

Staff Report 63

APPLICANT:

California Department of Transportation

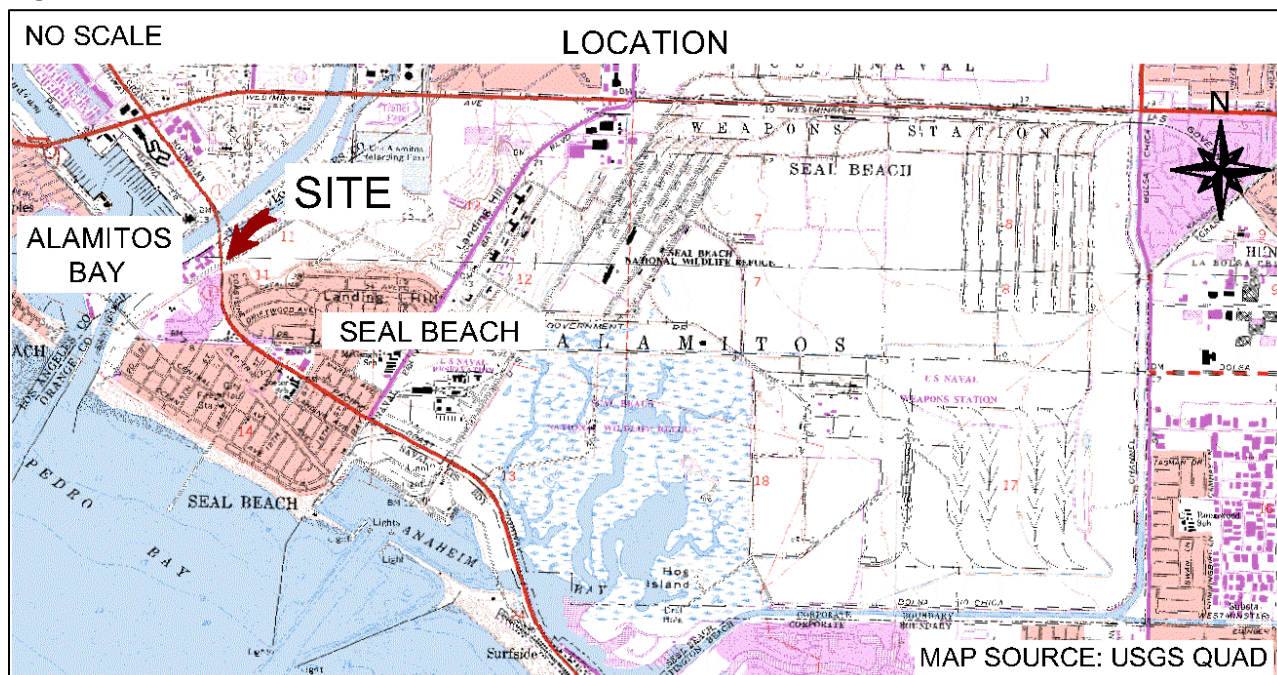
PROPOSED ACTIONS:

- Recission of a Public Agency Permit and Right-of-Way Map.
- Issuance of a Public Agency Permit and approval of a Right-of-Way Map, including two Temporary Construction Easements. (Figure 1.1)
- Issuance of a Temporary Construction Easement. (Figure 1.2)

AREA, LAND TYPE, AND LOCATION:

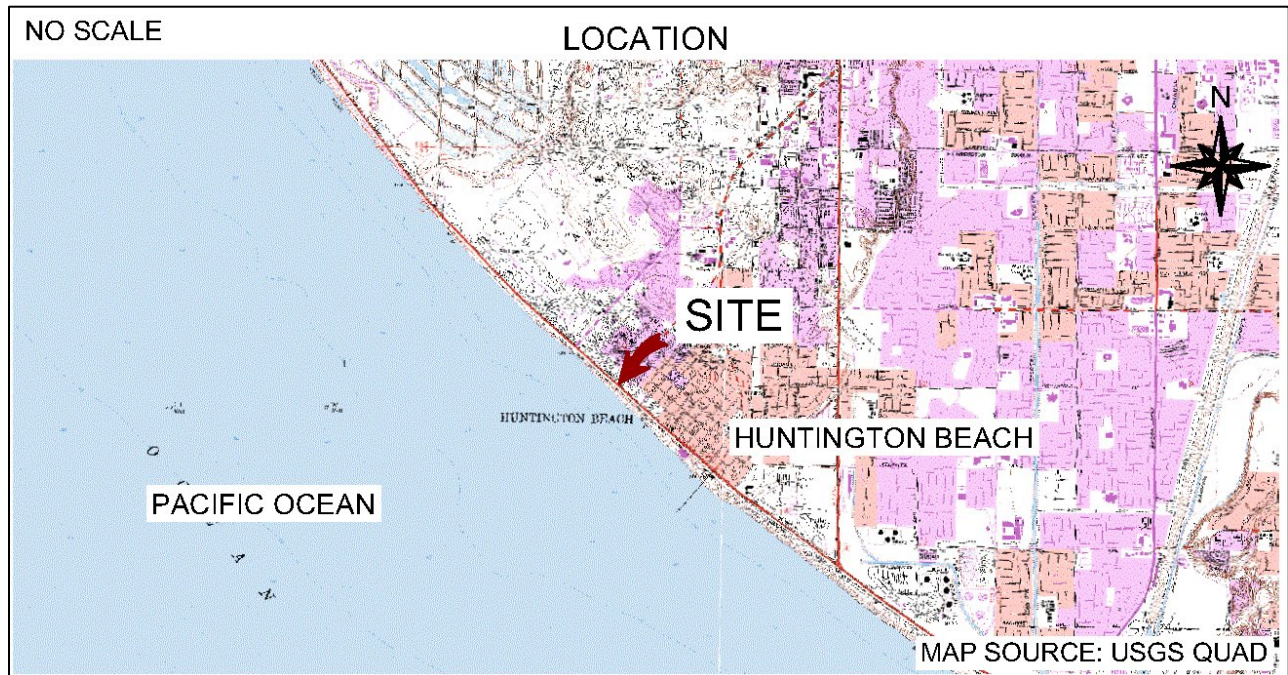
Lease 9674: Sovereign land located in Seal Beach, adjacent to Pacific Coast Highway and 1st Street, Orange County (as shown in Figure 1.1 below).

Figure 1.1. Location (Seal Beach)



Lease 9675: Fee-owned land adjacent to 1700 Pacific Coast Highway, Huntington Beach, Orange County (as shown in Figure 1.2 below).

Figure 1.2. Location (Huntington Beach)



AUTHORIZED USE:

All construction and activities required for a road improvement project, including curb ramp reconstruction and upgrade of existing traffic signals; and use of temporary construction easements.

TERM:

- Public Agency Permit: Continuous use, plus 1 year, beginning February 26, 2024.
- Temporary Construction Easements (both locations): beginning February 26, 2024, until construction is completed, but no later than October 3, 2025.

CONSIDERATION:

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

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:

On October 21, 2021, the Commission authorized a Public Agency Permit and approval of a 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 a right-of-way and two temporary construction easements in Seal Beach, to the California Department of Transportation (Caltrans) ([Item 18, October 21, 2021](#)).

As part of the same item, the Commission authorized a third temporary construction easement (TCE) to Caltrans in Huntington Beach ([Item 18, October 21, 2021](#)). All three TCEs expired on October 21, 2023.

The right-of-way and three TCEs were all authorized in order to facilitate a Caltrans road improvement project on Pacific Coast Highway (PCH). The TCEs were given an expiration date of October 21, 2023 based on the anticipated project completion date provided by Caltrans. However, due to unforeseen delays, Caltrans was unable to commence the proposed project until after the TCEs had expired. Additionally, in the intervening time, Caltrans revised the Right-of-Way map such that the associated TCEs are now labeled with different identifying numbers on the map.

Now, the Applicant is applying for a new Public Agency Permit and Right-of-Way map, and for two TCEs on sovereign land located at the corner of PCH and 1st Street in Seal Beach, Orange County, for the purposes of implementing the road improvement project on PCH. The Applicant is also applying for a TCE on land owned in fee by the Commission, adjacent to the Commission field office located at 1700 Pacific Coast Highway, Huntington Beach, Orange County, to be utilized for the same project.

