CALENDAR ITEM

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A 67 01/26/12

WP 5244.1

S 35 S. Paschall

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Betty Yuen Cheng Liang, as Trustee for The Betty Yuen Cheng Liang 2010 Trust, under instrument dated September 9, 2010

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3532 Venture Drive, Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of an existing boat dock, access ramp, and cantilevered deck.

LEASE TERM:

10 years, beginning July 10, 2009.

CONSIDERATION:

$2,357 per year, subject to modification as provided for in the lease provisions.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single-limit liability coverage 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. Applicant owns 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 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 April 13, 1999, the Commission approved the issuance of Recreational Pier Lease No. PRC 5244.9 to Alexander C. Liang and Betty Y. Liang for a period of 10 years, for use and maintenance of an existing boat dock. This lease expired on July 9, 2009 and the Applicant is now applying for a new lease.

4. 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.

5. 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 subdivision (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:

A. Land Description
B. Site and Location Map

RECOMMENDED ACTION:
It is recommended that the Commission:

CEQA FINDING:

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; Title 2, 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 Betty Yuen Cheng Liang, as Trustee for The Betty Yuen Cheng Liang 2010 Trust, under instrument dated September 9, 2010 beginning July 10, 2009, for a term of 10 years, for use and maintenance of an existing boat dock, access ramp, and cantilevered deck as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be annual rent in the amount of $2,357; combined single-limit liability coverage of no less than $1,000,000

EXHIBIT A

WP 5244.1

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 southerly corner of Lot 42, as said lot is shown and so designated on that certain map of Tract No. 9335 filed in Book 386, Pages 32 and 33 of Miscellaneous Maps, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 60.00 feet, more or less, to the pierhead line, as said pierhead line is shown on EXHIBIT "A" of Resolution No. 5503, passed and adopted May 6, 1985 by the City Council of the City of Huntington Beach; thence northwesterly along said pierhead line to the southwesterly extension of the northwesterly line of said lot; thence along said extension 60.00 feet, more or less, to the most westerly corner of said lot; thence along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 01/03/2012 by the California State Lands Commission Boundary Unit

