

Chapter 4: Public Access

OVERVIEW

The loss of coastal recreation opportunities resulting from development occurring over the past twenty years represents a significant adverse impact to coastal resources. Defined broadly, these opportunities include not only the physical availability of access sites and recreation areas, but also the ability of the public to reach and utilize these sites. One goal of the California Coastal Management Program is to ensure that maximum coastal access and recreational opportunities are provided consistent with the need to protect public rights, the rights of private property owners, and the need for coastal resource protection. Due to the historic, local, and regional importance of coastal recreation in the Santa Monica Mountains/ Malibu area, providing for public coastal access and recreation now and in the future is vital.

To ensure public access, the Coastal Commission and the three local governments in the ReCAP project area (Los Angeles County, City of Malibu, and Ventura County) must protect existing coastal access and ensure the availability of future access commensurate with the growing population and recreation demand within the region. Several policies in the Coastal Act work to meet this objective. The Coastal Act requires that development not interfere with the public's right to the sea (Section 30211); encourages the provision of lower cost visitor and recreational facilities (Section 30213); specifies the need to protect ocean front land suitable for recreational use (Section 30221); and requires the protection of upland areas to support coastal recreation, where feasible (Section 30223). In addition, the Ventura County Local Coastal Program (LCP) for the Santa Monica Mountains area contains policies to enhance the physical supply of coastal access, such as access dedications to mitigate access impacts from new development along the shoreline and in upland areas.

In the Santa Monica Mountains/Malibu project area, the supply of physical accessways to and along the 32 miles of shoreline, and the acreage of public parkland along the shoreline and in the mountainous inland region of the coastal zone, increased significantly between 1978 and 1996. The acreage of public parklands increased when Congress created the Santa Monica Mountains National Recreation Area in 1978 as a unit of the National Park Service, and when the California Department of Parks and Recreation expanded several existing State Parks during the 1970s and early 1980s. As a result of these actions, the 30,000 acres of public parklands present in 1979 expanded to approximately 50,000 acres by 1997 (Figure 4-1). The federal and state parks in the project area include spectacular tracts of open space and developed recreational sites that provide recreational opportunities such as swimming, surfing, fishing, picnicking, camping, hiking, horseback riding, mountain biking, and nature study to over 33 million visitors annually (Los Angeles Times, 1998).

There are a variety of ways to define coastal access and to assess cumulative impacts on access. Coastal access is generally viewed as an issue of physical supply, and includes lateral access (access along a beach), vertical access (access from the upland street or bluff to the beach), coastal blufftop trails, and upland trails that lead to the shore or traverse inland parklands within the coastal zone. These inland parks provide significant access and recreation opportunities in the Santa Monica Mountains coastal zone, and are as important to coastal access as shoreline accessways.

While the physical supply of access is a primary factor in assuring access opportunities, an access program cannot view the issue of supply in isolation of a number of other factors (CCC, 1995). These variables include the availability of transit to beaches, parking availability, providing other necessary support facilities such as restrooms and picnic areas, addressing user demands and conflicts, and maintenance of a diversity of coastal recreational experiences. Impacts to any one of these variables may ultimately affect the availability and use of the physical supply of access. For example, without adequate parking or alternative transportation, users will have difficulty reaching an access site. Similarly, a lack of adequate support facilities or a site that is perceived as over-crowded may make a site less desirable for some users. In other cases, the development of extensive support facilities, which often draws a larger number of users, may need to be balanced to protect sensitive resources. Therefore, managing coastal access and ensuring that growth and development does not cumulatively impact the resource, involves managing not only the physical supply of access, but all the other variables that contribute to ensuring maximum coastal access. As development and population increase, both within the project area and within the surrounding metropolitan area, the need to balance these objectives in determining how to “maximize” public access also increases.

Because detailed analysis of all these factors was beyond the scope of this project, ReCAP focused on examining the effectiveness of the Commission’s shoreline and inland trail access mitigation within the ReCAP area. As documented elsewhere in this report, relatively little development occurred in the Ventura County segment of the project area, as a significant portion of the land here is federal and state parkland. As a result, the development impacts on public access and recreation here are not as extensive as in the balance of the project area. Therefore, ReCAP’s analysis focuses primarily in Los Angeles County and the City of Malibu and recommends program improvements that will further the Coastal Act mandate of maximizing public access and recreational opportunities. The first section of the chapter discusses shoreline access; the second section addresses inland trails.

SHORELINE ACCESS

To understand the importance of protecting and maximizing public access, it is critical to know that the public already possesses ownership interests in tidelands or those lands below the mean high tide line; because the mean high tide line varies, the extent of lands in public ownership also varies with the location of the mean high tide. By virtue of its

admission into the Union, California became the owner of all tidelands and all lands lying beneath inland navigable waters. These lands are held in the State’s sovereign capacity and are subject to the common law public trust. The use of these lands is limited to public trust uses, such as navigation, fisheries, commerce, public access, water-oriented recreation, open space, and environmental protection. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access through the regulation of development. The following recommendations also further these goals.

IMPROVING EXISTING ACCESS OPPORTUNITITES

ReCAP staff identified several situations in which access to publicly owned lands could be improved.

Recommendation IV-1	Los Angeles County should open El Sol Beach and Dan Blocker Beach. Coordinate with L.A. County Department of Beaches and Harbors in achieving more access to these beaches.
Recommendation IV-2	<p>(a) The California Department of Parks and Recreation should develop and submit for certification a public works plan for Malibu Bluffs State Park that provides for regional/state park uses.</p> <p>(b) The City of Malibu LCP should include plans for alternative locations for local park uses. No expansion or reconstruction of athletic fields should be permitted.</p>
Recommendation IV-3	The California Department of Parks and Recreation and the City of Malibu should improve access to Point Dume State Preserve by improving the availability of parking in the area adjacent to or within the blufftop portion of the Preserve.
Recommendation IV-4	The Commission, Coastal Conservancy, local governments, the California Department of Parks and Recreation, the Santa Monica Mountains Conservancy, and Caltrans should work together to develop a comprehensive signage program to better identify public use opportunities and minimize conflicts between public and private use.
Recommendation IV-5	In consultation with the State Lands Commission, identify and seek removal of all unauthorized physical development that encroaches into state tidelands areas.

Findings:

In addition to its regulatory mandates, the Commission is required, under the Coastal Act, to develop and implement a public access program to maximize public access to and along the coastline and to coordinate with other federal, state, and local agencies responsible for providing public access. The ReCAP review of public access in the Malibu area has identified several opportunities for improving existing access opportunities.

El Sol and Dan Blocker Beaches

Several properties already in public ownership are underutilized for public access, including El Sol Beach and Dan Blocker Beach, which are both owned by the Los Angeles County Department of Beaches and Harbors. The El Sol property consists of a blufftop area leading down to a large cove beach area west of the existing Robert H. Meyer pocket beaches. Dan Blocker Beach consists of a 1500-foot long blufftop area comprised of several lots with a narrow sandy beach east of Latigo Point. Dan Blocker includes an eastern unit known as Corral Beach. While the Corral unit is open to public use, the remainder is fenced. Improvements necessary to make El Sol and Dan Blocker available to the public include stairs, parking and support facilities such as restrooms.

