

MINUTE ITEM

This Calendar Item No. C42 was approved as
Minute Item No. 42 by the California State Lands
Commission by a vote of 3 to 0 at its
8/26/97 meeting.

CALENDAR ITEM

C42

A 41

08/26/97

S 23

AD325, 326, W 24665
327, 328, 329, Fossum
330, 331, 332, Sledd
333, 334, 335, Carey

**CONSIDER ACCEPTANCE OF OFFERS OF DEDICATION 336, 337, 338
OF LATERAL ACCESS EASEMENTS**

PARTIES WHICH HAVE DEDICATED EASEMENTS:

- Werner T. and Elizabeth N. Koenig Intervivos Trust
- Jack Lemmon and Felicia Farr Lemmon
- Allan and Whitney B. Manings
- John G. and Victoria A. Irwin
- Perry B. Leff and Abbe Lane Leff
- Broadbeach Partners, Ltd.
- Barry I. and Valerie M. Eglit
- Robert L. Feldman and Bernice Anita Feldman
- Burton and Betty Borman
- George and Elizabeth Gage
- CCCC Corporation
- Arthur and Harriet Rouse
- Robert J. and Nancy L. Hildebrand
- Bonnie Corwin Fuller Revocable Trust Dated May 10, 1990

PARTY TO ACCEPT EASEMENTS:

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202

INTERESTED PARTIES:

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

California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612-2530

CALENDAR ITEM NO. C42 (CONT'D)

Since the adoption of the Constitution of California of 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 of 1938 have included provision of public access to the waterways involved.

In the 1960's, an organization with the acronym COAST (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 publicly owned tidelands is unsettled. Furthermore, the public may have acquired 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 88 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; 11 by Minute Item 22 on September 9, 1993; 13 by Minute Item 63 on May 9, 1996; 15

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by Minute Item 72 on August 21, 1996; 12 by Minute Item 48 on October 28, 1996; eight by Minute Item 74 on February 12, 1997; and six by Minute Item 72 on May 12, 1997.

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

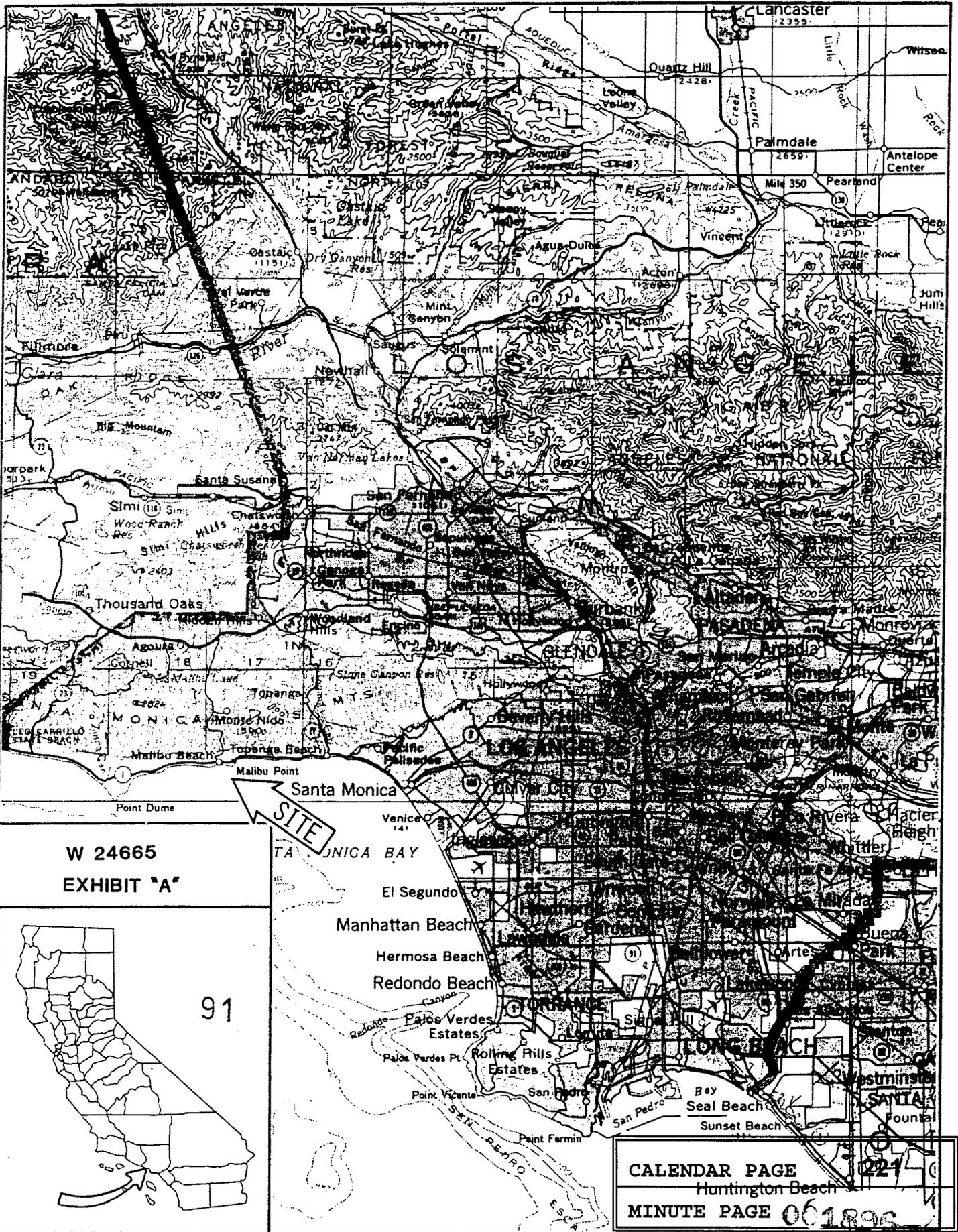
The OTDs involve sandy beach areas lying between the private structure built on the upper beach and the tidelands which are already state owned and under the Commission's jurisdiction. Therefore, these areas are not only appurtenant to the Commission's existing area of ownership and jurisdiction, but 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.

