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Blocking the Public's Path to the Beach

■ Despite laws to open much of California's coast, hundreds of potential access points remain off limits. State, local governments have been slow to act on landowners' offers of shoreline routes.

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At the oceanfront home of producer David Geffen, the state required a public walkway to a stretch of Malibu beach walled off by development. Through government inaction, the path has remained behind a locked gate for more than a decade.

It is the same story a few miles away at the multimillion-dollar estate of former "American Bandstand" host Dick Clark. Almost 20 years after it was proposed, no walk exists from Pacific Coast Highway to the sea.

At another potential access point, a tennis court and 12-foot wall block the way to Carbon Beach. Azure water and white sand beckon at Latigo Shores, but the stairway down the bluff is padlocked. Past Point Dume, a motorized patrol hired by wealthy homeowners herds people away from plots of sand earmarked for public use.

From Malibu's secluded beaches to Mendocino's rugged bluffs, some of the most scenic stretches of California coast remain off limits to strollers, sunbathers, surfers and other beach lovers despite laws to enhance recreational opportunities along the ocean.

For two decades, state coastal planners have required hundreds of property owners to offer strips of land for public access as a condition of building on or near the beach. But the vast majority of these hard-won paths to public beaches along the Pacific are still closed because the state and local governments have been slow to take responsibility for them.

Of these 1,269 potential walkways, trails and viewpoints along the state's 1,100-mile coastline, only one in five has been secured for public use, and the clock is running out on the rest.

If no government agency or nonprofit organization steps forward to accept, open, maintain and assume liability for the access ways, the offers obtained from property owners will expire at an accelerating pace after the turn of the century.

"The public isn't getting their end of the bargain," said Linda Locklin, the coastal access manager for the California Coastal Commission. "We've done our job in re-

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quiring offers to dedicate. We haven't done our job in implementing them."

Although the popularity of beach recreation has been rising with the state's population, public agencies and nonprofit conservation groups have hesitated to accept the liability and cost of establishing new access ways because of tight budgets.

In other cases, property owners, whose ranks include some of the state's wealthiest and most powerful people, have vigorously opposed efforts to open beaches, forcing long delays in public access projects. The struggle over one Malibu stairway has dragged on for more than 12 years.

"The biggest problem really is not so much the lack of public resources. I think it is the clash of cultures," said Peter Douglas, executive director of the Coastal Commission. "The people who live [at the beach] want to keep the unwashed masses out."

California has a long history of battles between the public and property owners and developers. The latest skirmish occurred in May when the Coastal Commission approved plans to redevelop Marina del Rey into a high-rise community. In Santa Barbara County, conservationists seeking to preserve access have waged a fight for several years over Atlantic Richfield Co.'s construction of a golf course on the relatively undeveloped Gaviota Coast.

While the building goes on, the Coastal Commission has far less power to secure public access from property owners because of two U.S. Supreme Court rulings in the late 1980s. In one Ventura case, the court decided that state planners could not require the builder to provide public walkways unless existing access was restricted by the project.

Douglas estimates that the rulings have reduced the commission's requests for public access from property owners by about two-thirds.

State officials say the court decisions and continuing development have made the existing inventory of potential access points increasingly valuable. Should those offers for public use be allowed to expire, Locklin said, "The people of California lose."

Public Use Mandate

It was the people of California who voted to maximize coastal access and control shoreline development when they overwhelmingly approved Proposition 20 in 1972, creating the Coastal Commission.

To secure access, the commission initially required owners who wanted building permits to record deed restrictions that would allow the public to cross a portion of their property.

Within a few years, this practice was replaced by a policy requiring owners in certain cases to offer to dedicate a portion of their land for public use. Before the public can gain access, however, a government agency or nonprofit organization must assume ownership within 21 years—or the offer expires.

These potential access ways generally fall into two categories—vertical ones that get people from a road to the shore, and lateral ones that allow people to use the beach above the mean high-tide line. That line, generally delineated by wet sand, traditionally has separated private land from state-owned beach.