The Coastal Conservancy and Commission staffs have been worked with County staff to facilitate opening these beaches to public use. The Conservancy has indicated to Los Angeles County that funding is currently available for the development of the El Sol Beach property and has offered to make such funds available if the County will agree to undertake such development. In order to ensure that these beaches already in public ownership can be opened to provide additional public access, Commission and Conservancy staff should continue to coordinate with the County, particularly with County's Department of Beaches and Harbor, to open El Sol Beach and should continue to seek additional funding for facilities necessary to open Dan Blocker Beach.

The County has indicated that development of a paved parking lot on the bluff at Dan Blocker Beach might require the construction of a shoreline protective device. Los Angeles County should implement a short-term and long-term strategy for the development of parking and other improvements at Dan Blocker Beach. In the short term, it should develop stairways/trails, restrooms, and utilize on-street parking or an unimproved parking lot. Interim facilities would require fewer improvements but would assure public use. In the long term, the County should analyze the feasibility of, and potential impacts from, developing a paved parking lot and other facilities, including the necessity for a shoreline protective device. However, a full range of alternatives should be considered in designing such a project in order to avoid impacts to beach resources (See Chapter 5 below for a full discussion of the potential impacts from shoreline protective devices).

Malibu Bluffs Park

Another example of park property where coastal access opportunities may be maximized is Malibu Bluffs Park. This park area, owned by the California Department of Parks and

Recreation, is a 93-acre coastal bluff parcel with direct access to Pacific Coast Highway. This park property was acquired in 1979 with \$6.8 million of State Bond Act funds. In 1982, the Commission approved coastal development permit 5-82-780 (CCC, 1982a) for the construction of two temporary ball fields with parking improvements, restrooms, and trails. The ball fields were intended to replace, on a short-term basis, similar fields removed from Malibu Lagoon State Park to allow for wetland restoration. The ball fields at Malibu Bluffs State Park were permitted for a five-year period only (until 1987) and a special condition of the permit required the planned phasing out of the ball field use and identification of alternative sites for such use. The Commission later denied a permit amendment to allow the development of community uses over the entire park area. A second amendment to the permit was approved to allow for additional development and an extension to the time period during which the fields could be maintained on the site. However, the Commission found in these actions that there was an absence of regional serving public facilities such as parks and camping in the Malibu area and that demand for such uses would increase over time.

To date, no alternative sites have been identified for community-serving recreation uses like the ball fields. The ball fields, which are extensively used by local residents, remain in Malibu Bluffs State Park. An interpretive center developed in the park is primarily used as a community center. These local uses conflict with, and limit, the use of the State Park as a regional resource. As a means of providing public access and recreational opportunities, the Department of Parks and Recreation (DPR) should, develop the park with uses that would serve regional and state visitors. DPR is currently participating with the National Park Service (NPS) and the Santa Monica Mountains Conservancy, in the NPS's general management planning process for the Santa Monica Mountains National Recreation Area. Possible "visions" identified for future use of Malibu Bluffs State Park include: visitor education center; visitor center with surfing history, coastal ecology, and art exhibits; and visitor center with emphasis on marine ecosystems (NPS, 1998). To improve coastal access in the region, the City of Malibu should, as part of its LCP planning, designate alternative sites for the relocation of the temporary community uses in Malibu Bluffs State Park. The Commission should work with DPR to provide for regional and statewide public access and recreational opportunities.

Sections 30605 and 30606 of the Coastal Act provide a mechanism to implement a plan for Malibu Bluffs State Park, which would help assure regional uses. It is suggested that the DPR could prepare and submit to the Commission for certification, a Public Works Plan outlining the kinds, location and intensity of permitted uses. If approved by the Commission prior to certification of an LCP, the plan would become the standard of review for all future specific projects and would provide an alternative to project by project review. The plan could include specific measures for relocation of existing facilities. However, it is essential that the City of Malibu, through its LCP planning, identify alternative locations for local community serving uses.

Point Dume State Preserve

Improvements at Point Dume State Reserve would also enhance public access opportunities. This 31-acre preserve includes Westward Beach, Dume Beach, Pirate's Cove, and an upland terrace/bluff preserve that provides spectacular views of the coast to the east and west. The upper blufftop portion of the park is designated a state preserve in recognition of the resources that exist there. In order to protect these resources, while also encouraging public access to the bluff and Dume Beach, the Commission approved Permit 4-97-048 (CCC, 1997a) for the development of a boardwalk and trails, along with the revegetation of approximately two acres. These improvements allow public use to be directed along a boardwalk and established trails rather than through a haphazard web of unplanned dirt paths.

In spite of these improvements, access to the entire preserve remains limited. A 376-space parking area serves Westward Beach, but Dume Beach and the blufftop portion of the park remain relatively isolated. Park users who want to access this beach and bluff area must hike from the parking area at Westward Beach up a trail to the top of the point, and then back down to the beach, a distance of approximately 800 feet. In addition, without securing a coastal permit, the City of Malibu has placed boulders and signs restricting parking along Cliffside Drive, adjacent to the bluff preserve, effectively prohibiting any parking and convenient access to the preserve. Further, new restrictions have been placed on parking on side streets that lead to Cliffside Drive. As a result, because no other parking spaces are provided within, adjacent, or nearby to the blufftop park areas, access is available only by walking on the sandy beach and hiking up existing trails on the bluff face. With a 200-foot change in elevation, traversing trails along the bluff face to the top is difficult, if not impossible for many members of the public. Additionally, no handicapped access exists to the blufftop area of the park.

These restrictions on access limit use of Dume Beach and the upper areas of the park to residents who live in the immediate area. Public access to the beach and blufftop may be improved by implementation of Cease and Desist Order No. CCC-97-CD-01 (CCC, 1997c). This order requires the City of Malibu to remove the signs and boulders it placed along Cliffside Drive without a coastal permit, or obtain a permit to allow retention of all or part of this development. To ensure that public access to Point Dume Preserve is improved, the Commission should continue to pursue the reinstatement of on-street parking adjacent to and in the vicinity of the park, and should encourage DPR to identify and implement alternative strategies for providing access to the blufftop areas of the park. Further, the City of Malibu, in its LCP planning, should include provisions for public parking adjacent to the blufftop areas of the park. ReCAP staff believes that improved public access to the blufftop headlands, including provision of parking, can be provided without degradation to sensitive habitat.

