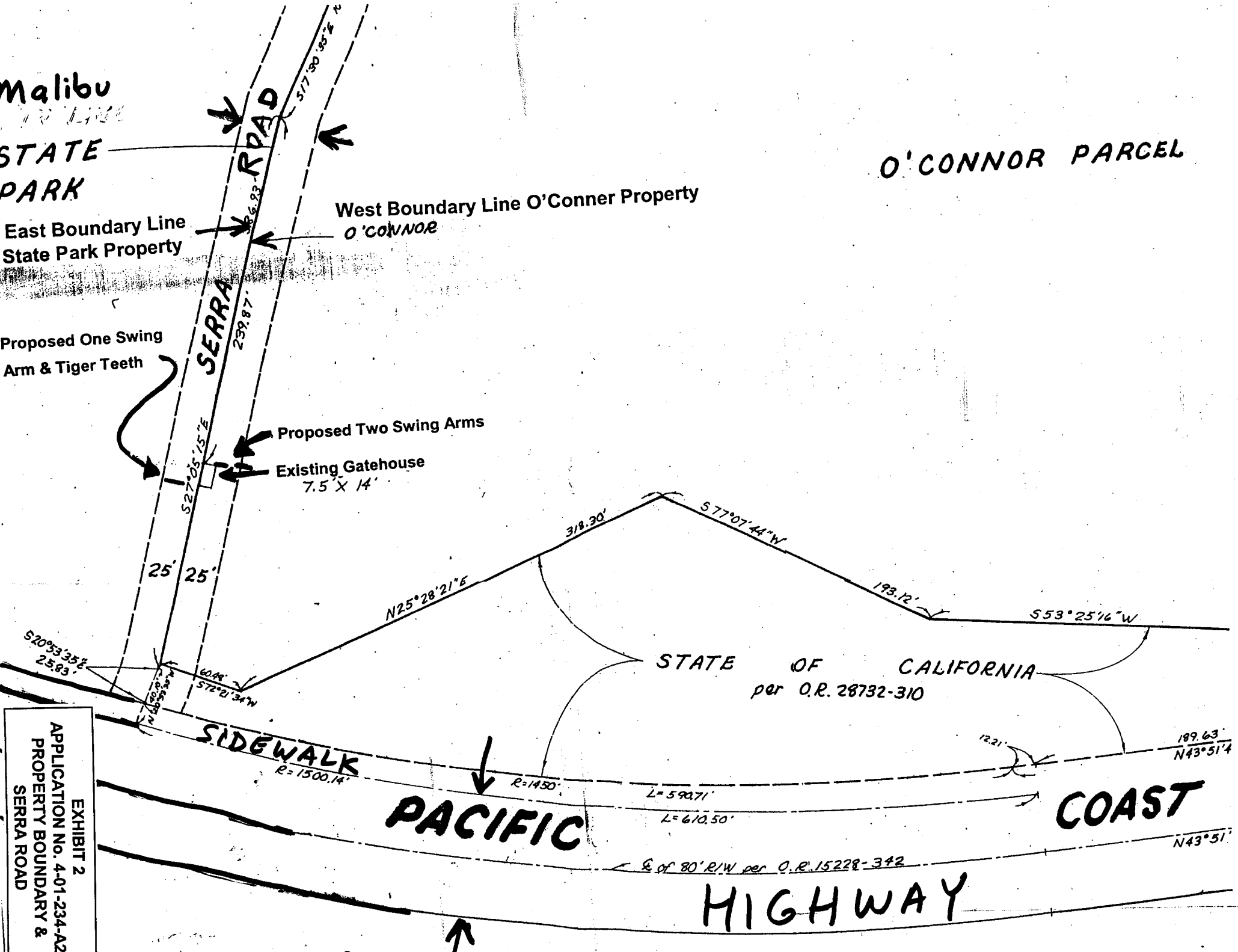


EXHIBIT 2  
APPLICATION No. 4-01-234-A2  
PROPERTY BOUNDARY &  
SERRA ROAD

RECEIVED

JUN 17 2004

PLANNING DEPT.

Serra Canyon Property Owners Association

SCPOA

P.O. Box 103

Malibu, CA 90265

Proposed Swing Arm Style Gate Addition

To

Serra Road Gatehouse

3900 Serra Road

Malibu, CA 90265



*[Handwritten signature]*  
6/30/04 OC 03-134

\* still requires amendment to Coastal Development Permit, must return amended permit to City

EXHIBIT 3  
APPLICATION No. 4-01-234-A2  
PROPOSED SWING ARM STYLE  
GATE ADDITION  
PAGE 1 OF 5

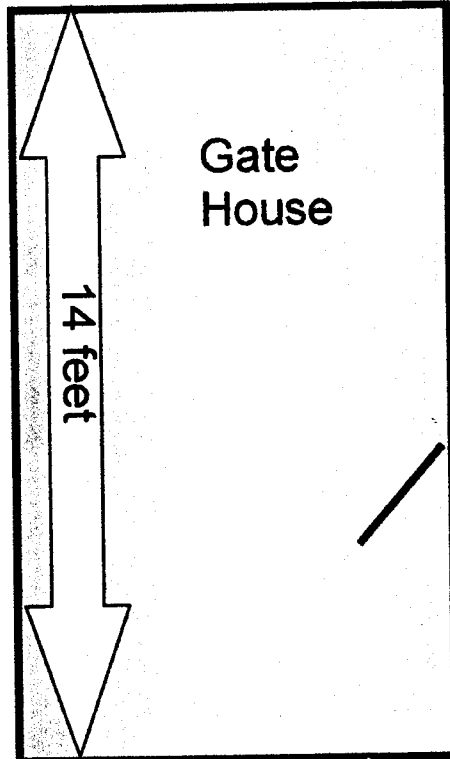
RECEIVED  
JUN 16 2004  
PLANNING DEPT.

