MINUTE ITEM This Catencar tem to 37 was aperoven as inrute item $\therefore 237$ dhe 3 Ente 1 ends tommission oy a yote of 3 meetrig.

W 503.1130
bLA 216
PRC 6150

H 503.1131
BLA 240
PRC 6469

4 503.1132
BLA 217
PRC 6151

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BLA 238
PRC 6467
5503.1134

BLA 236
PRC 6465

W 503.1135
BLA 233
PRC 6461

W 503.1136
BLA 237
PRC 6466
5503.1137

BLA 213
PRC 6147

W 503.1138
BLA 209
PRC 6083

W 503.1139
BLA 235
PRC 6464
37. BOUNDARY LINE AGREEMENT AND PERMIT FOR IMPROVEMENTS IN SETTLEMENT OF LITIGATION, SANTA MONICA STATE BEACH, CITY OF SANLA MONICA.

W:03.1119
BL/ 234
PRC: 6463

During consideration of Calendar Item 37 attached, Deputy Attorney General Susanne W'ylie explained that the intent of che subject proposal was to offer it tu those property owners who have encroachmeits which extend 5 to 50 feet waterward of the 1921 Mean High Tide Line on the Santa Monica State Beach. She explained that agreement has been reached with one of the property 5167 owners, who resides at 514 Palisades Beach Road, and this settlement represents that agreement, Even though all of the property owners listed on Exhibi: "A" to the Calendar Iter! had not agreed to this proposal, Ms. Wylie indicated she had been in contact with most of their attorneys. She stated they were now reviewing it, and it appears they were finding it viable.

Mr: David LaFaille, attorney representing the property owner at $51 \not \subset$ Palisades Beach Róad, appeared. Mr. LaFaille indicated his client was in agreement with the proposed settlement, and he complimented Ms. Wylie on how she handled the transaction.

Mr. Ackerman was concerned because he was under the assumption that since the calendar Item included a list of the property owners who are involved in the litigation, he thought they weine all in agreement with the terms of the sattlement, Ms. Wylis W:03.1121. BL/. 222
PRC: 6176

W503.1122
BL 2 2C5
PRC. 6013
W : 03.1124
BLA 214
PRi. 6:48

W:03.1125 explained it was nandled in this manner so that if the Comissiorbli 229 approved it, the exact same terms would be offered co tEe otfier PR: 6365 property owners who were similarly situated. This procedure would avoid the staff from having to return to the Commission each time a settlement was reached.

Mr. Ackerman asked if the other property owners on the list wer notified of this meeting. Ms. Wylie indicated they were not because the agreement had been prepared very quickly. Mr. Ackerman then said because of the haste involved in its preparacion, he was not prepared to vote on the item at this time. Mr. Lafajile, however, explained it was hurried along at his request since his client's escrow was in the process of being closed.

Comrission-Alternates Ackerman ind Morgan suggested that the Commission only approve the subject agreement with regard to 514 Palisades Beach Road and exclude the other property owners. Their reasonqug was that if the other property owners had serious objections, the Commission might have to change its position and recommend a different settlement. Chairman Cory, W ':03. 1126 BLh 212 PRI: 6152

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BLiv. 231
PRI: 6400
W. 003.1128

BILi 315
PRU: 6149
however, pointed ont that a different settlement had already been agreed to in the previous Calendar Item (No. 36)

A 44
S 22
(Revised $8 / 25 / 81$ )

## CALEADAR•ITEM NO. 37 (CONTD)

W 503.1141
BLA 221
PRC 6179

It was then pointed out by Ms. Wylie that this proposed settlement was not the original offer extended to the homeowners, but that it was an accommodit:ion. She said the original offer was for a total of 10 years-- 5 years nominal/5 years escalating to W 503.1142 a fair rental value. To oblige the homeowners, it was agreed BLA 218 that the tenns would be 10 years nominal/i0 years at fair PRC 6165 rentai value. Ms. Wylit stated she had not heard of any opposition to this proposal. Mr. N. Eregory Taylor, Assistant Attorney General, stated that while theg are going ahead with intigation with those homeowners who do not sign the agreement, W503.il43 there is notining that precludes a property owner from coming in with another proposal.

