CALENDAR ITEM

C16

A	67	12/03/08
		W 26299
S	35	K. Foster

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Wendy Weiss Sawyer, Trustee of the Malden Irrevocable Trust, Dated August 16, 2007

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Huntington Harbour adjacent to 16462 Malden Circle, near Huntington Beach, Orange County

AUTHORIZED USE:

Construction, use, and maintenance of a new boat dock to replace an existing boat dock and the retention, an existing dock access ramp and cantilevered deck extending no more than five-feet waterward of the bulkhead.

LEASE TERM:

Ten years, beginning December 3, 2008.

CONSIDERATION:

Boat dock and access ramp: no monetary consideration pursuant to Public Resources Code section 6503.5.

Cantilevered deck: annual rent in the amount of $1,057, 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:

No permanent roof or other enclosure will be constructed on the Lease Premises. Lessee agrees that any proposed use of the Lease Premises that includes a residential extension of the actual living quarters constitutes residential use and is prohibited.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels in 1961 as a result of a land exchange entered into and recorded as Boundary Line Agreement 18, between the Commission and the Huntington Harbour Corporation. Appurtenances extending into these channels are subject to lease pursuant to Public Resources Code section 6501, et seq.

3. The Applicant's upland property is located along the Main Channel of Huntington Harbour. A boat dock, access ramp, and a five-foot portion of a cantilevered deck appurtenant to the upland property extend into the channel, but have not previously been under lease. Commission staff was made aware of the absence of a lease when the Applicant applied to the California Coastal Commission for a Coastal Development Permit (CDP) to construct a new boat dock to replace an existing dock. Issuance of the CDP is still pending approval.

4. Since the cantilevered deck is existing, staff is recommending that the deck be included in the lease to the Applicant. 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.

5. The new boat dock and existing access ramp will be rent-free as the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.

6. 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 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:
City of Huntington Beach

FURTHER APPROVALS REQUIRED:
US Army Corps of Engineers, and the California Coastal Commission

EXHIBITS:
A. Site and Location Map
B. Land Description

PERMIT STREAMLINING ACT DEADLINE:
February 24, 2009

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:
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).