RECEIVED

NOV 15 2004

CITY OF MALIBU  
SOUTH COASTAL BEACH DISTRICT

Traffic Flow

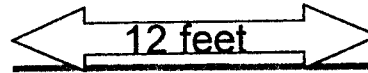


Gate House

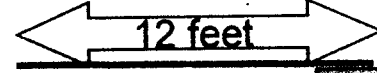
14 feet

7 feet 6 inches

Pacific Coast Highway



12 feet



12 feet

RECEIVED  
CITY OF MALIBU  
SOUTH COASTAL BEACH DISTRICT

6/30/04

α. 03-134

APPROVED

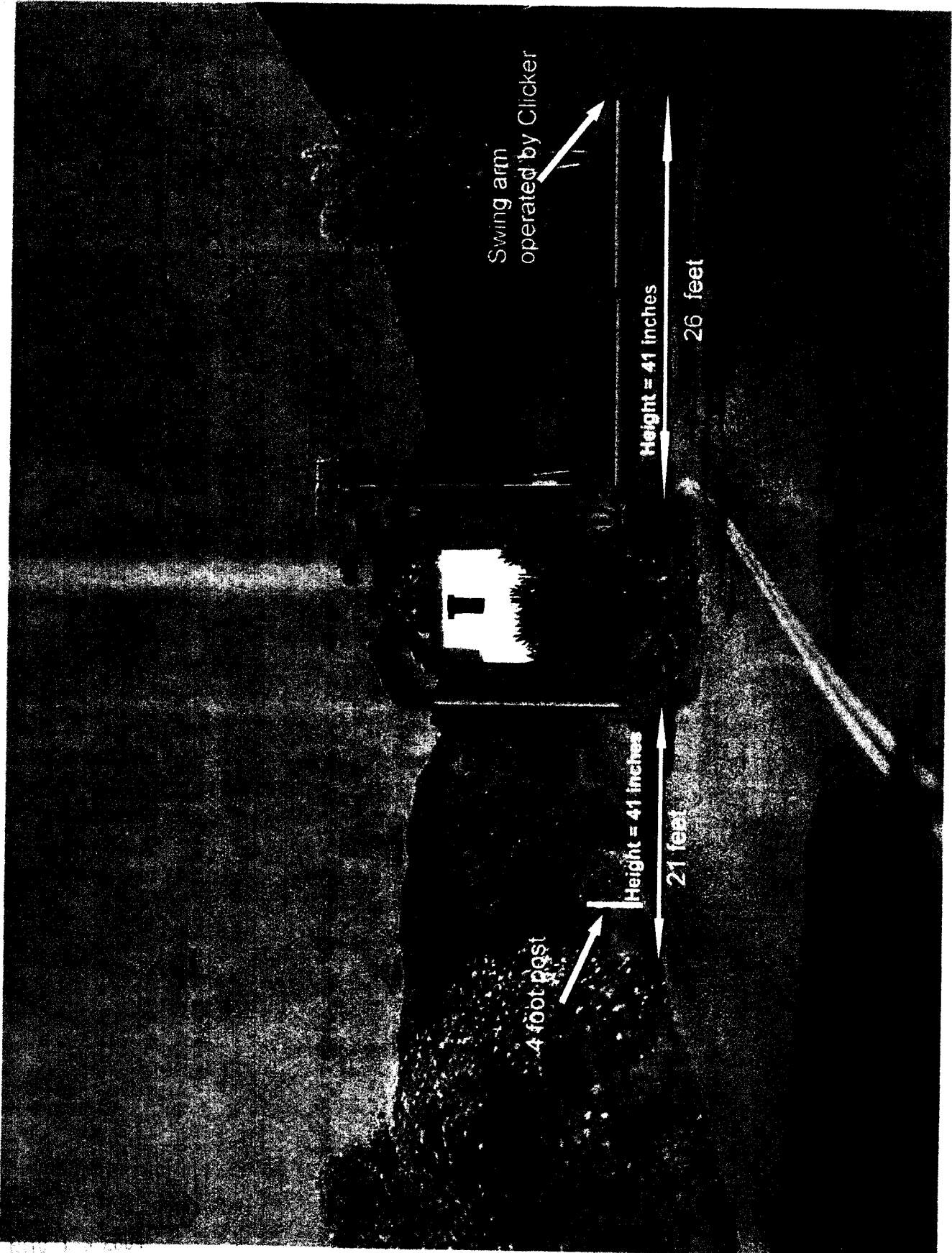
6/30/04

Traffic Flow

\* still requires amendment to Coastal Development Permit, return amended CDP to City

SCPOA - Swing Arm Gate Addition to Gatehouse at 3900 Serra Road, Malibu, CA 90265

