

MINUTE ITEM

This Calendar Item No. C54 was approved as Minute Item No. 54 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM

C54

A 41

04/17/06

S 23

AD 243
S. Young

AMENDMENT TO PUBLIC ACCESS EASEMENT

PARTY REQUESTING AN AMENDMENT:

Jeffrey A. Frame and Elaine C. Frame, and their Successors, as Trustees of the Frame Family Trust Dated August 11, 2003

PARTIES TO AGREE AND ACCEPT AMENDMENT:

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

Jeffrey A. Frame and Elaine C. Frame, and their Successors, as Trustees of the Frame Family Trust Dated August 11, 2003

BACKGROUND:

On November 13, 1986, the California Coastal Commission granted a Coastal Development Permit (CDP), Permit No. 5-86-572, to Eunice N. Masterson, in connection with a 1986 proposal to build a single family residence on a vacant coastal lot identified as APN 4449-002-006, located adjacent to the Pacific Coast Highway (PCH) in the Tuna Canyon area of Malibu in Los Angeles County. In compliance with the terms of the CDP, Eunice N. Masterson, the owner of record at that time, formally offered to dedicate (OTD) a lateral public access easement on this beachfront parcel. The OTD was recorded in the Official Records of Los Angeles County on May 7, 1987, as Document Number 87-721571.

On May 9, 1996, the State Lands Commission (CSLC) approved the acceptance of the OTD in connection with the 1987 proposed residential development of the parcel. The acceptance of the OTD is identified as CSLC file No. AD 243. CSLC staff's research indicates that the proposed residence was never constructed and the vacant parcel was subsequently sold and transferred a number of times following the 1987 recordation of the original OTD.

CALENDAR ITEM NO. C54 (CONT'D)

On September 6, 2005, the city of Malibu approved and adopted CDP No. 04-023 (Permit), Variance Nos. 05-009 and 05-010, for the construction of a new 2,605 square feet, two-story plus mezzanine, single-family residence, a new bulkhead, and a new alternative onsite wastewater treatment system at APN 4449-002-006. The Permit applicants and owners of the parcel are Jeffrey A. Frame and Elaine C. Frame, Trustees of Frame Family Trust Dated August 11, 2003. The city's permit prohibits the proposed development from encroaching within the recorded lateral public access easement (AD 243). If an encroachment is evident, the Permit requires that the applicant must redesign the project or record a new easement if the easement holder (CSLC) is amenable to such a change.

CSLC staff determined that a portion of the proposed project does encroach within AD 243. Jeffrey A. Frame and Elaine C. Frame, as Trustees, have offered to expand the public recreational use area so the dedicated lateral access and recreation use easement would include all of the area from the Mean High Tide Line landward to the waterward side of the proposed deck with no limitation to pass and repass. This would allow the public legal access and use of the entire beach waterward of the deck and not just the ability to pass in the easement ten-foot buffer area during periods of high water. CSLC staff has concluded the expanded easement would be a net benefit to public access and use rights. CSLC staff has discussed this proposed amendment of the easement with public access staff of the California Coastal Commission and they concur in the modification.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, Sections 15060 (c)(3) and 15378.

EXHIBITS:

- A. Location Map
- B. Land Description

CALENDAR ITEM NO. C54 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

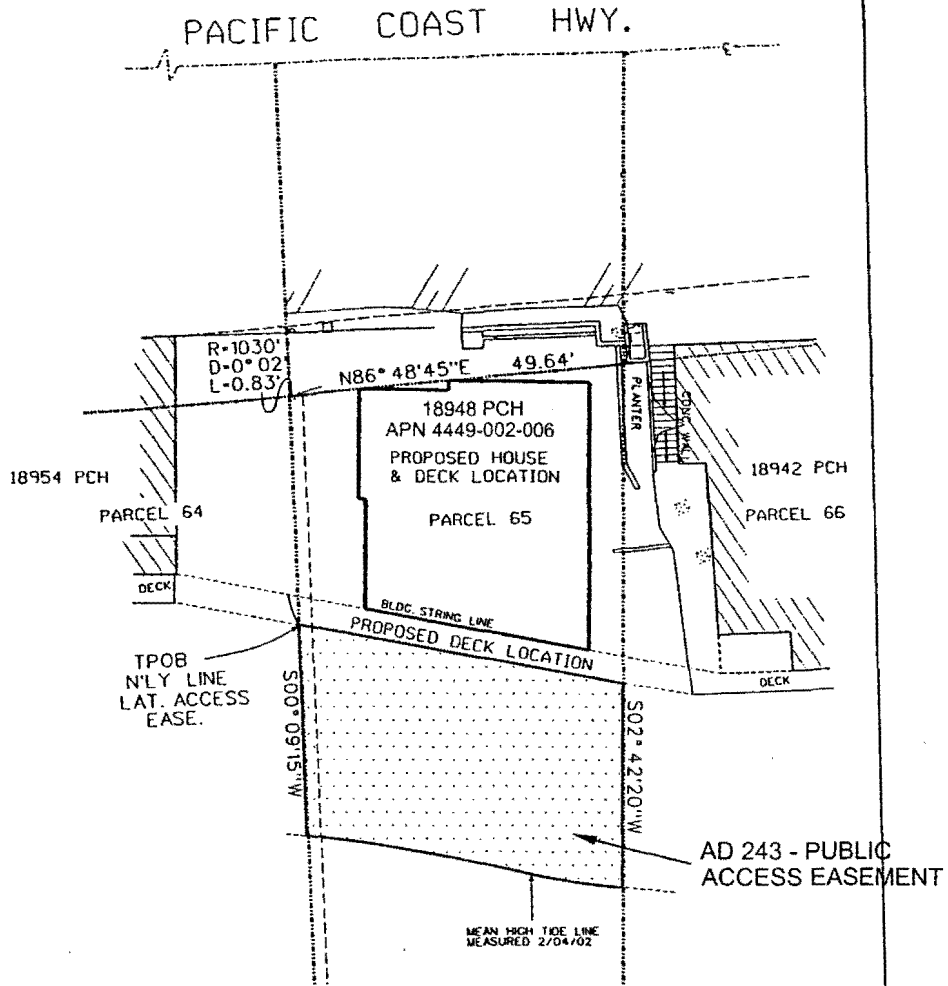
FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF AD 243, PUBLIC ACCESS EASEMENT, AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B. ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL PUBLIC ACCESS EASEMENT SHALL REMAIN IN FULL FORCE AND EFFECT.

NO SCALE

SITE



18948 PACIFIC COAST HIGHWAY
APN 4449-002-0006

NO SCALE

LOCATION

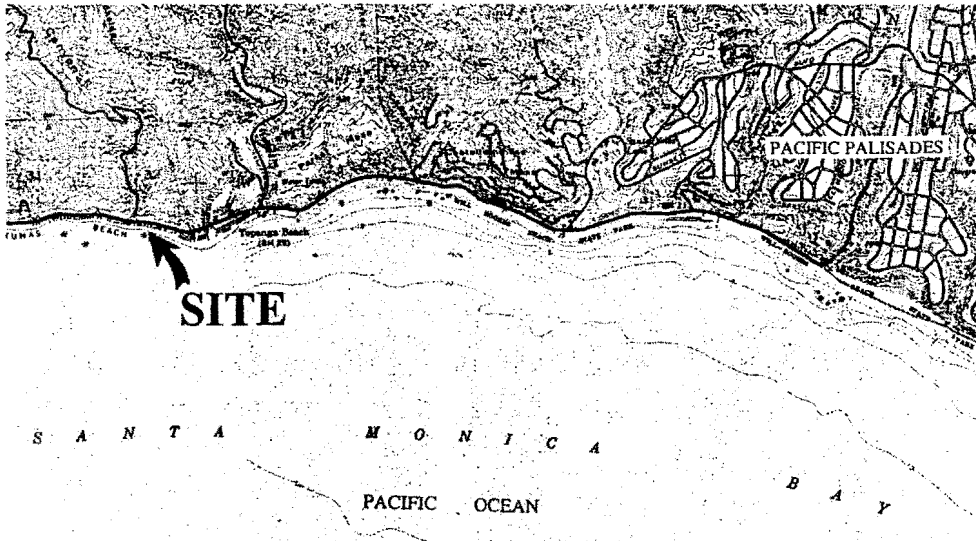


Exhibit A
 AD 243
 JEFF FRAME
 PUBLIC
 ACCESS EASEMENT
 MALIBU AREA
 LOS ANGELES COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

CALENDAR PAGE MAP SOURCE: USGS QUAD PAGE

EXHIBIT "B"

AD 243

**PUBLIC ACCESS EASEMENT
LAND DESCRIPTION**

A PUBLIC ACCESS EASEMENT OVER AND ACROSS A PORTION OF THE FOLLOWING DESCRIBED PARCELS 1 AND 2:

PARCEL 1:

PARCEL 65, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON LICENSED SURVEYOR'S MAP FILED IN BOOK 26 PAGE 43 AND 44 RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO THAT PORTION OF LOT 2 IN SECTION 32, TOWNSHIP 1 SOUTH, RANGE 16 WEST, SAN BERNARDINO MERIDIAN, BOUNDED NORTHERLY BY THE CENTER LINE OF PRESENT HIGHWAY IMPROVEMENT, AS THE SAME APPEARS ON MAP ATTACHED TO FIRST AMENDED AND SUPPLEMENTAL COMPLAINT FILED IN CASE NO. 352603, SUPERIOR COURT OF SAID COUNTY, BOUNDED SOUTHERLY BY THE NORTHERLY LINE OF SAID PARCEL 65 AND BOUNDED WESTERLY AND EASTERLY BY THE NORTHERLY PROLONGATION OF THE WESTERLY AND EASTERLY LINES OF SAID PARCEL 65.