Because the previously authorized TCEs had an expiration date of October 21, 2023, staff issued a Letter of Non-Objection (LON) to Caltrans on October 16, 2023 to postpone the expiry of these TCEs until April 24, 2024. As Caltrans did not begin construction activities in the subject locations for this project until after the original expiration date of October 21, 2023, the LON extension ensured that Caltrans was

able to utilize the TCEs and expedite the project's completion, thereby hastening the public benefit to be attained from the proposed improvements to PCH. The actions proposed herein will ensure that Caltrans remains authorized to use these TCEs for the full duration of the road improvement project so that the proposed improvements, and the public benefit thereof, can be fully realized. The documents proposed for authorization provide that the LON will terminate once the new agreements have been executed by all parties.

The road improvement project in the subject locations includes curb ramp reconstruction and the upgrading of existing traffic signals. The curb ramp reconstruction will improve safety and accessibility for pedestrians, and the traffic signal upgrades will address problems arising from insufficient street lighting in the subject locations and deterioration of the existing traffic signals. Overall, these improvements will lead to improved safety conditions on PCH in the subject locations, and will promote the movement of goods, people, and services along this vital infrastructure.

The proposed Public Agency Permit will grant the Applicant a Right-of-Way of approximately 303 square feet as well as two TCEs encompassing a total area of approximately 66 square feet, all located in Seal Beach at the corner of Pacific Coast Highway and 1st Street. Additionally, the proposed TCE located in Huntington Beach, at 1700 Pacific Coast Highway, will grant the Applicant a TCE of approximately 45 square feet. Construction for the road improvement project will be implemented within the Right-of-Way granted by the proposed Public Agency Permit; however, there will be no construction implemented within any of the proposed TCEs. Instead, the TCEs shall serve as staging areas to support the construction activities necessary for the road improvement project.

To facilitate the Applicant's road improvement project and to replace the existing Right-of-Way map with the updated Right-of-Way map, staff recommends rescission of the previously authorized Public Agency Permit and Right-of-Way map, and issuance, to the Applicant, of a new Public Agency Permit and Right-of-Way map, and two TCEs on sovereign land located at the corner of Pacific Coast Highway and 1st Street in Seal Beach, Orange County, pursuant to Section 101.5 of the Streets and Highway Code and as authorized by Section 6210.3 of the Public Resources Code; and issuance of a TCE to the Applicant, on fee-owned land located at 1700 Pacific Coast Highway, Huntington Beach, Orange County, as authorized by Section 6210.3 of the Public Resources Code.

The proposed Public Agency Permit and Right-of-Way, and TCEs do not alienate the State's fee simple interest, do not grant the Applicant exclusive rights to the Right-of-Way or TCEs, and will have no significant impact on Public Trust-consistent uses or resources in the area. Furthermore, the proposed Public Agency Permit and Right-of-Way, and TCEs will enable a road improvement project that enhances pedestrian and vehicular travel on PCH, a vital thoroughfare facilitating the movement of goods, people, and services throughout the region, including statewide visitors to the shoreline near both locations. Therefore, staff believes the proposed use of these lands by the Applicant will provide a significant public benefit and 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 the 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,” “low 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	0.5
2040	0.7
2050	1.0
2100	3.2

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 the [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 climate-change-related flooding is unlikely to occur during the term of the temporary construction activities. In addition, as noted above, PCH is vital infrastructure that would continue to be maintained by the Applicant.

Pursuant to the proposed permit, the Applicant acknowledges that the lease premises 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 that the issuance of a Public Agency Permit and acceptance of a Right-of-Way map and issuance of two TCEs for the Seal Beach location, and issuance of a TCE for the Huntington Beach location, will not substantially interfere with Public Trust needs at these locations, at this time, and for the term of the proposed permit or TCEs; 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 be unable to utilize the proposed Right-of-Way or TCEs.
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. Caltrans has filed maps with the Commission that depict the proposed Right-of-Way and the TCEs for both locations.
4. Section 101.5 of the Streets and Highways Code requires Caltrans to determine the reasonable value of the proposed Right-of-Way for the Seal Beach location and to deposit that amount into the State Parks and Recreation Fund.
5. 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), and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304, example (h).

