

James Yeramian

From: Hans Laetz [hanslaetz@gmail.com]
Sent: Wednesday, February 23, 2011 7:27 PM
To: James Yeramian; Paul Edelman
Subject: Letter to SMMC board

James: would you please forward this to the board members prior to Monday's meeting, and would you be so kind as to reply to let me know that this arrived in proper form for distribution? Thank you. Hans

Santa Monica Mountains Conservancy
570 W. Avenue 26
Los Angeles CA 90065
Members of the board,

Feb. 23, 2011

This letter is to respectfully request that Item 10 (a) be removed from the Consent Calendar agenda for the Feb. 28 meeting, and be sent back to your staff with specific directions to be explained below. On a larger scale, it is a request that the Conservancy again visit issues of low-cost public recreational access along the Malibu coast. Specifically, I request that the Santa Monica Mountains Conservancy withhold any endorsement of the City of Malibu's Draft Updated Parkland And Trails System Map. Further, the Conservancy should revisit its past stands on recreational use of the Malibu coastline, and should more-aggressively act to provide low-cost or free hiking and bicycling access to a coast that, for the most part, sits behind locked fences and houses.

The City's current Trails Map has apparently been represented as merely a new plan for the backcountry trails as they traverse Malibu. That is not what it is. It is actually a request to the Coastal Commission by the City of Malibu to "replace in its entirety" the existing Recreation Element of the certified Local Coastal Program for Malibu (in the words of the City of Malibu Staff Report presented to the Planning Commission last month).

This piecemeal revision represents a continued pattern by Malibu to evade its multiple responsibilities to provide lawful and reasonable access to the Malibu coast and mountains for its own residents and the millions of coastal visitors per year to Malibu. This is part of a general attitude by the City that has the net effect of freezing the unacceptable and dangerous status quo of denying safe coastal access for eternity.

Malibu's proposed new map would allow the City to continue to evade the following responsibilities:

- The City is responsible, under Assembly Bill 908, to plan for the California Coastal Trail as it traverses the City from end to end. This trail is statutorily intended to be a "braided trail" with access parallel to the coast for pedestrians, bicyclists and horseriders. Where necessary due to the need to respect property rights at lawful development along the shore, or to detour around natural obstructions along the shore that impede access, AB 908 requires cities to designate trails inland along the nearest street to the coast.. **The proposed Trails Map unlawfully designates the wet sand, below the mean high tide line, as the sole alignment for the California Coastal Trail as it transits 25 miles of Malibu coast.** It does not map any pedestrian or bicycle use of PCH whatsoever -- except for a quarter-mile section of the Malibu inland trail along Pepperdine University, which is technically not even within the City Limits.

- Malibu is responsible, under its certified Local Coastal Program, to "support" a bike lane along Pacific Coast Highway. **The proposed Trails Map is silent on bicycles, and on non-vehicular use of the unused state right of way adjacent to Pacific Coast Highway** within the city. This right of way is in many hazardous stretches is permanently occupied by encroaching private uses or residential parking on state property that are countenanced by the City of Malibu. Alone in California, Malibu does not have one foot of bike lane. Malibu is

currently designing a \$900,000 bike route at the west end of the City, where the wide existing road already safely accommodates bikes, and refuses to act on the residential parking and other encroachments on safe riding or walking along Pacific Coast Highway at the eastern end of the City, where proven demand and a history of fatalities proves the dangers to be much greater.

- The City must, under its own General Plan, plan for a hiking or pedestrian trail along Pacific Coast Highway. Not only has it failed to do so, the City recently approved a major commercial development (at Trancas) where a proposed bike lane and sidewalk was actively opposed by City Staff, who felt that adding sidewalks or bike lanes would "only encourage pedestrians and bicyclists to use PCH." Again, **no trail along PCH within the City Limits is designated in the proposed "Trails Map" now before the SMMC board.**

- The proposed map does not chart vertical coastal access trails or easements, an integral part of the existing LCP recreation element. The City has never accepted any private offer to dedicate vertical coastal access, and has relied on the county, state or non-government organizations to accept easements to beaches for public use. **There are no vertical easements reflected in the proposed "Trails Map" east of Lechusa Point -- covering 85 percent of the Malibu coast.** Existing vertical easements held by the County Beaches and Harbors and Access For All are not on the proposed map. No present or future offers to dedicate vertical easements are listed anywhere on the map.

- The proposed map does not include any existing trails on Point Dume, a location where both the City of Malibu (with a grant from Caltrans) and California State Parks have already built and operate public trails. Those trails are not mapped. Also missing are existing privately-owned trails on Point Dume and near Paradise Cove, that connect public streets to beaches and the oceans, and which are open to residents only. According to testimony before the Planning Commission, **the Malibu City Council in 2004, actually ordered its Ad Hoc Trails Committee to avoid considering any Point Dume trails on its mapping efforts.**

- The proposed map does not inventory or detail horizontal easements on beaches, or other opportunities for public use of lands that are held out to be "private beaches" by beachfront residents.

- The proposed map does not link the City's putative trail system with Topanga State Beach to the east or Leo Carrillo State Beach to the west, seaward of Pacific Coast Highway, or along either side of the highway adjacent to the coast.

- The City of Malibu, through directions issued by the City's Public Safety Commission to its contract law enforcement agency (the Los Angeles County sheriff's office), has explicitly ordered a ticket-writing crackdown on bicyclists who insist on riding in traffic lanes on PCH. This is despite laws that specifically allow bicyclists to use roadway lanes, as if they are vehicles, in locations where they reasonably believe the shoulder to be unsafe due to parked cars, potholes or other obstructions. This is contrary to the way the same California Vehicle Code sections are enforced elsewhere in the state, and has led to the ticketing of bicyclists who are lawfully using PCH in locations where there is no safe shoulder. **The City of Malibu, through its agents, is actively restricted and impeding lawful use of PCH by bicyclists, and violates its LCP which requires low-cost recreation activities to be promoted by the City.**

- The City of Malibu has hindered the public's use of free parking spaces for years along Pacific Coast Highway at Zuma Beach, where nonstandard, confusing and contradicting signage has caused thousands of cars owned by summer beach visitors to be towed away by the City's agents, and with resulting impound fees (totalling in the hundreds of thousands of dollars per summer) quietly benefitting the City coffers. **Again, the plain requirements of the LCP and Coastal Act are ignored by Malibu, to the detriment of beach visitors.**

Malibu has been incorporated for 20 years. It enacted its General Plan 15 years ago. Its LCP was certified 11 years ago. AB 908 required the California Coastal Trail to be designated 8 years ago. The City of Malibu has

either willfully or ignorantly failed to meet its specific responsibilities as stewards of its coast, a priceless resource that under the State Constitution is reserved by the people as a public asset.

The SMMC cannot countenance these outrageous acts. The SMMC should support the existing Malibu map only as a starting point. This is not to dismiss the significant accomplishment made by the City and its Ad Hoc Trails Committee in its 15 years of effort in compiling the map. Please accept this request that your staff review the map with these points in mind.

Thank you for your consideration.

Hans Laetz
zuma impact environmental analysis and reporting
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