

Staff Report 45

LESSEE/ASSIGNOR:

Add T. Kennon, Jr. and Betty A. Kennon, Trustee of the Add T. Kennon, Jr. and Betty A. Kennon Family Trust u/d dated October 24, 2011

APPLICANT/ASSIGNEE:

Gregory T.C Young and Susan Wong Young Trustees of the Gregory and Susan Young Family Trust, Dated November 11, 2016

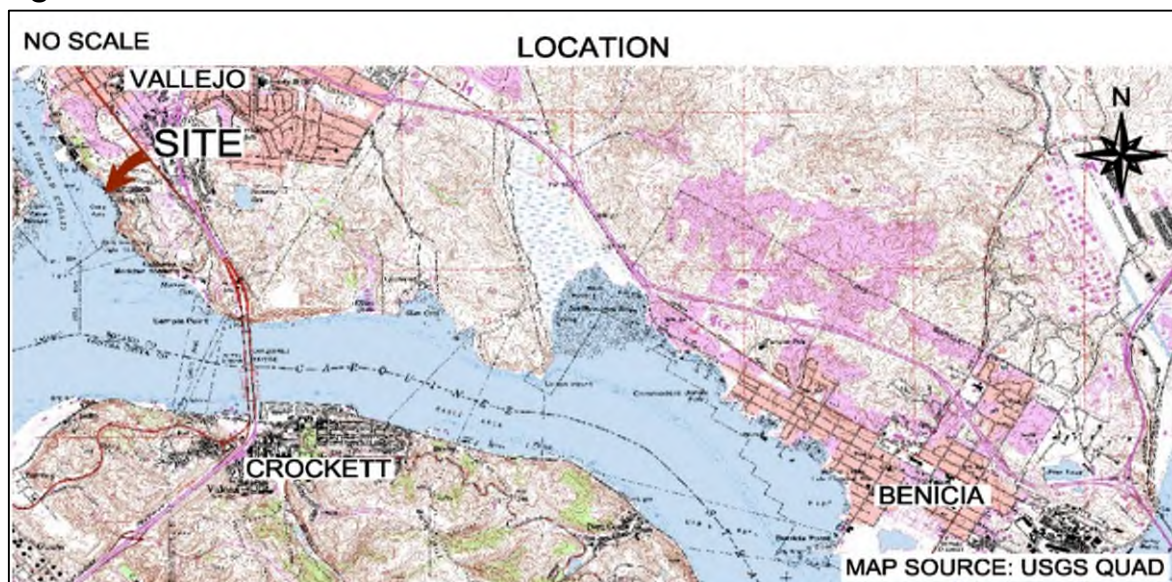
PROPOSED ACTION:

Assignment of a General Lease – Recreational and Residential Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Mare Island Strait, adjacent to 7 Sandy Beach Road, near Vallejo, Solano County (as shown in Figure 1).

