

**CALENDAR ITEM
C86**

A 72
S 34

12/02/13
PRC 8259.1
A. Franzoia

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

APPLICANTS:

Ting Nguyen and Lam-Quynh Nguyen

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16651 Carousel Lane, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of a boat dock, access ramp, cantilevered deck extending no more than five feet waterward of the bulkhead, 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 permanent roof or other enclosure will be constructed on the Lease Area. Applicants agree that any proposed use of the Lease Area that includes an extension of the actual living quarters constitutes residential use and is prohibited.

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OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease area.
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 February 5, 2001, the Commission authorized issuance of General Lease – Protective Structure Use, Lease No. PRC 8238.9, to Albert W. and Sharon L. Appel, for a 10-year term beginning November 1, 2000. That lease expired on October 31, 2010. On February 5, 2001, the Commission authorized the issuance of Recreational Pier Lease No. PRC 8259.9 to Albert W. and Sharon L. Appel, for a 10-year term beginning December 31, 2000. That lease expired on December 30, 2010.
4. 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. The protective structure use, previously authorized under now expired PRC 8238.9, will also be included in the new lease, Lease No. PRC 8259.1.
5. 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.

CALENDAR ITEM NO. **C86** (CONT'D)

6. 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 Ting Nguyen and Lam-Quynh Nguyen, for a term of 10 years, beginning December 2, 2013, for use and maintenance of an existing boat dock, access ramp, cantilevered deck, and bulkhead protection, 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 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 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 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 8259.1

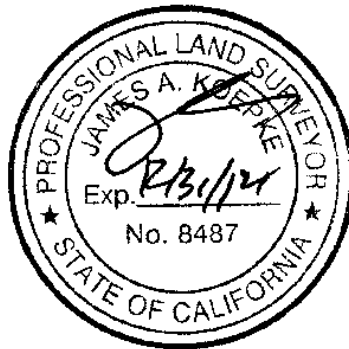
LAND DESCRIPTION

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

BEGINNING at the most southerly corner of Lot 141, as said lot is shown and designated on that certain map of Tract No. 5481 filed in Book 215 of Miscellaneous Maps at Pages 11 through 22, Official Records of said County; thence along the southwesterly extension of the southeasterly 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 northwesterly 50.00 feet along said pierhead line to the southwesterly extension of the northwesterly line of said lot; thence northeasterly along said extension 60.00 feet to the most westerly corner of said lot; thence southeasterly along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

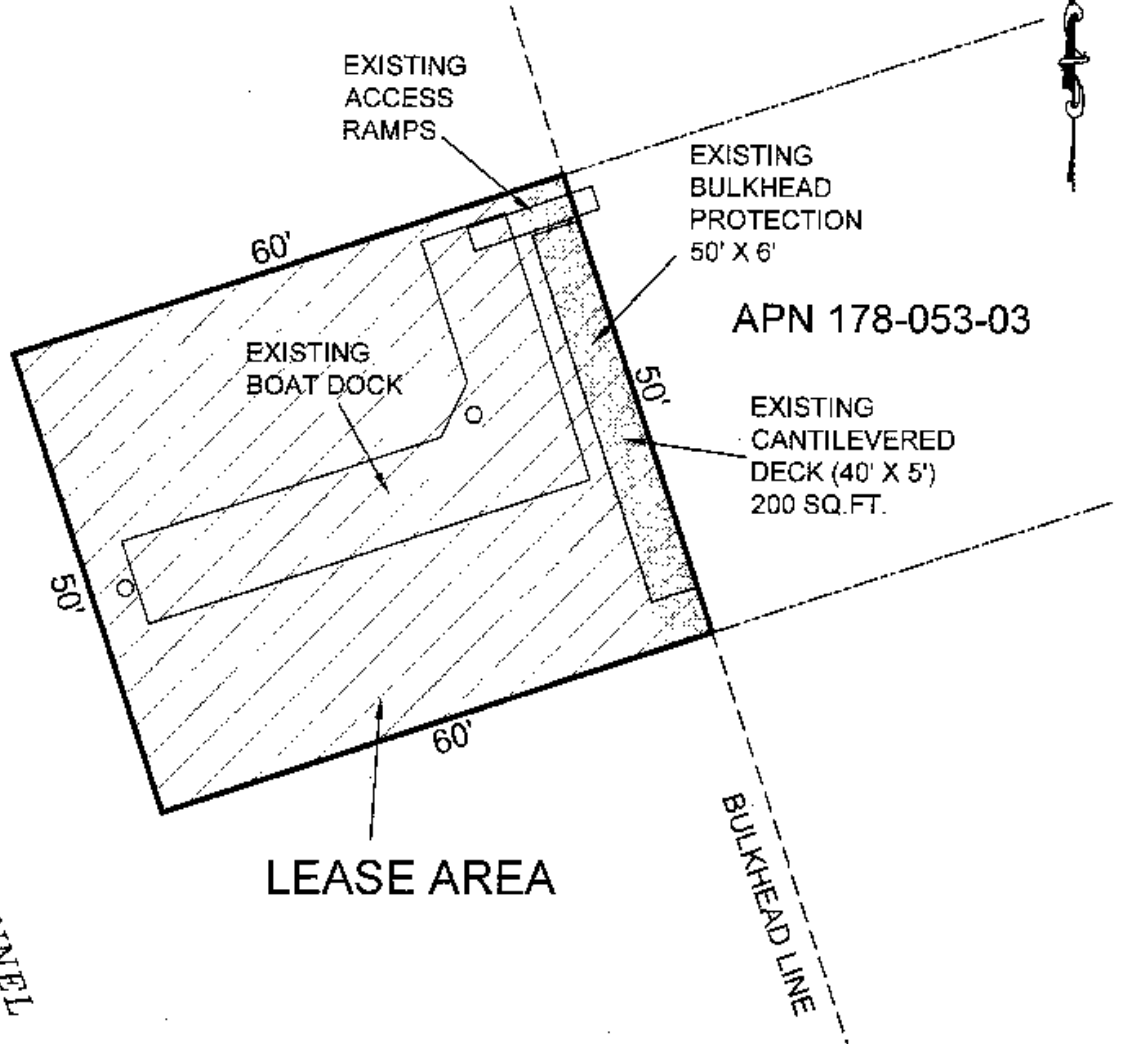
Prepared 09/03/2013 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

STATE OF CALIFORNIA 400' CHANNEL



LEASE AREA

16651 CAROUSEL LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8259.1
 NGUYEN
 APN 178-053-03
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 ORANGE COUNTY



SITE →

1S 09/03/13

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.