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

EXHIBITS:

- A. Site Map of the Seal Beach location (Lease 9674)
- B. Site Map of the Huntington Beach location (Lease 9675)

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, and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed Public Agency Permit and Right-of-Way map, and TCEs will not substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the Permit and TCEs; and is in the best interests of the State.

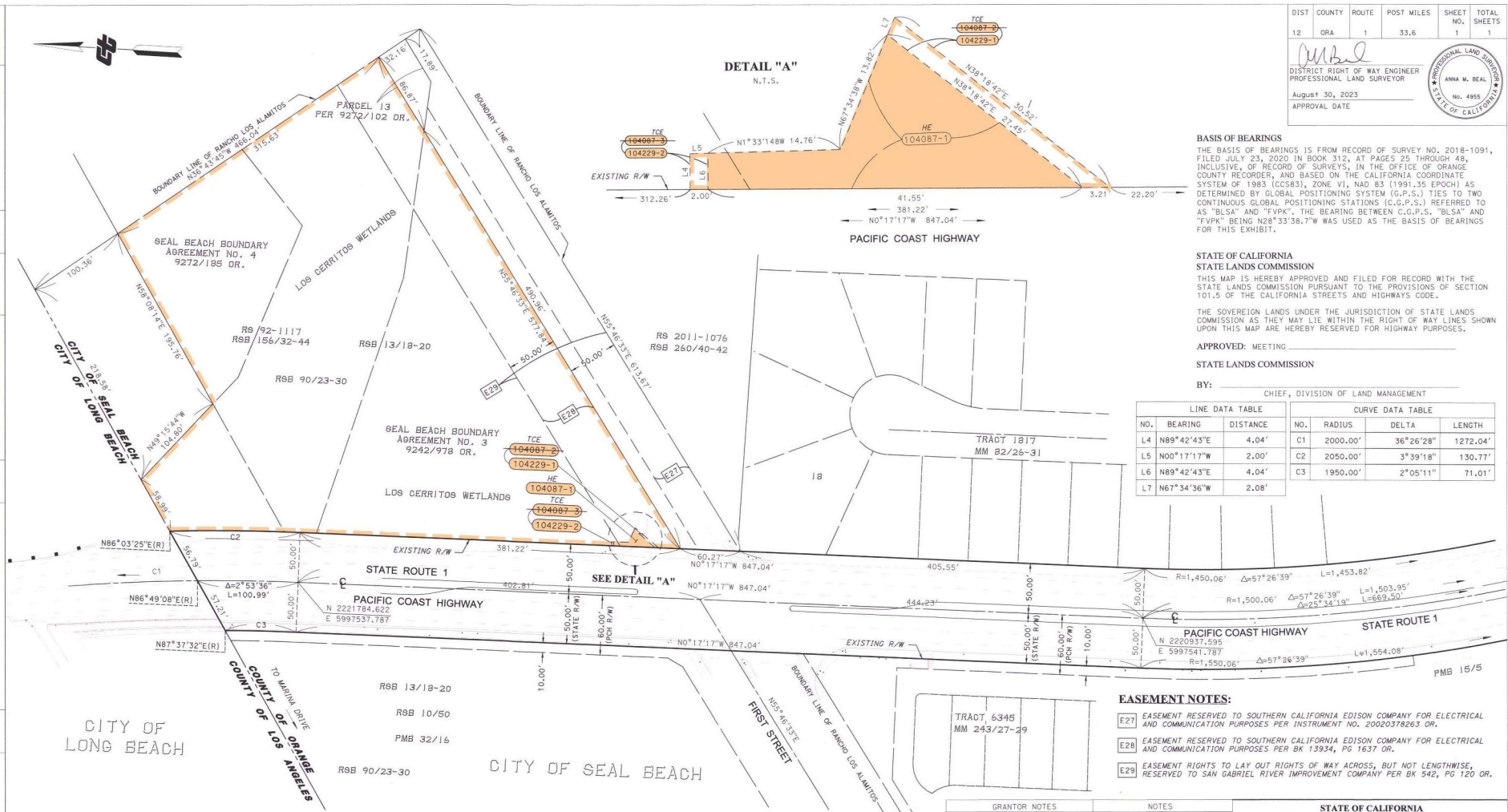
AUTHORIZATION:

1. Authorize rescission of Lease 9674, a Public Agency Permit and Right-of-Way Map authorized to the California Department of Transportation on October 21, 2021.
2. Authorize Issuance of a Public Agency Permit to the Applicant and approve a Right-of-Way Map as submitted by the California Department of Transportation, pursuant to Section 101.5 of the Streets and Highway Code and as authorized by Section 6210.3 of the Public Resources Code, effective February 26, 2024, for a Right-of-Way with a term of continuous use plus one year, and two temporary construction easements valid until construction is completed but no later than October 3, 2025; consideration being the reasonable value of the right-of-way to be deposited into the State Parks and Recreation Fund.
3. Authorize a temporary construction easement to the Applicant, as authorized by Section 6210.3 of the Public Resources Code, effective February 26, 2024, valid until construction is completed but no later than October 3, 2025; consideration being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interest.

REVISIONS	DATE	BY	REVISIONS	DATE	BY
ADDED PARCELS 104229-1, 104229-2	08/29/23	YS			

DIST	COUNTY	ROUTE	POST MILES	SHEET NO.	TOTAL SHEETS
12	ORA	1	33.6	1	1

DISTRICT RIGHT OF WAY ENGINEER
 PROFESSIONAL LAND SURVEYOR
 August 30, 2023
 APPROVAL DATE



BASIS OF BEARINGS
 THE BASIS OF BEARINGS IS FROM RECORD OF SURVEY NO. 2018-1091, FILED JULY 23, 2022 IN BOOK 312, AT PAGES 25 THROUGH 48, INCLUSIVE, OF RECORD OF SURVEYS, IN THE OFFICE OF ORANGE COUNTY RECORDER, AND BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), ZONE VI, NAD 83 (1991.35 EPOCH) AS DETERMINED BY GLOBAL POSITIONING SYSTEM (G.P.S.) TIES TO TWO CONTINUOUS GLOBAL POSITIONING STATIONS (C.G.P.S.) REFERRED TO AS "BLSA" AND "FVPM", THE BEARING BETWEEN C.G.P.S., "BLSA" AND "FVPM" BEING N28°53'38.7"W WAS USED AS THE BASIS OF BEARINGS FOR THIS EXHIBIT.

STATE OF CALIFORNIA STATE LANDS COMMISSION
 THIS MAP IS HEREBY APPROVED AND FILED FOR RECORD WITH THE STATE LANDS COMMISSION PURSUANT TO THE PROVISIONS OF SECTION 101.5 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE.
 THE SOVEREIGN LANDS UNDER THE JURISDICTION OF STATE LANDS COMMISSION AS THEY MAY LIE WITHIN THE RIGHT OF WAY LINES SHOWN UPON THIS MAP ARE HEREBY RESERVED FOR HIGHWAY PURPOSES.

APPROVED: MEETING _____
 STATE LANDS COMMISSION
 BY: _____
 CHIEF, DIVISION OF LAND MANAGEMENT

LINE DATA TABLE		CURVE DATA TABLE				
NO.	BEARING	DISTANCE	NO.	RADIUS	DELTA	LENGTH
L4	N89°42'43"E	4.04'	C1	2000.00'	36°26'28"	1272.04'
L5	N00°17'17"W	2.00'	C2	2050.00'	3°39'18"	130.77'
L6	N89°42'43"E	4.04'	C3	1950.00'	2°05'11"	71.01'
L7	N67°34'36"W	2.08'				

