

MINUTE ITEM

30

04/12/88
W 4848.3
Gonzalez

During consideration, Calendar Item 30 was amended to approve Loon Point only. The amendment was approved without objection by vote of 2-0.

Attachment: Calendar Item 30

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A 35

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03/02/88

S 18

W 4848.3

Gonzalez

CONSIDERATION OF COASTAL ACCESS EASEMENTS AND
PRIVATELY OWNED COAST PARCELS AS COUNTY PARKS
QUALIFYING FOR SUBVENTION FUNDING UNDER P.R.C. 6817

APPLICANT: Santa Barbara County Parks Department
610 Mission Canyon Road
Santa Barbara, California 93105

BACKGROUND: P.R.C. Section 6817 entitles cities and counties to subvention monies payable based on the amount "... of ocean frontage within, and owned or operated as a park by that city or county and leased by the State Lands Commission for the production of oil, gas, and other hydrocarbons, and only in those cases where the ocean frontage is available to the public free of charge for recreational purposes."

The County of Santa Barbara, through the Parks Department, has submitted to the State Lands Commission a request for additional subventions under Section 6817 of the P.R.C. (hereafter "Section 6817") on the grounds that it operates lands fronting offshore State oil and gas leases as parks available to the public free of charge for recreational purposes which have not previously been included in the Commission's computation of the County's entitlements to subventions. The additional lands upon which the County premises its claims fall into two distinct categories. First, the County claims an entitlement to subventions for private beach areas used by the public which the County does

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not own and over which there are no public access easements, but for which the County provides certain management and policing services, specifically the Summerland Beach area and the Sandyland Cove area. Second, the County claims an entitlement to subventions for individual privately owned beach parcels subject to offers to dedicate lateral public access easements which were exacted by the Coastal Commission as a condition to obtaining a coastal development permit. Many of these offers have not been accepted and most of the easements are scattered, non-contiguous and not adjacent to vertical access easements owned by the County.

The Summerland Beach area, defined by the County in a letter dated September 5, 1986, was determined by SLC staff to front 1254 feet of State Oil and Gas Lease PRC 1824. The Sandyland Cove area, as defined by the map of the grant of submerged lands to the County, was found to front 2560 feet of State Oil and Gas Lease PRC 3150. The County contends that these areas qualify for subvention funding by reason of the fact that the County "polices" and "manages" these areas.

The various lateral and vertical access easements, offered to or accepted by the County, front State Oil and Gas Leases PRC's 1824, 3150 and 3133 and may total up to 10,140 feet of frontage. This footage is, in many cases, made up of 50-foot wide lateral easements on parcels widely separated without corresponding vertical access and having no legal access at high tide. Several parcel easements do adjoin and have vertical access to public streets.

The County has submitted evidence of an accepted vertical and lateral easement for passive recreational use by the public at Loon Point with a frontage of approximately 900 feet. The County has stated that a County owned vacant parcel with access from a surface

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street at Loon Point will be used for public parking.

STATUS OF QUALIFICATION REVIEW:

The State Lands Commission staff, following past subvention qualification review procedures adhered to by other subvention jurisdictions and opinions received from the office of the Attorney General, is unable to confirm that any of the lands proposed by the County provide qualification for subvention funds for the following reasons:

1. With respect to the Summerland Beach and Sandyland Cove areas, the County has not shown evidence that it owns the uplands or has authority to operate the uplands as a park. (P.R.C. Section 6817(a)).

Based on guidance in the 1975 opinion by the Attorney General, State Lands Commission staff requested on March 13, 1987, that the County submit evidence of ownership of the Summerland Beach and Sandyland Cove areas or provide proof of a grant of authority from the property owners to operate the areas as public beaches or parks.

To this date, no response from Santa Barbara County has been received on this matter and the staff is unable to confirm the qualification of the Summerland Beach and Sandyland Cove areas.

2. The County has not shown that formally designated and publicly recognized parks exist in the Summerland Beach and Sandyland Cove areas. No maps show those areas as County parks (or beaches) and the County's publication of parks and recreational areas does not list these areas.

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3. Mere acceptance of an offer to dedicate an easement for coastal access to and along portions of the shoreline does not conform to the requirement of Section 6817 that the uplands must be "operated as a park" in order to qualify for subvention funds.

LEGAL GUIDANCE BY ATTORNEY GENERAL:

In a letter of advice dated July 28, 1987, the Attorney General's office stated that it could not make definitive statements about the qualification of any of the above particular lands but could provide the following guidelines for use by the staff in ascertaining their qualification:

The beach areas must constitute a park easily and permanently accessible to the public, the public must be able to utilize the beach for recreational pursuits, the public use must be free of charge and the County must provide substantial services which enhance the public's enjoyment of the beach park.

The letter of advice further states that the County must operate the beach area as a park for public recreation and that continuing access will be available to the private beach areas.

STAFF INTERPRETATION:

1. The Summerland Beach and Sandyland Cove areas are not owned by the County nor are operated by the County under any agreement from the upland land owners and are not formally and publicly known as available public beach parks.
2. The Loon Point area is subject to vertical and lateral access easements for passive recreational use by the public, and has been accepted formally as a County recreation area. Loon Point is operated as a public beach with substantial services offered to the public without charge.

