

MINUTE ITEM

27

W 24665

Pelkofer

Sledd

Atkins

COASTAL LATERAL ACCESS

Peter Douglas, Executive Director of the California Coastal Commission, spoke before the Commission in favor of Calendar Item 27. Mr. Douglas believes the approval of this recommendation will represent a significant step forward toward increasing public access opportunities along the California coast.

After a brief discussion the Commission voted 3-0 to approve Calendar Item 27 as presented.

Attachment: Calendar Item 27

A 44

S 22

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MINUTE ITEM

This Calendar Item No. 27
was approved as Minute Item
No. 27 by the State Lands
Commission by a vote of 3
to 0 at its 4/2/91
meeting.

CALENDAR ITEM

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27

04/02/91
W 24665 AD 138
Pelkofer AD 139
Sledd AD 140
Atkins AD 141
AD 142
AD 143
AD 144
AD 145

COASTAL LATERAL ACCESS

PARTIES:

California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612

California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105

- AD 138 Irwin and Shirley Lachman
TRS Lachman Trust
28026 Sea Lane
Malibu, California 90265
- AD 139 William and Charlene Norred
17651 Belinda Street
Encino, California 91316
- AD 140 Gilman and Ruth Kraft
3539 Motor Avenue
Los Angeles, California 90034
- AD 141 Jerome and Jane Weintraub
8501 Wilshire Boulevard, #250
Beverly Hills, California 90211
- AD 142 Michael Marcus
P. O. Box 4144
Malibu, California 90078

PARTIES: (cont'd.)

- AD 143 Gretchen Hauswald
 8242 West 3rd Street
 Los Angeles, California 90048
- AD 144 Arthur and France Janov
 27250 Pacific Coast Highway
 Malibu, California 90265
- AD 145 Robert and Anne Sinskey
 27228 Pacific Coast Highway
 Malibu, California 90265

The California Coastal Commission has, for years, required, as a condition of granting Coastal Development permits, formal offers to dedicate to the public lateral (along the shoreline) and vertical (perpendicular to the shoreline) access. These offers to dedicate are recorded in the official records of the county in which the proposed development is situated. It was contemplated, when the program was conceived, that some agency (for example, a local park and recreation agency) would accept and make use of these easements on behalf of the public. Proposition 13 and consequent limited funding has caused most local agencies to refuse to accept the offers of dedication.

The offers to dedicate are generally for a limited period of 20 years. Many of the 20-year periods are nearing termination and the Coastal Commission has requested that the State Lands Commission (SLC) accept certain lateral dedications to avoid the loss of public use of the property.

After meeting with the Coastal Commission and the Coastal Conservancy, the Executive Officer and staff have thoroughly considered the implications of acceptance of the dedications by the SLC on behalf of the State and believe such action is appropriate.

The Coastal Conservancy, which administers the dedication program, has transmitted a small group of offers to dedicate lateral access for the Commission's consideration. They have been carefully reviewed and a listing of offers, which staff believes are appropriate for acceptance, is attached. There are approximately 400 outstanding offers which may be appropriate for SLC acceptance. Assuming the Commission approves of the offers presented in this item and this concept, additional offers will be transmitted to staff, reviewed and presented to the Commission

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at subsequent meetings. It is anticipated the process will continue until all of the offers are accepted or rejected. The Coastal Commission is continuing to obtain new offers at the rate of about 40 per year.

The general character of the land the staff is proposing the Commission accept is dry sandy beach area, approximately 25 feet wide parallel to the ordinary high water line and adjacent to State-owned tidelands. Liability for holding these lateral parcels is limited by Section 831.2 of the Government Code which provides that a public entity is not liable for injury caused by a natural condition of any unimproved public property. Similarly, there should be no maintenance and little management required because of the lack of improvements on the parcels and because the easements simply provide beach-goers with the right to use the beach. The easements, once accepted, will require some monitoring to assure the public use of the area.

AB 894:
N/A

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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. ACCEPT EACH OF THE OFFERS TO DEDICATE THOSE EASEMENTS LISTED IN EXHIBIT "A" ATTACHED.
3. AUTHORIZE THE EXECUTIVE OFFICER OR STAFF PERSONS DESIGNATED BY HIM TO TAKE ALL NECESSARY ACTIONS TO EXECUTE ACCEPTANCE OF THE OFFERS AND PROPERLY RECORD THEM.

EXHIBIT "A"

<u>Address</u>	<u>Owner at Time of Offer</u>	<u>Current Owner</u>	<u>Assessor Parcel #</u>
28026 Sea Lane	Lachman	Lachman, Irwin and Shirley TRS Lachman Trust 28026 Sea Lane Malibu, CA 90265	4460-033-020
27960 Pacific Coast Hwy.	Norred	Norred, William and Charlene 17651 Belinda Street Encino, CA 91316	4460-033-001
27834 Pacific Coast Hwy.	Kraft	Kraft, Gilman and Ruth 3539 Motor Avenue Los Angeles, CA 90034	4460-032-007
27758 Pacific Coast Hwy.*	Weintraub	Weintraub, Jerome and Jane c/o Nathan Golden 8501 Wilshire Blvd., No. 250 Beverly Hills, CA 90211	4460-032-002
27628 Pacific Coast Hwy.	Marcus	Marcus, Michael P.O. Box 4144 Malibu, CA 90078	4460-031-005
27308 Pacific Coast Hwy.	Hauswald	Hauswald, Gretchen 8242 West 3rd Street Los Angeles, CA 90048	4460-029-020
27250 Pacific Coast Hwy.	Janov	Janov, Arthur and France 27250 Pacific Coast Hwy. Malibu, CA 90265	4460-028-014
27228 Pacific Coast Hwy.	Sinsky	Sinsky, Robert and Anne 27228 Pacific Coast Hwy. Malibu, CA 90265	4460-028-017

*Note: This offer does not require that this easement be prior to all liens and encumbrances.