

# Staff Report 27

**APPLICANT:**

City of Pacifica

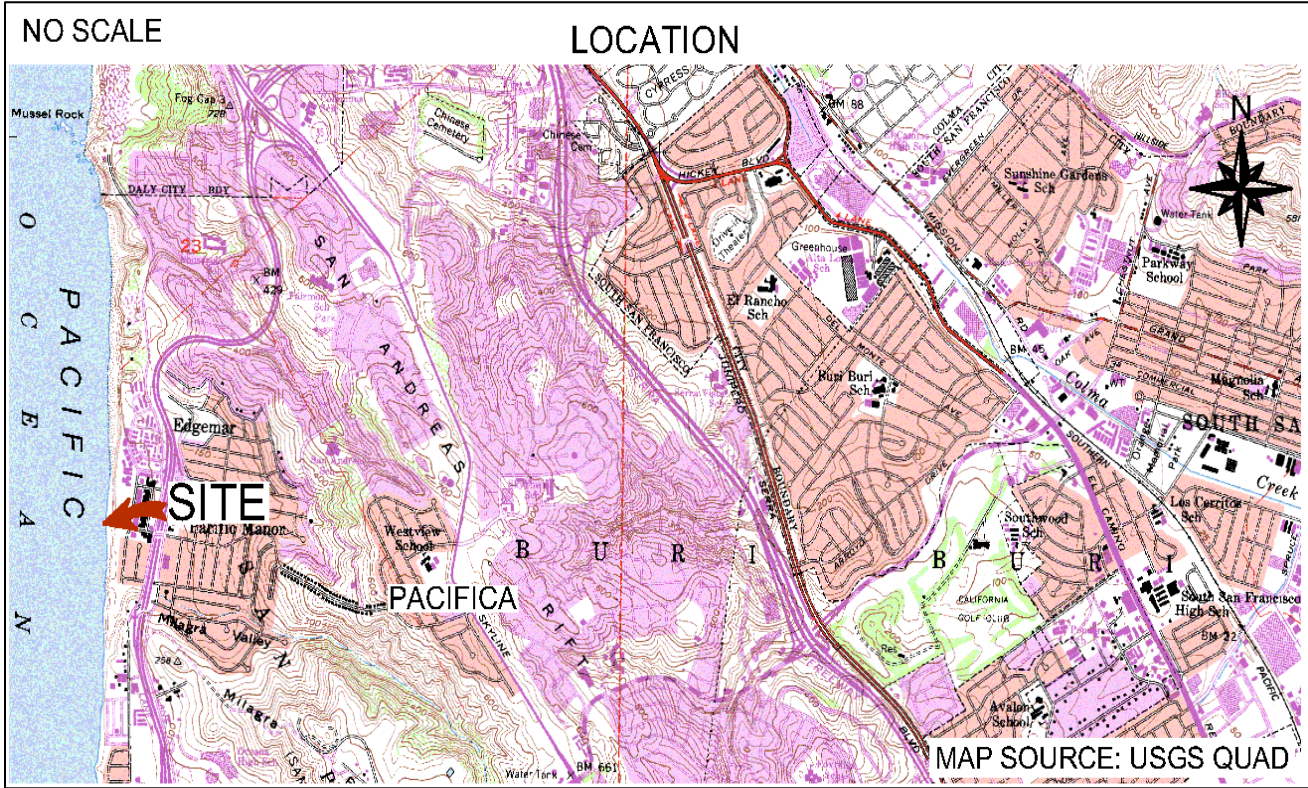
**PROPOSED ACTION:**

Issuance of a General Lease – Public Agency Use.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Pacific Ocean, adjacent to Assessor's Parcel Numbers 009-161-150, 009-131-010, and 009-131-030 at 528 through 572 Esplanade Avenue, Pacifica, San Mateo County (as shown in Figure 1).

