

**STAFF REPORT
C67**

A 70
S 26

02/27/18
PRC 6441.1
L. Pino

**ASSIGNMENT OF LEASE AND REVISION OF RENT
GENERAL LEASE – RECREATIONAL USE**

LESSEE/ASSIGNOR:

San Gabriel Valley Boy Scouts of America

ASSIGNEE:

Greater Los Angeles Area Council, Boy Scouts of America

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Use and maintenance of a pier, access ramp, floating docks, and swim area.

LEASE TERM:

10 years, beginning January 1, 2013.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$16,313 per year to \$18,432 per year, effective January 1, 2018.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance coverage in the amount of no less than \$3,000,000.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

STAFF REPORT NO. C67 (CONT'D)

Public Trust and State's Best Interests Analysis:

On February 22, 2013, the Commission authorized Lease No. PRC 6441.1, a General Lease – Recreational Use to San Gabriel Valley Boy Scouts of America ([Item C69, February 22, 2013](#)). This lease will expire on December 31, 2022. The San Gabriel Valley Boy Scouts of America merged with the Los Angeles Area Boy Scouts of America in July 2015, and are now collectively the Greater Los Angeles Area Council Boy Scouts of America. The Applicant is applying for an assignment of lease to reflect the name change. The assignment will be made effective July 14, 2015, to align with the merger date. This change has no significant impact on the use or operation of the lease facilities.

The upland is owned by the Santa Catalina Island Conservancy (Conservancy). The Lessee maintains an upland leasehold on Santa Catalina Island at Cherry Cove from the Conservancy for the upland camp facility. The facility is used by the Lessee for recreational purposes and for retreats. The authorized improvements under PRC 6441.1 include a pier, access ramp, floating docks, and swim areas located at Cherry Cove. Recreational facilities that enhance, encourage, and promote the public's access, use, and enjoyment of State waterways are generally consistent with the common law Public Trust Doctrine.

The proposed assignment will not result in a change of Public Trust resource usage. The subject structures are privately owned and maintained. The lease is limited to a 10-year term, and includes a non-exclusive use provision. The subject facilities have existed for many years at this location and do not create a significant alteration of the land or a permanent severance of State resources or public rights. Upon termination of the lease, the Lessee may be required to remove all improvements and restore the lease premises to their original condition. The 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 into the state's general fund to compensate the people of the state for the use of the public land involved.

In conjunction with the assignment of the lease, Commission staff performed a rent review, as directed by lease terms and conditions. Based on this review, staff recommends the minimum annual rent be revised from \$16,313 to \$18,432 per year, effective January 1, 2018.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located on northeastern Catalina Island in Los Angeles County, at a tidally-influenced site vulnerable to flooding at current sea levels that will be at a higher risk of flood exposure given future projection scenarios of

STAFF REPORT NO. C67 (CONT'D)

sea-level rise. The lease area includes a pier, access ramp, floating docks, and swim area.

By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council 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 lead to decreased shoreline stability and structure.

The lease is a 10-year General Lease – Recreational Use that began on January 1, 2013, and may be subject to the climate change effects of the projected scenario of up to 1 foot of sea-level rise (from year 2000 levels) by 2030 provided above during the current lease term. Regular maintenance and implementing best management practices, as required by the terms of the lease, will help reduce the likelihood of severe structural degradation, or dislodgement. Further climate change impact analyses on the leased facilities will be assessed at the time the lease is up for renewal in 2022 and would be based on projected sea-level rise scenarios at that time.

Conclusion:

For all the reasons above, staff believes that the revision of rent and the assignment of the lease will not interfere with Public Trust needs at this location, at this time or for the foreseeable term of the lease; are consistent with the common law Public Trust Doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This 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 and Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Approving the revision of rent and assignment of a lease are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

STAFF REPORT NO. **C67** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

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

AUTHORIZATION:

1. Authorize the assignment of Lease No. PRC 6441.1, a General Lease – Recreational Use from the San Gabriel Valley Boy Scouts of America (Assignor) to the Greater Los Angeles Area Council, Boy Scouts of America (Assignee), effective July 14, 2015.
2. Approve the revision of rent for Lease No. PRC 6441.1 from \$16,313 per year to \$18,432 per year, effective January 1, 2018.

EXHIBIT A

PRC 6441.1

LAND DESCRIPTION

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

COMMENCING at the point having California Coordinate System 1927, Zone 6, coordinates of X = 1,312877.99 feet and Y = 474630.27 feet and from which a NGS monument "Channel 1933" bears South 77° 59' 54" East, 7920.40 feet, said monument having CCS 27, Zone 6, coordinates of X = 1,320,625.26 feet and Y = 472,983.28 feet; thence North 83° 34' 29" East 30.00 feet to the POINT OF BEGINNING; thence along the following nine (9) courses:

1. North 06° 25' 31" West, 180.00 feet;
2. North 83° 34' 29" East, 163.00 feet;
3. South 06° 25' 31" East, 121.94 feet;
4. North 83° 34' 29" East, 10.00 feet;
5. South 06° 25' 31" East, 70.00 feet;
6. South 83° 34' 29" West, 10.00 feet;
7. South 06° 25' 31" East, 178.06 feet;
8. South 83° 34' 29" West, 163.00 feet;
9. North 06° 25' 31" West, 190.00 feet to the point of beginning.

