MINUTE ITEM

27

W 24665

Pelkofer

Sledd

Atkins

COASTAL LATERAL ACCESS

Peter Douglas, Executive Director of the California Coastal Commission, spoke before the Commission in favor of Calendar Item 27. Mr. Douglas believes the approval of this recommendation will represent a significant step forward toward increasing public access opportunities along the California coast.

After a brief discussion the Commission voted 3-0 to approve Calendar Item 27 as presented.

Attachment: Calendar Item 27

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MINUTE ITEM This Colendar Item No. 27was approved as Minute Item No. 21_by the State Lands Commission by a vote of 3 to 2 at its 412191 meeting.

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| COASTAL LA | ATERAL ACCESS | ٨D | 145 |

PARTIES: California Coastal Conservancy 1330 Broadway, Suite 1100 Oakland, California 94612

> California Coastal Commission 631 Howard Street, 4th Floor San Francisco, California 94105

- Irvin and Shirley Lachman AD 138 TRS Lachman Trust 28026 Sea Lane Malibu, California 90265
- William and Charlene Norred AD 139 17651 Belinda Street Encino, California 91316
- Gilman and Ruth Kraft AD 140 3539 Motor Avenue Los Angeles, California 90034
- Jerome and Jane Weintraub AD 141 8501 Wilshire Boulevard, #250 Beverly Hills, California 90211
- Michael Marcus AD 142 P. O. Box 4144 Malibu, California 90078

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CALENDAR ITEM NO. 27 (CONT'D)

PARTIES: (cont'd.) AD 143 Gretchen Hauswald 8242 West 3rd Street Los Angeles, California 90048

- AD 144 Arthur and France Janov 27250 Pacific Coast Highway Malibu, California 90265
- AD 145 Robert and Anne Sinskey 27228 Pacific Coat Highway Malibu, California 90265

The California Coastal Commission has, for years, required, as a condition of granting Coastal Development permits, formal offers to dedicate to the public lateral (along the shoreline) and vertical (perpendicular to the shoreline) access. These offers to dedicate are recorded in the official records of the county in which the proposed development is situated. It was contemplated, when the program was conceived, that some agency (for example, a local park and recreation agency) would accept and make use of these easements on behalf of the public. Proposition 13 and consequent limited funding has caused most local agencies to refuse to accept the offers of dedication.

The offers to dedicate are generally for a limited period of 20 years. Many of the 20-year periods are nearing termination and the Coastal Commission has requested that the State Lands Commission (SLC) accept certain lateral dedications to avoid the loss of public use of the property.

After meeting with the Coastal Commission and the Coastal Conservancy, the Executive Officer and staff have thoroughly considered the implications of acceptance of the dedications by the SLC on behalf of the State and believe such action is appropriate.

The Coastal Conservancy, which administers the dedication program, has transmitted a small group of offers to dedicate lateral access for the Commission's consideration. They have been carefully reviewed and a listing of offers, which staff believes are appropriate for acceptance, is attached. There are approximately 400 outstanding offers which may be appropriate for SLC acceptance. Assuming the Commission approves of the offers presented in this item and this concept, additional offers will be transmitted to staff, reviewed and presented to the Commission

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CALENDAR ITEM NO. 27 (CONT'D)

at subsequent meetings. It is anticipated the process will continue until all of the offers are accepted or rejected. The Coastal Commission is continuing to obtain new offers at the rate of about 40 per year.

The general character of the land the staff is proposing the Commission accept is dry sandy beach area, approximately 25 feet wide parallel to the ordinary high water line and adjacent to State-owned tidelands. 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. Similarly, there should be no maintenance and little management required because of the lack of improvements on the parcels and because the easements simply provide beach-goers with the right to use the beach. The easements, once accepted, will require some monitoring to assure the public use of the area.

AB 884: N/A

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 P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
- 2. ACCEPT EACH OF THE OFFERS TO DEDICATE THOSE EASEMENTS LISTED IN EXHIBIT "A" ATTACHED.
- 3. AUTHORIZE THE EXECUTIVE OFFICER OR STAFF PERSONS DESIGNATED BY HIM TO TAKE ALL NECESSARY ACTIONS TO EXECUTE ACCEPTANCE OF THE OFFERS AND PROPERLY RECORD THEM.

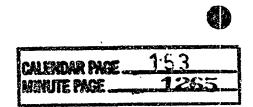
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EXHIBIT "A"

| Adress | Owner at Time of Offe | E Current Owner | Assessor Parcel A |
|---------------------------|--------------------------|--|----------------------|
| 28026 Sea Lane | Lachman | Lachman, Irwin and Shirley TRS Lachman Trust 28026 Sea Lane Malibu, CA 90265 | 4460-033-020 |
| 27960 Pacific Coast Hwy. | Norred | Norred, William and Charlene 17651 Bolinda Street Encino, CA 91316 | 4460-933-001 |
| 27834 Pacific Coast Hwy. | Kraft | Rraft, Gilman and Ruth 3539 Motor Avenue Los Angeles, CA 90034 | 4460-032-007 |
| 27758 Pacific Coast Hwy.* | Weintraub | Weintraub, Jerome and Jane c/o Nathan Golden 8501 Wilshire Blvd., No. 250 Beverly Hills, CA 90211 | 4460-032-002 |
| 27628 Pacific Coast Ewy. | Narcus | Marcus, Michael P.O. Box 4144 Malibu, CA 90078 | 4460-031- 005 |
| 27308 Pacific Coast Hwy. | Hauswald | Hauswald, Gretchen 8242 Wast 3rd Street Los Angeles, CA 90048 | 4460-029-020 |
| 27250 Pacific Coast Hwy. | Janov | Janov, Arthur and France 27250 Pacific Coast Hwy. Malibu, CA 90265 | 4460-028-014 |
| 27228 Pacific Coast Huy. | Sinskey | Sinskey, Robert and Anne 27228 Pacific Coast Hwy. Malibu, CA 90265 | 4460-028-017 |

*Note: This offer does not require that this easement be prior to all liens and encumbrances.



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