

MINUTE ITEM

This Calendar Item No. 12
was 12 of the item
to be discussed in a volume of 3
to be discussed at its 10/27/77
meeting.

CALENDAR ITEM

12.

10/77
G05-01
Bousseloub

DETERMINATION OF COMPLIANCE
FOR USE OF GRANTED TIDELANDS

TRUSTEE:

City of Avalon
P. O. Box 707
Avalon, California 90704

LOCATION:

Granted tide and submerged lands within
the corporate limits of the City of Avalon,
Los Angeles County.

PURPOSE:

To determine whether the City of Avalon
is in compliance with Section 1(d) of Chapter
1884, Statutes of 1963, and is using granted
tidelands for the purposes stipulated in
that act.

BACKGROUND:

Chapter 303, Statutes of 1943, granted
tide and submerged lands to the City of
Avalon, in trust, primarily to be used
for harbor purposes. The grant was amended
by Chapter 1884, Statutes of 1963, to authorize
a variety of additional uses, mostly recre-
ational. This amendment was necessary in
order to allow tideland revenues to be
spent for recreation-oriented facilities
such as parks and playgrounds in conjunc-
tion with a \$2.5 million loan program.
The loans were from the Small Craft Harbor
Fund.

Section 1(d), of the 1963 Statute, contains
the stipulation that if the lands, or any
part thereof, granted to the City by this
act are not used for the additional purposes
authorized by the amendments of this section
made at the 1963 Regular Session of the
Legislature within ten years from the effective
date of such amendments, or if such use
is discontinued thereafter, the rights,
title, and interest of the City in and
to said lands shall cease and said lands
shall revert and rest in the State.

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REPORT OF INVESTIGATION:

On September 12, 1975, the State Lands Division requested from the City such items as photographs, maps, and other graphic material showing the extent of any improvements made within the ten-year period; a comprehensive detailed statement listing all expenditures and revenues for each of the ten years of the substantial improvement period; a general description of the City's method of accounting for trust funds and disbursements; a list of capital projects showing costs, dates, etc.; a narrative statement outlining any specific problems encountered in the development of the grant and reasons why the City feels the statute has been complied with; and any other pertinent or helpful material. On February 2, 1976, the City submitted a report generally supplying the requested information.

On March 22, 1976, staff conducted an on-site investigation accompanied by the Planning Director and the Superintendent of Public Works.

FACTS SUPPORTING DETERMINATION:

Between 1963 and 1973 a harbor development and improvement program was carried out by the city to provide greater shelter within the bay by extending the Casino Point Breakwater, to improve public access and safety along the beachfront, and to expand recreational facilities. Improvements on or immediately adjacent to the granted lands included: sea wall improvements and guard rails, children's playground, volleyball court, ticket counter, information center, new mole, baywatch pier and fire-fighting center, and 29 new small craft moorings. The old Catalina steamer pier was removed to make room for the moorings. A multiple-use transportation terminal was planned for the next phase of development on Cabrillo Mole.

The granted tidelands in the Bay are easily accessible to visitors from all over the state as well as local residents. Dressing rooms and restrooms are conveniently located;

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there are several small concession stands on the pier and inexpensive restaurants are within walking distance. The ocean front has been landscaped and is well maintained. A small open air stage and fountain have been constructed on a portion of the public walkway. The Bay itself probably constitutes the major tourist attraction of the island.

Two other beaches, at Descanso Bay and Hamilton Beach provide additional opportunities for recreational use of the tidelands. An old boardwalk is maintained on the other side of Cabrillo Mole.

It was noted during the investigation that all the uses reported and observed are located within the harbor or on or near the shore. No evidence was presented by the trustee in the 1976 Report or in response to subsequent correspondence to indicate that the additional uses listed in the Statute occur anywhere but in the landward portions of the granted area. Since the grant to the City extends out to 3 miles from the 1945 ordinary high water mark, a considerable portion of the grant is not being used as required by the terms of the grant. There has been no mention in reports submitted or in discussions with City officials of any such uses for those lands in the future.

A reversion to the State of lands not being used or required by the trustee is mandated by Section 1(d) of the Grant Statute, and would be consistent with Commission policy as approved in the 1976 Report on the Use Development and Administration of Granted Tide and Submerged Lands.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF AVALON, LOS ANGELES COUNTY, HAS SUBSTANTIALLY IMPROVED THE LANDWARD PORTION OF ITS GRANTED TIDE AND SUBMERGED LANDS AS REQUIRED PURSUANT TO SECTION 1(d), CHAPTER 1884, STATUTES OF 1963.

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2. FIND THAT THE CITY OF AVALON HAS NOT IMPROVED, IS NOT USING, AND HAS NO IMMEDIATE PLANS TO USE CERTAIN SEAWARD PORTIONS OF THE GRANTED LANDS.
3. AUTHORIZE STAFF TO CONSULT WITH THE CITY OF AVALON AS TO THE BOUNDARIES OF THE TIDELANDS AREA WHICH IS NEEDED AND DESIRED BY THE CITY, AND WHICH SHALL REMAIN UNDER CITY JURISDICTION, AND TO REPORT BACK TO THE COMMISSION AS TO THE LANDS WHICH SHALL REVERT TO THE STATE. SUCH ACTION SHALL BE WITHOUT PREJUDICE TO THE CITY OF AVALON AND SHALL NOT CONSTITUTE AN OBSTACLE TO ANY FUTURE INTEREST OF THE CITY IN A NEW LEGISLATIVE GRANT.