

Staff Report 68

APPLICANT:

Campus by the Sea, Inc.

PROPOSED ACTION:

Issuance of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean at Gallagher Beach, Santa Catalina Island, Los Angeles.

AUTHORIZED USE:

Use and maintenance of an existing pier, access ramp, floating dock, swim area, and seven moorings.

TERM:

10 years, beginning January 1, 2023.

CONSIDERATION:

\$12,162 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$3,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

On February 22, 2013, the Commission authorized a General Lease – Recreational Use to InterVarsity Christian Fellowship for a pier, access ramp, floating dock, swim area, and seven moorings ([Item C71, February 22, 2013](#)). That lease expired on December 31, 2022. The Applicant is applying for a General Lease – Recreational Use for the use and maintenance of the facilities.

The Applicant is a subsidiary of InterVarsity Christian Fellowship. The upland at this location is owned by the Santa Catalina Island Conservancy (Conservancy), and the Applicant maintains a lease with the Conservancy for the upland camp facility. The upland camp facility is used by the Applicant for recreational purposes. The pier, access ramp, and floating dock are authorized for year-round use. However, the access ramp and floating dock are only used for nine months out of the year and are removed between November and February. The swim area is used for seven months from April 15 to November 15. Four of the moorings are used for 12 months, one mooring for 9 months, and two moorings for 3 months from June 1 to August 31.

The improvements are privately owned and maintained and facilitate recreational boating. Recreational boating is a water-dependent use that is general consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land. (Pub. Resources Code, § 6503.5).

The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee’s activities thereon. The lease also requires the payment of annual rent to compensation the people of the State for the occupation of the public land involved.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, increased wave activity, storm events, and flooding may impact the existing pier subject to the proposed lease, located on 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, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

This increase in sea level combined with more frequent and stronger storm events will likely expose the lease area to higher flood risks, comprised of greater total water levels for longer periods of time. The lease area contains a floating dock, floating swim platform, and access ramp that will rise and fall with tides and waves, increasing their resiliency to some sea level rise impacts. However, the pier is a fixed structure that may need additional reinforcement to withstand higher levels of flood exposure and more frequent storm events.

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 all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; 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 may be required to remove the improvements and restore the premises to their original condition. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" 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 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.

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 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigations 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; 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 – Recreational Use to the Applicant beginning January 1, 2023, for a term of 10 years, for the use and maintenance of a fixed pier, access ramp, floating dock, swim area, and seven moorings, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$12,162, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$3,000,000 per occurrence.

EXHIBIT A

LEASE 6456

LAND DESCRIPTION

Parcel 1 – Pier and Floating Dock Area

A parcel of tide and submerged land in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, Los Angeles County, State of California, lying adjacent to Gallagher Beach and being more particularly described as follows:

BEGINNING at a point on the easterly shore of Santa Catalina Island having California Coordinates System 1927, Zone 6, coordinates of X = 1,359,556.50 feet and Y = 444,371.00 feet from which NGS monument "Channel 1933" bears North 53° 41' 10" West 48,314.64 feet, said monument having California Coordinates System 1927, Zone 6, coordinates of X = 1,320,625.26 feet and Y = 472,983.28 feet; thence South 61° 17' 52" East 30.00 feet; thence North 28° 42' 08" East 151.03 feet; thence South 61° 17' 52" East 4.00 feet; thence North 28° 42' 08" East 197.64 feet; thence North 61° 17' 52" West 38.00 feet; thence South 28° 42' 08" West 197.64 feet; thence South 61° 17' 52" East 4.00 feet; thence South 28° 42' 08" West 151.03 feet, more or less to the point of beginning.

EXCEPTING THEREFROM any portion of said land lying landward of the ordinary high water mark of said ocean.

Parcel 2 – Swim Area

A parcel of tide and submerged land in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, Los Angeles County, State of California, lying adjacent to Gallagher Beach and being more particularly described as follows:

BEGINNING at a point on the easterly shore of Santa Catalina Island having California Coordinates System 1927, Zone 6, coordinates of X = 1,359,651.33 feet and Y = 444,324.37 feet from which NGS monument "Channel 1933" bears North 53° 42' 29" West 48,418.66 feet, said monument having California Coordinates System 1927, Zone 6, coordinates of X = 1,320,625.26 feet and Y = 472,983.28 feet; thence North 31° 17' 35" East 304.15 feet; thence South 58° 42' 25" East 227.79 feet; thence South 31° 17' 35" West 246 feet more or less to a point on said shore; thence westerly 237 feet more or less along said shore to the point of beginning.