PROFESSIONAL LAND SURVEYOR
MICHAEL J. BELL
No. 5764
Exp. 6/30/12
STATE OF CALIFORNIA

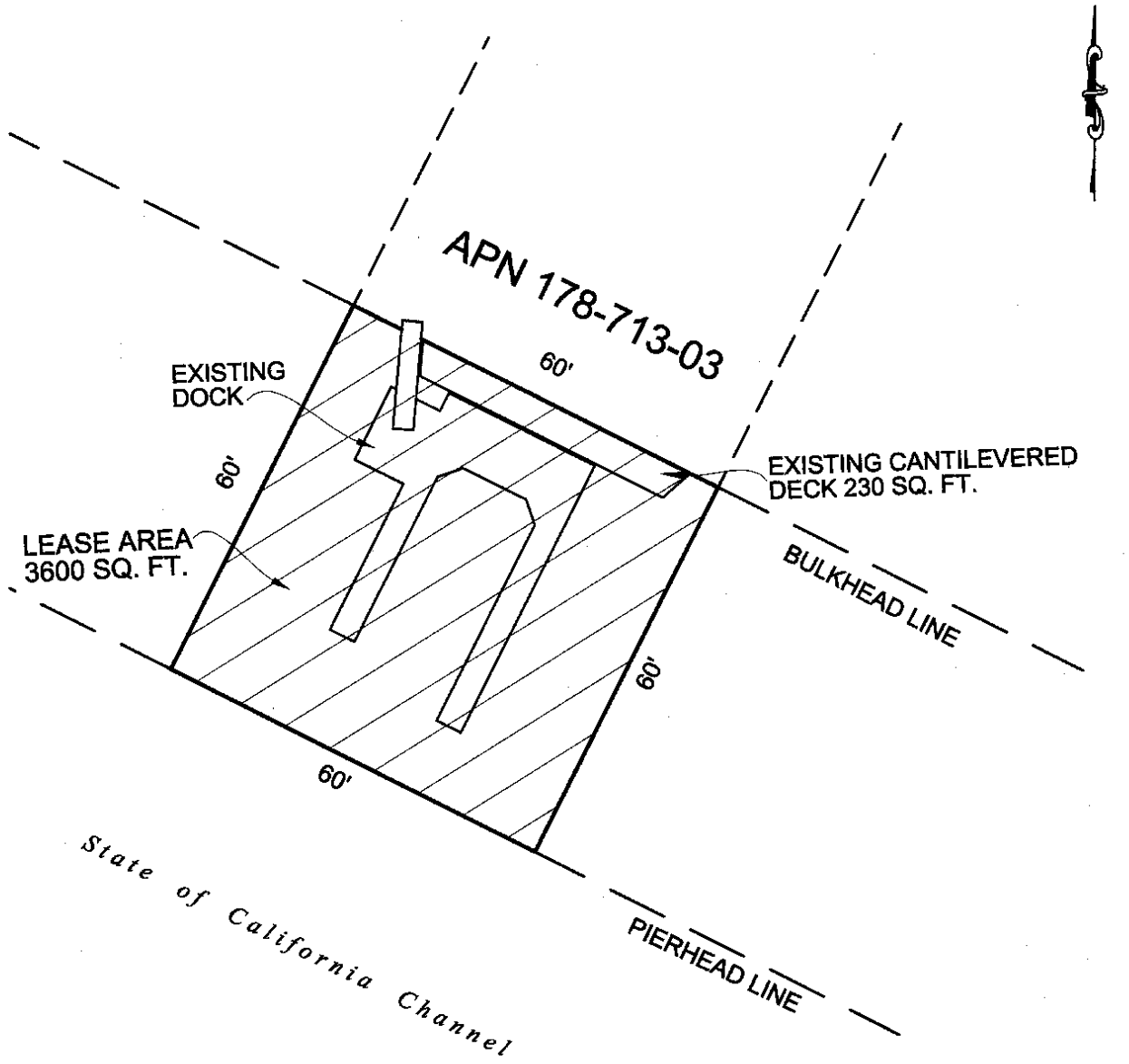

EXHIBIT A

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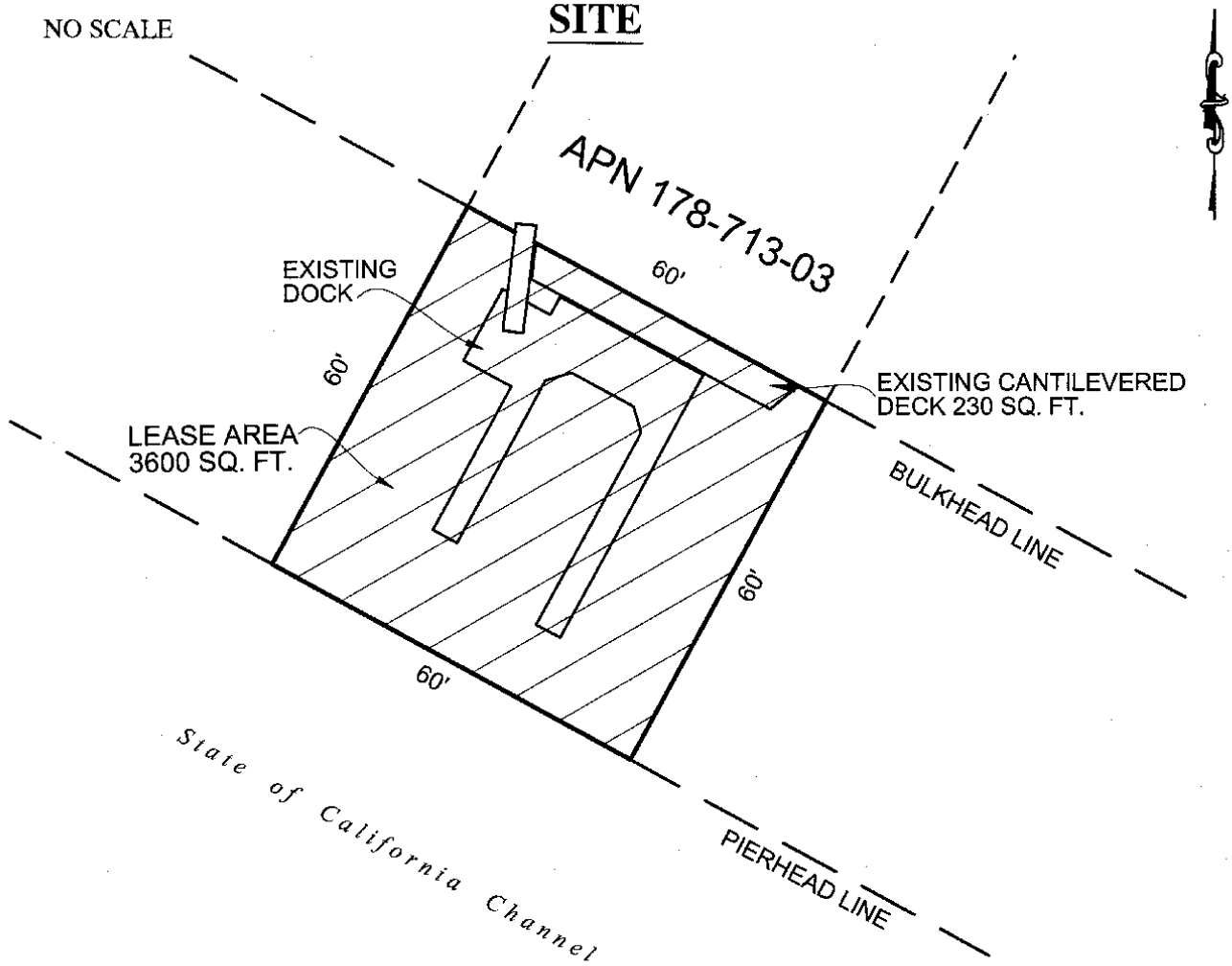
LAND DESCRIPTION PLAT WP 5244.1, LAING TRUST ORANGE COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

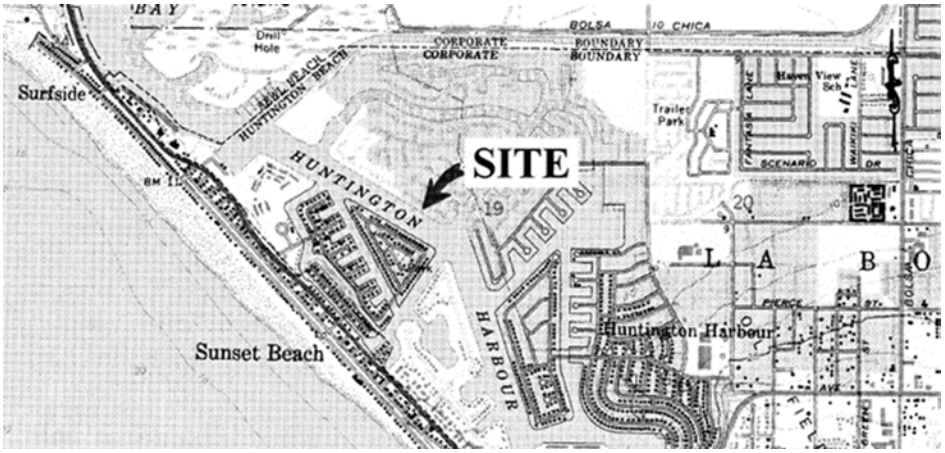
SITE



3532 VENTURE DRIVE, HUNTINGTON BEACH

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 B

WP 5244.1
LIANG TRUST
APN 178-713-03
GENERAL LEASE - RECREATIONAL USE
ORANGE COUNTY

MJJ 01/03/12