

Staff Report 18

APPLICANT:

California Department of Transportation

PROPOSED ACTIONS:

- Issuance of a Right-of-Way Easement pursuant to Section 6210.3 of the Public Resources Code
- Issuance of a Temporary Construction Easement pursuant to Section 6210.3 of the Public Resources Code
- Issuance of a Public Agency Permit and Right-of-Way Map, including two Temporary Construction Easements, pursuant to Section 101.5 of the Streets and Highways Code and Section 6210.3 of the Public Resources Code

AREA, LAND TYPE, AND LOCATION:

Two locations:

- Fee-owned land adjacent to 1700 Pacific Coast Highway, Huntington Beach, Orange County.
- Sovereign Land adjacent to Pacific Coast Highway and 1st Street, Seal Beach, Orange County.

AUTHORIZED USE:

Road improvements, including curb ramp reconstruction, upgrade of existing traffic signals, and temporary construction easements.

TERM:

- Right-of-Way Easement: Continuous use, plus 1 year, beginning October 21, 2021.
- Public Agency Permit: Continuous use, plus 1 year, beginning October 21, 2021.

- Temporary Construction Easements (both locations): expire October 21, 2023.

CONSIDERATION:

- Right-of-Way Easement and Temporary Construction Easements: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.
- Public Agency Permit: Reasonable value of the right-of-way to be deposited into the State Parks and Recreation Fund.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6210.3, 6216, 6301; Streets and Highways Code section 101.5.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Applicant is applying for the issuance of a Public Agency Permit and Right-of-Way Map pursuant to section 101.5 of the Streets and Highways Code and as authorized by section 6210.3 of the Public Resources Code, for road improvements to Pacific Coast Highway (PCH) in Seal Beach. The Applicant is also applying for the issuance of a Right-of-Way Easement and a temporary construction easement as authorized by section 6210.3 of the Public Resources Code adjacent to Pacific Coast Highway (PCH) in Huntington Beach for the same road improvement project. The two locations will include curb ramp reconstruction, upgrades to existing traffic signals, and temporary construction easements.

The proposed Public Agency Permit will include approximately 303 square feet of right-of-way for the authorized use and two temporary construction easements totaling 66 square feet, located at the corner of PCH and 1st Street in Seal Beach.

The proposed Right-of-Way Easement will include approximately 57 square feet for the authorized use and a 45-square-foot, temporary construction easement located at 1700 Pacific Coast Highway in Huntington Beach. The parcel is owned in fee by the Commission and used as a Commission field office. Because the parcel is not sovereign land, staff is recommending granting a Right-of-Way Easement and temporary construction easement to the Applicant.

The Permit, the Right-of-Way Easement, and the Temporary Construction Easements do not alienate the State's fee simple interest and do not grant the Applicant

exclusive rights to the rights-of-way. Furthermore, the improvements will enhance pedestrian and vehicle use of PCH, which is vital infrastructure that is necessary to facilitate the movement of goods, people, and services throughout the State. Staff believes this use of these lands, 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 are not limited to the open coast. The easement areas are located within the city of Huntington Beach and city of Seal Beach inland of the Pacific Ocean in developed areas adjacent to PCH. These parcels may be vulnerable to the impacts of sea-level rise. PCH is built near sea-level elevation; however, it is also adjacent to two wetlands, Bolsa Chica and the Seal Beach National Wildlife Refuge, which could act as natural buffers to storm surges and lessen flood risks.

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.

This increase in sea level combined with more frequent and stronger storm events could expose the easement areas to higher flood risks in the future, as the parcels are in close proximity to Huntington Beach and Seal Beach. However, the easement areas are located in inland areas where flooding is unlikely to occur. In addition, as noted above, PCH is vital infrastructure that would continue to be maintained by the Applicant.