EXCEPTING THEREFROM any portion of said land lying landward of the ordinary high water mark of said ocean

Parcel 3 – Boat Mooring Area

A parcel of submerged land in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, Los Angeles County, State of California, lying adjacent to Gallagher Beach and being more particularly described as follows:

BEGINNING at a point adjacent to the easterly shore of Santa Catalina Island having California Coordinates System 1927, Zone 6, coordinates of X = 1,359,468.70 feet and Y = 444,776.18 feet from which NGS monument "Channel 1933" bears North 54° 00' 50" West 48,004.72 feet, said monument having California Coordinates System 1927, Zone 6, coordinates of X = 1,320,625.26 feet and Y = 472,983.28 feet; thence North 30° 43' 07" East 182.61 feet; thence South 38° 22' 13" East 267.70 feet; thence South 48° 13' 44" West 120.28 feet; thence North 51° 55' 01" East 215.66 feet to the point of beginning.

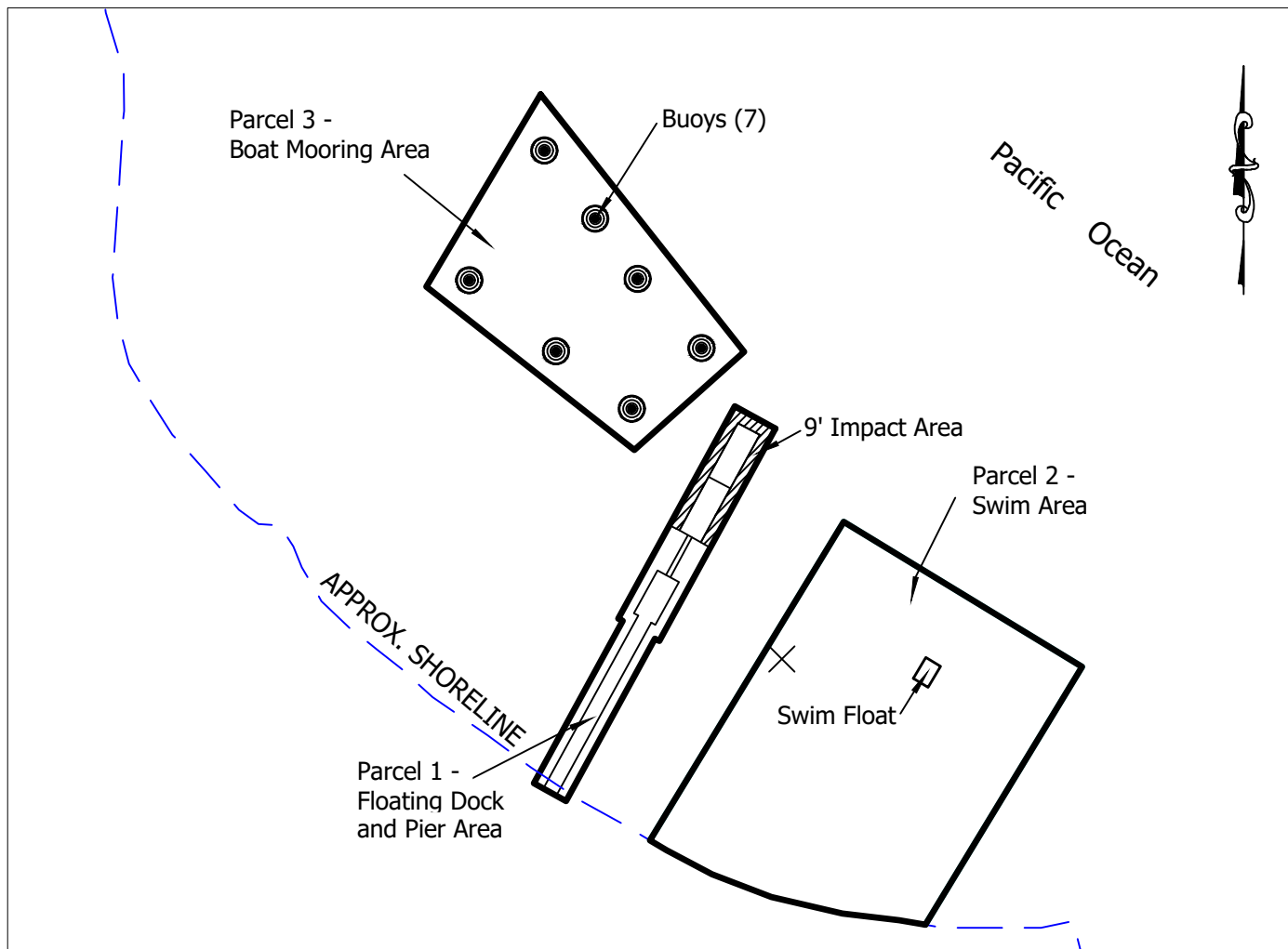
END OF DESCRIPTION

Prepared 11/17/2022 by the Boundary Unit of the California State Lands Commission.



NO SCALE

SITE



APN 7480-042-004

GALLAGHER BEACH, SANTA CATALINA ISLAND

NO SCALE

LOCATION



Exhibit B

LEASE 6456
 CAMPUS BY THE SEA, INC.
 GENERAL LEASE -
 RECREATION USE
 LOS ANGELES COUNTY



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. MAP SOURCE: USGS QUAD