

Staff Report 22

APPLICANT:

City of Burlingame

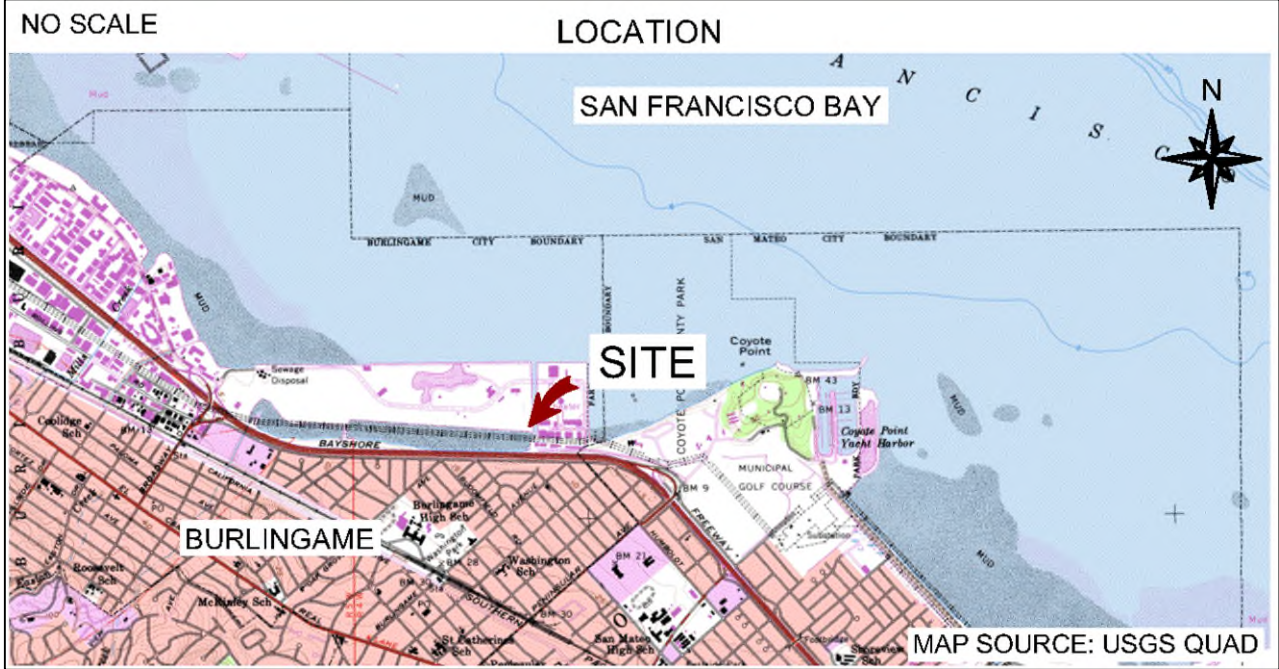
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Bay Front Channel, adjacent to Assessor’s Parcel Number 026-363-470, Burlingame, San Mateo County (as shown in Figure 1).

