

Staff Report 27

APPLICANT:

City of Pacifica

PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, near Pacifica, San Mateo County.

AUTHORIZED USE:

Use and maintenance of a public fishing pier, non-operational sewer pipeline, and seawall.

TERM:

20 years, beginning June 1, 2020.

CONSIDERATION:

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.

SPECIFIC LEASE PROVISION:

Lessee agrees and acknowledges hazards associated with sea-level rise may require additional maintenance or protection strategies regarding the improvements on the Lease Premises.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On August 25 1971, the Commission authorized an amendment to 49-year Public Agency Permit PRC 4585 to the City of Pacifica for a public fishing pier, sanitary sewer outfall, and seawall ([Item 21, August 25, 1971](#)). That permit expired on May 31, 2020. The City of Pacifica (City) is applying for a new General Lease – Public Agency Use for the fishing pier and seawall.

The City's Pier was built in 1973 and officially named the Reverend Herschel Harkin Memorial Pacifica Pier. The Pier spans a total of 1,020 feet in an east-west direction into the Pacific Ocean, and it is heavily used by both locals and visitors who travel to the City. The Pier's location and length make it attractive for many types of recreational uses, including fishing, crabbing, walking, running, whale watching, and enjoying the scenic views. A sewer pipeline is built within the deck of the Pier, but it is no longer in use and has been cut and capped by the City. A steel seawall, around the edge of the Pier's deck is protecting it from the wave forces of the Pacific Ocean.

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 20 years and a non-exclusive use provision. The facilities do not significantly alter the land, and the lease does not alienate the State's fee simple interest, nor permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Additionally, the proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

CLIMATE CHANGE:

Climate change impacts, including sea-level rise, more frequent and intense storm events, increased flooding, and erosion affect both open coastal areas and inland waterways in California. The Pier is located in the Pacifica State Beach, which includes the Beach Boulevard Seawall, and rock riprap, in a zone that is not buffered from the direct forces of the Pacific Ocean. The rock riprap is under a separate Lease 6065 to the City, authorized on January 28, 1982 ([Item 2, February 28, 1982](#)). The proposed lease is in an area which is a tidally influenced site

vulnerable to wave action at the current sea level of the Pacific Ocean. The lease premises include a fixed pier with pilings and a seawall.

Because the Pier already experiences flooding, storm surge, wave run-up, and wave action during extreme tides and storms, sea-level rise will worsen these conditions and diminish the seawall's structural integrity. This area will likely be at a higher risk of flood exposure given future projection scenarios of sea-level rise. The Beach Boulevard Seawall is also considered to be highly vulnerable to sea-level rise impacts (San Mateo County Sea Level Rise Vulnerability Assessment, March 2018).

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 San Francisco 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 San Francisco

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, 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 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 areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run-up, potentially resulting in more erosion than previously experienced, especially in areas with seawalls where the impacts occur up and down the coast from the lease area.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises during the term of the lease.

Facilities such as piers, wharfs, and docks are vulnerable to increased water levels, more frequent and intense storms, and beach loss. These phenomena impact structural integrity and cause more rapid degradation. Decrease or loss of function of these facilities can be harmful for public safety. Repair, maintenance, or replacement activities may cause secondary environmental impacts on surrounding habitats and species. Of note, the lease area is located within critical habitat for black abalone, and staff encourages the Applicant to coordinate with the U. S. National Marine Fisheries Service well in advance of any anticipated pier repairs or replacement. In addition, the lease structures may require more frequent inspection and maintenance to ensure continued function during and after future storm seasons. Finally, increased flooding and erosion could require additional or reinforced shoreline protection beyond what already exists. This could result in the construction of additional armoring structures on State Lands, if authorized.

Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the lessee acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to effects of climate change, including sea-level rise.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially impair the public rights to navigation, fishing, and commerce; or 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 Public Trust; 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 existing facilities and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area 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 FINDINGS:

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 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 lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning June 1, 2020, for a term of 20 years, for a public fishing pier, non-operational sewer pipeline, and seawall in the Pacific Ocean, as described in Exhibit A and shown on Exhibit B (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.

EXHIBIT A

LEASE 4585

LAND DESCRIPTION

A parcel of tide and submerged land, lying in the bed of the Pacific Ocean adjacent to Rancho San Pedro as shown on the approved plat dated February 26th, 1860, Santa Mateo County, State of California and more particularly described as follows:

Commencing at Standard City Monument on the centerline of Santa Rosa Avenue as shown on that Parcel Map filed August 22, 1985 in Book 56 of Parcel Maps at page 25, San Mateo County from which a Standard City Monument on said centerline bears South 89°58'50" East 525.15 feet; thence westerly along said centerline North 89°58'50" West 40.00 feet to the intersection with the centerline of Beach Boulevard; thence along the prolongation of the centerline of Santa Rosa Avenue 25.00 feet to the westerly line of Beach Boulevard and the POINT OF BEGINNING; thence North 00°01'10" East 40.00 feet along said westerly; thence leaving said westerly line North 89°58'50" West 1030.00 feet; thence North 00°01'10" East 130.00; thence North 89°58'50" West 80.00 feet; thence South 00°01'10" West 210.00 feet; thence South 89°58'50" East 80.00 feet to said westerly line; thence North 00°01'10" East 40.00 feet along said westerly line to the POINT OF BEGINNING

