

Meeting Date: 08/25/21  
Lease Number: 8881  
Staff: L. Anderson

# Staff Report 33

## **LESSEE/ASSIGNOR**

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Robert Sebring, Jr. and Gail Sebring, as Trustees of the Sebring Family Trust dated January 10, 2002

## **APPLICANT/ASSIGNEE:**

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Michael F. McCoy, Trustee of the McCoy 1995 Inter Vivos Trust dated January 25, 1995

## **PROPOSED ACTION:**

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Assignment of a General Lease – Recreational Use

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

Sovereign land in the Main Channel of Huntington Harbour, adjacent to 16402 Grimaud Lane, Huntington Beach, Orange County.

## **AUTHORIZED USE:**

Continued use and maintenance of an existing cantilevered deck.

## **TERM:**

10 years, beginning June 28, 2020.

## **CONSIDERATION:**

\$646 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:**

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### **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 June 23, 2020, the Commission authorized a General Lease – Recreational Use to Robert G. Sebring and Gail Sebring, Trustees of the Sebring Family Trust, dated January 10, 2002, for the use and maintenance of an existing cantilevered deck ([Item 51, June 23, 2020](#)). The lease will expire on June 27, 2030.

On January 13, 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 January 13, 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.

There is a boat dock and public access ramp at this location, however, these improvements are under lease to the Broadmoor Huntington Harbour Community Association, Lease 5799.1 and are not affiliated with this lease.

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 structure subject to the lease assignment is 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 structure. 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 structure 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 June 28, 2020, and may be subject to the climate change effects of the projected sea-level rise scenario provided above. Regular maintenance, as referenced in the terms of the lease, will help reduce the likelihood of severe structural degradation and dislodgement. Further climate change impact analyses on the leased facility will be assessed at the time the lease expires in 2030 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:**

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1. The Commission cannot unreasonably deny an assignment to a qualified party. The Applicant is qualified to hold the lease and staff has not discovered any information that would provide a basis for withholding the assignment. Upon expiration or prior termination of the lease, neither the assignor nor the assignee has any right to a new lease or to renewal of any previous lease. If no new lease is granted the assignee may be required to remove the 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. The deed to the upland property lists the Grantor (Assignor) as Robert G. Sebring and Gail Sebring, Trustees of the Sebring Family Trust, dated January 10, 2002; however, the name of the trustees/trust that formerly held the property is instead Robert Sebring, Jr. and Gail Sebring as Trustees of the Sebring Family Trust, dated January 10, 2002, and so that is the Assignor name listed in this staff report and assignment.
4. 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.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

**EXHIBITS:**

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- A. Land Description
- B. Site and Location Map

## **RECOMMENDED ACTION:**

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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 8881, 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 Sebring, Jr. and Gail Sebring, as Trustees of the Sebring Family Trust dated January 10, 2002, to Michael F. McCoy, Trustee of the McCoy 1995 Inter Vivos Trust dated January 25, 1995, effective January 13, 2021.

## EXHIBIT A

LEASE 8881

### LAND DESCRIPTION

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

COMMENCING at the most easterly corner of Lot 22, as said lot is shown and designated on that certain map of Tract No. 9738 filed in Book 415 of Miscellaneous Maps at Pages 48 through 50, Official Records of said County; thence along a radial line N 29° 00' 00" E 5.00 feet to the beginning of a non-tangent curve to the right, concave southwesterly and having a radius of 105.00 feet; thence through an angle 02° 43' 46" and an arc distant 5.00 feet to the POINT OF BEGINNING; thence continuing along said curve through an angle 15° 01' 24" and an arc distant 27.53 feet to the southwesterly line of the State of California 400 Feet Channel, said Channel recorded in Book 6368 at Page 411, Official Records of said County; thence along said line N 61° 00' 00" W 27.02 feet; thence N 29° 00' 00" E 4.88 feet to the POINT OF BEGINNING.

