

87-390250

THIS INSTRUMENT FILED FOR RECORD BY
FIRST AMERICAN TITLE INSURANCE COMPANY AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN EXAMINED AS TO
ITS EXECUTION OR AS TO ITS EFFECT UPON THE TITLE.

Return Original To and
Recording Requested By:
State of California
California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105

Recorded at the request of
FIRST AMER. TITLE INS. CO.

8:00 JUL 9 1987
A.M.

Official Records
Orange County, California

Lee A. Branch Recorder

\$ 9300
C18

FATCO. 100901-RC

IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, The Remington-Oakwood Joint Venture is
the record owner, hereinafter referred to as "owner", of the real
property located in the County of Orange,
State of California, legally described as particularly set forth in
attached Exhibit A hereby incorporated by reference and hereinafter
referred to as the "subject property"; and

II. WHEREAS, the California Coastal Act of 1976 (hereinafter referred
to as the "Act") creates the California Coastal Commission (hereinafter
referred to as the "Commission") and requires that any coastal development
permit approved by the Commission or local government as defined in Public
Resources Code Section 30109 must be consistent with the policies of the Act
set forth in Chapter 3 of Division 20 of the Public Resources Code; and

III. WHEREAS, the People of the State of California have a legal
interest in the lands seaward of the mean high tide line; and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the
owner(s) applied to the Commission for a coastal development permit to
undertake development as defined in the Act within the coastal zone of the
County of Orange, on the subject property; and

V. WHEREAS, a coastal development permit no. 5-85-691 was

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1
2 granted on December 18th, 1985 by the Commission in accordance
3 with the provisions of the Staff Recommendation and Findings attached hereto
4 as Exhibit B and hereby incorporated by reference, subject to the following
5 condition:

6 Vertical Access

7 Prior to transmittal of the permit, the landowner shall execute and record
8 a document, in a form and content acceptable to the Executive Director,
9 irrevocably offering to dedicate to a public agency or private association
10 approved by the Executive Director an easement for vertical public access
11 allowing the public to pass and repass over a strip of the landowner's
12 property 15 feet in width and running along the entire eastern boundary
13 of the project site, from the intersection of Avenida del Presidente and
14 Cristianitos Road to the southern property line. The offer of dedication
15 shall contain a clause restricting the agency accepting the offer from
16 opening up the accessway to the public unless and until the "Trestles"
17 Accessway across the Coast Guard property to the south is no longer
18 available to the public or is unreasonably restricted for public use.
19 The document shall be recorded free of prior liens and encumbrances
20 which the Executive Director determines may affect the interest being
21 conveyed. The offer shall run with the land in favor of the People of
22 the State of California, binding all successors and assignees, and
23 shall be irrevocable for a period of 21 years, such period running from
24 the date of recording.

25 In addition, prior to the sale of any of the lots, the land owner shall
26 submit evidence that the Covenants, Conditions and Restrictions of the
27 subdivision note the existence of the accessway and prohibit any permanent
improvements except landscaping within the accessway.

19 VI. WHEREAS, the subject property is a parcel located between the
20 first public road and the shoreline; and

21 VII. WHEREAS, under the policies of Sections 30210 through 30212 of
22 the California Coastal Act of 1976, public access to the shoreline and along
23 the coast is to be maximized, and in all new development projects located
24 between the first public road and the shoreline shall be provided; and

25 VIII. WHEREAS, the Commission found that but for the imposition of the above
26 condition, the proposed development could not be found consistent with the
27 public access policies of Section 30210 through 30212 of the California

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2 Coastal Act of 1976 and that therefore in the absence of such a condition, a
3 permit could not have been granted;

4 NOW THEREFORE, in consideration of the granting of permit
5 no. 5-85-691 to the owner(s) by the Commission, the owner(s) hereby
6 offer(s) to dedicate to the People of California an easement in perpetuity
7 for the purposes of vertical public access allowing the public to pass and
8 repass over a strip of owner's property
9 located on the subject property and being 15 feet in width and running along
10 the entire eastern boundary of the project site, from the intersection of
11 Avenida del Presidente and Christianitos road to the southern property line and as
12 specifically set forth by attached Exhibit C hereby incorporated by
13 reference.

14 This offer of dedication shall be irrevocable for a period of
15 twenty-one (21) years, measured forward from the date of recordation, and
16 shall be binding upon the owner(s), their heirs, assigns, or successors in
17 interest to the subject property described above. The People of the State
18 of California shall accept this offer through the local government in whose
19 jurisdiction the subject property lies, or through a public agency or a
20 private association acceptable to the Executive Director of the Commission
21 or its successor in interest. Neither the acceptor of this offer of dedication
22 nor the Commission may open up or require or request access to the aforesaid
23 easement unless and until the "Trestles" Accessway across the Coast Guard
24 property to the south of the subject property is no longer available to the
25 public or is unreasonably restricted for public use on a permanent basis. In
26 the event the offeree of this easement does activate it pursuant to the terms
27 hereof and the Trestles Accessway is subsequently reopened for public use, the
public access to and use of the subject easement shall be immediately discon-
tinued. Permanent improvements except landscaping are prohibited within the
accessway.

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1 Acceptance of the offer is subject to a covenant which runs with
2 the land, providing that any offeree to accept the easement may not abandon
3 it but must instead offer the easement to other public agencies or private
4 associations acceptable to the Executive Director of the Commission for the
5 duration of the term of the original offer to dedicate. The grant of
6 easement once made shall run with the land and shall be binding on the
7 owners, their heirs, and assigns.

8 Executed on this 9th day of June 1987.

9 at South Laguna, California.

10
11 For: The Remington-Oakwood
Joint Venture

Signed

Philip Rafton

12 BY: H. R. Remington Properties, Inc.
It's General Partner

Philip Rafton, Executive Vice President

Type or Print Name of Above

13
14
15 By: Oakwood Financial Service
Corporation
16 It's General Partner

Signed

Donald Weyant

Donald Weyant, President

Type or Print Name of Above

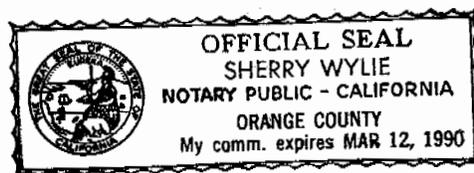
87-390250

STATE OF CALIFORNIA
COUNTY OF ORANGE

On this 9th day of June, 1987, before me, the undersigned, a Notary Public in and for said State, personally Philip Rafton, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as Executive Vice President on behalf of H. R. REMINGTON PROPERTIES, INC., the corporation therein named, and acknowledged to me that said corporation executed the within instrument pursuant to its bylaws or a resolution of its board of directors, said corporation being known to me to be one of the partners of THE REMINGTON OAKWOOD JOINT VENTURE, a California partnership the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner.

WITNESS my hand and official seal.

Signature Sherry Wylie



STATE OF CALIFORNIA
COUNTY OF ORANGE

On this 9th day of June, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared Donald E. Weyant, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as President on behalf of OAKWOOD FINANCIAL SERVICE CORPORATION, the corporation therein named, and acknowledged to me that said corporation executed the within instrument pursuant to its bylaws or a resolution of its board of directors, said corporation being known to me to be one of the partners of THE REMINGTON OAKWOOD JOINT VENTURE, a California partnership, the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner.

WITNESS my hand and official seal.

Signature Sherry Wylie



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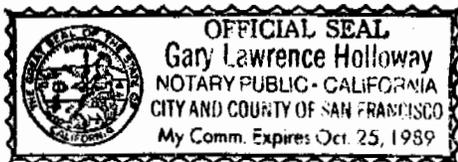
This is to certify that the Offer to Dedicate set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 5-85-691 on December 18, 1985 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: July 2, 1987

John Bowers
John Bowers, Staff Counsel
California Coastal Commission

State of California)
County of San Francisco) SS.

On this 2nd day of July, in the year 1987, before me, Gary Lawrence Holloway, Notary Public, personally appeared John Bowers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the authorized representative of the California Coastal Commission and the person whose name is subscribed to this instrument and acknowledged that he executed it.
IN WITNESS WHEREOF I hereunto set my hand and official seal.



Gary Lawrence Holloway
Notary Public

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87-390250

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA,
COUNTY OF ORANGE, CITY OF SAN CLEMENTE, AND IS DESCRIBED AS FOLLOWS:

PROPOSED TRACT 12356 BEING A SUBDIVISION OF:

LOTS 1 TO 49, A, B AND C OF TRACT NO 11011 AS PER MAP RECORDED IN
BOOK 501, PAGES 43 THROUGH 47 INCLUSIVE OF MISCELLANEOUS MAPS,
IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

* * * *

State of California, George Deukmejian, Governor

FILE COPY

FILED: 10/04/85

California Coastal Commission
SOUTH COAST DISTRICT
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071

87-390250

49th DAY: Waived

180th DAY: 4/08/86

STAFF: *OK* Chris Kroll

STAFF REPORT: 12/10/85 SWS

HEARING DATE: 12/17-19/85

REGULAR CALENDARSTAFF REPORT AND RECOMMENDATION

Application No. 5-85-691

Applicant: John Jameson Elmore
P.O. Box 156
Brawley, CA 92227

Description: Subdivision of a 15.3-acre parcel into 58 residential and two common acre lots; the project includes grading and street improvements

Site: Avenida del Presidente at
Avenida de las Palmeras, San Clemente, Orange Co.

SUMMARY

Staff recommends approval with conditions related to public access.

Substantive File Documents:

1. Conditionally Certified San Clemente Land Use Plan.
2. Coastal Permit Applications: P-80-7164 (Cyprus West); A-491-78 (Cyprus West); A-148-81 (Title Insurance and Trust).
3. Statewide Interpretive Guidelines.

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STAFF RECOMMENDATION

Staff recommends the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS: See Attachment X.