2 of 5



Swing arm  
operated by Clicker

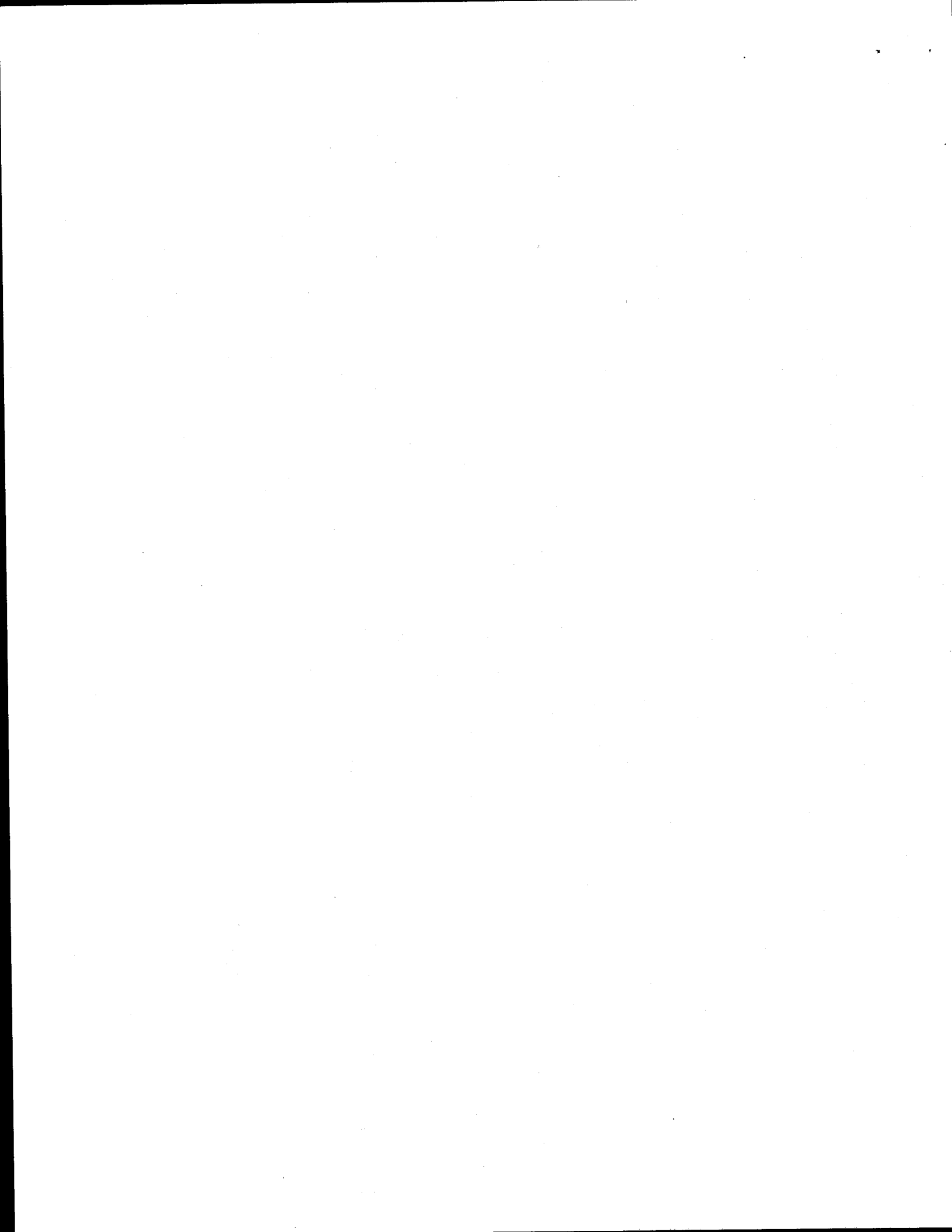
Height = 41 inches

26 feet

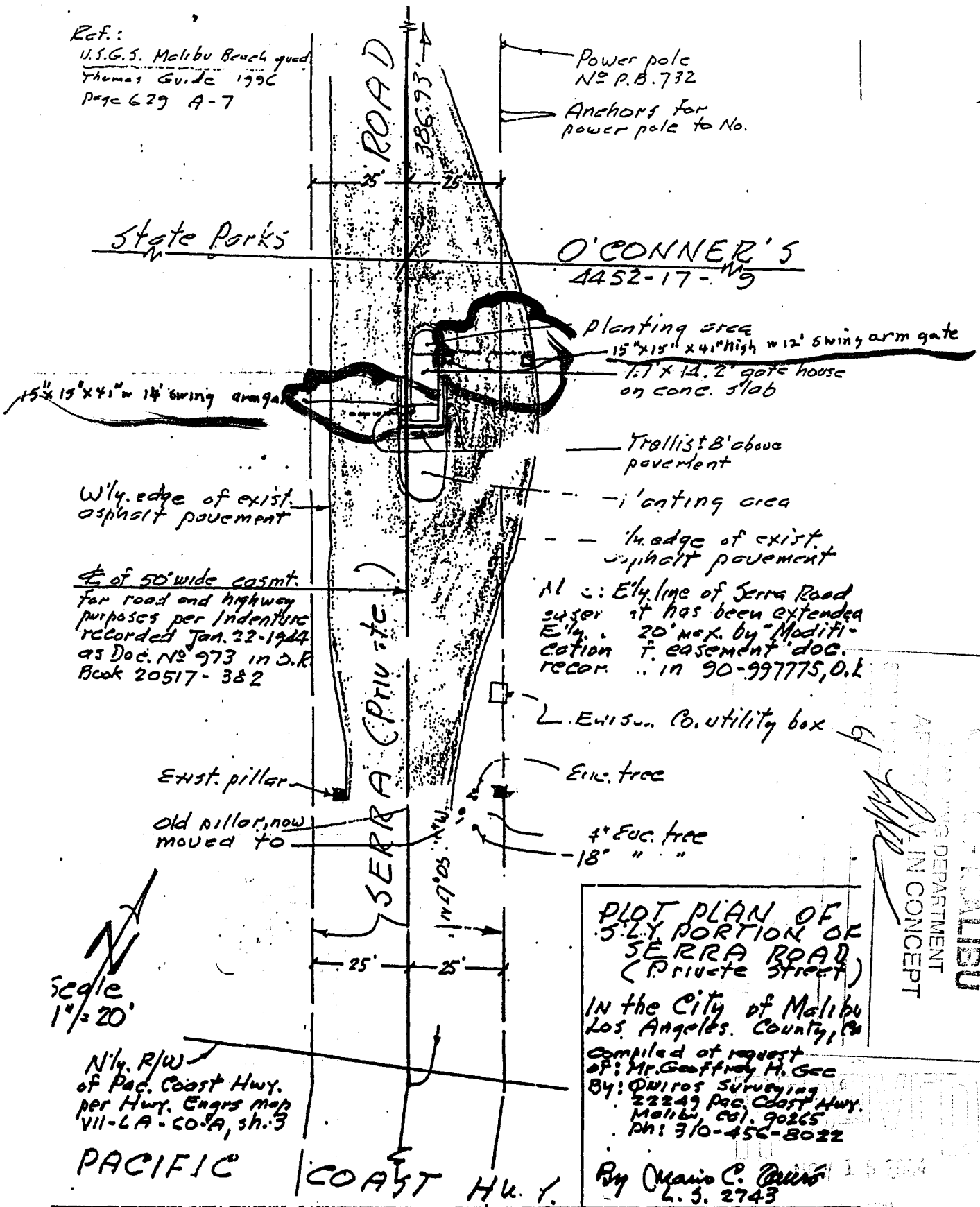
4 foot post

Height = 41 inches

21 feet



Ref.:  
 U.S.G.S. Malibu Beach quad  
 Thomas Guide 1996  
 Page 629 A-7



**PLOT PLAN OF 5'LY PORTION OF SERRA ROAD (Private Street)**  
 IN the City of Malibu Los Angeles County, CA  
 compiled at request of: Mr. Geoffrey H. Goo  
 By: Quiros Surveying  
 22249 Pac. Coast Hwy.  
 Malibu, Cal. 90265  
 Ph: 310-456-8022

Malibu  
 MALIBU  
 CITY DEPARTMENT  
 IN CONCEPT  
 \* gates only, still requires CDP

By *Mano C. Quiros*  
 L.S. 2743



# City of Malibu

23815 Stuart Ranch Road • Malibu, California • 90265-4861  
Phone (310) 456-2489 • Fax (310) 456-3356 • [www.ci.malibu.ca.us](http://www.ci.malibu.ca.us)

June 30, 2004

Serra Canyon Property Owner's Association  
Attn. Geoffrey Gee  
PO Box 103, Malibu, CA 90265

Re: **OC No. 03-134**  
3900 Serra Road  
Proposed Swing Arm Style Gate Addition  
To Serra Road Gatehouse

Dear Mr. Gee:

The application listed above was submitted to the City of Malibu Planning Division for processing on **November 13, 2003**. The application is a request to add three swing-arm gates to the existing gate-house located at 3900 Serra Road. On **May 26, 2004**, the City of Malibu Planning Division's Quality Assurance Committee reviewed the submitted plans.

