CALENDAR ITEM

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A 67 04/26/13

PRC 7610.1

S 35 S. Paschall

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Robert O. Burggraf and Masako Burggraf, Trustees of the Burggraf Family Trust dated July 29, 1991.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3522 Venture Drive, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Replacement, use, and maintenance of an existing boat dock and access ramp previously authorized by the Commission, and use and maintenance of an existing cantilevered deck extending no more than 5 feet waterward of the bulkhead line, not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 5, 2012.

CONSIDERATION:

Boat Dock, Access Ramp and Cantilevered Deck: Annual rent in the amount of $2,263, 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:

Liability Insurance in an amount no less than $1,000,000, per occurrence.

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.

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 agreement 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 Applicants' upland property is located along the Main Channel of Huntington Harbour.

3. On September 17, 2001, the Commission authorized the issuance of Recreational Pier Lease No. PRC 7610.9 to Steven Graboff and Andrea Graboff, Co-Trustees of The Graboff Family Trust Established July 27, 1988, for a 10-year term beginning February 5, 2002. That lease expired on February 4, 2012. The upland property has since been deeded to the Applicants. The Applicants are now applying for a new lease.

4. The existing boat dock will be removed and floated away to the public launch ramp located at 3831 Warner Avenue and sections of the new pre-manufactured boat dock will be floated to the Lease Premises. The three existing 14-inch round pre-stressed concrete piles will not be altered during activities and will be re-used in place for the new dock. The access ramp will be removed, transported to the contractor's facility to be re-decked to match the new boat dock, then re-installed. The floating dock system will be built to city of Huntington Beach code specifications and Best Management Practices will be used during project activities, as permitted in concept by the city.

5. A portion of the cantilevered deck extends over the State's fee owned land in the Main Channel of Huntington Harbour and was not previously authorized by the Commission. There are no proposed changes to the cantilevered deck.

6. **Replacing Existing Boat Dock and Access Ramp:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 2,

Replacement or Reconstruction; California Code of Regulations, Title 14, section 15302.

Authority: public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

7. **Use and Maintenance of an Existing Cantilevered Deck:** The staff recommends that the Commission find 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.

8. 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.

APPROVALS OBTAINED:

City of Huntington Beach.

EXHIBITS:

A. Land Description
B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Replacing Existing Boat Dock and Access Ramp:
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 2, Replacement or Reconstruction; California Code of Regulations, Title 14, section 15302.

Use and Maintenance of an Existing Cantilevered Deck:
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 Robert O. Burggraf and Masako Burggraf, Trustees of the Burggraf Family Trust dated July 29, 1991, beginning February 5, 2012, for a term of 10 years, for replacement, use, and maintenance of an existing boat dock and access ramp previously authorized by the Commission, and use and maintenance of an existing cantilevered deck extending no more than 5 feet waterward of the bulkhead line not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the boat dock, access ramp, and cantilevered deck to be annual rent of $2,263, with the State reserving the right to a fix and different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than $1,000,000 per occurrence.

EXHIBIT A

PRC 7610.1

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 41, 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 01/29/2013 by the California State Lands Commission Boundary Unit