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3. The individual parcel easements for lateral access presently accepted by the county, are too small, too isolated and generally not adjacent to legal vertical access so as to permit utilization by the public for recreational purposes. Parcels subject to as yet unaccepted offers to dedicate access easements do not provide public access.

The State Lands Commission staff believes that the Santa Barbara County request for qualification of the above private beach areas and access easements for subvention monies is premised on an overly broad reading of Section 6817 by the County.

STAFF RECOMMENDATION:

The State Lands Commission staff recommends that it be directed by the Commissioners to continue using its current interpretation of Section 6817 which includes the following major points:

1. The subventioneer must own the park (as Rincon Beach Park is owned by Santa Barbara County) or
2. Must have entered into an operating agreement with the upland land owner (as the City of Huntington Beach has done with the State Department of Parks and Recreation for Operation of Bolsa Chica Beach).
3. The park or beach must be formally dedicated by the subventioneer to its use as a park by the public free of charge.
4. Lease frontage footage, relationships and division of revenues from oil and gas leases between and among jurisdictions will be determined by State Lands Commission staff.

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The above criteria have been used in approving subventions to the following jurisdictions:

City of Huntington Beach	5 Miles Frontage
City of Seal Beach	2 Miles Frontage
County of Santa Barbara	2 Miles Frontage
County of Ventura	6 Miles Frontage
City of Carpinteria	2 Miles Frontage
City of Port Hueneme	1 Mile Frontage
City of Long Beach	1 Mile Frontage

STATUTORY REFERENCES:

P.R.C. Section 6817.

OTHER REFERENCES:

Opinion of the Office of the Attorney General to James F. Trout, State Lands Division, June 26, 1975.

Response to request for advice from the Office of the Attorney General to Claire T. Dedrick, State Lands Commission, June 13, 1985.

Response to request by Santa Barbara County for additional subventions, from Office of Attorney General to James F. Trout, State Lands Commission, July 28, 1987.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA, because it is not a "project" as defined by CEQA and the State CEQA Guidelines (Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378).

EXHIBITS:

- A. Map Showing Subject Coastline.
- B. List of Parcels Submitted by Santa Barbara County.

AB 884:

N/A.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15270, AS CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.
2. DETERMINE THAT THE SUMMERLAND BEACH AND SANDYLAND COVE AREAS AND ACCESS EASEMENTS LISTED IN THE COUNTY'S LETTER OF JUNE 17, 1986, DO NOT QUALIFY FOR SUBVENTION FUNDS UNDER THE CRITERIA SPECIFIED IN P.R.C. 6817.
3. DETERMINE THAT THE LOON POINT AREA DOES QUALIFY FOR SUBVENTION FUNDS UNDER THE CRITERIA SPECIFIED IN P.R.C. 6817.

EXHIBIT "A"