Staff has determined that the submitted plans and application materials meet the City's Criteria Regarding Entry gates on private streets. Attached are Approved in Concept sets of plans for the proposed gates.

Please be aware that you are still required to amend your existing coastal permit (permit No. 4-01-234) for the gatehouse to include the proposed gates. When you have provided the City of Malibu Planning Division an amended Coastal Development Permit that includes the three proposed swing arm gates, then sets of plans can be stamped approved by the Planning Division.

Please note that City of Malibu Planning approval is contingent on you receiving required Coastal clearance for the swing-arm gates.

If you have any questions regarding this letter, I can be reached by phone at (310) 456-2489 ext. 339 or by e-mail at [malkire@ci.malibu.ca.us](mailto:malkire@ci.malibu.ca.us)

Sincerely,

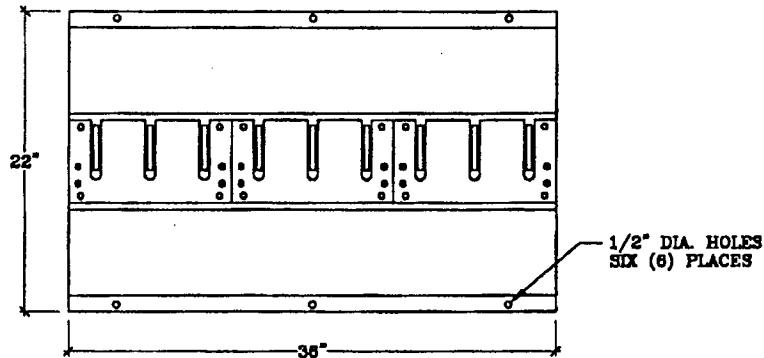
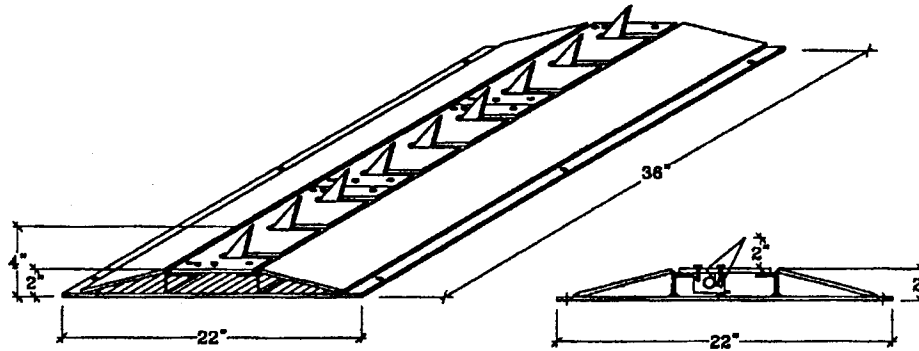
Masa Akire  
Associate Planner





CONTROL ELECTRONIC  
SECURITY INC.  
8245 NW 36<sup>TH</sup> Street # 6  
Marketing and Sales  
Division

DIRECTIONAL TRAFFIC CONTROLLER



SURFACE MOUNTED INSTALLATION

COLOR: TRAFFIC SAFETY RED

- EASILY INSTALLED TO EXISTING ROADWAY.
- NO EXCAVATING OR ASPHALT CUTTING IS REQUIRED.
- LOW PROFILE FOR SMOOTH PASSAGE.
- FABRICATED IN 3 FT. SECTIONS TO CUSTOMIZE YOUR TRAFFIC LANE WIDTH.
- ALL WELDED CONSTRUCTION.
- 1/4" THICK HOT ROLLED STEEL FOR "LASTING DURABILITY".
- NOMINAL DIMENSIONS SHOWN.