It was pointed out by Mr. Taylor that it would be timely if the Commission acted on this proposal at this meeting since the present City Council of Santa Monica had approved it. He stated that the City was having on alection on April 14 and some of the current members on the Conncil were not seeking re-election. He suggested that it woiuld be unfortunate to lose the benefit of those members. Mr. Ackerman asked if any major downsides were expected from the election, such as a total reversal on whet had beer accomplished. He wanted to make sure that the Colmission did not run roughshod over the new City Council. Mr. Taylor stated he did riot anticipate a change in position and indicated thie only downside would be a slight delay to give the new merabers sufficifnt time to become involved in the matter. He stressed that it was important to the City that the boundary dispute be resolved so that planning for the public use of this beach could proceed.

At the conclusion of the meeting, Ms. Morgan moved and Mr. Ackerman seconded that the resolution as presented in Calendar Item 37 was approved. The vote recorded was 3-0.

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W 503.1131
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PRC 6151
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BLA 238
PRC 6467

- 503.1134

BLA 236
PRC 6465
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BLA 233
PRC 6461

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BLA 234
PRC 6463
W 503. 1120
BLA, 220
PRC 6167

## 3/81

W. $503.1119 \div$

W 503.1143
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BOJNDARY LINE AGREEMENT AND PERMIT FOR IMPFOVENENTS IN SETTLEMENT OF LITIGATION, SANTA MONICA STATE BEACH, CITY OF SANTA MONICA

H 503.1121 L
BLA 222
PRC 6176

W 503. 1136 IDENTIFICATIJN OF PROPERTIES AFFECTED BY THIS AGREEMENT:
BLA 237
PRC 6466
This proposed Boundary line Agreement covers various properties along Santa Monica State Bearh, hereinafter "Subject Properties" W $503.113710 c a t e d$ waterward of the 1921 Mean High Tide Line to the
BLA 213 current Mean High Tide Line, and adjoining the various
PRC 6147 upland parcels situated along Palisades Beach Road, which 4503.1138 are listed on Exhibit A attached hereto, hereinafter "Upland
bla 209 Parcels." Relerant portions of the "Subject Properties"
PRC 6083 and 'Upland Parcels" are shown on the sketches atrached
hereto and marked Exhibit B-1 chrough B-24. The cross hatched
F 503.1139 areas show the extent of existing encroachments onto the
BLA 235 "Subject ?roperty" which will be covered by the proposed
PRC 6464 "Permic For "mprovements".
W 503.1122
BLA 205
PRC 5013

W 503.1140 BACKGROUND:
BLA 219
PRC 6166 The Subjec. Properties constitute a portion of the Santa
Monica State Beach, which is currently being administered
W 503. 1141 by the Department of Parks and Recreation, and operated
BLA 221 by the City of Santa Monica under an operating agreement. These actions consist of 24 lawsuits brought by the State of Califormia and the City of Santa Monica to quiet title
W 503.1142 to property al ong the Santa Monica State Beach and to require

BLA 218
PRC 6165 removal of encroachments onto the beach adjacent to private

BLA ?31
PRC 5400
w 503. 1143 In 1921 , The City of Sanca Monica, acting under its authority BLA 225 as Erustee of the State tide and submerged lands pursuant
pRC 6193 to Chapter $7 \varepsilon$, Statutes of 1917 , surveyed the then existing Mean High Tice Line within the City Limics and adopted ard recorded City Ordinance No. 188 (Commissioner's Series) fixing the line along the entire lengly of the subject properties ard upland parcels. The $C i=y$ proceeded to enter

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BLA $\leq 15$
PRC 5149
W 503.1129
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W 503.1130
BLA? 16
PRC 1150

$\qquad$
into a boundary line agreement with the then owner of a majority of the upland parcels. Said agreement was affirined by the California Supreme Court in the case of Muchenberger v. City of Santa Monica, 206 Cal. 635 (1929).

The authorization for settlement pursuant to this calendar item is for the purposes of reaffirming the existing boundary line agreement and to fix a baundary line along the 1921 Mean High Tide Line involving those upland parcels and subject properties for which no prior Boundary Line Agreement exists.

Since 1921, the tidelands waterward of the 1921 Mean High Tide line have become filled as the result of the construction of man-made structures, and the beiach currently extends an average of 400 feet waterward of the 1921 Mean High Tide Line.

The owners of the upland pazcels contend they are entitled to all or a portion of the filled tidelands, claiming that the filling is at least partially naturally caused. iney also contend that the City and State are estopped from requiring removal of the encroachments due to acquiescence in their existence fot a substantial number of years, and that the City issued building permits for the construction of the encroachments.

