

**CALENDAR ITEM
C58**

A 67
S 35

09/01/11
WP 8291.9
S. Paschall

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Rodney C. Hill and Michelle May Hill.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Huntington Harbour, adjacent to 3402 Venture Drive, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of existing bulkhead protection.

LEASE TERM:

10 years, beginning April 1, 2011.

CONSIDERATION:

The public use and benefit; 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 with combined single limit liability coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland 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 between the Commission and the Huntington Harbour Corporation, recorded as Sovereign Lands Location No. 34 dated December 22, 1960 and recorded on January 31, 1961 in Book 5611, Page 470, Official Records, Orange County, California. Projects, including new development or maintenance of existing facilities, extending into these Channels beyond the bulkhead line require obtaining a lease from

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the Commission pursuant to Public Resources Code section 6501.1. The Applicants upland property is located along the Main Channel of Huntington Harbour.

3. On April 24, 2001, the Commission approved issuance of a General Lease – Protective Structure Use to Rodney C. Hill and Michelle May Hill, for a period of 10 years. The lease expired March 31, 2011. The Applicants are now applying for a new lease.
4. The bulkhead protection mutually benefits the public and the Applicants. The bulkhead will be protected from undermining at no cost to the public.
5. 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 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.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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).

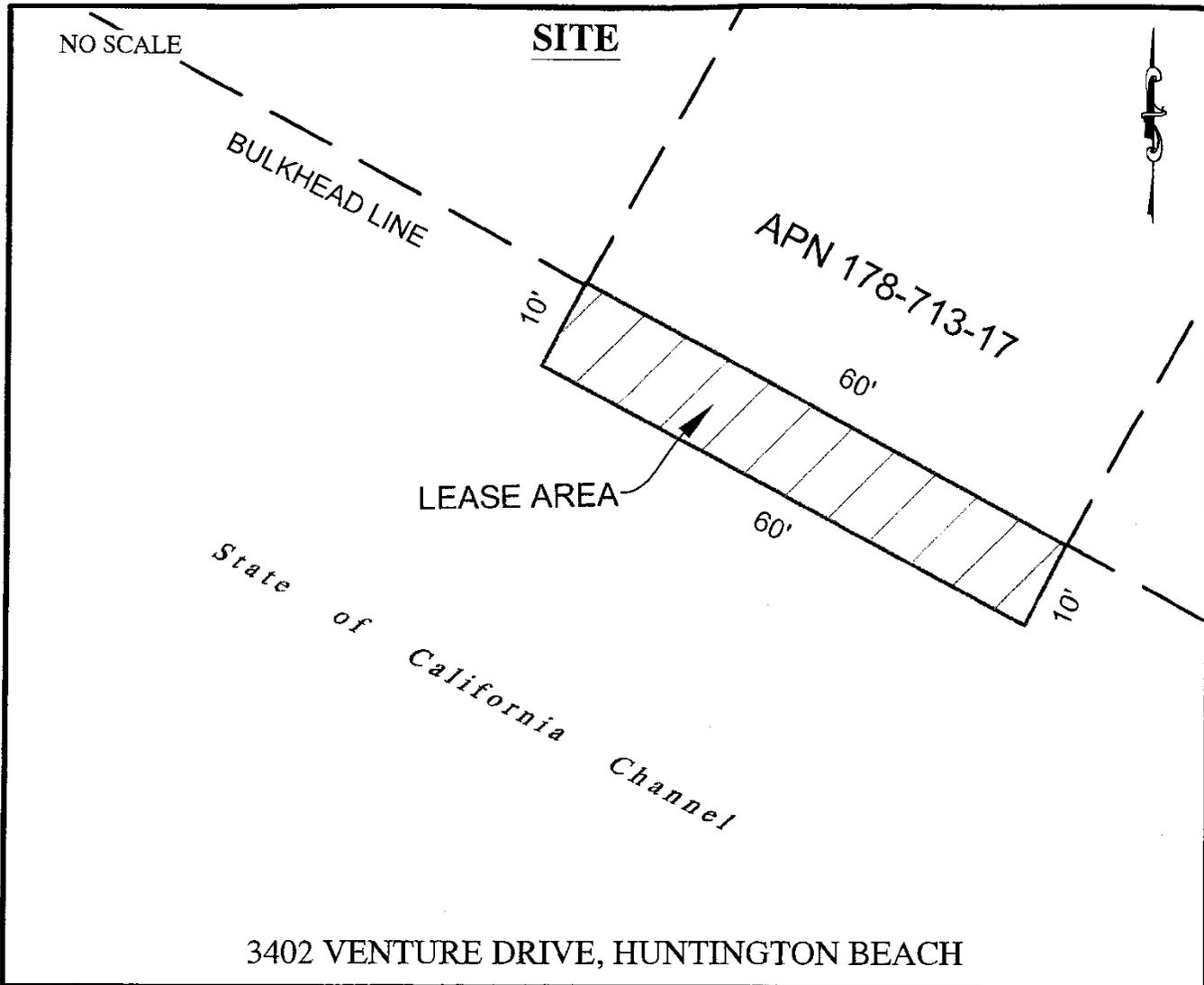
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SIGNIFICANT LANDS INVENTORY FINDING:

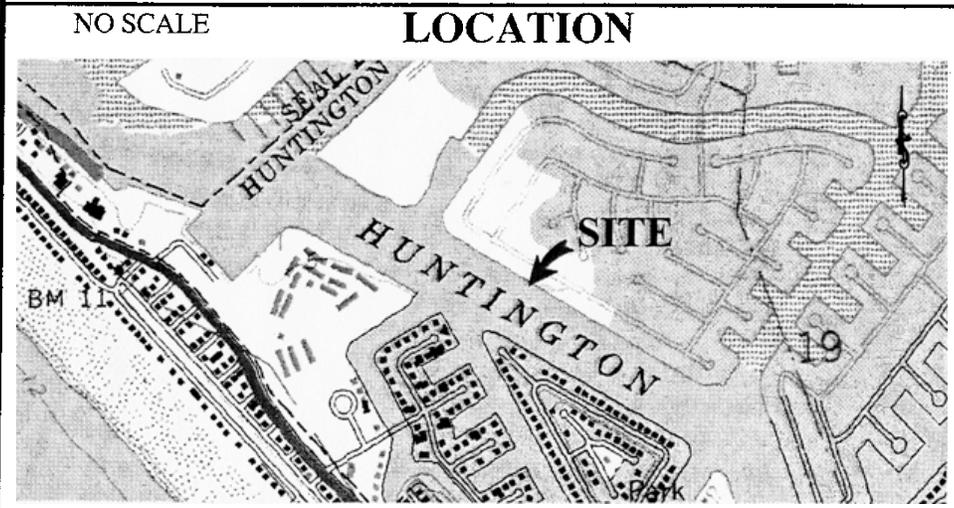
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease – Protective Structure Use to Rodney C. Hill and Michelle May Hill, for a term of 10 years, for continued use and maintenance of existing bulkhead protection as shown on Exhibit A attached and by this reference made a part hereof; consideration being the public use and benefit 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; and liability insurance for combined single-limit coverage in the amount of no less than \$1,000,000.



3402 VENTURE DRIVE, HUNTINGTON BEACH



MAP SOURCE: USGS QUAD

Exhibit A
 WP 8291.9
 HILL
 APN 178-713-17
 GENERAL LEASE
 PROTECTIVE STRUCTURE USE
 ORANGE COUNTY



MJJ 07/11

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 8291.9

LAND DESCRIPTION

Parcel 1 --(adjacent to APN 178-713-17)

A parcel of tide and submerged land situate in the City of Huntington Beach, Orange County, California and more particularly described as follows:

Beginning at the most southerly corner of Lot 8, as said lot is shown on that certain map entitled Tract No. 8636, filed in Book 397 of Miscellaneous Maps at Pages 33 to 35, Orange County Records; thence along the southwesterly line of said lot, North 61° 00' 00" West, 60.00 feet to the most westerly corner of said lot; thence along the southwesterly prolongation of the northwesterly line of said lot, South 29° 00' 00" West, 10.00 feet to a line which is parallel with and distant 10.00 feet southwesterly from said southwesterly line of said lot; thence along said parallel line, South 61° 00' 00" East 60.00 feet to the southwesterly prolongation of the southeasterly line of said lot ; thence along said prolongation, North 29° 00' 00" East, 10.00 feet to the point of beginning.

