

Access for All  
PO Box 1704  
Topanga, California 90290

June 5, 2004

## **PUBLIC VERTICAL AND LATERAL ACCESS EASEMENT MANAGEMENT PLAN**

By this agreement, Access for All, a California nonprofit corporation incorporated and qualified as a 501(c)(3) organization, undertakes to manage a vertical and a lateral public access easement offered for dedication within the City of Malibu, Los Angeles County. These easements are located at 19016 Pacific Coast Highway, Malibu, CA 90265, and were required pursuant to Coastal Development Permit #5-83-456, Friedman.

### ***Background***

To permanently protect the public's right to access State Tidelands and to mitigate the impact of private development upon public access, the California Coastal Commission required that an offer to dedicate a vertical and lateral public access easement be recorded on this site.

Directly upcoast and contiguous with the 3 ft. wide Friedman easement is a 3 ft. wide vertical Deed Restricted area recorded by Hundley, #P-77-376 at 19020 PCH. The Hundley Deed Restriction also provides for lateral access 25 ft inland from the mean high tide line. The terms of the Hundley Deed Restriction provides only for passive recreational use, not for physical improvements. Therefore Access for All will strictly limit all future public access improvements to the 3ft wide Friedman site.

### ***Purpose/ Area Description***

The purpose of this easement is to provide vertical and lateral public pedestrian access to and along the Tuna Canyon beach area. The nearest public vertical accessway in this area is located downcoast at Topanga State Beach, approximately 2000 feet to the east, where there are also public restroom facilities and lifeguards. Currently, the public informally accesses this Tuna Canyon beach area from the inland side of PCH at the intersection with Tuna Canyon Boulevard. There is a homemade ladder that the public uses to drop down about six ft. from the road to the Tuna Canyon drainage. They then walk through a large drainage culvert, hoping to avoid stepping into the dirty drainage water, pass under PCH and arrive at the beach. The beach in this area is relatively narrow, depending upon the tide and season. Off shore rocks provide tide-pooling opportunities.

### ***Easement Description/ Public Improvements***

The vertical easement is 3 feet wide and is located along the western boundary of the property line, extending from the northerly property line to the mean high tide line. The lateral easement is located the width of the property, from the mean high tide line landward to the drip line of the most seaward extent of the structure.

The easement begins at the sidewalk adjacent to PCH, and then drops down about 15 ft. to the beach. A 6 ft. high, solid fence blocks viewing of the easement from PCH. When viewing the 3 ft. wide easement from the beachside, private development has been constructed including at least the following: a gate at the sidewalk, private bluff stairway, concrete pad, septic system and bulkhead. Given the existing private encroachments, it is not possible for Access for All to develop a plan to open this easement for public use until a survey of the easement is completed and the encroachment issue is resolved by the Coastal Commission. Therefore, development of the accessway will be accomplished in two phases.

**Phase 1:** Access for All will accept the vertical and lateral OTDs. Upon acceptance, Access for All will hire a surveyor to locate the boundaries of the easements and identify the encroachments within the easement areas. Once the encroachments are identified, Access for All will submit the information to the Coastal Commission staff for review and action.

**Phase 2:** Once the issue of encroachments has been resolved, Access for All intends to install a see-through gate at the sidewalk adjacent to PCH and construct a stairway down to the beach. Access for All will work with the property owner to design these improvements. Once Access for All designs the final improvements, they will be submitted to the Coastal Commission and Coastal Conservancy staffs for review and approval and subsequent amendment to this Management Plan, prior to placement of any improvements on the site.

### ***Operation and Maintenance***

Access for All intends to operate this vertical easement from sunrise to sunset daily, consistent with Los Angeles County beach opening hours, as soon as possible. A trash receptacle will be placed by the gate and will be emptied weekly. A public access sign will be installed on the entrance gate at PCH.

### ***Monitoring/Annual Report***

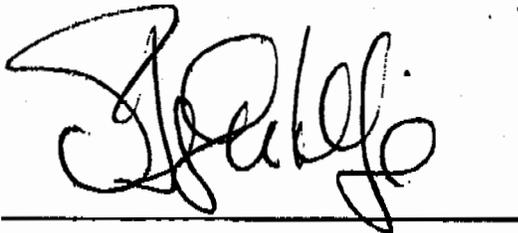
An evaluation report shall be submitted to the Coastal Commission and Coastal Conservancy by February 1 of each year. This report shall describe the status of the easements, note any new signs or other developments that may have occurred, identify when trash has been removed, and any other activities that affect the public's use of the easements.

**Amendment**

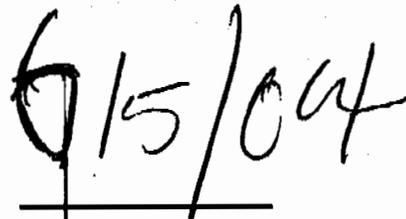
This plan may be amended, as deemed appropriate, with concurrence of all three signatories.

**Agreement**

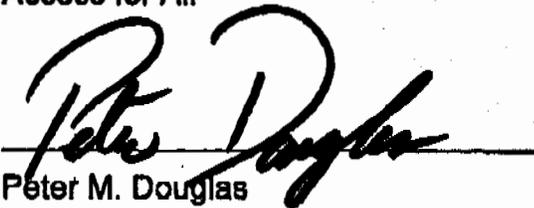
Should Access for All cease to exist or fail to carry out its responsibilities pursuant to the approved management plan, then all right, title, and interest in the easement shall be vested in the State of California, acting by and through the State Coastal Conservancy or its successor in interest, or in another public agency or nonprofit organization designated by the State Coastal Conservancy and approved by the Executive Director of the California Coastal Commission. This right of entry is set forth in the Certificates of Acceptance/Certificates of Acknowledgment by which Access for All has agreed to accept the OTDs. The foregoing is agreed to by and between Access for All, the California Coastal Commission and the State Coastal Conservancy.



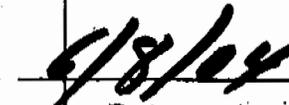
Steve Hoye  
Executive Director  
Access for All



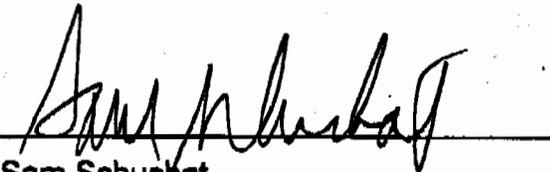
Date



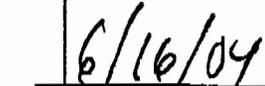
Peter M. Douglas  
Executive Director  
California Coastal Commission



Date



Sam Schuchat  
Executive Officer  
State Coastal Conservancy



Date