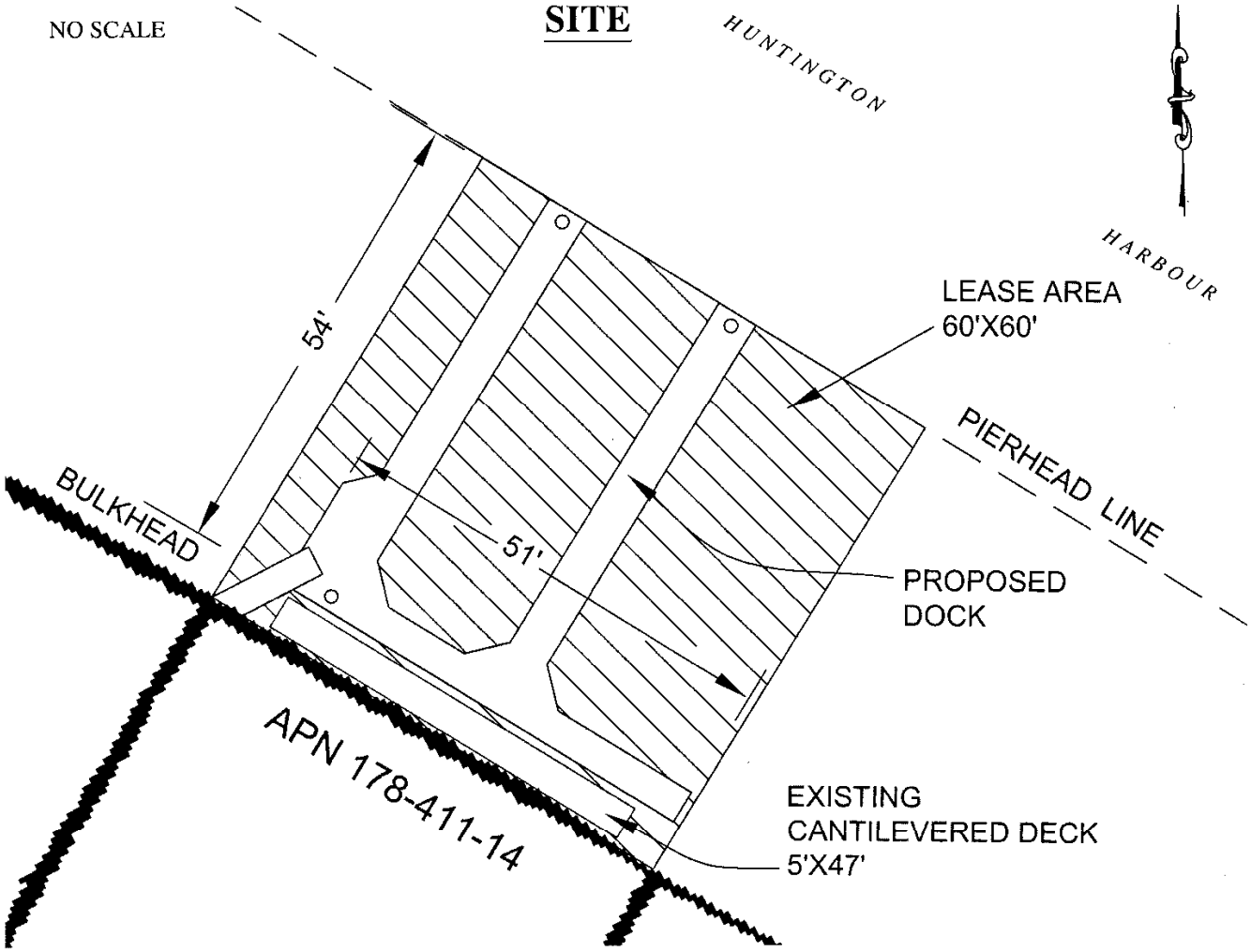
SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO WENDY WEISS SAWYER, TRUSTEE OF THE MALDEN IRREVOCABLE TRUST, DATED AUGUST 16, 2007, BEGINNING DECEMBER 3, 2008, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A BOAT DOCK, AND FOR THE RETENTION OF AN EXISTING 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; CONSIDERATION FOR THE BOAT DOCK AND ACCESS RAMP, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE CANTILEVERED DECK: ANNUAL RENT IN THE AMOUNT OF $1,057, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; COMBINED SINGLE LIMIT LIABILITY COVERAGE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

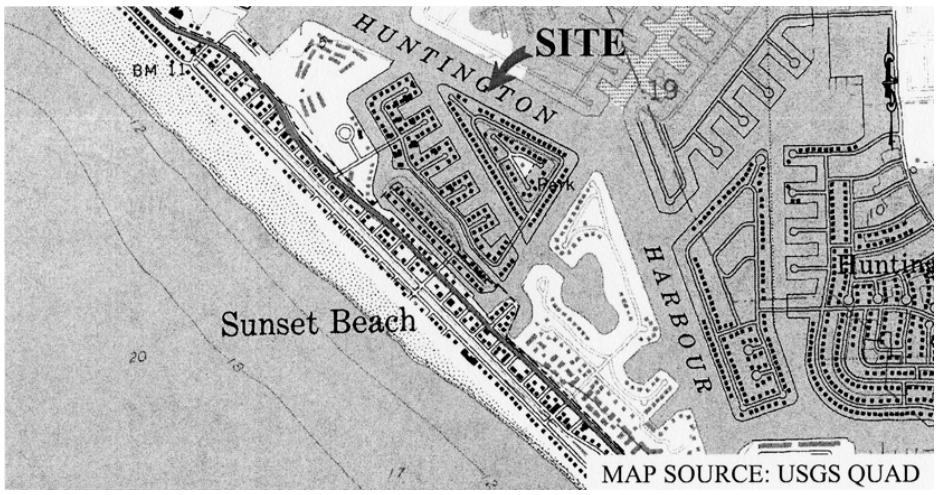
SITE



16462 MALDEN CIRCLE, HUNTINGTON HARBOUR

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 A
W 26299
WENDY WEISS SAWYER TRUSTEE
APN 178-411-14
GENERAL LEASE
RECREATIONAL USE
ORANGE COUNTY

MJJ/ 10-2008