

MINUTE ITEM
This Calendar Item No. C48
was approved as Minute Item
No. 40 by the State Lands
Commission by a vote of 3
to 0 at its 10/28/96
meeting.

CALENDAR ITEM
C48

A 44
S 22

10/28/96
W 24665
Fossum
Sledd
Carey

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

AD285, 286
287, 288, 289
290, 291, 292
293, 294, 295,
296

PARTIES WHICH HAVE DEDICATED EASEMENTS:

Gregory J. Bonann
Stephen R. Stewart
Henry C. Parmer Jr.
Louis R. and Suzanne M. Pozzo
Alan and Linda O. Landsburg
Andrea Tose
William and Bonnie Apfelbaum
Martin and Carole Hamburger
Charlotte R. Robertson Trust
Hamilton and Robertson Trust
Lee S. and Elizabeth Gabler
Paul M. Maslansky
Paul M. Buxbaum

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

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CALENDAR ITEM NO. C48 (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 California State Lands Commission has been involved in since its inception in 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 California 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 62 OTDs in the Malibu area of Los Angeles County where over 40% of the OTDs exist.

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Those 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; and 15 by Minute Item 72 on August 21, 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. C48 (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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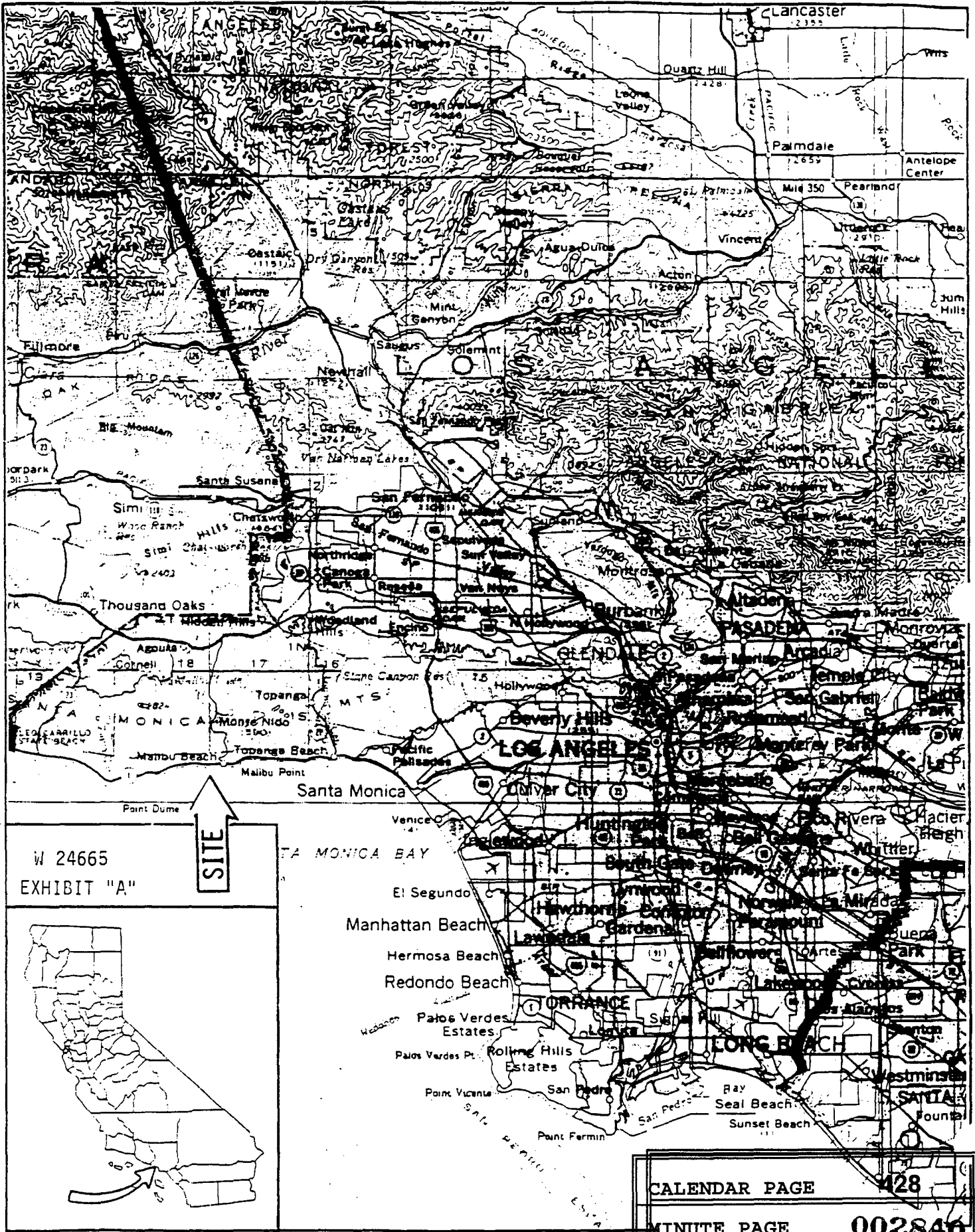


