Meeting Date: 10/21/26
Lease Number: 9620
Staff: M. Haflich

Staff Report 51

LESSEE:

Quoc Tan Tran, Trustee of the Quoc Tan Tran Family Trust, dated July 13, 2007; and David Q. Tran and Kimberly Ha Tran, Trustees of the Tran Family Trust, dated January 30, 2007

APPLICANT:

David Q. Tran and Kimberly Ha Tran, Trustees of the Tran Family Trust, dated January 30, 2007

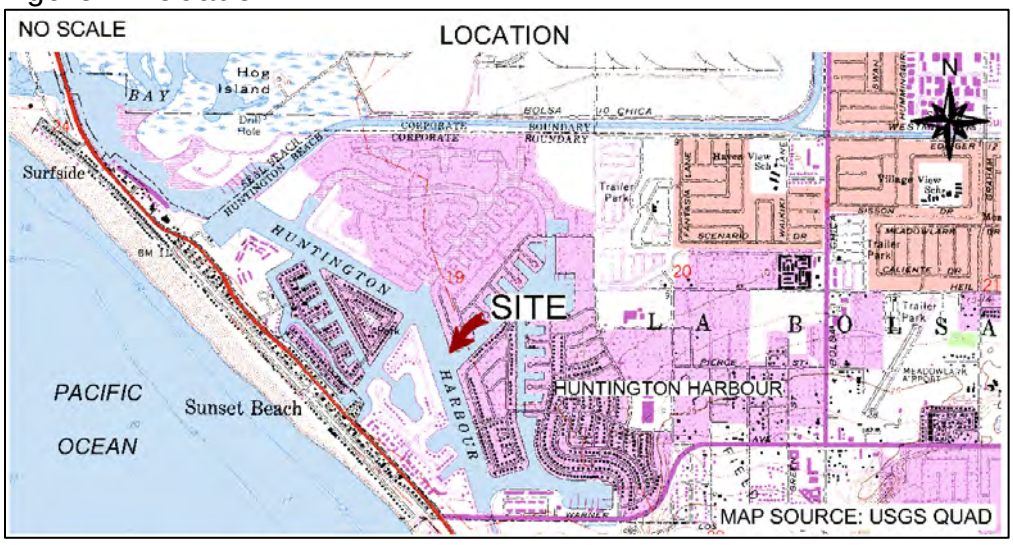
PROPOSED ACTION:

Termination and Issuance of a General Lease - Recreational Use.

AREA, LAND TYPE, AND LOCATION:

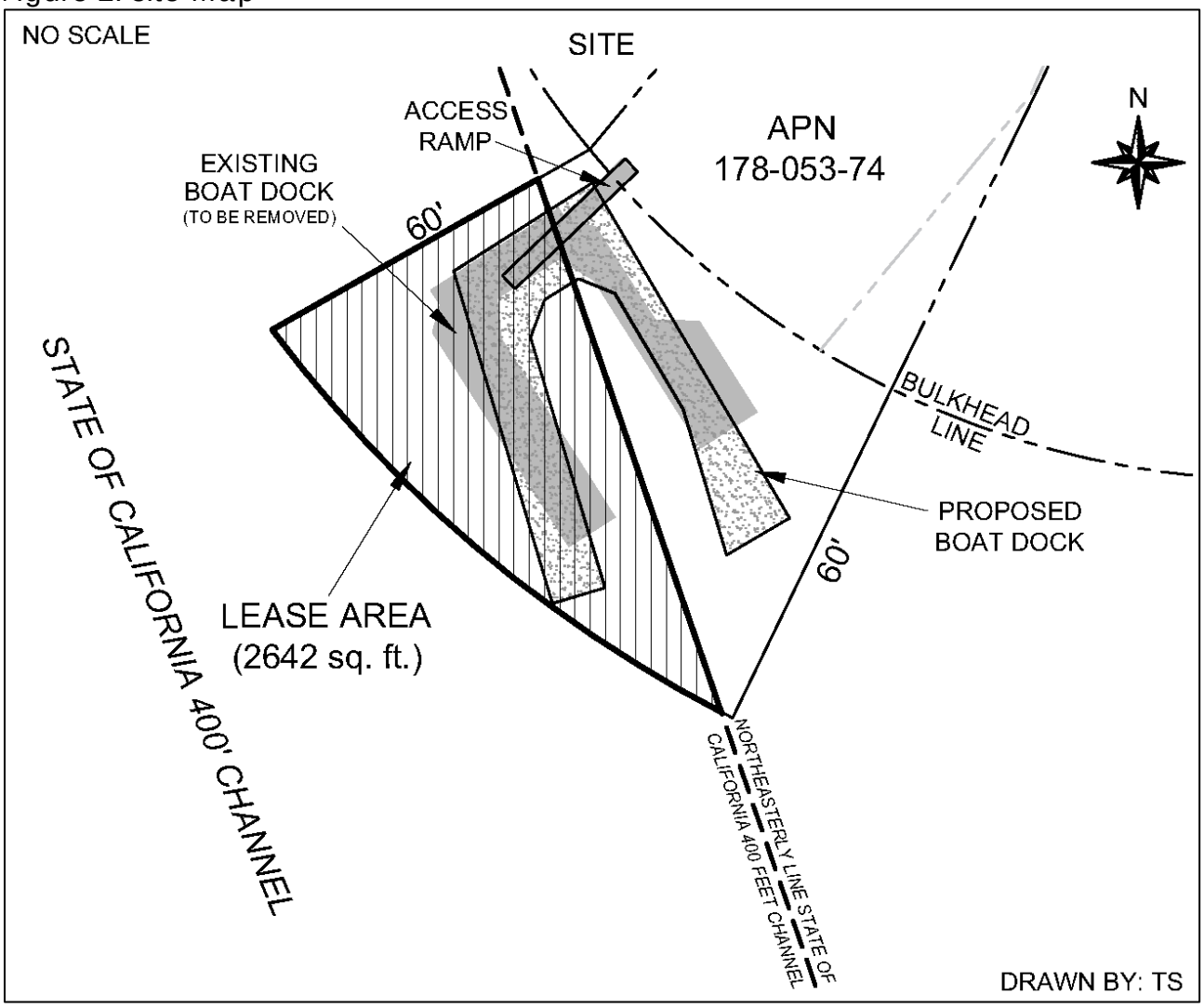
Sovereign land in the Main Channel of Huntington Harbour, adjacent to 16741 Carousel Lane, Huntington Beach, Orange County (as shown in Figure 1).

