

**CALENDAR ITEM
C58**

A 67
S 35

06/28/10
WP 5749.1
D. Simpkin

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Cynthia D. Williams and Nicholas DiBenedetto, Trustee of the Williams-DiBenedetto Trust, dated July 30, 2008

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 16632 Coral Cay Lane, city of Huntington Beach, Orange County.

AUTHORIZED USE:

The continued use and maintenance of an existing boat dock and access ramp, and the retention of an existing cantilevered deck extending no more than five feet waterward of the bulkhead.

LEASE TERM:

Ten years, beginning October 26, 2009.

CONSIDERATION:

Boat dock and access ramp: No monetary consideration pursuant to Public Resources Code Section 6503.5.

Cantilevered deck: Annual rent in the amount of \$1,854, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single-limit liability insurance coverage in the amount of no less than \$1,000,000.

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 a residential extension of the actual living quarters constitutes residential use and is prohibited.

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OTHER PERTINENT INFORMATION:

1. Applicants own the uplands 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 and recorded as Boundary Line Agreement 18, between the Commission and the Huntington Harbour Corporation. Appurtenances extending into these Channels are subject to lease pursuant to Public Resources Code Section 6501, et seq. The Applicant's upland property is located along the Main Channel of Huntington Harbour.
3. On June 14, 1999, the Commission authorized the issuance of a Recreational Pier Lease, PRC 5749.9, to George Karabedian and Grace Karabedian, for a ten-year term, effective October 26, 1999. The lease expired on October 25, 2009. The upland property was deeded to the Applicants on October 9, 2007. The Applicants are now applying for a new General Lease – Recreational Use for the existing boat dock and access ramp as well as for the existing cantilevered deck. The cantilevered deck is comprised of three separate segments. A five-foot portion of these segments extend over the State's fee ownership in the Main Channel of Huntington Harbour, and were not previously authorized by the Commission. Since the deck is existing, staff is recommending that it be included in the lease.
4. The existing boat dock and access ramp qualify for rent-free status as the Applicants are natural persons who own the littoral land improved with a single-family dwelling pursuant to Title 2, California Code of Regulations, sections 2002 (f) and 2003 (a)(5).
5. The cantilevered deck does not qualify for rent-free status because it is not used for the mooring of boats. Therefore, that portion of the deck extending over State fee ownership within the Harbour is subject to annual rent pursuant to Title 2, California Code of Regulations, sections 2003 (a) (4) and 2002 (b)(3).
6. **Existing Boat Dock and Access Ramp:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. **Cantilevered Deck:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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. Location and Site Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

EXISTING BOAT DOCK AND ACCESS RAMP: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

CANTILEVERED DECK: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

CALENDAR ITEM NO. **C58** (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

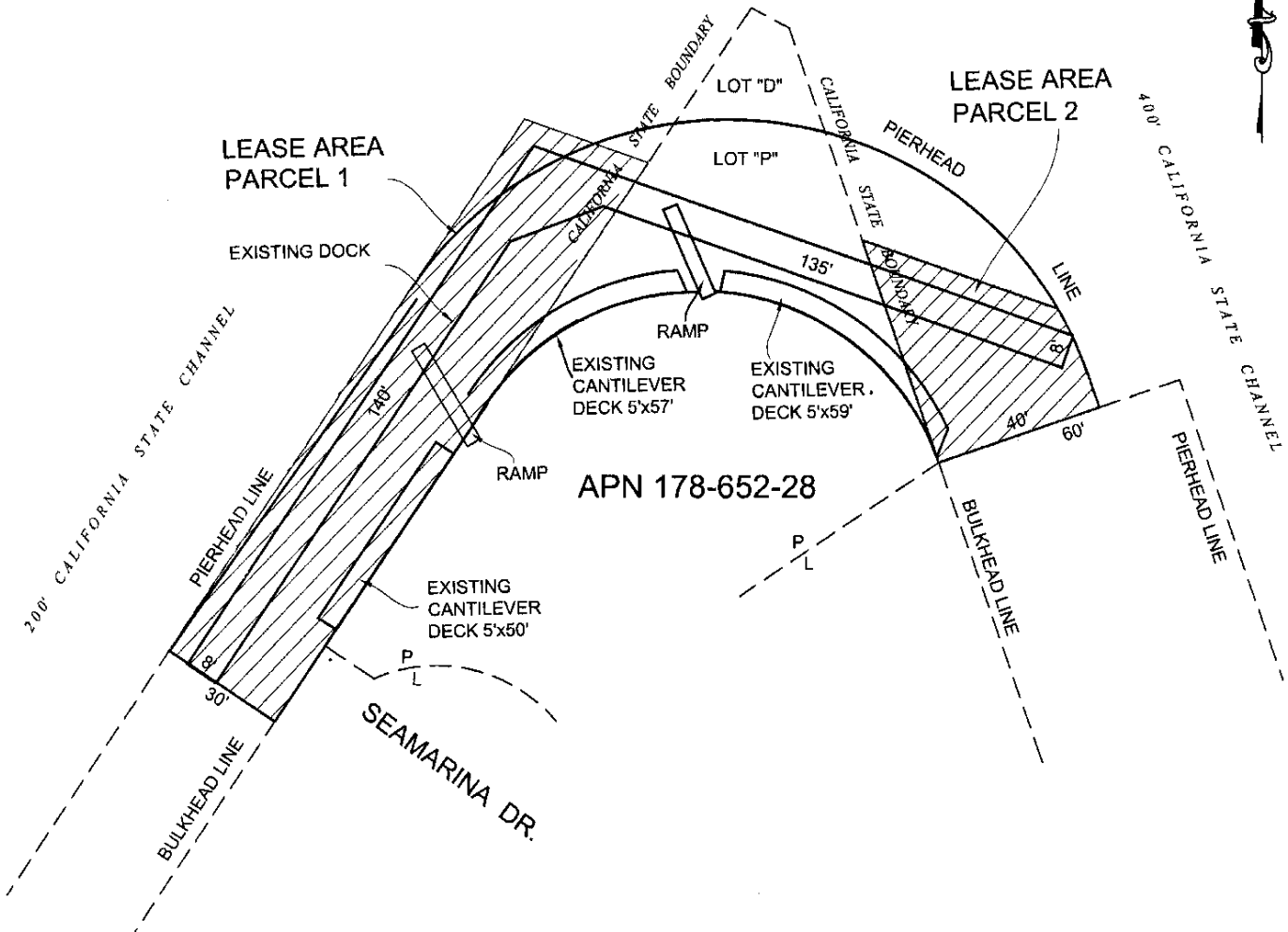
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Recreational Use to Cynthia D. Williams and Nicholas DiBenedetto, Trustee of the Williams-DiBenedetto Trust, dated July 30, 2008, beginning October 26, 2009, for a term of ten years, for the continued use and maintenance of an existing boat dock, access ramps, and retention, use, and maintenance of an existing cantilevered deck as shown on Exhibit A attached (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration for the boat dock and access ramp: no monetary consideration pursuant to Public Resources Code Section 6503.5; consideration for the cantilevered deck: annual rent in the amount of \$1,854, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; combined single-limit liability insurance coverage in the amount of no less than \$1,000,000.

