

## Will Rogers State Beach/Documents

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All:

Most of you know that PPCC, the Westside Regional Alliance of Councils and many other groups and individuals strongly oppose a recent proposal by LA City Councilmember Mike Bonin to use and/or study the use of state beach parking lots, including the lot at Will Rogers State Beach (WRSB) -- for homeless housing. Please see PPCC's numerous statements and letters on this matter at: [Bonin Motion/Letters](#).

We have initiated several Public Records Act requests in order to understand the rights and obligations of LA City, LA County and the State of California vis a vis the state beaches. As of yesterday, we received a final set of documents from counsel for the State (Cal Parks) which has better clarified the situation.

Allow me to summarize my understanding of the history and relevant documents:

The widow of Palisadian Will Rogers donated the beach property that he had owned, now known as WRSB, to the State of California in or about 1944. In 1948, under an agreement called the "50 Year Operating Agreement," the State granted a lease and gave control to LA City over operations and maintenance at several beaches, including WRSB. The 50 Year Operating Agreement by its terms expired in early 1999 with respect to WRSB.

In 1975, LA City, LA County and the State entered into a Joint Powers Agreement, pursuant to which control over all operations & maintenance at several beaches, including WRSB, was assigned to LA County, subject to the terms and conditions of the 50 Year Operating Agreement. The lease to LA City under the prior 1948 agreement was not assigned to LA County with respect to WRSB. This 1975 agreement has no expiration date; it is subject to termination on one year's advance notice. As far as we know such notice of termination has never been given by any party to the agreement.

The Joint Powers Agreement was amended in certain respects in 1987, but LA County remains obligated to operate and maintain WRSB (including the parking lot), as it has been doing since 1975.

In late 1998, then-LA City Mayor Richard Riordan and the then-Director of Cal Parks confirmed in writing that until such time as a new or renewal lease was negotiated, the City would remain a "holdover" tenant specifically under the terms of the 50 Year Operating Agreement. To our knowledge, no renewal lease was ever negotiated and the City remained and continues to remain a holdover tenant.

Accordingly, both LA City and LA County are subject to the terms and conditions of the 50 Year Operating Agreement. That agreement provides in pertinent part:

*"Whereas it is to the mutual benefit of the parties hereto and the interests of the public will be more advantageously served if the development, use [etc.] of said beach lands . . . are placed under the jurisdiction of the City for park playground and recreational uses."*

*Sec. 4: The City shall have the right to develop the lands . . . "for the use, enjoyment and protection of the general public, provided however that such use and development of said lands shall conform to standards prescribe by any and all State laws applicable to State Beach Parks."*

It is clear to us that "park playground" and/or recreational use and enjoyment by the public does not include *housing*, whether for the homeless or otherwise. We believe that the proposed use of the lot for homeless housing would also violate the applicable Coastal Act public access mandate. We are further concerned that the proposed use may therefore contravene the terms and intent of the controlling agreements.

We hope that our elected and appointed State officials will share these concerns and can to reach out today, if possible, to LA City Mayor Eric Garcetti, the LA City Council (via Council President Nury Martinez as well as President Pro Tem Joe Buscaino) and Councilmember Mike Bonin, to alert them to the relevant documents and your concerns.

Time is of the essence as this matter will be heard in City Council tomorrow morning at 10am. It is not clear to us that City officials are aware of these controlling documents, and we have received no response from any City official to our prior letters.

Thank you for your consideration of this important matter.

Best regards,

Chris Spitz  
Secretary  
Pacific Palisades Community Council  
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