EXCEPT ANY PORTION OF SAID LAND WHICH AT ANY TIME WAS TIDE LAND WHICH WAS NOT FORMED BY DEPOSIT OF ALLUVION FROM NATURAL CAUSES AND BY IMPERCEPTIBLE DEGREES.

PARCEL 2:

THAT EASTERLY 2 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY:

THAT PORTION OF PARCEL 64, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON LICENSED SURVEYOR'S MAP FILED IN BOOK 26 PAGE 43 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER, LYING EASTERLY OF A LINE NORMAL (RADIAL) TO THE NORTHERLY LINE OF SAID PARCEL 64 WHICH PASSES THROUGH A POINT IN SAID NORTHERLY LINE THAT IS DISTANT WESTERLY 54.40 FEET, MEASURED ALONG SAID NORTHERLY LINE FROM THE NORTHEASTERLY CORNER OF SAID PARCEL 64.

ALSO THOSE PORTIONS OF SECTION 31 AND 32, TOWNSHIP 1 SOUTH,

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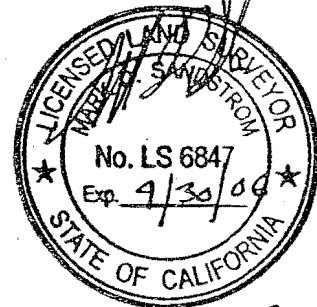
RANGE 16 WEST, SAN BERNARDINO MERIDIAN, BOUNDED NORTHERLY BY THE CENTER LINE OF PRESENT HIGHWAY IMPROVEMENT, AS THE SAME IS SHOWN ON MAP ATTACHED TO FIRST AMENDED AND SUPPLEMENTAL COMPLAINT FILED IN CASE NO. 352603 SUPERIOR COURT OF SAID COUNTY BOUNDED SOUTHERLY BY THE NORTHERLY LINE OF SAID PARCEL 64 AND BOUNDED WESTERLY AND EASTERLY BY THE NORTHERLY PROLONGATION OF THE WESTERLY AND EASTERLY LINES OF THE ABOVE DESCRIBED PORTION OF SAID PARCEL 64.

EXCEPT ANY PORTION OF SAID LAND WHICH AT ANY TIME WAS TIDE LAND WHICH WAS NOT FORMED BY THE DEPOSIT OF ALLUVION FROM NATURAL CAUSES AND BY IMPERCEPTIBLE DEGREES.

SAID EASEMENT IS MORE DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF SAID PARCEL 2, SAID POINT BEING ON THE CENTERLINE OF PACIFIC COAST HIGHWAY AS PER DESCRIPTION OF SAID PARCEL 2; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PARCEL 2 SOUTH 0° 09' 15" WEST, 82.81 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE OF PARCEL 2, SOUTH 77° 36' 30" EAST, 48.45 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 1; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID PARCEL 1 TO ITS INTERSECTION WITH THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE ALONG THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN TO ITS INTERSECTION WITH THE WEST LINE OF SAID PARCEL 2; THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL 2 TO THE POINT OF BEGINNING.

END OF DESCRIPTION



2-13-06

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PROPERTY ADDRESS:

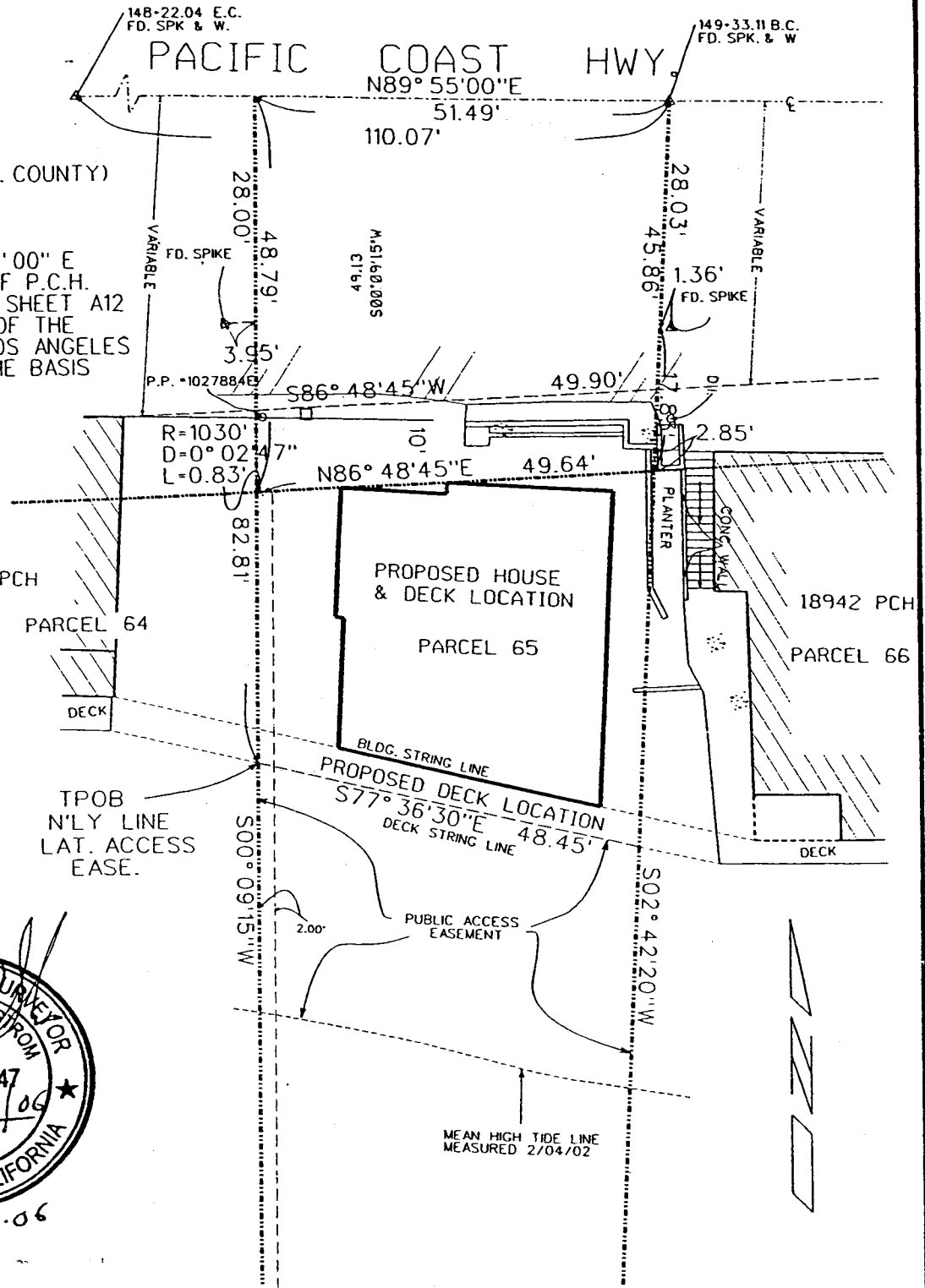
18948 (VACANT) P.C.H.
MALIBU CA. 90265

ASSESSOR'S PARCEL NO.:

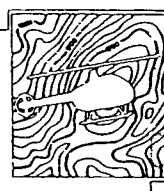
A.P.N. 4449-002-006 (L.A. COUNTY)

BASIS OF BEARINGS:

THE BEARING OF N 89° 55' 00" E
ALONG THE CENTERLINE OF P.C.H.
AS SHOWN ON F.M. 10594, SHEET A12
AS FILED IN THE OFFICE OF THE
COUNTY SURVEYOR OF LOS ANGELES
COUNTY, WAS USED AS THE BASIS
FOR THIS SURVEY.



PUBLIC EASEMENT EXHIBIT

<p>REVISIONS:</p>	<p>SURVEYED FOR:</p> <p>JEFF FRAME 4237 BEULAH DR. LA CANADA, CA 91011</p> <p>000240</p>	<p>SURVEYED BY:</p>  <p>LAND & AIR SURVEYING BOUNDARY - TOPOGRAPHIC - ALTA SURVEYS SUBDIVISIONS - PARCEL MAPS 22761 PACIFIC COAST HIGHWAY SUITE #260 MALIBU, CA 90265 BUSINESS (310) 456-9381 FAX (310) 456-9821</p>	<p>SCALE:</p> <p>1" = 20'</p> <p>JOB NO:</p> <p>FRAME-105</p> <p>MAPPING DATE:</p> <p>JAN. 2006</p>
<p>DR. BY:</p> <p>MDS</p>	<p>CALENDAR PAGE</p>	<p>MINUTE PAGE</p>	<p>SHEET:</p> <p>EXHIBIT "A"</p> <p>PAGE 3 OF 3</p>