

Staff Report 35

APPLICANT:

Alain Marc Chuard and Victoria Kate Ransom, Trustees of the Chuard/Ransom Revocable Trust dated March 31, 2012

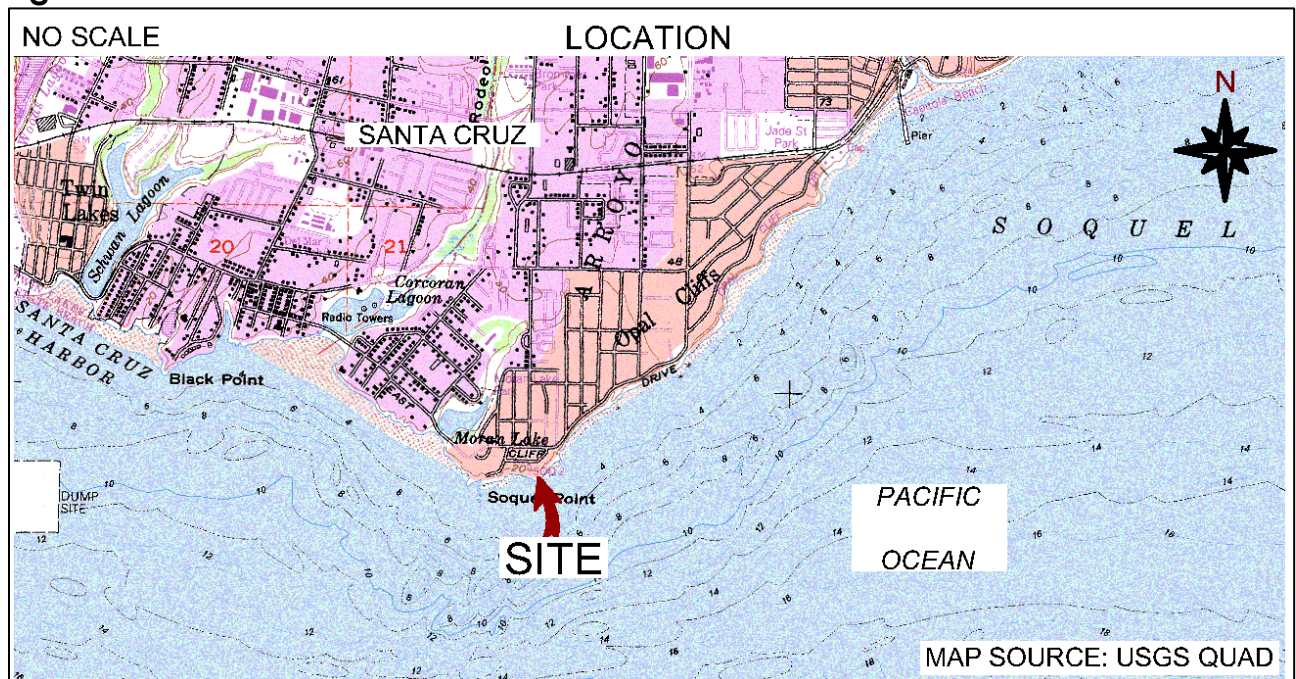
PROPOSED ACTION:

Issuance of a General Lease – Other.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Pacific Ocean, adjacent to 3020 Pleasure Point Drive, Santa Cruz, Santa Cruz County (as shown in Figure 1).

