

**STAFF REPORT
C15**

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11/29/17
PRC 9222.1
M. Schroeder

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Danny Giovannoni, Thomas Giovannoni, and Rebecca Giovannoni

APPLICANT/ASSIGNEE:

Craig C. Walker

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Napa River, adjacent to 1234 Milton Road, city of Napa, Napa County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with two wood pilings, gangway, deck with seven fiberglass pilings, and bank protection.

LEASE TERM:

10 years, beginning June 29, 2015.

CONSIDERATION:

Uncovered Floating Boat Dock with Two Wood Pilings, Gangway, Deck with Seven Fiberglass Pilings: \$390 per year, with an annual Consumer Price Index adjustment.

Bank Protection: 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 interests.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

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Public Trust and the State's Best Interests Analysis:

On June 29, 2015, the Commission authorized a General Lease – Recreational and Protective Structure Use to Danny Giovannoni, Thomas Giovannoni, and Rebecca Giovannoni ([Item C24, June 29, 2015](#)). That lease will expire on June 28, 2025. On October 3, 2016, interest in the upland parcel was deeded to the Applicant. The Applicant is now applying for an assignment of the lease. Applicant agrees to perform and be bound by the terms, conditions, covenants, and agreements contained in the lease.

The lease assignment will not result in a change in the use of, or impacts to, Public Trust resources. Staff believes approval of this assignment is consistent with the common law Public Trust Doctrine 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 subject facilities are located on the lower Napa River, a tidally influenced site vulnerable to flooding at current sea levels that will be at higher risk of flood exposure given projected scenarios of sea-level rise.

The lease premises consist of a floating boat dock, two wood pilings, a deck with seven fiberglass pilings, a gangway, and bank protection. The existing facilities are in good condition. The fixed and moving components of the floating boat dock and appurtenant facilities could be susceptible to damage from rising seas and flooding events. The lease premises are in an area that is designated as a Special Flood Hazard Zone by the Federal Emergency Management Agency.

The risk of flood exposure for the lease premises is likely to increase with time. The region could see up to 1 foot of sea-level rise (from year 2000 levels) by 2030, 2 feet by 2050, and possibly more than 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to more frequent flood inundation in low lying areas and larger tidal events. In addition, as stated in *Safeguarding California* (California Natural Resources Agency 2014), 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).

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In rivers and 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. In rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure. Further climate change impact analyses on the leased facilities will be assessed at the time the lease is up for renewal in 2025.

Conclusion:

For all the reasons above, staff believes the assignment of the lease is consistent with 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.

OTHER PERTINENT INFORMATION:

1. The assignment of lease 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.
2. 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).

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease assignment will not impact the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

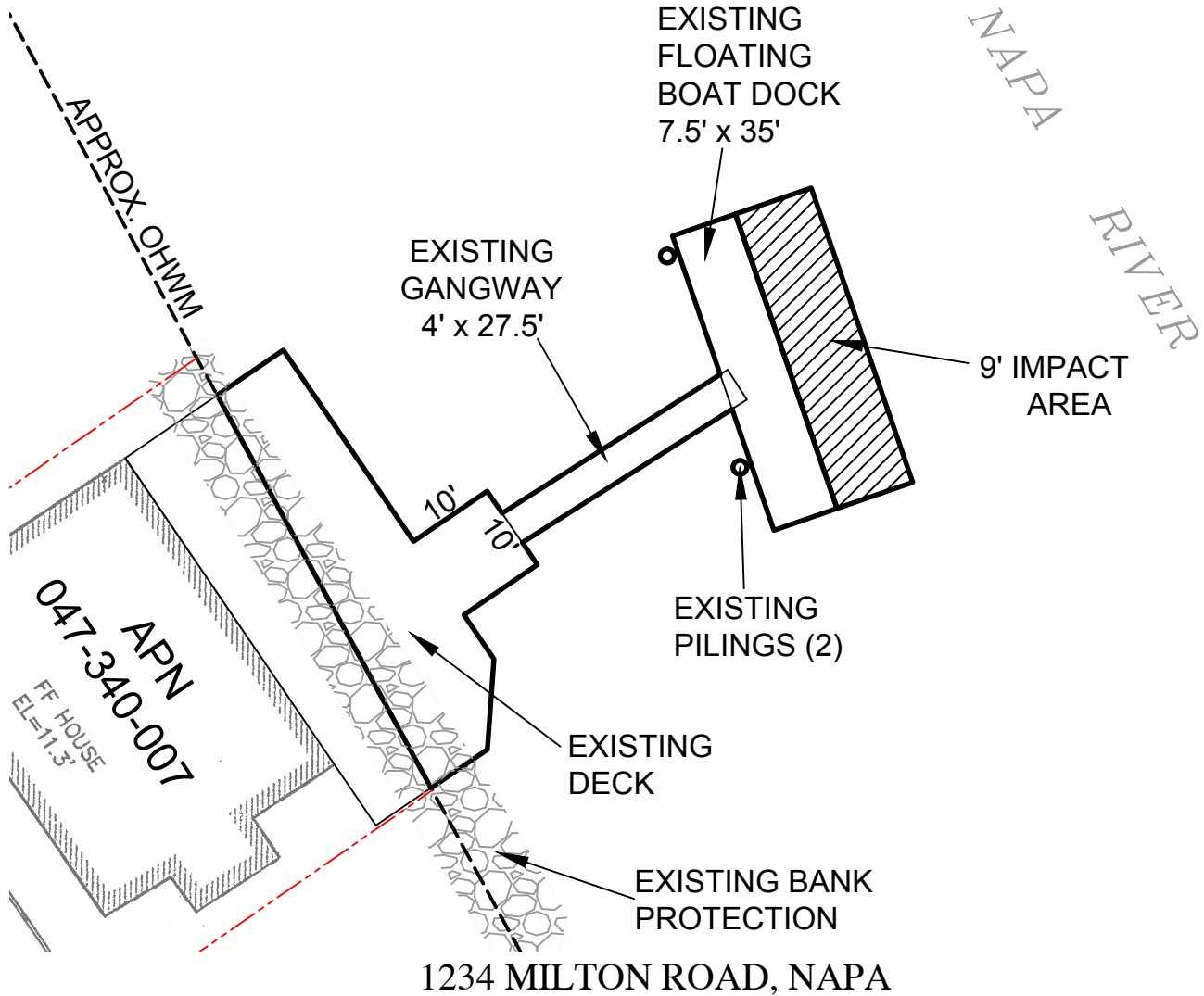
Authorize the assignment of Lease No. PRC 9222.1, a General Lease – Recreational and Protective Structure Use, of sovereign land as shown on

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Exhibit A, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Danny Giovannoni, Thomas Giovannoni, and Rebecca Giovannoni to Craig C. Walker; effective October 3, 2016.

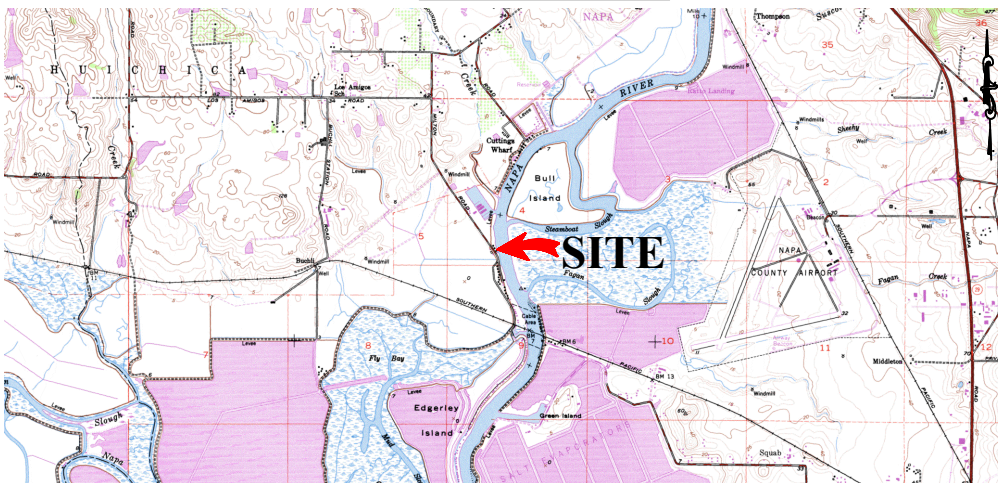
NO SCALE

SITE



NO SCALE

LOCATION



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.

Exhibit A

PRC 9222.1
WALKER
APN 047-340-007
GENERAL LEASE -
RECREATIONAL AND
PROTECTIVE STRUCTURE USE
NAPA COUNTY