RECEIVED

MAR 30 2005

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 4  
APPLICATION No. 4-01-234-A2  
"TIGER TEETH"

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585 - 1800



January 6, 2005

Clarence Carson  
Serra Canyon Property Owners Association  
PO Box 103  
Malibu, CA 90265

RE: Coastal Permit Application No. 4-01-234-A2, Serra Canyon Property Owners Association

Dear Mr. Carson,

Staff received this application for a second amendment to Coastal Permit No. 4-01-234 on November 15, 2004 to construct three swing arm barrier gates at the gate house; one on the outbound lane and two on the inbound lanes. In addition, "tiger teeth" are proposed for the outbound lane. The proposed project is located north of Pacific Coast Highway along Serra Road in the City of Malibu. The application was filed by operation of law, as staff was unable to review the application within 30 days of its submittal consistent with the Permit Streamlining Act, due to other work priorities. Therefore, this application is tentatively scheduled for the next available Commission meeting at the May 11 - 13, 2005 meeting proposed to be located in the Bay Area. The specific location and other meeting details may be found at [www.coastal.ca.gov](http://www.coastal.ca.gov) in a couple of months once the location is identified. However, a review of the application indicates that additional information is needed to analyze and prepare a staff report and recommendation to the Coastal Commission on the proposed development relative to the City of Malibu Local Coastal Program. Staff asks that the following information identified below be submitted by March 25, 2005 to allow adequate time for staff review and the preparation of the staff report.

1. Please clarify the length of the swing arm on the outbound or western side of the gate house. The site plan stamped by the City of Malibu indicates the swing arm is 15" x 15" x 41" w 14' swing arm gate. Is the height of the swing arm gate 41 inches high as it appears to be for the two gates proposed for the incoming lanes on the east side of the gatehouse as noted on the site plan?
2. A letter dated June 3, 2003 received by this office on June 6, 2003 that appears to be a part of a prior amendment request (4-01-234-A1) indicates that the pending permit application is amended to "provide additional services when utilizing State Parks land and the associated trail. The amendment would include a 12 foot swing arm together with 'tiger teeth' controls for vehicular traffic leaving the area". Is the swing arm 12 or 14 feet long? If the swing arm is proposed to be 12 feet long please provide two sets of revised site plans indicating this project design change. Does outbound arm include post on western side?
3. Please explain what you mean with the statement "provide additional services when utilizing State Parks land and the associated trail".

EXHIBIT 5  
APPLICATION No. 4-01-234-A2  
LETTER 1/6/05 TO APPLICANT

page 1 of 2

4. Are "tiger teeth" a metal and rubber device located within the pavement that restricts vehicular access by allowing vehicular access in one direction but not in the opposite direction? Are these teeth the common metal spikes or teeth that allows a vehicle to roll over it in one direction as the tires press the spikes or teeth flat into the device located within the road? And if a vehicle's tires attempt to roll over it in the opposite direction do the spikes or teeth maintain their position and shred the tires, thereby deflating the tires and limiting the vehicle's movement to rolling on the rims? Please clarify and or provide a picture or drawing of the "tiger teeth".
5. How will public pedestrian access to state parks and public trails north of the gatehouse be accommodated? Please provide a letter from California State Park and Recreation Department confirming their approval of the outbound lane swing arm barrier gate located west of the gatehouse as this portion of the project is located on State Property.

Lastly, the original coastal permit no. 4-01-234 includes five special conditions of approval. Have special conditions 1 – 4 been completed or implemented as previously approved and agreed?

Depending on what additional information is submitted in response to this letter, we may need more clarification and possibly more information as a result of our review of the information to schedule this proposed project for Commission action. We recognize that providing this application information is time consuming and sincerely appreciate your cooperation. If you have any questions call me or in my absence Jack Ainsworth, or leave a message.

Sincerely,



James Johnson  
Coastal Program Analyst

401234a2serracanyongate

James Johnson  
Coastal Program Analyst

401234a2serracanyongate

**Serra Canyon Property Owner's Association**

P.O. Box 103  
Malibu, CA 90265-0103

**C.W. Carson**  
(310) 456-8652 Tel  
(310) 456-2204 FAX

jcarson@earthlink.net

RECEIVED

MAR 30 2005

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

March 30, 2005

California Coastal Commission  
South Central District  
89 S. California Street  
Ventura, CA 93001

Attn: James Johnson

Re: Permit Application No. 4-01-234-A2 – Electronically operated barrier gates

Dear Mr. Johnson:

This letter is our response to your letter of January 6, 2005.

1. *Is the height of the two inbound gates 41 inches.....?*  
Yes
2. *Is the swing arm gate proposed to be 12 or 14 feet long?*  
14 feet  
*Does the outbound arms include a post on the Western side?*  
Yes
3. *...explain ... "provide additional services when utilizing State Parks land and the associated trail"*  
When State Parks has an event on their land we would provide control of entry in accordance with State Parks instructions. We also provide instructions on the location of the Malibu Creek trail to visitors.
4. *Are "tiger teeth" .....that restricts vehicle access in one direction but not in the Opposite direction?*  
Yes  
*Are these teeth .....that allows a vehicle to roll over it in one direction .....*  
Yes  
*.....Do the spikes or teeth maintain their position and shred the tires.....?*  
Yes  
A picture of a simple surface mounted installation of "tiger teeth" is attached.
5. *How will public pedestrian access to state parks and public trails north of the gate house be accommodated?*  
The trail is identified by the sign defined in our original permit. The gate house is manned 24 hours a day and the guard directs pedestrians to the trail.