PROPOSED SETTLEMENT:
The essence of the proposed settlement is as follows:

1. EXECUTION OF A BOUNDARY LINE AGREEMENT which reaffirms the 1921 Mean High Tide Line as retraced in 1978 as the permanent boundary separating the upland parcels from sovereign tidelands along. those portions of the 1921 Mean High Tide Line, which was the subject of a Boundary Line Agreement Ii=igated in Muchenberger v. City of Santa Monica, 205 Cal .635 ; or establishes as a boundary the 1921 Mean High Tide Line as retraced in 1978 as shown on the Record of Survey, filed in Book 90 , Page 39 et seq., of Record of Surveys, Los Angeles County. The boundary will not change due to accretion or erosion, whether artifically or naturally caused.
(Eary. 4/5/81)


CALENDAR ITEM MO. 37 (CONTD)

2. The State Lands Commission, the Department of Parks and Recreation, and the City of Santa Monica will quitclaim all right, title and interest in the upland parcels landward of the 1921 Mean High Ticie Line as retraced in 1978.
3. The upland parties will quitclaim all right, title and interest in the subject property waterward of the 1921 Mean High Tide line as recraced in 19;'8.
4. The upland parties will be permitted to maintain existing improvements waterward of the 1921 Mean High Tide Line as retraced in 1978 subject to the terms and conditions set forth in the "Permit for Improvement."
5. The "PERMIT FOR IMPROVEMENTS" provides as follows:
(a) Upland Parties may maintain the existing improvements for a period of ten (10) years at a nominal annual rental rate. No additional. improvements may be placed upon the area waterward of the 1921 Mcan High Tide Line as retraced in 1978.
(b. At the expiration of the initial ten (10) year period, the upland parties may exercise an option to lease the premises for an additional 10 years, provioed that:
(1) Upland parties shall pay fair rental value annually for the use of the premises remaining.
(2) At the termination of the lease term or any renewal period, all improvements must be removed at the sole expense of upland parties.
(c) All rental payments chall be made to the State Lands Commission for ultimate transmittal to the City of Santa Monica, as the operator at Santa Monica State Beach, for use in the improvement and development of the beach areas within the City Limits.
(Req. 4/6/81)

CALENDAR ITEM NO. 37 (CONTD)
6. A judgment confirming the settlement will be obtained in ios Angeles Superior Court.

GENERAL:
The proposed settlement will eliminate the costs, dexiays, and uncertainties of litigation. The settlement accomplishes the objective of the State Lands Commission in reaffirming or establishing a boundary between uplands and tidelands, and removes the litigation as an obstacle to the beach planning program, which accomplishes the objectives of the Department of Parks and Recreation and the City of Santa Morica. It is recommended that these setelement terms and conditions be offered to those litigants alcng the Santa Morica State Bezch, as listed on attached Exhibit "A", who have encroachments which extend waterward of the 1921 Mean High Tide Line as retraced in 1978.

The City Council of Santai Monica on March 24, 1981, authorized the execution of a Boundary Line Agreement and approved in concept the Permit for Improvements in the case of People v. Mae West, Exhibit "B-t7". The City Council also authorized the City Attorney and City Manager to execute similar Boundary Line Agreements for othe: litigants along the Santa Monica State Beach.

It will be necessary to obtain the signature of the Department of Parks and Recreation on the Boundary Line Agreement.

This projecz is situated on State land identified as posses:sing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class $C$, which authorizes Multiple Use.

Staff revie' irdicates that the Boundary Settlement and issuance of permits will have no significant effe=t upon the identified environmental values. The permits are for existing facilities for which no adverse comments have been received.

EXHIBITS: A. List of related Santa Monica State Beach Cases.

B-1 thraugh B-24. Sketch of improved portions of Subjest Properties and portion of Upland Parcels.


