

THE OLD ROAD NEWSLETTER

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BEACH ACCESS AND PRIVATE PROPERTY

Note: The following has been submitted to this Newsletter as a “non-lawyer” overview of the beach access situation here on Malibu Road. The MRPOA Board is printing this for your information only. As such, we take no position as to its legal value and assume no liability for actions taken by anyone based on the information it contains.



Have you ever seen this sign? This photo was taken at one of the six LA County maintained beach accessways here on Malibu Road, all of which have the same sign posted. So, what does it mean to you as a beachfront property owner here on Malibu Road?

The ocean and its beachfront are justifiably provided for the use and enjoyment of all of the people. That part of the beachfront which is reserved for the public runs from the “Mean High Tide Line” down to the water’s edge. The public has the right to “pass and re-pass” along this stretch of “public walk”. The term “pass and repass” is generally interpreted as being open for the public to walk back and forth, but not stop, put blankets down, etc.

The rest of the beach (i.e. from the “Mean High Tide Line” to the edge of your house) is, as noted by the sign, your private property. As such, it should be treated just like everyone else’s backyard. If you lived in Canoga Park, you might have difficulty with members of the public who brought blankets, coolers, lawn chairs, etc. and plopped down on your lawn for an uninvited visit. The situation should not be different in Malibu, but it is. This is because the public has no way to determine what part of the beach is private unless the property owner tells them. Typically, this has been done by the owners’ posting of signs to inform all parties of which portion of the beach is on private property.

What part of the beachfront is your private property? Your deed lists the seaward edge of your property as being defined by the “Mean High Tide Line”. Where this line physically exists varies with the height of the sand in front of your house, which in turn varies throughout the year. What most property owners seem to have done is to set a distance from their homes which allows for a reasonable division of the beach between the public and private portions. Depending on their particular location on the road, existing signs indicate that private property is somewhere between 25-75 feet from seaward portion of the house.

Should you put up a sign? Just as in Canoga Park, if you don’t mind the public using your private property, it is your right as a property owner to allow them to do so. But, if you wish to enforce your privacy on that portion of the beachfront which you own, then you might wish to consider putting up a sign which politely informs the public of your boundaries. There are a number of signs of this type already posted on the beachside of some Malibu Road homes. Feel free to choose one which best expresses your desire for privacy.

EVEN ANGRIER ABOUT THE COASTAL COMMISSION? SIGN THE PETITION FOR A REFERENDUM – *BUT DO IT NO LATER THAN OCT. 11!*

What Happened?

A majority of the California Coastal Commission (CCC) voted September 13 to override most of the recommendations made by the City of Malibu and most Malibu citizen testimony regarding Malibu's Land Use Plan and Local Ordinances. They then adopted an LCP with expensive and sometimes unconstitutional land use regulations, many of which have never been imposed on any City in California. Never before has the Coastal Commission dictated all the local laws for a City to enforce. Malibu represents the first time in State history this has been done.

What Can We Do?

State law allows us to have a City referendum to determine democratically whether we want to reject or accept this plan. To do this we have until October 11 to submit a petition signed by approximately 1000 current registered City of Malibu voters in order to exercise our legal referendum right. The resulting Referendum for Democracy could be certified for a vote in December.

In the interim, City enforcement of the LCP would be suspended with responsibilities, costs and liabilities rightly returned to the CCC. And Malibu's prior zoning and land use regulations would remain in place. Meanwhile until December, Malibu voters can debate the many LCP measures in preparation for their vote. This referendum will begin to restore democratic rights promised to us in the Federal and State Constitutions, U.S. Coastal Zone Management Act and California Coastal Act.

How Did This Happen?

Our City's right to democratically debate, write and adopt our own LCP was wrongly given to the CCC. Key CCC Commissioners and staff took advantage to dictate their personal wish list LCP version rather than a reasonable one with the City and its citizens. With no right of a City veto, many extreme unprecedented changes resulted in LCP definitions, policies, and regulations; these significantly change land use for almost every home, business, and lot. Let Malibu voters decide whether the CCC LCP reflects misplaced personal agendas and retributions, or sound public policies. **Encourage the State politicians to react more effectively.**

State official responses to correct the LCP came "too little, too late" to have the CCC modify their unreasonable LCP. During the referendum debate, they should redouble and extend their efforts. The referendum should help motivate reasonable CCC Commissioners to amend the LCP to make it acceptable to Malibu residents and other communities who face similar circumstances in the State. It should also help extend the debate statewide over dangerous new LCP precedents that the CCC and others seek to apply all over California.

Be An Active Citizen.

Malibu exists today with its many beautiful, unpolluted beaches and waters along with gardens, farms, nurseries, horse facilities, trails and homes because we care a lot about our environment. And we will learn how to be better stewards of our City as our population grows. We do not deserve State political appointees forcing us into doing their will.

Read the LCP for yourself. Evaluate the CCC hearings on local TV. Register to vote and sign the referendum petition to "Let Malibu Decide". Call 457-2483 to sign up, or to help with gathering signatures and funding.

MALIBU ROAD SWEATHIRTS: HAVE WE GOT A DEAL FOR YOU!

Remember those beautiful sweatshirts from our 2001 Beach Party? Cranberry, Sage, White and Navy in ultra soft and cozy cotton embroidered with our unique Malibu Road Dolphin logo (created by our own world famous artist, Gary Patterson).

These fabulous sweatshirts were a steal at \$39 – and they are now on sale for the amazingly low price of \$30...

But wait – there's more...

That's right! When you buy *two* the price is a mere \$55. That's an **unbelievable** savings of \$23 (or \$46 when you buy 4, which of course you will)!

Please call Tom or Holly Sawyer (456-8766) and arrange to get yours now before they're gone. All colors are available in sizes S, M, and L.

These great sweatshirts will make wonderful holiday gifts!

BOARD ACTIVITIES

The MRPOA Board has sent a letter to the City of Malibu concerning the litter problem which is the result of disintegrating plastic sheeting on the bluffside property opposite 24836-24844 Malibu Road. The letter requested that the City contact the owner, whose property fronts on PCH, and order the removal of the old sheeting as soon as possible.

SOME USEFUL PHONE NUMBERS & MAILING ADDRESSES

EMERGENCY, of course 911

Sheriff 456.6652

Fire 317.1122

City of Malibu 456.2489

Lifeguard 457.2525

Animal Control & Care (818) 991.0071

Sanitation Dept. (800) 773.2784

Call this # for pick-up of oversize items
and other special requests.

Wildlife Rescue 457.WILD

Dead seal on beach burial 317.4717

We have a contract with the

Labor Exchange for this.

MRPOA 317.1040

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