III. SPECIAL CONDITIONS

This permit is subject to the following special conditions:

1. Prior to transmittal of the permit, the applicant shall execute and record a deed restriction requiring the applicant to construct an off-site public beach parking lot suitable for at least 100 cars. This deed restriction shall be subject to the review and approval of the Executive Director. No lots in the permitted subdivision shall be sold until the construction of said parking lot is complete. The applicant shall prepare plans for the California Department of Parks and Recreation and shall submit these plans to the Executive Director for review and approval prior to the construction of said parking lot.

2. Vertical Access

Prior to transmittal of the permit, the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for vertical public access allowing the public to pass and repass over a strip of the landowner's property 15 feet in width and running along the entire eastern boundary of the project site, from the intersection of Avenida del Presidente and Cristianitos Road to the southern property line. The offer of dedication shall contain a clause restricting the agency accepting the offer from opening up the accessway to the public unless and until the "Trestles" accessway across the Coast Guard property to the south is no longer available to the public or is unreasonably restricted for public use. The document shall be recorded free of prior liens and encumbrances which the

State of California

Memorandum

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To: All Interested Parties

From: South Coast Area Office

Subject: Changes to Staff Report to reflect Commission action of 12/18/85

1. Please note the following change to Special Condition #1:

1. Prior to transmittal of the permit, the applicant shall pay an in-lieu fee of \$125,000 to the California Department of Parks and Recreation for the construction of an off-site public beach parking lot in the immediate vicinity of the Trestles Accessway. execute and record a deed restriction requiring the applicant to construct an off-site public beach parking lot suitable for at least 100 cars. This deed restriction shall be subject to the review and approval of the Executive Director. No lots in the permitted subdivision shall be sold until the construction of said parking lot is complete. The applicant shall prepare plans for the California Department of Parks and Recreation and shall submit these plans to the Executive Director for review and approval prior to the construction of said parking lot.

2. Please note the following change to the findings on Page 6:

The Commission finds, therefore, that as conditioned, to provide a vertical access easement and an in-lieu fee of \$125,000 to the Department of Parks and Recreation for construction of a public parking facility to serve the Trestles accessway, the proposed development is consistent with past Commission action on subdivision projects in the area and the access provisions of Chapter 3 of the Coastal Act, Sections 30210, 30211 and 30223.

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Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

In addition, prior to the sale of any of the lots, the landowner shall submit evidence that the Covenants, Conditions and Restrictions of the subdivision note the existence of the accessway and prohibit any permanent improvements except landscaping within the accessway.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

- A. Project Description and History. The applicant proposes to subdivide a 15.3-acre vacant parcel into 58 residential and two common area lots. The project includes grading and street improvements. The project site is located at the southern boundary of San Clemente and is bounded by Avenida del Presidente, Avenida de las Palmeras, Calle Isabella, Tract 10909 (Cotton Point, formerly the Nixon estate), and the Orange County/San Diego County line.

The rerouting of Avenida del Presidente, which presently runs through the middle of the parcel, along the northeastern portion of the lot was approved as part of the Tentative Tract Map No. 12356 (see Exhibit 1). The entrance to the San Mateo Point Coast Guard Station (Loran Station) is located at the intersection of Avenida del Presidente and Cristianitos Road. A paved public vertical accessway (the "Trestles" accessway) extends from this intersection to "Trestles" Beach across an easement granted by the Federal government to the State of California over the Coast Guard property (see Exhibit 2). The easement is due to expire in the year 2021. Trestles Beach is a popular surfing area and the accessway is heavily used by surfers and others wanting access to the beach.

In 1980 the Cyprus West Company applied for a coastal development permit (P-80-7164) to subdivide the subject parcel (Tract No. 11011) into 49 residential lots. The Commission approved the application on October 20, 1980 with conditions requiring the dedication of land for the construction of affordable housing units and the provision of a public parking lot to serve the users of the Trestles accessway. The access provision, Condition 2, stated that:

2. The applicant shall execute a document to the California Department of Parks and Recreation irrevocably offering to perform one of the following alternatives, whichever that agency deems best suited to provide additional parking for the Trestles, and immediately adjacent beach areas:

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- (a) The applicant will construct, at its own cost, a public beach parking facility, suitable for at least 100 cars on either State owned or leasehold property, at a location deemed appropriate by the California Department of Parks and Recreation in the immediate area of Trestles Beach; or
- (b) The applicant will construct, at its own cost, a paved parking area and restroom facility at Calafia State Beach, approximately one mile north of Trestles Beach; or
- (c) The applicant will pay an in lieu fee of \$125,000 to the California Department of Parks and Recreation to be used to supply additional parking on public property in the immediate area of Trestles Beach.

In May, 1981 the conditions were met by the applicant with an offer to dedicate (recorded June 11, 1981) three lots for low- and moderate-income housing and a memorandum of agreement (recorded June 11, 1981) between the applicant and the Commission in which the applicant agreed to perform one of the three alternatives outlined in Condition 2 (see Exhibit 3). The Coastal Development Permit (P-80-7164) though issued on July 13, 1981 (see Exhibit 4) was never acted upon by the applicant.

On September 4, 1985 the City of San Clemente conditionally approved Tentative Tract Map No. 12356 for the subdivision of the subject parcel into 58 residential and 2 common area lots. Tract 12356 essentially conforms to the boundaries of Tract 11011 and includes nine additional lots as a result of the re-routing of Avenida del Presidente. John Jameson Elmore, the "owner of record" for permit P-80-7164, is the applicant for the proposed subdivision.

- B. Public Access. The Coastal Act contains strong policy provisions, in Sections 30210, 30211 and 30212, requiring maximum public access to and along the shoreline in new development projects. Based on these policies and on Article X, Section 4 of the California Constitution, the Commission has required offers of easements for public access to and along the beach as conditions of development for projects between the first public road and the sea. In addition, Section 30223 states that:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

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As a condition of approval for coastal development permit application P-80-7164, a subdivision of the subject parcel, the Commission required that the applicant, the Cyprus West Company, provide a parking area to serve the adjacent Trestles Beach accessway. The Commission found that though an accessway does exist near the project site, access is hampered by the lack of adequate parking facilities. Those who do use the accessway must park along commercial and residential streets on the inland side of Interstate 5 and walk to the accessway, as no parking is allowed along Avenida del Presidente. Resident complaints regarding all day parking congestion, litter, etc., are common (see Exhibit 5).

The lack of adequate parking facilities to serve the Trestles accessway has hampered its use and resulted in underutilization of Trestles Beach. The pattern of development between San Clemente State Park and the San Diego County line has resulted in several locked-gate private communities which block public access to the beach. The nearest public access to the north of the Trestles accessway is San Clemente State Park, approximately one mile north. The nearest access point to the south is San Onofre State Beach, located approximately 1.5 miles south in San Diego Co. (see Ex.6).

The Trestles accessway is located on Federal property and is open to the public through an easement granted by the Department of the Navy to the State of California. The California Department of Parks and Recreation manages and maintains the accessway. The easement, however, is scheduled to expire in the year 2021, unless it is extended. The City of San Clemente required as a condition of approval of the Tentative Tract Map for Cotton Point, the property to the south of the subject parcel, an irrevocable offer of a 15-foot wide vertical easement along the eastern boundary of the tract. The opening of the accessway, by the City, being contingent upon the closing of the Trestles accessway. This same condition was subsequently required of the Cotton Point developers when they applied for a coastal development permit in 1981 (P-81-7789, A-148-81). When the City approved the Tentative Tract Map No. 12356 for the subdivision of the subject parcel, it required the dedication of a 15-foot wide vertical access easement along the eastern boundary of the property to meet up with the easement over the Cotton Point tract. This accessway, again, will only be opened by the City when and if the Trestles accessway is closed or its use is unduly restricted.

The Commission's Statewide Interpretive Guidelines state that:

"(B)ased on the historical evidence that development along the California coast results in many different ways in the preclusion of public use of the state-owned tidelands, ...the Commission concludes that all new development projects cause a sufficient burden on public access to warrant the imposition of access conditions as a condition (of) development ...all new development located between the first public roadway and the shoreline must provide public access." (p. 14).

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The Commission further notes that the locked-gate private community nature of development in San Clemente south of San Clemente State Park has severely hampered public access to San Clemente State Beach and the public tidelands. New subdivision projects in this area have been conditioned by the Commission to provide:

- a. A 6-acre open space park (A-491-78, Cyprus West Company).
- b. A public parking facility (P-80-7164, Cyprus West Company).
- c. Vertical and lateral access easements (A-148-81, Title Insurance and Trust Company).

The Commission finds, therefore, that as conditioned, to provide a vertical access easement and a public parking facility to serve the Trestles accessway, the proposed development is consistent with past Commission action on subdivision projects in the area and the access provisions of Chapter 3 of the Coastal Act, Sections 30210, 30211, 30212 and 30223.

- C. Local Coastal Program. Section 30604(a) of the Coastal Act states, in part, that:

Section 30604.

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The San Clemente Land Use Plan was conditionally certified with Suggested Modifications on September 25, 1981. The Shoreline Access/Recreation & Visitor-Serving Facilities chapter of the Land Use Plan refers to the subject parcel in Subsection d:

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d. Future Access

Continued public access to the beach south of Avenida Calafia, in particular the Trestles surfing area just across the County line, is largely dependent on use of Federal lands at the San Mateo Point Coast Guard Station (the Loran Station). State and local agencies have no direct jurisdiction over disposition of this property at present and there is no means of ensuring that the Federal government has no plans for the property which would interfere with or obstruct public access.

Two residential developments in San Clemente adjacent to the County line have recently been approved, but are not yet constructed. These two projects (Cyprus West and Cotton Point) offer an opportunity to ensure on-going access to the Trestles, in the event that the existing Federal access becomes unavailable. Cyprus West, which is adjacent to the existing Cyprus Shores community, will provide additional parking facilities for the Trestles area through the construction by the Cyprus West developers of a public beach parking facility suitable for at least 100 cars on either state-owned or leasehold property at a location in the immediate area of Trestles Beach.

