

Staff Report 26

APPLICANT:

City of Avalon

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to Pebbly Beach Road, near the city of Avalon, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

Stabilization of up to 23 sea-cave voids with quarry rock and concrete.

TERM:

20 years, beginning August 25, 2021.

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission, in its sole discretion, finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Lessee will provide as-built plans and post-construction written narrative reports within 60 days of project completion.
- Contractor liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee will provide a 30-day courtesy notice to Lessor prior to commencing any discrete work activities within or adjacent to the lease area.
- Lessee will conduct shoreline inspections within the lease area following any major storm or king tide events and provide Lessor with annual reports on or before June 30 of each lease year documenting all findings, including any

observations of new sea-cave voids not previously identified or observable expansion of known sea-cave voids not already filled.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Applicant has applied for a General Lease – Public Agency Use, to stabilize a series of known sea-cave voids along a portion of Pebbly Beach Road (PBR) that extends approximately three-quarters of a mile from the city of Avalon's Cabrillo Mole passenger vessel landing at Avalon Harbor, around Abalone Point, to the City's industrial area to the south. The overall stabilization project proposes to fill 46 known sea-cave voids along PBR with either quarry rock or erodible concrete. Of the 46 identified sea-cave voids, 23 are located on the stretch of PBR shoreline that lies within or adjacent to a legislative grant to the City of Avalon (Chapter 303, Statutes of 1943, and as amended) where the Commission has no leasing jurisdiction. The remaining 23 sea-cave voids are located on the stretch of PBR shoreline south of the grant boundary where the Commission has direct leasing jurisdiction and are the subject of this action. Sea-cave void locations have been prioritized by the Applicant, with the most critical areas identified as the highest priority to be repaired first and the least critical areas as the lowest priority to be repaired if and when funding allows.

Construction of PBR began around 1910. By 1920, the road provided access between Pebbly Beach and the city of Avalon. The southern portion of Pebbly Beach is Santa Catalina Island's commercial/industrial zone, providing transport services and infrastructure that support the Island. Additionally, PBR serves as the main utility corridor between Pebbly Beach and Avalon, providing electrical, gas, communications, water, and sewer services to Avalon.

The existing sea caves have had rock dislodged or an aging wall fail, resulting in the faces of the voids now compromising the adjacent roadway embankment slope and a public coastal trail running along PBR. Existing voids range in size from 12 square feet to 584 square feet. The Applicant proposes stabilizing the voids by either breaking out the tops of the voids and backfilling with quarry rock available on the island, or alternatively filling the voids with erodible concrete. The smallest

voids will require one cubic yard of material, while the largest may require up to 600 cubic yards. All work will be conducted from the upland.

The City's engineering consultant has recommended a second phase component, consisting of a new rock revetment to protect the Pebbly Beach Road corridor. This second phase is subject to future funding and is not part of this lease application, but will be considered under a separate application at a future date.

Repair of the sea-cave voids will allow continued safe operation and use of the coastal public road, coastal trail, and infrastructure for island residents and visitors. The lease does not alienate the State's fee simple interest and does not grant the Applicant exclusive rights. Staff believes that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease. Staff believes this use of State land, by a public agency, for a public benefit is in the best interests of the State.

CLIMATE CHANGE:

Climate change impacts, including sea-level rise, increased wave activity, storm events, and flooding may impact structures subject to the proposed lease, which are located at Pebbly Beach in Avalon, Santa Catalina Island. The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the "high emissions," "medium-high risk aversion" scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Los Angeles tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea-Level Rise for Los Angeles

Year	Projection (feet)
2030	0.7
2040	1.2
2050	1.8
2100	6.7

Source: Table 28, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially

when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm created debris. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run up, potentially resulting in greater beach erosion than previously experienced.

This increase in sea level combined with more frequent and stronger storm events will likely expose the reconstructed sea caves to higher flood risks, comprised of greater total water levels for longer periods of time. Flooding conditions could cause additional erosion or dislodgment of materials, presenting hazards to public safety as well as dangers for navigation on the road above.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to the effects of climate change, including sea-level rise.

CONCLUSION:

For the reasons stated above, staff believes the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant will not be authorized to stabilize the existing sea-cave voids. Upon expiration or prior termination of a lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Change" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

3. 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 14, section 15301, examples (c) and (d).

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

APPROVAL REQUIRED:

California Coastal Commission

EXHIBITS:

- A. Land Description
- B. Site and 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 14, section 15301, examples (c) and (d).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with public needs and values at this location at this time or for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning August 25, 2021, for a term of 20 years, for the stabilization of up to 23 sea-cave voids with quarry rock and concrete on State-owned sovereign land described in Exhibit A and shown on Exhibit B (for reference purposes only)

attached and by this reference made a part hereof; consideration being the public health and safety, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests; and contractor liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

A 2848

LAND DESCRIPTION

A parcel of tide and submerged land situate in the Pacific Ocean, Santa Catalina Island, County of Los Angeles, State of California, lying adjacent to Pebbly Beach Road (24 feet wide easement for ingress and egress) as shown on that certain Parcel Map 10781, filed January 8, 1981 in Book 136 of Parcel Maps at page 3, Los Angeles County Records, and being more particularly described as follows:

Bounded on the southwest by a center line of said Pebbly Beach Road;

Bounded on the northeast by a line 55 feet northeasterly and parallel with said center line of said Pebbly Beach Road;

Bounded on the northwest by a southeasterly boundary line of the 1978 Grant to City of Avalon, Chapter 1884 Statutes of 1963;

Bounded on the southeast by a line and its southwesterly prolongation lying 150 feet northwesterly and parallel with the most northwesterly line of Parcel 1 as shown on said Parcel Map 10781.

EXCEPTING THEREFROM any portions lying landward of the Ordinary High Water Mark of the Pacific Ocean.

END OF DESCRIPTION

Prepared 07/28/2021 by the California State Lands Commission Boundary Unit.



