

**CALENDAR ITEM
C47**

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12/06/16
PRC 6411.1
L. Pino

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Newport Harbor Yacht Club

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, Moonstone Cove, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

The continued use and maintenance of a pier, ramp, floating platform, and two mooring anchors.

LEASE TERM:

10 years, beginning January 1, 2017.

CONSIDERATION:

\$796 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

On June 25, 2008, the Commission authorized a 10-year General Lease – Recreational Use to the Newport Harbor Yacht Club ([Calendar Item C25, June 25, 2008](#)). The lease expires on December 31, 2016. The Applicant is now applying for a General Lease – Recreational Use.

CALENDAR ITEM NO. C47 (CONT'D)

The subject pier, ramp, floating platform, and two mooring anchors are for the docking and mooring of boats. There is a portion of the pier onshore and the adjacent riprap that are not currently within the Commission's leasing jurisdiction. Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Public Resources Code section 6503.5). Applicant has the right to use the upland adjoining the lease premises. The subject structures are privately owned and maintained. The adjacent upland parcel is privately owned and leased to the Applicant. The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years, and a non-exclusive use provision.

The pier, ramp, floating platform, and two mooring anchors have existed for many years at this location. The facilities do not significantly alter the land, the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. The proposed lease requires the lessee to insure the lease premises, indemnify the state, and requires the payment of annual rent for the occupation of the public land involved.

Sea-Level Rise Analysis

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect open coastal areas in California. The lease area is located in the Pacific Ocean on the eastern shore of Santa Catalina Island in Moonstone Cove. The site is tidally influenced and is vulnerable to flooding at current sea levels; therefore, this area would be at a higher risk of flood exposure given future sea-level projection scenarios. In comparison to year 2000 levels, the region could see up to 1 foot of sea-level rise by 2030, up to 2 feet by 2050, and possibly over 5 feet by 2100 (NRC 2012). Rising sea levels can lead to increased flooding through regular inundation, and larger flooding events when combined with tidal events and storm surges. These climate change and sea-level rise impacts can also affect erosion and sedimentation rates through increased wave action and scour, which in turn can decrease shoreline stability and compromise the structural integrity of improvements located along or near the shore.

CALENDAR ITEM NO. **C47** (CONT'D)

The added impact of these projected sea-level rise conditions raises the likelihood of damage to structures within the lease area. During the 10-year lease term, the existing floating platform with two mooring anchors would be expected to rise and fall with water levels as it is designed to do. The fixed pier would not be able to rise with water levels, but it might be tall enough to withstand some sea-level rise related flooding. However, severe storm-generated waves could damage the wooden pier pilings, or storm surges and waves that exceed the pier's design capacity could result in structural uplifting, potentially causing hazards to public safety or navigation if the structures are dislodged. The fixed pier may also require more frequent maintenance to ensure continued function during and after storm seasons. Although the shoreline riprap is not currently within the Commission's leasing jurisdiction, future flooding conditions could require additional shoreline protection through additions to or replacement of riprap, or by deploying alternate strategies such as beach restoration. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of these structures being severely degraded or dislodged.

Conclusion

For all the reasons above, staff believes the pier, ramp, floating platform, and appurtenant facilities will not substantially interfere with Public Trust needs, at this location, at this time, and for the foreseeable term of the proposed lease, and that issuance of the lease is consistent with the common law Public Trust Doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. The proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

CALENDAR ITEM NO. **C47** (CONT'D)

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the Public Trust needs and values at this location at this time; find these actions are consistent with the common law Public Trust Doctrine and are in the State's best interests.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to the Newport Harbor Yacht Club beginning January 1, 2017, for a term of 10 years, for a pier, ramp, floating platform, and two mooring anchors as described on Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent of \$796 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6411.1

LAND DESCRIPTION

A parcel of tide and submerged land in the Pacific Ocean, situated in the bed of Moonstone Cove, Santa Catalina Island, Los Angeles County, California, more particularly described as follows:

COMMENCING at a point, having approximate CCS83, Zone 5 coordinates North coordinate (Y) =1600219.86 feet, East coordinate (X) =6449266.00 feet from which a NGS monument "Channel 1933" bears N 57°44'15" W 39,624.36 feet, thence N 54°32'42" E 13.37 feet more or less to the ordinary high water mark and the true POINT OF BEGINNING; thence N 42°47'07" W 12.71 feet; thence N 54°01'46" E 96.15 feet; thence N 35°58'14" W 2.54 feet; thence N 54°01'46" E 70.00 feet; thence S 35°58'14" E 30.00 feet; thence S 54°01'46" W 70.00 feet; thence N 35°58'14" W 2.54 feet; thence S 54°01'46" W 91.76 feet to the ordinary high water mark; thence N 49°03'44" W 12.71 feet to the point of beginning.

EXCEPTING THEREFROM any portion located landward of the ordinary high water mark of the Pacific Ocean.

Basis of Bearings are CCS 83, Zone 5. All distances are grid. To convert grid distances to ground multiply grid distance by 0.999798138.

