

Staff Report 46

LESSEE:

Frances E. Goodyear and Margaret C. Goodyear, Trustees of the Goodyear Family Trust, as Amended and Completely Restated December 14, 2007

APPLICANT:

Darren Nguyen and Tiffany Nguyen

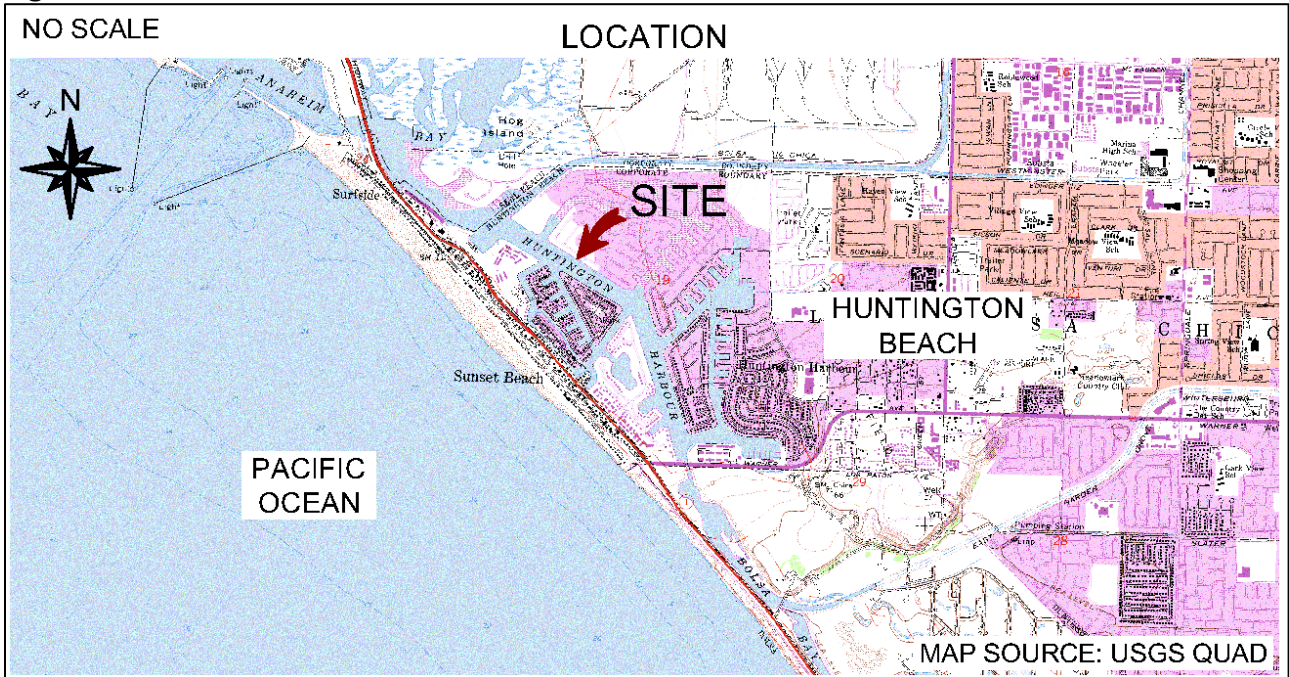
PROPOSED ACTION:

Termination and Issuance of a General Lease – Protective Structure Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 3422 Venture Drive, Huntington Beach, Orange County (as shown in Figure 1).