*Have special conditions 1 – 4 been completed and implemented?*

page 1 of 2

EXHIBIT 6  
APPLICATION No. 4-01-234-A2  
LETTER REC 3/30/05 FROM  
APPLICANT

Yes

We have been talking with Ron Schafer of Parks about the letter requested and have provided him with full details of the project. He has promised a letter in the next few days.

If you have any further questions or need added details feel free to call either myself or in my absence Geoffrey Gee at 310 456-2461.

Sincerely,

Clarence William Carson, Vice President SCPOA

RECEIVED

Serra Canyon Property Owner's Association  
P.O. Box 103  
Malibu, CA 90265-0103

JUN 06 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

(310) 456-8652 Tel  
(310) 456-2204 FAX  
jlcarson@earthlink.net

June 3, 2003

California Coastal Commission  
South Central Coast Area  
89 S. California Street, 2<sup>nd</sup> Floor  
Ventura, CA 93001

Subject: CDP 4-01-234 - Special Condition 1 - Signage Plan

Dear Ms. Kemmler:

Attached are two copies the signage plan asked for under Special Condition 1 to our pending permit for a gate house on Serra Road in Malibu, California. A CD with the same data is also attached.

We propose to delete 2 "Private Property" signs, relocate the existing "Serra Road" sign to a point 10 feet North of the existing State Parks vehicle entrance and leave the remaining signs in place.

We propose 3 new signs, a "Welcome" sign clearly visible from PCH and 2 trailhead signs at the entrance to the Malibu Creek trail.

When State Parks creates their parking lot, they may move the vehicle entrance. If the vehicle entrance is moved the "Serra Road" sign will be relocated to insure that it does not be mistaken to deny access to the new vehicular entrance. If the Sweetwater Mesa trail is dedicated then signs similar to those approved for the Malibu Creek trailhead will be installed.

We look forward to working with you to finalize the signage to be used at the entrance to our canyon.

Sincerely,

Clarence William Carson  
Vice President, Serra Canyon Property Owner's Association

CA. COASTAL COMM.  
PLANS APPROVED  
Date 11.10.03  
Sig. [Signature]  
These plans must be present on the project site & shown to building & zoning officials on request.

EXHIBIT 7  
APPLICATION No. 4-01-234-A2  
CONDITION COMPLIANCE -  
SIGNS FOR COASTAL PERMIT  
NO. 4-01-234

Page 1 of 9

CCC COPY  
CDP# 4-01-234

***Serra Canyon Property Owner's Association***  
**Proposed signage in response to Special Conditions #1**  
**CDP 4-01-234**

This plan describes the existing signage on Serra Road, the removal of certain signs and new signs required under Special Condition #1 of CDP 4-01-234. A plot of the signage is provided as Figure 1. Mock ups of proposed new signs and photographs of existing signs are attached.

Three new signs are proposed. The first is a "Welcome" sign visible from PCH and located on the west side of Serra Road next to the existing cairn and at 90 feet from PCH. The Sign location is coded blue and is designated sign G. We have consulted with State Parks about the wordage on this sign.

The trailhead for hikers and equestrians is at 150 feet from PCH and on the West side of Serra Road. Two signs coded blue and named J1 and J2 are proposed. These signs will identify the trailhead, describe restrictions and contain warnings. Sign J1 is a simple white on brown sign clearly visible from Serra Road noting the location of the Malibu Creek trailhead. Sign J2 notes the name of the trail and restrictions using standard trail markings. An alternative to Sign J2 would be a single rectangular sign. Lettering and spacing are to National Park Standards. There may be a need for additional signage at this location. Added signage might include a rattlesnake warning and a note that the visitor is entering State Park land.

Referring to Figure 1 two signs are to be removed. They are colored in maroon, designated as sign F on the plot and have an "X" through them. These "No Parking" signs are located on the East side of Serra Road 174 and 239 feet from the Northern edge of the sidewalk at the intersection of Serra Road and Pacific Coast Highway.

Sign B in yellow, the current entrance sign, located 70 feet from PCH will be relocated north of the State Parks and Recreation vehicle entrance on the East side of the road and 490 feet from the Serra Road entrance.

30 feet from the entrance colored in pink is sign H. This illuminated sign belongs to the Fathers of the Serra Retreat and will remain.

Three other signs on the East side of the road and coded in green will remain. The signs are:

- Sign E at 316 feet – a Welcome sign to our community
- Sign D at 350 feet – a Fire Department sign warning of fire hazards
- Sign C at 433 feet – a Fire Lane and Deer Crossing sign

