

**CALENDAR ITEM
C87**

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S 34

12/02/13
PRC 8257.1
A. Franzoia

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANTS:

Thomas C. Hutton and Victoria T. Hutton

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16701 Carousel Lane, Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of a boat dock, access ramp, cantilevered deck with partial roof, and bulkhead protection.

LEASE TERM:

10 years, beginning December 2, 2013.

CONSIDERATION:

Boat Dock, Access Ramp, and Cantilevered Deck: Annual rent in the amount of \$2,007, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

Bulkhead Protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest;

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

No additional 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. **C87** (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 November 11, 2000, the Commission approved the issuance of a General Lease – Protective Structure Use Lease No. PRC 8243.9 to Thomas Hutton and Victoria Hutton for a period of 10 years, for the repair of an existing bulkhead. That Lease expired on November 10, 2010.
4. On February 5, 2001, the Commission approved the issuance of Lease No. PRC 8257.9, a Recreational Pier Lease, to Thomas Hutton and Victoria Hutton for a period of 10 years for continued use and maintenance of an existing boat dock. That lease expired on February 4, 2011. The Applicants are now applying for a new lease combining both leases into Lease No. PRC 8257.1.
5. In addition, 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. A portion of the cantilevered deck extending over sovereign lands has a partial roof. Because the cantilevered deck with a partial roof has been in place for years, and because the deck does not interfere with the public's trust needs at this time, staff recommends that the deck be approved as an authorized improvement in the lease.
6. 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. **C87** (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.

7. 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; 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 Thomas C. Hutton and Victoria T. Hutton beginning December 2, 2013, for a term of 10 years, for the continued use and maintenance of an existing boat dock, access ramp, and bulkhead protection previously authorized the Commission; and the use and maintenance of a cantilevered deck with partial metal roof 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 existing dock, access ramp, and cantilevered deck with partial roof: annual rent in the amount of \$2,007, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for the bulk head protection: the public use and benefit, with the State reserving to the right at any time to set a monetary rent if the Commission finds such action to

CALENDAR ITEM NO. **C87** (CONT'D)

be in the State's best interest; and liability insurance in an amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8257.1

