

**CALENDAR ITEM
C67**

A 72

06/21/13
PRC 5750.1
A. Franzoia

S 34

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Stacy M. and Maria L. West

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16652 Coral Cay Lane, Huntington Beach, Orange County.

AUTHORIZED USE:

Replacement and maintenance of a new boat dock and ramp, and continued use and maintenance of a cantilevered deck.

LEASE TERM:

10 years, beginning June 21, 2013.

CONSIDERATION:

Dock, Access Ramp and Cantilevered Deck: annual rent to be \$2,115 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. **C67** (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 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 20, 2005, the Commission approved the issuance of General Lease – Recreational Use No. PRC 5750.1 to Frank Jao and Catherine Jao, as Trustees of the Jao Trust dated December 5, 2002, for a period of 10 years beginning March 8, 2004, for use and maintenance of an existing boat dock, ramp, and cantilevered deck. The lease expired upon notice received from the Jao Trust on February 29, 2008, that the property had been sold to First Tree Circle, L.P. Rent payments were current through March 8, 2007.
4. First Tree Circle, L.P. brought past due rent current on September 6, 2011, and sold the property to Stacy M. and Maria L. West who closed escrow on May 1, 2012. They submitted an application for a new lease on March 6, 2013.
5. The Applicants intend to remove the existing L shaped dock and replace it with a new U shaped dock.
6. A portion of the cantilevered deck lies over the State's fee owned land in the Main Channel of Huntington Harbour, and was previously authorized by the Commission.
7. **Existing Cantilevered Deck:** 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).

CALENDAR ITEM NO. **C67** (CONT'D)

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. **Replacement of Existing Boat Dock and Ramp:** The staff recommends that the Commission find that this activity is exempt from the requirements of the 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.

9. 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.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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).

Replacement of Existing Boat Dock and 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.

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.

CALENDAR ITEM NO. **C67** (CONT'D)

EXHIBITS:

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

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use, to Stacy M. and Maria L. West, beginning June 21, 2013, for a term of 10 years, for replacement and maintenance of a new boat dock and access ramp, and continued use and maintenance of an existing 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 \$2,115; liability insurance coverage in the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5750.1

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 54, 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 of Miscellaneous Maps, Official Records of said County; thence along the northeasterly extension of the southeasterly 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 City Council of said City; thence northwesterly and parallel with the northeasterly line of said lot to the northeasterly extension of the northwesterly line of said lot; thence southwesterly along said northeasterly extension 60.00 feet to the most northerly corner of said lot; thence southeasterly along said northeasterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 04/16/13 by the California State Lands Commission Boundary Unit