Figure 1. Location



AUTHORIZED USE:
Removal and reconstruction of a boat dock and access ramp (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 October 21, 2026.

CONSIDERATION:
$1,192 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Construction activities will be performed pursuant to the specific terms identified in the Lease and shall not commence until the Lessee obtains all necessary permits and authorizations, including requirements pertaining to construction equipment, debris, and construction document submittals to Lessor.
- Within 60 days of completing the construction of the boat dock and access ramp, Lessee will provide Lessor with photographs and a set of "as-built" plans that will show where the improvements have been placed. Additionally, Lessor shall then replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, to the lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by the Lessor's Executive Officer or designee, the revised Exhibits shall replace the current Exhibits and will be incorporated in the lease.

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:
On April 29, 2020, the Commission authorized Lease 9620, a General Lease – Recreational Use, to the Lessee for use and maintenance of a boat dock and access ramp. The lease expires on April 28, 2030 (Item 57).

On April 7, 2026, the Commission authorized Amendment of a General Lease - Recreational Use to the Lessee for the removal and reconstruction of a boat dock and access ramp (Item 50). However, the ownership of the upland property was deeded to the Applicant, David Q. Tran and Kimberly Ha Tran, Trustees of the Tran Family Trust, dated January 30, 2007, on July 21, 2022. Ownership was transferred to the Applicant without notifying the Commission.

The Applicant is now applying for a General Lease – Recreational Use for the removal and reconstruction of a boat dock and access ramp. Staff recommends the termination of Lease 9620 to take effect on October 20, 2026.

The Commission's accounting records show that the Lessee has paid annual rent through April 28, 2027. The prorated rent for the period from the termination of the

lease to April 28, 2027, will be credited toward the Applicant's new lease to account for the period that the State received compensation for the use of the property from the previous Lessee. The lease provisions regarding indemnity will extend to apply from July 21, 2022 through October 20, 2026.

The removal and reconstruction of the boat dock and access ramp will be done using a motorized barge. A turbidity curtain will be put in place during the removal and installation of new pilings. All construction debris will be stored on the barge, then offloaded and disposed of at approved upland disposal sites. Lessee is required to obtain all approvals from other permitting agencies prior to moving forward with the reconstruction project.

The subject facilities are privately owned and maintained and are located within the Main Channel of Huntington Harbour. The boat dock and access ramp are used for recreational boating. Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands. (Pub. Resources Code, § 6503.5.)

The Main Channel in Huntington Harbour was created in the early 1960s, and the adjacent upland parcel 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 boat dock terminates at the pierhead line, leaving the majority of the Main Channel available for navigation and public recreation.

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 proposed boat dock and access ramp removal and replacement project is 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 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 (e.g., floodproofing or conversion from fixed to floating) 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 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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

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

APPROVAL OBTAINED:

- U.S. Army Corps of Engineers

APPROVAL REQUIRED:

- California Coastal Commission

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 2, Replacement or Reconstruction; California Code of Regulations, title 14, section 15302.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize termination of Lease 9620, a General Lease – Recreational Use, issued to Quoc Tan Tran, Trustee of the Quoc Tan Tran Family Trust, dated July 13, 2007; and David Q. Tran and Kimberly Ha Tran, Trustees of the Tran Family Trust, dated January 30, 2007, effective October 20, 2026.

2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning October 21, 2026, for a term of 10 years, for the removal and reconstruction of a boat dock and access ramp; annual rent in the amount of $1,192, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than $1,000,000 per occurrence.

3. Authorize the Executive Officer or designee to replace Exhibits to the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvement following installation.