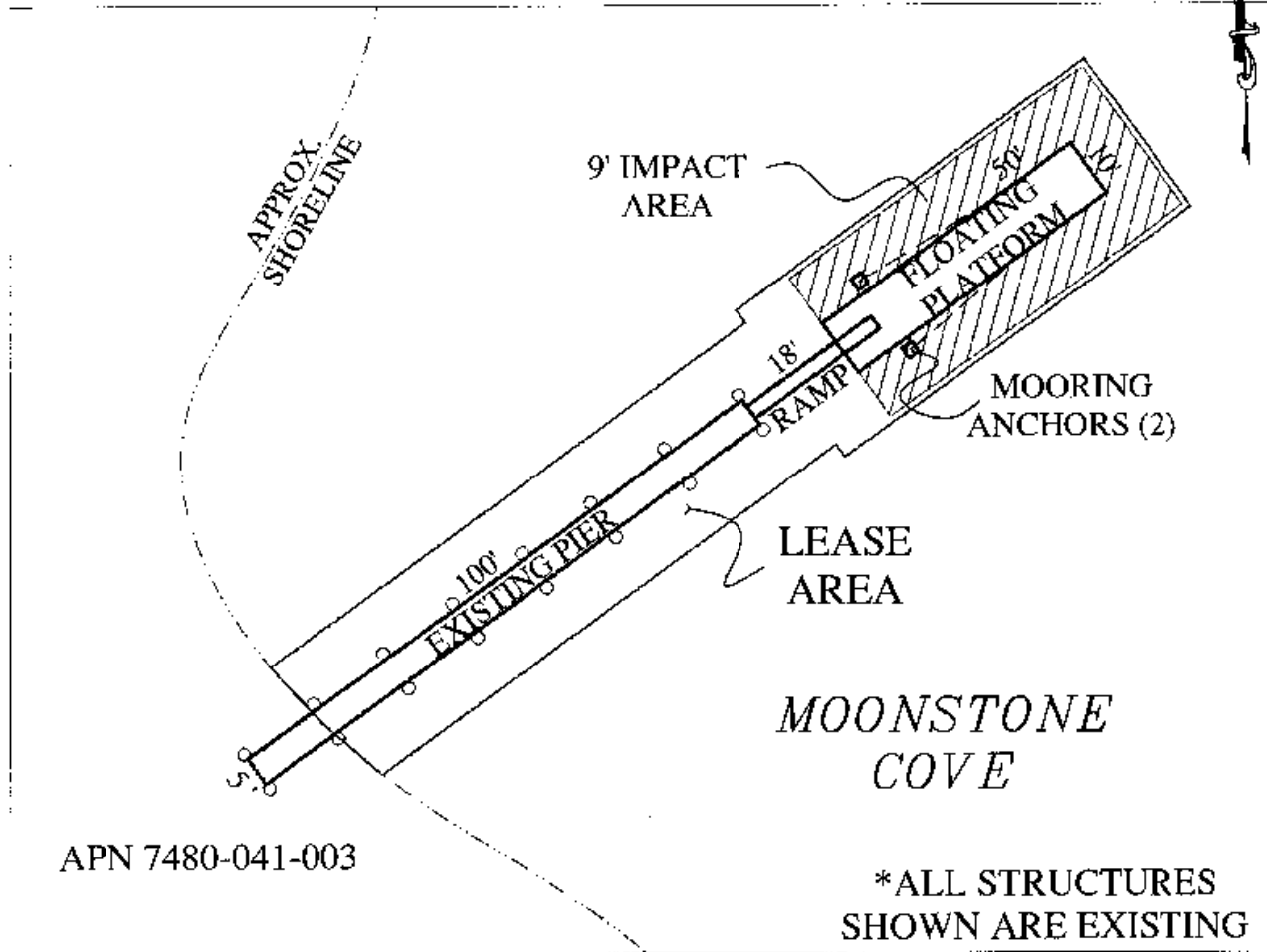
END OF DESCRIPTION

PREPARED 5/19/08 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

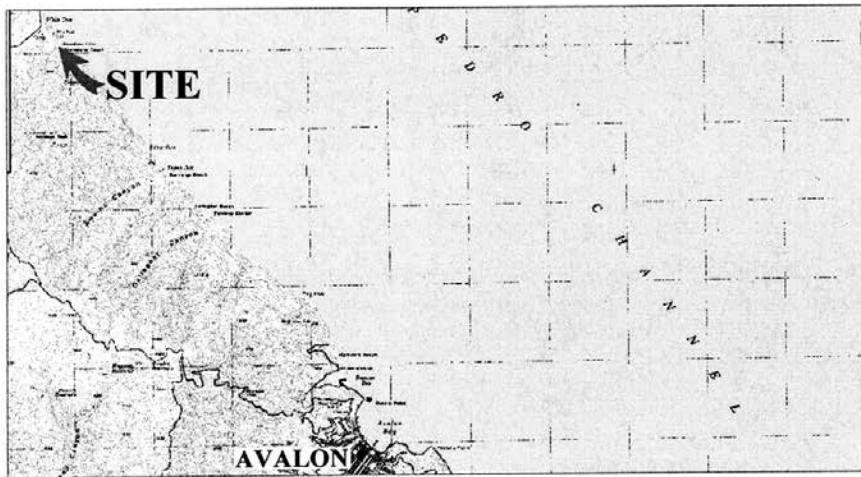
SITE



Moonstone Cove, Santa Catalina Island

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 6411.1
NEWPORT HARBOR YACHT CLUB
APN 7480-041-003
GENERAL LEASE -
RECREATIONAL USE
LOS ANGELES COUNTY

