

**CALENDAR ITEM  
C38**

A 72  
S 34

12/17/14  
PRC 8574.1  
A. Franzoia

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

**APPLICANT:**

Gregory D. Kriesel and Jane K. Kriesel, Trustees of The Kriesel Family Trust

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Main Channel of Huntington Harbour, adjacent to 3512 Venture Drive, Huntington Beach, Orange County.

**AUTHORIZED USE:**

The continued use and maintenance of a boat dock, access ramp, cantilevered deck, and bulkhead protection.

**LEASE TERM:**

10 years, beginning December 9, 2014.

**CONSIDERATION:**

Annual rent in the amount of \$2,357, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in the amount of 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. The Applicant owns 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 1962 as a result of a land exchange entered into between the Commission and the Huntington Harbour Corporation, recorded as the Amended Agreement for the Exchange of Lands in the Sunset Beach Area, Orange County, California, and recorded on March 7, 1963, in Book 6457, Page 819, 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 December 9, 2004, the Commission authorized the termination of Lease No. PRC 8283.9, a General Lease - Protective Structure Use, and Lease No. PRC 5242.9, a General Lease - Recreational Use, and authorized the issuance of a new lease to combine both uses under Lease No. PRC 8574.1, a General Lease – Recreational and Protective Structure Use to the Applicants for a 10-year term beginning December 9, 2004. The lease expires December 8, 2014. The Applicants are now applying for a new 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 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

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**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 Gregory D. Kriesel and Jane K. Kriesel, Trustees of the Kriesel Family Trust beginning December 9, 2014, for a term of 10 years, for the use and maintenance of a boat dock, access ramp, cantilevered deck, and bulkhead protection as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$2,357, with an annual Consumer Price Index adjustment; and liability insurance in the amount of no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8574.1**

**LAND DESCRIPTION**

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

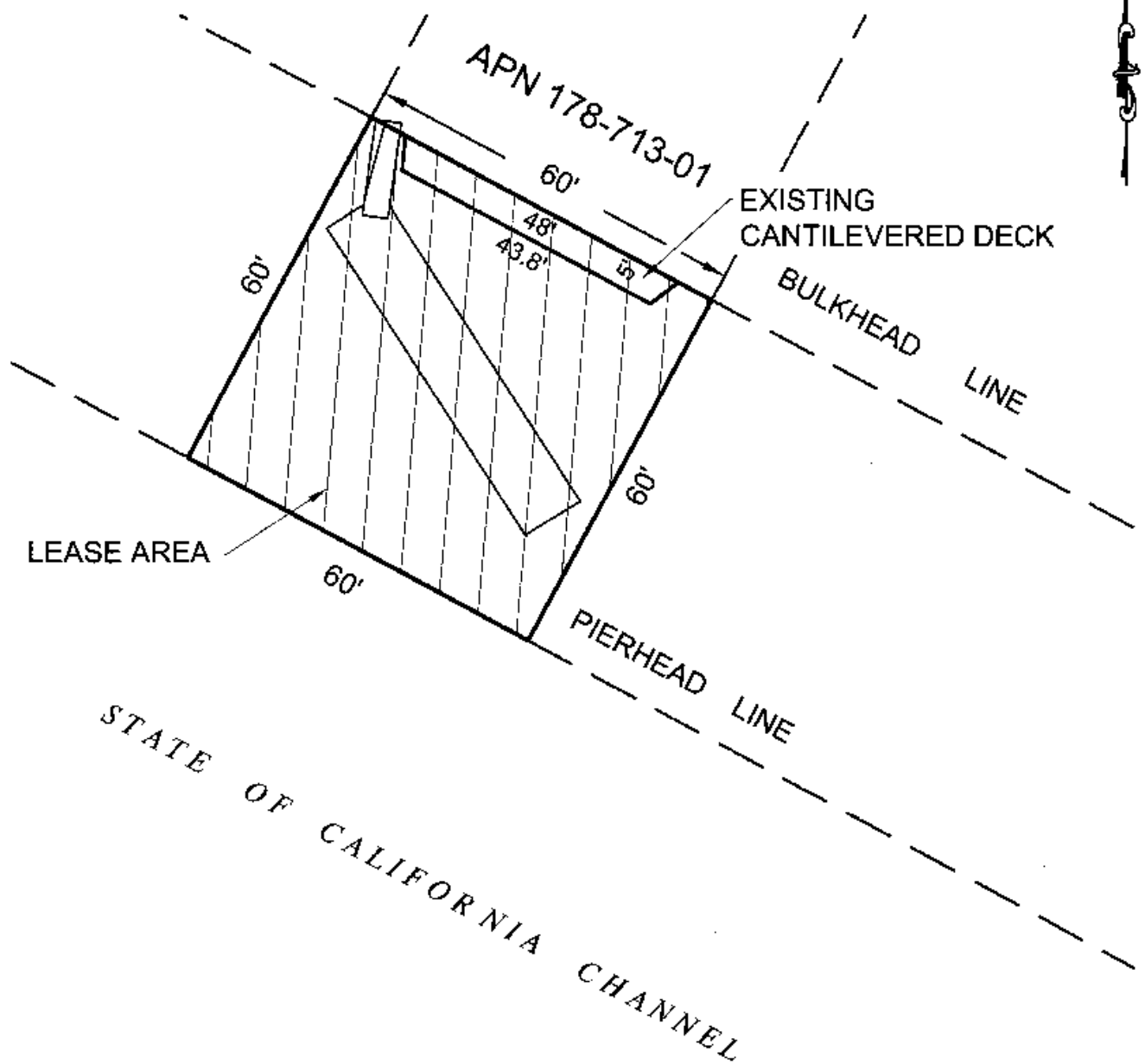
A portion of those lands described in that certain Corporation Grant Deed recorded December 20, 1962 in Book 6368, Pages 411-413, Official Records of said County, described as follows:

Beginning at the most southerly corner of Lot 40, 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 and recorded May 10, 1985 as Document 85-170510, Official Records of said County; 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 11/02/2004 by the California State Lands Commission Boundary Unit





**EXHIBIT A**

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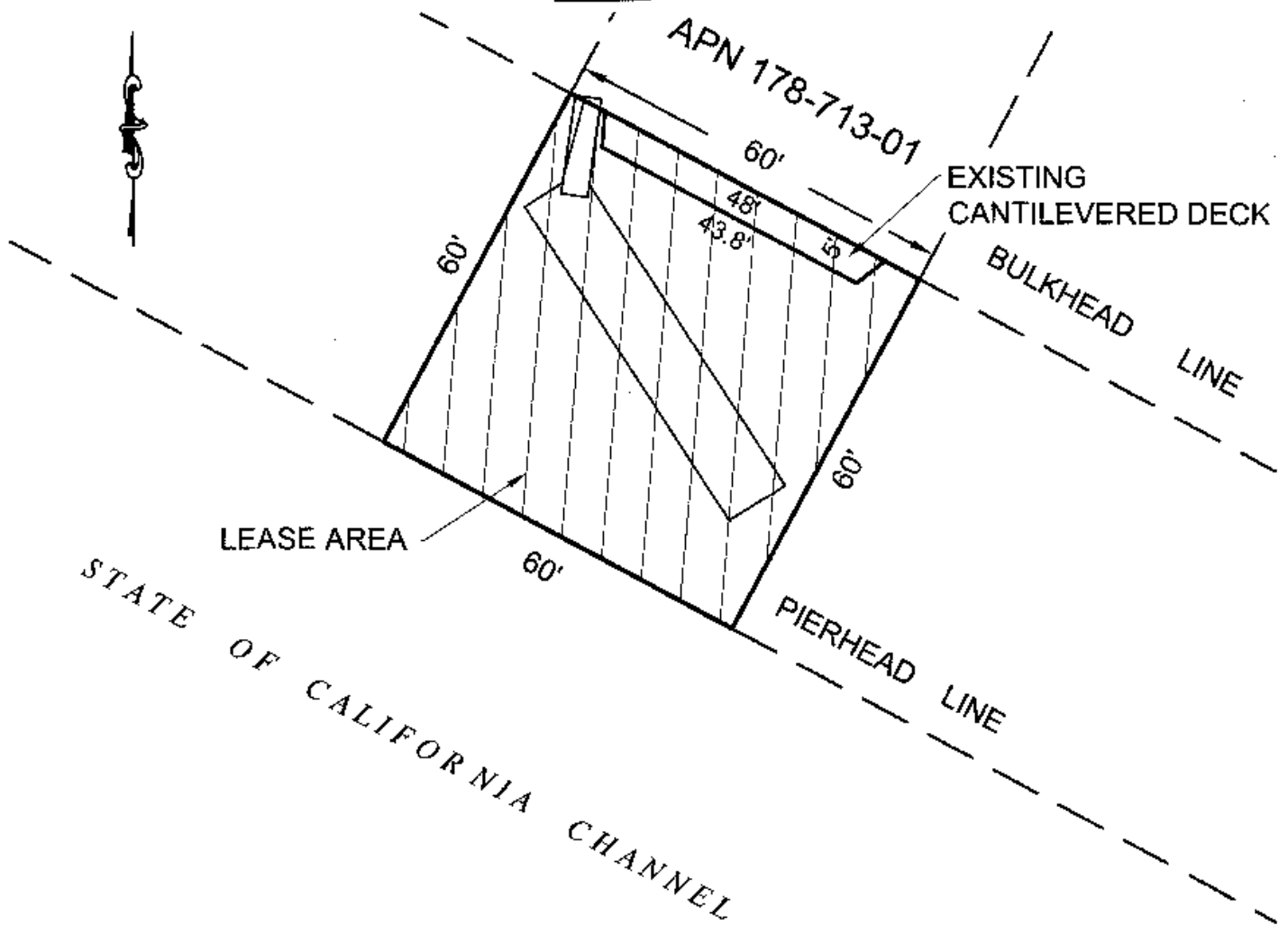
LAND DESCRIPTION PLAT  
 PRC 8574.1, KRIESEL TRUST  
 ORANGE COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

### SITE



3512 VENTURE DRIVE, HUNTINGTON BEACH

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### **Exhibit B**

PRC 8574.1  
 KRIESEL TRUST  
 APN 178-713-01  
 GENERAL LEASE -  
 RECREATIONAL USE  
 ORANGE COUNTY



MJJ 11/14/14

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.