Development conditions have been imposed by the City of San Clemente on the Cotton Point project which will assist in ensuring public access to the Trestles in the event access through the Coast Guard Station is lost. The City has required an irrevocable offer of dedication for a fifteen-foot access easement along the eastern boundary of the project which will be valid until the year 2004. The City will not accept the offer until and unless the existing access across the Coast Guard property (or other adequate public access in the immediate vicinity) is no longer available to the public or is unreasonably restricted for public use.

These two actions together will help guarantee future public access to the area south of San Clemente State Park. If the access across the Coast Guard Station becomes unavailable, the City of San Clemente will be responsible for opening the Cotton Point easement to public use.

The Commission finds, therefore, that the proposed development, as conditioned, is consistent with the access provisions of the conditionally certified Land Use Plan. The Commission further finds that approval of the proposed project, as conditioned, will not prejudice the ability of the City of San Clemente to complete a Local Coastal Program that is consistent with the policies of Chapter 3 of the Coastal Act.

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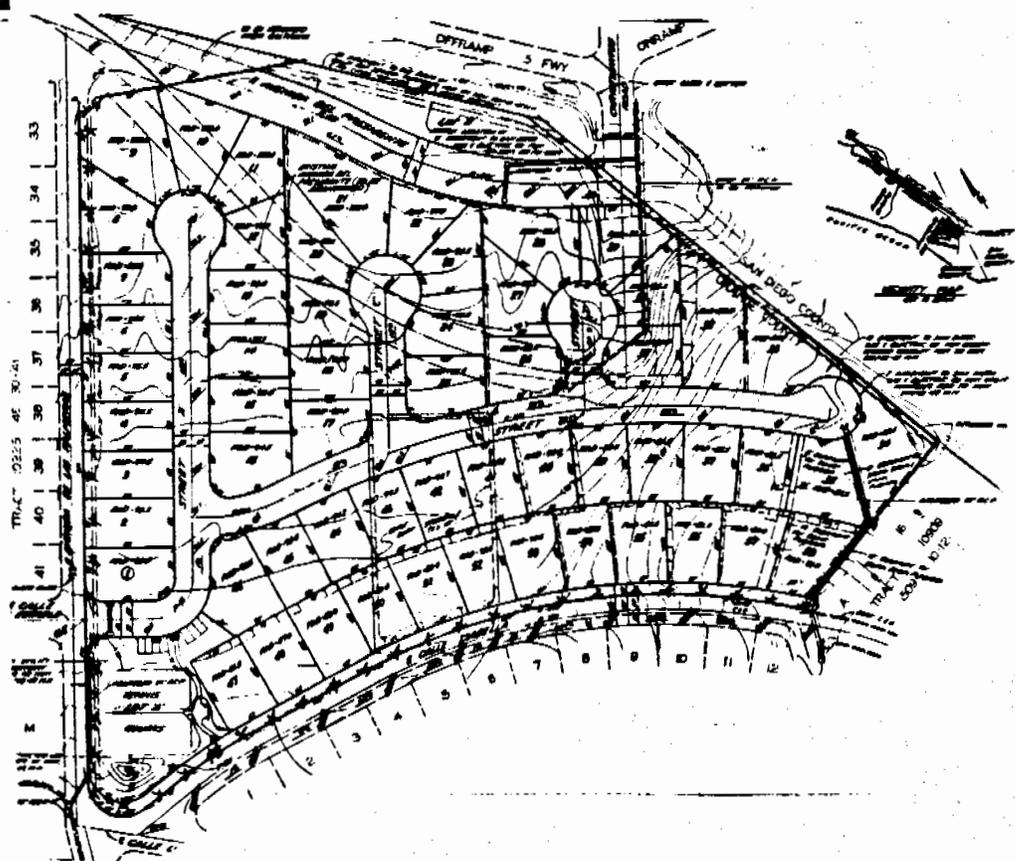
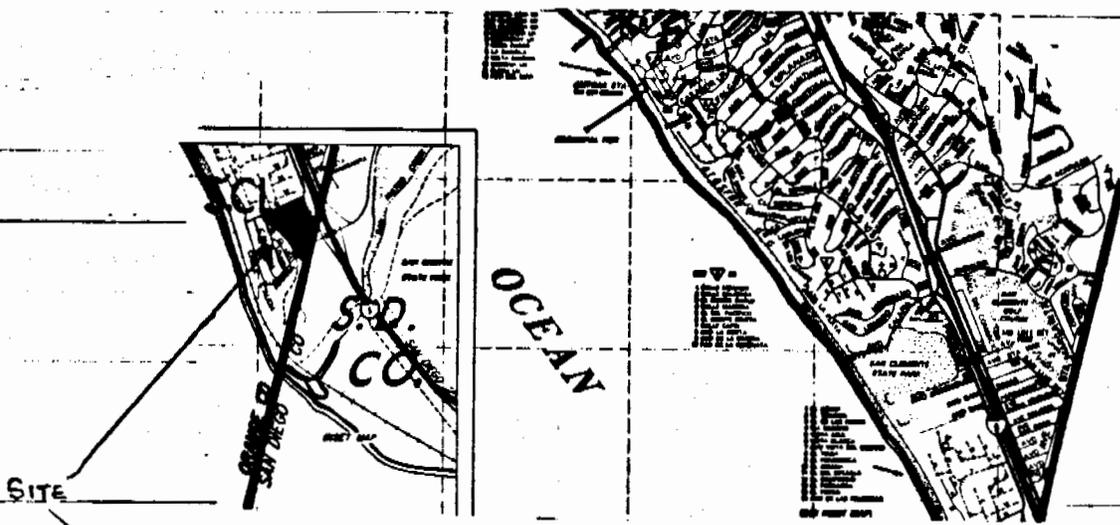
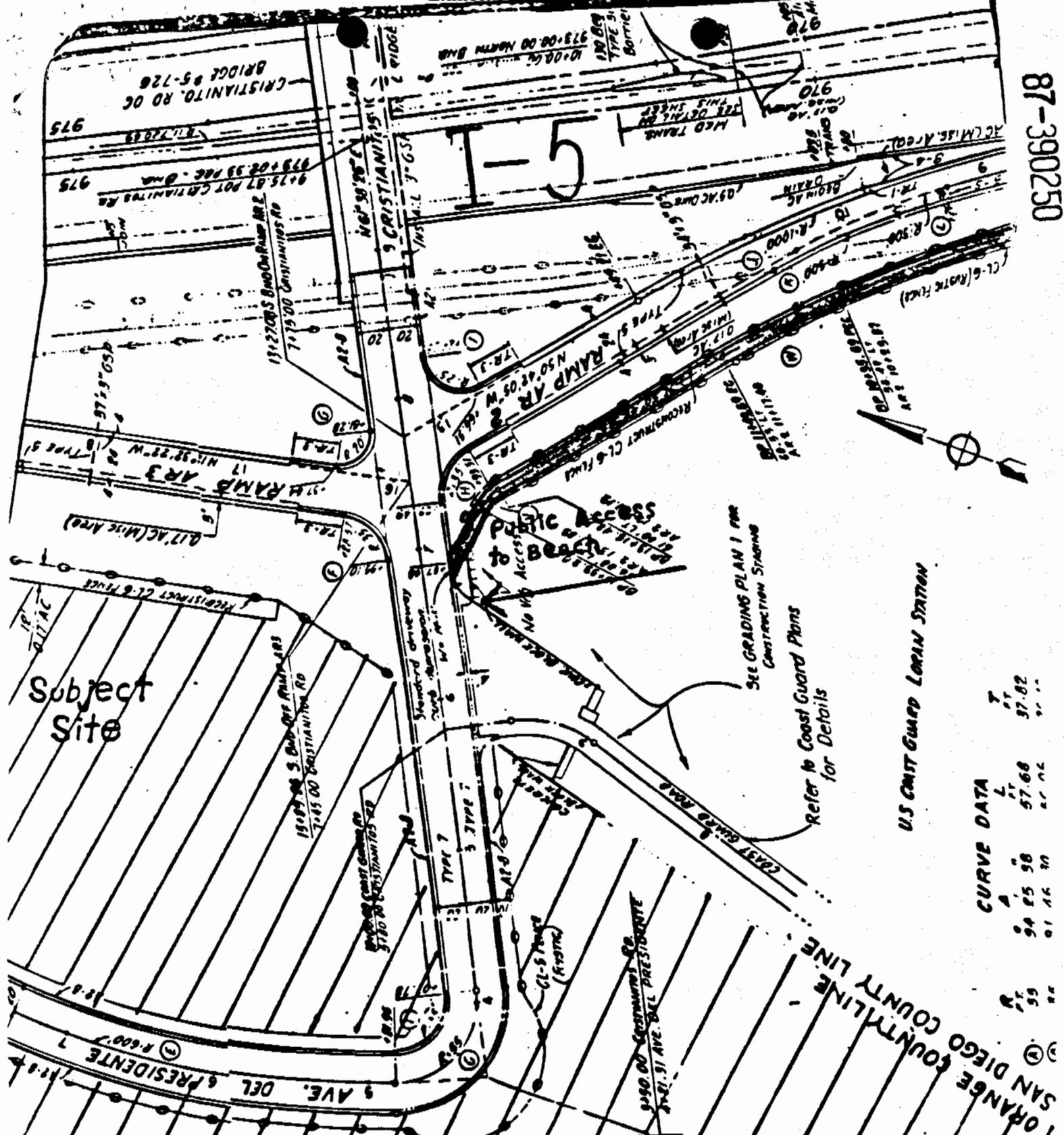


EXHIBIT NO. 1
APPLICATION NO. 5-85-691
SITE LOCATION
 California Coastal Commission

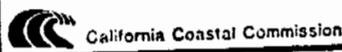
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ORANGE COUNTY LINE
SAN DIEGO COUNTY LINE

CURVE DATA		T
10	54.25	57.68
15	56	57.62
20	58	
25	55	
30	55	

EXHIBIT NO. 2
 APPLICATION NO.
 5-85-691
 TRESTLES
 ACCESSWAY



Subject Site

Subject Site

See Grading Plan 1 for Construction Staging
 Refer to Coast Guard Plans for Details

U.S. COAST GUARD LORAN STATION

PUBLIC ACCESS TO BEACH

EXHIBIT NO. 2

APPLICATION NO.