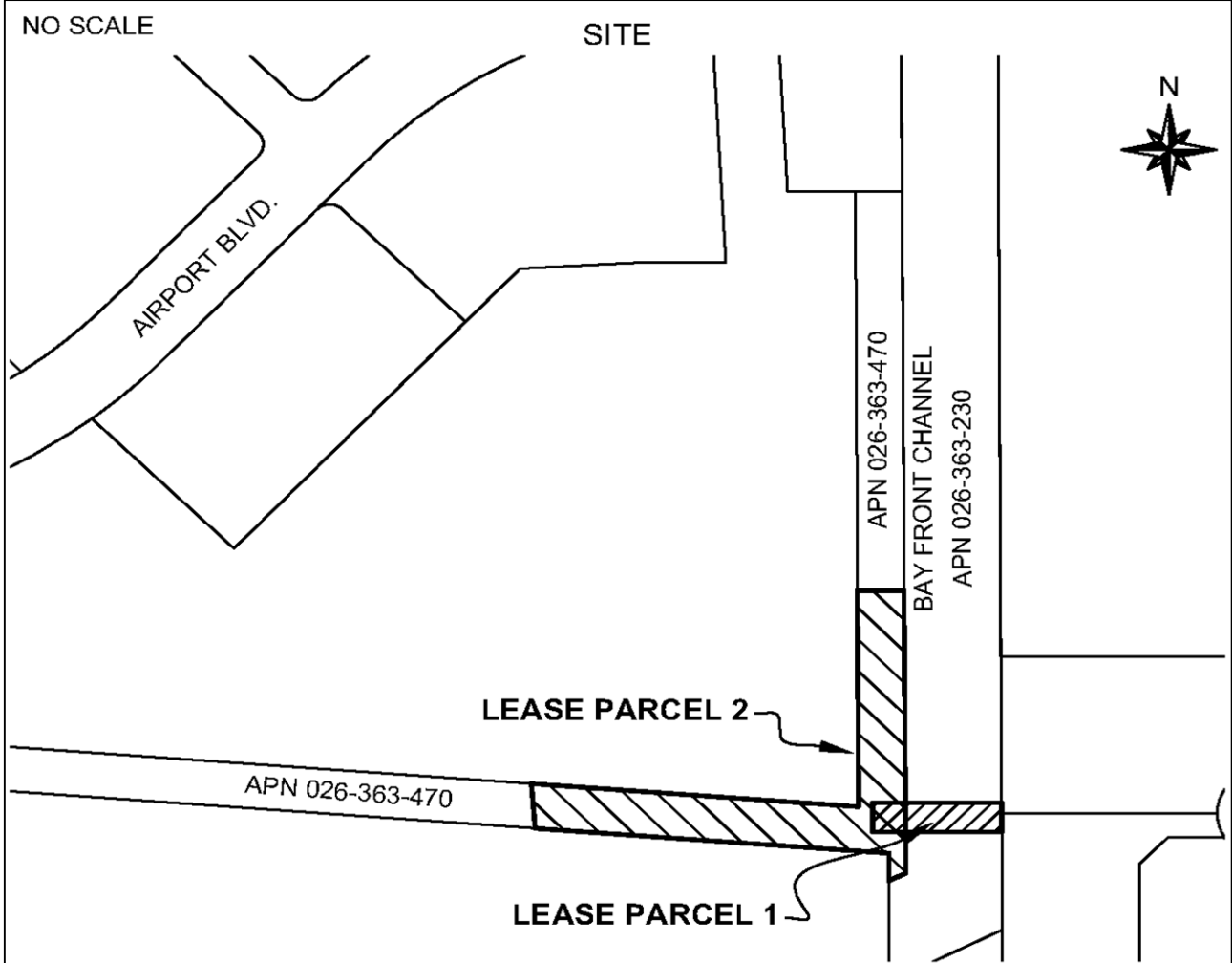
Figure 1. Location



AUTHORIZED USE:

Use of a bicycle and pedestrian bridge and abutment, maintenance easement, and one water pipe attached to the bridge. (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:

25 years, beginning October 17, 2024.

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 PROVISIONS:

- Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor from all damages, injuries, or claims arising from the construction, maintenance, or operation of Lessee’s facilities on State land, including any attached, suspended, or otherwise fixed to the improvements. Further, Lessee shall indemnify the State for the period of occupation prior to October 17, 2024.
- Lessee shall not install, attach, or authorize the placement or attachment of any additional utilities or other improvements on the bridge or within the Lease Premises without Lessor’s prior review and approval.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE’S BEST INTERESTS:

On June 19, 1998, the Commission authorized a 25-year General Lease – Public Agency Use to the Applicant for installation of a bicycle and pedestrian bridge abutment, along with maintenance and construction easement ([Item 85, June 19, 1998](#)). That lease expired on April 30, 2023. The Applicant is now applying for a General Lease – Public Agency Use, for the use of a bicycle and pedestrian bridge and abutment, maintenance easement, and one water pipe attached to the bridge.

The bridge abutment, prefabricated steel bicycle and pedestrian bridge, and one water pipe have existed for many years at this location. The bridge provides the regional and statewide public the ability to cross and re-cross the Bay Front Channel. In addition, the bridge is part of the San Francisco Bay Trail consisting of several miles of trails allowing the public to explore the San Francisco Bay and shoreline. The bridge has an attached water pipe owned and operated by the Applicant. The water pipe provides critical infrastructure for conveyance of water in support of the Applicant’s operations on both sides of the waterway.

The proposed lease includes provisions protecting the public use of the proposed lease area. Furthermore, the bridge and water pipe do not substantially interfere

with Public Trust uses in this area. The public can enjoy use of the waterway for recreational Public Trust activities.

The proposed lease does not alienate the State’s fee simple interest or permanently impair public rights. The lease is limited to a 25-year term and does not grant the lessee exclusive rights to the lease premises, which allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition. 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, increased wave activity, storm events, and flooding may impact the pedestrian/bike bridge and abutment subject to the proposed lease, located on the Bay Front Channel.

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 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). In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris, especially when storms coincide with high tides. Climate

change and sea level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Waterfront areas will be exposed to higher water levels, potentially resulting in greater bank erosion and scour than previously experienced.

The increase in sea level combined with more frequent and stronger storm events will likely expose the lease area to higher flood risks, comprised of greater total water levels for longer periods of time. The pedestrian/bike bridge (including abutment and water pipe) is a fixed structure that may need additional reinforcement to withstand higher levels of flood exposure, scouring, and more frequent storm events.

Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to the effects of climate change, including scour, sea level rise, and extreme storm events. The pedestrian/bike bridge (including abutment and water pipe) could be impacted by higher water levels and increased scouring towards the later years of the lease term. Any adaptation strategies applied to the pedestrian/bike bridge (including abutment and water pipe) to reduce scouring and flood risks should not adversely impact equitable public access in the area, water quality, shoreline habitat, wildlife, or public health and safety. The Commission prefers nature-based adaptation strategies as explained in the [2023 Shoreline Adaptation Report](#). Staff also encourages further consideration of the living shorelines strategy that was proposed for this location in the City of Burlingame's [Understanding Risks and Vulnerabilities Memorandum](#).

CONCLUSION:

For all the reasons above, staff believes the issuance of the proposed lease will not substantially interfere with Public Trust rights to navigation, fishing, and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the lease; 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. 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" 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 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061 and California Code of Regulations, title 2, section 2905.

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 significantly impair the public rights to navigation or substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant, beginning October 17, 2024, for a term of 25 years, for the use of a bicycle and pedestrian bridge and abutment, maintenance easement, and one water pipe attached to the bridge; 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.