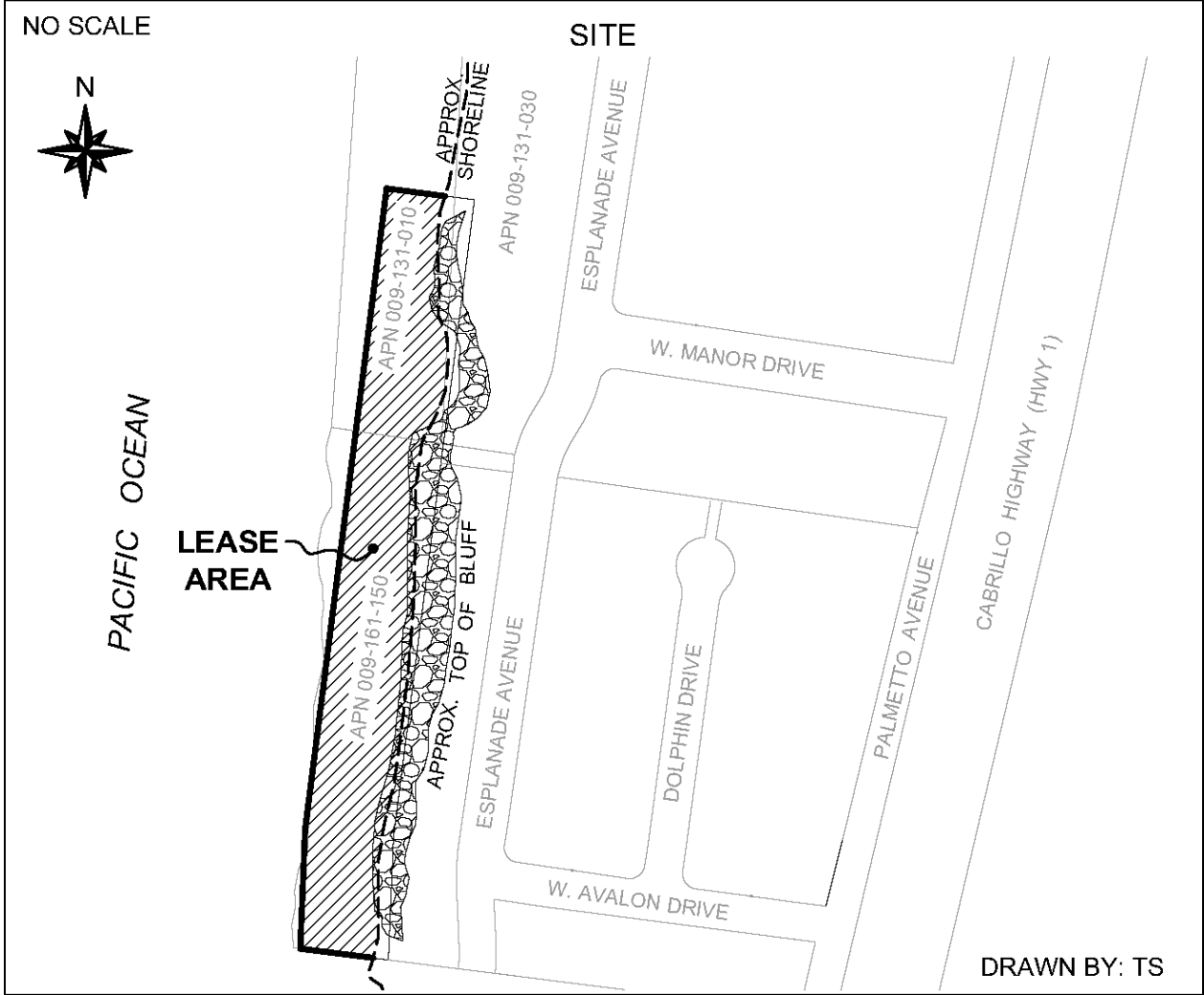
**Figure 1. Location**



**AUTHORIZED USE:**

Use of an existing rock revetment (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

**TERM:**

10 years, beginning December 1, 2022.

**CONSIDERATION:**

\$140 per year and the public use and benefit, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

- Lessee agrees and acknowledges that the hazards associated with sea level rise may require additional maintenance or protection strategies regarding the improvements on the lease premises.
- By June 21, 2031, Lessee must provide Lessor's staff with a plan for adapting the improvements on the lease premises for sea level rise and other climate change impacts.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**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 December 16, 2002, the Commission authorized a General Lease – Public Agency Use to the City of Pacifica (City) for an existing rock revetment that was constructed by the City under emergency conditions in 1998 ([Item 38, December 16, 2002](#)). On April 26, 2013, the Commission authorized a General Lease – Public Agency Use for the use of the existing rock revetment ([Item 70, April 26, 2013](#)). The lease expired on November 30, 2022. The Applicant is now applying for a General Lease – Public Agency Use for the use of the rock revetment.

In 1998, a 700-foot long, 40-foot wide, and 20-foot-tall rock revetment was constructed under emergency conditions on the face and at the foot of a coastal bluff adjacent to Esplanade Avenue. The revetment was constructed after storms caused 40 to 60 feet of bluff erosion at the site and left remnants of a previously built revetment scattered across the public beach. The bluff erosion damaged several of the residences on the bluff-top of Esplanade Avenue. As a result, the City determined that ten residences on the seaward side of Esplanade Avenue were unsafe to occupy. The City, with Federal Emergency Management Agency funds, purchased the ten condemned residences and ultimately removed them.

The existing rock revetment was constructed to prevent further coastal bluff erosion. If the revetment was to be removed and coastal erosion continued, the public beach may become inaccessible, bluff-top property would be impacted, and public road infrastructure would be damaged or destroyed.

The rock revetment and upland properties are owned and maintained by the City. The upland portion of the property where the demolished residences were located

is now a large open area available for public recreation with a trail and park benches. Water-related recreational uses are generally consistent with the common law Public Trust Doctrine.

