

# Staff Report 29

## APPLICANT:

Golden Gate Bridge, Highway, and Transportation District

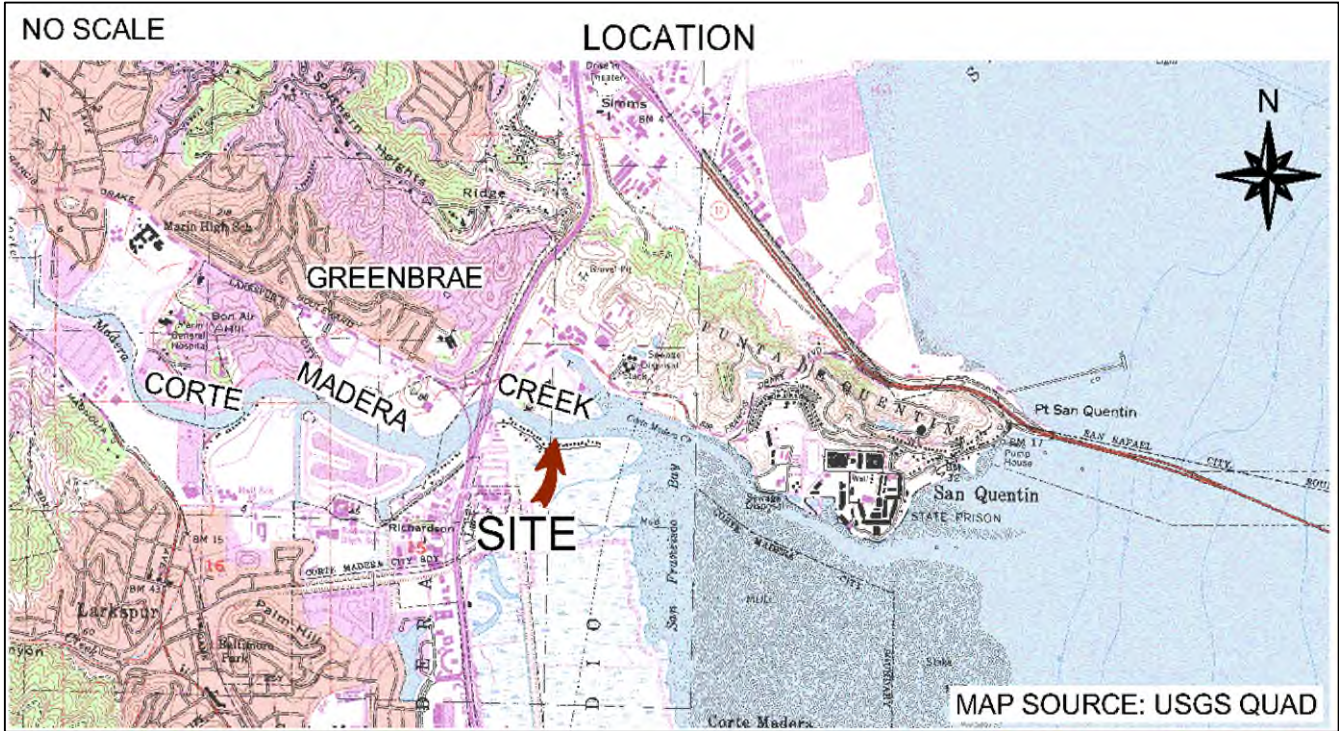
## PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land located along the south bank of Corte Madera Creek, adjacent to Lots 29 through 81 at Greenbrae Boardwalk, near Greenbrae, Marin County (as shown in Figure 1).