Signage Program

A comprehensive signage program to identify available access points from public roads would also improve access in the ReCAP area. Although some accessways are currently

signed, such as the well-known “Zonker Harris” accessway on Pacific Coast Highway, many accessways are more difficult to locate and may only be recognized by the presence of a gate and garbage receptacle. Uncertainty about the exact location of accessways and proximity to existing development inhibit the public from the use of available access opportunities. The Commission and the Conservancy joint access program should develop a signage program, in conjunction with the entities managing various accessways and the California Department of Transportation, in order to enhance access opportunities in the Malibu area. The Santa Monica Mountains Conservancy should also be involved in the development of the program. Signs, which give information on the extent of public uses available, should be located along Pacific Coast Highway at the entrance of the actual accessways. Such information would also help to minimize potential conflicts between public and private property use.

Public access also would be improved in the project area by the removal of unpermitted physical development, like signs and fences on the beach, which inhibit public use of state tidelands. Throughout much of the ReCAP area signs stating “Private Beach” or “Private Property” have been placed on beaches. The presence of these signs is misleading and can intimidate the public from using public lands. Public ownership, and therefore the right to public access, is guaranteed seaward from the mean high tide line. Because the line where the mean high tide intersects the beach is an ambulatory boundary that moves to correspond to changes in the beach profile, these signs portraying the boundary between public and private property as a fixed line are inaccurate. Indeed, at many times these signs may be on public land.

In a recent permit decision for beachfront development, the Commission found it necessary to impose a special condition requiring that applicants not post any signs containing messages that attempt to prohibit public use of the beach (CCC, 1997b). Such a condition will serve to minimize conflicts between public and private use in the future. However, the existing signs and other obstacles, like fences on sandy beach area, need to be addressed. Placement of such signs and fences constitutes development under the Coastal Act and requires a coastal development permit. Additionally, many such uses appear to encroach onto state tidelands. In addition to inhibiting public access, the placement of physical development in state tidelands presents a hazard to swimmers, surfers, and boaters. The Commission should identify, in consultation with the State Lands Commission, all physical development, including signs and fences, which encroach into state tidelands areas. Commission staff should work to remove all such encroachments as soon as possible. If necessary, enforcement actions should be initiated to bring about such removal.

PARKING

For millions of southern Californians and visitors, going to the beach in Malibu means driving there. To beach users, parking is as critical a component of shoreline access

as are the physical accessways themselves. The scarcity of beach parking in Malibu has led to conflicts between visitors and local residents. ReCAP staff have identified two ways of improving the situation: one to increase the supply of beach parking, the other to help the Commission better protect the existing supply.

Recommendation IV-6	The City of Malibu should develop a strategy in its LCP to utilize parking for office and commercial development near beach areas for public access parking in off-peak periods.
Recommendation IV-7	The Commission should inventory existing available parking along Pacific Coast Highway and public roads seaward of Pacific Coast Highway to establish baseline data to prevent future loss of access through unpermitted signage or construction of physical barriers.

Findings:

The availability of parking is a critical component of public access to the shoreline. Beach access parking may be located in public parking lots or along public roadways. Table 4-1, on the following page, shows the availability of parking at public beaches in the ReCAP project area. Historic figures for parking at public beaches were not available. Furthermore, staff is not aware of any existing inventory of available on-street parking spaces. However, the Commission has found, in its actions on permit applications in the Malibu area, that public parking is a valuable resource necessary for public access. In areas where there are no public parking lots, on-street parking may be the only parking available. Additionally, on-street parking can provide low-cost access to public beach areas where fees for parking can range from \$2 to \$6 per day¹, and may be the only access available at inland trailheads. Potential impacts to public beach parking include increased development along the shoreline and public roads which leads to increased competition for available spaces, inadequate provision of off-street parking for new development, and proliferation of “No Parking” signs and zones.

In order to minimize impacts to public parking, the Commission has required that new development provide adequate off-street parking. The Commission has found that commercial projects in particular can impact access through inadequate provision of off-street parking. If commercial enterprises do not provide adequate off-street parking for their patrons, people will utilize on-street parking areas for overflow parking. This can negatively impact access by reducing the potential on-street parking which would ordinarily be available for beach-goers. On-street parking is usually limited at best. Parking provisions to ensure sufficient off-street parking were included in the Malibu/Santa Monica Mountains LUP certified in 1986.

¹ Parking fees for private recreation facilities can be higher. For instance, the parking fee at Paradise Cove is \$15 per day.

**Table 4-1:
Existing Public Beach Parking**

BEACH	PARKING SPACES
Point Mugu State Park:	
Point Mugu Beach	Off-road
Thornhill Broome Beach	Camping Only
Sycamore Cove Beach	143 spaces
Leo Carrillo State Beach	327 spaces
Staircase Beach	22 spaces (dirt lot)
Nicholas Canyon County Beach	135 spaces
El Pescador State Beach	40 spaces
La Piedra State Beach	16 spaces
El Matador State Beach	20 spaces
Zuma Beach County Park	2102 spaces
Point Dume State Reserve	376 spaces (at Westward Beach)
Malibu Lagoon State Beach	75 spaces (Lot and Roadside)
Malibu Pier/Surfrider	193 spaces (100 State Parks, 93 County)
Las Tunas State Beach	Dirt Shoulder
Topanga State Beach	270 spaces

Source: Richard Rozzelle, California Department of Parks and Recreation; Phil Patton, Los Angeles Department of Beaches and Harbors, Personal Communications.

Joint Use Parking

The Commission has also required that non-visitor serving commercial and office development provide for the use of their parking facilities by beach-goers during off-peak office periods like weekends and holidays. This condition has been required in permit approvals for such projects along Pacific Coast Highway and in the Malibu Civic Center area. This joint-use of parking areas can greatly enhance access to the beach. However, such developments have not been monitored to ensure that this public parking is provided. Furthermore, joint-use parking would be most effective if it were utilized in a coordinated program, along with shuttle or transit service. The Malibu/Santa Monica Mountains LUP contained provisions for such a program, but to date none was ever developed. The City of Malibu should, in its LCP planning, include policies requiring joint use of parking in commercial office projects as well as pursuing a shuttle or transit program.

Parking Inventory

Given the lack of baseline information on the amount or location of on-street parking, it is difficult and time consuming to quantify the cumulative impacts to available parking that may have occurred in the past. It can be very difficult to identify new "No-Parking" signs or other signs that restrict parking. However, such barriers to public parking have occurred in the ReCAP area. For instance, the Commission denied Permit 4-93-135 (CCC, 1993a) for the placement of "No Parking" signs on the inland side of Pacific Coast

Highway along Zuma Beach County Park. The Commission approved with conditions Permit 4-93-101 for “No Parking” signs along an inland trail easement at the entrance to Winding Way Rd. (CCC, 1993b). Additionally, the Commission denied Permit 4-93-134 (CCC, 1993c) for the placement of barriers for the creation of a one-way street because to do so would reduce access to a public street and parking adjacent to Point Dume State Reserve. Finally, the Commission issued Cease and Desist Order CCC-97-CD-01 (CCC, 1997c) requiring the City of Malibu to rescind unauthorized parking restrictions and remove unpermitted parking restriction signs and boulders on Cliffside Drive adjacent to Point Dume State Preserve. This matter has yet to be resolved, and in the interim, the boulders and signs reduce access opportunities. The proliferation of such restrictions can cumulatively result in the loss of parking available for the public to gain access to the shore, even in areas where there are open accessways or public beaches.

