

STATE COASTAL CONSERVANCY
PUBLIC HEARING MINUTES
June 11, 1982
State Personnel Board
Sacramento, California

MEMBERS PRESENT: Margaret Azevedo, Vice Chairperson
Harold Waraas, representing Huey Johnson
Melvin Nutter, representing Naomi Schwartz
Susanne Morgan, representing Mary Ann Graves

OVERSIGHT MEMBERS
PRESENT: Greg DeGiere, representing Senator Barry Keene

OTHERS PRESENT: Joseph E. Petrillo, Executive Officer
Dennis Machida, Assistant Executive Officer
Pat Peterson, Deputy Attorney General

MINUTES: The minutes of the State Coastal Conservancy's May 13,
1982 public hearing were adopted as written (3-0 vote).

EXECUTIVE OFFICER'S
REPORT: Mr. Petrillo reported on legislation affecting the
Conservancy; the opening of the Morro Bay T-Pier and
Millerton Point projects; updated the Conservancy Urban
Waterfront and Dedication/Donation Programs; and
reported on other potential projects being explored in
Santa Cruz, Bodega Bay, Pismo Beach, Huntington Beach,
and other cities within the Conservancy's jurisdiction.

COLD CREEK WATERSHED: Resolution:
"The Conservancy hereby designates Mark Lamken as
Trustee of the Mountains Restoration Trust for a term of
one year, effective immediately."

Findings;

"The Conservancy hereby finds on the basis of the
accompanying staff recommendation that the recommended
action is consistent with Section 31400.3 of the Public
Resources Code."

Motion was made to approve staff's recommendation.
Motion carried by a 3-0 vote.

NONPROFIT PROGRAM
ROUND ONE GRANTS AND
TECHNICAL ASSISTANCE:

Resolution:
"The State Coastal Conservancy hereby authorizes as
conditioned herein and in the attached Exhibits
disbursal of funds in an amount not to exceed five
hundred four thousand dollars (\$504,000) for the
following Nonprofit Program Projects and Activities:

Coastal Conservancy and East-West associates to raise the limit on the contract by \$12,000 and to expand the Scope of Agreement to include research of mechanisms for utilizing revolving funds in Conservancy projects and related economic and land use analysis for specific projects in the Access, Enhancement, Agriculture, and Lot Consolidation Programs, such as Trinidad Site Reservation, Chula Vista Bayfront, and Santa Cruz West-side projects.

MORRO BAY T-PIER
PHASE II: FLOATING
SLIPS:

Resolution:

"The State Coastal Conservancy hereby approves as conditioned herein disbursement of an amount not to exceed ninety-seven thousand dollars (\$97,000) for the construction of six floating slips as Phase II of the T-Pier project.

Disbursement of the grant funds is conditioned as follows:

1. The City of Morro Bay agrees to reimburse forty percent (40%) of the grant amount (\$38,800) to the Conservancy within ten years or sooner if project revenues permit.
2. The City of Morro Bay enters into an agreement with the California Conservation Corps to provide construction labor for the project and shall use Corps participation in the project to the extent feasible taking into account overall project requirements.
3. Conservancy grant funds to be disbursed shall be reduced by an amount equivalent to the value of Conservation Corps construction labor provided for the project if such Corps participation is feasible.
4. The California Coastal Commission determines that the project is consistent with an approved Local Coastal Program land use plan for Morro Bay."

Motion was made to defer action until submittal of a more detailed report from staff at the July 13, 1982 public hearing. Motion carried by a 4-0 vote.

CONSENT ITEMS:

Resolution

"The State Coastal Conservancy hereby:

Authorizes the Santa Monica Mountains Conservancy:

- a. to acquire the Upper Cold Creek Habitat site for limited residential development and preservation of the remainder as trail, parks, and wildlife habitat;

b. to acquire Temescal Canyon for future recreational use;

c. to acquire excess public agency property, when feasible, for future recreational and/or commercial ventures;

d. to enter into a lease/option agreement with the California Department of Parks and Recreation to secure the Malibu Little League Field for interim use by the Malibu Little League;

e. to acquire the Old Topanga Fire Lookout for a scenic overlook and installation of a day-use facility; and

f. to proceed with a developer agreement that provides for the purchase or donation of a scenic easement and trail easement over the Greer Ranch.

