

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
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July 28, 2021

Joseph T. Edmiston, Executive Director
Santa Monica Mountains Conservancy
King Gillette Ranch
26800 Mulholland Highway
Calabasas, CA 91302

Subject: Requirement to provide public access at 21704 Pacific Coast Highway (APN 4451-003-900) at Carbon/La Costa Beach in Malibu

Dear Mr. Edmiston:

We are writing in regard to the requirement to provide public access at the Carbon-La Costa Property, located at 21704 Pacific Coast Highway ("PCH"), Malibu, also known by Los Angeles County Assessor's Parcel Number ("APN") as 4451-003-900, which is owned by Santa Monica Mountains Conservancy ("SMMC"), and which is located directly adjacent to another beach parcel owned by the SMMC at 21714 PCH (APN 4451-004-900).

As you are aware, on June 13, 2000, the Commission approved Coastal Development Permit Amendments ("CDP Amendments") Nos. 4-99-146-A2, 4-99-185-A1, and 4-99-266-A1, which allowed for offsite mitigation of the required public view corridor on 22368, 21958, and 22338 PCH through the provision of public views and public access to the ocean from PCH over the entire parcel at 21704 PCH (APN 4451-003-900). We would note that the subject CDP Amendments do not apply to the adjacent beach parcel owned by the SMMC at 21714 PCH (APN 4451-004-900). Special Condition Three of the CDP Amendments (Public View Corridor Mitigation and Public Access Program) required the applicants to dedicate the subject parcel in fee to the State in lieu of providing public view corridors across their properties and required that "[t]he parcel shall be opened and used for public access, both visual and physical." Special Condition Three also required the entire parcel to be available "for public recreation and both vertical and lateral public access to the beach and ocean on and across the entire site."

Fence and gate

A chain-link fence with barbed wire was previously located on the subject site. The Commission found that the existing fence would result in adverse effects to public views of the beach and ocean from PCH and would eliminate the public's ability to access the beach from PCH, thus negating the intent of the provision of the public access on the mitigation site. As a result, the Commission required, under Special Condition Three, that the existing chain link/barbwire fence be removed prior to issuance of the CDP Amendments. Staff from the California Coastal Conservancy ("Conservancy"), as the public agency assuming ownership of

the site, requested fencing with a gate in order to regulate public access. Pursuant to the request by the Conservancy, the Commission allowed installation of a new fence and gate on the subject offsite mitigation parcel pursuant to Special Condition Three (B) of the CDP Amendments designed to protect public access, stating, “[t]he plans must also include a time-lock mechanism **or other means to allow public access to the site...**” [Emphasis added.] Special Condition Three (C) of the CDP Amendments states that “[t]he Coastal Conservancy has agreed to the construction of the new fence, gate, and signage on the parcel in accordance with the plans approved by the Executive Director” pursuant to Special Condition Three (B).

As a condition of the CDP Amendments, the applicants were required to dedicate the subject parcel to the State of California for both visual and physical public access. A deed restriction was recorded in the Los Angeles County Recorder’s office on August 15, 2005 under document number 05 1955941, binding all successors and assigns.

The fence and gate that currently exist on the subject site appear to have been constructed largely in accordance with the revised plans with the exception that the gate remains closed, inconsistent with the public access requirements of the CDP Amendments, including Special Condition Three (B).

In order to achieve provision of public access at 21704 Pacific Coast Highway, Commission staff is requesting that the existing gate at the site be opened either (1) through the use of a time lock mechanism that would allow the public vertical access to the beach, at a minimum, during daylight hours or (2) simply by ensuring that the existing gate is open and available for public use on a daily basis.

According to information provided to Commission staff, on or about May 5, 2021, neighboring property owners installed an unpermitted chain link fence with barbed wire on the State-owned beach parcel at 20714 PCH, which is adjacent to the Carbon-La Costa parcel. This unpermitted fence on the State-owned parcel was removed shortly thereafter by Mountains Recreation and Conservation Authority staff on behalf of SMMC. As a result, members of the public are currently able to access the Carbon-La Costa parcel at 21704 Pacific Coast Highway by entering from the adjacent parcel at 21714 Pacific Coast Highway. However, pursuant to Special Condition Three of the aforementioned CDP Amendments, “the entire [subject Carbon-La Costa offsite mitigation] parcel, as measured from the Pacific Coast Highway right of way, shall be available for public recreation and both vertical and lateral public access to the beach and ocean on and across the entire site.” Thus, while there is currently access by way of an adjacent parcel, the subject parcel must also be open for public access in accordance with Special Condition Three of the subject CDP Amendments.

Signs

Additionally, Special Condition Three (B) of the subject CDP Amendments states that “[t]he revised plans shall also include the provision of signage indicating the availability of public access on the site.” “The approved signage must be maintained at the site.” Further, Special Condition Three (B) states that after approval of the revised plans by the Executive Director,

the fence, gate, and signage must be installed within 90 days of issuance of the CDP Amendments. To help ensure that the public is aware of the availability of public access at the site, Commission staff is requesting that the SMMC submit revised plans for the provision of signage indicating the availability of public access on the site to ensure compliance with Special Condition Three (B).

Thank you in advance for your time and attention to this matter. Should you have any questions about this letter or the subject CDP Amendments, please feel free to contact Denise Venegas or me.

Sincerely,



Steve Hudson
District Director

cc: Richard Mollica, Planning Director, City of Malibu
John Ainsworth, Executive Director, CCC
Lisa Haage, Chief of Enforcement, CCC
Alex Helperin, Assistant Chief Counsel, CCC
Linda Locklin, Public Access Program Manager, CCC
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