

Meeting Date: 08/25/21
Lease Number: 9586
Staff: L. Anderson

Staff Report 31

LESSEE/ASSIGNOR

Robert Lienau, Jr. and Carol Lienau, Co-Trustees of The Lienau Family Trust
established August 4, 1992

APPLICANT/ASSIGNEE:

Robert Sebring, Jr. and Gail Sebring, as trustees of The Sebring Family Trust dated
January 10, 2002

PROPOSED ACTION:

Assignment of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Main Channel of Huntington Harbour, adjacent to 16642
Coral Cay Lane, Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of an existing boat dock, access ramp, and cantilevered
deck.

TERM:

10 years, beginning October 24, 2019

CONSIDERATION:

\$3,934 per year, with an annual Consumer Price Index adjustment.

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, and 6503.5;
California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On October 24, 2019, the Commission authorized a General Lease – Recreational Use to Robert Lienau Jr, and Carol Lienau, Co-Trustees of The Lienau Family Trust Established August 4, 1992, for the use and maintenance of an existing boat dock, access ramp, and cantilevered deck ([Item 49, October 24, 2019](#)). The lease will expire on October 23, 2029.

On February 1, 2021, the ownership of the upland property was deeded to the Applicant. The Applicant is now applying for an assignment of the remaining lease term. The effective date of the assignment will be February 1, 2021, to coincide with the Applicant's purchase of the upland property. Assignment of the lease will reflect this change in upland ownership from Assignor to the Applicant.

The proposed assignment of lease does not alienate the State's fee simple interest in the underlying land, nor will it permanently impair public rights. Approval of this lease assignment is limited to the remaining term of the 10-year lease and will not result in a change in the use of, or impacts to, Public Trust resources at this location, at this time, and for the remaining term of the lease. For these reasons, staff recommends finding that approval of this assignment is in the best interests of the State.

CLIMATE CHANGE:

Climate change impacts, including sea-level rise, increased wave activity, storm events, and flooding are not limited to the open coast. The structures subject to the lease assignment are located within the Huntington Harbour development, along an inland, navigable, tidally influenced channel, and may be vulnerable to the impacts of sea-level rise. Huntington Harbour is built near sea-level elevation, and as a result is vulnerable to flooding and storm surge events. Huntington Harbour is adjacent to two wetlands, Bolsa Chica and the Seal Beach National Wildlife Refuge, which could act as natural buffers to storm surges and lessen flood risks.

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 Los Angeles 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 Los Angeles

Year	Projection (feet)
2030	0.7
2040	1.2
2050	1.8
2100	6.7

Source: Table 28, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

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, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run-up, storm surge, and flooding in coastal and near coastal areas. 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. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run-up, potentially resulting in greater beach or bank erosion than previously experienced.

This increase in sea level combined with more frequent and stronger storm events will likely expose the lease area structures to higher flood risks, comprised of greater total water levels for longer periods of time. The lease is a 10-year General Lease – Recreational Use that began on October 24, 2019, and may be subject to the climate change effects of the projected sea-level rise scenario 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 and dislodgement. Further climate change impact analyses on the leased facilities will be assessed at the time the lease expires in 2029 if an application is submitted for a new lease and would be based on projected sea-level rise scenarios at that time.

CONCLUSION:

Assignment of this lease will not result in a change in the use of or impacts to Public Trust resources. Commission 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.

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. If the Commission denies the application, the Applicant may be required to remove the existing boat dock, access ramp, and cantilevered deck, and restore the premises to their original condition.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus area of the Commission's 2021-2025 Strategic Plan.
3. Assignment of the 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.
4. Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 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:

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 9586, a General Lease – Recreational Use, of sovereign land, as described in Exhibit A and as shown on Exhibit B (for reference

purposes only) attached and by this reference made a part hereof, from Robert Lienau, Jr. and Carol Lienau, Co-Trustees of The Lienau Family Trust Established August 4, 1992, to Robert Sebring, Jr. and Gail Sebring, as Trustees of The Sebring Family Trust dated January 10, 2002.

