MINUTE ITEM
This Calendar Item No. 30
was approved as Minute Item
No. 30 by the State Lands
Commission by a vote of 3
to 0 at its 3/27/90
meeting.

CALENDAR ITEM

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03/27/90
W 20527
W 24429 PRC 7381
W 503.1268
Grimmett
Collins

CONSIDERATION OF PROPOSAL FOR THE REMOVAL OF EIGHT STEEL GROINS AT LAS TUNAS BEACH, MALIBU SANTA MONICA BAY, LOS ANGELES COUNTY

PARTIES: The Owner-Parties to the Las Tunas Beach Settlement Agreement No. 2 through their Agent,
Craig S. Dummitt,
c/o Dummitt, Faber & Brown
11755 Wilshire Boulevard, 15th Floor
Los Angeles, California 90025

and to the Executive Officer of the State Lands Commission

BACKGROUND:
A series of eight steel and concrete groins were constructed at Las Tunas Beach in the Malibu area of Los Angeles County, circa 1929. At the time of their construction, the State Lands Commission did not exist and there was no uniform procedure for regulating use of tide and submerged lands. Litigation regarding the placement of these groins was resolved by legislation, Chapter 403, Statues of 1931. This legislation also specified a permitting process for these and similar structures. Permits for these eight groins were subsequently issued to Title Insurance and Trust Company in 1932. Although these permits required that the groins be maintained in a good condition and letters were sent over the years notifying the

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permittee of the deteriorating condition of the groins, no repair or maintenance work was done. These permits also stipulate that the structures be removed upon orders of the State.

In recent years, virtually all the groins have eroded away and only sharp steel points or projections remain. There have been several personal injuries as a result of such projections. Such projections are at times buried in the sand in such a way that they are not apparent to persons traversing the beach and injuries have resulted by people stepping on them. In 1982, the Attorney General declared the groins to be a public nuisance because of the hazardous conditions and the State initiated litigation (State v. Ticor Title).

This litigation, (C 418711, Los Angeles Superior Court), was amended to include all the property owners along Las Tunas Beach in 1986. Under the direction of the Court, negotiations between the parties culminated in the first "Las Tunas Beach Settlement Agreement" in April 1988. This agreement provided for the Owner-Parties to submit complete applications for all necessary permits, to abate the hazard, and to build new groins. This agreement expired because the terms of the agreement were not fulfilled within the escrow period.

PRESENT STATUS:
After the first agreement expired, the Court continued to direct the negotiations between the parties and "Las Tunas Beach Settlement Agreement No. 2" (Agreement) was consummated agreed to by the State, Ticor Title, the Owner-Parties (the majority of the upland property owners), and the Carrier-Parties (the property owners insurance companies). This Agreement, effective August 2, 1989, provides for a one-year escrow period during which certain actions are to be performed, including the submission, by the Owner-Parties, of complete applications for all necessary permits. Under paragraph 1.2 of the Agreement, the Owner-Parties are to file two applications; one for the rebuilding of the groins, together with the necessary supporting documents, and one for the removal of the existing remnants of the original Las Tunas Groins. The application for the removal of the groins has been deemed complete and the staff requests that the Commission authorize the issuance of a permit for the complete removal of the deteriorated groins waterward from the face of the existing building structures. Staffs of the Commission and the Attorney General's Office believe that it is necessary to authorize the

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Executive Officer to take action in accordance with P.R.C. 6216.1 in the event the Owner-Parties fail to comply with the terms of the Las Tunas Beach Settlement Agreement No. 2.

APPLICANT STATUS:

Applicants are owners of some 75 percent of the subject uplands.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land - Removal of Derelict or Hazardous Structures on State Waterways or School Lands, 2 Cal. Code Regs 2905(d)(3).

   Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

2. That the removal of the existing Las Tunas groins would constitute a minor alteration of land is confirmed by several reports of technical experts, including the report of Dr. Warren Thompson, dated April, 1988, and the report of the Owner-Parties' engineer Moffitt and Nichol, dated February 28, 1989. These reports, which are on file, and which are incorporated herein by reference, indicate that the existing remnants of the groins do not have any

significant effect on the beach profile and that their removal will have only a minimal effect on the beach. All groin materials from the removal of the groins, are to be disposed of on off-site uplands.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:
A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND - REMOVAL OF DERELICT OR HAZARDOUS STRUCTURES ON STATE WATERWAYS OR SCHOOL LANDS, 2 CAL. CODE REGS. 2905(d)(3).