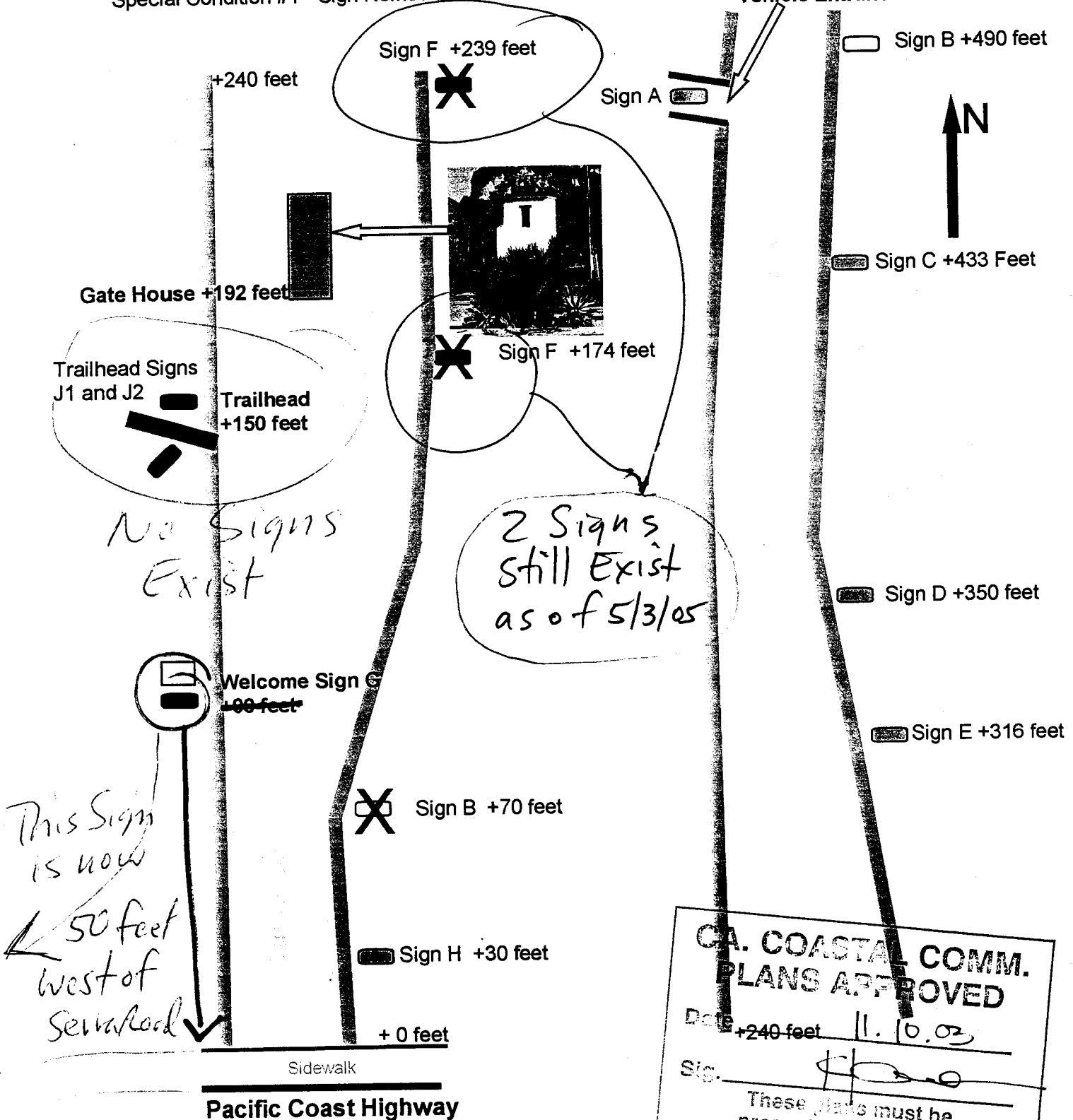
On the West side of Serra Road at the State Parks and Recreation vehicle entrance the existing signage (Signs A, A1 and A2) will remain. If State Parks determines that a permanent parking entrance to their property is to be built then the signage will be reviewed and appropriately modified.

Similarly if the Sweetwater Mesa Trail is opened, signs similar to those for the Malibu Creek Trail will be developed.



**Serra Canyon Property Owner's Association**  
**Special Condition #1 - Sign Removal Plan CDP 4-01-234**

**State Parks & Recreation**  
**Vehicle Entrance +475 feet**



**Figure 1 - Sign Locations on Serra Road - CDP 4-01-234**

**CA. COASTAL COMM.**  
**PLANS APPROVED**  
 Date +240 feet 11.10.03  
 Sig. [Signature]  
 These plans must be present on the project site & shown to building & zoning officials on request.

**Welcome Sign (Sign G):**

A new "Welcome" sign will be placed on the West side of Serra Road. The sign will be located just North of the CalTrans PCH easements and just off the Western edge of the Serra Road easement. The 30" x 40" white on brown wooden or biodegradable material sign (Envirosigns) will be lettered with 6" block letters for the first line and 3" block letters for the balance of the lettering.

The proposed wording is shown on the figure below:



**Trailhead Sign (Signs J1 and J2 on the diagram):**

A trailhead sign is proposed; the first is a 12" x 24" white on brown aluminum sign with 3" high Gothic C block letters that identifies the trailhead to the Malibu Creek trail. This sign J1 is depicted below.

*These signs do not exist*

**Malibu Creek  
Trail Head**

A second trailhead sign (Sign J2 on the diagram) would be used for trail management. The trail would be identified and standard 6" x 6" reflectorized symbols would be used. A red slash would be used to indicate closures. The trail name would be 2" Gothic C letters. All signage will be white on brown.

**Malibu Creek Trail**



Other trailhead signs may be needed. For example a rattlesnake warning sign or An "Entering State Parks" sign. An example is below:



There may also be a requirement for signage that notes the environmental sensitivity of the trail.



**Sign A** State Park Vehicle Entrance.  
Location 469' from sidewalk on east side of Serra Road



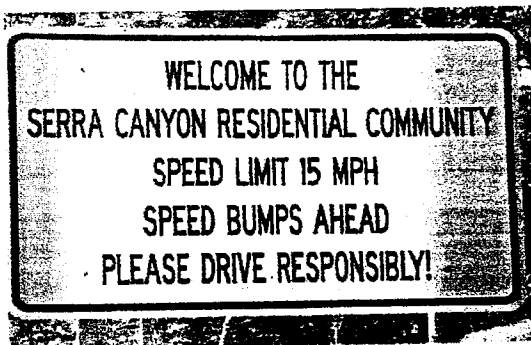
**Sign B** Dim 34" x 72" Location 50' from sidewalk on east side of Serra Road. To be located 10' North of State Park Vehicle Entrance on the East side of Serra Road



**Sign C** Dim 18" x 24" Location 433' from sidewalk on east side of Serra Road



**Sign D** Dim 42" x 42" Location 350' from sidewalk on east side of Serra Road



**Sign E** Dim 40" x 72" Location 316' from sidewalk on east side of Serra Road.



**Sign F** Dim 18" x 24" Location F 238' 6" from sidewalk Location F 174' from sidewalk both on east side of Serra Rd. Both to be removed once gates and guards are in place.