5-85-691

TRESTLES

ACCESSWAY



California Coastal Commission

87-390250

Recording Requested by and
When Recorded Mail to:

ALAN ROBERT BLOCK, ESQ.
A Professional Corporation
9911 West Pico Boulevard,
Suite 590
Los Angeles, California 90035

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into this
20th day of February, 1981, by and between South Coast Regional
Commission (the "Commission") and Cyprus West Co., a partner-
ship ("Cyprus West").

AGREEMENT

Cyprus West desires to develop for residential use a
parcel of land located in the City of San Clemente, Orange County,
California, generally described as Tract 11011, recorded in
Book at pages of the records of such County. In
connection with such development, Cyprus West has agreed to
irrevocably offer to the South Coast Regional Commission to per-
form for the California Department of Parks and Recreation one
of the alternatives, whichever said agency deems best suited
to provide additional parking for the Trestles Beach, and imme-
diately adjacent beach access:

(A) Cyprus West will construct, at its own cost,
a public beach parking facility, suitable for at least
100 cars on either State owned or leasehold property,
at a location deemed appropriate by the California
Department of Parks and Recreation in the immediate area
of Trestles Beach; or

EXHIBIT NO. 3

APPLICATION NO.

5-85-691



87-390250

(B) Cyprus West will construct, at its own cost, a paved parking area and restroom facility at Calafia State Beach, approximately one mile North of Trestles Beach; or

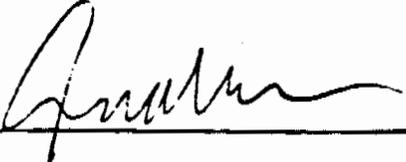
(C) Cyprus West will pay an in lieu fee of \$125,000 to the California Department of Parks and Recreation to be used to supply additional parking on public property in the immediate area of Trestles Beach.

This Agreement is in consideration of the issuance by the South Coast Regional Commission of its coastal development permit No. P-80-7164 on October 20, 1980, with respect to the development of Tract 11011. This Agreement shall be binding on all successors in interest, and assigns of said property and shall act to bind any such party as it Cyprus West.

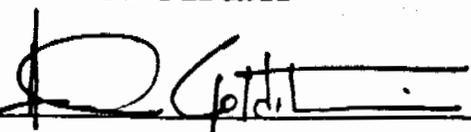
IN WITNESS WHEREOF, each of the parties to this Memorandum of Agreement has executed and delivered as of the date first above written.

CYPRUS WEST CO.,

BY COVE CONTRACTORS, INC.,
a Florida Corporation,
General Partner

BY  _____

BY WATT INDUSTRIES, INC.,
a California Corporation
General Partner

BY  _____

87-390250

STATE OF CALIFORNIA

EDMUND G. BROWN JR. Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
646 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1430
LONG BEACH, CALIFORNIA 90801
(213) 990-5071 (714) 844-0448

COASTAL DEVELOPMENT PERMIT

FILE COPY



Permit Type: Administrative Standard Emergency

Application Number: P-80-7164

Name of Applicant: Cyprus West Company

P.O. Box 3308, San Clemente, CA 92672

Development Location: Avenida del Presidente at

Las Palmeras

San Clemente, CA

EXHIBIT NO. 4
APPLICATION NO.
5-85-691
 California Coastal Commission

Development Description:

This proposed development is for the subdivision of approximately 13.3 acres of vacant land into 49 R-1/B-1 lots. The development, Cyprus West II, is to include all underground utilities and utility lines, streets, gutters and storm drains.

Cyprus West II is located at the extreme southern end of San Clemente at the Orange County/San Diego County line. It lies at the intersection of Interstate 5 and the new extension of Avenida del Presidente. Across the street, Avenida del Presidente, is the entrance to San Mateo Point Coast Guard Station and a paved access way from Avenida del Presidente to the beach.

I. Whereas, at a public hearing, held on October 20, 1980

at Huntington Beach by a vote of 8 to 1,

the Commission hereby grants, subject to condition/s, a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions:

At the public hearing on November 11, 1980, the applicant verbally amended the coastal permit application to include the following offers of dedication and performance. The applicant shall comply with the offers of dedication and performance, stated below, and shall submit evidence of compliance with Item 2.

1. The applicant shall, prior to issuance of permit, execute and record a document irrevocably offering to dedicate to the Coastal Conservancy, or other appropriate public agency, three lots in the City of San Clemente, adjacent to the Coastal Boundary, totaling approximately 10,500 square feet. Two of the lots are presently zoned CA2 (36 units per acre) and the third lot is zoned R3 (27 units per acre). The lots will be dedicated for the sole purpose of providing affordable housing units.

The precise locations of these lots are revealed in the attached Site Plan, incorporated hereto as Exhibit 1.

Offers of Dedication and Performance

2. The applicant shall execute a document to the California Department of Parks and Recreation, irrevocably offering to perform one of the following alternatives, whichever that agency deems best suited to provide additional parking for the Trestles, and immediately adjacent beach area:

87-390250

- (a) The applicant will construct, at its own cost, a public beach parking facility, suitable for at least 100 cars on either State owned or leasehold property, at a location deemed appropriate by the California Department of Parks and Recreation in the immediate area of Trestles Beach; or
- (b) The applicant will construct, at its own cost, a paved parking area and restroom facility at Calafia State Beach, approximately one mile north of Trestles Beach; or
- (c) The applicant will pay an in lieu fee of \$125,000 to the California Department of Parks and Recreation to be used to supply additional parking on public property in the immediate area of Trestles Beach.

Condition/s Met On

July 13, 1981

By

[Signature] EP

- III. This permit may not be assigned to another person except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
- IV. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent/s authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- V. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VI. Issued on behalf of the South Coast Regional Commission on July 14, 1981.

[Signature]
~~XXXXXX Carpenter~~ Nancy A. Lucast
 Executive Director

I. _____, permittee/agent, hereby acknowledge receipt of Permit Number P-80-7164 and have accepted its contents.

(Date)

(Signature)

87-390250

P-80-7164



CITY OF SAN CLEMENTE



October 27, 1980

MR. GARY PIERCE
Coastal Commission
666 East Ocean Blvd., Suite 3107
Long Beach, Ca. 90801

I was advised by Lynn Hughes, our Marine Safety and Recreation Director, that you were assessing the various proposed developments at the extreme south end of the city with respect to beach access. As such, I'll share with you a few serious problems the City has had to deal with regarding the present State beach access to Trestles and availability of parking.

You're probably aware the existing pedestrian beach access adjacent to the old Loran Coast Guard Facility provides the quickest public access to some of the best surfing spots in Southern California. Spots such as "Cottons Point, "Barbed Wire", "Upper and Lower Trestles" are all serviced by this one beach access.

One of the major problems we've experienced since the State opened these areas has been the lack of foresight to provide off-street parking for people who utilize this beach access. Del Presidente which is the street parallel to the freeway (ocean side) is posted, "No Parking." As a result, "surfers" who use the area park in our 900 tract on the other side of the freeway. In turn, we've received numerous complaints from residents (900 tract) regarding all-day parking in the area, changing clothes in public, litter, defecation and urinating in the streets, and other highly objectionable acts. Based upon this experience, if an additional access is to be provided in the area in question, there must be some consideration given to resolving these kinds of problems. As such, we should consider providing off-street parking, as well as public restrooms and trash receptacles. As an aside, the State might consider acquiring the property in front of the vacant Coast Guard Station and constructing a parking lot with restroom facilities.

In terms of claims that establishing an access to the beach (pathways) may result in crime problems, there are reasons to be concerned. However, if the citizens of our community want beach access, we will have to deal with those problems in the planning stages for the access and as they surface (e. g., vandalism, refuse, graffiti, alcohol and drug violations).

If you require any additional input, please advise.