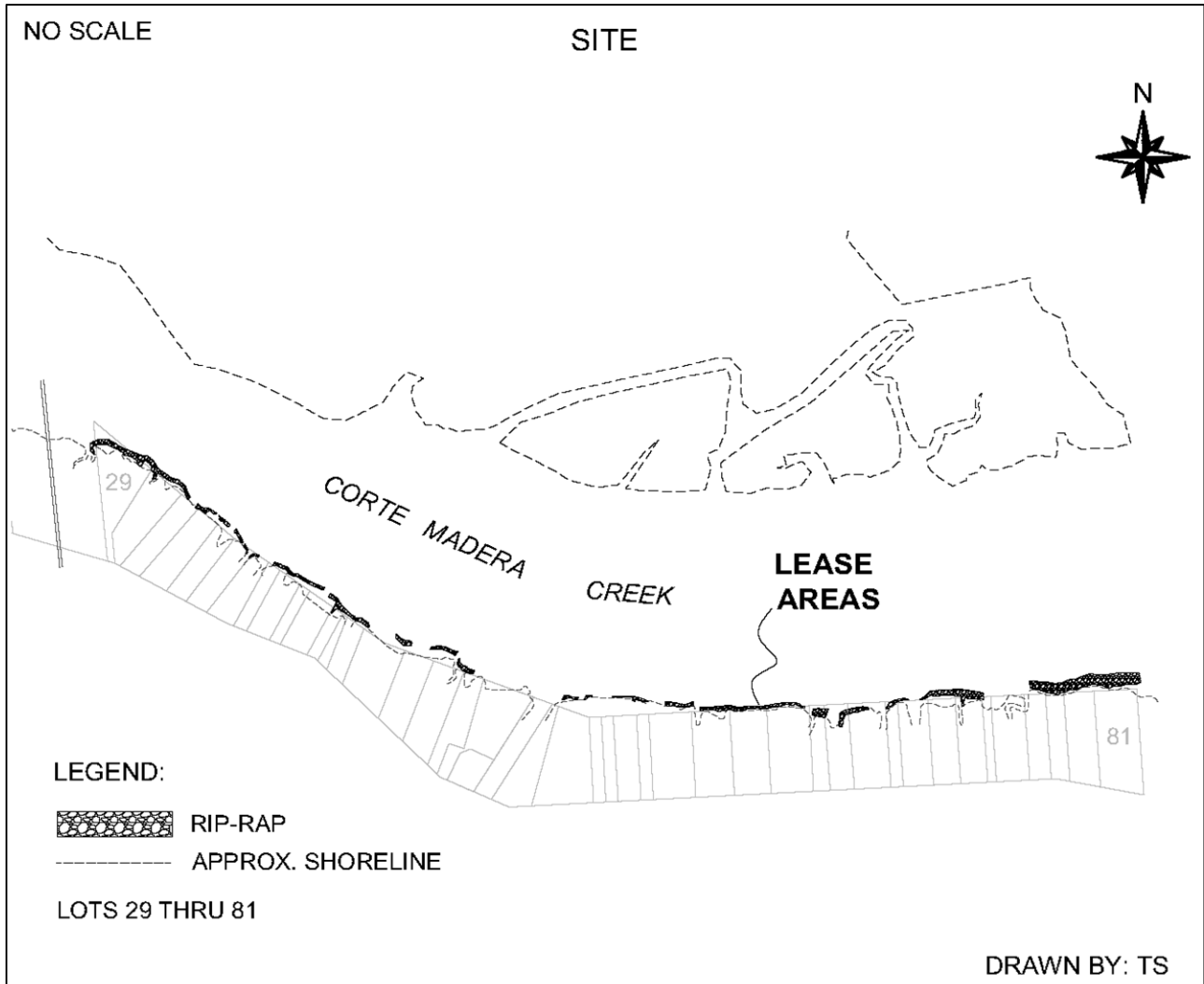
Figure 1. Location



**AUTHORIZED USE:**

Maintenance of an existing rock riprap 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:**

5 years, beginning February 25, 2025.

**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.

## **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 September 3, 1999, the Commission authorized a General Lease – Public Agency Use to the Applicant for the continued maintenance of an existing rock riprap revetment ([Item 46, September 3, 1999](#)). That lease expired on February 28, 2018. The revetment was originally installed to reduce and mitigate impacts from the Larkspur Ferry Terminal on the shoreline over the Greenbrae Boardwalk community.

The Applicant is now applying for a General Lease – Public Agency Use for maintenance of the existing rock riprap revetment located along the south bank of Corte Madera Creek, adjacent to Lots 29 through 81 at Greenbrae Boardwalk, near Greenbrae, Marin County. Staff recommends issuance of a General Lease – Public Agency Use to the Applicant beginning February 25, 2025.

