

**CALENDAR ITEM
C26**

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08/22/08
WP 6065.9
J. McComas

AMENDMENT OF LEASE

LESSEE:

City of Pacifica
170 Santa Maria Ave.
Pacifica, CA 94044

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean, adjacent to Beach Boulevard between Santa Rosa Avenue and Bella Vista Avenue, city of Pacifica, San Mateo County.

AUTHORIZED USE:

Rip-rap for shore protection as shown on Exhibit A.

LEASE TERM:

49 years, beginning September 1, 1981.

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such to be in the State's best interest.

PROPOSED AMENDMENT:

Delete and replace Section 3 (Land Description) of the lease with Section 3 as shown on Exhibit B and authorize the recovery and replacement of approximately 1,500 tons of dislodged stone and the import and placement of approximately 3,000 tons of new ten-ton stone. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. On February 9, 1982, the Commission authorized a General Lease - Public Agency Use to the city of Pacifica for rip-rap shoreline protection adjacent to Beach Boulevard. Lessee has submitted an application to amend the lease to authorize the repair of the existing revetment.

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3. The repair of the existing revetment includes recovering approximately 1,500 tons of dislodged stone and replacing it onto the revetment, and importing and placing 3,000 tons of new ten-ton stones. The revetment project protects Beach Boulevard, public access to the beach and the lands that lie easterly of the revetment from the constant wave impact of the Pacific Ocean. The revetment also protects City infrastructure including sewer and storm drain utilities, pump stations, City municipal offices, and an entire residential neighborhood from the impact of the ocean waves.
4. Damage to the revetment occurred between December 17, 2005, and January 3, 2006, known as FEMA disaster 1628-DR-CA and State Emergency No. 05-2006. Since that time, the City has been working with multiple agencies on moving this project forward to construction in order to repair the revetment to its predisaster function.
5. On July 7, 2008, the City submitted a request to the Commission staff to proceed with the project prior to the formal consideration and authorization by the Commission in order to mobilize and complete the project prior to the rainy season and to ensure no more damage would occur as a result of continued wave action that threatens the unrepaired Beach Boulevard revetment. On July 11, 2008, Commission staff provided the City a letter of non-objection to proceed with the project, subject to formal approval by the Commission and in compliance with Coastal Development Permit # 2-07-028 and all other applicable permits from federal, state and local government agencies having jurisdiction over the project. On July 14, 2008, the City accepted the conditions.
6. **Declared Emergency:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves a project undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with section 8550) of Division 1, Title 2 of the Government Code.

Authority: Public Resources Code Section 21080 (b)(3) and Title 14, California Code of Regulations, section 15269 (a).

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7. **Emergency Project:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves emergency repairs to public service facilities necessary to maintain service.

Authority: Public Resources Code section 21080 (b)(2) and Title 14, California Code of Regulations, section 15269 (b).

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission and the California Department of Fish and Game

EXHIBITS:

- A. Site and Location Map
- B. Land Description

PERMIT STREAMLINING ACT:

January 4, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

DECLARED EMERGENCY: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080 (b)(3) AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15269 (a), TO MAINTAIN, REPAIR, RESTORE, DEMOLISH, OR REPLACE PROPERTY OR FACILITIES DAMAGED OR DESTROYED AS A RESULT OF A DISASTER IN A DISASTER-STRICKEN AREA IN WHICH A STATE OF EMERGENCY HAS BEEN PROCLAIMED BY THE GOVERNOR.

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EMERGENCY PROJECT: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080 (b)(1) AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15269 (b), EMERGENCY REPAIRS TO PUBLIC SERVICE FACILITIES NECESSARY TO MAINTAIN SERVICE.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 6065.9, A GENERAL LEASE – PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE AUGUST 22, 2008, TO DELETE AND REPLACE SECTION 3 (LAND DESCRIPTION) OF THE LEASE AND AUTHORIZE THE RECOVERY AND REPLACEMENT OF APPROXIMATELY 1,500 TONS OF DISLODGED STONE AND THE IMPORT AND PLACEMENT OF APPROXIMATELY 3,000 TONS OF NEW TEN-TON STONE; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.