A Coastal Commission inventory obtained by The Times shows that 248 of the 1,269 offers to dedicate property have been accepted since 1980. There are another 437 deed restrictions, but state officials say they do not know how many have been honored.

Of the 15 coastal counties in California, Los Angeles has the highest demand for beach recreation—with an average annual attendance of more than 60 million.

But out of 461 offers of land for public use in Los Angeles County, fewer than one in five have been accepted. Half of the unaccepted offers are in Malibu.

Records show that many involve prominent people, including comedian Mel Brooks, producer Aaron Spelling, actor Jack Lemmon, singer Olivia Newton-John and former U.S. Sen. John Tunney, whose Santa Monica Mountains property is within the jurisdiction of the Coastal Commission.

In Orange County, the commission says six of 97 offers have been preserved for the public, a figure disputed by Eric Jessen, the county's chief of planning and acquisitions for harbors, beaches and parks. Jessen said some of the offers have been opened under a separate county access plan, but never recorded with the state.

Of the five coastal counties in Southern California, San Diego has the highest acceptance rate, securing just under one-third of 96 offers for public use.

In Central California, one of the most spectacular potential access

COAST: Government Slow to Establish New Paths

Lines in the Sand

Perhaps nowhere has the clash between property rights and public access been more intense than along the 27 miles of Malibu coastline, where resistance to opening secluded beaches has been a tradition for wealthy landowners.

During the 1920s, May Rindge, who originally owned the 16,350-acre Rancho Malibu, hired armed guards, dynamited roads and built wire fences to keep railroads and highways off her land. When the movie colony developed around Malibu Lagoon in the 1930s, guards were hired to keep people out.

By 1972, only nine access ways were open to the public, although the area had 1,300 oceanfront parcels—many so densely packed with luxury homes that the water was cordoned off for miles.

In the late-'70s, Malibu property owners clashed with state and local governments over plans to open what are now known as the Meyer Memorial Beaches. Residents lobbied behind the scenes and filed suit, claiming public use would harm the environment, threaten public health and increase crime.

During the fight, Los Angeles County dropped out of the plan, claiming it could not afford to operate the beaches, although the state agreed to provide \$266,000 to build facilities. But the state Department of Parks and Recreation assumed control of the project and eventually opened the beaches after concluding the homeowners' concerns were largely groundless.

"Dedicating public access from Pacific Coast Highway causes a stir," said Sherman L. Stacey, a veteran land-use attorney in Santa Monica. "If you buy into a private beach community, and then the Coastal Commission asks you to dedicate some of your property for public access, you get something you just didn't bargain for. Some people think it's unfair."

Today, the dynamite has been put away, but access markers mysteriously disappear, while "no parking" signs show up without explanation. Some residents padlock gates of public walks. Others sue.

In mid-August, property owners filled Malibu City Hall to protest a state effort to open access ways along three miles of Escondido Beach, including a steel staircase at the Seacliff condominiums.

The eight-story stairway was required more than 12 years ago. The state sued Seacliff when it found the stairs had not been opened to the public. After five years, the case was settled out of court in the Coastal Commission's favor, but no agency has taken responsibility for the stairway.

ways is a trail that would allow hikers and equestrians to travel between Pfeiffer-Big Sur State Park and Los Padres National Forest. The missing link in a route crossing about half the Big Sur coastline was required nine years ago when the posh Ventana Inn expanded, but no agency has stepped forward to claim it.

"The Coastal Commission could have done a better job exacting these easements over the years," said Mark A. Massara, a land use attorney and director of the Sierra Club's coastal program. "These things may seem petty if taken individually, but taken together the impact on access is enormous."

Douglas, who helped draft the initiative creating the Coastal Commission, acknowledged that it has been difficult enlisting public agencies to assume ownership of private land earmarked for public access. But he said he is confident many potential access ways eventually will be claimed.

Overall, he said, the state has opened up beach areas by purchasing parkland and access points with public funds, such as the Robert H. Meyer Memorial Beaches in Malibu. Almost as important, he added, are the Coastal Commission's rejections of construction projects that would have threatened access.

"Offers to dedicate [property] are just one element of the public access program," Douglas said. "I think when you travel the California coast, it is perhaps the most accessible coast in the United States."