*2 signs Still Existing as of 5/3/2005*



**Sign A1** North side of State Parks vehicle entrance  
478 feet from Serra Road



**Sign A2** - North side of State Parks vehicle entrance  
463 feet from Serra Road



**Sign H** - 30 feet from Serra Road - East Side

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
 89 SOUTH CALIFORNIA ST., SUITE 200  
 VENTURA, CA 93001  
 (805) 585 - 1800

**COASTAL DEVELOPMENT PERMIT**

On May 9, 2003, the California Coastal Commission granted to Serra Canyon Property Owners Association, permit 4-01-234, subject to the attached Standard and Special Conditions, for development consisting of: Request for after-the-fact approval for construction of an existing 105 sq. ft. gate house to provide shelter for security guard and approx. 3,800 sq. ft. area of paving to widen the existing road. This permit is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 3900 Serra Road, Malibu.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS  
 Executive Director

By: Kara Kemmler  
 Coastal Planner

**ACKNOWLEDGMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

10 NOVEMBER 2003

Date

Permittee

EXHIBIT 8  
 APPLICATION No. 4-01-234-A2  
 COASTAL PERMIT NO. 4-01-234

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## **COASTAL DEVELOPMENT PERMIT**

### **STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **SPECIAL CONDITIONS:**

#### ***1. Sign Removal***

Within 14 days of the issuance of Coastal Development Permit No. 4-01-234, the existing large private property/no trespassing sign along the east side of Serra Road, as shown on Exhibit 7 and all smaller no trespassing signs located along Serra Road south of the gatehouse shall be removed.

"No parking" and/or "no vehicular access" signs may be allowed in the road easement, if they could not be mistaken to prohibit pedestrian and equestrian use of Serra Road to access State Parks property via the entrance(s) on the west side of Serra Road north of the gatehouse or trail easements along Sweetwater Mesa trail on the eastern side of Serra Road north of the gatehouse. Private property signs may only be allowed in the road easement north of the gatehouse, so long as they could not be mistaken to prohibit pedestrian and equestrian use of Serra Road to access State Parks property or Sweetwater Mesa trail easements. Prior to issuance of the coastal development permit the applicant shall submit, for review and approval of the Executive Director, a plan illustrating the number, content and location of all existing signs located along Serra Road and identifying which will be removed or replaced and which will remain. The plan shall also provide the content, size and location of any replacement signs and new signs to be installed, including the exact location where they will be installed.



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The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan, including the posting of additional signs or modification to the language or location of approved signs, shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### **2. Public Access Signage**

Within 60 days of issuance of Coastal Development Permit No. 4-01-234, the applicant shall install informative public access signage at highly visible locations to welcome hikers and equestrian visitors into the area. Signs shall be placed adjacent to and visible from PCH *and* at or on the gatehouse that notify the public that pedestrian and equestrian use of Serra Road to access State Parks property via the entrance(s) on the west side of Serra Road north of the gatehouse is allowed. Hours of access may be restricted to daylight hours. Sign language, design and size specifications shall ensure that all signs will be clearly visible to the public from PCH and at the gatehouse and that pedestrian and equestrian access to State Parks property is allowed (at least during daylight hours). In addition, should the trail easements along the Sweetwater Mesa trail be accepted and opened for public use in the future, the public access signs shall be revised or new signs shall be installed within 90 days to reflect this public pedestrian and equestrian trail access point.

Prior to issuance of the coastal development permit the applicant shall submit a plan, for review and approval of the Executive Director, that includes language, size and design specifications for the public access signage and the exact location in which the signage is to be installed. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. Any changes to the approved sign language shall be reviewed and approved by the Executive Director. No other changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### **3. Visitor Information**

Written information shall be provided at the gatehouse directing the public to parking locations along PCH or at publicly owned lots on the seaward side of PCH and in the area. Information shall also be provided which directs the public to points of access to the State Parks property via the entrance(s) on the west side of Serra Road north of the gatehouse. Information shall not be disseminated that would interfere with any rights of public access acquired through use which may exist on the Sweetwater Mesa trail. At the request of the Coastal Commission, the information about parking and trails shall be revised to reflect new parking areas or trails that are opened.

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### **4. *Serra Canyon Property owners Association (SCOPA) Requirements***

The SCPOA must comply with the following:

- a. the SCPOA shall provide training and instruction to any person employed to man the gatehouse in order to effectively carry out Special Condition No. Three and to insure that such employees accurately inform people about the public access that is authorized and required by (c) of this Special Condition;
- b. the SCPOA shall be responsible for the maintenance, and replacement if necessary, of all public access signs required by Special Condition No. Two;
- c. pedestrian and equestrian use of Serra Road to access State Parks property via the entrance(s) on the west side of Serra Road north of the gatehouse or trail easements along Sweetwater Mesa trail on the eastern side of Serra Road north of the gatehouse during daylight hours shall be allowed until and unless an amendment to this permit modifies the special conditions;
- d. the SCOPA shall not interfere with any rights of public access acquired through use, which may exist on the Sweetwater Mesa trail.

Prior to issuance of Coastal Development Permit 4-01-234, the applicant must submit a written document acceptable to the E.D. stating that it agrees to comply with the above requirements of this Special Condition.

### **5. *Condition Compliance***

If the applicant has not satisfied all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit within 120 days of Commission approval of the permit application, or such additional time as the Executive Director may grant for good cause, the Commission may institute any enforcement action that is authorized under the provisions of Chapter 9 of the Coastal Act.

# Parking For State Park



EXHIBIT 9  
APPLICATION No. 4-01-234-A2  
SCPOA PUBLIC PARKING HANDOUT  
AVAILABLE AT GATEHOUSE