A comprehensive inventory of existing on-street parking, including any existing restrictions would allow future monitoring of parking availability. Additionally, other potential losses of public access parking could be more readily identified. Any new parking restrictions through signs, red-curbings, or other means that are undertaken without coastal development permits would be subject to enforcement action by the Commission. The Commission should seek funding to carry out such an inventory as a means to minimize cumulative impacts to public beach parking.

IMPROVING ACCESS MITIGATION MEASURES

Offers-to-dedicate access easements (also referred to as OTDs) are a primary mechanism used by the Commission to mitigate cumulative adverse impacts to public access. A number of OTDs have been required in the Malibu area as a condition of approval for shoreline projects, but significant work remains before the full potential of the intended mitigation can be realized.

<p>Recommendation IV-8</p>	<p>Commission staff should continue to coordinate with the Coastal Conservancy, local governments, and other public agencies or non-profit organizations to accept all existing vertical and lateral OTDs to ensure that no offers expire and to develop, as necessary, and open accepted access easements. The Commission and the Conservancy should also provide funding (e.g., from the Malibu Beach Access Fund, permit fee fund, violation remediation fund, and other sources) to public agencies or non-profit organizations for the development, operation and maintenance of accessways.</p>
<p>Recommendation IV-9</p>	<p>(a) The Commission should enforce terms of recorded and accepted access and trail OTDs and deed restrictions, including requiring removal of encroachments unauthorized by the terms of the accepted easement. Investigate specific cases of encroachment into recorded but unaccepted OTD easement areas</p>

	<p>and take steps to remove and/or reduce encroachments as allowable and feasible.</p> <p>(b) The Commission should improve its access mitigation condition compliance by including as part of any access condition or as part of permit procedures the requirement that applicants map the location of existing and proposed easements or OTDs air photos and project plans. Where access is proposed as part of the submitted project, filing requirements should include such mapping.</p>
<p>Recommendation IV-10</p>	<p>As part of its LCP planning, the City of Malibu should incorporate policies designed to minimize and mitigate impacts of development on public access, including policies to require access offers-to-dedicate (OTDs) to mitigate demonstrated impacts to public access. The LCP policies should include details on a program to implement OTDs, including timing for developing each OTD, funding sources for construction of improvements and operation costs, and City departments responsible for implementation.</p>

Findings:

The beaches of Malibu are extensively used by local and regional visitors; most planning studies indicated that attendance of recreational sites will continue to significantly increase as the population of surrounding areas increases over the coming years. The public has a right to use the shoreline under the public trust doctrine, the California Constitution, and California common law. The Commission must protect those public rights by assuring that any proposed shoreline development does not interfere with those rights. The major access issue in the beachfront permit applications considered by the Commission is the occupation of sandy beach area by structures such as houses and seawalls, which have the potential to affect shoreline sand supply and public access.

As discussed further in Chapter 5, development along the beach, particularly the placement of shoreline protective devices, has a number of effects on the dynamic shoreline system and the availability of public land. As a result, development can often lead to significant impacts on access opportunities. Development on a beach often leads to a change in the beach profile. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on its own property. This steepening of a beach can also lead to a progressive loss of sand on the beach. This material is then not available to nourish the offshore bar; this bar usually provides the sand to replenish beaches after winter storms. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. The net effect is a smaller beach area.

In addition, shoreline protective devices such as revetments and bulkheads cumulatively affect public access by causing accelerated and increased erosion on adjacent public beaches, further exacerbating the changes in beach profiles. This effect may not become evident until such devices are constructed individually along a shoreline and they reach a public beach. If not sited landward in a location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments and bulkheads interfere directly with public access by their occupation of beach area.

Based on these potential impacts, and the access, recreation, and development policies of the Coastal Act, the Commission has often required that new shoreline protective devices be located as landward as possible in order to reduce adverse impacts to the sand supply and public access resulting from the development. In addition, the Commission has also required that public access to or along the shoreline be provided in new development projects to mitigate adverse impacts to beach sand supply and public access from the proposed development. The access mitigation is usually accomplished through an offer-to-dedicate (OTD) an easement for public use. As Table 4-2, on the following page, shows, while progress has occurred, not all mitigation has been completed. To date, 15 vertical access OTDs have been recorded. Additionally, the lateral access OTDs noted as recorded are located across 348 parcels, approximately 20 percent of beachfront parcels.²

However, the recordation of an OTD does not ensure public access; the offers must first be accepted by a managing entity, and, for vertical easements which often require some improvements, specifically opened for public use. Figure A-3(a-f), in the Appendix,

² The number of recorded easements from the Access Program database is greater than the number the ReCAP database shows for easements required because the Access Program data includes access conditions required on permits prior to 1978. ReCAP's data for permits is limited to 1978-1996. In this case, ReCAP staff chose to report data for the longer period of time because staff wanted wherever possible to make use of existing data and it offered an opportunity to provide a more complete assessment of access status.

**Table 4-2:
Status of Offers to Dedicate Public Access³**

	Type	Number Recorded	Number Opened	Number Remaining to be Accepted/Opened
<i>Lateral Access</i>	Offer to Dedicate an Easement	262	100	162
	Deed Restriction	180	180	0
	Other Legal Instruments ⁴	33	33	0
	Subtotal	475	313	162
<i>Vertical Access</i>	Offer to Dedicate an Easement	15	4	11
	Deed Restriction	9	0	9
	Other Legal Instruments	2	1	1
	Subtotal	26	5	21
	Overall Totals	501	318	183

Source: CCC, Access Program Database; State Lands Commission data.

shows the existing open accessways, vertical access opportunities,⁵ lateral access easements, and public beach areas. Based on this information it becomes clear that the chief mitigation measure required by the Commission to offset the impact of development on public beach access in the ReCAP area has not been entirely effective. While development has been allowed to proceed, the mitigation has, in many cases, not been completed. Furthermore, an access easement offer to dedicate is valid for a limited time period. If not accepted during that period, an offer could expire. The Commission and the Coastal Conservancy have entered into a Memorandum of Understanding whereby the Conservancy agrees to accept priority outstanding offers to dedicate prior to expiration.

To ensure full mitigation of development impacts that have already occurred, the Commission must ensure not only that all existing OTDs are accepted prior to their expiration dates and then opened, but must also assure that *future* OTDs are accepted and available for use. A variety of factors have contributed in the difficulty of getting access OTDs accepted and available to the public, including: 1) lack of spatial information about the location of easements; 2) lack of funding for easement development, operation, and

³ There are also nine vertical accessways in the Malibu area which have been open to the public prior to the inception of the Coastal Act.

