

**CALENDAR ITEM
C70**

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S 13

04/26/13
PRC 8438.9
R. Collins

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Pacifica

AREA, LAND TYPE, AND LOCATION:

Sovereign tide and submerged land in the Pacific Ocean adjacent to 528 through 572 Esplanade Avenue, city of Pacifica, San Mateo County.

AUTHORIZED USE:

Use and maintenance of a rock revetment.

LEASE TERM:

10 years, beginning December 1, 2012.

CONSIDERATION:

Public health and safety, 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 interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$5,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has the right to use the upland adjoining the lease premises.
2. On December 16, 2002, the Commission authorized a 10-year General Lease – Public Agency Use to the City of Pacifica for an existing rock revetment constructed under emergency conditions in 1998. That lease expired on November 30, 2012. The Applicant is now applying for a new General Lease – Public Agency Use.
3. A 5-year Geotechnical Monitoring Report was prepared by Cotton, Shires and Associates, Inc. for the City of Pacifica in 2008. The report concluded

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the protective structure is fundamentally intact, and remains fully functional in its intended capacity of protecting the adjacent bluff from undermining by coastal erosion processes.

4. The 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 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands which have not been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

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

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).

AUTHORIZATION:

Authorize Issuance of a General Lease – Public Agency Use to the City of Pacifica beginning December 1, 2012, for a term of 10 years, for the use and maintenance of a rock revetment as described in Exhibit A attached and by this reference made a part hereof; and shown on Exhibit B (for

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reference purposes only); consideration being the public health and safety, 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 interest; liability insurance in the amount of no less than \$5,000,000.

EXHIBIT A

PRC 8438.9

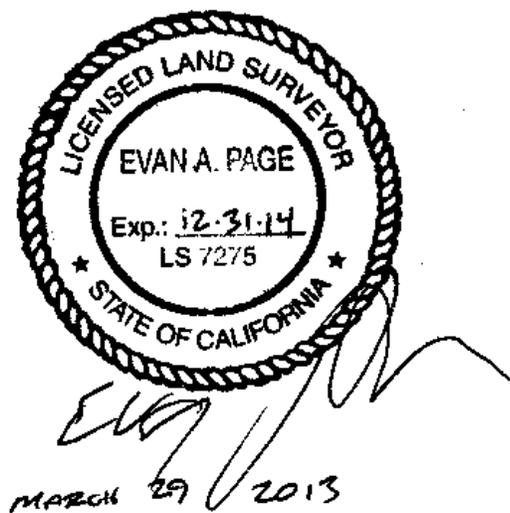
LAND DESCRIPTION

A parcel of tide and submerged lands in the City of Pacifica, San Mateo County, California, described as follows:

BEGINNING at a point on the westerly prolongation of the southerly line of Pacific Manor Map No. 1, filed September 26, 1946 in Volume 26 of Maps at Pages 24 and 25, records of San Mateo County; said point being N 82°45'30" W, 868.06 feet from the southwesterly corner of Lot 1, Block 1 of Pacific Manor Map No. 1; thence leaving said westerly prolongation, N 02°19'22" E, 166.77 feet; thence N 07°14'30" E, 509.84 feet; thence S 82°45'30" E, 100 feet; thence N 07°14'30" E, 4.84 feet; thence S 82°45'30" E, 30 feet; thence N 07°14'30" E, 24.84 feet; N 82°45'30" W, 250 feet; thence southerly to a point on the westerly prolongation of the southerly line of Pacific Manor Map No. 1 lying 90 feet westerly of the Point of Beginning; thence S 82°45'30" E, 120 feet to the POINT OF BEGINNING.

