

MINUTE ITEM
This Calendar Item No. C34 was approved as
Minute Item No. 34 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

CALENDAR ITEM

C34

A	67		09/13/07
S	35	PRC 3080	WP 3080.1 K. Foster

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Gary Leibowitz and Ruth J. Leibowitz

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning October 1, 2007.

CONSIDERATION:

As to the boat dock and access ramp, no monetary consideration pursuant to Public Resources Code section 6503.5; as to the use and maintenance of the existing cantilevered deck, annual rent in the amount of \$1,013, 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 PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On November 7, 1997, the Commission authorized the issuance of a Recreational Pier Lease, PRC 3080.9, to Gary and Ruth Leibowitz for a ten-year term, effective October 1, 1997. Applicants are now applying for

CALENDAR ITEM NO. C34 (CONT'D)

a new General Lease – Recreational Use for the existing boat dock and access ramp, as well as for the existing cantilevered deck, not previously authorized by the Commission. A five-foot portion of the cantilevered deck extends over the State's fee ownership in the Main Channel of Huntington Harbour. Since the deck is existing, staff is recommending that a lease be issued to the Applicants.

3. As the cantilevered deck does not qualify for a rent-free lease, that portion of the deck extending over State fee ownership within the Harbour is subject to annual rent. The existing boat dock and access ramp will remain rent-free as the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
4. **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 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. **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 the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

6. 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.

CALENDAR ITEM NO. **C34** (CONT'D)

EXHIBITS:

- A. Site and Location 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 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).

CANTILEVERED DECK: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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:

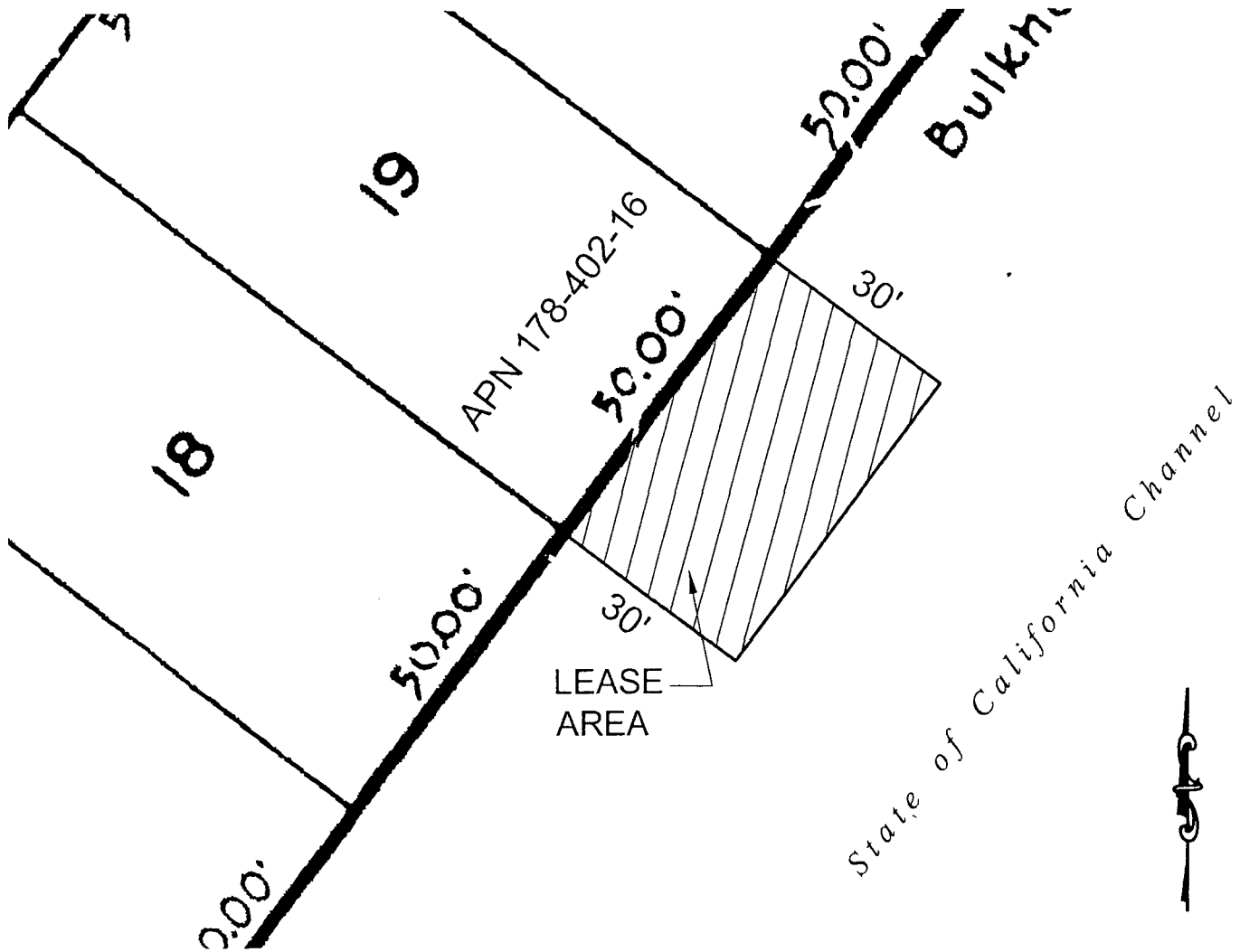
AUTHORIZE ISSUANCE TO GARY LEIBOWITZ AND RUTH J. LEIBOWITZ OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING OCTOBER 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING BOAT DOCK, ACCESS RAMP, AND CANTILEVERED DECK AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AS TO THE BOAT DOCK AND ACCESS RAMP, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AS TO THE CANTILEVERED DECK, ANNUAL RENT IN THE AMOUNT OF \$1,013, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT

CALENDAR ITEM NO. C34 (CONT'D)

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



3422 GILBERT DRIVE, HUNTINGTON HARBOUR

NO SCALE

LOCATION

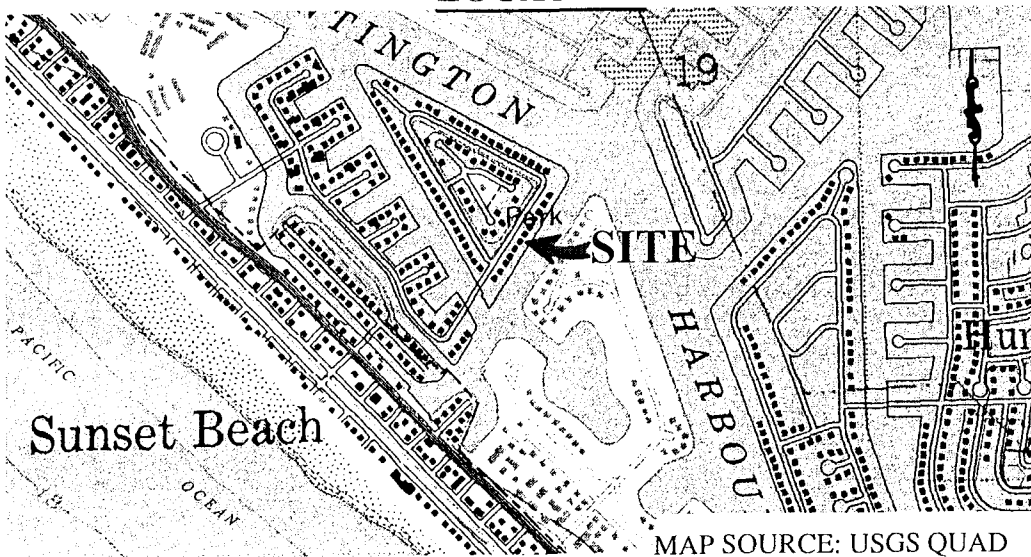


Exhibit A

PRC 3080.1
 LEIBOWITZ
 APN 178-402-16
 GENERAL LEASE
 RECREATIONAL USE
 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.

EXHIBIT B

PRC 3080.1

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 19, as said lot is shown and so designated on that certain map of Tract No. 4677 filed in Book 168, Pages 14 through 18 of Miscellaneous Maps, Official Records of said County; thence southeasterly along the southeasterly extension of the southwesterly line of said lot to a line parallel with and 30.00 feet southeasterly, measured at a right angle, of the southeasterly line of said lot; thence northeasterly along said parallel line to the southeasterly extension of the northeasterly line of said lot; thence northwesterly along said southeasterly extension to the most easterly corner of said lot; thence along said southeasterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 07/11/2007 by the California State Lands Commission Boundary Unit

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CALENDAR PAGE

002804

MINUTE PAGE