CALENDAR ITEM: NO. 37 (CONTD)

## C. Site Map.

II IS RECOMMLNDED THAT THE COMMISSION:

1. FIND THAT THE ESTABLESHENT OF THIS BOUNDARY LINE IS A SETLEMENT IN LIEU OF LITIGATION, THEREFORE, CEQA DOES NOT APPLY.
2. DETERMINE THAT ISSUANCE OF PERMITS FOR EXISTING IMPROVENENTS IS EXEMPT FROM THE REQUIREMENTS OF CEQA UNDER THE PROVISIONS OF PRC 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
3. DETERMIME THAT THE ESTABLISHMENT OF A BOUNDARY LINE AND ISSUANCE OF PERMITS FOR EXISTING IMPROVEMENTS AS SETT: EMENT IN LIEU OF LITIGATION IS EXEMPT FROM THE REQUIREMENTS OF ARTICLE 6. 5, OF TITLE 2 OF CAL. ADM. CODE BECAUSE IT IS NOT A DEVEI.OPMENT WITHIN THE MEANING OF SECTION 2503 OF TITLE 2 OF Ti'F CAL. ADM. CODE AND SECTION 30105 OF THE P.R.C.
4. FIND THAT GRANTING OF THESE PERMITS WILE HAVE NO SIGNIEICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, $Q[$ THE P.R.C.
5. FIND THAT THE PROPOSED SETTLEMENT IS IN THE BEST INTERESTS of the state.
6. APRK̃OVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT AND RECORDATION ON BEHALF OF THE COMMISSION OF THE FOLLOWING DOCUMENTS:
A. THE BOUNDARY LINE AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.
B. THE PERMIT FOR TMPROVEMENTS IN SUBSTANTIALLY THE FORM OF THE COPY ON FILE WITH THE COMMISSION.
C. THE STATE'S CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDING OF A QUITCLAIM DEED TO THE STATE FROM THE UPLAND PARTY OF ANY RIGHT. TITLE OR INTEREST THE UPLAND PARTY MAY HAVE IN THE SUBJECT PROPERTY.

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7. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPRORRIATE ACTIONS ON BEHALF OF THE STATE LANDS COMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION OF DOCUMENTS OF TITLE, CONVEYANCES, STIPLLATIONS, ESCROW INSTRUCTIONS, DEEDS, AGREEMENSS, CERTIFICATES OF ACCEPTANCE AND CONSENTS TO RECORDATION, AND SUCH DTHER DOCUMENTS AS MAY BE REASONABLE AND CONVENIENT TO CARRY OUT THE SAID TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER THEREOF INCLUDING, BUT NOT LIMITED TO, THOSE CASES WHERE UPLAND PARIY DOES NOT ACCEPT THE ABOVE SETTLEMENT TERMS.
8. AUTHCRIZE THE SETTLEMENT OF ANY OR ALL OF THE CASES ON THE ATTACHED LIST WITHOUT FURTHER ACTION OF THE COMMISSION, ON THE SAME TERMS AND CONDITIONS AS SET FORTH ABOVE AS TO ANY SUCH CASES WHERE DEFENDANTS IN SAID ACTIONS ACCEPT THE ABOVE SETTLEMENT; IN SETTLEMENTS OF ANY OR ALL OF SAID CASES, MAKE THE FINDINGS, APPROVALS, AUTHCRIZATIONS AND DIRECTIONS SET FORTH IN ABOVE PARAGRAPHS 1-7 INCLUSIVE.

## EXhíbIT "A"

Deople v. Gaston, et al. - W 503.1120
LASC Case No. WEC: $42546-270$ Palisades Beach Road, Santa Monica
People v. Nugent, et al. - W 503.1121
LASC Case No. WEC 42547 - 443 Palisades Beą́h Road, SanEa Monica
People v. Palisacies Beach Club, et al. - w 503.1119
LASC Case No. WEC 42545-267 Palisades Beach Road, Santa Monica
People v. Waller, et al. - W 503.1127
LASC Case No. NEC 42551-602 \& 605 Palisades Beach Road, Santa Monica
People y. zanuck, et al. - W 503.1126
LASC Case No.. WEC 42550-546 Palisades Beach Road, Santa Monica
People v. Diener, et al. - W 503.1137
LASC Case No. WEC 46985 - 964 Palisades Beach Road, Santa Monica
People v. Le:fçe, et al. - W 503.1139
LASC Case No. WEC 46987-972 Peilisades Beach Road, Santa Monica
People v. Miller, et al. - N 503.1138
LASC Case No. WEC 46986 - 966 Palisades Beach Road, Santa Monica.
People v. Mullin, et al. - W 503.1142
LASC Case No. WEC 46989 - 1022 Palisades Beach Road Sànlal Monica
people v. Cariine, et al. - W 503.1134
LASC Case No. WEC 43432-918 Palisades Beach Road, Santa Monica
People $v$. Harris, et al. - W 503.1135
LASC Case No. WEC 43434 - 940 Pialisades Beach Road, Santa Monica
People v. Julred, Inc., et al. -- w 503.1140
LASC Case No. WEC 43435-978 \& 1018 Palisades Beach Road, Santa Monica
People v. Perry, et al. - W 503.1133
LASC Case No. WEC 43431-916 Palisades Beach. Road, Santa Monica
People v. Rosential, et al. - N 503.1135
IASC Case No. WEC 43433-924 Palisades Beach Road, Santa Monica
People v. Camarque, Inc., et al. - W 503.1125
LASC Case Nc. WEC 46237 - 549 Paiisades Beach Road, Santa Monica
People v. Jones, et al. - w 503.1124
LASC Case No. WEC 46236-547 Palisades Eeach poad, Santa Monica
(Added, 4/2/81)