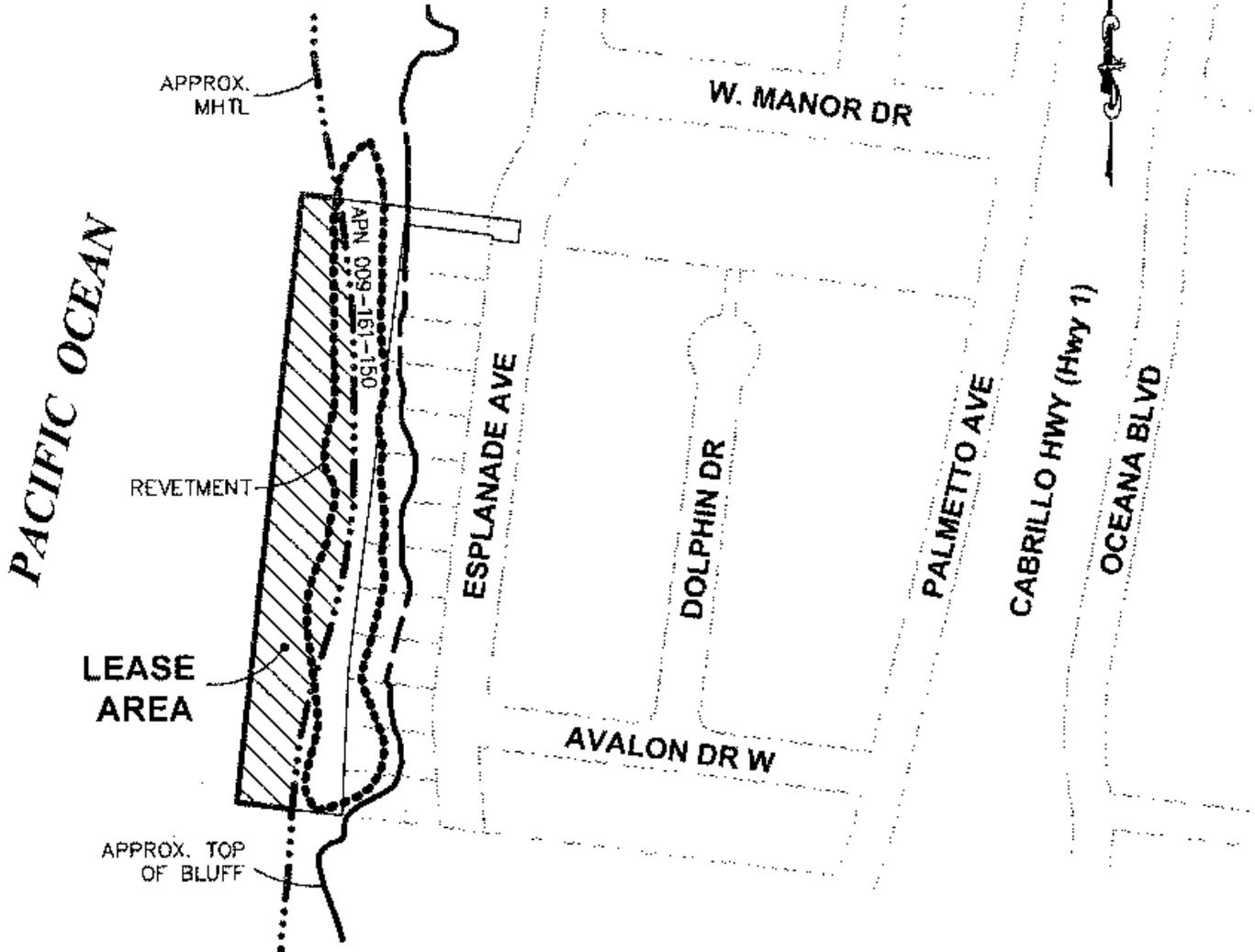
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

END OF DESCRIPTION



NO SCALE

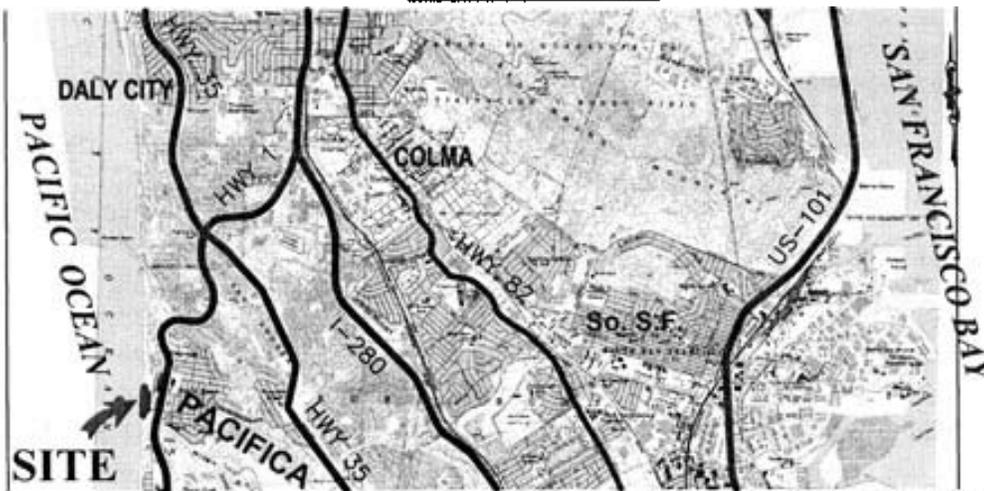
SITE



CITY OF PACIFICA, 528 TO 572 ESPLANADE AVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8438.9
 CITY OF PACIFICA
 APN 009-161-150
 GENERAL LEASE-
 PUBLIC AGENCY USE
 SAN MATEO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.