The proposed 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. The limited term will provide the Commission with greater flexibility in evaluating any future impacts that might occur, or if Public Trust needs and values at this location have changed over time. Upon Lease termination, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition. Staff recommends rent to be set at the minimum rent for Public Agency Use so long as the improvements are used to provide public access and to protect public safety.

**CLIMATE CHANGE:**

Climate change impacts, including sea level rise, increased wave activity, stronger and more frequent winter storm events, and accelerated erosion affect the lease premises and will continue to in the future. The existing revetment structure subject to the lease is located on tidelands adjacent to Esplanade Avenue, and functions as shoreline protection to reduce bluff erosion that is being exacerbated by climate change impacts.

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**

<b>Year</b>	<b>Projection (feet)</b>
2030	0.8
2040	1.3
2050	1.9
2100	6.9

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 like flooding, drought, and storms (especially when



coupled with sea level rise). The combination of these conditions is exposing beaches and coastal landscapes to increased wave force and run-up, resulting in greater erosion than previously experienced. Pacifica's coastal bluffs are especially vulnerable to erosion due to weakly cemented sand, exposure to significant wave action, and precipitation-induced groundwater seepage ([Collins and Sitar, 2008](#)). A 2022 study from researchers at the Scripps Institution of Oceanography identified Pacifica as an erosion hot spot that experienced one of the highest rates of bluff erosion in California from 2009 to 2016 ([Swirad and Young, 2022](#)).

The combination of these projected conditions could increase the likelihood of damage to the revetment, the bluff-top property, and the public road. The potential for damages to the bluff-top property and public road present hazards to public safety and threats to the City's transportation infrastructure and public resources, including the bluff-top park, trail, and benches. The revetment will improve the resilience of the bluff-top property and public road by providing some protection against wave impacts and bluff erosion. However, the City will be required to develop a plan to provide alternative strategies for the adaptation and protection of the lease premises, bluff-top property, and the public road against wave exposure increases over time due to sea level rise. Furthermore, groundwater seepage may increase due to more extreme rain events, causing the revetment to become less effective in preventing bluff erosion. In 2016, major bluff erosion caused parts of a neighboring apartment building, located at 310-330 Esplanade Ave., to collapse despite being protected by a similar rip rap revetment.

While hard armoring structures provide temporary protection against the threat of sea level rise and other climate impacts, they disrupt natural shoreline processes, accelerate long-term erosion, cause loss of beach and other critical habitats and corresponding ecosystem benefits, as well as impair beach access and recreational uses. The impacts that hard armoring can have on tidelands are compounded by the climate change impacts discussed previously. Additionally, as evidenced by the 2016 major cliff erosion event at 310-330 Esplanade, hard armoring is not an infallible method of protection and cannot be relied upon to prevent all future erosion. Therefore, staff recommends a ten-year lease term for this revetment so that it can assess the site again in a few years and review the functionality of the structure and the condition of the lease premises to ensure the revetment does not adversely affect nearby habitats or recreational uses and is still necessary to protect the public park and road. Pursuant to the proposed lease, the Applicant 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 and coastal erosion.

**CONCLUSION:**

Structures such as rock revetments disrupt natural shoreline processes and can impair or destroy the public's ability to access beaches. In some situations, staff may recommend additional consideration to compensate the public for these impacts to the public's land. More specifically, when the hard armoring provides only private benefits, staff generally recommend monetary rent and other consideration for protective structures based on the appraised value of the sovereign land and the impacts to Public Trust resources. In the present case, the revetment does disrupt the natural shoreline processes, but it protects and maintains public access to and between Esplanade Beach and the Pacifica Pier. If the armoring was removed, the public would lose access to the continuity of the beaches and critical municipal services, like the upland public road and two 30-inch storm water outfall pipelines. The Applicant is a public entity charged with serving the public interest in its jurisdiction, and the revetment protects public access at this time. After reviewing all of the associated impacts and benefits of this revetment, at this unique location, staff has determined that, while there are benefits to preserving public access between Esplanade Beach to the Pacifica Pier, the revetment does create some impact to public lands by means of altering natural processes; therefore, a minimum rent is recommended in conjunction with the continued maintenance of the public access trail as sufficient consideration for the proposed lease.

The proposed lease is for 10 years, providing the Commission the opportunity to reevaluate the public benefits of the revetment and the need for additional monetary rent or other consideration in the near future.

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with common law Public Trust Doctrine; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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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 a renewal of any previous lease.

2. This action is consistent with the “Meeting Evolving Public Trust Needs” and “Leading Climate Activism” 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 14, section 15301.

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

## **RECOMMENDED ACTION:**

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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.

### **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 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 best interests of the State.

### **AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning December 1, 2022, for a term of 10 years, for use of an existing rock revetment; annual rent in the amount of \$140, with an annual Consumer Price Index adjustment.