

MINUTE ITEM

This Calendar Item No. C72 was approved as Minute Item No. 72 by the California State Lands Commission by a vote of 3 to 0 at its 08/21/96 meeting.

CALENDAR ITEM

C72

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08/21/96
W 24665 AD 261
C. Fossum AD 278
F. Sledd
F. Carey

CONSIDER ACCEPTANCE OF OFFERS OF DEDICATION OF LATERAL ACCESS EASEMENTS

PARTIES WHICH HAVE DEDICATED EASEMENTS:

- PCH Development, Inc.
- Albert Collins and Jeanne Collins
- Victor Gainer
- Charles G. Huntington and Mary Charnley Huntington, Trustees under Declaration of Trust for the benefit of Jean Charnley Huntington
- Margaret Seder
- Stephen R. Gannon and John Davidson
- Ann M. Buck, Trustee under the Buck Family Trust
- Christian L. Stevens and Lindsay H. Stevens
- William Chadwick
- B.F.S., a general partnership
- Gerald Rosen and Sylvia Rosen
- Marshall L. McDaniel
- Manuel G. Gonzalez and Mary S. Gonzalez
- R. G. T. Millar
- Goren Properties

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 of 1879, access to California's public trust waterways has been a mandated responsibility of state government.

CALENDAR ITEM NO. **C72** (CONT'D)

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 47 OTDs in the Malibu area of Los Angeles County where over 40 per cent of the OTDs exist.

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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; and 13 by Minute Item 63 on May 9, 1996. 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.

AB 884:

N/A

EXHIBITS:

- A. Location Map
- B. List of Dedications

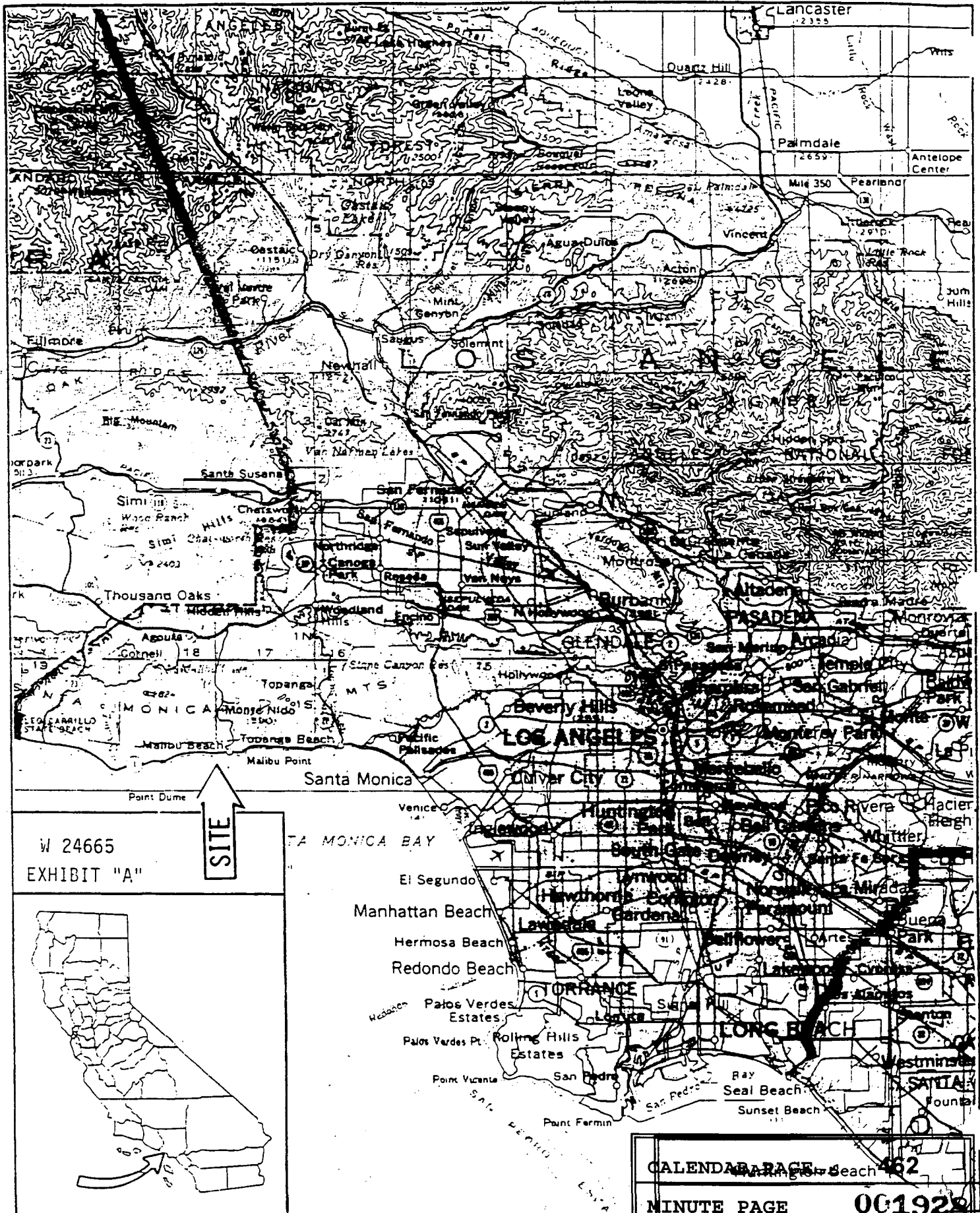
IT IS RECOMMENDED THAT THE COMMISSION:

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".

