

August 24, 2015

To: Parklands Committee  
From: John and Renata Harbison

**Subject: Comments on the Proposed re-Routing of Paseo Del Sol Fire Road Trail**

Unfortunately, we will be out of the country on September 10, 2015 when the proposed project to re-route the Paseo Del Sol fire road trail (in the vicinity of Via Elevado) will be discussed. Therefore, we respectfully submit our comments in writing to the Parklands Committee.

We appreciate the transparency afforded by the new Parklands Change Policy, including the posting of multiple signs on the trail, making the application available to members of the public who ask, and holding discussions in public forums first in the Parklands Committee, and then the City Council (if the Parklands Committee approves it). This is a healthy process, and many thanks to Sheri Repp-Loadsmen and Council Staff for crafting and managing the new process and to the City Council for adopting the new process.

There are pros and cons of this proposal, and we will explore both sides of the issue. However, **our conclusion and recommendation is that the process not be approved.** Below is our thinking on the matter.

First, we recognize that the residents of Via Elevado resent that the current trail impacts their privacy, but:

- Contrary to the assertions in the application, the trail has been there since the late 1920s (it is visible on the early Palos Verdes Project maps designed by the Olmstead Brothers and can be seen in old photos from the late 1920s that are in the public library and even some displayed on the walls of City Hall). So to assert it is a “new trail” is inaccurate. In the early days, it was a horse trail, and more recently public use has transitioned to hiking and biking
- All the houses on Via Elevado were built after this time frame, and the current owners all moved to their street after the 1930s and 1940s,
- The deeds require that parkland be maintained for public use.
  - The current trail is presently being used extensively by bikers (I walk the trail 5-6 mornings each week and most of the days I see at least one group of bikers). The proposed re-routing including 135 timber steps would totally deny trail access to bikers.
  - This trail is one of the few in PVE that is paved, and conversion to a 4 foot wide dirt path would deny the ability of hikers to hike PVE Trails on rainy days without dealing with an accumulation of mud on their shoes.
- There are many homes in PVE that have their privacy affected by our streets and the cars, trucks, motorcycles, walkers, dogs and bikers who use them; if two or more people walk together, they are often engaged in conversation and if a

home has windows facing the street, those voices may intrude on the homeowner. Privacy would especially affect corner lots, which have a road on two sides, one of which may be adjacent to the street. Those homeowners plant hedges or install walls on their own property for privacy and safety, especially if there are pools in the yards adjacent to the street. Those homeowners can't fence off the street alongside their property. How is the situation for the Via Elevado residents different?

- In addition, when you look at the property lines on Google Maps of the Via Elevado residents that abut the fire trail, it appears that portions of the existing chain link fence encroach on parkland and should be removed and a fence or wall rebuilt on their property line abutting the parkland.

The specific proposed design has some major flaws:

- 300 feet of chain link fencing would shut off public access from a large area of Parkland. Nowhere in PVE's approximately 700 acres of parkland are there fences that keep the public from entering parkland. This is a clear violation of the Protective Restrictions and the language in the 1940 deeds, and hence the City Council (and the Palos Verdes Homes Association) are legally unable to grant approval of such a project. Judge Meiers' ruling in the recent Via Panorama litigation (which is the same deed parcel) makes this very clear.
- So if the trail were re-routed, it would have to be without fences, and then it would be hard to enforce people to take the re-routed trail and bypass the paved fire road.
- While it moves the trail away from Via Elevado, it moves it much closer to the resident of 900 Via Panorama. So it favors one set of residents over one who had no trail near his house when he bought it. That's not fair.
- As far as we can tell, no environmental study has been done to explore the tree cutting and tree elimination that might need to be done to accommodate such a trail through what is now dense woodland.

Finally, since this change does nothing but impair public access and use, and accrues only to the benefit of the residents of Via Elevado, it is inappropriate that any public funds be used to complete this project. The current application estimates the total cost at \$78,285, which means the City would be left with funding any amount above the \$50,000 promised by the Via Elevado residents in the application on file.

Frankly, if I lived on Via Elevado I would not support this project. Apart from potentially paying \$10,000, I would not want a trail that is 50 yards or so up the hillside with even greater ability to look down inside my yard and into my windows. The present trail has a fence covered by ivy and/or hedges that prevents hikers from looking into all but one of the yards. And based on the way sound travels along a hillside, any voices on the new trail would still be audible in the backyards of Via Elevado residents in spite of moving trail up the hill.

A far superior solution would be to post signs on the Fire Road at the beginning and end of the 150 yards of trail along Via Elevado that say something like “Quiet Zone – Please respect the privacy of the nearby neighbors in this small section of trail and refrain from talking or playing music”. Perhaps an ordinance could be created to reinforce Quiet Zones such as this on small portions of trails that go near houses?

Thank you for your consideration.

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