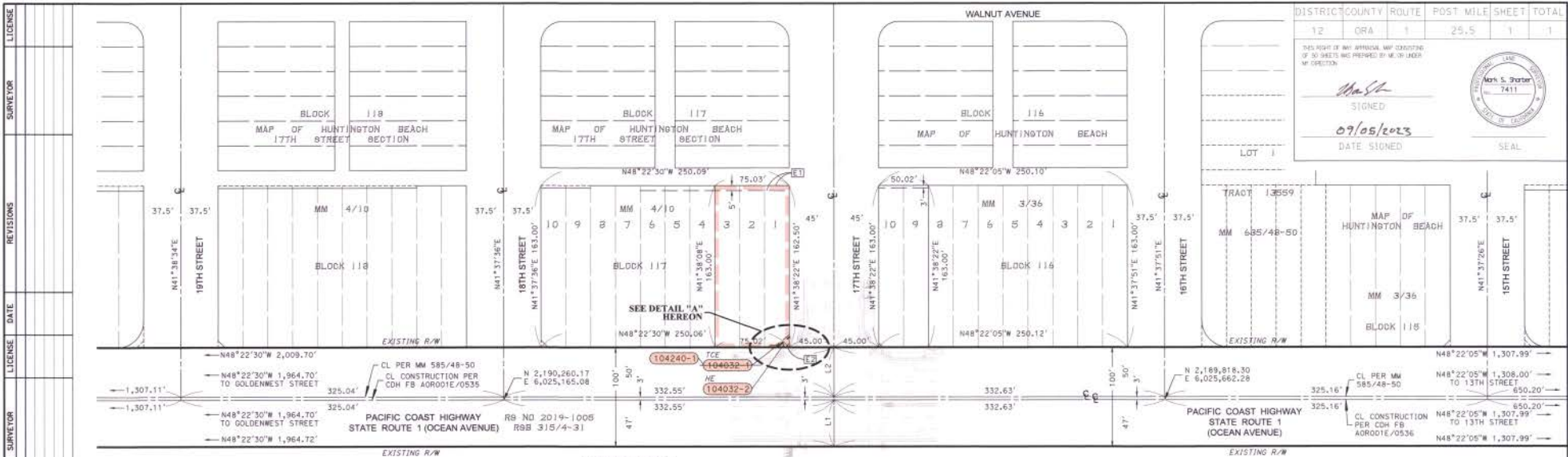
- EASEMENT NOTES:**
- [E27] EASEMENT RESERVED TO SOUTHERN CALIFORNIA EDISON COMPANY FOR ELECTRICAL AND COMMUNICATION PURPOSES PER INSTRUMENT NO. 20020378263 OR.
 - [E28] EASEMENT RESERVED TO SOUTHERN CALIFORNIA EDISON COMPANY FOR ELECTRICAL AND COMMUNICATION PURPOSES PER BK 13934, PG 1637 OR.
 - [E29] EASEMENT RIGHTS TO LAY OUT RIGHTS OF WAY ACROSS, BUT NOT LENGTHWISE, RESERVED TO SAN GABRIEL RIVER IMPROVEMENT COMPANY PER BK 542, PG 120 OR.

GRANTOR NOTES	NOTES
Areas shown do not include underlying fee, unless indicated. A=Access U=Underlying Fee (UF) Area I=Indicates Indeterminate UF T=TITLE CODES: A=Access Rights Only F=Fee E=Easement (Eas) TCE=Temp Construction Eas T=Other Temp Eas (See Remarks) D=Other (See Remarks)	Coordinates and bearings are on CCS 1983 (1983.35) Zone 6. Distances and stationing are grid distances. Divide by 0.999999 to obtain ground distances. All distances are in feet unless otherwise noted.
LEGEND	
[---] Access Prohibited [---] Access Superseaded [---] Existing R/W Superseaded [---] Access Opening (Perennial) [R] Indicates Radial Bearing [---] Indicates Found Monument as noted [o] Indicates calculated point. (Does not imply monument set) [---] Title to State [---] Required For Others	

STATE OF CALIFORNIA CALIFORNIA STATE TRANSPORTATION AGENCY DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY APPRAISAL MAP E120145-02
 FOR PREVIOUS R/W INFORMATION SEE MAP(S)
 FULL SIZE MAP SCALE: 1" = 50'
 FEET 0 25 50 100 150
 TO DESIGN 1/16/20 EA(s):DP590/DP680 F&B:
 DRAFTED BY:LL CHECKED BY:YS
 DISTRICT COUNTY ROUTE SHEET PM SHEET NO. TOTAL SHEETS
 12 ORA 1 33.6 1 1

