

Staff Report 03

APPLICANT:

City of Petaluma

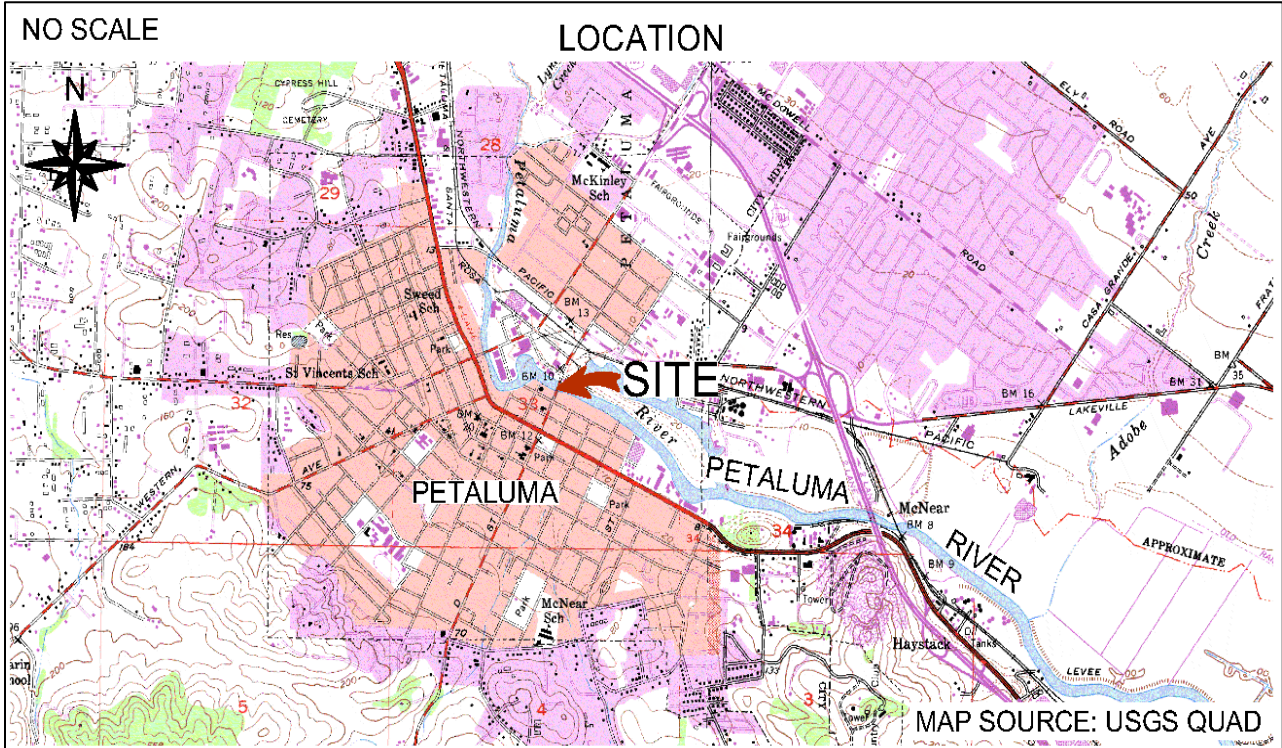
PROPOSED ACTION:

Issuance of General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Petaluma River, adjacent to Assessor's Parcel Numbers 007-156-001, 007-700-006, 008-069-001, and 008-121-021, Petaluma, Sonoma County (as shown in Figure 1).

