

**CALENDAR ITEM
C95**

A 72

12/02/13

S 34

PRC 3570.1

D. Simpkin

TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Recreational Land Investments, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 17011 Bolero Lane, Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock, ramp, and cantilevered deck.

LEASE TERM:

10 years, beginning September 24, 2012.

CONSIDERATION:

Dock, Ramp and Cantilevered Deck: annual rent to be \$1,778, 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. Applicant owns the upland adjoining the lease premises.
2. On May 10, 2007, the Commission approved a 10-year General

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Lease - Recreational Use, with Samuel H. Giesy. That lease will expire on May 9, 2017. On September 24, 2012, the upland was deeded to Recreational Land Investments, Inc. The Applicant is now applying for a new General Lease – Recreational Use. Staff is recommending termination of the existing lease and issuance of a new General Lease – Recreational Use.

3. Staff recommends termination of the existing lease because the Lessee, Samuel H. Giesy, abandoned the lease by selling the upland property without executing a lease quitclaim deed to the Commission.
4. 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.
5. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

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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:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease: 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:

1. Authorize termination, effective September 23, 2012, of Lease No. PRC 3570.1, a General Lease - Recreational Use, issued to Samuel H. Giesy.
2. Authorize issuance of a General Lease – Recreational Use, to Recreational Land Investments, Inc., beginning September 24, 2012, for a term of 10 years, for the continued use and maintenance of an existing boat dock, ramp, and cantilevered deck, as described in Exhibit A and shown on Exhibit B (for reference

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purposes only) attached and by this reference made a part hereof; consideration: annual rent in the amount of \$1,778, 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 3570.1

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 35, as said lot is shown and so designated on that certain map of Tract No. 5264 filed in Book 185, Pages 27 through 34 of Miscellaneous Maps, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 50.00 feet; thence northwesterly and parallel with the southwesterly line of said lot 50.00 feet to the southwesterly extension of the northwesterly line of said lot; thence northeasterly along said extension to the most westerly corner of said lot; thence southeasterly along said southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

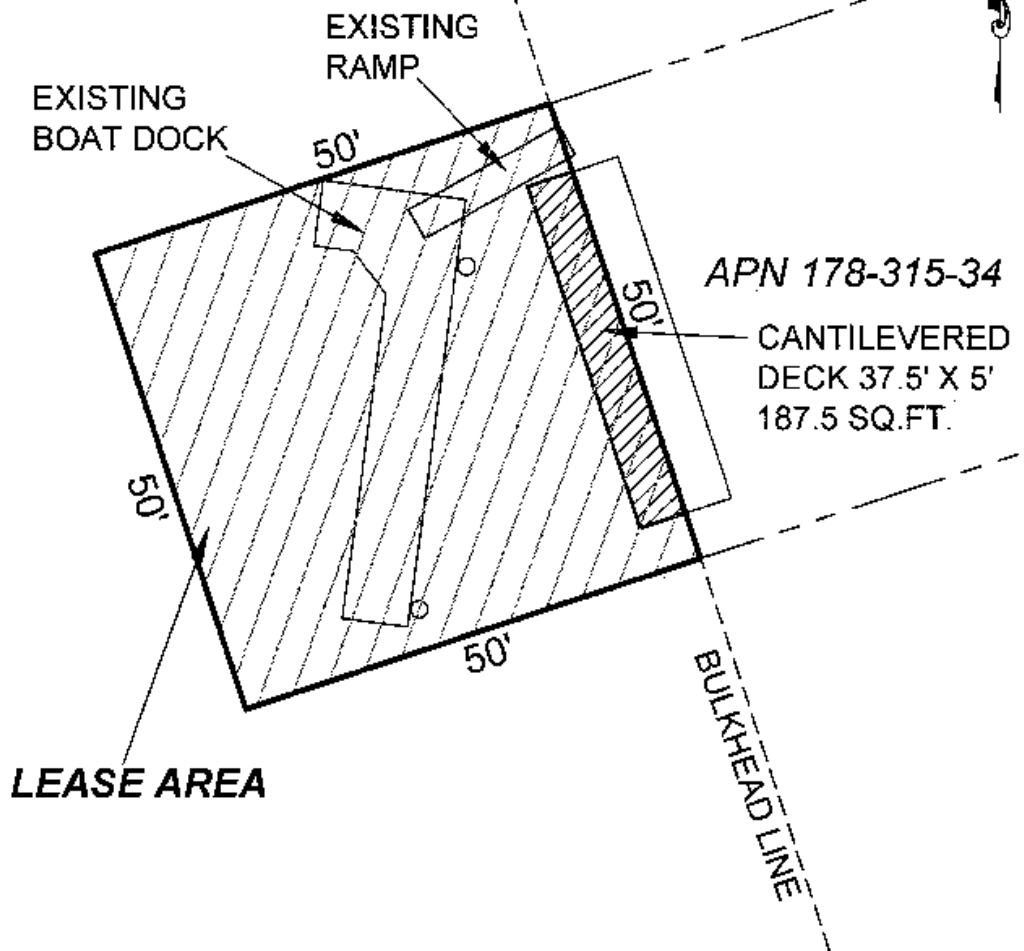
Prepared 09/18/13 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

STATE OF CALIFORNIA 400' CHANNEL



17011 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3570.1
 RECREATIONAL LAND
 INVESTMENTS, INC.
 APN 178-315-34
 GENERAL LEASE-
 RECREATIONAL USE
 ORANGE COUNTY



SITE

TS 09/18/13

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.