LAND DESCRIPTION

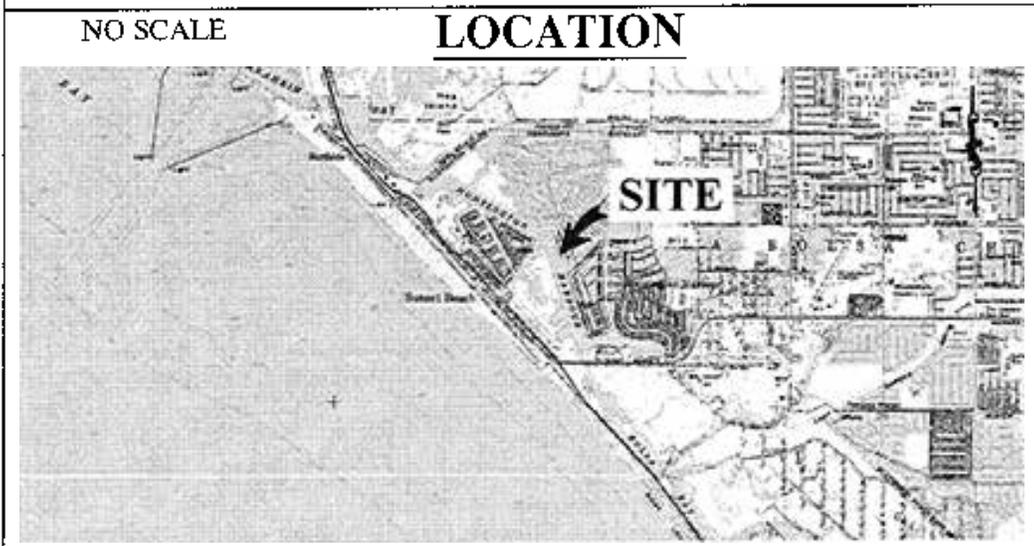
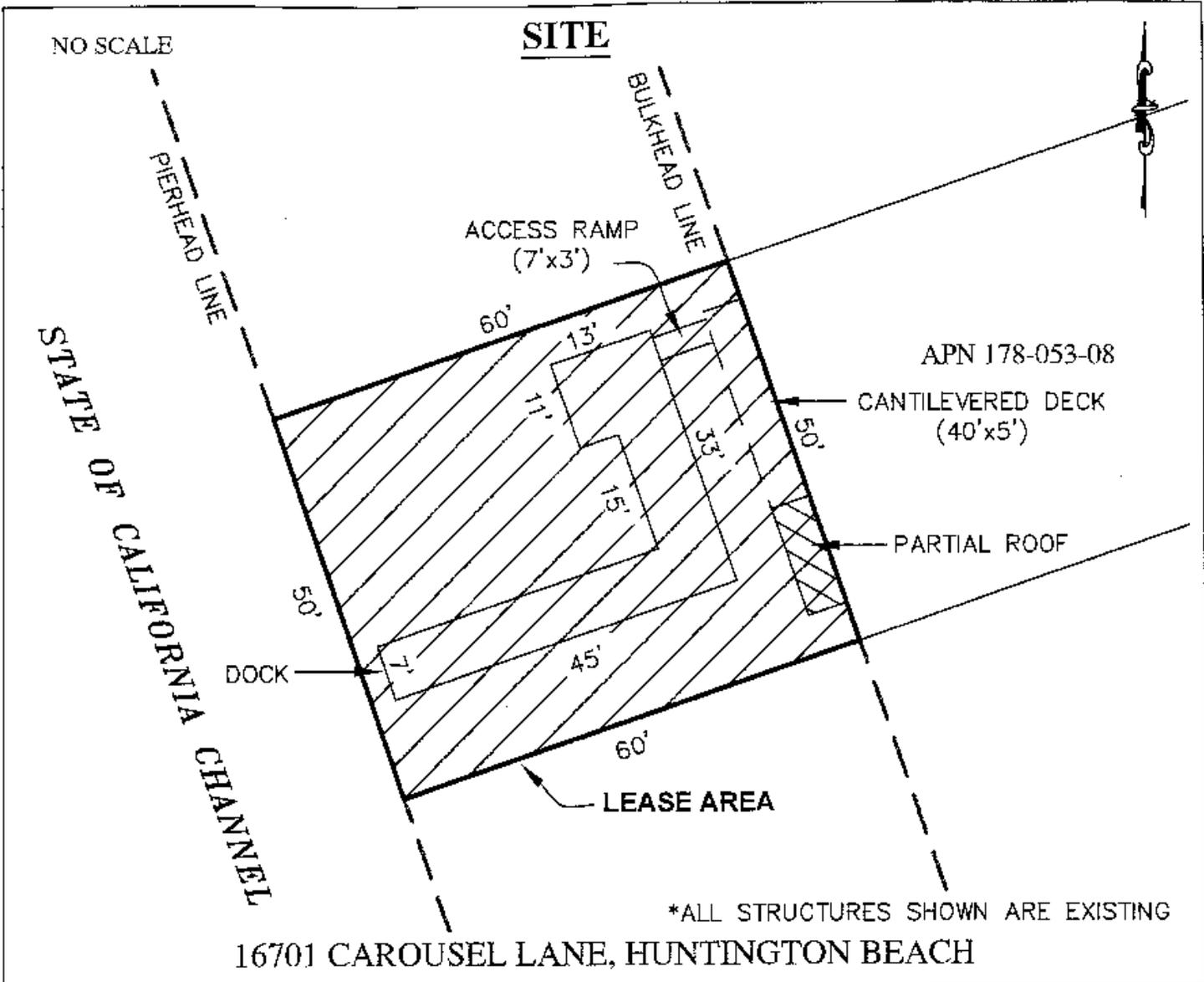
A parcel of submerged land in Huntington Harbour, in the City of Huntington Beach, Orange County, California, described as follows:

BEGINNING at the most westerly corner of Lot 146, as said lot is shown and so designated on that certain map of Tract No. 5481 filed in Book 215, Pages 11 through 22, Official Records of said County, thence westerly along the westerly prolongation of the northerly line of said lot 60.00 feet to the pierhead line as said pierhead line is described in Resolution No. 5631, passed and adopted January 21, 1986 by the City Council of said City; thence southerly 50.00 feet along said pierhead line to the westerly prolongation of the southerly line of said lot; thence easterly 60.00 feet along said westerly prolongation to the most southerly corner of said lot; thence northerly along the westerly line of said lot to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 10/10/2013 by the California State Lands Commission Boundary Unit.





MAP SOURCE: USGS QUAD

Exhibit B
 PRC 8257.1
 HUTTON
 APN 178-053-08
 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.