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

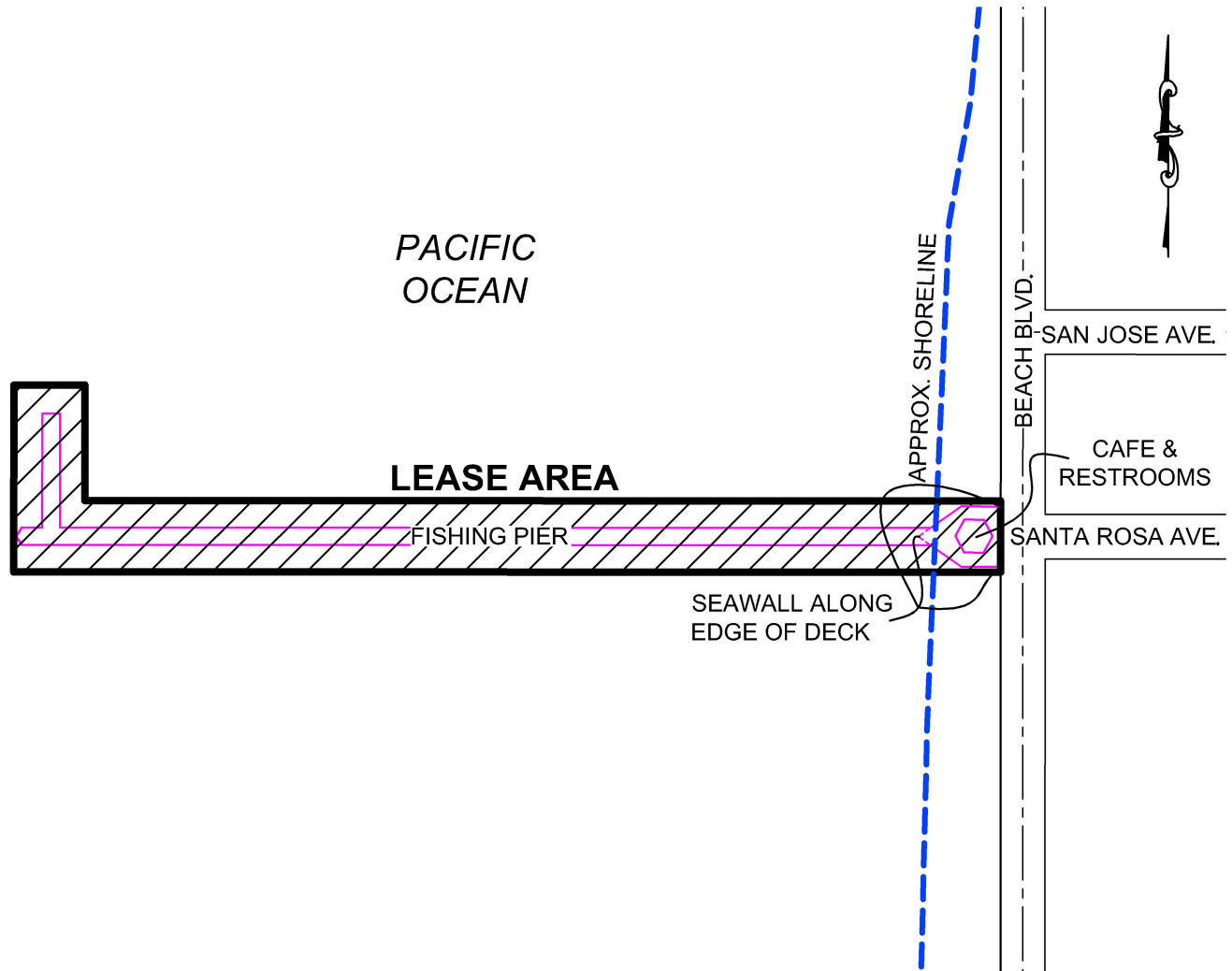
END OF DESCRIPTION

PREPARED 2/04/2021 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

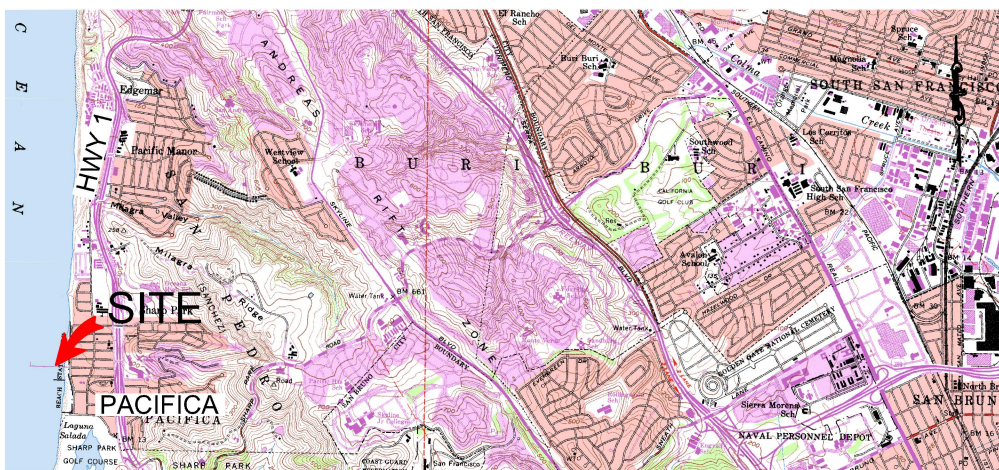
SITE



Sharp Park - Pacifica Pier, Pacifica

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

LEASE 4585
CITY OF PACIFICA
GENERAL LEASE -
PUBLIC AGENCY USE
SAN MATEO COUNTY



MJF 2/04/2021