Agrees to accept:

a. the following two offers of dedication:

(1) an easement for lateral access (Document No. 80-679383 of the Official Records of Los Angeles County) and (2) an easement for vertical access (Document No. 80-679-384 of the Official Records of Los Angeles County); both of which were executed by Frank and Lynne Erpelding on July 15, 1980 and recorded on July 16, 1980;

b. the following two offers of dedication: (1) an easement for vertical access (Document No. 81-279808 of the Official Records of Los Angeles County) and (2) an easement for lateral access (Document No. 81-279809 of the Official Records of Los Angeles County); both of which were executed by the Estate of Eloise M. Burnett, Albatross Hotel, Inc. and Felina's, Inc. on October 11, 1979 and recorded on March 19, 1981;

c. the following three offers of dedication executed by Kenneth R. Chiate, Jeanette Chiate, Marilyn S. Wolk and Roger S. Wolk; (1) an easement for lateral access, executed on December 21, 1981 and recorded in the Official Records of Los Angeles County on December 23, 1981; (2) an easement for lateral access, executed on November 18, 1980 and recorded in the Official Records of Los Angeles County on November 18, 1980; and (3) an easement for public parking, executed on December 18, 1981 and recorded in the Official Records of Los Angeles County on January 6, 1982;

d. The following offer of dedication: an open space easement, executed by Robert McMillan on February 28, 1978 and recorded in the Official Records of Mendocino

County on April 18, 1978, and the following conveyance: a conveyance of an access easement by the Mendocino Community Land Trust upon its acceptance of the original offer of dedication executed by Robert McMillan on February 28, 1978 and recorded in the Official Records of Mendocino County on April 18, 1978;

e. The following two offers of dedication: (1) an easement executed on October 12, 1977 and recorded in the Official Records of Mendocino County on November 18, 1977, and (2) an easement for lateral access, executed on April 3, 1981 and recorded in the Official Records of Mendocino County on April 14, 1981.

3. Authorizes the disbursement of an amount not to exceed \$15,600 to the County of Monterey to augment Conservancy Contract No. 80-010 for erosion control landscaping at the Scenic Road-Carmel Point Accessway Project and approves a one-year extension of the said Contract to June 30, 1983.

Finding:

The State Coastal Conservancy hereby finds that the acceptance of the offers of dedication and grant of easement contained herein (Synopsis 2.a-2.e) will provide public access in significant areas of Malibu and Mendocino County and will help to implement the land resources policies and objectives of the California Coastal Act of 1976 (Public Resources Code Sections 30210, 30211, 30212, 30212.5).

Motion was made to approve staff's recommendation with the following amendments:

The description in Synopsis 1.c, Excess Public Agency Property, page 180, was amended to read: "Acquisition of Santa Monica/Malibu Unified School District property, 25 acres off Malibu Canyon Road", and Project Synopsis 2.e, Bower Access Easements was removed. Motion carried by a 4-0 vote.

STATE COASTAL CONSERVANCY

Staff Recommendation

June 11, 1982

CONSENT ITEMS

File Nos. 82-01-03, 82-01-04, 82-01-06, 82-01-07, 82-01-05, 82-01-08
D-82-10, D-82-11, D-82-12, D-82-14, D-82-15, and A-30-MON-020-80

STAFF
RECOMMENDATION:

Staff recommends that the Conservancy adopt the following resolution, pursuant to Sections 33203.5, 31104.1, and 31400-31405 of the Public Resources Code:

"The State Coastal Conservancy hereby:

1. Authorizes the Santa Monica Mountains Conservancy:
 - a. to acquire the Upper Cold Creek Habitat site for limited residential development and preservation of the remainder as trail, parks, and wildlife habitat;
 - b. to acquire Temescal Canyon for future recreational use;
 - c. to acquire excess public agency property, when feasible, for future recreational and/or commercial ventures;
 - d. to enter into a lease/option agreement with the California Department of Parks and Recreation to secure the Malibu Little League Field for interim use by the Malibu Little League;
 - e. to acquire the Old Topanga Fire Lookout for a scenic overlook and installation of a day use facility; and
 - f. to proceed with a developer agreement that provides for the purchase or donation of a scenic easement and trail easement over the Greer Ranch.
2. Agrees to accept:
 - a. the following two offers of dedication: (1) an easement for lateral access (Document No. 80-679383 of the Official Records of Los Angeles County) and (2) an easement for vertical access (Document No. 80-679-384 of the Official Records of Los Angeles County); both of which were executed by Frank and Lynne Erpelding on July 15, 1980 and recorded on July 16, 1980;
 - b. the following two offers of dedication: (1) an easement for vertical access (Document No. 81-279808 of the Official Records of Los Angeles County) and (2) an easement for

- lateral access (Document No. 81-279809 of the Official Records of Los Angeles County); both of which were executed by the Estate of Eloise M. Burnett, Albatross Hotel, Inc. and Felina's, Inc. on October 11, 1979 and recorded on March 19, 1981;
- (c.) the following three offers of dedication executed by Kenneth R. Chiate, Jeanette Chiate, Marilyn S. Wolk and Roger S. Wolk: (1) an easement for vertical access, executed on December 21, 1981 and recorded in the Official Records of Los Angeles County on December 23, 1981; (2) an easement for lateral access, executed on November 18, 1980 and recorded in the Official Records of Los Angeles County on November 18, 1980; and (3) an easement for public parking, executed on December 18, 1981 and recorded in the Official Records of Los Angeles County on January 6, 1982;
- d. the following offer of dedication: an open space easement, executed by Robert McMillan on February 28, 1978 and recorded in the Official Records of Mendocino County on April 18, 1978, and the following conveyance: a conveyance of an access easement by the Mendocino Community Land Trust upon its acceptance of the original offer of dedication executed by Robert McMillan on February 28, 1978 and recorded in the Official Records of Mendocino County on April 18, 1978;
- e. the following two offers of dedication: (1) an easement executed by John J. and Ida L. Bower for vertical and lateral access, executed on October 12, 1977 and recorded in the Official Records of Mendocino County on November 18, 1977, and (2) an easement for lateral access, executed on April 3, 1981 and recorded in the Official Records of Mendocino County on April 14, 1981.
3. Authorizes the disbursal of an amount not to exceed \$15,600 to the County of Monterey to augment Conservancy Contract No. 80-010 for erosion control landscaping at the Scenic Road-Carmel Point Accessway Project and approves a one-year extension of the said Contract to June 30, 1983."

STATE COASTAL CONSERVANCY

Project Synopsis 2.b

June 11, 1982

CHIATE ACCESS AND PARKING EASEMENTS

File No.: D-82-12

REQUESTED ACTION: Acceptance of three offers to dedicate for public parking and vertical and lateral access easements within a 2.7 acre parcel in Malibu.

SHORT DESCRIPTION: Provision for future public parking adjacent to Highway One and of public beach access near Paradise Cove in Malibu, by acceptance of three offers to dedicate easements.

LOCATION: The unincorporated area of Malibu, 27900 Pacific Coast Highway, Los Angeles County, South Coast Region (see Exhibits 1 and 2):

PROGRAM CATEGORY: Less-than-fee dedication.

PRELIMINARY COST ESTIMATE: Administrative support costs.

STAFF DISCUSSION:
Project Description-

This project entails the acceptance by the Conservancy of two offers to dedicate access easements, lateral and vertical, and one offer to dedicate a parking easement, all of which are located at 27900 Pacific Coast Highway (west of Highway One) near Paradise Cove in the unincorporated area of Malibu, Los Angeles County (see Exhibit 1). The parking easement is 25 feet wide and located parallel and adjacent to the Highway, within the same area designated on the property as previously offered for dedication as "Future

Street" on recorded Parcel Map No. 7543 (see Exhibit 2). Upon commencement of street construction by Los Angeles County, this easement will be extinguished by the terms of the easement, because its purpose -- safe and adequate public parking for beach access -- will be carried out by the County in its management of the public street. The vertical access easement is 10 feet wide, following an existing trail along the most easterly portion of the property. The lateral access easement follows the entire length of the parcel abutting the Pacific Ocean, extending inland 25 feet from the mean high tide line.