PARCEL#	TITLE CODE	GRANTOR/GRANTEE	AREAS (square feet or as noted)				REMARKS	RECORDATION		
			TOTAL	REQUIRED	[UF] EXCESS	[UF]		TYPE	DATE	DOC.#
104087-1	O	STATE OF CALIFORNIA	159301	303		158998	(OP680) PERMANENT STATE HIGHWAY EASEMENT DUE TO THIS AREA BEING WITHIN SOVEREIGN LAND, A HIGHWAY EASEMENT WAS NOT GRANTED. INSTEAD, A (101.5) PERMIT FOR LEASE 0674 WAS ISSUED BY THE STATE LANDS COMMISSION.	HE		
104087-2	TCE	STATE OF CALIFORNIA	159301	50			(OP680) EXP. 10/21/2023	ED		
104087-3	TCE	STATE OF CALIFORNIA	159301	8			(OP680) EXP. 10/21/2023	ED		
104229-1	TCE	STATE OF CALIFORNIA	159301	58			(OP680) EXP. 10/03/2025 (SAME CONFIGURATION AS 104087-2)	ED		
104229-2	TCE	STATE OF CALIFORNIA	159301	8			(OP680) EXP. 10/03/2025 (SAME CONFIGURATION AS 104087-3)	ED		

EXHIBIT A

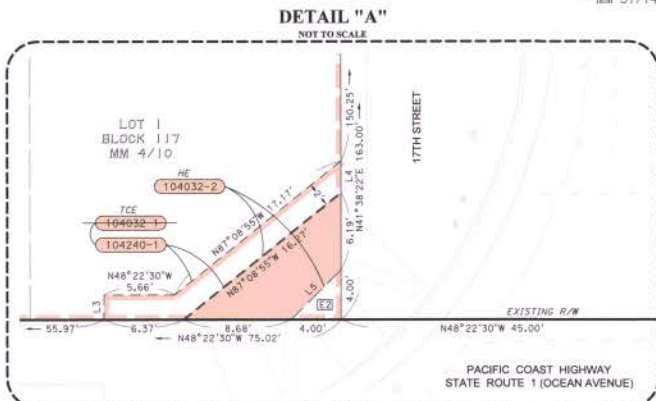


DISTRICT	COUNTY	ROUTE	POST MILE	SHEET	TOTAL
12	ORA	1	25.5	1	1

THIS RIGHT OF WAY APPROVAL MAP CONSTITUTES 30 SHEETS AND PREPARED BY ME (30 SHEETS) MAP DESIGNER

Mark S. Prater
SIGNED
09/05/2023
DATE SIGNED

SEAL
Mark S. Prater
7411
STATE OF CALIFORNIA



EASEMENT NOTES:

PARCEL 104032

[E] STANDARD OIL COMPANY PIPELINE EASEMENT PER BOOK 1092, PAGE 385 OR

[E] EASEMENT FOR STREET PURPOSES IN FAVOR OF CITY OF HUNTINGTON BEACH PER BOOK 8147, PAGE 985 OR (AREA: 8 SF)

NO.	BEARING	DISTANCE
L1	N41°37'30"E	47.00'
L2	N41°37'30"E	50.00'
L3	N41°37'30"E	2.00'
L4	N41°38'22"E	2.57'
L5	N86°37'56"E	5.66'



BASIS OF BEARINGS

THE BASIS OF BEARINGS IS FROM RECORD OF SURVEY NO. 2019-1005, FILED SEPTEMBER 29, 2020 IN BOOK 315, AT PAGES 4 THROUGH 31, INCLUSIVE, OF RECORD OF SURVEYS, IN THE OFFICE OF ORANGE COUNTY RECORDER, AND BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), ZONE VI, NAD 83 (1981.35 EPOCH) AND AS DETERMINED BY GLOBAL POSITIONING SYSTEM (G.P.S.) TIE BETWEEN ORANGE COUNTY SURVEYOR G.P.S. MONUMENTS OR EQUIVALENT STATIONS 5035R2 AND 5021R1. THE BEARING BETWEEN G.P.S. STATIONS 5035R2 AND 5021R1 BEING N48°22'30"W WAS USED AS THE BASIS OF BEARINGS FOR THIS EXHIBIT.

