

MINUTE ITEM

This Calendar Item No. C63 was approved as
Minute Item No. 63 by the California State Lands
Commission by a vote of 2 to 0 at its
5-9-96 meeting.

CALENDAR ITEM

C63

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AD's 243,244,245, 05/09/96
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Carey

**CONSIDER ACCEPTANCE OF OFFERS OF DEDICATION
OF LATERAL ACCESS EASEMENTS**

PARTIES WHICH HAVE DEDICATED EASEMENTS:

- Eunice N. Masterson
- Stuart Hodosh
- Andrew F. Beath
- Robert B. Ferguson
- Bud and Judith Ennis
- David L. And Karen Gray
- J. William Hayes
- Sandy Gallin
- Stuart Whitman, Inc.
- Terry and Jane Semel
- Carmen Dragon Trust
- Lee Rich
- Barry M. and Barbara Meyer

PARTY TO ACCEPT EASEMENTS:

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825

INTERESTED PARTY:

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Since the adoption of the Constitution of California in 1879, access to California's public trust waterways has been a mandated responsibility of state government. The vast majority of the hundreds of title settlement agreements the State Lands Commission has been involved in since its inception in 1938 have included provision of public access to the waterways involved.

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In the 1960s, an organization with the acronym COAAST (Citizens Organized to Acquire Access to State Tidelands) began a "Save the Coast" campaign that eventually resulted in the adoption of Proposition 20 by the State's voters in 1972. Since the Legislature's passage of the Coastal Act in 1976, over 1200 offers to dedicate (OTDs) public access easements, both vertical or lateral (to or along) the coast, have been made involving California's 1100-mile coastline.

These OTDs were formally made and recorded by property owners as a condition of approval of permits to develop within the Coastal Zone. Over 1000 of these OTDs remain unaccepted. Most of these offers have a 21 year life, so that they will expire if not formally accepted by a public agency within that time period.

The OTDs were required to ensure protection of existing public rights of use as well as to mitigate and compensate for the impacts to public access caused by development. In many cases, the location of the boundary between the privately owned uplands and the publically owned tidelands is unsettled. Furthermore, the public may have aquired rights of use through the doctrine of implied dedication and have rights of recreational use in any area subject to the public easement in navigable waters. Therefore, these OTDs may describe and include areas already having public rights of use or public ownership. Acceptance by the Commission of the dedications does not change the nature of the existing rights, but removes any question of the public's right of use of the area described.

The State Lands Commission has been requested by the Coastal Commission to review and, where appropriate, accept offers of dedication of lateral access easements involving sandy beach areas lying adjacent to tidelands managed by the State Lands Commission. Staff of the Commission is involved in an ongoing process with the Coastal Conservancy and the Coastal Commission to analyze the OTDs to determine which offers the State Lands Commission should accept. The State Lands Commission has already authorized the acceptance of 34 OTDs in the Malibu area of Los Angeles County where over 40% of the OTDs exist. These approvals involved acceptance of eight OTDs by Minute Item 27 on April 2, 1991; 15 by Minute Item 2 on July 31, 1992; and 11 by Minute Item 22 on September 9, 1993. The Commission's 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. There should be no maintenance and little management required for these easements because of the lack of improvements on the parcels and

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because the easements simply provide the public with the right to access and use the beach.

The OTDs involve sandy beach areas lying between the private structure built on the upper beach and the tidelands which are already state owned and under the Commission's jurisdiction. Therefore, these areas are not only appurtenant to the Commission's existing area of ownership and jurisdiction, but are for all practical public use purposes integral to it. Staff has reviewed each of the offers and the properties as described on the attached Exhibit B and recommends them as appropriate for Commission acceptance.

AB 884:

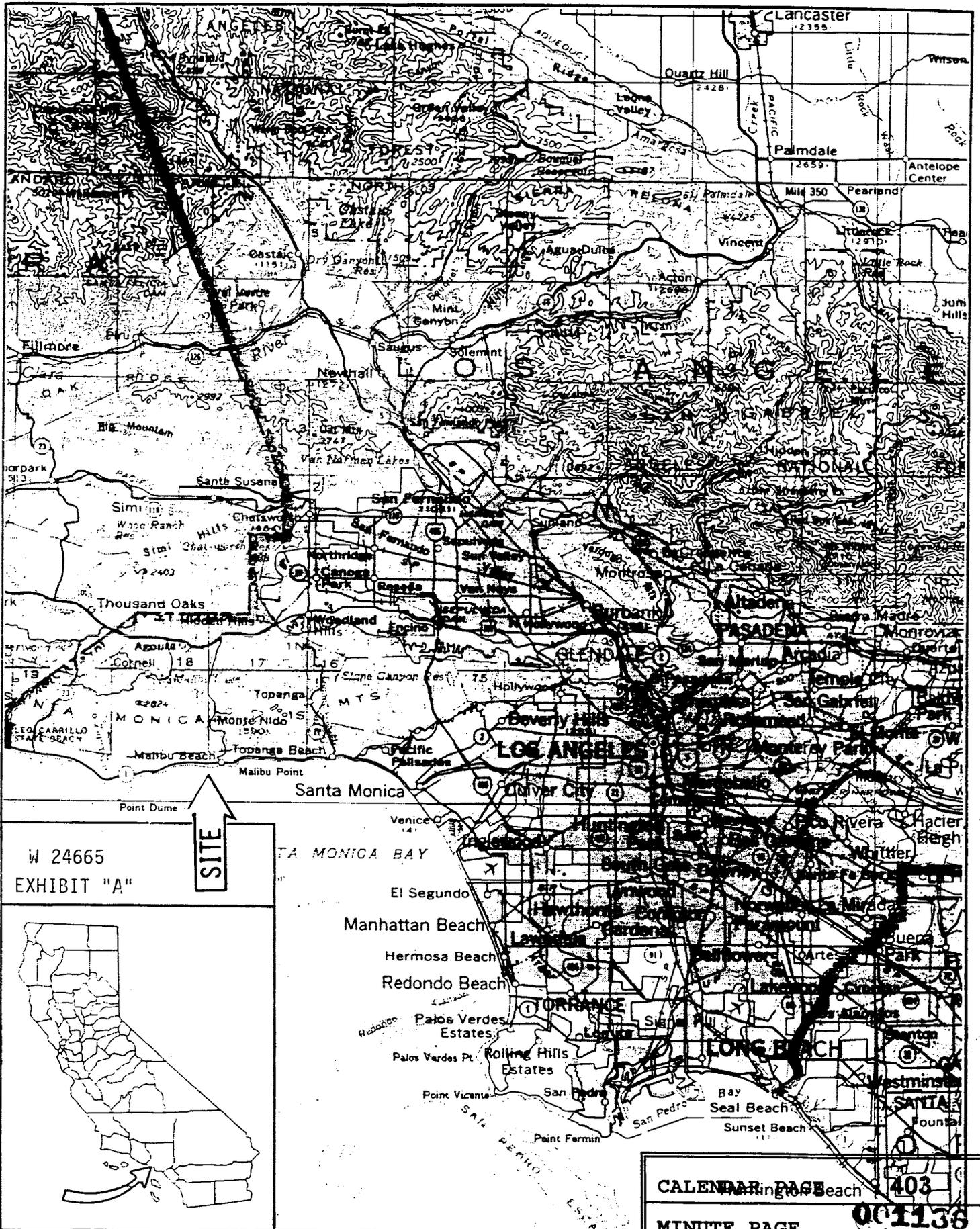
N/A

EXHIBITS:

- A. Location Map
- B. List of Dedications

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 PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.
2. ACCEPT THE OFFER(S) TO DEDICATE PUBLIC ACCESS AND RECREATIONAL USE EASEMENT(S) LISTED ON THE ATTACHED EXHIBIT B.
3. AUTHORIZE THE EXECUTIVE OFFICER, OR HIS DESIGNEE, TO TAKE ALL NECESSARY ACTIONS INCLUDING, BUT NOT LIMITED TO, EXECUTION AND RECORDATION OF CERTIFICATES OF ACCEPTANCE OF THE OFFERS.



W 24665
EXHIBIT "A"

SITE



CALENDAR PAGE 403
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EXHIBIT "B"

<u>ADDRESS</u>	<u>OWNER AT TIME OF OFFER</u>	<u>CURRENT OWNER</u>	<u>ASSESSOR PARCEL #</u>
18948 Pacific Coast Highway	Masterson	Eunice Masterson 13910 Fiji Way Marina Del Rey, CA 90265	4449-0002-006
19920 Pacific Coast Highway	Hodosh	Stuart Hodosh 2021 Santa Monica Blvd. #820 Santa Monica, CA 90404	4450-001-034
20010 Pacific Coast Highway	Beath	Andrew Beath 20012 Pacific Coast Hwy. Malibu, CA 90265	4450-001-041
20058 Pacific Coast Highway	Ferguson	Robert W. Cramer 20058 Pacific Coast Hwy. Malibu, CA 90265	4450-002-045
20314 - 20318 Pacific Coast Highway	Ennis	Bud and Judith Ennis 17856 Vicino Way Pacific Palisades, CA 90272	4450-004-033
20858 Pacific Coast Highway	Gray	David L. And Karen Gray 1546 7th St. #300 Santa Monica, CA 90401	4450-008-046
21624 Pacific Coast Highway	Hayes	Nancy G. Hayes Trust 200 Conway Ave. Los Angeles, CA 90024	4451-003-028

<u>ADDRESS</u>	<u>OWNER AT TIME OF OFFER</u>	<u>CURRENT OWNER</u>	<u>ASSESSOR PARCEL #</u>
21932 Pacific Coast Highway	Gallin	Irving and Rochelle Azoff 10345 W. Olympic Blvd. Los Angeles, CA 90064	4451-005-031
22070 Pacific Coast Highway	Whitman	Emerson U. Glazer Trust 11777 San Vicente Blvd. #502 Los Angeles, CA 90049	4451-005-008
22314 Pacific Coast Highway	Semel	Terry and Jane Semel 9460 Wilshire Blvd. #600 Beverly Hills, CA 90212	4452-001-018
22328 Pacific Coast Highway	Dragon	Carmen and Eloise R. Dragon 28908 Grayfox St. Malibu, CA 90265	4452-001-010
22336 Pacific Coast Highway	Rich	William and Carole Haber 22306 Pacific Coast Hwy. Malibu, CA 90265	4452-001-014
27250 Pacific Coast Highway	Meyer	Barry and Barbara Meyer 9460 Wilshire Blvd. #600 Beverly Hills, CA 90212	4460-028-014