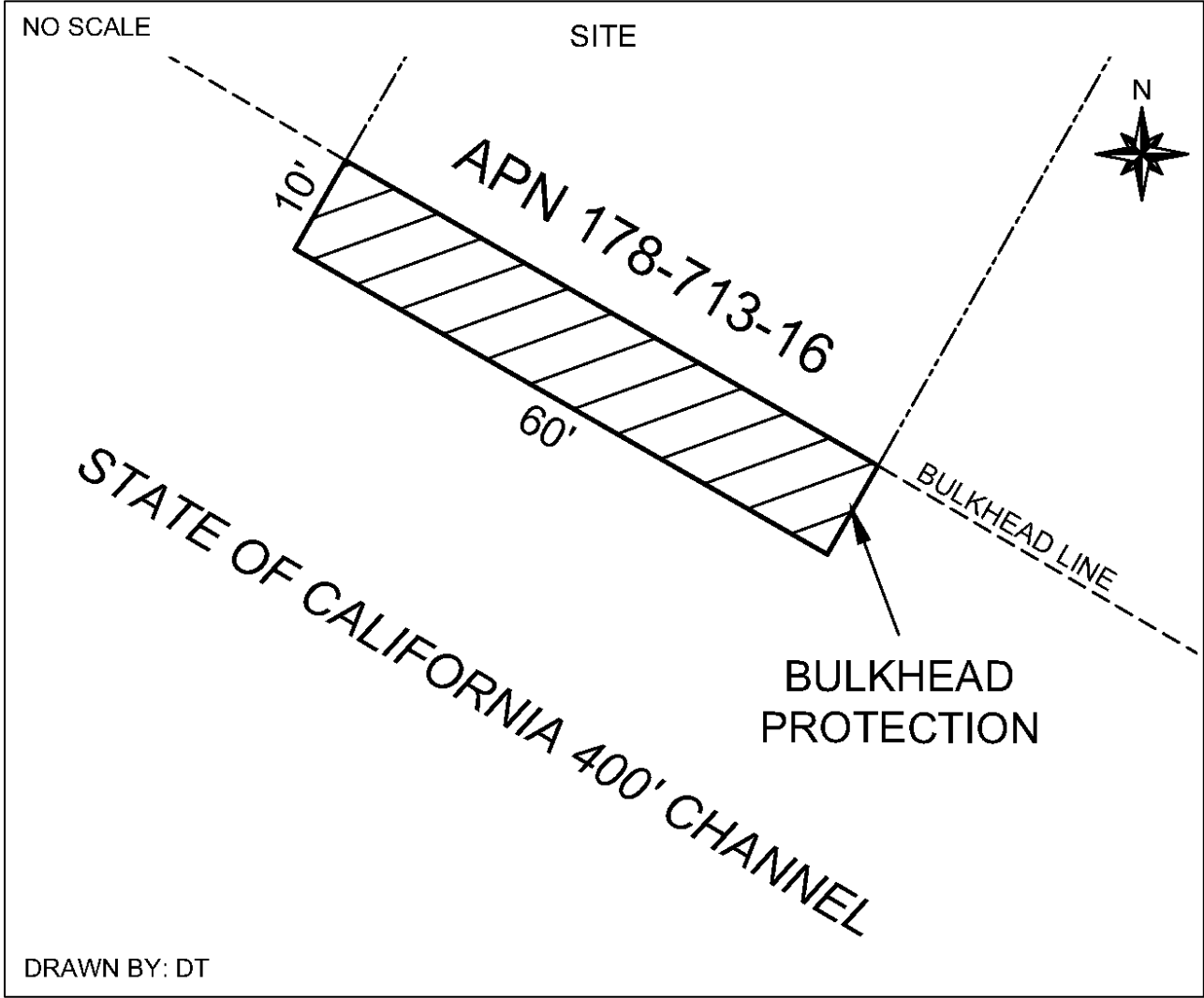
Figure 1. Location



AUTHORIZED USE:

Use of existing bulkhead protection (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:

10 years, beginning April 7, 2026.

CONSIDERATION:

The public health and safety, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

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, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On August 14, 2012, the Commission authorized issuance of a General Lease – Protective Structure Use to Francis E. Goodyear and Margaret C. Goodyear, Trustees of the Goodyear Family Trust, as amended and completely restated December 14, 2007, for the use of an existing bulkhead protection ([Item 70](#)). The lease was set to expire on March 31, 2031. Since the issuance of the lease, the ownership of the adjacent uplands has been transferred without notification to the Commission. The Applicant was deeded the ownership of the upland property on June 16, 2025.

On February 28, 2023, the Commission authorized Lease 5258, a General Lease – Recreational Use to the Trinidad Island Homeowners Association for the use and maintenance of 60 existing boat slips and nine access ramps, and periodic maintenance dredging ([Item 78](#)). Lease 5258 does not include the bulkhead protection adjacent to the Applicant's upland property. However, annual rent is assessed under Lease 5258 for recreational use improvements.

The Applicant is now applying for a General Lease – Protective Structure Use for the use of the existing bulkhead protection. Staff recommends the termination of a General Lease – Protective Structure Use and issuance of a General Lease – Protective Structure Use to the Applicant, to take effect on April 7, 2026.

The bulkhead is the boundary between the private upland and sovereign lands and is on private property outside the Commission's leasing jurisdiction. The existing

submerged bulkhead protection encroaches very minimally onto sovereign lands and exists to support and stabilize the existing bulkhead, which supports the integrity of the channel, and helps ensure that the channel remains navigable.

Additionally, the proposed lease will require the Applicant to indemnify the State for the period of unauthorized occupation, ensuring the State is protected, effective June 16, 2025, the day the Applicant took ownership of the upland through the start of the proposed lease on April 7, 2026.