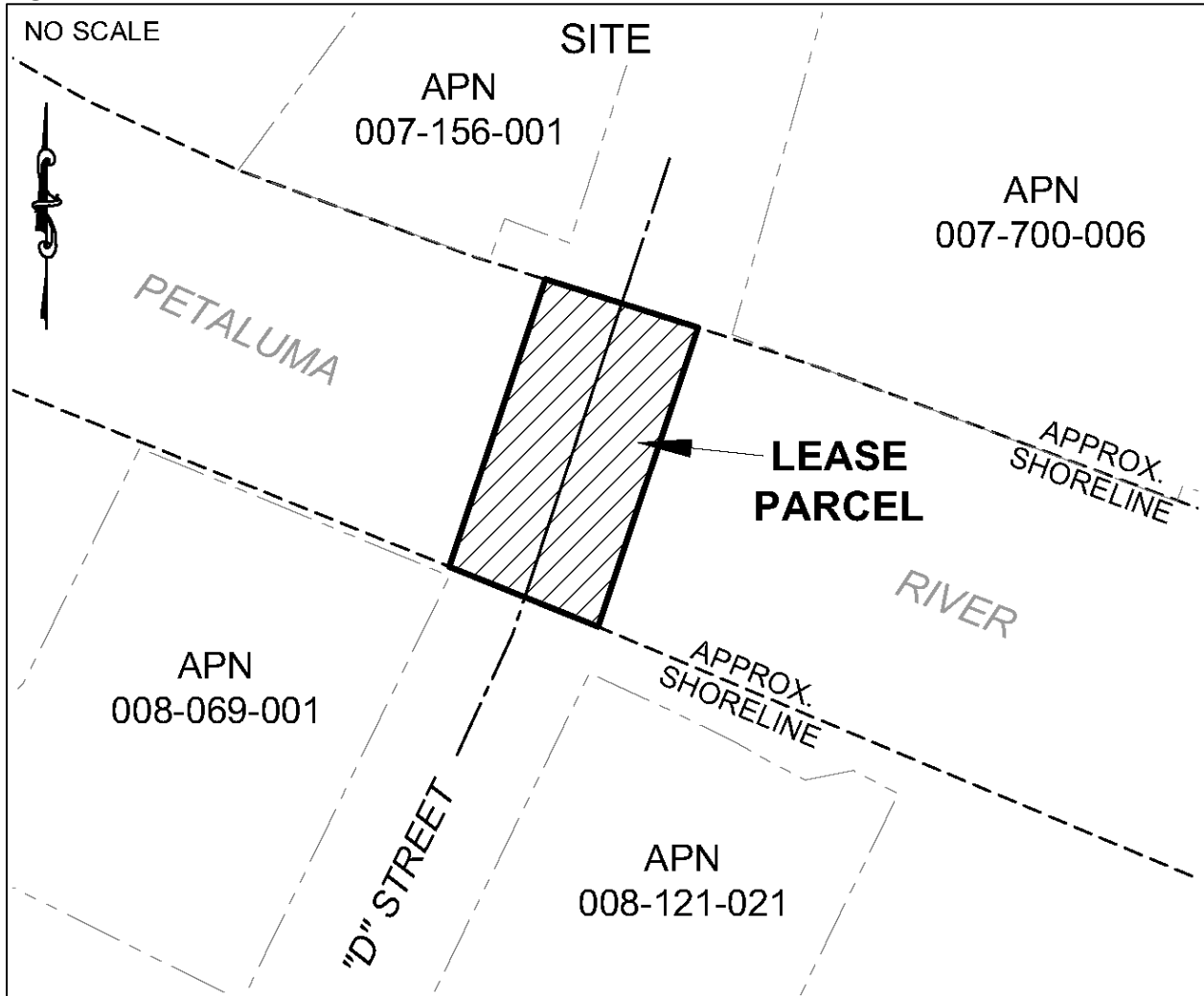
Figure 1. Location



AUTHORIZED USE:

Use of an existing vehicle and pedestrian bridge, known as the D Street Bridge.

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:

20 years, beginning June 1, 2022.

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 interest.