Site History-

The offers to dedicate were recorded by Roger S. Wolk, Marilyn S. Wolk, Kenneth R. Chiate, and Jeannette Chiate, pursuant to Coastal Commission Permit Nos. 5-81-35 (public parking), PE-80-2707 (lateral access), and 5-81-44(A1) (vertical access). The permit applicants sought to subdivide a lot into two parcels, and later to construct a two-story single-family residence and additional structures. Because the property was located west of Highway One, between the first public road and the sea, public access was at issue. The South Coast Regional and the California Coastal Commission found that without provision for public access to the beach and adequate public parking, the development would not have been in conformity with Chapter 3 of the Coastal Act.

CONSISTENCY WITH
THE CONSERVANCY'S
LEGISLATION:

The Conservancy is authorized under Public Resources Code Section 31104.1 to accept offers of dedication of less-than-fee interests in land whose reservation is required to meet the policies and objectives of the California Coastal Act of 1976 (commencing with Public Resources Code Section 30000). The latter determination has already been made by the Coastal Commission.

CONSISTENCY WITH
CONSERVANCY
GUIDELINES:

Significance- The South Coast Regional Commission and the State Coastal Commission found that without the offers of dedication, the development could not have been consistent with the Coastal Act. Acceptance of the easements complements and has been supported by, the Santa Monica Mountains/State Coastal Conservancy Joint Trails Grant Program because this action increases public access to the Malibu-Santa Monica Mountains Region.

Need- Public acquisition of fee title is unnecessary since the easements provide parking and access to the beach. Los Angeles County is unwilling at present to accept the offers, and the Santa Monica Mountains Conservancy lacks jurisdiction west of Highway One. Therefore, the Conservancy appears to be the most appropriate agency to accept the offers of dedication.

Management and Maintenance- These unpaved easements do not require any development to be made safe and adequate for public use. Some maintenance, such as litter pickup, will periodically be required, however. Until the Conservancy finds an appropriate public agency or private nonprofit organization to perform such tasks, the easement will remain closed. When the accessways are opened, the Conservancy will be statutorily immune from liability to recreational users of the unpaved easements, under the provisions of Government Code Section 831.4.

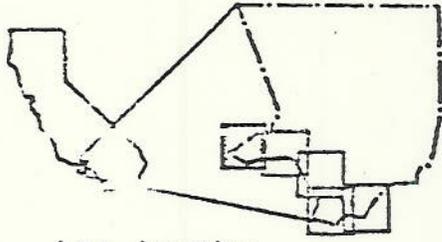
Scope- Public access in Malibu is of more than local interest because of the high demand placed on beach use in the area. In 1979, the population of the County was five million and there were more than fourteen million Malibu beach visits, and more than fifty million visits to Los Angeles County beaches. There is no public beach access for more than two miles to the east (Zuma Beach) and more than two miles to the west (Corral Beach) of the site. The property site is in a rural area, where traffic moves at maximum speed. Without adequate and safe public parking in addition to the accessways, their use by the public could be precluded. The County has no immediate plans to develop the future street.

Cooperation with Local Government- Los Angeles County supports the Conservancy's acceptance of these easements.

Completeness of Proposal- The dedication instrument contains all of the elements recommended in the Conservancy guidelines. The easement is in gross to the State and runs with and burdens the land. Its obligations and exceptions binds and inures to the benefit of the permit applicants, the accepting agency, their successors and assigns. The Conservancy may periodically enter upon the land to insure that the restrictions are observed, and it may pursue any legal or equitable remedies for breach of the restrictions.

APPLICABLE COASTAL
ACT POLICIES:

These easements provide needed public beach access plus safe and adequate public parking in Malibu, which is a significant and popular coastal recreational area (Public Resources Code Sections 30210, 30212, 30212.5).