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.



W 24665
EXHIBIT "A"



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CALENDAR PAGE
Huntington Beach
MINUTE PAGE 061896

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EXHIBIT "B"

<u>ADDRESS</u>	<u>OWNER AT TIME OF OFFER</u>	<u>CURRENT OWNER</u>	<u>ASSESSOR PARCEL #</u>
30830 Broad Beach Road	Werner T. and Elizabeth N. Koenig Intervivos Trust	Werner T. and Elizabeth N. Koenig, Trustees 11835 W. Olympic Blvd. #1224 Los Angeles, CA 90064-5013	4470-013-005
30870 Broad Beach Road	Jack Lemmon and Felicia Farr Lemmon	John Lemmon III and Felicia Lemmon, Trustees 13400 Riverside Drive #107 Sherman Oaks, CA 91423-2513	4470-013-013
30918 Broad Beach Road	Allan and Whitney B. Manings	Allan and Whitney Manings P.O. Box 6068 Malibu, CA 90264-6088	4470-013-019
30930 Broad Beach Road	John G. and Victoria A. Irwin	James L. Brooks, Trustee Brooks Family Trust 2501 Colorado Avenue #350 Santa Monica, CA 90404-3550	4470-013-022
31108 Broad Beach Road	Perry B. Leff and Abbe Lane Leff	Betty R. Brown 1888 Century Park E. #214 Los Angeles, CA 90067-1706	4470-015-029
31122 Broad Beach Road	Broadbeach Partners, Ltd.	Charles R. Redford Jr., Trustee Robert Redford Trust 1901 Avenue of the Stars Los Angeles, CA 90067-6001	4470-015-007

ADDRESS

OWNER AT
TIME OF OFFER

CURRENT OWNER

ASSESSOR PARCEL #

31202 Broad Beach Road	Barry I. and Valerie M. Eglit	Robert G. And Nancy Spears 31202 Broad Beach Road Malibu, CA 90265-2667	4470-015-012
31240 Broad Beach Road	Robert L. Feldman and Bernice Anita Feldman	Robert and Bernice Feldman, Trustees 31240 Broad Beach Road Malibu, CA 90265-2667	4470-015-021
31250 Broad Beach Road	Burton and Betty Borman	Burton and Betty Borman P.O. Box 6108 Malibu, CA 90264-6108	4470-015-032
31316 Broad Beach Road	George and Elizabeth Gage	Herbert Siegel and Debra Pommer Siegel 3100 Fryman Road Studio City, CA 91604-4210	4459-016-012
24654 Malibu Road	CCCC Corporation	CCCC Corporation 300 E. Esplanade Drive #455 Oxnard, CA 93030-1246	4458-012-033
24920 Malibu Road	Arthur and Harriet Rouse	Kenneth M. and Rochelle N. Rosenberg 24920 Malibu Road Malibu, CA 90265-4618	4458-013-024
25302 Malibu Road	Robert J. and Nancy L. Hildebrand	Herbert Siegel and Debra Pommer Siegel 3100 Fryman Road Studio City, CA 91604-4210	4459-016-012
21928 Pacific Coast Hwy.	Bonnie Corwin Fuller Revocable Trust Dated May 10, 1990	Bonnie C. Fuller, Trustee 624 N. Foothill Road Beverly Hills, CA 90210-3404	4451-005-032