Gary E. Brown
CHIEF OF POLICE

xc Lynn Hughes, Jim Lawson, George Carvalho

pb

100 Avenida Presidio San Clemente, California 92672 (714) 492-5101

EXHIBIT NO. 5
APPLICATION NO. 5-85-691
 California Coastal Commission

87-390250

EXHIBIT NO. 6
APPLICATION NO. 5-85-091
ACCESSWAYS
 California Coastal Commission

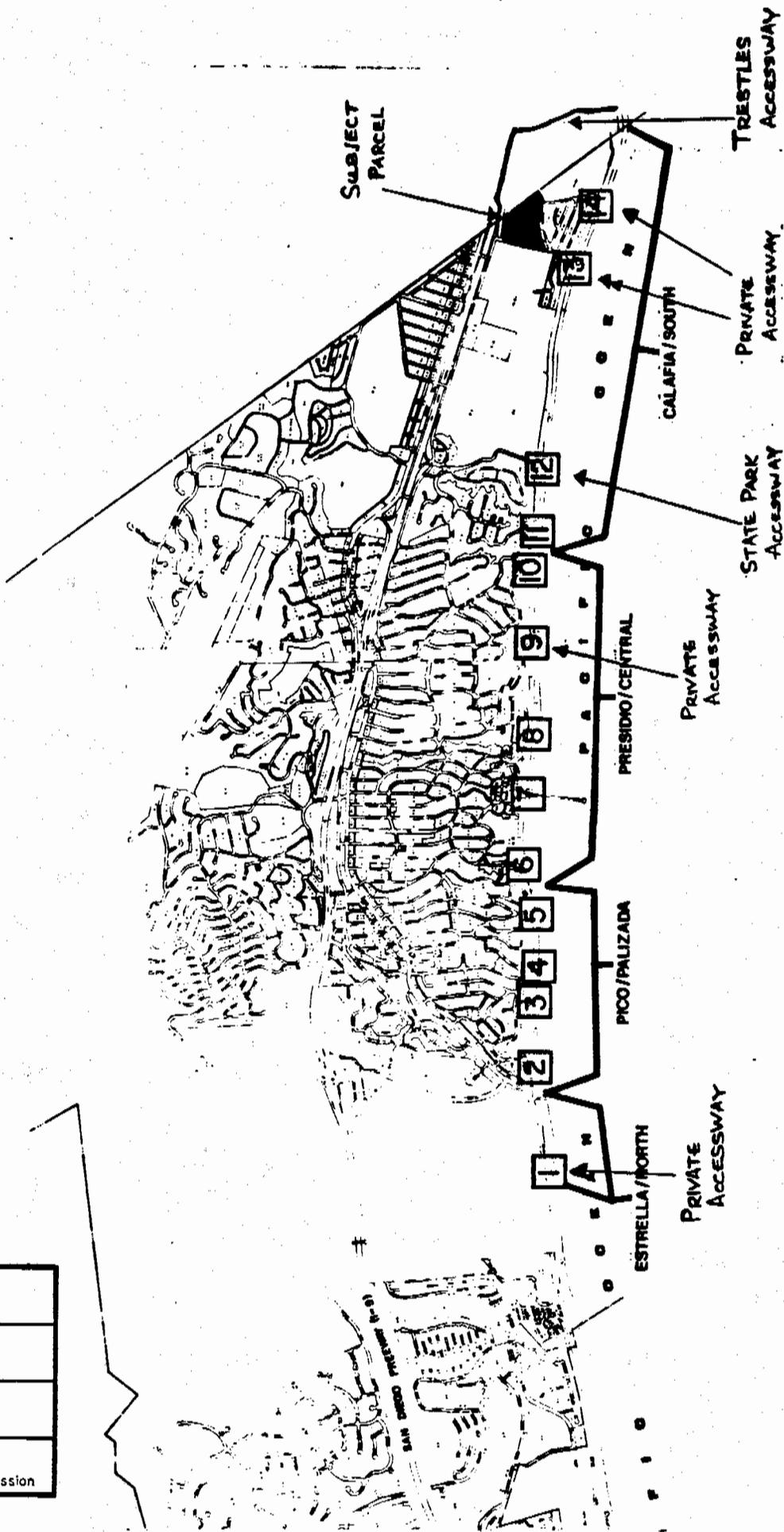


FIGURE 11-2 SHORELINE ACCESS IN SAN CLEMENTE

87-390250

State of California, George Deukmejian, Governor

EXHIBIT "B"

California Coastal Commission
 SOUTH COAST DISTRICT
 245 West Broadway, Suite 380
 P.O. Box 1450
 Long Beach, California 90801-1450
 (213) 590-5071

COMMISSION ACTION ON 12/18/85
 Approved as Recommended
 Denied as Recommended
 Approved with Changes
 Denied Revised Conditions Attached
 Other
 REGULAR CALENDAR

FILED: 10/04/85
 49th DAY: Waived
 180th DAY: 4/08/86
 STAFF: CR Chris Kroll
 STAFF REPORT: 12/10/85 SWS
 HEARING DATE: 12/17-19/85

STAFF REPORT AND RECOMMENDATION

Application No. 5-85-691

Applicant: John Jameson Elmore
 P.O. Box 156
 Brawley, CA 92227

Description: Subdivision of a 15.3-acre parcel into 58 residential and two common aere lots; the project includes grading and street improvements

Site: Avenida del Presidente at
 Avenida de las Palmeras, San Clemente, Orange Co.

SUMMARY

Staff recommends approval with conditions related to public access.

Substantive File Documents:

1. Conditionally Certified San Clemente Land Use Plan.
2. Coastal Permit Applications: P-80-7164 (Cyprus West); A-491-78 (Cyprus West); A-148-81 (Title Insurance and Trust).
3. Statewide Interpretive Guidelines.

87-390250

STAFF RECOMMENDATION

Staff recommends the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS: See Attachment X.III. SPECIAL CONDITIONS

This permit is subject to the following special conditions:

1. ~~Prior to transmittal of the permit, the applicant shall execute and record a deed restriction requiring the applicant to construct an off-site public beach parking lot suitable for at least 100 cars. This deed restriction shall be subject to the review and approval of the Executive Director. No lots in the permitted subdivision shall be sold until the construction of said parking lot is complete. The applicant shall prepare plans for the California Department of Parks and Recreation and shall submit these plans to the Executive Director for review and approval prior to the construction of said parking lot.~~

See
revised
Condition
Attached

2. Vertical Access

Prior to transmittal of the permit, the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for vertical public access allowing the public to pass and repass over a strip of the landowner's property 15 feet in width and running along the entire eastern boundary of the project site, from the intersection of Avenida del Presidente and Cristianitos Road to the southern property line. The offer of dedication shall contain a clause restricting the agency accepting the offer from opening up the accessway to the public unless and until the "Trestles" accessway across the Coast Guard property to the south is no longer available to the public or is unreasonably restricted for public use. The document shall be recorded free of prior liens and encumbrances which the

87-390250

Attach to Original Staff Report

Staff recommends the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS: See Attachment X.

III. SPECIAL CONDITIONS

This permit is subject to the following special conditions:

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** pay an in-lieu fees of \$125,000 to the California Department of Parks and Recreation for the construction of an offsite public beach parking lot in the*

*Revised
Conditions
as appn
by Comm.*

Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

In addition, prior to the sale of any of the lots, the landowner shall submit evidence that the Covenants, Conditions and Restrictions of the subdivision note the existence of the accessway and prohibit any permanent improvements except landscaping within the accessway.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

- A. Project Description and History. The applicant proposes to subdivide a 15.3-acre vacant parcel into 58 residential and two common area lots. The project includes grading and street improvements. The project site is located at the southern boundary of San Clemente and is bounded by Avenida del Presidente, Avenida de las Palmeras, Calle Isabella, Tract 10909 (Cotton Point, formerly the Nixon estate), and the Orange County/San Diego County line.

The rerouting of Avenida del Presidente, which presently runs through the middle of the parcel, along the northeastern portion of the lot was approved as part of the Tentative Tract Map No. 12356 (see Exhibit 1). The entrance to the San Mateo Point Coast Guard Station (Loran Station) is located at the intersection of Avenida del Presidente and Cristianitos Road. A paved public vertical accessway (the "Trestles" accessway) extends from this intersection to "Trestles" Beach across an easement granted by the Federal government to the State of California over the Coast Guard property (see Exhibit 2). The easement is due to expire in the year 2021. Trestles Beach is a popular surfing area and the accessway is heavily used by surfers and others wanting access to the beach.

In 1980 the Cyprus West Company applied for a coastal development permit (P-80-7164) to subdivide the subject parcel (Tract No. 11011) into 49 residential lots. The Commission approved the application on October 20, 1980 with conditions requiring the dedication of land for the construction of affordable housing units and the provision of a public parking lot to serve the users of the Trestles accessway. The access provision, Condition 2, stated that:

2. The applicant shall execute a document to the California Department of Parks and Recreation irrevocably offering to perform one of the following alternatives, whichever that agency deems best suited to provide additional parking for the Trestles, and immediately adjacent beach areas:

87-390250

- (a) The applicant will construct, at its own cost, a public beach parking facility, suitable for at least 100 cars on either State owned or leasehold property, at a location deemed appropriate by the California Department of Parks and Recreation in the immediate area of Trestles Beach; or
- (b) The applicant will construct, at its own cost, a paved parking area and restroom facility at Calafia State Beach, approximately one mile north of Trestles Beach; or
- (c) The applicant will pay an in lieu fee of \$125,000 to the California Department of Parks and Recreation to be used to supply additional parking on public property in the immediate area of Trestles Beach.

In May, 1981 the conditions were met by the applicant with an offer to dedicate (recorded June 11, 1981) three lots for low- and moderate-income housing and a memorandum of agreement (recorded June 11, 1981) between the applicant and the Commission in which the applicant agreed to perform one of the three alternatives outlined in Condition 2 (see Exhibit 3). The Coastal Development Permit (P-80-7164) though issued on July 13, 1981 (see Exhibit 4) was never acted upon by the applicant.

On September 4, 1985 the City of San Clemente conditionally approved Tentative Tract Map No. 12356 for the subdivision of the subject parcel into 58 residential and 2 common area lots. Tract 12356 essentially conforms to the boundaries of Tract 11011 and includes nine additional lots as a result of the re-routing of Avenida del Presidente. John Jameson Elmore, the "owner of record" for permit P-80-7164, is the applicant for the proposed subdivision.

- B. Public Access. The Coastal Act contains strong policy provisions, in Sections 30210, 30211 and 30212, requiring maximum public access to and along the shoreline in new development projects. Based on these policies and on Article X, Section 4 of the California Constitution, the Commission has required offers of easements for public access to and along the beach as conditions of development for projects between the first public road and the sea. In addition, Section 30223 states that:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

87-390250

As a condition of approval for coastal development permit application P-80-7164, a subdivision of the subject parcel, the Commission required that the applicant, the Cyprus West Company, provide a parking area to serve the adjacent Trestles Beach accessway. The Commission found that though an accessway does exist near the project site, access is hampered by the lack of adequate parking facilities. Those who do use the accessway must park along commercial and residential streets on the inland side of Interstate 5 and walk to the accessway, as no parking is allowed along Avenida del Presidente. Resident complaints regarding all day parking congestion, litter, etc., are common (see Exhibit 5).