The Lease Premises are located in the Main Channel of Huntington Harbour. The Main Channel was created in the early 1960s, and the State of California acquired fee ownership of this channel in 1962. The upland parcel adjacent to the Lease Premises is privately owned and developed with a residence. There is no public access at this location as the private upland property directly abuts the concrete bulkhead that defines the limits of the channel.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

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 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.

The existing structure subject to the proposed lease are located within the Huntington Harbour development, which is highly vulnerable to sea level rise. Huntington Harbour is built near sea level elevation, on the former site of the Sunset Bay Estuary wetlands, and receives stormwater runoff from several large flood control channels. Currently, select areas surrounding Huntington Harbour experience flooding during high tides exceeding 6.7 feet and El Niño events, impacting transportation and utility infrastructure, boat ramps and launches, and recreational facilities ([p.51](#), Ch. 7: Vulnerability Assessment, City of Huntington Beach *Sea Level Rise Vulnerability Assessment*, 2021). The Harbour is adjacent to two wetlands, Bolsa Chica Ecological Reserve and the Seal Beach National Wildlife Refuge, which may buffer and absorb storm surges and lessen flood risks; however, the area is still highly vulnerable due to its low elevation.

DATA & PROJECTIONS:

Sea levels in most of California 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 of the last century. By 2050, there is growing confidence that sea levels will be approximately ten inches higher than in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council (OPC) 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 Huntington Harbour and the continued global reliance on fossil fuels. 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	Intermediate-High (feet)	High (feet)
2040	0.6	0.7
2050	0.9	1.1
2070	2.1	2.7
2100	4.5	6.3

Source: Table 12, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

Huntington Harbour has a high exposure to flood hazards due to the area's low elevation, location on top of former wetlands, and shallow groundwater table. Low-lying roads already experience flooding during high tides and storm events. Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to analyze the future sea level rise vulnerabilities. With 1 foot of sea level rise, flooding of the streets and Pacific Coast Highway will become more widespread and occur more frequently during high tides and storms. Stormwater and wastewater systems, including pump stations and outfalls, could also become inundated and less effective. According to the projections in Table 1, these impacts could occur by 2050 under the intermediate-high and high scenarios.

With 2.7 feet of sea level rise, most streets and waterfront properties will experience flooding during normal tides and weather conditions, likely resulting in damage to and disruption of residential, commercial, and recreational resources. Additionally, sea level rise will cause saltwater to intrude into the shallow groundwater table and push it up to the surface, which could degrade subsurface structures and utilities (e.g., foundations, pipelines) before floodwaters reach the ground level. These impacts could occur between 2070 and 2080 according to the projections in the current OPC report.

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. Flooding conditions could cause structures to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation within the channel.

Although the bulkhead underneath the sidewalk is not under the Commission's jurisdiction, any sea level rise impacts to the bulkhead could also affect the structures under the Commission's jurisdiction because it serves to stabilize the bank. Therefore, any loss or degradation of the bulkhead would result in property damage and public safety concerns within the lease area and the surrounding waterways.

Locally available resources such as the [upcoming update](#) to the City of Huntington Beach's Local Coastal Program and the 2021 City of Huntington Beach [Sea Level Rise Vulnerability Assessment](#) can be valuable references for understanding the impacts from climate change and options available to minimize the risks.

RECOMMENDATIONS:

Due to the Harbour's dense shoreline development, structures within the lease premise may need to be elevated or redesigned to be resilient to higher total water levels and more extreme tides. Strategies for flood protection that incorporate natural materials or designs (such as living seawalls) can reduce the reflection of wave energy more effectively than conventional materials (e.g. smooth concrete), while also improving water quality and biodiversity. Any future construction or activities on State land would require a separate authorization from the Commission.

CONCLUSION:

For all the reasons above, staff believes the termination and issuance of this lease will not substantially interfere with the Public Trust needs at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and 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 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. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) 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).

4. Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of CEQA as a categorically exempt project. The project is

exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

1. Find that the existing and, for a limited period, continuing use of the bulkhead protection will not substantially interfere with the Public Trust needs and values at this location; and
2. Find that issuing the proposed lease is in the best interests of the State.

AUTHORIZATION:

1. Authorize termination of Lease 8290, a General Lease – Protective Structure Use, issued to Francis E. Goodyear and Margaret C. Goodyear, Trustees of the Goodyear Family Trust, as amended and completely restated December 14, 2007, effective April 7, 2026.
2. Authorize issuance of a General Lease – Protective Structure Use to the Applicant beginning April 7, 2026, for a term of 10 years, for the use of an existing bulkhead protection; consideration being the public health and safety, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.