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

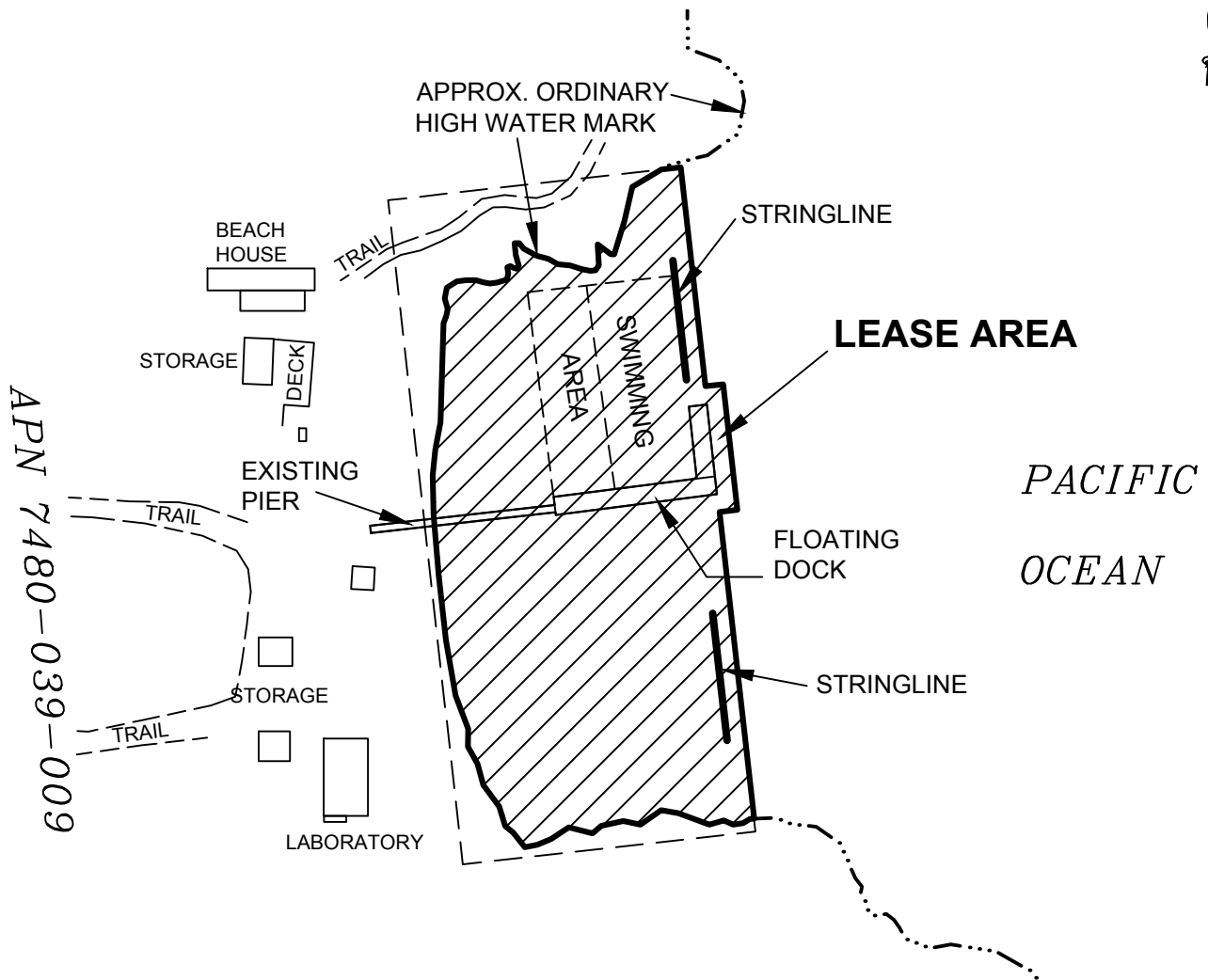
END OF DESCRIPTION

Prepared 11/16/12 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



CAMP CHERRY VALLEY, CHERRY COVE, SANTA CATALINA ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6441.1
 GREATER LOS ANGELES AREA COUNCIL,
 BOY SCOUTS OF AMERICA
 APN 7480-039-009
 GENERAL LEASE -
 RECREATIONAL 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.