NO SCALE

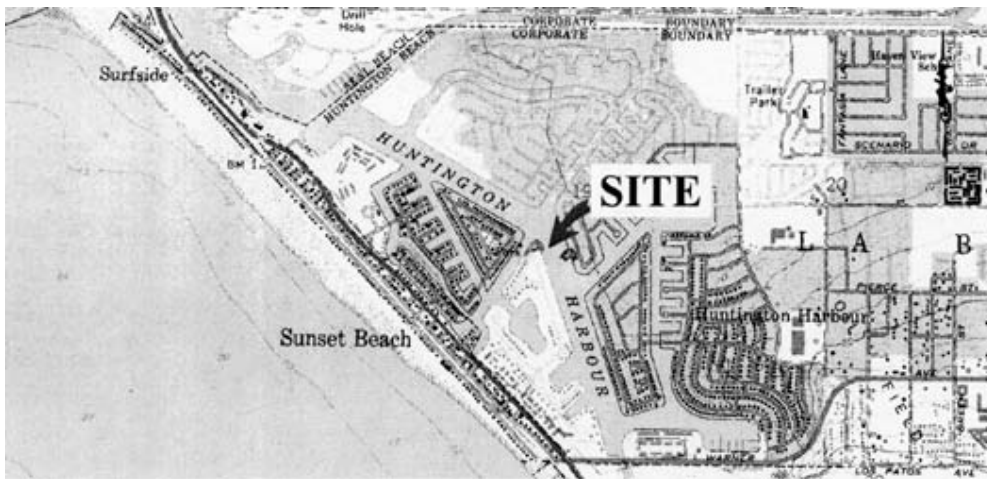
SITE



16632 CORAL CAY LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 5749.1
 BENEDETTO & WILLIAMS
 APN 178-652-28
 GENERAL LEASE
 RECREATIONAL USE
 ORANGE COUNTY



MJJ 03/10

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.

EXHIBIT B

W 5749.1

LAND DESCRIPTION

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

Parcel 1

Beginning at the most westerly corner of Lot 56 as said lot is shown and so designated on that certain map of Tract No. 8040 filed Book 350, Pages 27 through 37 of Official Records of said County, said corner being on the bulkhead line as shown on said map; thence along said bulkhead line South 33°44'29" West 20.00 feet; thence North 56°15'31" West 30.00 feet to the pierhead line shown on said map; thence along said pierhead line and the extension of said line North 33°44'29" East 151.00 feet; thence South 70°40'03" East 30.97 feet to the westerly line of Lot "P" as shown on said map; thence along said line and said bulkhead line South 33°44'29" West 158.64 feet to the point of beginning.

Parcel 2

Beginning at the most easterly corner of said Lot 56 as said lot is shown and so designated on that certain map of Tract No. 8040 filed Book 350, Pages 27 through 37 of Official Records of said County, said corner being on the easterly line of Lot "P" as shown on said map; thence along said easterly line of Lot "P" North 19°00'00" West 55.40 feet; thence South 70°40'03" East 48.79 feet to said pierhead line and the beginning of a non tangent curve, concave to the southwest, having a radius of 90 feet, to which a radial line bears North 59°46'00" East; thence southeasterly 17.65 feet along said curve through a central angle of 11°14'00"; thence continuing along said pierhead line South 19°00'00" East 7.61 feet; thence South 71°00'00" West 40.00 feet to the point of beginning.

END OF DESCRIPTION

Prepared 03/26/2010 by the California State Lands Commission Boundary Unit