CONCLUSION:

For all the reasons above, staff believes the issuance of the Public Agency Permit and Right-of-Way Map for the Seal Beach location and the Right-of-Way Easement for the Huntington Beach location, and related Temporary Construction Easements for both locations, will not substantially impair the public rights to access; or substantially interfere with the Public Trust needs and values at these locations, at this time, and for the foreseeable term of the proposed permit and easement 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.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Caltrans has filed maps showing the proposed rights-of-way and temporary construction easements for both locations with the Commission.
4. Section 101.5 of the Streets and Highways Code requires Caltrans to determine the reasonable value of the proposed rights-of-way for the Seal Beach location and to deposit that amount in the State Parks and Recreation Fund.
5. The 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, example (c).

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

EXHIBITS:

- A-1. Section 101.5 Site and Location Map
- B-1. Section 101.5 Right-of-Way Map
- A-2. Right-of-Way Easement Land Description
- B-2. Right-of-Way Easement Site and Location Map
- A-3. Temporary Construction Easement Land Description
- B-3. Temporary Construction Easement 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, example (c).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the approval of the proposed Public Agency Permit and Right-of-Way Map and the proposed Right-of-Way Easement and associated Temporary Construction Easements will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the permit; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize a Public Agency Permit and approve a Right-of-Way Map as submitted by the California Department of Transportation pursuant to section 101.5 of the Streets and Highways Code and as authorized by section 6210.3 of the Public Resources Code, effective October 21, 2021, for a right-of-way with a term of continuous use plus 1 year and 2 temporary construction easements valid until construction is completed but not later than October 21, 2023, as shown on Exhibits A-1 and B-1 attached and by this reference made a part hereof; consideration being the reasonable value of the right-of-way to be deposited into the State Parks and Recreation Fund.

2. Authorize issuance of a Right-of-Way Easement to the California Department of Transportation, effective October 21, 2021, for a right-of-way with a term of continuous use plus 1 year, as described in Exhibit A-2 and shown on Exhibit B-2 (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.
3. Authorize a temporary construction easement valid until construction is completed but not later than October 21, 2023, as described in Exhibit A-3 and shown on Exhibit B-3 (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SITE



LOCATION

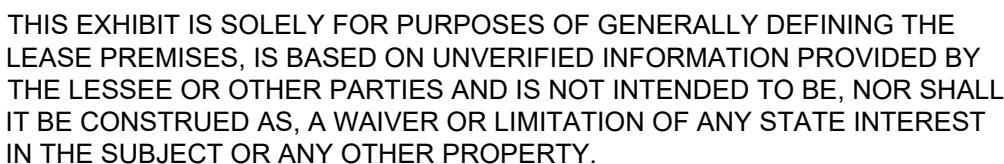


EXHIBIT A-1

CALIFORNIA DEPARTMENT OF
TRANSPORTATION
SECTION 101.5 STREETS &
HIGHWAYS CODE
ORANGE COUNTY



DJF 6/21/2021

EXHIBIT A-2

A3081

LAND DESCRIPTION

Parcel 104032-2 Highway Easement

That portion of Lot 1, in Block 117, Map of Huntington Beach, Seventeenth St. Section, in the City of Huntington Beach, County of Orange, State of California, as shown on a map filed in Book 4, Page 10 of Miscellaneous Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the Easterly corner of said Lot 1;

Thence along the Southeasterly line of said Lot 1, said line also being the Northwesterly line of Seventeenth Street, as shown on the Map of Huntington Beach, South $41^{\circ}38'22''$ West 152.82 feet to the **Point Beginning**;

Thence continuing along said Southeasterly line, South $41^{\circ}38'22''$ West 6.19 feet to the easterly corner of that certain easement for street purposes conveyed to the City of Huntington Beach, a municipal corporation, per deed recorded January 9, 1967 as Instrument No. 3932, in Book 8147, page 985 of Official Records of said County;

Thence leaving said Southeasterly line and along the northerly line of said easement, South $86^{\circ}37'56''$ West 5.66 feet to the Southwesterly line of said Lot 1 and the westerly corner of said easement, said Southwesterly line also being the Northeasterly line of Pacific Coast Highway, as shown on Sheet 26 of Record of Survey No. 2019-1005, recorded in Book 315, Pages 4-31 of Records of Surveys, Records of said County.