Michael L. Fischer, the former head of the Coastal Commission, agrees that acquisition of access ways has been a problem for the state. Fischer now heads the state Coastal Conservancy, which provides funding for coastal parks.

"No question it has gone very slowly," he said. "Access is an emotional issue. Those going to the beach get angry if they're blocked. Those who think the beach is an extension of their private property feel threatened if someone from outside comes in."

"A numskull could realize this is a bad idea," said Charles H. Stern, president of the Escondido Beach Homeowners Assn. "We are just trying to bring about some common sense."

Landowners say they are concerned about a lack of parking, pedestrian safety on busy Pacific Coast Highway and an unstable bluff above the beach. The existing public entry on the beach's east end is adequate, they contend, though it is obscured by bushes and a creek can cut off much of the beach.

"Access is a travesty in this city," said John Sterner of Santa Monica, who recently brought his wife, Sophie, and daughter, Cassandra, to Broad Beach in Malibu, which is patrolled by guards. Records show Jack Lemmon has a beach house there, as does rock guitarist Eddie Van Halen.

Like others that day, the Sterner family placed their towels in the 12-foot vertical access way that is fenced almost to the water, screening off private beach. Meanwhile, the mounted patrol putt-putted by on red all-terrain vehicles.

"They once told me to move my surfboard because it was sticking out from under the fence a little," Sterner said. "It's too bad. They should give some of the beach back to the public."

Not far from the Sterners were about 15 properties where owners had offered to dedicate parts of Broad Beach that would give the public more room to sit and walk. No government agency has acted.

The same is true at Geffen's house on Carbon Beach to the east. Richard W. Sherman, Geffen's business manager, said the film and record producer is in compliance with all regulations related to the proposed access way. "It is in the Coastal Commission's hands," Sherman added.

To the west, Dick Clark's bluff-top home in Malibu is fenced and posted with warning signs. Clark spokesman Paul Sheffin confirmed that Clark granted the public an easement through his property as required by the state. He declined further comment.

Jack Ainsworth, head of the Coastal Commission's Ventura office, said that several weeks ago he found no path to the beach when he inspected Clark's property.

Ainsworth said a government agency may need to take over the easement before the path can be opened. He said he is unsure whether the state can take any action against Clark.

One of the longest battles for access was waged at the Bolinas Sandpit in Marin County. It started in the 1960s, when a major landholder erected a barrier to the public. Thirty years and several lawsuits later, the fight is over.

Amid the highly charged dispute, state Atty. Gen. Dan Lungren said his office disagreed with the Coastal Commission's interpretation of the law and refused to represent the agency. "We were furious to get dropped like a hot rock," said Coastal Commissioner Gary T. Giacomini, who is a Marin County supervisor.

Access was finally granted in 1994 after the state Lands Commission found indications that hundreds of sand pit homes may have been built on state property by mistake. Coastal Commission attorneys used that as leverage to exact a court agreement opening the sand pit.

"This took decades to resolve," said Katherine Stone, a private attorney hired by the Coastal Commission after Lungren dropped out. "We watched each other age."

Spurred by the clock and inquiries from The Times, state coastal agencies are hunting for government agencies and nonprofit groups willing to take responsibility for the hundreds of trails, viewpoints and walkways required of property owners.

So far, the Lands Commission, which administers tidal lands owned by the state, has expressed an interest in taking over access ways along private beaches above the mean high-tide line. The agency has accepted nine out of almost 800 lateral offers and is finalizing 22 more in Malibu.

The Santa Monica Mountains Conservancy is working with a joint powers authority to begin accepting offers of open space and coastal trails in the Santa Monica Mountains.

San Luis Obispo County, with one of the state's best records for acquiring access, has created a land bank to preserve access offers from property owners. While some government agencies worry about liability, construction and maintenance costs, San Luis Obispo officials say their access points cost no more than \$6,000 a year to operate and have not resulted in any major personal-injury lawsuits.

In Orange County, parks and recreation officials are working to take over almost 20 small plots that would allow beach-goers to walk along Capistrano Bay west of San Juan Capistrano, where an enclave of expensive houses has restricted access.