The lack of adequate parking facilities to serve the Trestles accessway has hampered its use and resulted in underutilization of Trestles Beach. The pattern of development between San Clemente State Park and the San Diego County line has resulted in several locked-gate private communities which block public access to the beach. The nearest public access to the north of the Trestles accessway is San Clemente State Park, approximately one mile north. The nearest access point to the south is San Onofre State Beach, located approximately 1.5 miles south in San Diego Co. (see Ex.6).

The Trestles accessway is located on Federal property and is open to the public through an easement granted by the Department of the Navy to the State of California. The California Department of Parks and Recreation manages and maintains the accessway. The easement, however, is scheduled to expire in the year 2021, unless it is extended. The City of San Clemente required as a condition of approval of the Tentative Tract Map for Cotton Point, the property to the south of the subject parcel, an irrevocable offer of a 15-foot wide vertical easement along the eastern boundary of the tract. The opening of the accessway, by the City, being contingent upon the closing of the Trestles accessway. This same condition was subsequently required of the Cotton Point developers when they applied for a coastal development permit in 1981 (P-81-7789, A-148-81). When the City approved the Tentative Tract Map No. 12356 for the subdivision of the subject parcel, it required the dedication of a 15-foot wide vertical access easement along the eastern boundary of the property to meet up with the easement over the Cotton Point tract. This accessway, again, will only be opened by the City when and if the Trestles accessway is closed or its use is unduly restricted.

The Commission's Statewide Interpretive Guidelines state that:

"(B)ased on the historical evidence that development along the California coast results in many different ways in the preclusion of public use of the state-owned tidelands, ...the Commission concludes that all new development projects cause a sufficient burden on public access to warrant the imposition of access conditions as a condition (of) development ...all new development located between the first public roadway and the shoreline must provide public access." (p. 14).

87-390250

The Commission further notes that the locked-gate private community nature of development in San Clemente south of San Clemente State Park has severely hampered public access to San Clemente State Beach and the public tidelands. New subdivision projects in this area have been conditioned by the Commission to provide:

- a. A 6-acre open space park (A-491-78, Cyprus West Company).
- b. A public parking facility (P-80-7164, Cyprus West Company).
- c. Vertical and lateral access easements (A-148-81, Title Insurance and Trust Company).

The Commission finds, therefore, that as conditioned, to provide a vertical access easement and a public parking facility to serve the Trestles accessway, the proposed development is consistent with past Commission action on subdivision projects in the area and the access provisions of Chapter 3 of the Coastal Act, Sections 30210, 30211, 30212 and 30223.

- C. Local Coastal Program. Section 30604(a) of the Coastal Act states, in part, that:

Section 30604.

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The San Clemente Land Use Plan was conditionally certified with Suggested Modifications on September 25, 1981. The Shoreline Access/Recreation & Visitor-Serving Facilities chapter of the Land Use Plan refers to the subject parcel in Subsection d:

Insert the following language;

...an inlieu fee of \$125,000 to The Department of Parks and Recreation for construction of ...

d. Future Access

Continued public access to the beach south of Avenida Calafia, in particular the Trestles surfing area just across the County line, is largely dependent on use of Federal lands at the San Mateo Point Coast Guard Station (the Loran Station). State and local agencies have no direct jurisdiction over disposition of this property at present and there is no means of ensuring that the Federal government has no plans for the property which would interfere with or obstruct public access.

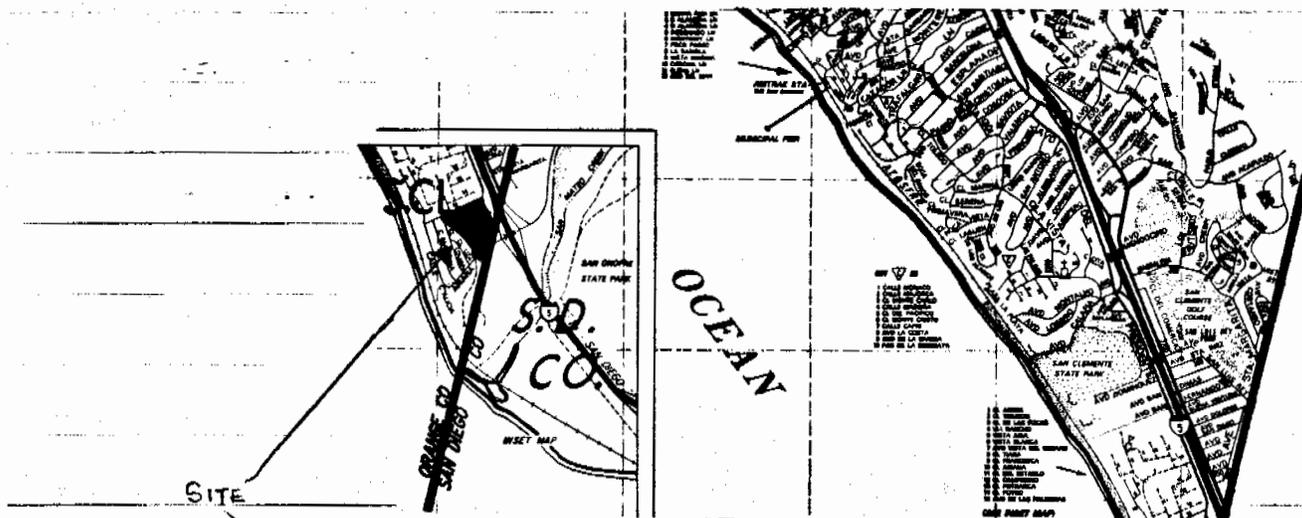
Two residential developments in San Clemente adjacent to the County line have recently been approved, but are not yet constructed. These two projects (Cyprus West and Cotton Point) offer an opportunity to ensure on-going access to the Trestles, in the event that the existing Federal access becomes unavailable. Cyprus West, which is adjacent to the existing Cyprus Shores community, will provide additional parking facilities for the Trestles area through the construction by the Cyprus West developers of a public beach parking facility suitable for at least 100 cars on either state-owned or leasehold property at a location in the immediate area of Trestles Beach.

Development conditions have been imposed by the City of San Clemente on the Cotton Point project which will assist in ensuring public access to the Trestles in the event access through the Coast Guard Station is lost. The City has required an irrevocable offer of dedication for a fifteen-foot access easement along the eastern boundary of the project which will be valid until the year 2004. The City will not accept the offer until and unless the existing access across the Coast Guard property (or other adequate public access in the immediate vicinity) is no longer available to the public or is unreasonably restricted for public use.

These two actions together will help guarantee future public access to the area south of San Clemente State Park. If the access across the Coast Guard Station becomes unavailable, the City of San Clemente will be responsible for opening the Cotton Point easement to public use.

The Commission finds, therefore, that the proposed development, as conditioned, is consistent with the access provisions of the conditionally certified Land Use Plan. The Commission further finds that approval of the proposed project, as conditioned, will not prejudice the ability of the City of San Clemente to complete a Local Coastal Program that is consistent with the policies of Chapter 3 of the Coastal Act.

87-390250



SITE

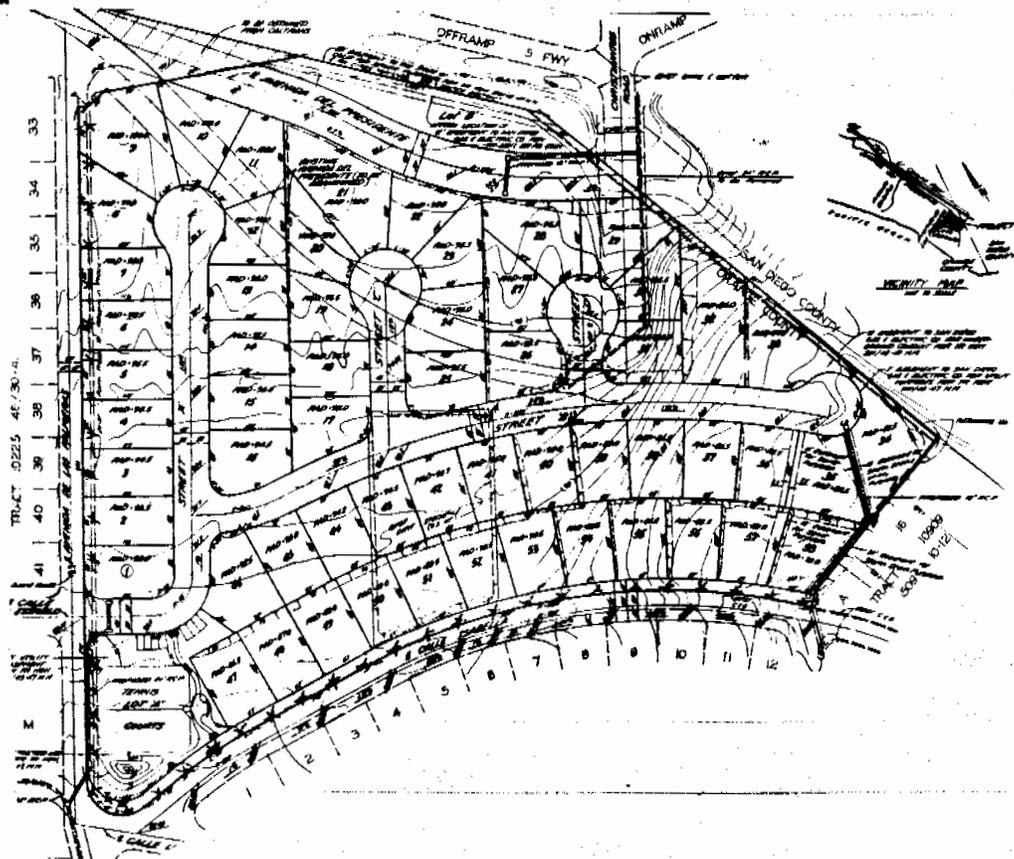


EXHIBIT NO. 1

APPLICATION NO.

