

MINUTE ITEM

This Calendar Item No. C45 was approved as Minute Item No. 45 by the California State Lands Commission by a vote of 3 to 0 at its 2-17-05 meeting.

**CALENDAR ITEM
C45**

A 67

02/17/05

S 35

PRC 5249 WP 5249.1
S. Young

**TERMINATION OF RECREATIONAL PIER LEASE AND ISSUANCE OF A NEW
GENERAL LEASE - RECREATIONAL USE**

LESSEES:

J. O. Vance and Dorothy S. Vance, as Co-Trustees of The Vance Family Trust
Dated October 15, 1991

APPLICANT:

J. O. Vance and Dorothy S. Vance, as Co-Trustees of The Vance Family Trust
Dated October 15, 1991

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Huntington Harbour, Huntington Beach, Orange County.

AUTHORIZED USE:

(1) The continued use and maintenance of an existing boat dock; and (2) the construction and maintenance of a cantilevered deck extending no more than 5 feet waterward of the existing bulkhead.

LEASE TERM:

Ten years, beginning January 1, 2005.

CONSIDERATION:

As to the boat dock, no monetary consideration pursuant to Public Resources Code section 6503.5; as to the construction and maintenance of the cantilevered deck, \$1,058 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:

Insurance:

Combined single limit coverage of no less than \$1,000,000.

CALENDAR ITEM NO. C45 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
3. In 1996, the Commission authorized the issuance of a Recreational Pier Lease, PRC 5249.9 to the Lessees for the continued use and maintenance of the boat dock adjacent to their residence in Huntington Harbour. The Applicants, Mr. and Mrs. Vance, are now applying for a new General Lease – Recreational Use for the proposed construction of a deck that cantilevers five feet waterward of the existing bulkhead. This five-foot portion of the deck extends over the State's fee title ownership in the Midway Channel of Huntington Harbour. Staff is recommending that the current lease, PRC 5249.9, be terminated and the existing use and proposed use be combined in a single General Lease – Recreational Use. As the cantilevered deck does not qualify for a rent-free lease, that portion of the deck extending over State fee ownership within the Harbour is subject to annual rental. The existing boat dock will remain rent-free.
4. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21054 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

5. **Issuance of New Lease, as to cantilevered deck:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

Authority: Public Resources Code section 21084 and Title 14, California

CALENDAR ITEM NO. C45 (CONT'D)

Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. **Issuance of New Lease, as to existing boat dock:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission – Coastal Development Permit #5-04-11

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

March 7, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060 (c)(3) AND 15378.

CALENDAR ITEM NO. C45 (CONT'D)

ISSUANCE OF NEW LEASE AS TO CONSTRUCTION OF A CANTILEVERED DECK: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

ISSUANCE OF NEW LEASE AS TO THE EXISTING BOAT DOCK: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE, PRC 5249.9, ISSUED TO J.O. VANCE AND DOROTHY S. VANCE, AS CO-TRUSTEES OF THE VANCE FAMILY TRUST DATED OCTOBER 15, 1991, AND APPROVED BY COMMISSION ON FEBRUARY 27, 1996.

AUTHORIZE ISSUANCE TO J. O. VANCE AND DOROTHY S. VANCE, AS CO-TRUSTEES OF THE VANCE FAMILY TRUST DATED OCTOBER 15, 1991, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING JANUARY 1, 2005, FOR A TERM OF TEN YEARS, FOR AN EXISTING BOAT DOCK AND CONSTRUCTION AND MAINTENANCE OF A CANTILEVERED DECK ON THE LAND SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AS TO THE BOAT DOCK, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AS TO THE CONSTRUCTION AND MAINTENANCE OF THE CANTILEVERED DECK, \$1,058 PER YEAR,

CALENDAR ITEM NO. C45 (CONT'D)

WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$1,000,000.