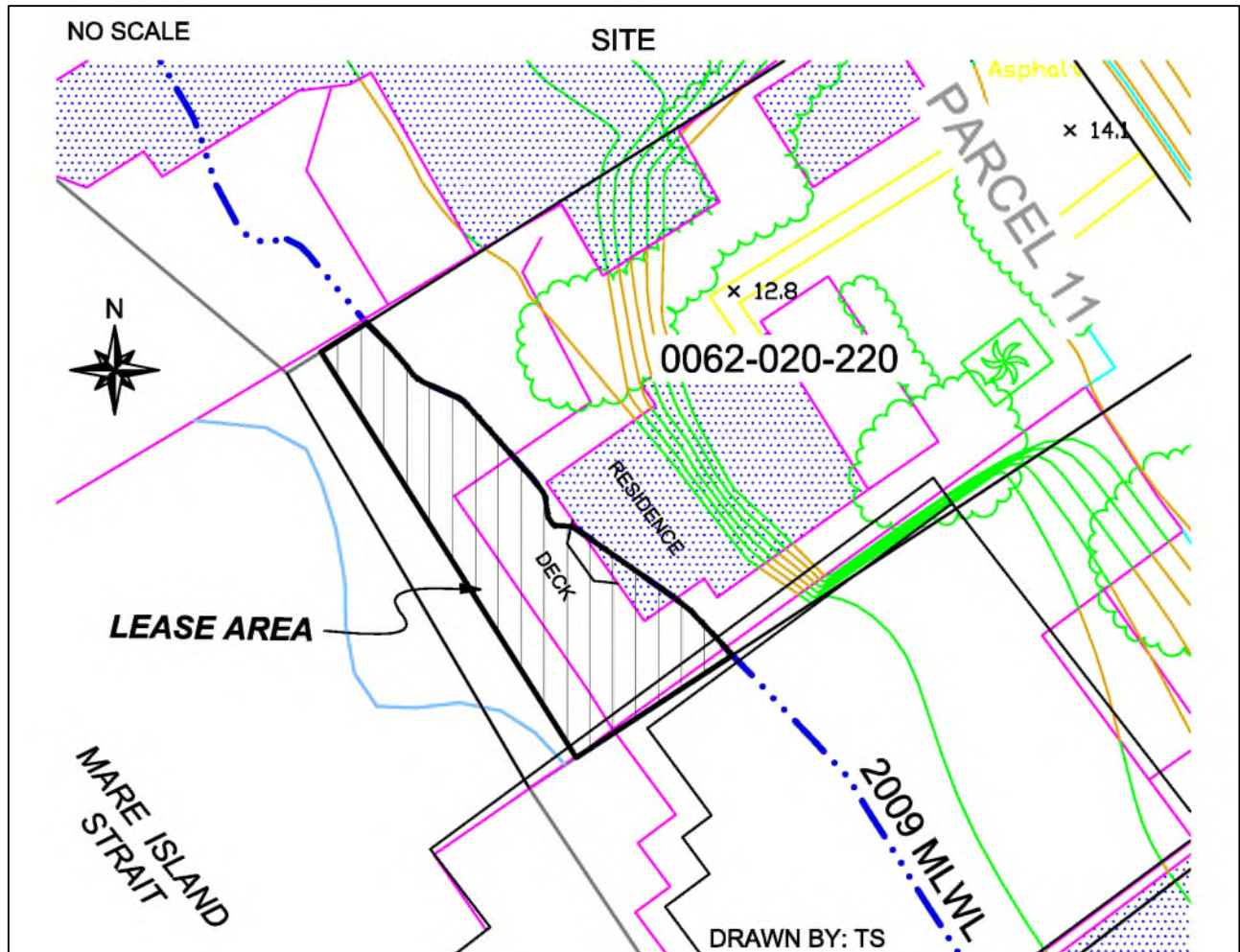
Figure 1. Location



AUTHORIZED USE:

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

\$232 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, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, section 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On February 9, 2016, the Commission authorized issuance of a General Lease – Recreational and Residential Use to Marilyn Toch and Karen L. Waggerman, Co-Trustees under the Toch Revocable Inter Vivos Trust Dated April 8, 1983, for the continued use and maintenance of a portion of an existing residence, deck, and appurtenant facilities ([Item 47, February 9, 2016](#)). On October 19, 2017, the Commission authorized an assignment of the lease to Add T. Kennon, Jr. and Betty A. Kennon, Trustee of the Add T. Kennon, Jr. and Betty A. Kennon Family Trust u/d dated October 24, 2011. This lease expires on February 8, 2046. The property was sold to the Applicant on December 28, 2023, and the Applicant is applying for an assignment of lease.

The assignment does not contemplate a change in existing usage and the improvements on the lease lands have existed in the current state for years. The proposed assignee is the owner of the improvements and the adjacent upland and is the best qualified to be the lessee. The sovereign lands within the leased boundary will not be alienated and it is not contemplated that the usage will substantially interfere with traditional Public Trust uses.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the [State of California Sea Level Rise Guidance](#) (Ocean Protection Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave runup, storm surges, flooding, and erosion. Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal

hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. These impacts may affect an existing residence, deck, and appurtenant facilities subject to the proposed lease, located in Corte Madera Creek near Vallejo.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate during the last century. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. To apply a precautionary approach, Commission staff evaluated the “intermediate-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. 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 | Intermediate-High (feet) | High (feet) |
|-------------|---------------------------------|--------------------|
| 2040 | 0.7 | 0.8 |
| 2050 | 1.0 | 1.3 |
| 2070 | 2.2 | 2.9 |
| 2100 | 4.8 | 6.5 |

Source: Table 6, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

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 would be assessed if a new lease is considered in 2046 and would be based on projected climate change and sea level rise scenarios at that time.

CONCLUSION:

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

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is 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 and the Lessee may be required to remove the subject improvements and restore the premises to their original condition. The Lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
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, sections 15060, subdivision (c)(3), and 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 6049, a General Lease – Recreational and Residential Use of sovereign land, from Add T. Kennon, Jr. and Betty A. Kennon, Trustee of the Add T. Kennon, Jr. and Betty A. Kennon Family Trust u/d dated October 24, 2011, to Gregory T.C Young and Susan Wong Young Trustees of the Gregory and Susan Young Family Trust, Dated November 11, 2016; effective December 28, 2023, to coincide with the transfer of the upland property.