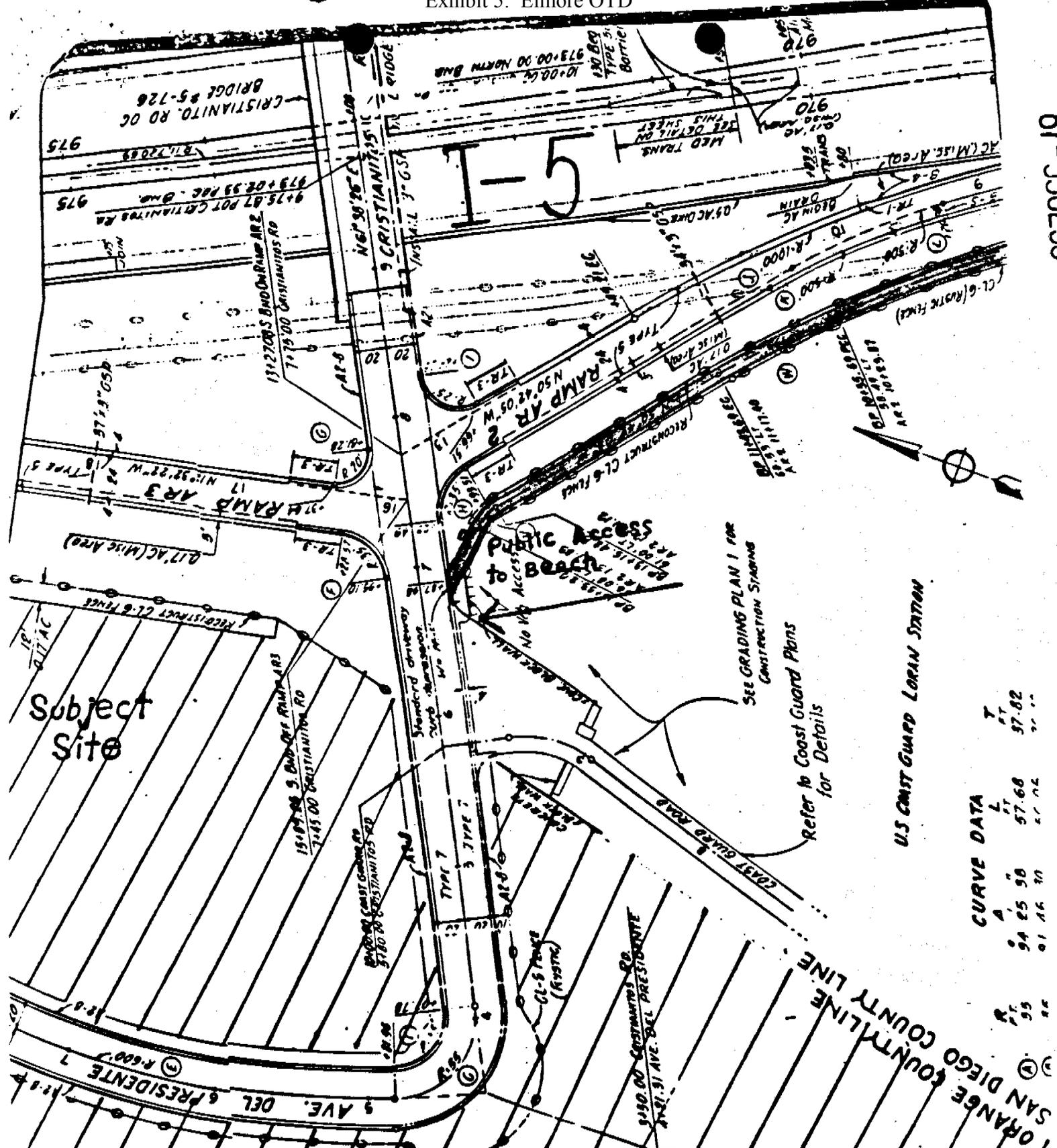
5-85-691

SITE LOCATION



California Coastal Commission

87-390250



U.S. COAST GUARD LORAN STATION

SEE GRADING PLAN 1 FOR CONSTRUCTION STAGING
 Refer to Coast Guard Plans for Details

CURVE DATA

A	L	T
94.25	58	57.82
91.16	10	57.02

EXHIBIT NO. 2 ✓
 APPLICATION NO.
 5-85-691
 TRESTLES
 ACCESSWAY

California Coastal Commission

ORANGE COUNTY LINE
 SAN DIEGO COUNTY LINE

87-390250

Recording Requested by and
When Recorded Mail to:

ALAN ROBERT BLOCK, ESQ.
A Professional Corporation
9911 West Pico Boulevard,
Suite 590
Los Angeles, California 90035

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into this
20th day of February, 1981, by and between South Coast Regional
Commission (the "Commission") and Cyprus West Co., a partner-
ship ("Cyprus West").

AGREEMENT

Cyprus West desires to develop for residential use a
parcel of land located in the City of San Clemente, Orange County,
California, generally described as Tract 11011, recorded in
Book at pages of the records of such County. In
connection with such development, Cyprus West has agreed to
irrevocably offer to the South Coast Regional Commission to per-
form for the California Department of Parks and Recreation one
of the alternatives, whichever said agency deems best suited
to provide additional parking for the Trestles Beach, and imme-
diately adjacent beach access:

(A) Cyprus West will construct, at its own cost,
a public beach parking facility, suitable for at least
100 cars on either State owned or leasehold property,
at a location deemed appropriate by the California
Department of Parks and Recreation in the immediate area
of Trestles Beach; or

EXHIBIT NO. 3

APPLICATION NO.

5-85-691

87-390250

(B) Cyprus West will construct, at its own cost, a paved parking area and restroom facility at Calafia State Beach, approximately one mile North of Trestles Beach; or

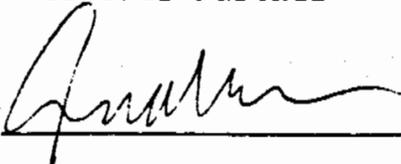
(C) Cyprus West will pay an in lieu fee of \$125,000 to the California Department of Parks and Recreation to be used to supply additional parking on public property in the immediate area of Trestles Beach.

This Agreement is in consideration of the issuance by the South Coast Regional Commission of its coastal development permit No. P-80-7164 on October 20, 1980, with respect to the development of Tract 11011. This Agreement shall be binding on all successors in interest, and assigns of said property and shall act to bind any such party as it would Cyprus West.

IN WITNESS WHEREOF, each of the parties to this Memorandum of Agreement has executed and delivered as of the date first above written.

CYPRUS WEST CO.,

BY COVE CONTRACTORS, INC.,
a Florida Corporation,
General Partner

BY  _____

BY WATT INDUSTRIES, INC.,
a California Corporation
General Partner

BY  _____

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1430
LONG BEACH, CALIFORNIA 90801
(213) 590-5071 (714) 846-0648

COASTAL DEVELOPMENT PERMIT

FILE COPY



Permit Type: Administrative Standard Emergency

Application Number: P-80-7164

Name of Applicant: Cyprus West Company

P.O. Box 3308, San Clemente, CA 92672

Development Location: Avenida del Presidente at
Las Palmeras
San Clemente, CA

EXHIBIT NO. 4 ✓
APPLICATION NO. 5-85-691
 California Coastal Commission

Development Description:

This proposed development is for the subdivision of approximately 13.3 acres of vacant land into 49 R-1/B-1 lots. The development, Cyprus West II, is to include all underground utilities and utility lines, streets, gutters and storm drains.

Cyprus West II is located at the extreme southern end of San Clemente at the Orange County/San Diego County line. It lies at the intersection of Interstate 5 and the new extension of Avenida del Presidente. Across the street, Avenida del Presidente, is the entrance to San Mateo Point Coast Guard Station and a paved access way from Avenida del Presidente to the beach.

I. Whereas, at a public hearing, held on October 20, 1980
at Huntington Beach by a vote of 8 to 1,

the Commission hereby grants, subject to condition/s, a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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At the public hearing on November 11, 1980, the applicant verbally amended the coastal permit application to include the following offers of dedication and performance. The applicant shall comply with the offers of dedication and performance, stated below, and shall submit evidence of compliance with Item 2.

1. The applicant shall, prior to issuance of permit, execute and record a document irrevocably offering to dedicate to the Coastal Conservancy, or other appropriate public agency, three lots in the City of San Clemente, adjacent to the Coastal Boundary, totaling approximately 10,500 square feet. Two of the lots are presently zoned CA2 (36 units per acre) and the third lot is zoned R3 (27 units per acre). The lots will be dedicated for the sole purpose of providing affordable housing units.

The precise locations of these lots are revealed in the attached Site Plan, incorporated hereto as Exhibit 1.

Offers of Dedication and Performance

2. The applicant shall execute a document to the California Department of Parks and Recreation, irrevocably offering to perform one of the following alternatives, whichever that agency deems best suited to provide additional parking for the Trestles, and immediately adjacent beach areas:

87-390250

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Condition/s Met On

July 13, 1981

By

[Signature] EP

- III. This permit may not be assigned to another person except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
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- V. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VI. Issued on behalf of the South Coast Regional Commission on July 14, 1981.

[Signature]
~~XXXXXX Carpenter~~ Nancy A. Lucast
 Executive Director

I, _____, permittee/agent, hereby acknowledge receipt of Permit Number P-80-7164 and have accepted its contents.

(Date)

(Signature)

87-390250

P-85-7164



CITY OF SAN CLEMENTE



October 27, 1980

MR. GARY PIERCE
Coastal Commission
666 East Ocean Blvd., Suite 3107
Long Beach, Ca. 90801

I was advised by Lynn Hughes, our Marine Safety and Recreation Director, that you were assessing the various proposed developments at the extreme south end of the city with respect to beach access. As such, I'll share with you a few serious problems the City has had to deal with regarding the present State beach access to Trestles and availability of parking.

