

**STAFF REPORT
C68**

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02/27/18
PRC 7970.9
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GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of Los Angeles, Bureau of Sanitation

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

0.11 acre, more or less, of filled sovereign land at Will Rogers State Beach, in Pacific Palisades, Los Angeles County.

AUTHORIZED USE:

Use and maintenance of an existing 20-inch-diameter force sewer line and 12-inch-diameter gravity sewer line.

LEASE TERM:

20 years, beginning October 1, 2017.

CONSIDERATION:

Public health and safety, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

Public Trust and State's Best Interests Analysis:

On April 9, 2009, the Commission authorized the issuance of a 10-year General Lease - Public Agency Use to the City of Los Angeles (City) for the continued use and maintenance of an existing 20-inch-diameter force sewer line and a 12-inch-diameter gravity sewer line, beginning October 1, 2007 ([Item C31, April 9, 2009](#)). That lease expired on September 30, 2017. The Applicant is now applying for a new General Lease – Public Agency Use.

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The 20-inch-diameter force sewer pipeline and 12-inch-diameter gravity sewer line (collectively the Sewer Lines) were installed in or around 1997 as part of an 11,002-foot-long sewer system that transports wastewater from the Pacific Palisades area to Hyperion Wastewater Reclamation Plant located near Los Angeles International Airport in Playa Del Rey. The Sewer Lines provide an important public benefit to the residents of the surrounding area, the environment, and the public at large in providing a safe and reliable means for management and transportation of effluent and wastewater. Consequently, these Sewer Lines function as critical infrastructure to the City to provide necessary sanitary services to residents as well as the visiting public. To allow the City to provide these fundamental and necessary services, it is critical that the City has access to the Sewer Lines so that they may be inspected and maintained on a regular basis and to immediately respond to any emergency regarding the Sewer Lines that could cause sanitary sewer overflow and other risks to public health and safety.

Major portions of Will Rogers State Beach consist of filled tide and submerged lands which were transferred to State Parks pursuant to jurisdictional transfer JTO 5 and 12, in 1951 and 1964, respectively. The portion of the Sewer Lines that runs under the Will Rogers State Beach parking lot, which is located waterward of the area transferred to State Parks and waterward of the ordinary high-water mark established by the Commission in 1945, is subject to lease.

The Sewer Lines are still in operation and are regularly maintained by the City. No major improvements or repairs have been conducted or required on either of the pipelines that lie within the lease premises. A National Permit Discharge Elimination System (NPDES) permit for dewatering during sewer installation was obtained; however, because this is not a discharge line there was no further requirement for an NPDES permit.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 20-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, the lessee may be required to remove all improvements from State land. The proposed lease also requires the lessee to insure the lease premises and indemnify the State for any liability incurred by the lessee's activities thereon.

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Climate Change:

The lease area consists of sovereign land (waterward of the ordinary high-water mark established by the Commission in 1945) in the City of Los Angeles. The portions of the Sewer Lines within the Commission's jurisdiction are located under the Will Rogers State Beach parking lot.

Regional:

The region is projected to experience up to 2 feet of sea-level rise by 2050 (National Research Council 2012). Additional climate change impacts such as more frequent and stronger winter storm and flooding events may contribute to increased vulnerability throughout the lease area. These cumulative impacts could result in potential damage to the parking lot. Over the next 10 years, sea levels will continue to rise, and storm impacts are likely to increase, which could potentially increase the risk to Public Trust resources and values located around the lease area, including recreational values associated with the beach. However, according to the Sea Level Rise Vulnerability Study for the City of Los Angeles (University of Southern California Sea Grant Program 2013), the City has implemented beach width stabilization structures in the area of Will Rogers State Beach, under separate leases with the Commission, that have been relatively unobtrusive and successful at preserving the beach area. These structures will continue to require annual monitoring to ensure that the beach width is maintained.