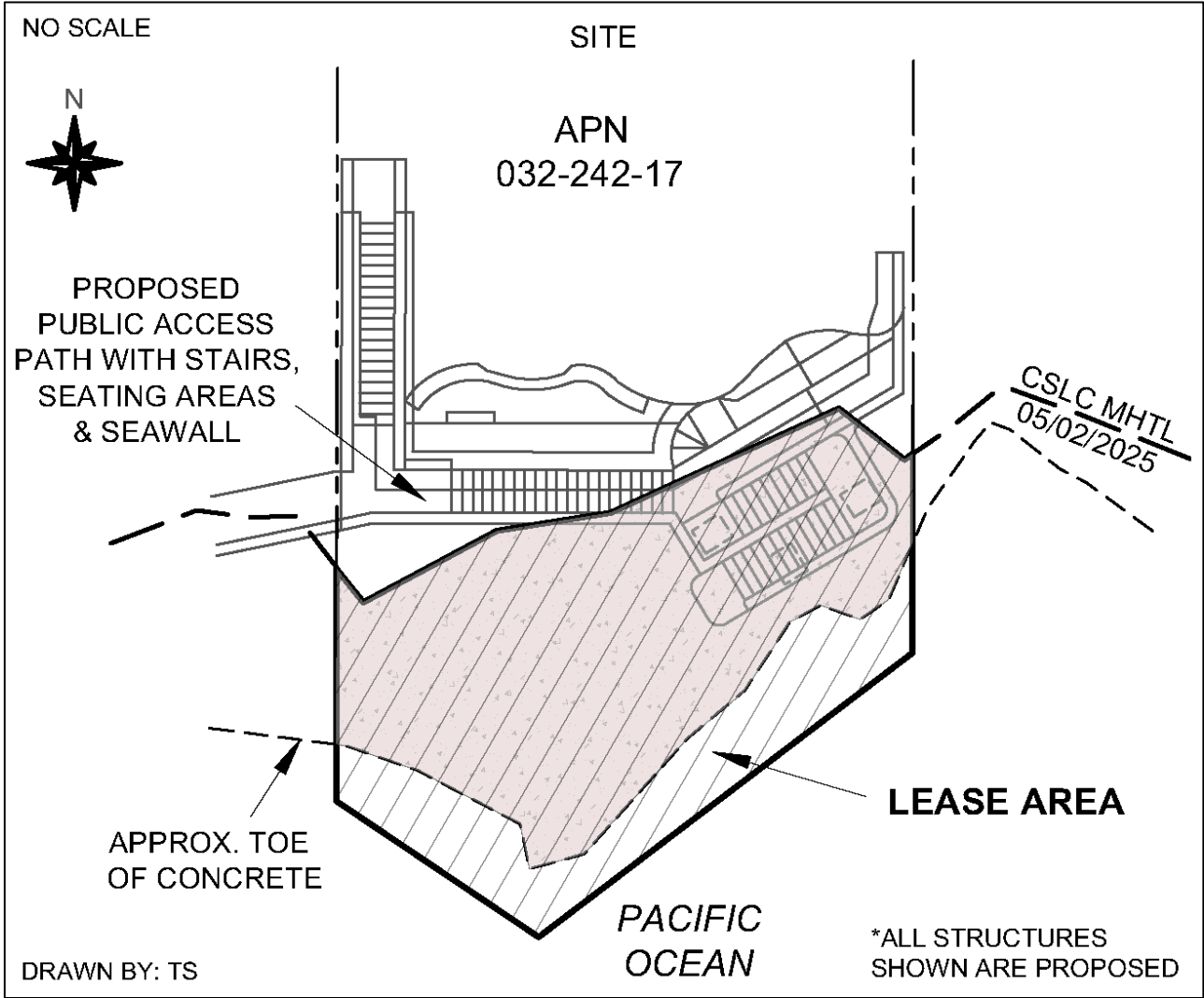
Figure 1. Location



AUTHORIZED USE:

Reconstruction and use of an existing seawall, removal of debris from prior armoring efforts, and construction of a public access stairway (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 June 23, 2026.

CONSIDERATION:

Seawall: \$167 per year, with an annual Consumer Price Index adjustment.

Debris from prior armoring efforts: conditioned on completion of the project by June 22, 20~~30~~³⁹, in the amount of \$8,567 per year, with an annual Consumer Price Index adjustment as specified in the lease

Public Access Stairway: The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Lessee must comply with all conditions of [Coastal Development Permit \(CDP\) 3-20-0166](#) which was extended on [September 12, 2025](#).
- Lessee agrees to assess the feasibility of any alternative adaption strategies such as nature-based or hybrid solutions utilizing materials that mimic rocky, intertidal habitats prior to any replacement or repair of the rock riprap for any major repairs or alterations.
- No refueling, repairs, or maintenance of vehicles or equipment will take place on the Lease Premises.
- All construction activities shall be carried out in accordance with all applicable safety regulations, permits, and conditions of all other agencies.
- Construction may not begin until Lessee has obtained all required permits from the appropriate regulatory bodies.
- Any equipment used on the Lease Premises is limited to that which is directly required for the authorized activities.
- All debris shall be promptly removed from the Lease Premises.
- Within 60 days of completing the protective structure project that includes the removal of rock riprap authorized by this lease, Lessee will provide photographs and a set of "as-built" plans that depict where the improvements have been placed or removed.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The Applicant is applying for a General Lease – Other for the reconstruction and use of an existing seawall, removal of debris from prior armoring efforts, and construction and use of a public access stairway in the Pacific Ocean, adjacent to 3020 Pleasure Point Drive, Santa Cruz, Santa Cruz County. Staff recommends issuance of a General Lease – Other to the Applicant, effective June 23, 2026.