You're probably aware the existing pedestrian beach access adjacent to the old Loran Coast Guard Facility provides the quickest public access to some of the best surfing spots in Southern California. Spots such as "Cottons Point", "Barbed Wire", "Upper and Lower Trestles" are all serviced by this one beach access.

One of the major problems we've experienced since the State opened these areas has been the lack of foresight to provide off-street parking for people who utilize this beach access. Del Presidente which is the street parallel to the freeway (ocean side) is posted, "No Parking." As a result, "surfers" who use the area park in our 900 tract on the other side of the freeway. In turn, we've received numerous complaints from residents (900 tract) regarding all-day parking in the area, changing clothes in public, litter, defecation and urinating in the streets, and other highly objectionable acts. Based upon this experience, if an additional access is to be provided in the area in question, there must be some consideration given to resolving these kinds of problems. As such, we should consider providing off-street parking, as well as public restrooms and trash receptacles. As an aside, the State might consider acquiring the property in front of the vacant Coast Guard Station and constructing a parking lot with restroom facilities.

In terms of claims that establishing an access to the beach (pathways) may result in crime problems, there are reasons to be concerned. However, if the citizens of our community want beach access, we will have to deal with those problems in the planning stages for the access and as they surface (e. g., vandalism, refuse, graffiti, alcohol and drug violations).

If you require any additional input, please advise.


Gary E. Brown
CHIEF OF POLICE

xc Lynn Hughes, Jim Lawson, George Carvalho

pb

EXHIBIT NO. 5
APPLICATION NO. 5-85-091
 California Coastal Commission

87-390250

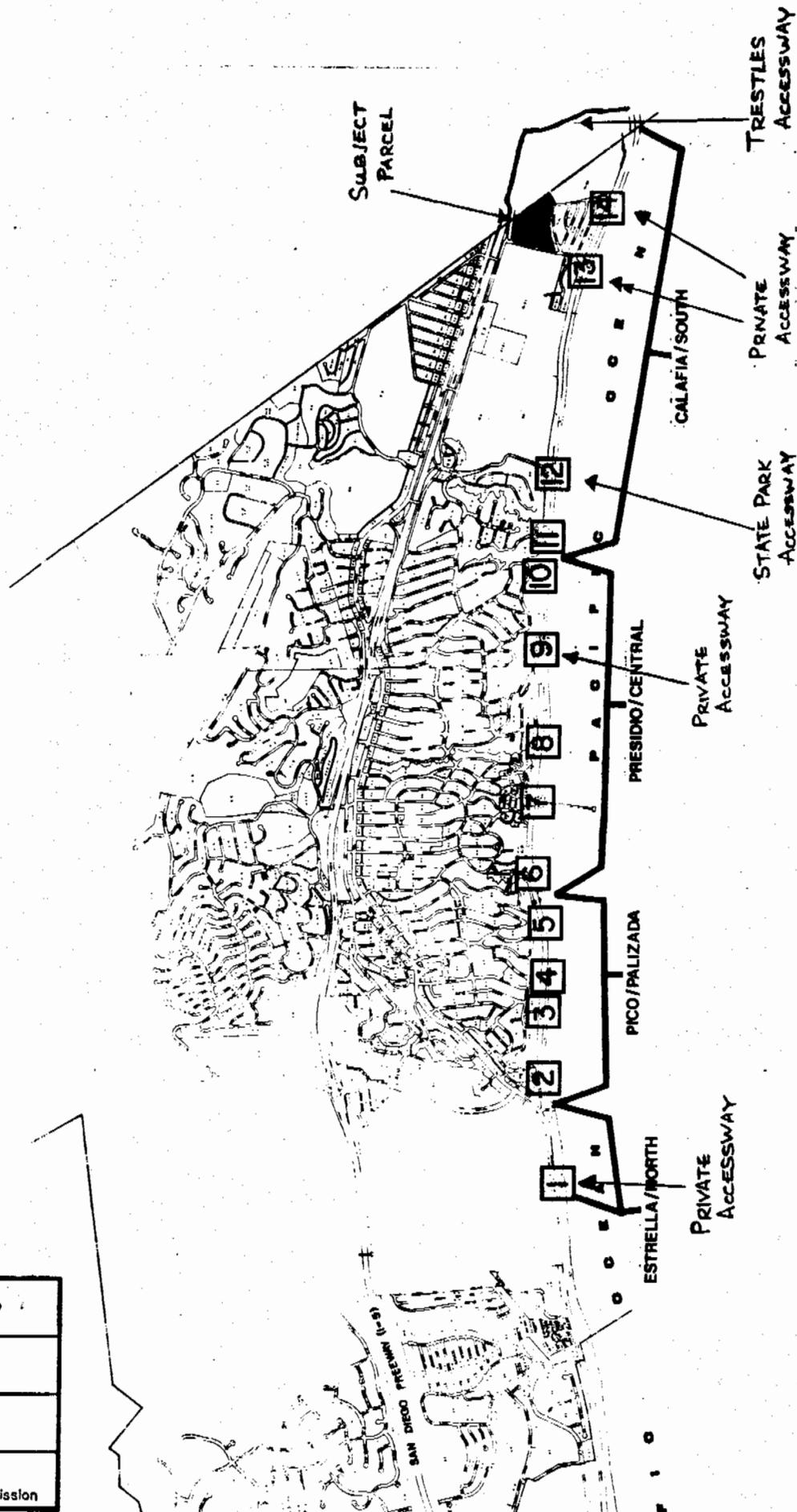


FIGURE 11-2 SHORELINE ACCESS IN SAN CLEMENTE

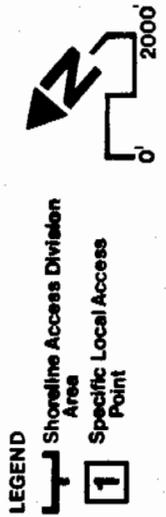
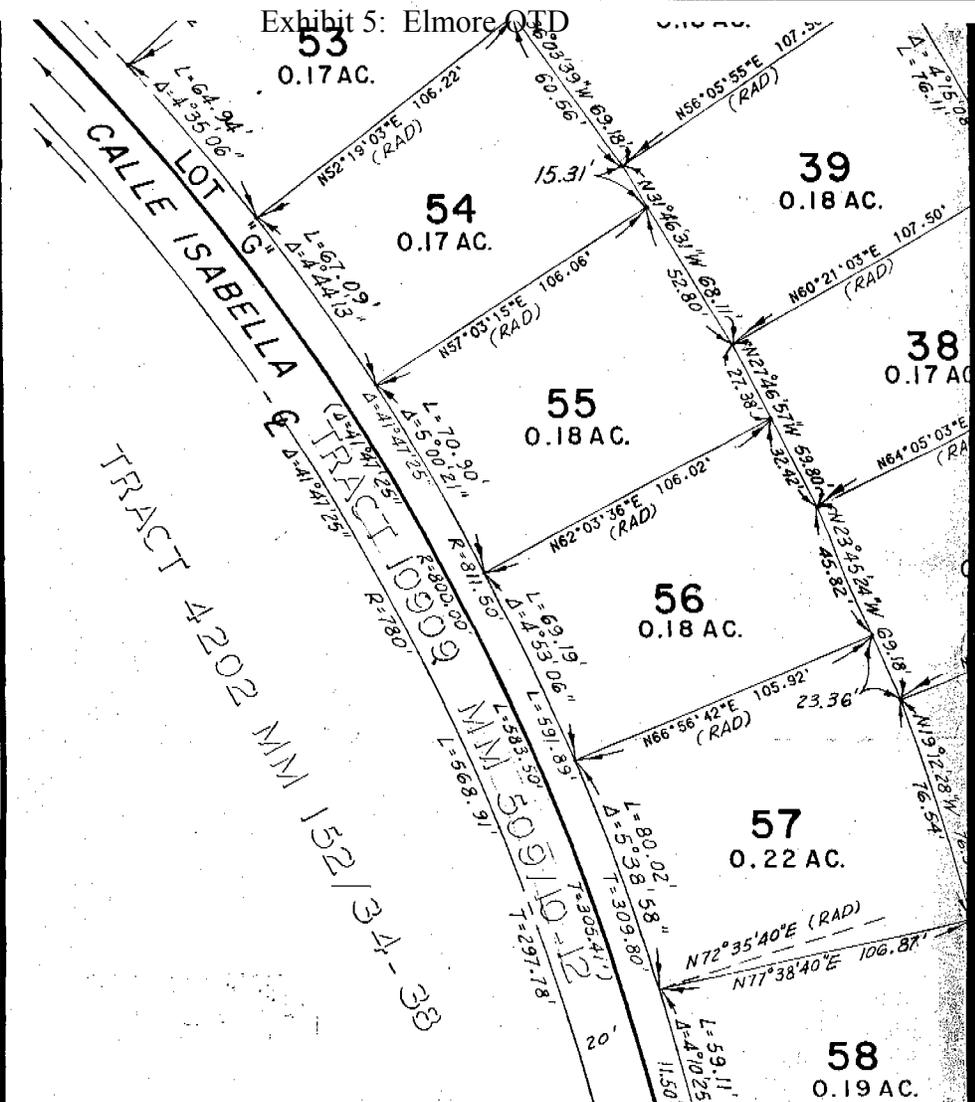


EXHIBIT NO. 6
APPLICATION NO. 5-85-691
ACCESSWAYS
California Coastal Commission



CURVE DATA

	Δ	R	L	T
①	48°59'08"	54.50'	46.60'	24.83'
②	106°12'32"	24.50'	45.42'	32.64'
③	83°25'38"	24.50'	35.67'	21.84'
④	32°01'54"	54.50'	30.47'	15.64'
⑤	46°34'03"	54.50'	44.30'	23.45'
⑥	92°01'33"	24.50'	39.35'	25.38'
⑦	49°41'27"	54.50'	47.27'	25.23'

JT

TRACT
MM
50

