

**CALENDAR ITEM
C38**

A 67
S 35

10/27/11
WP 6853.9
S. Paschall

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of Huntington Beach

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Main Channel of Huntington Harbour, adjacent to 3472 Venture Drive, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of a public boat dock and retention of an existing access ramp and two pilings.

LEASE TERM:

25 years, beginning June 1, 2010.

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.

OTHER PERTINENT INFORMATION:

1. Applicant is the owner of the upland adjoining the lease premises by way of the following:
 - a. Joint approval and recordation of Tract No. 8636, whereby Harbour Pacific Ltd., having record title interest, dedicated the subject upland property to the City of Huntington Beach for Public Park purposes, filed February 18, 1977, and;
 - b. The City Council of the City of Huntington Beach accepted the upland dedication by adopting Resolution No. 4935, amending the City's Open Space and Conservation Element to add French Park to the City's General Plan, passed and adopted December 15, 1980.

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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 the Commission pursuant to Public Resources Code section 6501.1. The Applicant's upland property is located along the Main Channel of Huntington Harbour.
3. On June 26, 1985, the Commission authorized issuance of a General Lease – Public Agency Use to the city of Huntington Beach, for a 25-year term beginning June 1, 1985, authorizing the operation and maintenance of an existing public dock. This lease expired on May 31, 2010. The Applicant is now applying for a new lease.
4. The upland parcel adjoining the Lease Premises is currently utilized as a public park known as French Park. French Park is the waterward terminus of a three-acre public park which spans the width of Trinidad Island. The park is open to the public for recreational use and maintained in good working order by the City of Huntington Beach, Park Maintenance Division, subject to local rules, as posted on signage and approved by Commission staff.
5. While the access ramp and two pilings were not explicitly named in the previous lease, staff has determined that the access ramp and two pilings have existed in tandem with the boat dock; therefore, staff is recommending the access ramp and two pilings be included in the new lease, subject to the same public access and maintenance provisions as the boat dock.
6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §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 Resource Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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7. This activity involves land 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:

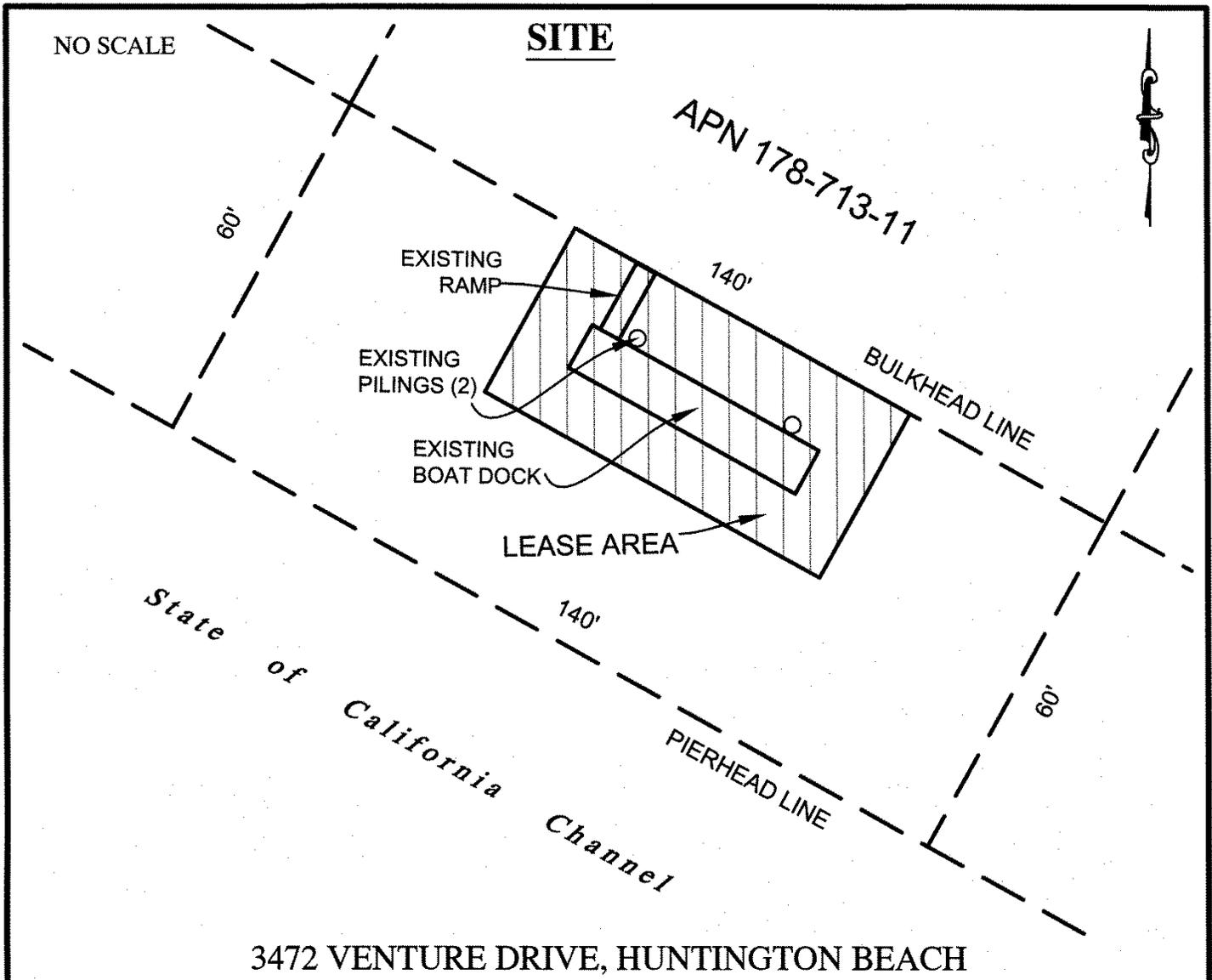
Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