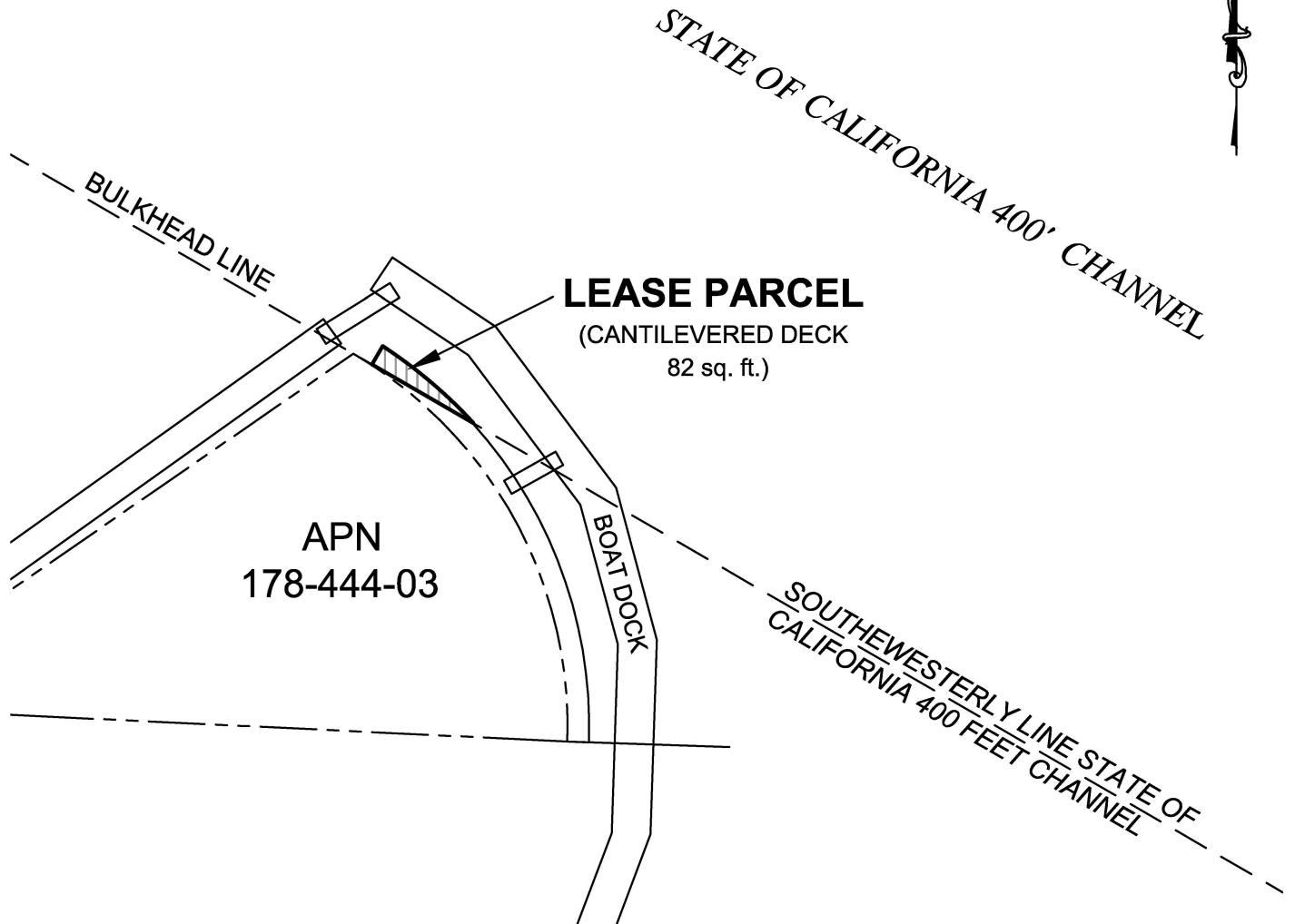
### END OF DESCRIPTION

Prepared 06/11/2021 by the California State Lands Commission Boundary Unit



NO SCALE

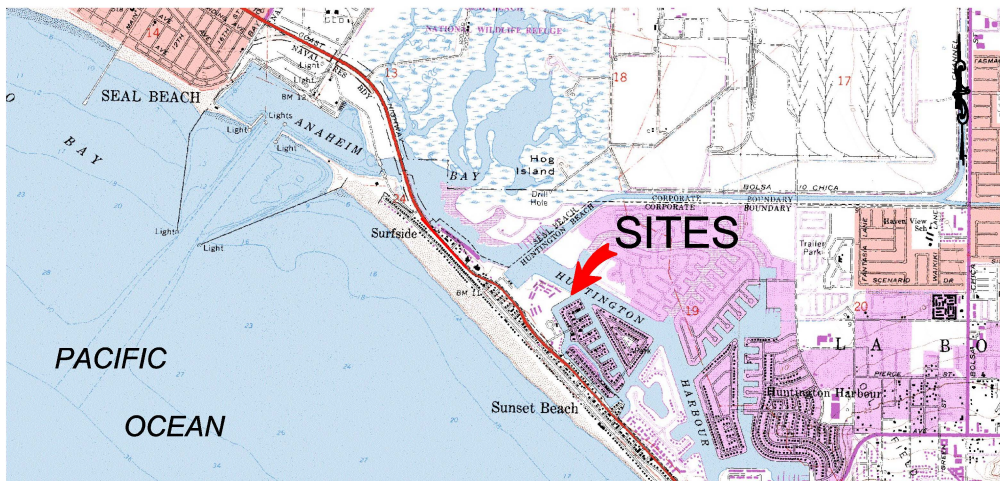
## SITE



16402 GRIMAUD LANE, CITY OF HUNTINGTON BEACH

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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 B**

LEASE 8881

MCCOY

APN 178-444-03

GENERAL LEASE -  
RECREATIONAL USE  
ORANGE COUNTY



TS 06/11/2021