Thence leaving the northerly line of said easement and along the Southwesterly line of said Lot 1, North $48^{\circ}22'30''$ West 8.68 feet;

Thence leaving said Southwesterly line, South $87^{\circ}08'55''$ East 16.27 feet to the **Point of Beginning**.

Containing 57 square feet, more or less

All bearings and distances described herein are based on the California Coordinate System of 1983, Zone VI, North American Datum of 1983 (Epoch 1991.35). The distances shown herein are grid distances. Divide grid distances by a combined factor 0.99998271 to obtain ground distances.

This land description has been prepared by me or under my direction in conformance with the Professional Land Surveyor's Act.

Signature: _____

Date: July 8, 2021_____



EXHIBIT A-3

A3081

LAND DESCRIPTION

Parcel 104032-1 Temporary Construction Easement

That portion of Lot 1, in Block 117, Map of Huntington Beach, Seventeenth St. Section, in the City of Huntington Beach, County of Orange, State of California, as shown on a map filed in Book 4, Page 10 of Miscellaneous Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the Easterly corner of said Lot 1;

Thence along the Southeasterly line of said Lot 1, said line also being the Northwesterly line of Seventeenth Street, as shown on the Map of Huntington Beach, South $41^{\circ}38'22''$ West 152.82 feet to the **Point of Beginning**;

Thence leaving the Southeasterly line of said Lot 1, North $87^{\circ}08'55''$ West 16.27 feet to the Southwesterly line of said Lot 1, said Southwesterly line also being the Northeasterly line of Pacific Coast Highway, as shown on Sheet 26 of Record of Survey No. 2019-1005, recorded in Book 315, Pages 4-31 of Records of Surveys, Records of said County.

Thence along the Northeasterly line of Pacific Coast Highway and the Southwesterly line of said Lot 1, North $48^{\circ}22'30''$ West 6.37 feet;

Thence leaving said Northeasterly line of Pacific Coast Highway and Southwesterly line of said Lot 1, North $41^{\circ}37'30''$ East 2.00 feet;

Thence South $48^{\circ}22'30''$ East 5.66 feet;

Thence South $87^{\circ}08'55''$ East 17.17 feet to Southeasterly line of said Lot 1;

Thence along said Southeasterly line, South $41^{\circ}38'22''$ West 2.57 feet to the **Point of Beginning**.

Containing 45 square feet, more or less

All bearings and distances described herein are based on the California Coordinate System of 1983, Zone VI, North American Datum of 1983 (Epoch 1991.35). The distances shown herein are grid distances. Divide grid distances by a combined factor 0.999972 to obtain ground distances.

This land description has been prepared by me or under my direction in conformance with the Professional Land Surveyor's Act.

Signature: _____

Date: September 29, 2021



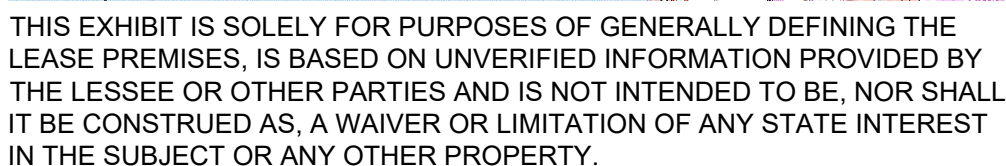
EXHIBIT B-1

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SITE



LOCATION

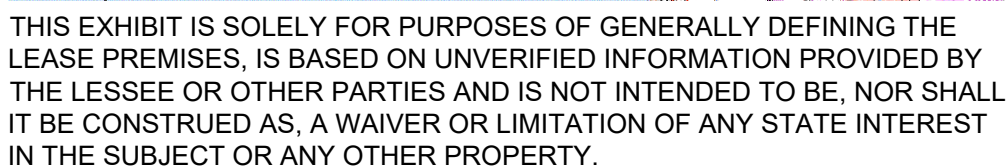


DJF 6/21/2021

SITE



LOCATION



DJF 6/21/2021