In Mendocino County, where severe budget constraints caused the parks department to close, a nonprofit community group is trying to create a network of trails along a few thousand feet of coastal bluff above the Gualala River. Only 4% of 137 pieces of land offered for public use have been preserved.

"The government agencies have shown they are not willing to take it on," said Shirley Eberly, president of the Redwood Coast Land Conservancy. "There had to be a nonprofit to step in, so we did it."

As a last resort, Fischer, the head of the Coastal Conservancy, said his agency will try to assume ownership of potential access ways that no one is willing to help preserve.

But Debi Tappis, who has worked on access projects for the nonprofit Surfrider Foundation, said the number of access ways that actually can be preserved and opened will hinge on the availability of funding. "Everyone is out of money right now. Who knows what is going to happen?"

For years, Los Angeles County has been hesitant to take over new coastal facilities unless they generate revenue from parking lots, snack bars or other ventures.

Facing its worst fiscal crisis in history, the county is looking for new ways to earn money from its coastal property, said Ken Johnson, the chief of community services for the county Department of Beaches and Harbors.

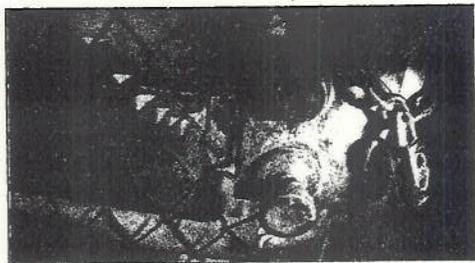
State voters last year defeated a bond issue to provide hundreds of millions to the Coastal Conservancy and other agencies to acquire and build parks and access points.

The Coastal Commission also suffered budget setbacks in the 1980s at the hands of then-Gov. George Deukmejian and other conservative politicians. Though state voters expressed their desire for public access, Deukmejian, a strong property-rights advocate, slashed the commission's budget. Today, only one of 12 staff members responsible for developing coastal access remains.

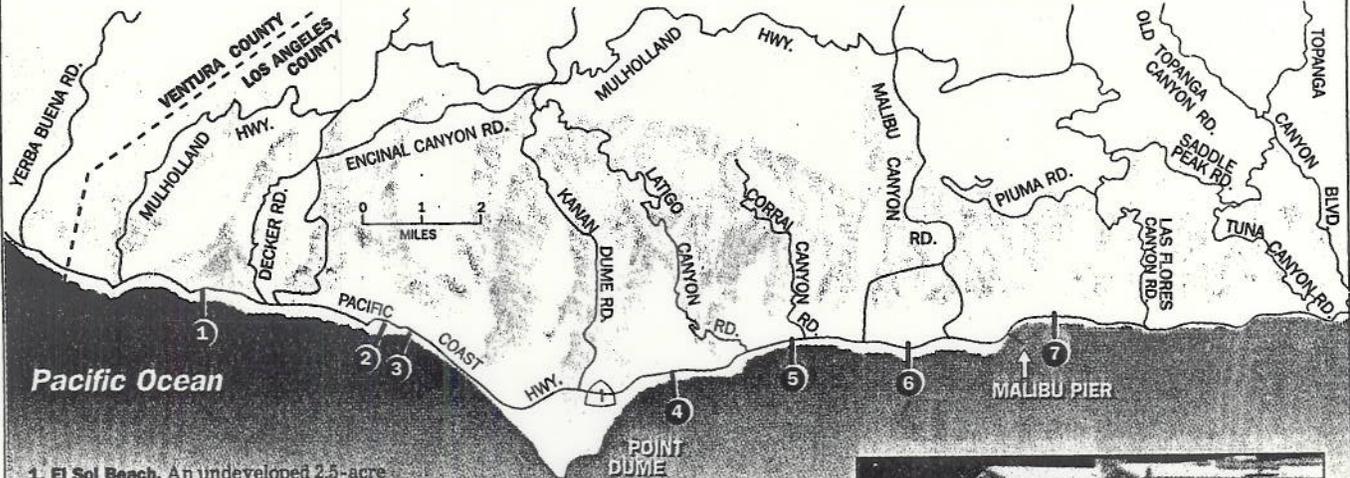
"The frustrating thing is that, in Los Angeles, Orange and Ventura counties, millions of people go to the beach," said Coastal Commissioner Madelyn Glickfeld of Malibu. "But the only people we really hear from are the neighbors who don't want access."