PROFESSIONAL LAND SURVEYOR
JAMES A. KOEPKE
Exp. 12/31/19
No. 8487
STATE OF CALIFORNIA

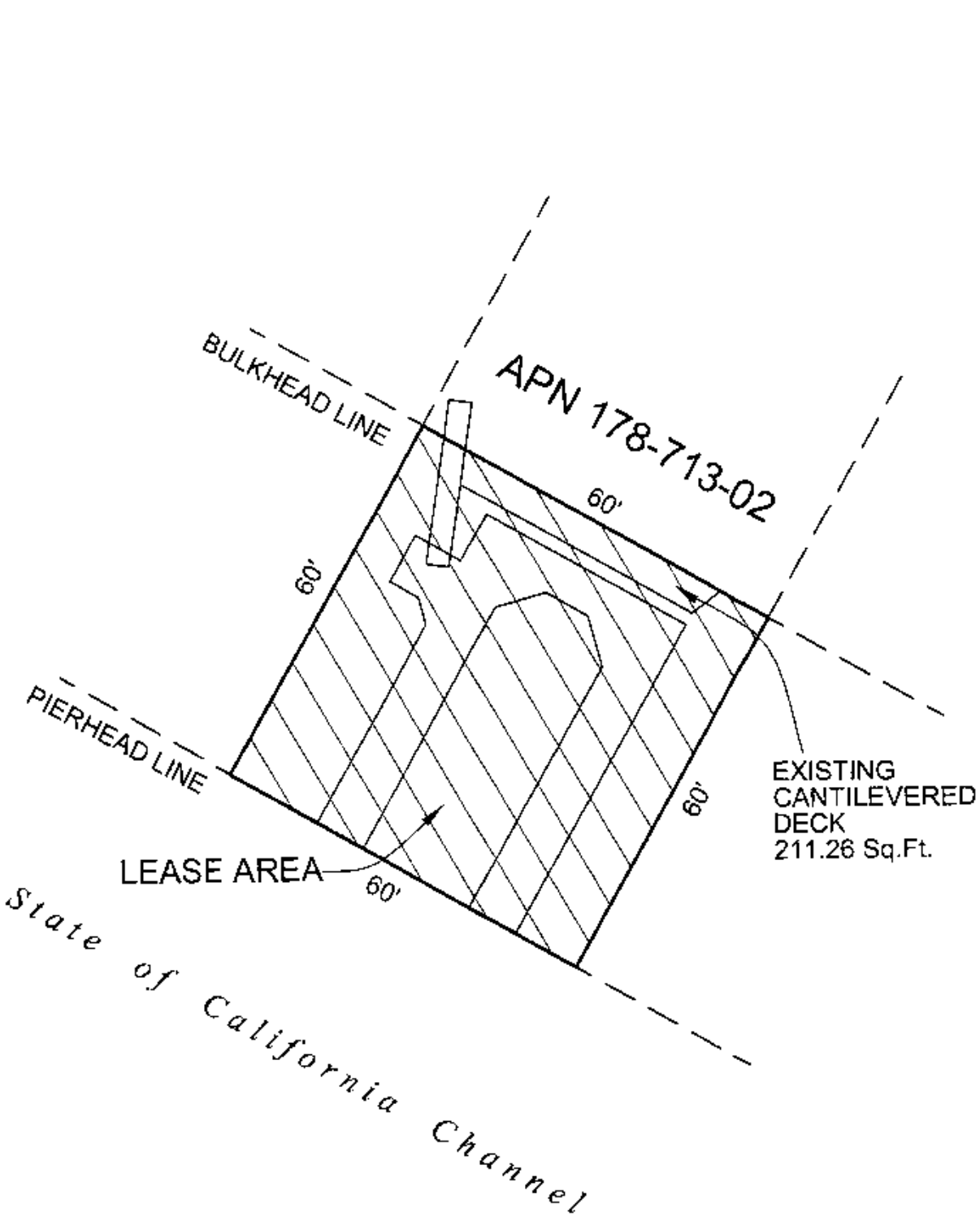

EXHIBIT A

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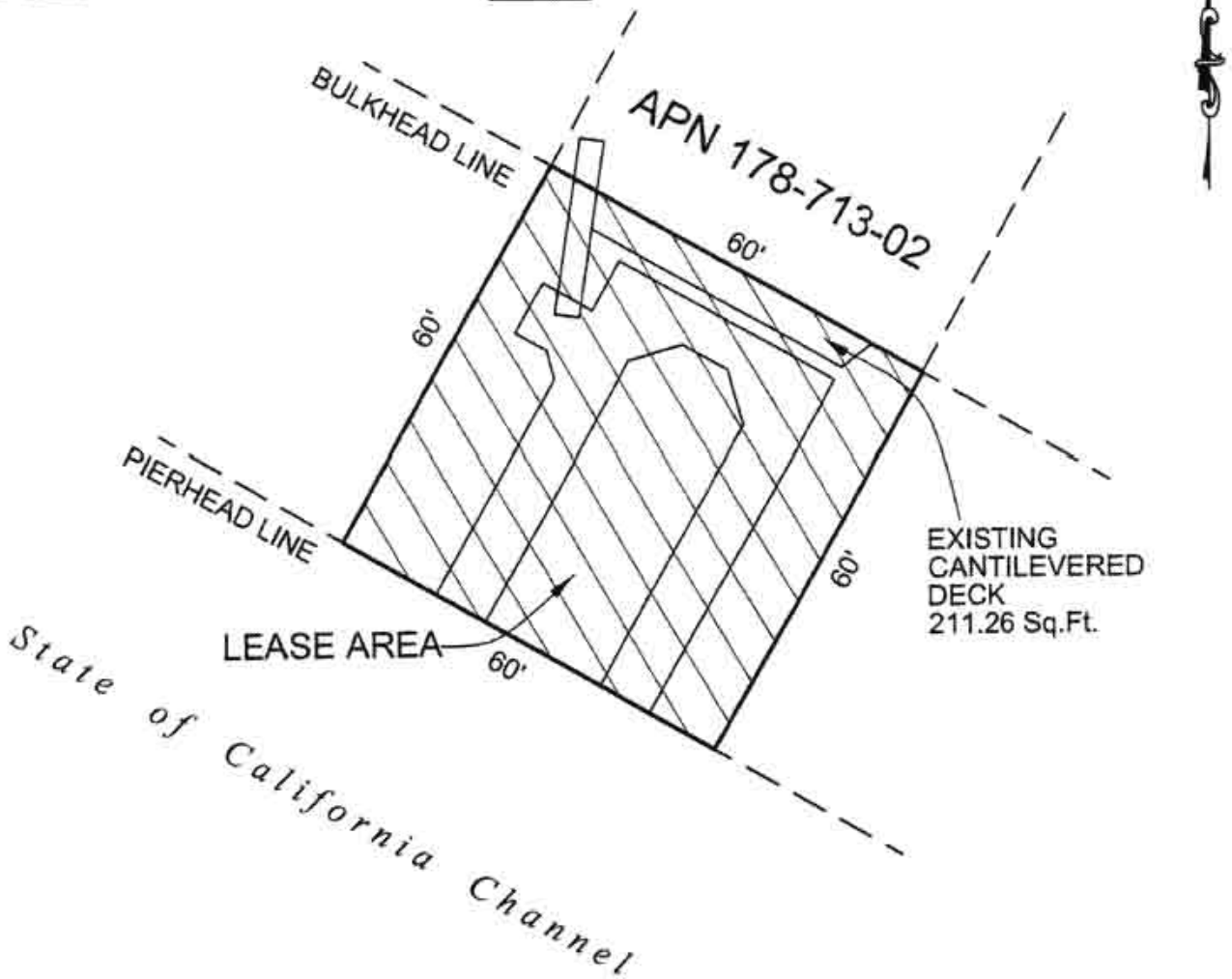
MJJ 1/27/13

LAND DESCRIPTION PLAT PRC 7610.1, BURGGRAF ORANGE COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

SITE



3522 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

PRC 7610.1
BURGGRAF TRUST
APN 178-713-02
GENERAL LEASE -
RECREATIONAL USE
ORANGE COUNTY

MJJ 01/28/13