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People Y. Mae West, et al. - W 503.1122
LASC Case No. WEC 42543-514 Falisades Beach Road, Santa Monica
People v. Friadman, et al. - W 503.1128
LASC Case No. WEC 46238 - 607 Palisades Beach Road, Santa Monica
Deople v. Herson, et al. - w 503.1129
LASC Case no. WEC 46239 - 625 Palisades Beach toad, Santa Monica
People v. Grossman, et al. - W 503.1131
LASC Case No. WEC 46241 - 702 Pa.lisades Beach ioad, Santa Monica
People v. Kanin, et al. - w 503.l130
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LASC Case No. WEC 46242-703 Pa,lisades Beach Road, Santa Monica
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EXHIBIT B-1


6 Ft: Chain Link Fence
Phyllis Nugent 443 Palls ades Beach Proad APN 4293-17-006

TGABOY: Béath


EXHIBIT E-2
W 503.1121


Harjorie waiter
 APN 4293-18-001.

> sanoy bench




The 1921 MITL is.0.18' Waterward of The Waterward Face of $3^{\prime}$ Wood Watl at SW End of Parcel


The 1921 MIITL is $0.08^{1}$ Lanctward of the Haterward Face of $5^{\prime}$ Wood \& SEuccio Wall at. NW End of Parcel.

> 4.5' Chain Link Fence

The 1921 MITL is $0.30^{\prime}$ Landward of Waterward Face of $5^{\prime}$ Wood \& Stucco Wall at the SW End of Parsel.
SNIOY BEACH
$\cdots$ EXHIBIT B-46

W 503.1127



W503.1137



BEACH AREÁ

BAㄱARA MILLER
966 PALISMAES BEACH ROAD
APN 2292-310-007

## EXHIBIT B-8

W 503.1138



# EXHIBIT B-10 

CLAUDE CARLINE
918 PALISADES BEACH ROAD APN 4292-310-016

Chock By $\qquad$ Date -

W 503.1134



JULRED INC.
973 \& 1018 PALISADES BEACH ROAD APN'S 4292-310-00 5 \& 4292-310-004

Computed By $\rightarrow$ Onta 1.3 . 71
$\qquad$ - IVlo Ilo


Uplend Parcei

5 FT. CHAIN L.:NK FENCE.

DALSY PERRY
916 PhLISADES BEACH ROAD APN 4292-310-017

EXHIBIT B-13
Coruputod Dy $R 2$, Oale $17-20-75$
Check Dy $\quad$ Osto
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Crock By

Upland Parcel

SCALE: $7^{n}=19^{\circ}$

GATE


## EXHIBIT B-15

CAMARGUE INC.
549 PALISTUFS BEACH ROAD
APN 4293-180-007
W 503.1125

PUBLIC PARKING LOT


EXHIBIT B-16
547 Prlisades beach road APN 4293-180-006

The 1921 MIITL is $0.17^{\prime}$ Landzard of the Waterward Face of $4^{\prime}$ Wood \&.Stucco Wall at sis Side of the Parce1. .

| Mae Wesit <br> 514 Palisades Beach Road <br>  |
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. - birick:retaining wall beineen swimmid pool and igat aigtl
nulte: finis wail is iendwara of 1921 MHTL by 0.25 FT. at its Northiwesterly end and by 0.10 Fi at its Southeasterly end.

MARVIN FRIEDMAN


Uplana Parcel

## EXHIBIT 13-20

W $503.1128_{+136}$
$\qquad$ Dale $\frac{1}{1}$ $\frac{12}{18}$







[^0]:    Attachment:
    Calendar Item 3:

