

**STAFF REPORT  
C52**

A 10  
S 2

10/18/18  
PRC 9271.1  
V. Caldwell

**ASSIGNMENT OF LEASE**

**LESSEE/ASSIGNOR:**

Joyce Turner

**APPLICANT/ASSIGNEE:**

Noah M. Aron

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Corte Madera Creek, adjacent to 65 Greenbrae Boardwalk, near Larkspur, Marin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing deck, boat dock, pilings, walkway, and ramp.

**LEASE TERM:**

20 years, beginning December 18, 2015.

**CONSIDERATION:**

\$485 per year, with an annual Consumer Price Index adjustment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 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 Analysis:**

On December 18, 2015, the Commission authorized a General Lease – Recreational Use to Joyce Turner, for an existing deck, boat dock, pilings, walkway, and ramp ([Item C37, December 18, 2015](#)). The lease will expire on December 17, 2035.

Interest in the upland parcel will be deeded to the Applicant/Assignee at the close of escrow. Staff recommends the assignment be effective concurrent with the transfer of the upland, at the close of escrow, but not later than December 31, 2018. The Assignee agrees to perform and be

## STAFF REPORT NO. C52 (CONT'D)

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 will not substantially interfere 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 Corte Madera Creek, 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 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 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, creeks, 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, creeks, and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

The lease is a 20-year General Lease – Recreational Use that began on December 18, 2015, and may be subject to the climate change effects of the projected scenario of 1 to 2 feet of sea-level rise (from year 2000 levels) by 2050 provided above. Regular maintenance and implementing best management practices, as required by the terms of the lease, will help reduce the likelihood of severe structural degradation, dislodgement, or hazards from structures within the lease premises. Further climate change impact analyses on the leased facilities will be assessed at the time the lease expires in 2035 if an application is submitted for a new

STAFF REPORT NO. **C52** (CONT'D)

lease and would be based on projected sea-level rise scenarios at that time.

**Conclusion:**

For all the reasons above, staff believes issuing this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. 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.
2. Approving the lease assignment 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, sections 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:**

1. Find that the proposed assignment of the lease for the existing and, for a limited period, continuing use and maintenance of the boat dock, pilings, walkway, and ramp will not substantially interfere with Public Trust needs and values at this location and are consistent with the common law Public Trust Doctrine; and,
2. Find that the proposed assignment of the lease for the existing and, for a limited period, continuing use and maintenance of the deck is not generally consistent with the Public Trust Doctrine, but the current use does not substantially interfere with the trust; and,
3. Find that issuing the proposed assignment of the lease is in the best interests of the State.

STAFF REPORT NO. **C52** (CONT'D)

**AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 9271.1, a General Lease – Recreational Use, of sovereign land as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, from Joyce Turner to Noah M. Aron; effective at the close of escrow, but not later than December 31, 2018.

**EXHIBIT A**

**PRC 9271.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Corte Madera Creek, in the unincorporated area of Greenbrae, County of Marin, State of California, and being more particularly described as follows:

COMMENCING at the most southerly corner of Parcel One as described in that certain Grant Deed recorded as Document No. 2009-0054454, Official Records of said county; thence along the southeasterly boundary of said parcel, North 23° 56' 40" East 57.08 feet; thence South 71° 30' 00" East 10.19 feet; thence North 19° 08' 00" East 91.43 feet to the POINT OF BEGINNING; thence continuing along the easterly boundary and northerly prolongation thereof, North 19° 08' 00" East 122.04 feet; thence leaving said boundary prolongation, North 68° 38' 37" West 38.89 feet to a point on the northerly prolongation of the westerly boundary of said parcel; thence along said prolongation and westerly boundary, South 19° 50' 00" West 121.99 feet; thence leaving said westerly boundary, South 68° 38' 37" East 40.38 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portions lying landward of the Ordinary High Water Mark on the right bank of said Corte Madera Creek.