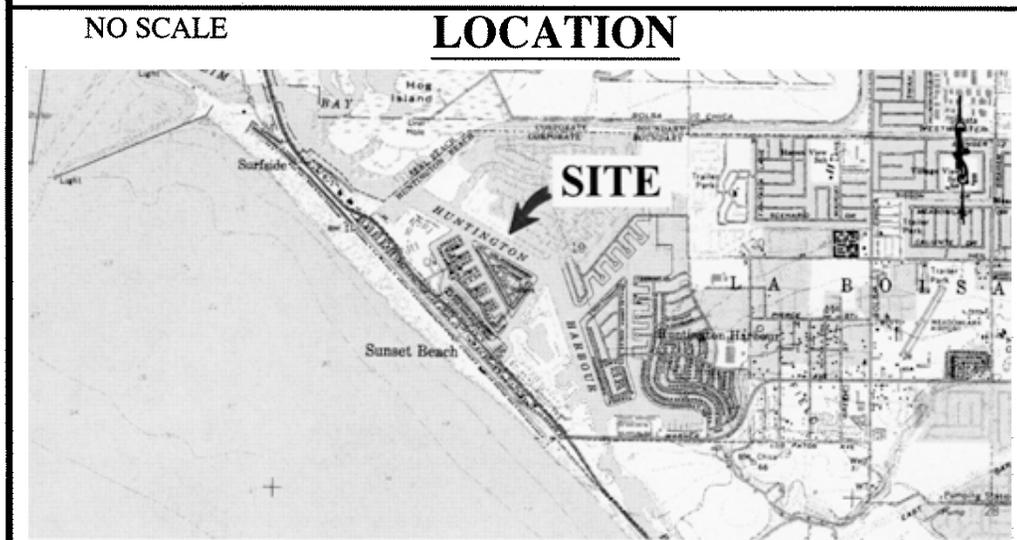
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the City of Huntington Beach, beginning June 1, 2010, for a term of 25 years, for continued use and maintenance of a public boat dock, and retention of an existing access ramp and two pilings, as shown on Exhibit A (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration to be the public use and benefit with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.



3472 VENTURE DRIVE, HUNTINGTON BEACH



MAP SOURCE: USGS QUAD

Exhibit A

WP 6853.9
 CITY OF HUNTINGTON
 BEACH
 APN 178-713-11
 PUBLIC AGENCY LEASE
 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

LAND DESCRIPTION

WP 6853.9

A parcel of tide and submerged land in Huntington Harbour, Huntington Beach, Orange County, California described as follows:

All that land lying immediately beneath a pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier, said pier being adjacent to Lot 73 of Tract No. 8636 as filed for record February 18, 1977, in Book 397 of Miscellaneous Maps, Page 34, Orange County Official Records.

END OF DESCRIPTION

PREPARED MARCH 20, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.