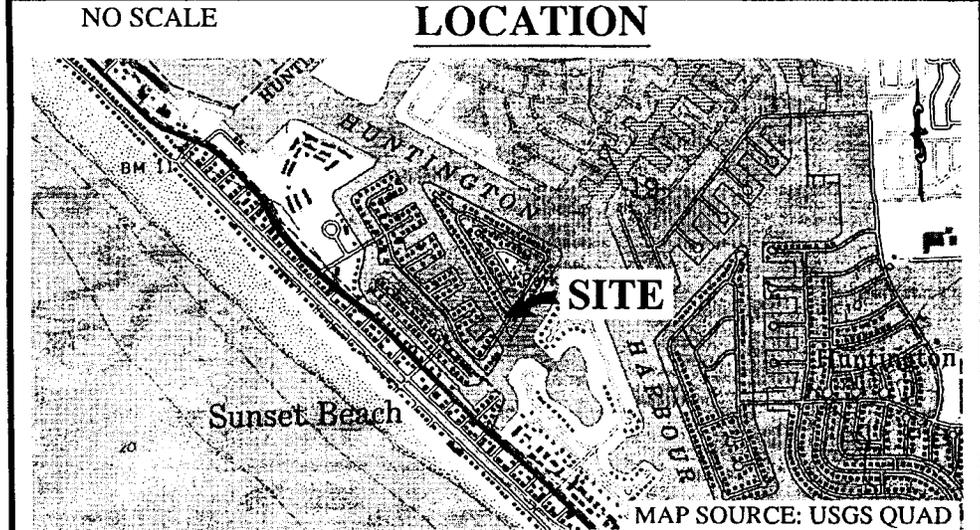
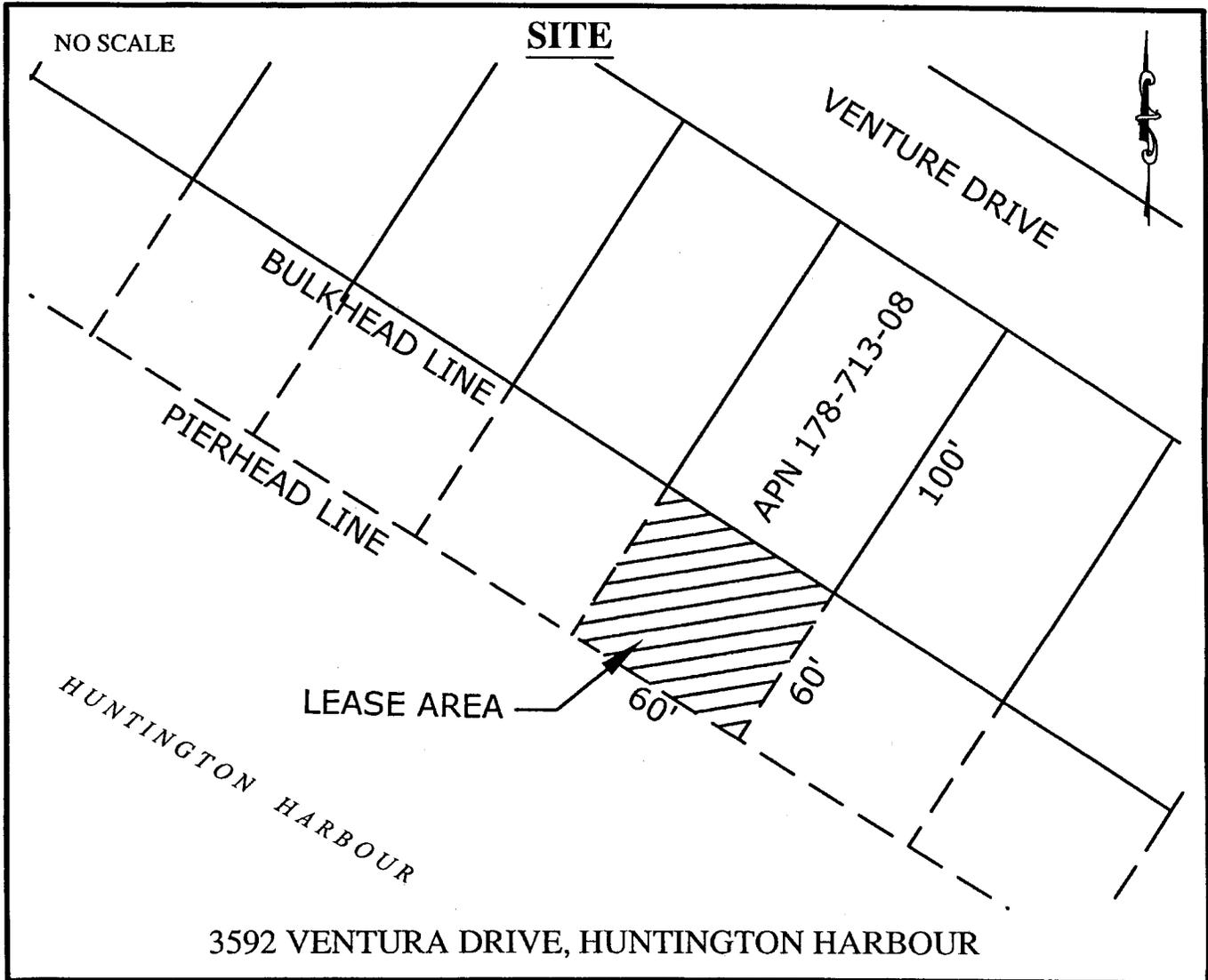


Exhibit A
 WP 5249
 THE VANCE FAMILY TRUST
 APN 178-713-08

HUNTINGTON HARBOUR
 ORANGE COUNTY



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

WP 5249

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 southerly corner of Lot 47 as said lot is shown and so designated on that certain map of Tract No. 9335 filed in Book 386, Pages 32 and 33 of Miscellaneous Maps, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 60.00 feet, more or less, to the pierhead line, as said pierhead line is shown on EXHIBIT 'A' of Resolution No. 5503, passed and adopted May 6, 1985 by the City Council of the City of Huntington Beach and recorded May 10, 1985 as Document 85-170510, Official Records of said County; thence northwesterly along said pierhead line to the southwesterly extension of the northwesterly line of said lot; thence along said extension 60.00 feet, more or less, to the most westerly corner of said lot; thence along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 02/07/2005 by the California State Lands Commission Boundary Unit