STATE OF CALIFORNIA

STATE LANDS COMMISSION

THIS MAP IS HEREBY APPROVED AND FILED FOR RECORD WITH THE STATE LANDS COMMISSION PURSUANT TO THE PROVISIONS OF SECTION 101.5 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, THE SOVEREIGN LANDS UNDER THE JURISDICTION OF STATE LANDS COMMISSION AS THEY MAY LIE WITHIN THE RIGHT OF WAY LINES SHOWN UPON THIS MAP ARE HEREBY RESERVED FOR HIGHWAY PURPOSES.

APPROVED: MEETING _____

STATE LANDS COMMISSION

BY: _____ CHIEF, DIVISION OF LAND MANAGEMENT

PARCEL #	TITLE CODE #	GRANTOR/GRANTEE	AREAS (square feet or as noted)			REMARKS	RECORDATION		
			TOTAL	REQUIRED (UF)	EXCESS (UF)		REMAINDER (UF)	TYPE	DATE
104032-1	TCE	STATE OF CALIFORNIA	12229	45		TCE EXPIRES ON 10/03/2025	ED		
104032-2	E	STATE OF CALIFORNIA	12229	57	12172	PERMANENT STATE HIGHWAY EASEMENT	HE		
104240-1	TCE	STATE OF CALIFORNIA	12229	45		TCE EXPIRES ON 10/03/2025 (SAME CONFID AS 104032-1)	ED		

<p>GRANTOR NOTES</p> <p>Areas shown do not include underlying fee, unless indicated.</p> <p>Access</p> <p>Indicates underlying Fee (UF) Area</p> <p>Indicates Indeterminate UF</p> <p>TITLE CODES:</p> <p>A-Access Rights Only</p> <p>E-Easement (Ease)</p> <p>TCE-Temp Construction Easement</p> <p>Other Temp Easement (see Remarks)</p> <p>Other (see Remarks)</p> <p>TYPE:</p> <p>ED-Edict deed</p> <p>ED-Easement deed</p> <p>ED-Quitclaim</p> <p>DE-Declaratory deed</p> <p>DE-Declaratory's easement deed</p> <p>DE-Declaratory's quitclaim deed</p> <p>FD-Final Order of Condensation</p> <p>HE-Highway easement deed</p> <p>REL-Relinquishment</p> <p>W-Quitclaim</p> <p>JU-Joint use agreement</p> <p>CCU-Consent to common use agreement</p> <p>Document or instrument number</p>	<p>NOTES</p> <p>Coordinates and bearings are on CCS 83 Zone 6. Distances and bearings are given distances, divide by 0.99972 to obtain ground distances.</p> <p>All distances are in feet unless otherwise noted.</p> <p>LEGEND</p> <p>----- Access Prohibited</p> <p>----- Access Superseped</p> <p>----- Existing R/W Superseped</p> <p>----- Access Opening (Private)</p> <p>(E) Indicates Road/Bearing</p> <p>(R) Indicates Found Monument</p> <p>o as noted</p> <p>o Indicate calculated points. Does not imply monument set!</p> <p>Title No State Required for Others</p>	<p>STATE OF CALIFORNIA</p> <p>CALIFORNIA STATE TRANSPORTATION AGENCY</p> <p>DEPARTMENT OF TRANSPORTATION</p> <p>RIGHT OF WAY</p> <p>EXHIBIT B</p> <p>PARCELS 104240-1 AND -2</p> <p>COPYRIGHT 2019 CALIFORNIA DEPARTMENT OF TRANSPORTATION. ALL RIGHTS RESERVED.</p> <p>FOR PREVIOUS R/W INFORMATION SEE MAP(S)</p> <p>NO SCALE</p> <p>TO DESIGN: 09/05/23 EA(s): JOP690 FAW: DRAFTED BY: YS CHECKED BY: LL</p> <table border="1"> <tr> <th>DISTRICT</th> <th>COUNTY</th> <th>ROUTE</th> <th>SHEET #</th> <th>TOTAL SHEETS</th> </tr> <tr> <td>12</td> <td>ORA</td> <td>1</td> <td>25.5</td> <td>1</td> </tr> </table>	DISTRICT	COUNTY	ROUTE	SHEET #	TOTAL SHEETS	12	ORA	1	25.5	1
DISTRICT	COUNTY	ROUTE	SHEET #	TOTAL SHEETS								
12	ORA	1	25.5	1								

EXHIBIT B