

Staff Report 23

LESSEE/ASSIGNOR:

Victor A. Dodge and Gregory K. Gazaway

APPLICANT/ASSIGNEE:

Alta Monroe

PROPOSED ACTION:

Assignment of a General Lease – Recreational and Residential Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Mare Island Strait, adjacent to 32 Sandy Beach Road, near Vallejo, Solano County.

AUTHORIZED USE:

Continued use and maintenance of a portion of an existing residence, deck, dock, and appurtenant facilities.

TERM:

30 years, beginning February 9, 2016.

CONSIDERATION:

\$1,977 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On February 9, 2016, the Commission authorized a 30-year General Lease – Recreational and Residential Use to Victor A. Dodge and Gregory K. Gazaway ([Item C57, February 9, 2016](#)). That lease will expire on February 8, 2046.

On July 31, 2020, interest in the upland parcel was deeded to the Applicant. The Lessee and Applicant are now requesting an assignment of the lease, and the Applicant agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the lease. Staff recommends an assignment of the lease to reflect the change in ownership of the upland parcel from the Lessee to the proposed Assignee. The assignment would be effective as of the date of transfer, July 31, 2020.

The proposed assignment of the lease will not result in a change in the use of, or impacts to, Public Trust resources. Staff believes approval of this assignment will not substantially interfere with Public Trust needs and values and is in the best interests of the State.

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 in Mare Island Strait, which is a tidally influenced site vulnerable to flooding at current sea levels and will be at higher risk of flood exposure given projected scenarios of sea-level rise. The subject facilities are also classified within FEMA's Coastal High Hazard Area as an area currently inundated by tidal floods with additional hazards due to storm-induced velocity wave action. This lease area currently has a base flood level of 15 feet as well as wave action and/or high-velocity water that can cause structural damage during the 1 percent annual chance flood.¹

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-

¹ FEMA's National Flood Hazard Layer (NFHL) Viewer, <https://msc.fema.gov/portal/home>. Accessed 9/17/2020.

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 region as listed in Table 1.

Table 1. Projected Sea-Level Rise for San Francisco

Year	Projection (feet)
2030	0.8
2040	1.2
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 and will increase inundation levels within the lease area over the term of the lease. In addition, as stated in *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, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise). In rivers, bays, and other tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea-level rise will further influence coastal and bay areas by changing erosion rates. Near-coastal bay and riverine areas will be exposed to increased wave force and run-up, potentially resulting in increased scour, and decreasing any bank or other flood control structure's integrity or stability.

The lease is a 30-year General Lease – Residential and Recreational Use that began on February 9, 2016 and may be subject to the climate change effects of the projected sea-level rise scenario provided above. Table 1, above, notes that the area is expected to encounter almost 2 feet of sea level rise by 2050. When combined with storm surge effects and/or king tides, the lease area is likely to suffer significant inundation and potential damage to the leased facilities. Regular maintenance and implementation of best management practices will help reduce the likelihood of severe structural degradation and dislodgement. Further climate change impact analyses on the lease area will also be assessed at the time the lease expires in 2046, if an application is submitted for a new lease, and would be based on projected sea-level rise scenarios at that time.

CONCLUSION:

Approval of this lease assignment will not result in a change in the use of, or impacts to, Public Trust resources at this location, at this time, and for the foreseeable term of the lease. For these reasons, staff recommends finding that approval of this assignment 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. However, the Commission may not unreasonably deny the assignment of a lease without cause. Staff has not identified any basis for denial in this case. 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. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. Assignment of lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed assignment of the lease will not substantially interfere with Public Trust needs and values at this location, at this time, and for the remaining term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 5882, a General Lease – Residential and Recreational Use, of sovereign land, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, from Victor A. Dodge and Gregory K. Gazaway, to Alta Monroe, effective July 31, 2020.

EXHIBIT A

PRC 5882

LAND DESCRIPTION

A parcel of submerged land situate in Mare Island Strait, City of Vallejo, County of Solano, State of California, lying adjacent to and within the external boundaries of Parcel 37 as shown on that certain Record of Survey titled "Sandy Beach Cabin Sites", filed February 14, 1944 in Book 1 of Maps, at Pages 1 and 2, Solano County Records, and being more particularly described as follows:

BEGINNING at the northeasterly corner of said parcel; thence northwesterly along the northeasterly boundary and the northwesterly prolongation of said boundary, 52.9 feet; thence leaving said boundary in a northeasterly direction perpendicular to said boundary to a point on a line parallel with and five feet northeasterly of said boundary prolongation; thence northwesterly along said line 41.7 feet; thence leaving said line in a southwesterly direction perpendicular to said line to a point on the westerly prolongation of the southerly boundary of said parcel; thence southerly along said boundary 108.1 feet to the southeasterly corner of said parcel; thence in a northerly direction along the easterly boundary of said parcel to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of Mare Island Strait.

END OF DESCRIPTION

Prepared 07/27/2020 by the California State Lands Commission Boundary Unit.

