

# Staff Report 33

## LESSEE/ASSIGNOR:

---

Jade M. Zatkovich and Stefen Peter English

## APPLICANT/ASSIGNEE:

---

Ruperto V. Ouano and Grace S. Mercado

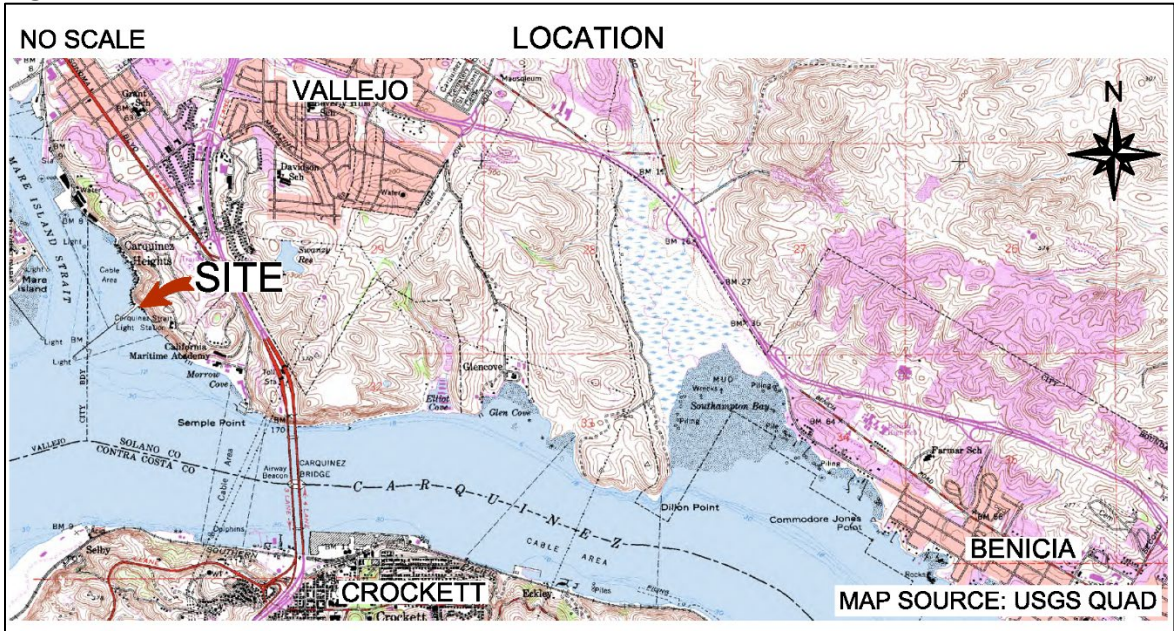
## PROPOSED ACTION:

Assignment of a General Lease – Recreational and Residential Use.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in Mare Island Strait, adjacent to 40 Sandy Beach Road, Vallejo, Solano County (as shown on Figure 1).