EXHIBIT "B"

<u>ADDRESS</u>	<u>OWNER AT TIME OF OFFER</u>	<u>CURRENT OWNER</u>	<u>ASSESSOR PARCEL #</u>
20906 Pacific Coast Hwy.	Joseph M. Campbell	Gregory J. Bonann P.O. Box 1404 Pacific Palisades, CA 90272-1404	4450-008-050
21840 Pacific Coast Hwy.	Stephen R. Stewart	Stephen R. Stewart 10947 Venice Blvd. Los Angeles, CA 90034-7015	4451-004-018
22012 Pacific Coast Hwy.	Leonard and Wendy Goldberg	Henry C. Parmer Jr. 22012 Pacific Coast Hwy. Malibu, CA 90265-5025	4451-005-021
22030 Pacific Coast Hwy.	Louis R. & Suzanne M. Pozzo	Louis R. & Suzanne M. Pozzo 333 E. Glenoaks Blvd. #202 Glendale, CA 91207-2074	4451-005-017
22432 Pacific Coast Hwy.	Alan & Linda O. Landsburg	Alan & Linda O. Landsburg 22432 Pacific Coast Hwy. Malibu, CA 90265-5033	4452-002-017
23350 Malibu Colony Drive	Nancy Heller	Andrea Tose 23350 Malibu Colony Drive Malibu, CA 90265-4642	4452-008-023
23600 Malibu Colony Drive	Eric and Peggy Lieber	William & Bonnie Apfelbaum 380 Lexington Avenue New York, NY 10168-0002	4458-004-051

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ADDRESS

OWNER AT
TIME OF OFFER

CURRENT OWNER

ASSESSOR PARCEL #

23640 Malibu Colony Drive

Western Capital Resources,
a Corporation

Martin & Carole Hamburger
19354 Londelius Street
Northridge, CA 91324-3509

4458-005-033

23668 Malibu Colony Drive

Henry H. & Charlotte R.
Hamilton

Charlotte R. Robertson Trust
Hamilton & Robertson Trust
(DBA)
10971 Bellagio Road
Los Angeles, CA 90077-3202

4458-005-026

23672 Malibu Colony Drive

Alan I. & Nancy Casden

Lee S. & Elizabeth Gabler
23672 Malibu Colony Drive
Malibu, CA 90265-4637

4458-005-025

23674 Malibu Colony Drive

Gordon Matthew Sumner

Paul M. Maslansky
10866 Wilshire Blvd. #1000
Los Angeles, CA 90024-4334

4458-005-024

23684 Malibu Colony Drive

Sam Wyly Malibu Trust

Paul M. Buxbaum
13684 #35 Malibu Colony Dr.
Malibu, CA 90265

4458-005-022

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