

CALENDAR ITEM
C07

A 67

06/20/05

S 35

PRC 7425 WP 7425.9
S. Young

**TERMINATION OF RECREATIONAL PIER LEASE AND ISSUANCE OF A NEW
RECREATIONAL PIER LEASE**

LESSEES:

Paul R. Labahn and Mary J. Labahn

APPLICANTS:

James H. Brownell and Barbara Brownell, Trustees of the Brownell Family Trust,
Dated 6/25/04

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Huntington Harbour, Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock.

LEASE TERM:

Ten years, beginning January 27, 2005.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$300,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On April 20, 2000, the Commission authorized a ten-year Recreation Pier Lease, effective August 22, 2000, to Paul R. and Mary J. Labahn. On January 27, 2005, the littoral land, Lot 2 of Tract 10557, was deeded to James H. Brownell and Barbara Brownell, Trustees of the Brownell Family Trust, Dated 6/25/04 (Applicants). Applicants are now applying for a new

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Recreational Pier Lease. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

3. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

4. **Issuance of New Lease:** 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 the 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).

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

5. 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.

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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).

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:

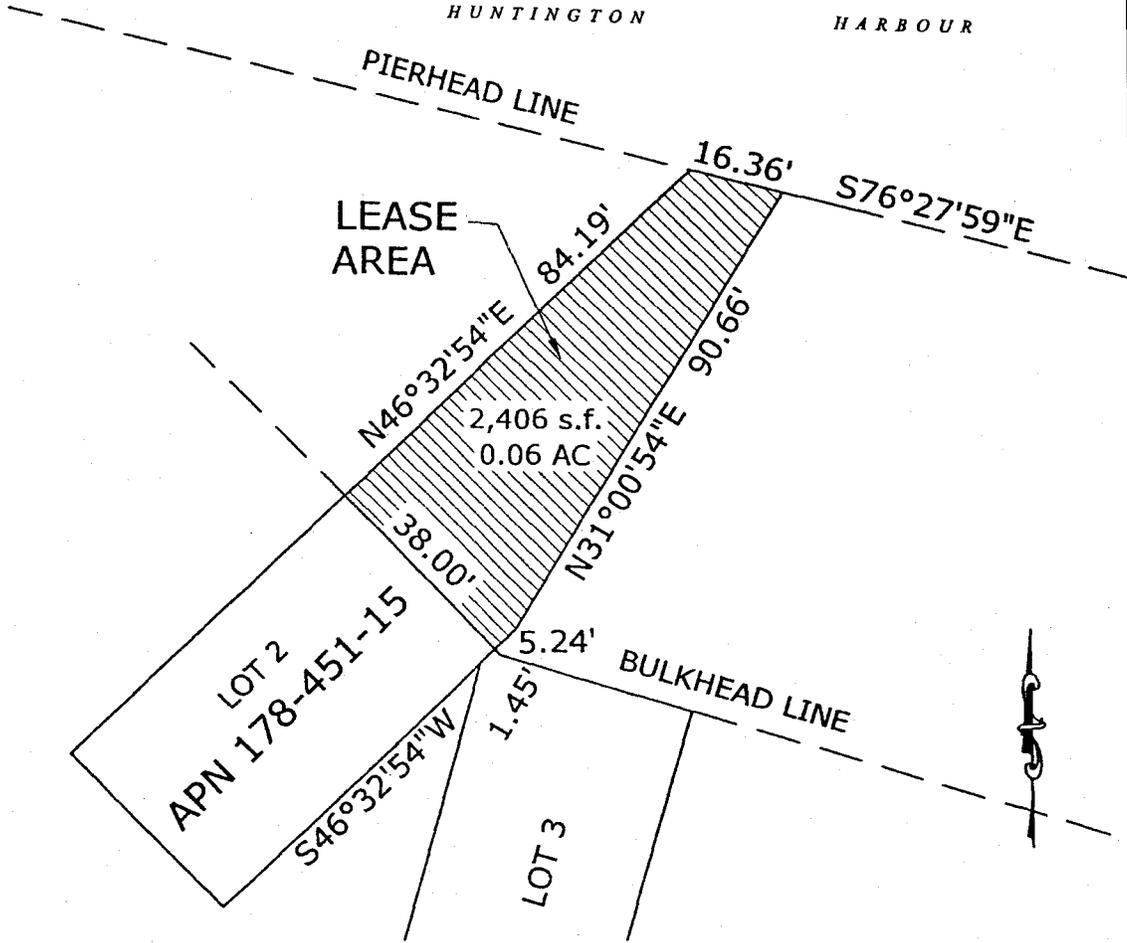
AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 7425.9 ISSUED TO PAUL R. LABAHN AND MARY J. LABAHN; AND AUTHORIZE ISSUANCE TO JAMES H. BROWNELL AND BARBARA BROWNELL, TRUSTEES OF THE BROWNELL FAMILY TRUST, DATED 6/25/04 OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JANUARY 27, 2005, FOR THE EXISTING BOAT DOCK ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

SITE

HUNTINGTON

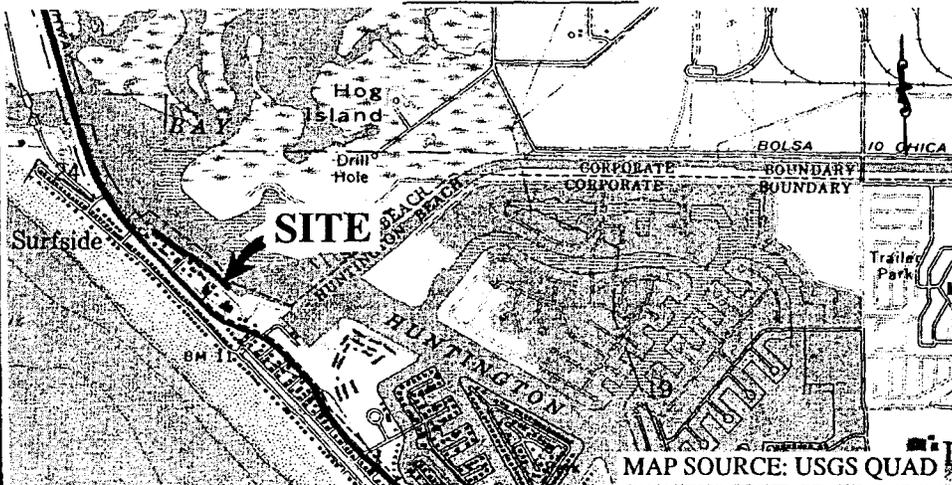
HARBOUR



16222 PIEDMONT CIRCLE, HUNTINGTON HARBOUR

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A
 WP 7425.9
 JAMES H. BROWNELL &
 BARBARA BROWNELL, TRUSTEES
 APN 178-451-15
 RECREATIONAL PIER LEASE
 HUNTINGTON BEACH
 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.

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EXHIBIT B

PRC 7425

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 easterly corner of Lot 2, as said lot is shown and so designated on that certain map of Tract No. 10557 filed in Map Book 533, Pages 24 through 26, Official Records of said County; thence along the northeasterly extension of the southeasterly line of said lot to the centerline of an existing dock, thence northeasterly along said centerline and the northeasterly extension thereof 90.66 feet, more or less, to the pierhead line as said pierhead line is shown on said map, thence westerly along said pierhead line 16.36 feet, more or less, to the northeasterly extension of the northwesterly line of said lot, thence southwesterly along said extension 84.19 feet, more or less, to the most northerly corner of said lot, thence along the northeasterly boundary of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 06/06/2005 by the California State Lands Commission Boundary Unit



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