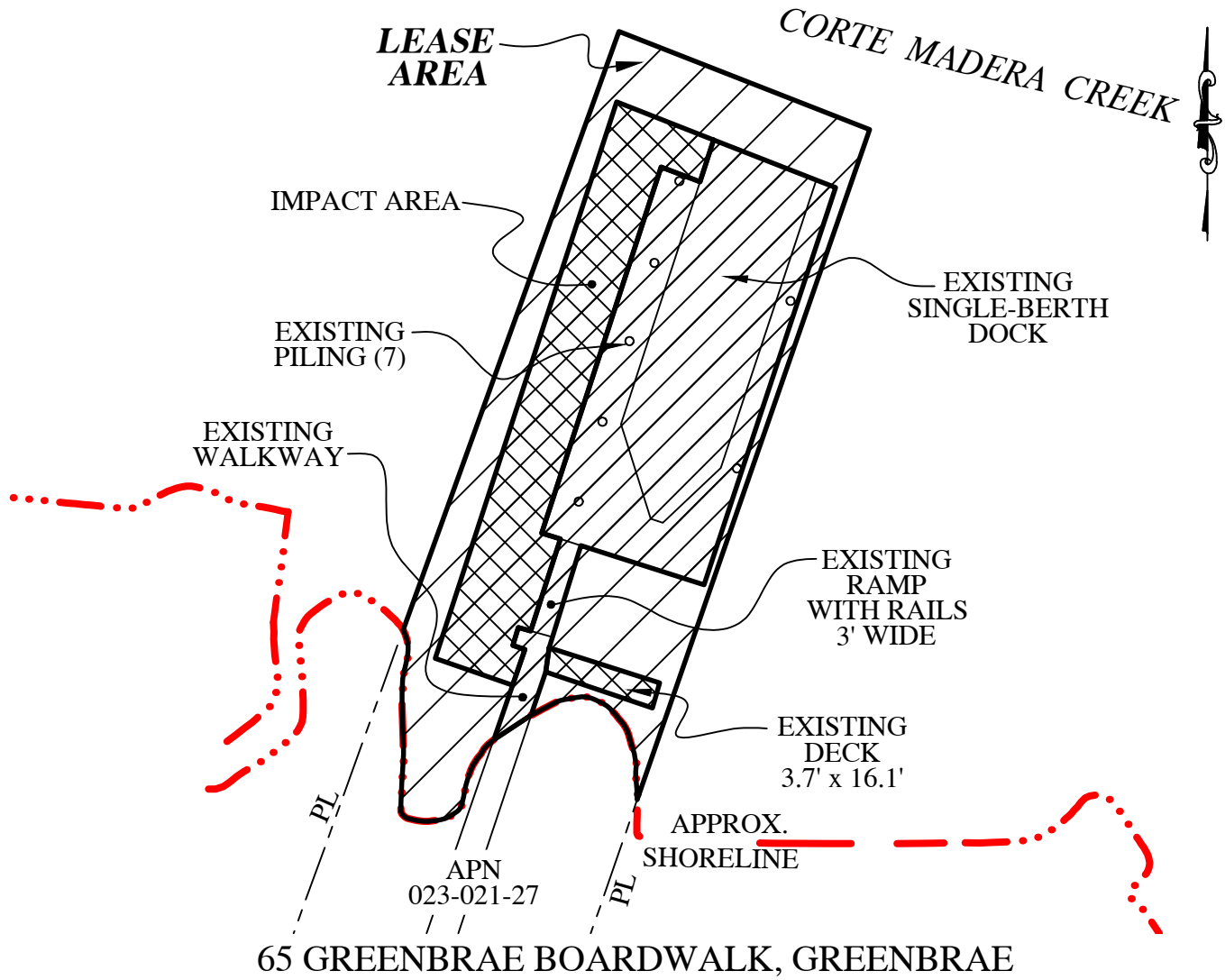
**END OF DESCRIPTION**

Prepared 09/06/2018 by the California State Lands Commission Boundary Unit.



NO SCALE

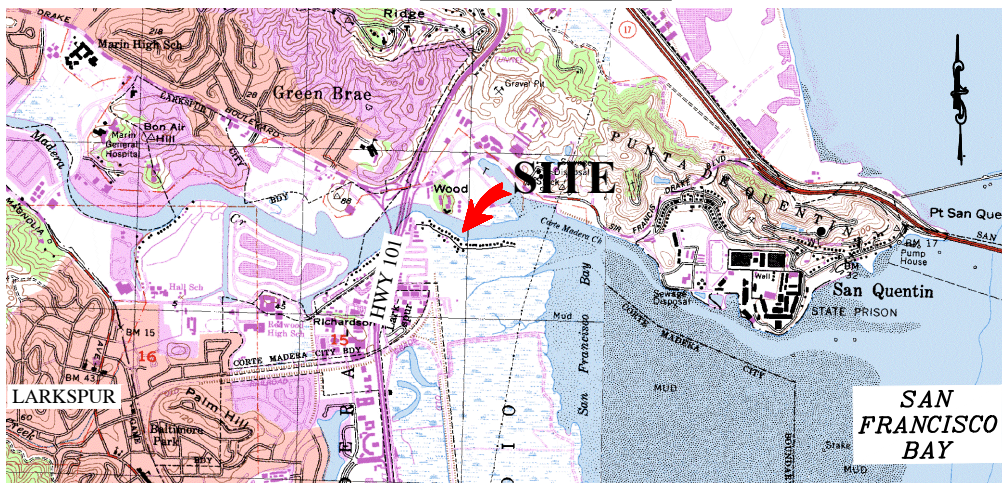
### SITE



65 GREENBRAE BOARDWALK, GREENBRAE

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 9271.1  
 ARON  
 APN 023-021-27  
 GENERAL LEASE -  
 RECREATIONAL USE  
 MARIN COUNTY



SITE

TS 09/06/18

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.