2. AUTHORIZE THE ISSUANCE OF A PERMIT TO THE OWNER-PARTIES AS SPECIFIED IN THE LAS TUNAS BEACH SETTLEMENT AGREEMENT NO. 2, THROUGH THEIR AGENT, CRAIG S. DUMMIT, AND AUTHORIZE THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION, TO ABATE THE PUBLIC NUISANCE BY COMPLETELY REMOVING SUCH GROINS FROM THE TIDE AND SUBMERGED LANDS AND FROM THE FORESHORE OF THE BEACH, LYING WATERWARD FROM THE FACE OF THE EXISTING BUILDING STRUCTURES. ALL MATERIALS FROM THE REMOVAL OF THE GROINS ARE TO BE DISPOSED OF ON OFF-SITE UPLANDS.

3. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO IMPLEMENT AND GIVE EFFECT TO THIS PERMIT.

(REVISED 04/24/90)

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EXHIBIT A

Description of Las Tunas Area:

Those parcels in Sections 31 and 32, T1S, R16W, SBM lying south of Pacific Coast Highway between Pena Creek and Topanga State Beach Los Angeles County, California, more particularly described as follows:

Parcel 1:

Lots 3 through 89 as shown on map filed March 25, 1929, in Book 26, pages 43 and 44, of Record of Surveys in the County Recorders Office of said county.

Parcel 2:

A parcel of land bounded on the east by the west line of Rancho Boca De Santa Monica, on the north by West Topanga Beach Road, on the west by Lot 89 of said Record of Survey in Book 26 at page 43 and on the south by the Pacific Ocean.

Parcel 3:

A strip of tide and submerged land 250 feet in width lying adjacent to and waterward of the aforesaid Parcels 1 and 2.

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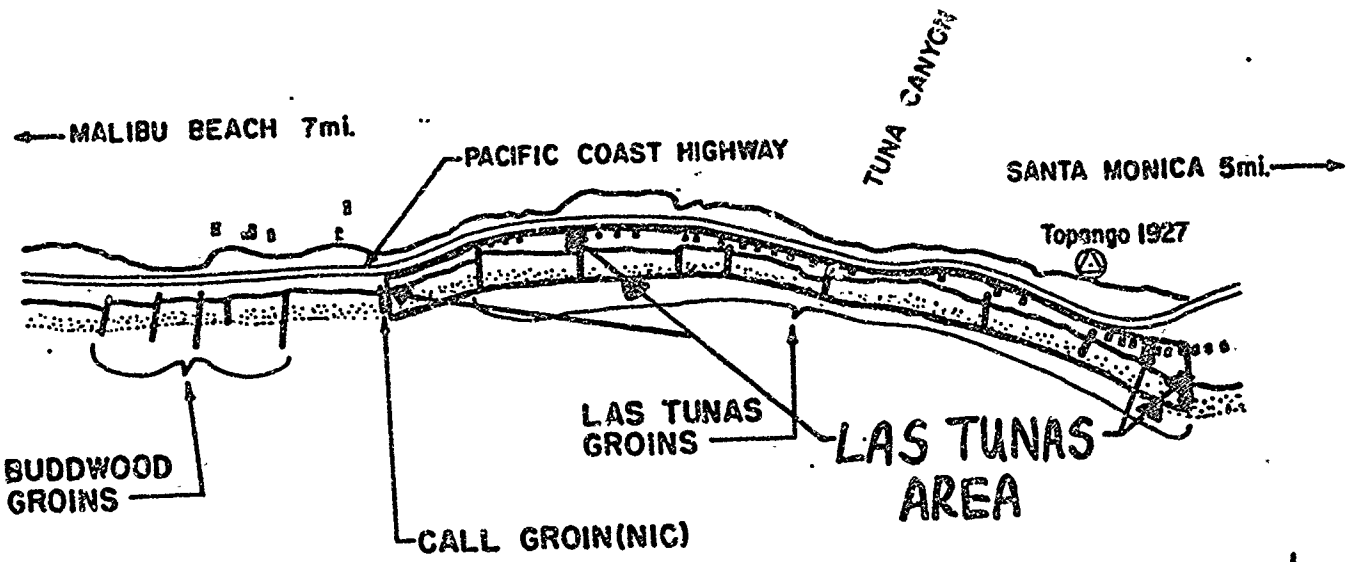

EXHIBIT B

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