

**CALENDAR ITEM
C84**

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S 34

12/02/13
PRC 5245.1
A. Franzoia

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Terry Dedeaux and Christine M. Dedeaux, Trustees of The Terence Dedeaux Family Trust dated December 27, 1994

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3542 Venture Drive, city of 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 December 2, 2013.

CONSIDERATION:

Annual rent in the amount of \$2,292, 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.

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 14, 1999, the Commission authorized issuance of Recreational Pier Lease No. PRC 5245.9 to John H. Lange and Diana M. Lange, for a period of 10 years, for use and maintenance of an existing boat dock. The property was sold to the applicants (Dedeauxs) who took title on August 22, 2013. The Applicants are now applying for a new lease. A portion of the cantilevered deck and access ramp extend over the State's fee owned land in the Main Channel of Huntington Harbour, and were not previously authorized by the Commission. Since the cantilevered deck and access ramp are existing and do not currently interfere with public trust needs at this location, staff is recommending that they be included in the lease
4. 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.

5. 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.

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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 Use to Terry Dedeaux and Christine M. Dedeaux, Trustees of The Terence Dedeaux Family Trust dated December 27, 1994, for a term of 10 years beginning December 2, 2013, 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 to be annual rent in the amount of \$2,292, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease; liability insurance coverage in the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5245.1

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 43, 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 northeasterly 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 10/02/13 by the California State Lands Commission Boundary Unit



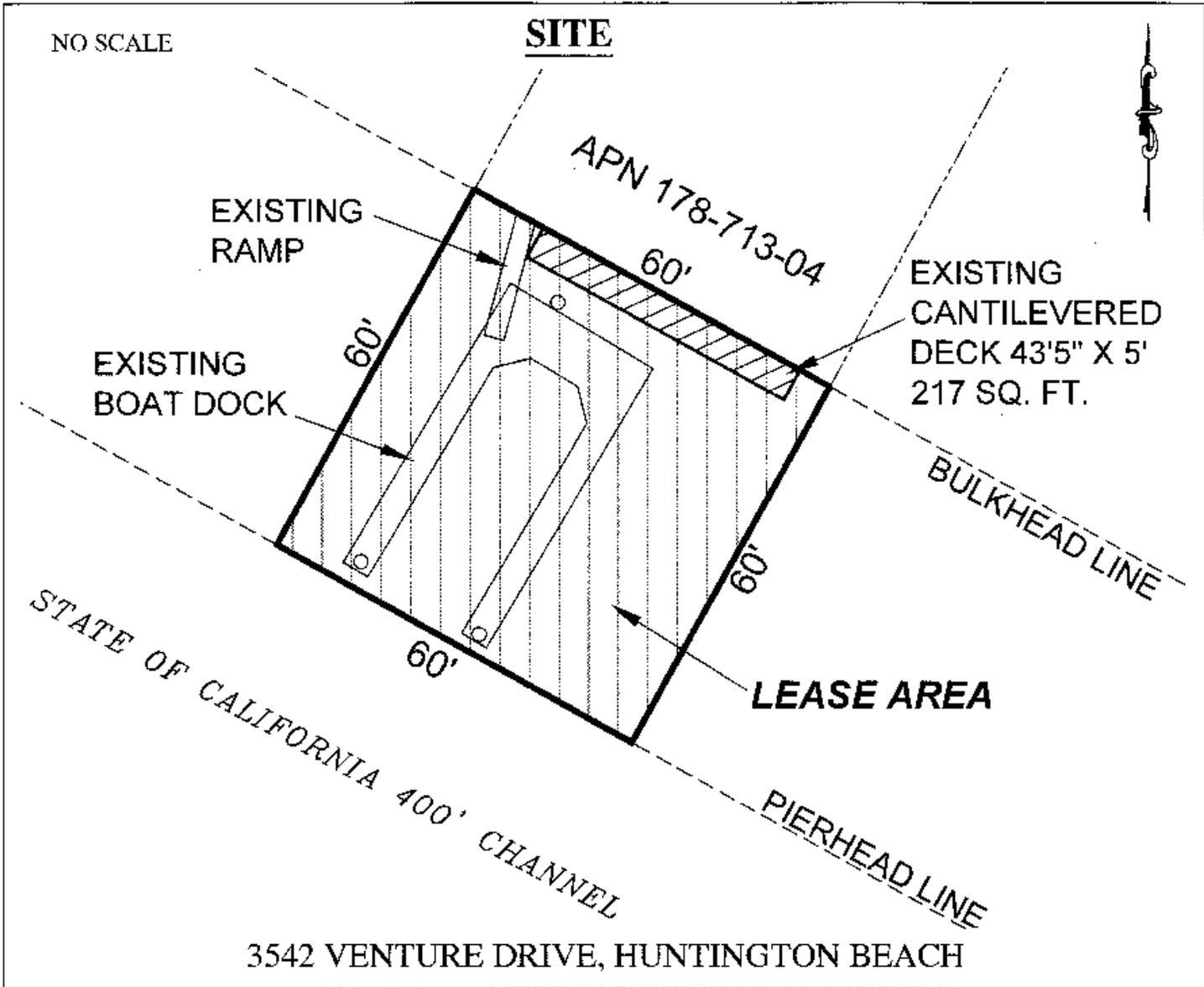


Exhibit B

PRC 5245.1
 THE TERENCE DEDEAUX
 FAMILY TRUST
 APN 178-713-04
 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.