EXHIBIT A

W 27025

LAND DESCRIPTION

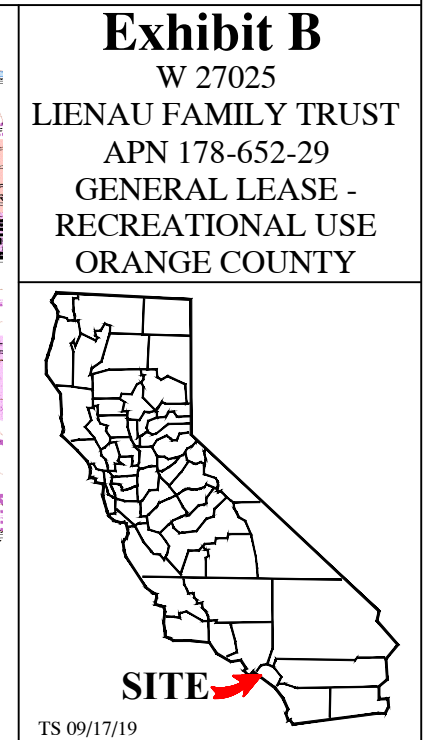
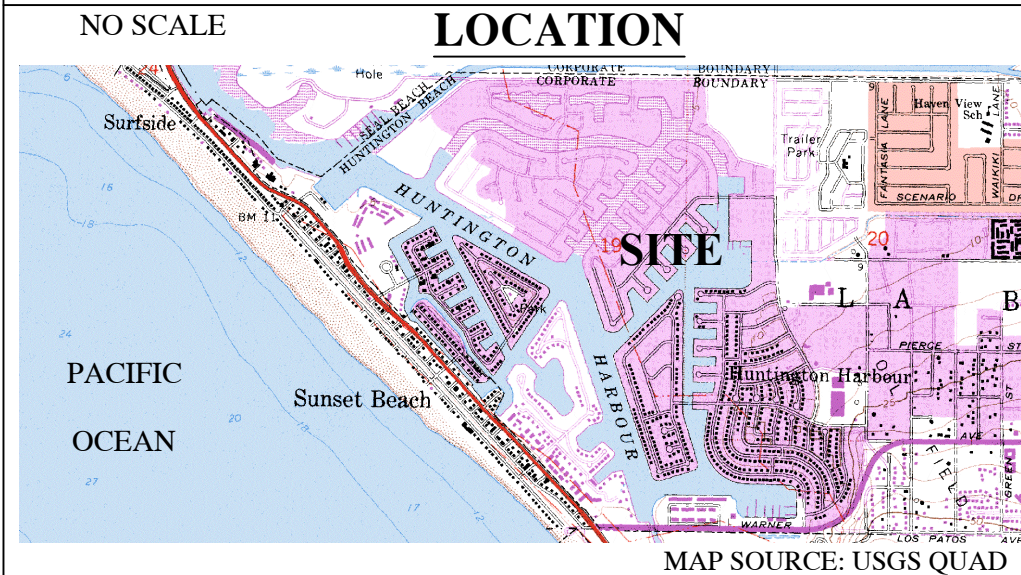
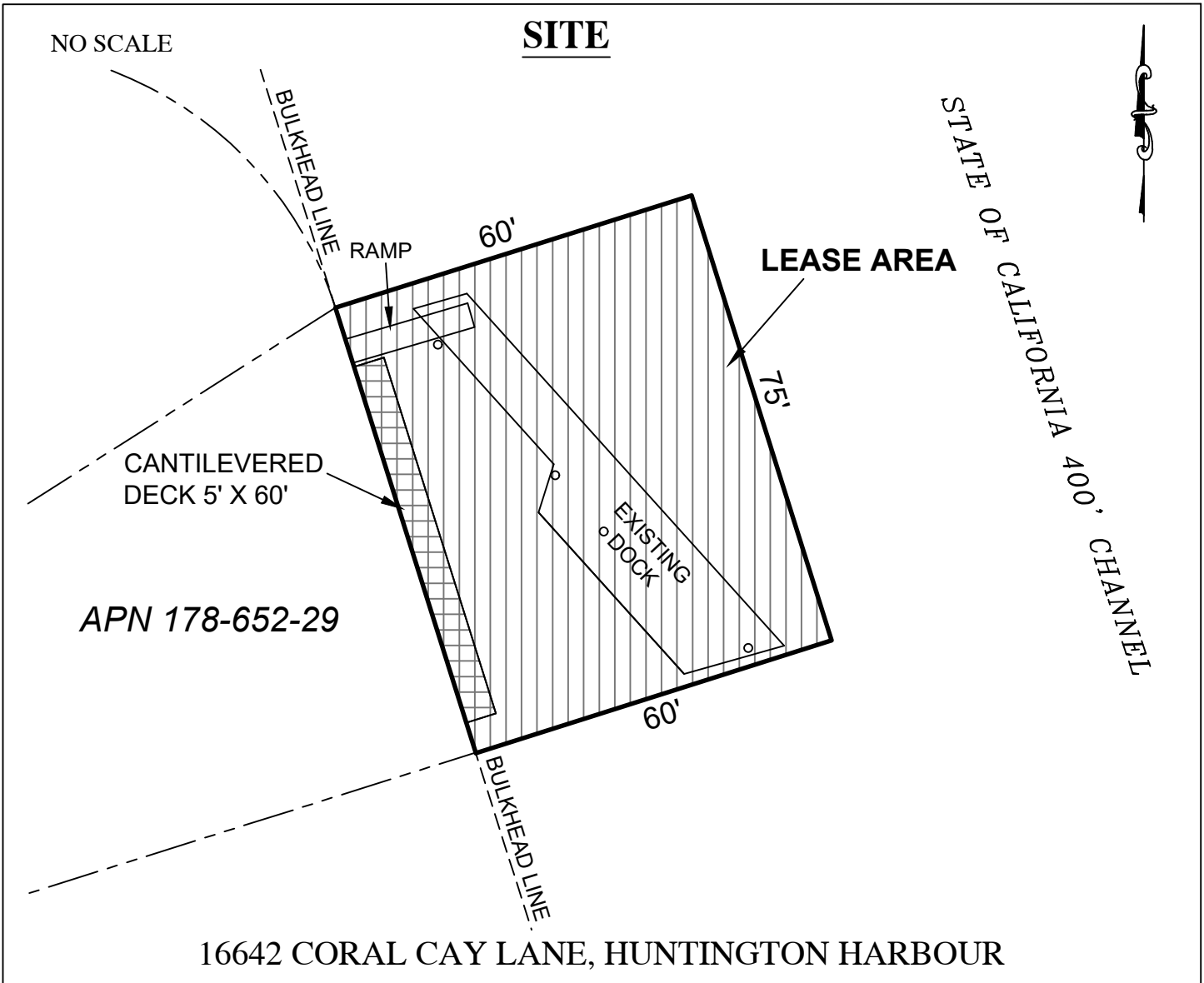
A parcel of submerged land in Huntington Harbour, in the City of Huntington Beach, Orange County, California, described as follows:

BEGINNING at the most easterly corner of Lot 55, as said lot is shown and so designated on that certain map of Tract No. 8040 filed November 22, 1974, in Book 350, Pages 27 through 37 of Miscellaneous Maps, Official Records of said County; thence along the northeasterly extension of the southeasterly line of said lot 60.00 feet to the pierhead line, as said pierhead line is described in Resolution No. 5197, passed and adopted December 6, 1982 by City Council of said City; thence northwesterly and parallel with the northeasterly line of said lot 75.00 feet to the line parallel with said northeasterly extension of said southeasterly line of said lot; thence southwesterly along said line 60.00 feet to the most northerly corner of said lot; thence southeasterly along said northeasterly line of said lot to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 09/17/19 by the California State Lands Commission Boundary Unit





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.