

**CALENDAR ITEM
C84**

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04/26/13
PRC 7693.1
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GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Arnold and Shirley Ostrow, Trustees
Ostrow Family Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16831 Bolero Lane, Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of a boat dock, access ramp, and cantilevered deck.

LEASE TERM:

10 years, beginning July 19, 2013.

CONSIDERATION:

Dock, Access Ramp, and Cantilevered deck: annual rent to be \$2092 for the lease term pursuant to Public Resources Code 6503.5, 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:

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.

CALENDAR ITEM NO. **C84** (CONT'D)

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 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 February 21, 2003, the Commission approved the issuance of Lease No. PRC 7693.9, a General Lease – Recreational Use, to Arnold Ostrow and Shirley Arlene Ostrow Trustees of the Ostrow Family Trust, for a period of 10 years, for use and maintenance of an existing boat dock. That lease expires on July 18, 2013. The Applicants are now applying for a new lease.
4. A portion of the cantilevered deck lies over the State's fee-owned land in the Main Channel of Huntington Harbour, and was not previously authorized by the Commission.
5. 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 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.

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.

CALENDAR ITEM NO. **C84** (CONT'D)

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; 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 and Protective Structure Use, to Arnold and Shirley Arlene Ostrow, Trustees of the Ostrow Family Trust, beginning July 19, 2013, 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 made a part hereof; consideration: annual rent in the amount of \$2,092; combined single-limit liability insurance coverage in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 7693.9

LAND DESCRIPTION

A parcel of submerged land situate in Huntington Harbour, in the City of Huntington Beach, Orange County, State of California, described as follows:

BEGINNING at the most southerly corner of Lot 54, as said lot is shown and designated on that certain map of Tract No. 5264 filed August 20, 1963, in Book 185, Pages 27 through 34, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 60.00 feet; thence northwesterly along a line parallel with the southwesterly line of said lot to the southwesterly extension of the northwesterly line of said lot; thence northeasterly along said extension 60.00 feet to the most westerly corner of said lot; thence southeasterly along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

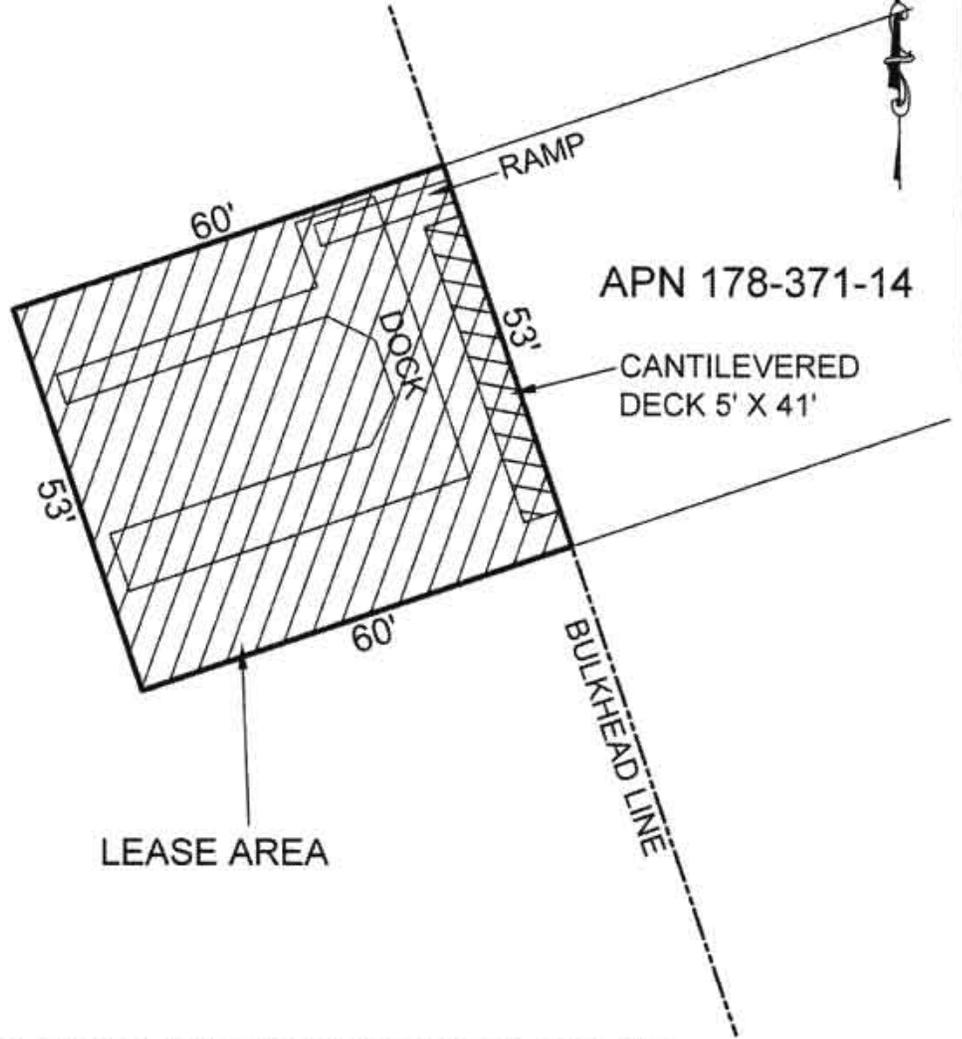
Prepared 03/13/2013 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

STATE OF CALIFORNIA 400' CHANNEL



APN 178-371-14

CANTILEVERED DECK 5' X 41'

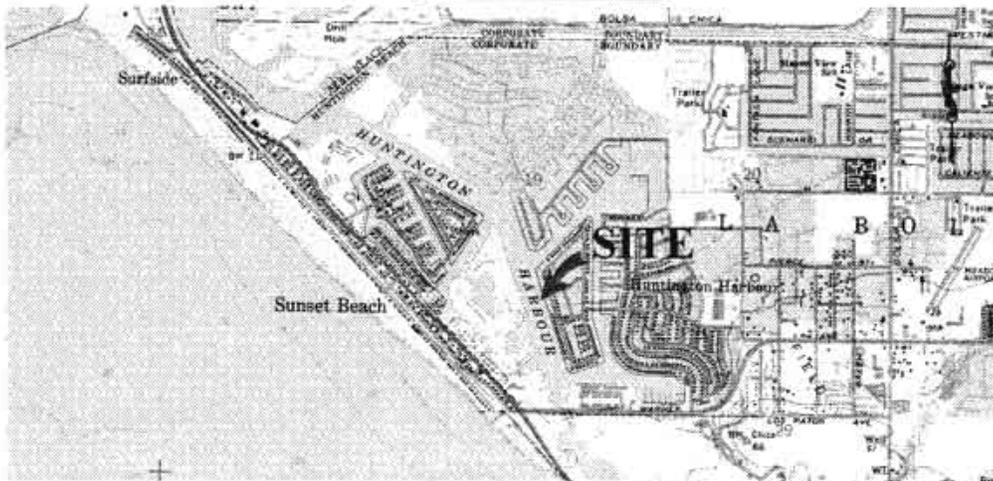
LEASE AREA

BULKHEAD LINE

16831 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7693.1

OSTROW

APN 178-371-14

GENERAL LEASE -
RECREATIONAL USE
ORANGE COUNTY



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

TS 03/13/13