⁴ Other legal instruments include cases (generally earlier permits) where the Commission implemented mitigation through use of other mechanisms, for example, contracts with property owners.

⁵ Vertical Access Opportunities are those OTDs for vertical accessways that have been recorded but not yet accepted by a managing entity or open for public use.

maintenance; 3) questions about liability; and 4) the encroachment of development into the easement area.

Spatial Information

In order to accept and open accessways, it is important to know the location of the recorded easement in relation to public roads, geographic features, and existing development on the site. Most recorded OTDs and easements are identified by legal description only. Mapping all of the easements for an area is difficult and time consuming, yet is a critical process in evaluating the feasibility of opening the easement for public use. One necessary step is to map the location of each easement with regard to property boundaries and existing development on the site. A joint project between the Commission's Access Program and Technical Services Division has accomplished the mapping of all recorded vertical easements in the Malibu area. All vertical access opportunities have been mapped on the GIS developed for this ReCAP project. Each access point shown on the area map is linked to an assessor's parcel map and aerial photograph of the site with the configuration and location of the recorded easement superimposed. Figure 4-2 is an example of the information available from this project. This information can be used to assist in coordination between the Commission, Coastal Conservancy, and potential accepting entities. As discussed below, it can also help the Commission and local government in review of development projects to avoid encroachments. The Commission should make this product available to potential accepting entities, both through a paper format and an electronic format, for instance, on a compact disk.

Funding

The problem most often cited for the inability to open and operate additional access points in Malibu, particularly by local governments, is the lack of ongoing funding. Even when special funding like grants and bond funds is available for capital improvements, the recurring costs for operations and maintenance must be absorbed into limited parks and recreation budgets. New funding sources, not previously available, could now be used to develop, operate, and maintain accessways, and could provide the funding necessary for a managing entity to agree to accept OTDs. A recent amendment to the Coastal Act⁶ [SB72 (McPherson)] provides for coastal development permit fees collected by the Commission to be deposited in the Coastal Access Account, to be administered by the State Coastal Conservancy Fund. The Legislature may appropriate this money to the Conservancy for grants to public agencies and nonprofit entities or organizations for the development, maintenance, and operation of new and existing access facilities. Additionally, a portion of the fees collected for the Coastal License Plate are to be used by the Coastal Conservancy for coastal access improvements. Further, the Malibu Beach Access Fund, consisting of in-lieu fees required through permits for non-visitor serving commercial projects, is to be used to improved beach access in the Malibu area. The Commission should coordinate with the Conservancy to make available funds to public agencies or nonprofit organizations willing to accept, open, and operate vertical access easements.

⁶ This amendment was effective January 1, 1998.

Liability

Another barrier for potential accepting entities, particularly non-profit organizations, is a concern over possible liability. Limited immunity is provided for public entities managing land for public recreation. Non-profit public land trusts can be protected under similar immunities if they enter into an agreement with the Coastal Conservancy. Commission staff has also been working with the legislature to address this issue. In 1996, Civil Code section 846.1 was amended to add that if an entity operating a public accessway was sued under a personal injury claim, and won the suit, that entity could submit a bill to the legislature for reimbursement of attorney fees. This provision covers both private and public entities. Since this bill covers only personal injury claims, Commission staff has been continuing to work with the legislature to expand the scope of protection covered.

In 1997, the Coastal Conservancy and Commission published the technical bulletin, "Limitations on Liability for Nonprofit Land Managers"; this bulletin provides information on the question of liability for potential acceptors and operators of public access easements. Commission and Conservancy staff should continue to coordinate with local governments and non-profit organizations to resolve liability concerns.

Encroachments

Additionally, the encroachment of development within access easement areas complicates the acceptance and opening of such easements. Commission and Coastal Conservancy staff review of the outstanding access easements in the Malibu ReCAP area has revealed that development has encroached into many of the recorded easements. Examples of such encroachments include fences, gates, stairs, seawalls, mature trees, and other landscaping. Perimeter fencing or landscaping of the project site, where fencing or landscaping extends around the dedicated easement area and blocks the accessway from the street, is typical of the encroachments on vertical access easements found by staff during site investigations.

Offers to dedicate, in many cases, are not required to be made available to the public until such time as the easement is accepted and managed by a public agency or non-profit organization. Encroachments make the ability of a public agency or non-profit to accept, open, and operate accessways more difficult. Before an accessway with encroachments can be opened, the Commission would need to enforce the terms of the easement and require the property owner to remove all encroachments. Any access improvements like trails or stairways can only be made available to the public after the easement is free of encroachments. The added complexity of removing encroachments may inhibit public agencies or non-profit organizations from accepting access OTDs. Additionally, accepting entities, particularly non-profit organizations typically have limited ability or expertise in enforcing legal requirements.

In order to facilitate the acceptance of access OTDs, development encroaching into the easement area should be removed, unless the object is specifically allowed based on the

OTD language. Commission staff should work with the underlying property owner to remove all such encroachments prior to acceptance of the easement by a public agency or non-profit organization. As a last resort, enforcement actions should be initiated to bring about compliance with the terms of the recorded easement.

To reduce the problem of encroachments in the future, the Commission should require specific easement mapping in future applications or when conditions are applied to mitigate development impacts. Applicants should be required, as part of complying with an access condition, to map the required easement on an aerial photograph and topographic map and to provide a survey of the easement on the project plans locating the easement in relation to existing and proposed development. Such graphic depictions of the easement should be recorded so that it is clear to Commission staff, local government, present and future property owners, potential acceptors of the easement, and the public where the access easement is to be located on the project site. Any conflicts between the required easement area and proposed development on the site would become obvious before such development would be actually constructed. In this way, the potential of encroachments would be minimized. Additionally, site inspection by Commission staff during and after construction should be required to ensure development does not encroach within any required easement area.

Distribution of Public Access

The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contained guidance relating to the provision of public access, including provisions concerning easement dedications, beach management agreements; the need for determinations of public tidelands through the State Lands Commission; financing for accessways through the Malibu Beach Access Fund; protection of prescriptive rights; and spacing of vertical accessways.

To provide maximum access opportunities and to minimize overburdening any particular area, vertical access locations need to be distributed throughout the ReCAP project area. In certifying the Santa Monica Mountains/Malibu LUP, the Commission approved goals to be used for the provision of vertical access for each beach segment. In approving the LUP, the Commission recognized that different spacing of vertical accessways was appropriate for different characteristics of the beaches in Malibu. Closer spacing (one accessway per 1,000 ft.) was provided where population density was higher and the distance from the first public road to the beach short. Greater separation (one accessway per 2,500 ft.) was allowed where population density was lower and where constraints like steep bluffs make the development of accessways more difficult and costly. Finally, provisions were included to ensure protection of sensitive resource areas from unrestricted public access. In certifying the LUP, the Commission found that:

Applying the standards of separation for each beach as described above will result in the creation of approximately 50 vertical accessways, in addition to public parks and beaches. The Commission finds that this number of vertical accessways in Malibu, if and only if implementation is assured by the LCP, will provide reasonable access to the public tidelands. Furthermore, the standards will distribute that access in such a

way as to avoid overuse of any one area, while recognizing the different characteristics of the beaches in Malibu (CCC, 1987).