SPECIFIC LEASE PROVISIONS:

- Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor from all damages, injuries, or claims arising from the installation, maintenance, or operation of Lessee's facilities attached, suspended, or otherwise fixed to the Lessee improvements.
- Lessee shall not place, attach, or authorize placement or attachment of any utilities or other improvements on the D Street Bridge or within the Lease Premises without the Commission's prior review and approval. Separate leases or subleases are required and shall be obtained for all utilities not operated by the Lessee.
- Lessee agrees and acknowledges that the hazards associated with climate change may require additional maintenance or protection strategies regarding the improvements on the lease premises.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On May 12, 1997, the Commission authorized issuance of a 25-year General Lease – Public Agency Use to the City of Petaluma, for use of an existing vehicle and pedestrian bridge known as the D Street Bridge ([Item 59, May 12, 1997](#)). That lease expired on May 31, 2022. The Applicant is applying for a General Lease – Public Agency Use, for the continued use of the existing vehicle and pedestrian bridge in the Petaluma River.

The bridge offers a significant public benefit by providing vital infrastructure and transportation for the statewide public, operating as an east-west connector across the Petaluma River. The bridge is used for vehicle transportation conducting commerce or personal travel through the city and across the waterway. The D Street Bridge is one of three access points across the river in the City of Petaluma. The average traffic count is 19,000 vehicles per day. The bridge is also used by bicycles and pedestrians accessing downtown from the west side of Petaluma. Additionally, the bridge is a vital part of the bus route for Petaluma Transit, Golden Gate Transit, and Sonoma County Transit. The bridge is located adjacent to the Sonoma Marin Area Transit Station.

The bascule design features allow for the raising and lowering of the bridge to accommodate different types of marine vessels navigating the river. Due to this feature, the bridge does not have attached utilities. The bridge is inspected by Caltrans approximately every two years, and sometimes more frequently as determined by Caltrans. The most recent inspection deemed the bridge to be in working condition with normal wear and tear. Additionally, Caltrans offers funding for repairs outside of preventative maintenance to ensure local agencies keep the infrastructure up to date. The City does routine preventative maintenance on a monthly basis. The proposed lease would require the City to maintain the bridge during the term of the lease, reducing the liability to the State.

The river at this location is narrow and has varying water levels. The public can use the river for recreational Public Trust activities. There is public access and dock access to the river immediately adjacent to the bridge that is safe to access and is located on both sides of the river. There are signs promoting and identifying river access at these points. Promotion of public access and use of California's navigable waters is a mandate of the California Constitution (article X, section 4), a condition of Statehood in the Act of Admission of the State of California into the Union (9 Stat. 452, Sept. 9, 1850), and a responsibility of all involved public agencies pursuant to the common law Public Trust Doctrine. In addition, visitors may legally utilize public access easements around the bridge to access the river. The proposed lease includes certain provisions protecting the public use of the proposed lease area. Furthermore, the proposed lease will not substantially impede or impair Public Trust uses in this area, because the bridge height allows recreational users to pass under the bridge.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement for Public Trust consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

The proposed lease requires the lessee to 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 leased facilities are located on Petaluma River, in a tidally influenced site that is vulnerable to shallow coastal flooding at current

sea levels and will be at higher risk of flood exposure given projected scenarios of sea level rise.

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 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 [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 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 riverine areas by changing erosion and sedimentation rates. Near-coastal areas will be exposed to increased wave force and run up, potentially resulting in greater bank erosion than previously experienced. Finally, in tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises during the term of the lease. The bridge structure is not adaptable to variable water levels and may require more frequent maintenance and reinforcement in the future to withstand higher levels of flood exposure, more frequent or intensified scouring, and more frequent storm events and ensure continued function during and after storm seasons and to avoid dislodgement of appurtenant facilities.

Regular maintenance, as required by the lease, will reduce the likelihood of severe structural degradation to the upland structures. Pursuant to the proposed lease, the

Applicant acknowledges that the Lease Premises and adjacent upland are located in an area that may be subject to 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 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.

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. The Applicant 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 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.

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).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning June 1, 2022, for a term of 20 years, for the use of an existing vehicle and pedestrian bridge, known as the D Street Bridge; 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 interest.