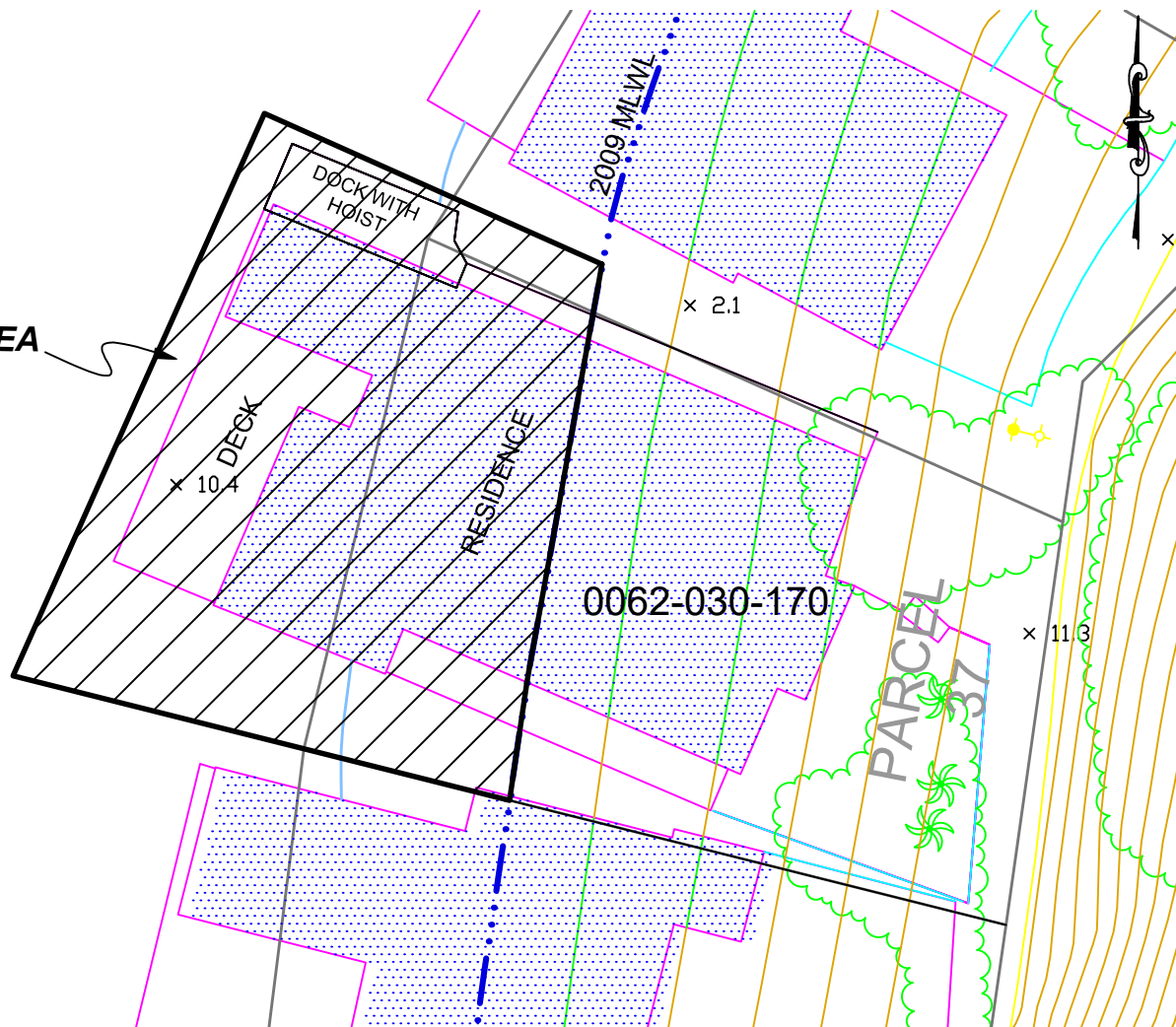


NO SCALE

SITE

MARE ISLAND
STRAIT

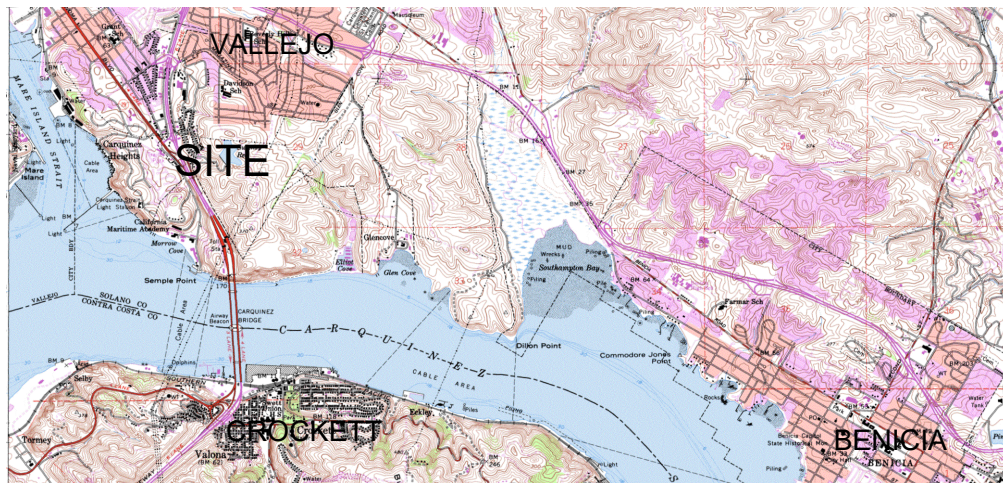
LEASE AREA



32 SANDY BEACH ROAD, VALLEJO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5882

MONROE

APN 0062-030-170

GENERAL LEASE -
RESIDENTIAL &
RECREATIONAL USE
SOLANO 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.

TS 07/27/2020