The lease premises and the adjacent privately owned upland parcels are located at the Greenbrae Boardwalk residential subdivision along the south bank of Corte Madera Creek. Greenbrae Boardwalk is across Corte Madera Creek from the Applicant's Larkspur Ferry Terminal. In addition to the riprap revetment, improvements presently located on the majority of the private upland parcels include: pier supported houses and other structures, boat docks, pile-secured floats, moored boats, walkways, and utility service pipes.

The graded rock riprap revetment was installed in 1990 and spans approximately 1,625 linear feet along the south bank of Corte Madera Creek. The purpose of the revetment is to provide wave and surge protection and to prevent shoreline erosion caused by the wakes of passenger ferry arrivals and departures at the nearby terminal. The riprap revetment was required to support continued public mass transportation over the waters of San Francisco Bay.

In the Commission's recently adopted report, [Shoreline Adaptation and The Public Trust](#), the advantages and disadvantages of hard armoring structures, such as rock revetments, are described. As detailed in this report, the balance of advantages and disadvantages to Public Trust resources and uses that result from structures

such as the subject rock riprap revetment should be considered by the Applicant in future design and adaptation plans, particularly as climate change impacts increase over time.

The Applicant has continued to occupy State land since the previous lease expired on February 28, 2018. As explained above, the subject improvements prevent shoreline erosion and ensure ongoing regional public transportation over the waters of San Francisco Bay. Both the previous lease and the proposed lease do not require monetary rent because staff believes the regional public benefit is sufficient consideration. Staff recommends that the proposed lease require no monetary compensation for the Applicant's unauthorized occupation of State land following the prior lease expiration.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 5-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 termination of the lease, the lessee may be required to remove any improvements from State land and restore the lease premises to their original condition. The proposed lease requires the lessee to keep and maintain the rock revetment in good order and repair and 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, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located on Corte Madera Creek, in a tidally influenced site consisting of low-elevation reclaimed floodplains, adjacent to a salt marsh, that occasionally floods during king tides and storms. According to the sea level rise viewer, [Our Coast Our Future](#), the lease premises and surrounding salt marsh is likely to become permanently submerged with just 0.8 feet of sea level rise if no actions are taken to protect or adapt the marsh.

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 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.

Rising sea levels can lead to more frequent flood inundation in low-lying areas and larger tidal events. In addition, 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 storms and rain events, causing more flooding in low-lying areas. In rivers, creeks, and tidally influenced waterways, more frequent and powerful storms can result in increased flooding, damage from storm-created debris, and erosion.

Staff recommends a 5-year lease term because the revetment may cease to provide shoreline protection in the near term due to local site conditions (including rising seas, subsidence at the site, erosion, and continued exposure to storms). The lease term would expire in 2029, to coincide with the possible implementation of the proposed [Larkspur Ferry Service and Parking Expansion Project](#) (State Clearinghouse No. 2024091190) in 2030. This Project is still in the planning phase, and the District has made no decision on the Project's final design or even if it will be implemented. But as currently proposed, the Project includes no project elements along Corte Madera Creek at the Greenbrae Boardwalk location. Staff believes that sea level rise and expanded ferry services as proposed in the Project will impact the revetment and should be studied as part of the Environmental Impact Report (EIR), and staff has received similar comments from residents along the Greenbrae Boardwalk shoreline. To raise those concerns, on October 30, 2024, staff provided a [comment letter](#) to the District recommending that the EIR include an analysis of the existing revetment at Greenbrae Boardwalk, its continued use, and any necessary adaptations or replacements. Should the District decide to implement the Project and include a revetment analysis, the Project may be

subject to future Commission action depending on the extent, if any, of sovereign lands involved.

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 (not within the lease area) are in an area that may be subject to the effects of climate change, including sea level rise.

**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 proposed lease; 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. 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 recommend 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 15061.

## **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 issuance of the proposed 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 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 February 25, 2025, for a term of 5 years, for maintenance of an existing rock riprap revetment along the south bank of Corte Madera Creek, adjacent to Greenbrae Boardwalk; 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.