The Applicant assumed ownership of 3020 Pleasure Point Drive, Santa Cruz, Santa Cruz County on December 19, 2023. Although the debris from prior armoring efforts and seawall have existed for many years, staff was only recently able to determine the extent to which it encroaches onto State lands. Consequently, the improvements have never been under lease. The Applicant proposes to reconstruct a seawall and remove the debris from prior armoring efforts that are currently situated on State lands as part of a larger project. All debris removed from the seawall reconstruction and the prior armoring efforts will be disposed of in an offsite disposal area.

The public access portion of the project spans across three adjacent properties (3000, 3006 and 3020 Pleasure Point Drive) with formal lateral access along 3000 Pleasure Point Drive. The construction of the lateral accessway to connect with the proposed upcoast and downcoast accessways is a special condition of the CDP. The project includes significant public access features including an ocean-fronting access path across all three properties and the access stairway adjacent to 3020 Pleasure Point Drive. Staff has contacted the owners of 3006 Pleasure Point Drive to request an application to be submitted for existing improvements and a portion of the proposed public access path, to be considered by the Commission at a later date. The access path adjacent to 3000 Pleasure Point Drive is situated landward of the Mean High Tide Line (MHTL) and outside of the Commission's leasing jurisdiction.

The construction components of the project will take place from the blufftop area, while removal of the debris will take place on the beach. Any heavy equipment needed on the beach will be lifted into place by a crane and used only during low tides. Silt fences, straw wattles, and equivalent apparatus will be installed at the perimeter of the blufftop portion of the construction site and beach area when needed to prevent runoff. Additionally, erosion and sediment controls will be in place prior to the commencement of construction and at the end of each workday. The project is anticipated to be completed within one year of the construction start date but may be impacted by unfavorable conditions.

During construction, various beach areas will be closed to the public but will be reopened once conditions are safe for public use. Public hazard warning signs will be installed along the path and at the bottom of the access stairway. Despite the temporary closure of public access, the project will provide significant long-term public access and additional safety measures at this location.

Upon conclusion of the proposed project, the Applicant will be required to submit photographs of the finished seawall and public access stairway and a set of as-built plans depicting where the improvements have been placed. The Applicant will also be required to conduct a post-project MHTL survey, the results of which will be provided to staff to confirm the extent the improvements encroach onto sovereign land following project completion.

In recognition of the public benefit that will be provided through implementation of the proposed project, staff recommends the Applicant be granted a grace period for monetary rent related to the existing shoreline armoring debris. This grace period would begin on the date of lease issuance, June 23, 2026, and would extend to June 22, 20~~30~~²⁹. This period should allow the Applicant sufficient time to obtain all necessary permits and authorizations and to implement the proposed project. During the grace period, rent for the existing debris from prior armoring efforts on the lease premises will be deferred. If the Applicant completes the proposed project within the grace period, then removal of the debris from and the restoration of sovereign land to an unimproved condition will be considered as public benefit and sufficient consideration under the lease terms with no monetary rent owed, retroactively or otherwise, as long as the public is allowed unrestricted access along the beach and public areas, with the exception of active construction periods. However, if the Applicant fails to complete the project within the grace period, then the Applicant will owe monetary rent in the amount of \$8,567 per year, with an annual Consumer Price Index adjustment, without offset or discount, retroactive to the beginning date of the lease and for each subsequent lease year during which the project remains incomplete. Finally, if the lessee fails to fully remove all the debris encroaching on State land, then rent may be adjusted to account for the extent of any remaining encroachment based on staff's review of required post project as-built plans and a MHTL survey. The Applicant will also be required to continue paying rent per the terms of the lease for the ongoing occupation of sovereign land until or unless the improvements are removed.

The proposed lease does not alienate the State's sovereign interest or permanently impair public rights. The 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. 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 insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the [State of California Sea Level Rise Guidance](#) (Ocean Protection Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave runup, storm surges, flooding, and erosion. Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. These impacts may affect the proposed reconstructed seawall and new public access stairway.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate during the last century. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. To apply a precautionary approach, Commission staff evaluated the "intermediate-high" and "high" scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. The Monterey 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 Monterey

Year	Intermediate-High (feet)	High (feet)
2040	0.6	0.7
2060	1.4	1.9
2080	2.9	3.9
2100	4.6	6.4

Source: Table 8, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to evaluate risks to the lease premises and structures from sea level rise. Staff also reviewed the California Coastal Commission [Coastal Development Permit 3-20-0166](#), which included two geotechnical surveys, for additional context and analysis. At present sea levels, the lease premises are already regularly flooded and subjected to wave impacts and erosion, which could potentially damage any structures or improvements on the lease premises. Episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, will increase the vulnerability of the lease premises and expose it to higher water levels and stronger wave runup, overtopping, and erosion.