CALENDAR ITEM NO. **C72** (CONT'D)

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.

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W 24665
EXHIBIT "A"

SITE

EXHIBIT "B"

<u>ADDRESS</u>	<u>OWNER AT TIME OF OFFER</u>	<u>CURRENT OWNER</u>	<u>ASSESSOR PARCEL #</u>
18894 Pacific Coast Highway	PCH Development, Inc.	Armand O. Riza 18904 Pacific Coast Highway Malibu, CA 90265-5509	4449-001-001
20000 Pacific Coast Highway	Albert Collins and Jeanne Collins	Albert Collins, Trustee dba Collins Trust 2001 S. Barrington Avenue #300 Los Angeles, CA 90025-5363	4450-001-024
20828 Pacific Coast Highway	Victor Gainer	Elaine P. Gethard, Trustee dba Elaine P. Gethard Trust 20828 Pacific Coast Highway Malibu, CA 90265-5216	4450-008-037
20832 Pacific Coast Highway	Charles G. Huntington and Mary Charnley Huntington, Trustees for the benefit of Jean Charnley Huntington	Charles Huntington, Trustee dba Jean C. Huntington Trust P.O. Box 2706 Malibu, CA 90265-7706	4450-008-039
20838 Pacific Coast Highway	Margaret Seder	Margaret Seder, Trustee dba Margaret Seder Trust 4163 W. Sarah Street Burbank, CA 91505-3813	4450-008-041
20944 Pacific Coast Highway	Stephen R. Gannon and John Davidson	Stephen R. Gannon, Trustee P.O. Box 722 Ketchum, ID 83340-0722	4450-009-032

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<u>ADDRESS</u>	<u>OWNER AT TIME OF OFFER</u>	<u>CURRENT OWNER</u>	<u>ASSESSOR PARCEL #</u>
21606 Pacific Coast Highway	Ann M. Buck, Trustee under the Buck Family Trust	Ronald L. Buck and Ann M. Buck, Trustees 14918 Pampas Ricas Blvd. Pacific Palisades, CA 90272	4451-002-006
21614 Pacific Coast Highway	Christian L. Stevens and Lindsay H. Stevens	Arthur N. Chester and Catherine B. Chester 21614 Pacific Coast Highway Malibu, CA 90265-5209	4451-003-031
21622 Pacific Coast Highway	William Chadwick	William J. Chadwick 21622 Pacific Coast Highway Malibu, CA 90265-5209	4451-003-032
21628 Pacific Coast Highway	William Chadwick	Barbara A. Orbison 10345 W. Olympic Boulevard Los Angeles, CA 90064-2548	4451-003-027
27400 Pacific Coast Highway (27348 Escondido Beach Rd.)	B.F.S., a general partnership	Albert H. Gersten, Jr. 27348 Pacific Coast Highway Malibu, CA 90265-4348	4460-030-043
(27350 Pacific Coast Hwy.)		Roger S. Wolk and Marilyn S. Wolk, Trustees 28 Malibu Colony Road Malibu, CA 90265-4636	4460-030-044
(27352 Pacific Coast Hwy.)		Charles Stern and Joanne Stern, Trustees 27352 Escondido Beach Rd. Malibu, CA 90265-4319	4460-030-045
24818 Malibu Road (24818 Pacific Coast Hwy.)	Gerald Rosen and Sylvia Rosen	Peter W. Doerken 11835 W. Olympic Blvd. #975 Los Angeles, CA 90064-5010	4458-015-025

ADDRESS

OWNER AT
TIME OF OFFER

CURRENT OWNER

ASSESSOR PARCEL #

24848 Malibu Road

Marshall L. McDaniel

Marshall L. McDaniel
25004 Malibu Road
Malibu, CA 90265-4620

4458-013-016

24916 Malibu Road

Manuel G. Gonzalez and
Mary S. Gonzalez

Mary S. Gonzalez, Trustee
dba Mary S. Gonzalez Trust
24916 Malibu Road
Malibu, CA 90265-4618

4458-013-023

25026 Malibu Road

R. G. T. Millar

Fred R. Damavandi and
Flor Z. Damavandi
25026 Malibu Road
Malibu, CA 90265-4620

4458-013-039

25252 Malibu Road

Goren Properties

Osias G. Goren and
Dorothy S. Goren
10850 Wilshire Blvd., Floor 6
Los Angeles, CA 90024-4305

4459-016-007

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