As discussed in detail below, all of the recorded access opportunities have been identified and mapped for the project area. The distance between existing beach access, including open public beaches, was measured and compared to the guidance provided in the LUP for each beach. Figure 4-3, following page 58, shows the distance between public beach areas and open accessways for the whole ReCAP project area. ReCAP’s analysis indicates that the extent of public access that the Commission previously identified as being necessary in its action certifying the LUP has not been implemented. (Section IIID in the Appendix summarizes this comparison.)

Although the Commission in past permit decisions has used the LUP policies as guidance, the LUP is not legally binding on the City of Malibu. Based on the above analysis, it is clear that the amount of beach access that the Commission has previously found to be sufficient to comply with the policies of the Coastal Act for the project area has not yet been realized. To maximize public access, the City of Malibu should incorporate the existing LUP policies and the above recommendations into its LCP.

VENTURA COUNTY ACCESS POLICIES

Because of the dynamic nature of the shoreline, the boundary between private land and public trust land is constantly in motion. The State Lands Commission is the agency with the authority to determine the furthest inland extent of public tidelands. To prevent private development from encroaching on public tidelands, State Lands Commission review should be performed on any project along the shoreline.

Recommendation IV-11	The County of Ventura should improve their permit review procedures to provide for obtaining State Lands Commission reviews on the boundary between public tidelands and private property as a part of filing requirements for new development along the shoreline. The County of Los Angeles and the City of Malibu should include such a requirement in their LCP planning process.
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Findings:

The County of Ventura Certified Local Coastal Program (LCP) has the following objective: “To maximize public access to the South Coast sub-area consistent with private property rights, natural resources and processes, and the Coastal Act; to maintain existing access, and seek new access as funds become available.” The LCP requires the mandatory

granting of an easement for vertical and lateral access except where certain conditions are met. The lateral access policy further states that “all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.” Finally, a policy regarding beach erosion states that: “Permitted shoreline structures will not interfere with public rights of access to the shoreline.” The County’s Coastal Zoning Code makes clear that any development proposed on state tidelands is subject to the original permit jurisdiction of the Commission. However, there is no explicit requirement for consultation with the State Lands Commission for determinations regarding the location of public tidelands on potential development sites.

The County of Ventura has considered few permit applications for development on beachfront lots since certification of its LCP in 1983. The majority of the post-certification coastal permits, issued by the County, on beachfront lots are for minor development such as additions to existing residences of decks, pools, and cabanas. In one case (County of Ventura, 1989), the County approved the demolition of a single family residence and the construction of a new 5,600 sq. ft. single family residence. In approving this development, the County found that adequate vertical access existed within a reasonable distance (¼ mile) and required the recordation of a lateral access easement only. This permit was later amended (County of Ventura, 1990) by the County in order to give after-the-fact approval for a vertical seawall already constructed along the seaward edge of the approved residence. After notification of this amendment, Commission staff requested that the State Lands Commission review the project in order to ensure that no development would be located on public tidelands. State Lands Commission staff determined that the development would not be located on state tidelands. Nonetheless, this project indicates the need for the County of Ventura to improve their permit review procedures to address measures for obtaining State Lands Commission determinations of the boundary between public tidelands and private property as a part of filing requirements. Policies should be added to the LCP to require such determinations.

An *ATF* (or “After the Fact”) permit is a coastal development permit filed by the applicant after a development has occurred in order to seek consistency with the Coastal Act and to authorize the development.

REGIONAL ACCESS GUIDE

Although the Commission’s Coastal Access Guide includes information about public access in the Malibu area, it is difficult for the Commission to update the Guide and distribute new information to the public every time there is a change. New tools developed as a result of this ReCAP could be used to produce access information to augment the Guide.

Recommendation IV-12 | Develop and publish a regional access guide for the Malibu area.

Findings:

The development and publication of a regional access guide for the Malibu area would significantly enhance access opportunities in the region. The ReCAP project has included the development of a geographic information system (GIS) with a parcel base map. Using this base, a detailed map of existing accessways, public beaches, and other public access opportunities could be developed for the Santa Monica Mountains/Malibu area. This would augment the statewide information currently provided in the Coastal Access Guide. A “portable” brochure or card format could be developed that visitors could obtain in the local area and carry with them. Such a guide could be distributed at local government offices, visitor centers, parks, etc. Additionally, this regional access map could be published on the Commission’s Web site, with links to photos of accessways and beaches available for public use. One advantage of the GIS map is that it could be easily updated to reflect new access opportunities, as they become available. This access enhancement is dependent upon allocation of additional resources to the Commission’s Access Program to develop and publish a Malibu Access Guide.

PUBLIC LANDS AND INLAND TRAILS

The Santa Monica Mountains area provides an extensive network of public hiking and equestrian trails that traverse and connect Federal, State, and County parklands, and a system of heavily used historic trails on private lands. These trails also serve as alternative means of access to beach and mountain parklands. In order to preserve and formalize the public’s right to use these trails, Los Angeles County adopted the Malibu/Santa Monica Mountains Trails Plan in 1982. The Plan identifies 23 proposed trail routes, including: (1) the Backbone Trail, a 70-mile-long route along the crest of the mountains leading from Topanga State Park to Point Mugu State Park in Ventura County; (2) the Coastal Slope Trail, connecting Leo Carillo State Beach with the Backbone Trail near Saddle Peak; and (3) cross-mountain lateral trails linking the populated San Fernando Valley with the numerous mountain and beach parks in the project area. The public parklands, beaches, and other areas made accessible by the hiking and equestrian trails identified in the Trails Plan, and the spectacular coastal and mountain views from these trails, are among the coastal resources protected by the public access and recreation policies of the Coastal Act. However, the existing, interconnected system of public and historic trails, widely used by the public to access and enjoy the parklands of the Santa Monica Mountains, is at risk today by the ongoing conversion of undeveloped, privately owned lands to housing and other development.

In permitting residential development during the past twenty years, planning and regulatory agencies found that in order to ensure that the public would continue to be able to use existing hiking and equestrian trails, adverse effects to those trails arising from such development would need to be minimized and, if necessary, mitigated. In its coastal

development permit actions, the Commission required an offer to dedicate (OTD) an easement for public inland trail use when proposed development would adversely affect the public’s ability to use one of the trails identified in the Trails Plan or another trail known to be used by the public. As guidance, the Los Angeles County LUP (1986), which incorporated the 1982 Trails Plan, included policies which called for mapped trails to be dedicated at the time of development of property on which the trails are located or where the Commission has previously required trail easements. The LUP included provisions to deduct the area from the parcel area for tax assessment purposes as an incentive to protect historic trails and contains requirements to protect the trail from development impacts. The LUP also contained numerous other policies supporting the development of a regional system of trails to provide access to and between the beach and mountain parks of the region.

The Ventura County LCP contains several policies supporting the regional trail system, including Policy A8:

Development shall neither preclude continued use of, or preempt the option of establishing inland recreational trails along identified routes, as indicated in the Santa Monica Mountains Comprehensive Plan (1979), and the Coastal Slope Trail as proposed in the U.S. Department of the Interior’s Santa Monica Mountains Draft Environmental Impact Statement and General Management Plan (September 1980), or along routes established by custom to destinations of public recreation significance. An offer-of-dedication or a deed restriction of a trail right-of-way shall be required as a condition of approval on property crossed by such trail routes.

The population increases projected in the ReCAP project area and Los Angeles and Ventura Counties will increase demand for coastal recreational opportunities, including publicly accessible trails in the Santa Monica Mountains. The following recommendations address continued protection of trail access in the ReCAP area.

IMPROVING TRAIL ACCESS MITIGATION

As with shoreline access, offers to dedicate inland trail easements have been an important element of the Commission’s program to maximize public access and recreational opportunities in the ReCAP study area. ReCAP staff has identified several measures that would improve the effectiveness of previously required mitigation, and help assure that future mitigation measures are fully implemented.

Recommendation IV-13	Pursue development of a Memorandum of Understanding to designate a principal management agency to directly accept future inland trail easement dedications, thereby eliminating the need for an offer-to-dedicate (OTD), when a public trail easement
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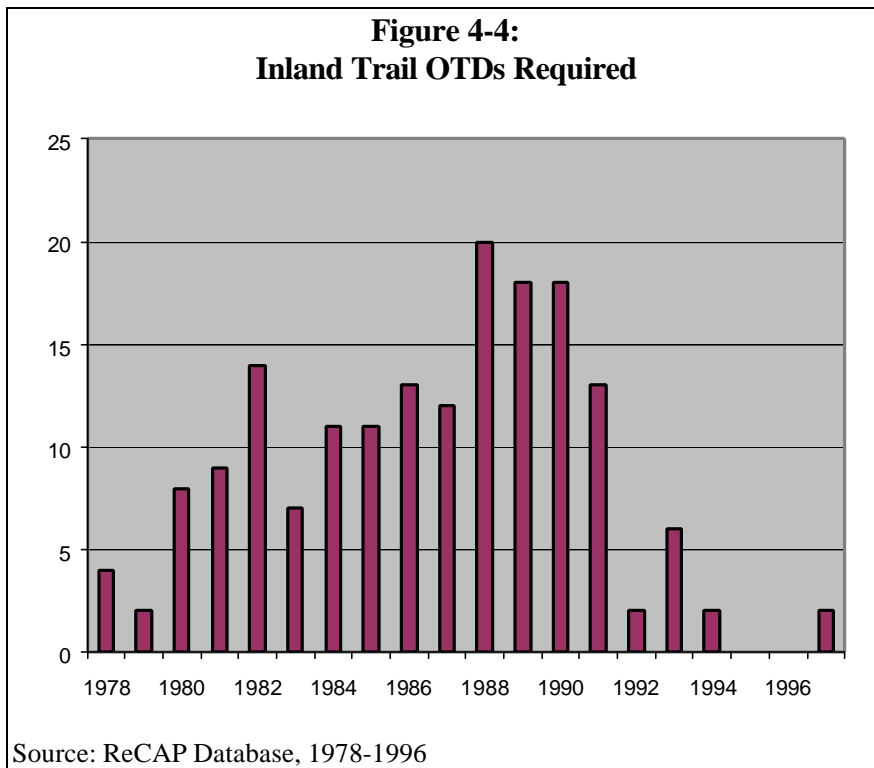
	<p>dedication is an element of a coastal development permit application. Once the MOU is achieved, revise the Commission’s special condition language to require dedication of a trail easement directly to the principal management agency designated in the MOU, rather than requiring an OTD.</p>
<p>Recommendation IV-14</p>	<p>The Commission should recommend the following as priority tasks for the Statewide Access Program: (1) map the location of the eight accepted and 80 recorded inland trail OTD easements, with priority to those due to expire by 2004; (2) coordinate with local governments as part of LCP planning to rank the 80 recorded inland trail OTD easements in priority for acceptance by qualified public agencies and private organizations; and (3) assist those agencies and organizations to accept and open for public use high-priority recorded inland trail OTD easements.</p>
<p>Recommendation IV-15</p>	<p>(a) Modify Commission permit filing requirements to include the submittal of mapped documentation locating any recorded inland trail easement or recorded inland trail OTD easement in relation to a proposed development if such development may affect an existing or proposed easement.</p> <p>(b) Require LCP planning in the County of Los Angeles and City of Malibu to include similar measures and other policies and standards to prevent encroachment of development, and to remove non-permitted encroachments, on any area covered by a recorded and accepted inland trail easement.</p>

Findings:

One of the major tools that the Commission and Ventura County used until the mid-1990s to mitigate development impacts on the trail system in the ReCAP study area is a permit condition requiring the recording of an offer-to-dedicate (OTD) a public inland trail easement. As noted previously in this section, recordation of an offer to dedicate a trail easement does not ensure the availability of public access. A recorded offer must be accepted, opened, and managed by a public agency or acceptable non-government entity before the land becomes available for public use. The Ventura County LCP does not require, nor did the Los Angeles County LUP include guidance calling for, any agency or entity to accept offers-to-dedicate public inland trail access easements.

Between 1978 and 1997 the Commission required an offer to dedicate a public inland trail easement as a special condition of approval on 172 coastal development permits to mitigate adverse trail access impacts that would arise from proposed development. (The 172 permits represent 4.3% percent of the approximately 4,000 permits acted on by the Commission; however these permit approvals are not equivalent to permits issued or projects constructed.) This figure includes multiple permits on individual project sites, but

represents a total of 210 individual parcels. As shown in Figure 4-4, next page, trail OTD condition requirements peaked in the period 1988-1991.



Most of the OTD requirements were associated with parcels crossed by or adjacent to trails identified in the Malibu/Santa Monica Mountains Area Trails System. The parcels are distributed across the project area, but are concentrated primarily on the coastal terrace between Malibu Canyon and Encinal Canyon, and northeast of Malibu Creek State Park (see Figure 4-5, following page 64). Only one of the permits was located in Ventura County. Fifteen percent of the required OTDs were associated with the Saddlepeak Trail, fifteen percent with the Coastal Slope trail, forty-six percent with 13 other listed trails, and twenty-four percent on trails not listed in the Trails Plan, but with documented use by members of the public.

Of the 172 coastal development permits approved by the Commission with an inland trail OTD special condition requirement, only eight permits (encompassing 23 parcels) have had the OTD recorded and accepted (Table 4-3, next page). Although the Santa Monica Mountains Conservancy accepted the eight permit OTDs in 1997, *none* is yet open for public use. An additional 80 permits (encompassing 107 parcels) have had the OTD recorded but all of these remain *unaccepted* by any entity. The 21-year-long recordations associated with these 80 OTDs will begin to expire in 1999, and once expired, the opportunity to ensure mitigation for development impacts and to obtain public access will

disappear. For the remaining 84 permits approved by the Commission with an inland trail OTD special condition requirement, the OTD has not been recorded.⁷

**Table 4-3:
Current Status of Commission-Required Inland Trail OTD Easements**

STATUS OF OTD	No. of OTDs
Recorded, Accepted, and Opened to Public	0
Recorded and Accepted	8
Recorded	80
Not Recorded	84
TOTAL	172

Source: ReCAP Database, 1978-1996; Statewide Access Program Database.

Until inland trail OTDs are actually opened, however, the impacts to the public from private development are not fully mitigated by recording an inland trail OTD easement because the trail easement is still not required to be opened to public use. As previously noted, only eight of the 88 recorded inland trail OTDs have been accepted by a managing agency and *none* of the eight is yet open for public use. As discussed previously, barriers to accepting and opening recorded OTDs typically include liability concerns, costs of managing and maintaining the easements, and the geographic distribution and physical characteristics of the individual easements. As a result, while development proceeded on and adjacent to inland trails in the ReCAP project area, the mitigation for these development impacts on public access remains incomplete.

Compounding these limitations of the Commission’s primary tool to mitigate development impacts on public trail access, the use of the inland trail OTD easement has nearly vanished. Until the early 1990s, the OTD easement was a routine tool to mitigate development impacts on inland trails. However, given court decisions over the past decade regarding the imposition of conditions on permits to mitigate public access impacts, the Commission now applies such a permit condition to protect public access far less frequently (e.g., CCC, 1997d).

⁷ Generally, when the Commission or local government requires an OTD for access mitigation, the condition language requires that the OTD be recorded prior to issuance of the coastal development permit. In some cases, the applicant will choose not to pursue an approved project, and as a result will not satisfy conditions of a permit or obtain the permit; therefore, the OTD required by the Commission is not recorded. For those 84 projects where an OTD was required but was subsequently not recorded, ReCAP was not able as part of this project to document whether the permit expired or was issued without recordation of the OTD. In addition, this large number (84) also reflects multiple permits approved by the Commission for the same project site, as different development plans for a site are often brought before the Commission and approved over time.

In order for existing inland trail OTD easements to fully mitigate impacts from development already authorized, the Commission must take a more active role in seeing that recorded OTDs are accepted and opened to public use by a responsible public agency or private entity. The Commission should pursue development of a Memorandum of Understanding to designate a principal management agency to directly accept future inland trail dedications; possible agencies which could accept existing and future trail OTDs include the Santa Monica Mountains Conservancy and the Mountains Restoration Trust. Once a managing entity is identified, the Commission should change its special condition language to require a trail dedication directly to the specified agency, rather than accepting an offer-to-dedicate. Direct easement dedications could more efficiently assist in protecting existing trails and help to ensure that public use of those trails will continue.

The Statewide Access Program has made significant progress in recent efforts to get shoreline public access easements accepted prior to their expiration dates. A similar effort by the Commission should now be directed toward the eight accepted and 80 recorded inland trail OTDs to ensure that mitigation for approved development is obtained for the public before easement offers expire. As part of future efforts, the Statewide Access Program should expand efforts to map the location of all accepted and recorded trail OTD easements, identify high priority recorded trail OTD easements for acceptance, and assist qualified public agencies and private organizations to accept and open for public use inland trail OTD easements. Setting priorities for accepting and opening easements should occur in coordination with the National Park Service, California Department of Parks and Recreation, the County of Los Angeles Department of Parks and Recreation, the City of Malibu, and the Santa Monica Mountains Trails Council.

Given that it may be some time before recorded trail easements are opened to the public, the Commission should ensure that future development on existing developed parcels with recorded trail OTDs does not encroach onto or otherwise interfere with the future ability of the public to use and enjoy the easement. The Commission should modify its permit filing requirements to include the submittal of documentation locating any trail easement area in relation to the proposed development. The Commission should also require LCP planning in the County of Los Angeles and City of Malibu to include similar measures and other policies and standards to prevent encroachment of future development (and to remove non-permitted encroachments) on any area covered by a recorded trail easement or by an offer to dedicate an access easement.

IMPROVING TRAIL ACCESS OPPORTUNITIES

Even with the extensive parkland acquisitions and the inland trail OTDs that have been recorded since 1978, numerous gaps remain in the regional trail network envisioned in the Los Angeles County LUP. Data developed under ReCAP could help illuminate opportunities to close those gaps.

Recommendation IV-16	Support the appropriation of public funds for the purchase of parcels and/or easements to close existing gaps in the public trail system in the Santa Monica Mountains.
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Findings:

Conditioning a coastal development permit to require an inland trail OTD easement was the primary method until the mid-1990s to mitigate development impacts on trail access in the Santa Monica Mountains. However, given the present limitations of using OTDs, new measures are needed to mitigate development impacts on inland trails and ensure the availability of trail access. As development continues on and adjacent to trail corridors in the Santa Monica Mountains, and as recreational use of the region’s public parklands and trails increases, adverse site-specific and cumulative impacts on trail access will become more apparent. These impacts cannot be mitigated solely through accepting and opening the existing inventory of recorded OTDs, but will require additional mechanisms to ensure access is provided.

Unless the Commission and local governments identify alternative and timely measures to more adequately and effectively mitigate past and future development impacts on inland trails in the Santa Monica Mountains, the public’s right and ability to use trails located on public parklands and historic trails on private lands will remain severely constricted. Regulating future development and opening existing, scattered trail easements to public use will not by themselves adequately protect the public interest. The ReCAP Geographic Information System (GIS) now identifies the parcels on which inland trail OTD easements are located. While more specific mapping of easement locations on parcels is needed, by sharing the ReCAP data with regional park agencies, trails organizations, and local government, OTD easements that would close gaps in the public trail network could be more easily targeted for acceptance and opening.

In addition, the ReCAP GIS can guide future acquisitions of parcels or trail easements across parcels in private ownership. Acquisition of parcels or easements remains an effective method to close gaps that presently exist in the public trails system in the region. The Commission, in coordination with other public agencies and private organizations supporting public access and recreation in the Santa Monica Mountains, should support the appropriation of public funds to expand public access opportunities in the region. Acquisitions significantly expanded the amount of public parkland in the Santa Monica Mountains National Recreation Area and within the mountain and seashore units of the State Park System. Likewise, public acquisition of trail easements should now be viewed as the most important tool to secure the public trail system long-envisioned for the Santa Monica Mountains.