Local:

The combination of increased wave action, storm activity, sea-level rise, and wave scour could result in damage or degradation to the impervious parking lot surface in the lease area. If storm surge and other climate change events dislodge portions of the parking lot, then the Sewer Lines could be temporarily exposed. In this event, there could be a public health hazard and potential impacts to the marine environment, if there is subsequent damage to the Sewer Lines or their supporting structures. The Sewer Lines would require more frequent maintenance to ensure continued function during and after storm seasons, if exposed, and to reduce any risk to public safety.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent beach area may be subject to effects of climate change, including sea-level rise.

Conclusion:

For the reasons stated above, staff believes that the issuance of this lease will not substantially interfere with Public Trust needs or values at this

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location, at this time, and for the foreseeable term of the proposed lease; and is in the State's best interests.

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.
2. 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 interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the State's best interests.

AUTHORIZATION:

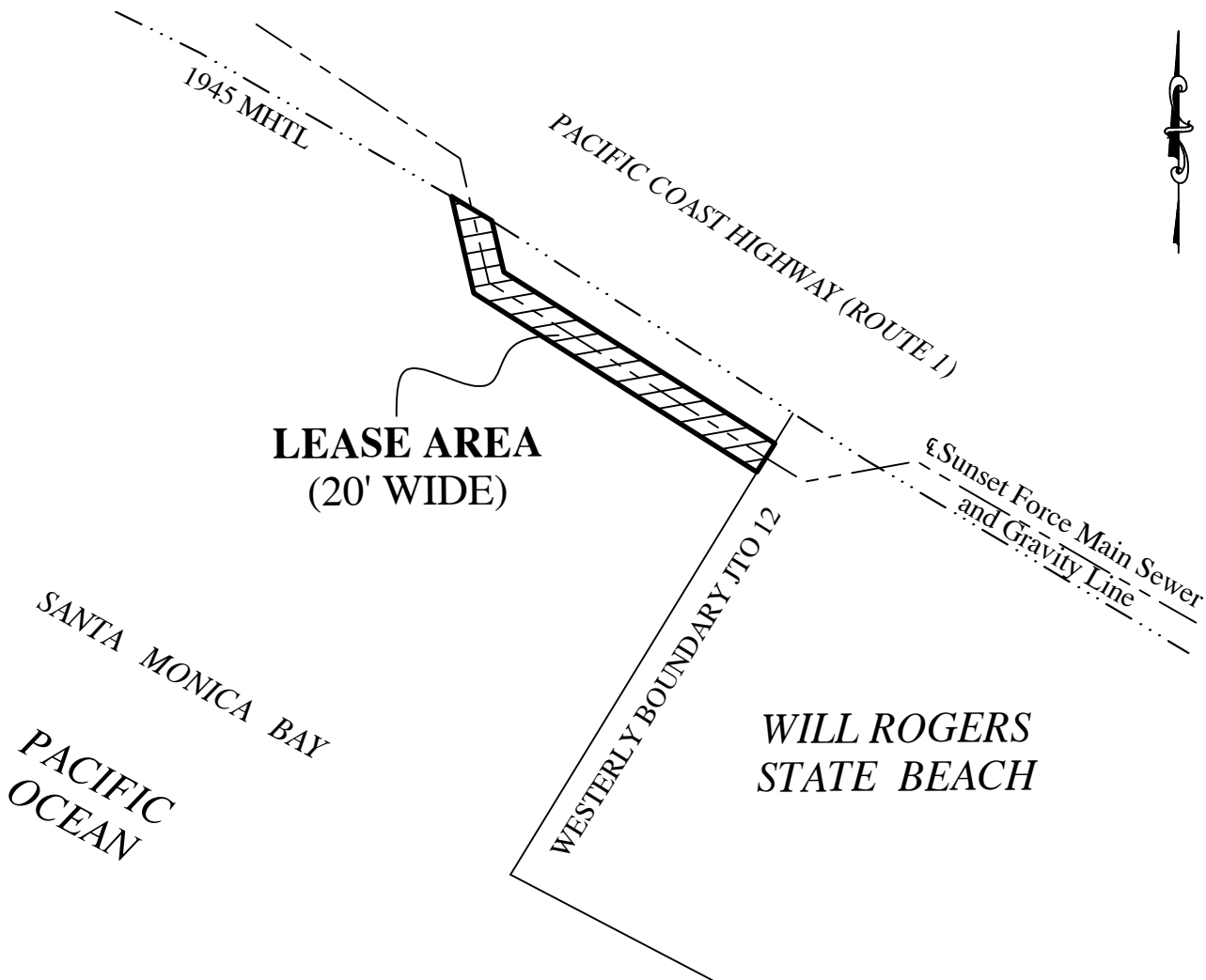
Authorize issuance of a General Lease – Public Agency Use to the City of Los Angeles, Bureau of Sanitation, beginning October 1, 2017, for a term of 20 years, for an existing 20-inch-diameter force sewer line and a 12-inch-diameter gravity sewer line as described in Exhibit A and shown on