The existing seawall has been affected by age, the erosion of beach sand surrounding it, as well as bluff-top erosion, leading to structural instabilities. According to the CDP and the geotechnical surveys from 2016 and 2020, the concrete apron that buttresses the seawall has cracked in several places, endangering the stability of the overlying retaining walls and structures. A cavity formed in the concrete apron, extending some 18 feet inland, undermining the plunge structure and increasing the potential for bluff failure. The cavity was filled per an emergency authorization from the California Coastal Commission in 2022. While the new seawall and staircase are necessary to protect the bluff and upland property from further erosion and damage, as demonstrated by these recent events, reliance on seawalls is typically not a long-term or sustainable protection strategy because the seawall will provide diminishing protection as it becomes destabilized and rising sea levels exceed the conditions for which the seawall was originally designed. As a result, the new seawall and public access stairway may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain their function.

While the seawall may protect the upland property, that protection comes at the expense of the beach in front of the seawall by covering and eliminating the intertidal area where it is placed and altering the natural coastal processes. As sea levels rise, the seawall will further accelerate the erosion and narrowing of the beach by preventing it from migrating inland. The loss of intertidal areas harms critical habitats and ecosystem services, degrades the scenic quality of California's iconic coast, and impairs public coastal access and recreational uses. The seawall can block public access to the shoreline in front of and adjacent to the seawall exacerbating the existing inequities in coastal access that affect many disadvantaged and tribal communities ([Reineman et al., 2017](#)).

RECOMMENDATIONS:

Alternative strategies should be explored to protect the upland property and preserve the beach, including nature-based strategies (also referred to as "natural shoreline infrastructure"), accommodation strategies, and relocating vulnerable structures further inland. These approaches can be more effective long-term because they interfere less with dynamic coastal processes, which will help to maintain the width of the beach, preserve public access and natural resources, and protect the upland property by buffering coastal hazards. Coordinating with adjacent properties and local governments to develop a regional approach could further enhance the effectiveness of these strategies.

Please refer to Section Four of the Commission's [2023 Shoreline Adaptation and the Public Trust](#) report for more information about various shoreline adaptation strategies and their advantages and disadvantages for mitigating coastal hazards and protecting Public Trust resources. Any future construction or activities on State land would require a separate authorization from the Commission.

Regular maintenance, as referenced in the terms of the lease, may 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 the effects of climate change, including sea level rise and rising groundwater levels.

CONCLUSION:

For all the reasons above, staff believes approval of this lease due to the improvement and formalization of public access to the waterfront will not

substantially interfere with Public Trust needs at this location, at this time, nor for the term of the proposed 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. If the Commission denies the application, the Applicant will not be authorized to reconstruct the seawall, remove debris, or construct a public access stairway at this location and may be required to remove the improvements and restore the lease 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 "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. **Seawall reconstruction and removal of prior armoring debris:** 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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

Public Access Stairway: Staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

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

APPROVAL OBTAINED:

- California Coastal Commission

APPROVALS REQUIRED:

- United States Army Corps of Engineers

- National Oceanic and Atmospheric Administration
- California State Water Resources Control Board

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 through the combination of the following exemptions: Class 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302, and Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not 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.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Other to the Applicant beginning June 23, 2026, for a term of 10 years for the reconstruction and use of an existing seawall, removal of debris from prior armoring efforts, and construction of a public access stairway; annual rent for the seawall in the amount of \$167 per year, with an annual Consumer Price Index adjustment; consideration for the debris from prior armoring efforts being the public benefit, subject to retroactive rent conditioned on completion of the project by June 22, 20~~3029~~, in the amount of \$8,567 per year, with an annual Consumer Price Index adjustment as specified in Paragraph 2.6 of Section 3 – General Provisions; and consideration for the public access stairway being the public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such an action to be in the State's best interests; and liability insurance in the amount no less than \$1,000,000 per occurrence.

2. Authorize the Executive Officer or designee to replace, if needed, Exhibits in the lease upon submission, review, and approval of as-built plans detailing the final locations of improvements following the proposed project.