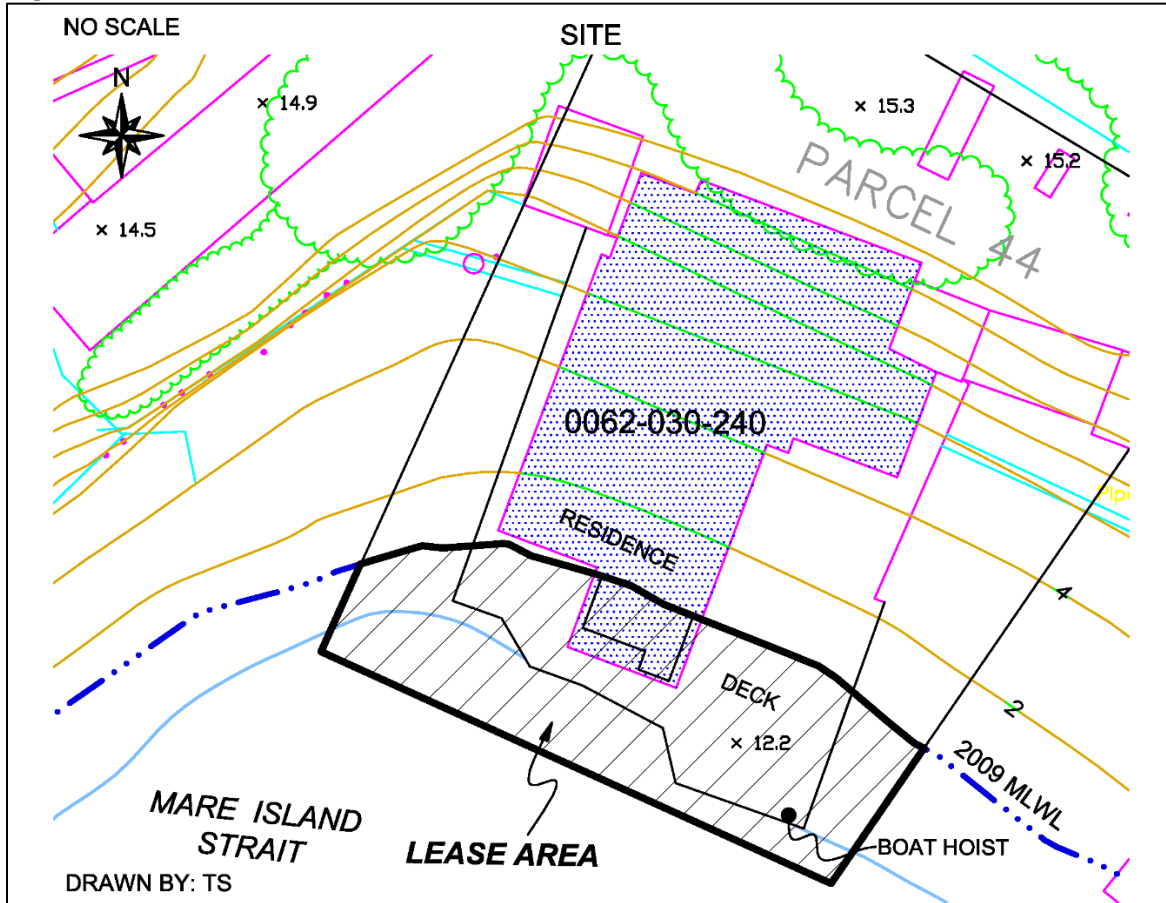
Figure 1. Location



**AUTHORIZED USE:**

Use of a portion of an existing residence, deck, and appurtenant facilities (as shown on 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:**

30 years, beginning February 9, 2016

**CONSIDERATION:**

\$599 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, 6501.1, and 6503; 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 General Lease – Recreational and Residential Use to Donald L. Rising, Steven A. Rising, and Darlene Rising Kluber for the use and maintenance of a portion of an existing residence, deck, and appurtenant facilities not previously authorized by the Commission ([Item 32, February 9, 2016](#)). The property was transferred and the lease assigned to Jade M. Zatkovich and Stefen Peter English on August 23, 2018 ([Item 66, August 23, 2018](#)).

On June 6, 2023, the property was deeded to Ruperto V. Ouano and Grace S. Mercado. The Applicant is applying for an Assignment of a General Lease – Recreational and Residential Use for an existing residence, deck, and appurtenant facilities.

The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. The lease assignment will not change the use of the lease premises. For these reasons, staff recommends finding the proposed action is in the best interests of the State at this time.

### **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 facilities are located in the Mare Island Strait, in a tidally influenced site vulnerable to flooding at current sea levels and at a 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**

| <b>Year</b> | <b>Projection (feet)</b> |
|-------------|--------------------------|
| 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.

This effect could increase the Mare Island Strait's inundation levels within the lease area. In addition, as stated in the [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 and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. The subject facilities are also classified within the Federal Emergency Management Agency's Coastal High Hazard Area as an area currently subject to inundation by the 1-percent-annual-chance flood event, with additional hazards due to storm-induced velocity wave action. Conversely, climate change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea level rise will further influence riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

The lease is a 30-year General Lease – Recreational and Residential Use that began on February 9, 2016, and may be subject to the climate change effects and projected sea level rise scenarios provided above. Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation and dislodgement. Further climate change impact analyses on the leased facilities will be assessed at the time the lease is up for renewal in 2046 and would be based on projected climate change and sea level rise scenarios at that time.

## **CONCLUSION:**

For all the reasons above, Commission staff believes the approval of this lease assignment will not substantially interfere with the Public Trust needs at this location and at this time and the term of the lease, and in the best interests of the State.

## **OTHER PERTINENT INFORMATION:**

---

1. Applicant owns the uplands adjoining the lease premises and the underlying fee title to the patented tidelands.
2. Approval or denial of the application for assignment 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 lease would not be assigned.
3. The proposed assignment is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
4. Assignment of a lease is not a project as defined by the California Environmental Quality Act (CEQA) 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).

## **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 Number PRC 9308, a General Lease – Recreational and Residential Use of sovereign land, from Jade M. Zatkovich and Stefen Peter English, to Ruperto V. Ouano and Grace S. Mercado, to coincide with the Applicant's acquisition of the upland property.