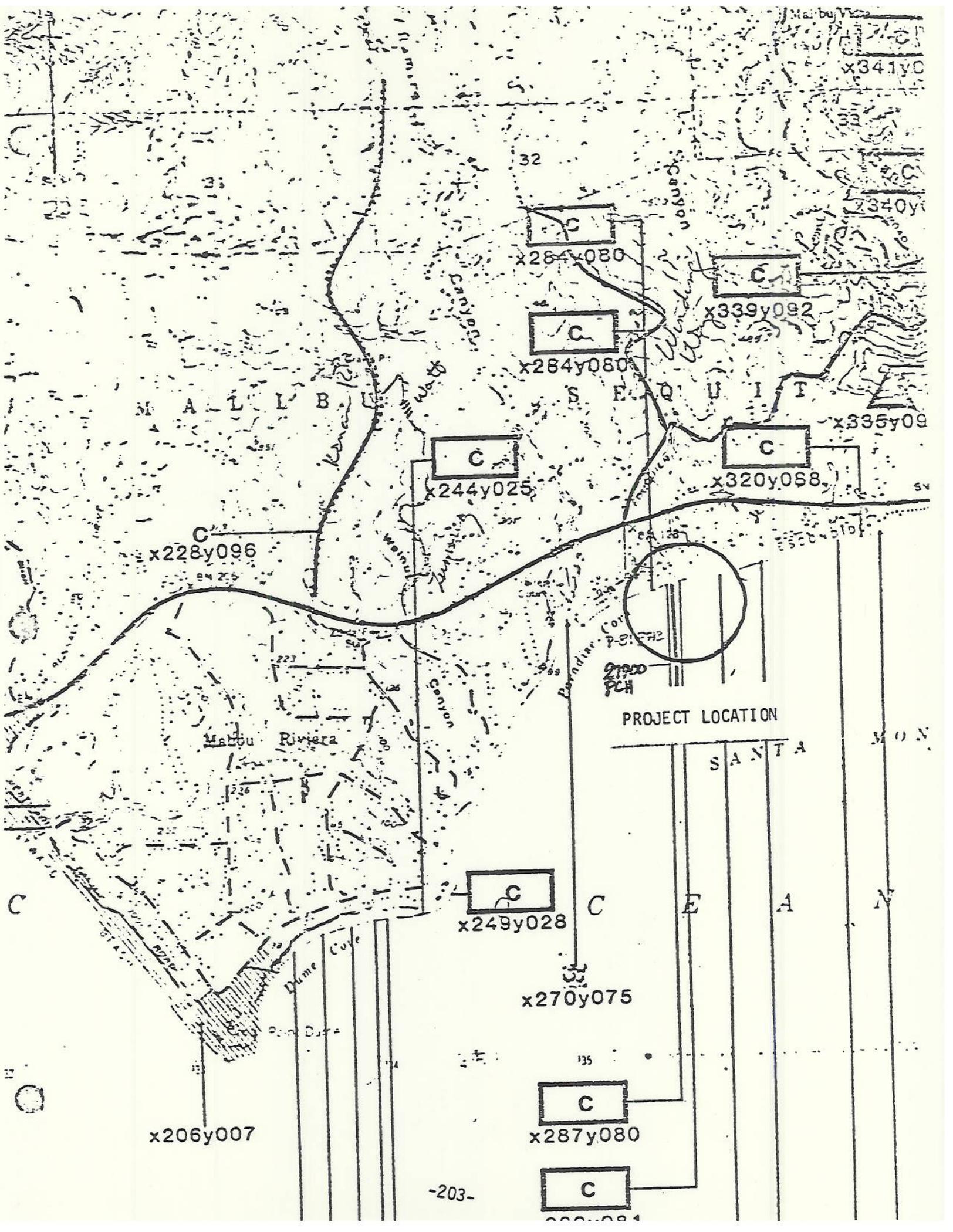
Los Angeles



California Coastal Commission

LOCATION MAP





x228y096

x264y080

x284y080

x244y025

x339y092

x320y068

x335y09

x341y0

x340y

PROJECT LOCATION

SANTA

MON

SANTA

EL

x206y007

x249y028

x270y075

x287y080

x300y084