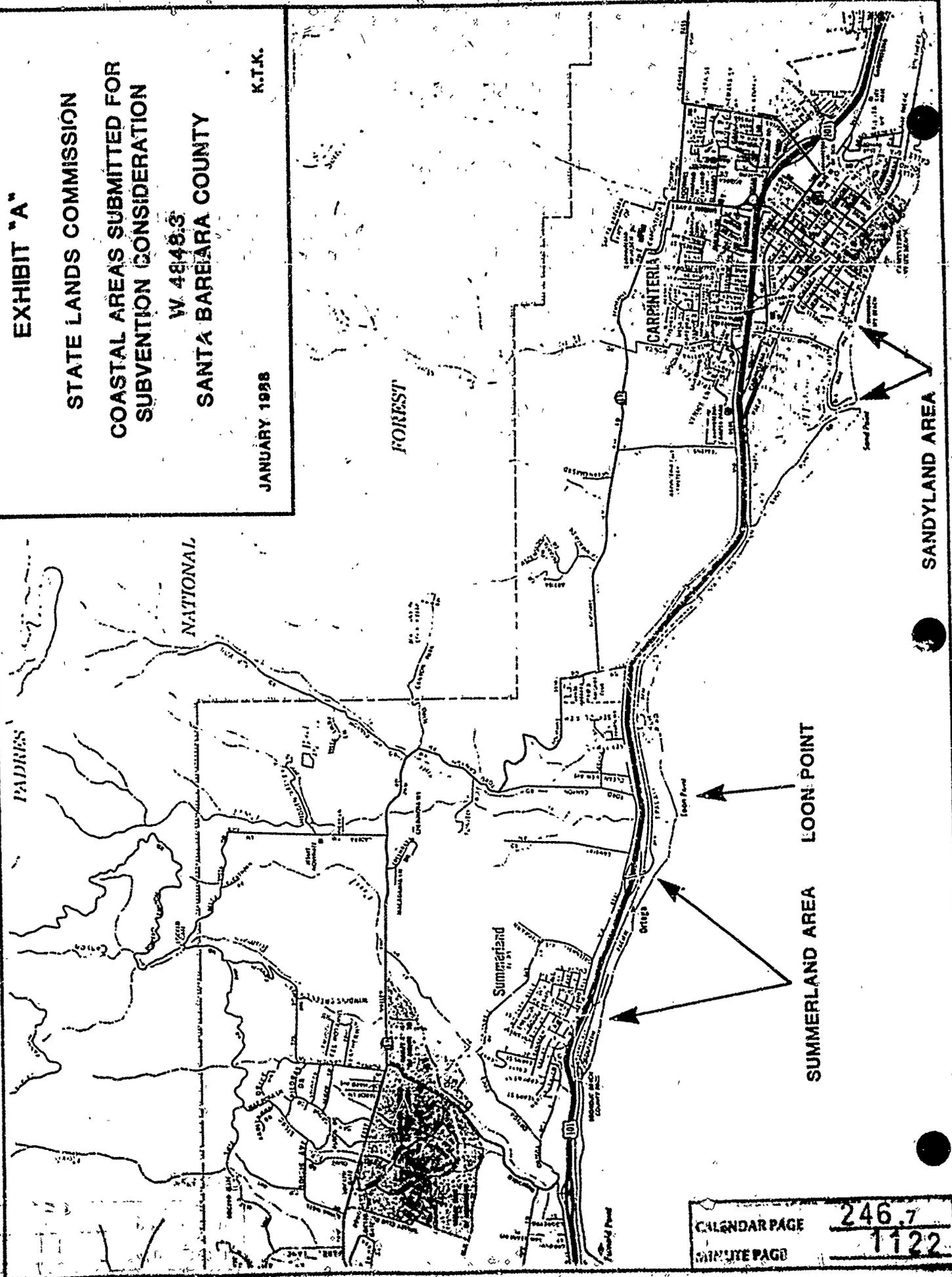
**STATE LANDS COMMISSION
COASTAL AREAS SUBMITTED FOR
SUBVENTION CONSIDERATION**

W 4849.3

SANTA BAREARA COUNTY

JANUARY 1988

K.T.K.



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EXHIBIT "B" W 4848

Parcels submitted by Santa Barbara County
for subvention consideration

LATERAL BEACH ACCESS EASEMENTS

SANTA BARBARA COUNTY

Summerland Offshore

PRC 1824

Chevron (SHSS 1824)

A. Recorded Easements (Green)

5-380-25
5-390-71
5-390-40
5-410-19
5-410-24
5-410-08
5-420-02
5-420-06
5-420-12
5-420-29

Lateral Feet

175.00
148.70
85.03
45.17
116.71
142.07
50.00
50.00
50.00
50.00

912 feet

TOTAL

.17

No. Miles

B. Offers to Dedicate - Not Recorded (Yellow)

5-260-07
5-260-09
5-380-33
5-380-37
5-380-29
5-390-23
5-400-33, 34
5-400-48
5-400-04
5-400-10, 28
5-400-11
5-400-12
5-410-02
5-410-03
5-410-04
5-410-05
5-410-09
5-410-22
5-420-24
5-420-09
5-420-10

1,666.21
946.82
439.76
175.00
125.00
74.83
176.59
56.97
62.74
200.00
99.30
92.00
50.00
50.00
50.00
75.00
97.69
50.00
40.00
25.00
25.00

4,578 feet

TOTAL

No. Miles

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Carpinteria Offshore

Lateral Feet

PRC 3150
Chevron (SACS 3150)

A. Recorded Easements (Green)

None -0-

B. Offers to Dedicate - Not Recorded (Yellow)

5-460-44	926.98
5-460-43	160.00
5-460-16	82.28
5-460-19	100.00
3-410-06	94.60
3-410-10	38.00
3-422-03	36.23
3-422-12	38.00
3-400-01	125.00
3-400-02	125.00
3-400-06	100.00

TOTAL 1,826 feet

No. Miles .34

Carpinteria Offshore

PRC 3133
Exxon (State 3133)

A. Recorded Easements (Green)

1-170-09	713.20
1-180-15	624.70
1-180-13	683.50
1-180-17	581.45
1-220-48 (Rincon Park)	1,380.00

TOTAL 3,982 feet

No. Miles .75

B. Offers to Dedicate - Not Recorded (Yellow)

1-230-06	70.00
1-230-28	70.00
1-230-33	82.00

TOTAL 222 feet

No. Miles .04

EASEMENT TOTALS

Recorded Lateral Beach Easements	4,394'
Offers to Dedicate Lateral Easements - Not Recorded	<u>6,626'</u>
Total Potential	11,520 feet
No. Miles	2.18

COUNTY-OWNED/MANAGED PROPERTIES

Rincon Beach Park	1,380'
Summerland Beach	2,500'
Sandyland Cove	<u>2,500'</u>
Total Potential	6,180 feet
No. Miles	1.17

TOTAL

Recorded Lateral Beach Easements	3,514'
Offers to Dedicate - Not Recorded	6,626'
Rincon Beach Park	1,380'
Summerland Beach	2,700'
Sandyland Cove	<u>2,500'</u>
Total	16,320 feet
No. Miles	3.09

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