No Access

Malibu's 27-mile coastline has perhaps the greatest concentration of potential public access points that have yet to be secured for public use—231, about 20% of the state total. Some would get people to the beach, while the vast majority would allow people to walk along the shore. In addition, some access ways owned by state and local governments have not been opened. Here are some affected sites:



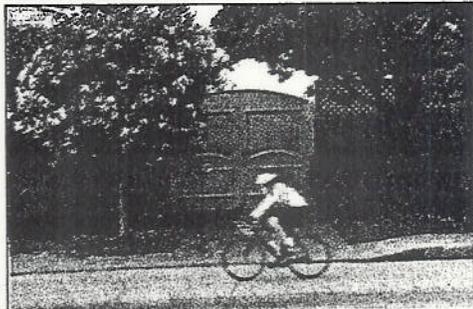
Access to Latigo Shores in Malibu provided by a builder remains unclaimed, so gate is often padlocked.



- 1. El Sol Beach.** An undeveloped 2.5-acre beach owned by Los Angeles County.
- 2. Lechuza Point.** At least two walkways for the public are maintained by private property owners here. They have yet to be taken over by a government agency. Entrance is restricted, and guards are posted at the access points.
- 3. Broad Beach.** One of three potential access ways to the beach remains closed to the public. About 15 unclaimed plots of sand earmarked for visitors would allow them to walk along the beach. Because no government agency has taken them over, the public can only place their towels on the two 12-foot-wide access ways that now exist.
- 4. Escondido Beach.** At least three potential access ways to the beach have been offered by property owners. The state is now seeking to take control of them, including an eight-story steel staircase at the Seaciff condominiums.
- 5. Latigo Shores.** At least three access points have been offered by property owners, plus a bluff-top lot purchased by the state for more than \$1 million. None are officially open to the public, although property owners provide some access to visitors and surfers traverse the lot. Next door is Dan Blocker State Beach, but it has been closed since the state bought it in 1977.
- 6. Adamson property.** This 100-foot lot offered to the state is near Malibu Road in the commercial heart of the city. State officials say the lot could be used for stairways to the beach, observation decks, restrooms or parking spaces.
- 7. Carbon Beach.** Three potential access ways from Pacific Coast Highway to the sand have been offered but not accepted by any government agency. One is on the property of producer David Geffen. State officials have described Carbon Beach as one of the most inaccessible in the area.



Patrols hired by beachfront homeowners cruise Broad Beach.



The Coastal Commission required that a walkway should run to the beach through this property on Pacific Coast Highway.

CALIFORNIA COASTAL ACCESS

Several types of access points allow the public to use coastal areas. Vertical access, such as stairs and walkways, is perpendicular to the water and provides a route to the beach. Lateral access parallels the ocean and lets the public walk along the shore. There are also trails and overlooks. Of 1,269 potential access ways, 1,021 remain unclaimed.

TOTAL UNCLAIMED SITES

Del Norte	17
Humboldt	28
Mendocino	132
Sonoma	15
Marin	40
San Francisco	1
San Mateo	12
Santa Cruz	33
Monterey	30
San Luis Obispo	95
Santa Barbara	80
Ventura	10
Los Angeles	371
Orange	91
San Diego	66

VERTICAL ONLY

Del Norte	4
Humboldt	5
Mendocino	34
Sonoma	0
Marin	8
San Francisco	0
San Mateo	5
Santa Cruz	7
Monterey	10
San Luis Obispo	9
Santa Barbara	5
Ventura	0
Los Angeles	11
Orange	7
San Diego	1



The Sterner family heads to the surf from the fenced access path to Broad Beach.

Source: California Coastal Commission

Photos by PAUL MORSE, graphic by MICHAEL HALL / Los Angeles Times