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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 to set a monetary rent if the Commission finds such action to be in the State's best interests.

NO SCALE

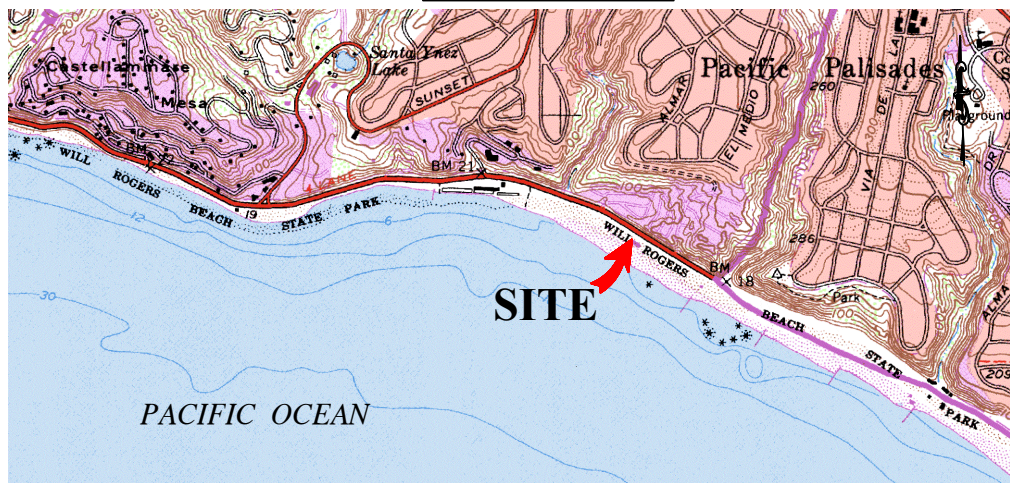
SITE



WILL ROGERS STATE BEACH, CITY OF LOS ANGELES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 7970.9
CITY OF LOS ANGELES
BUREAU OF SANITATION
GENERAL LEASE -
PUBLIC AGENCY USE
LOS ANGELES COUNTY



TS 12/21/17

EXHIBIT A

PRC 7970.9

LAND DESCRIPTION

A parcel of tide and submerged land situated in the City of Los Angeles, State of California and being a strip of land 20.00 feet in width, the center line described as follows:

BEGINNING at a point that bears northwesterly line of that certain parcel of tide and submerged land transferred to the State Department of Parks and Recreation, Division of Beaches and Parks by instrument recorded August 28, 1964 in Book D2608, Page 938 in Official Records of Los Angeles County, California, said point bears S. 31°30'09"W., 30.69 feet along the northwesterly line from the northerly terminous thereof, said point also having California Zone 7 (NAD27) coordinates of N= 4,125,947.471 and E= 4,124,630.876; thence N. 57°42'18"W., 193.83 feet; thence N. 13°04'49"W., 45.21 feet to a point on the ordinary high water mark of Santa Monica Bay, as said Ordinary High Water Mark is shown on Sheet 1 of 4 of "MAP OF THE ARTIFICIALLY CREATED BEACH, VICINITY OF WILL ROGERS BEACH STATE PARK", dated March 1963 and on file with California State Lands Commission, Map CB 1265.

The side lines of said strip of land shall be prolonged or shortened so as to terminate on said northwesterly line and said ordinary high water mark.

END OF DESCRIPTION

June 1997