

MINUTE ITEM
This Calendar Item No. C36 was approved as
Minute Item No. 36 by the California State Lands
Commission by a vote of 3 to 4 at its
05/10/07 meeting.

CALENDAR ITEM

C36

A 67

05/10/07

S 35

PRC 3570

WP 3570.1

K. Foster

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Samuel H. Giesy, Jr.

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

The continued use and maintenance of an existing boat dock and access ramp; and the use and maintenance of an existing cantilevered deck extending no more than five feet waterward of the bulkhead.

LEASE TERM:

Ten years, beginning March 1, 2007.

CONSIDERATION:

As to the boat dock and access ramp, no monetary consideration pursuant to Public Resources Code section 6503.5; as to the use and maintenance of the existing cantilevered deck, annual rent in the amount of \$833 per year effective March 1, 2007, 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 liability insurance coverage in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On May 12, 1997, the Commission authorized the issuance of a Recreational Pier Lease, PRC 3570.9, to Samuel H, Giesy Jr. for a ten-year term, effective March 1, 1997. The lease expired on

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February 28, 2007. Applicant is now applying for a new General Lease – Recreational Use for the existing boat dock and access ramp previously authorized by the Commission, as well as for the existing cantilevered deck, not previously authorized by the Commission. A five-foot portion of the cantilevered deck extends over the State's fee ownership in the Main Channel of Huntington Harbour. Since the deck is existing, staff is recommending that a lease be issued to the Applicant.

3. 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 rent. The existing boat dock and access ramp will remain rent-free as the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.
4. **Existing Boat Dock and Access Ramp:** 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.

5. **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 14, California Code of Regulations, section 15303(e).

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

6. 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.

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EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

BOAT DOCK AND ACCESS RAMP: 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).

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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303(e).

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 ISSUANCE TO SAMUEL H. GIESY, JR., OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING MARCH 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING BOAT DOCK, ACCESS RAMP, AND CANTILEVERED DECK AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AS TO THE BOAT DOCK AND ACCESS RAMP, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AS TO THE CANTILEVERED DECK, ANNUAL RENT IN THE AMOUNT OF \$833, WITH THE STATE

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

NO SCALE

SITE

STATE OF CALIFORNIA CHANNEL
PIERHEAD LINE

BULKHEAD LINE

100.00'
APN 178-315-34
35

60'±

50'

LEASE AREA
3,000 SQ. FT.
.07 AC.

50'

60'±

100.00'



17011 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

LOCATION

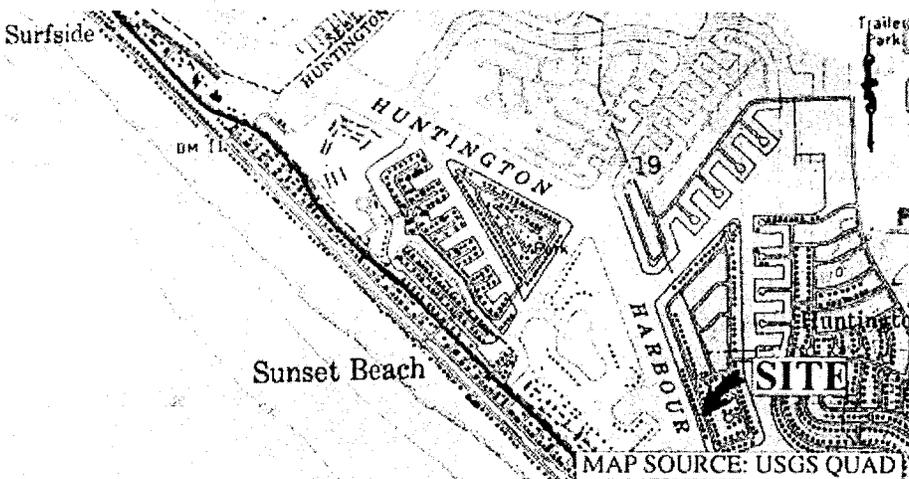


Exhibit A

PRC 3570.1
GIESY
APN 178-315-34
GENERAL LEASE
RECREATIONAL USE
ORANGE COUNTY



MJ 02/07

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.