

**CALENDAR ITEM
C57**

A 67

01/26/12
WP 5761.1
S. Paschall

S 35

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Douglas Williams and Anne Williams, Trustees of the Williams Revocable Living Trust, dated March 19, 2010

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16682 Coral Cay Lane, Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of a boat dock, access ramp, and cantilevered deck extending no more than five feet waterward of the bulkhead.

LEASE TERM:

10 years, beginning October 29, 2010.

CONSIDERATION:

Annual rent in the amount of \$2,332, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

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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 a lease from 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 June 28, 2010, the Commission approved the issuance of a General Lease – Recreational Use, PRC 5761.9, for a 10-year term to Joseph Fan and Julia T. Sun for the continued use and maintenance of an existing boat dock and access ramp, and retention of an existing cantilevered deck. This lease was never executed.
4. On October 29, 2010, while the application for the above Commission authorization was being processed, the upland property was deeded to the Applicants. Staff was not informed of this until after the June 2010 Commission authorization. The Applicants are now applying for a new lease.
5. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The proposed lease does not meet either of the statutory exceptions and is thus subject to rent.

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6. **Issuance of New Lease:** 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; California Code of Regulations Title 2, section 2905, subdivision (a)(2).

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

7. 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:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Issuance of new Lease PRC 5761.1 to Applicants: Find that the activity is exempt from the requirements of CEQA pursuant to, California Code of Regulations Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations Title 2, section 2905, subdivision (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 – Recreational Use to Douglas Williams and Anne Williams, Trustees of the Williams Revocable Living Trust, dated March 19, 2010, for a term of 10 years, for use and maintenance of an existing boat dock, access ramp, and cantilevered deck, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference

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made a part hereof; consideration: annual rent in the amount of \$2,332;
combined single-limit liability insurance coverage in the amount of no less than
\$1,000,000.

EXHIBIT A

WP 5761.1

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 easterly corner of Lot 51, as said lot is shown and so designated on that certain map of Tract No. 8040 filed November 22, 1974 in Book 350, Pages 27 through 37, Official Records of said County; thence along the easterly prolongation of the southerly line of said lot 60.00 feet to the pierhead line, as said pierhead line is described in Resolution No. 5197, passed and adopted December 6, 1982 by the City Council of said City; thence northerly along said pierhead line 60.00 feet to the intersection of said pierhead line with the easterly prolongation of the northerly line of said lot; thence westerly along said easterly prolongation 60.00 feet to the northerly most corner of said lot; thence southerly along the easterly line of said lot to the POINT OF BEGINNING.

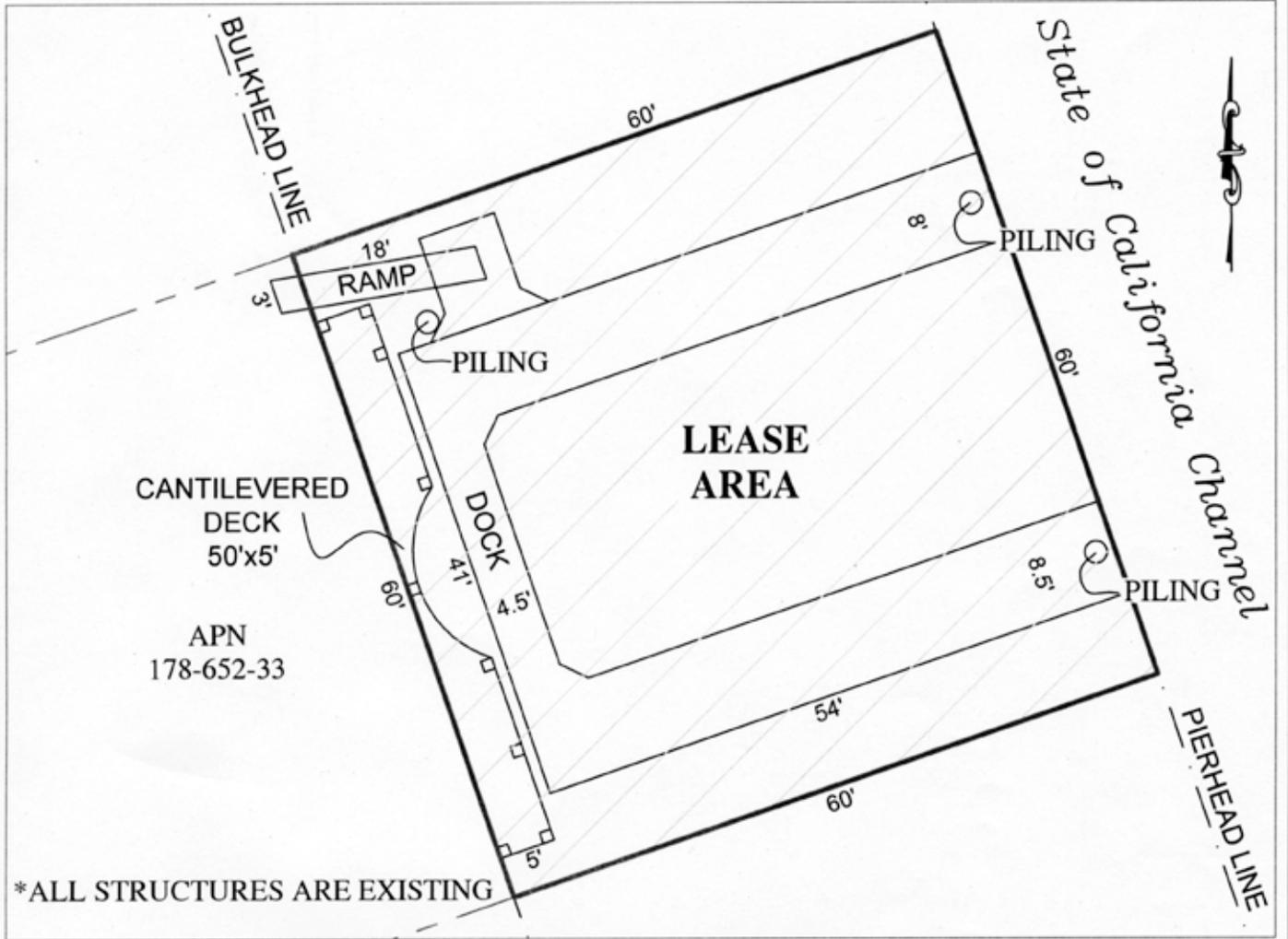
END OF DESCRIPTION

Prepared 06/01/2010 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



*ALL STRUCTURES ARE EXISTING

16682 Coral Cay Lane, Huntington Beach

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

WP 5761.1
 WILLIAMS TRUST
 APN 178-652-33
 GENERAL LEASE -
 RECREATIONAL USE
 ORANGE COUNTY



MJF 11/8/11

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.