

**CALENDAR ITEM
C40**

A 67
S 35

10/29/10
WP 3288
D. Simpkin

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Huntington Marina Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to Assessor's Parcel Numbers 178-581-02, 03, 04, 05, city of Huntington Beach, Orange County.

AUTHORIZED USE:

The continued use and maintenance of 24 existing boat docks with dinghy docks, and 24 access ramps.

LEASE TERM:

10 years, beginning August 23, 2010.

CONSIDERATION:

Boat docks and access ramps: Annual rent in the amount of \$163, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns 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 November 27, 2000, the Commission authorized the issuance of a Recreational Pier Lease, Lease No. PRC 3288.9, to Huntington Marina Association, for a 10-year term, effective August 23, 2000. The lease expired on August 22, 2010. The Applicant is now applying for a new

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General Lease – Recreational Use for the 24 existing boat docks with dinghy docks, and 24 access ramps.

4. The Applicant is a townhouse association consisting of 92 members. Of these, one member does not qualify for rent free status pursuant to section 6503.5 of the Public Resources Code. Therefore, the rent is prorated according to the number of members that do not qualify for rent-free status.
5. **Floating Boat Docks and Access Ramps:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined 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).

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 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:

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).

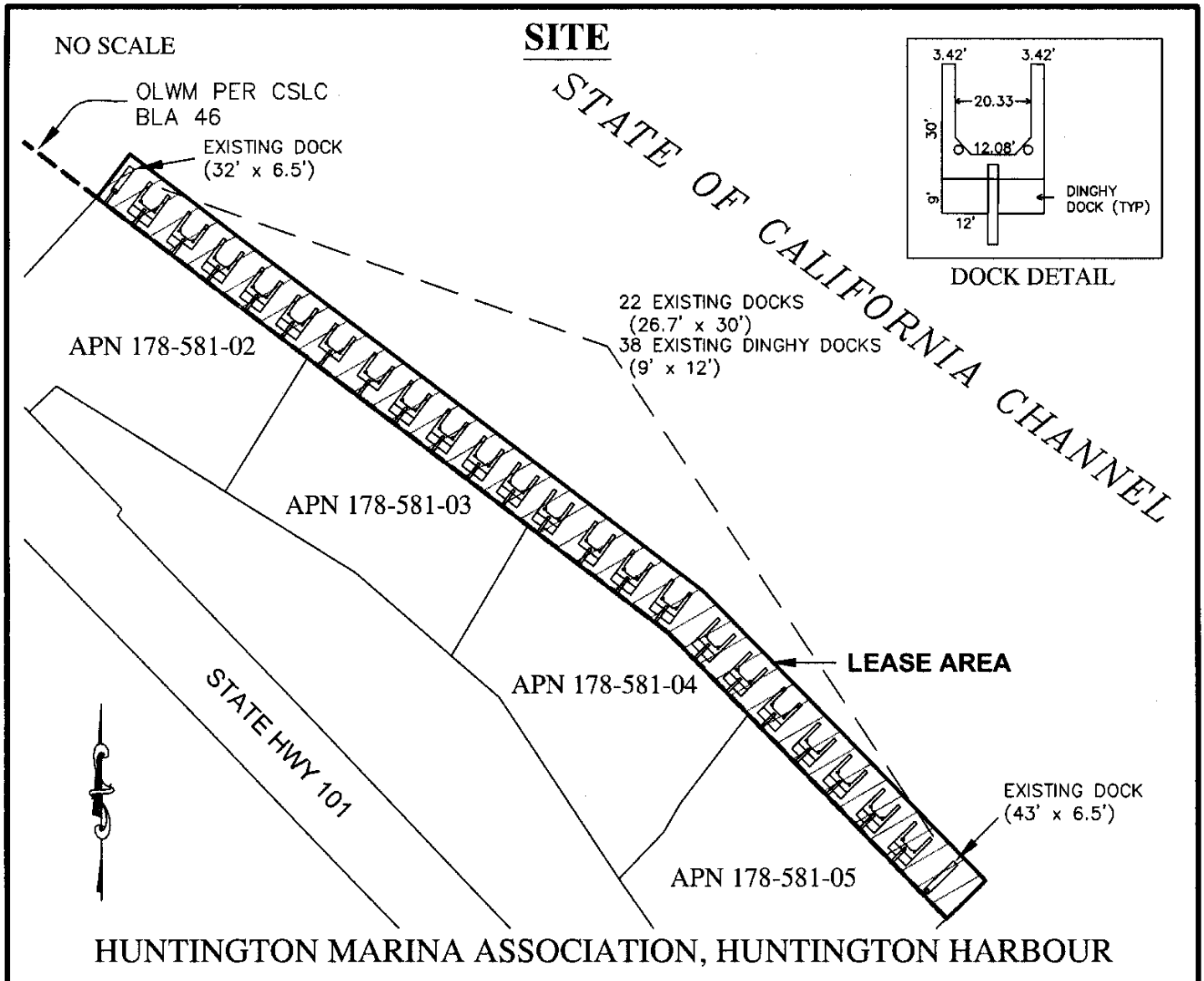
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SIGNIFICANT LANDS INVENTORY FINDING:

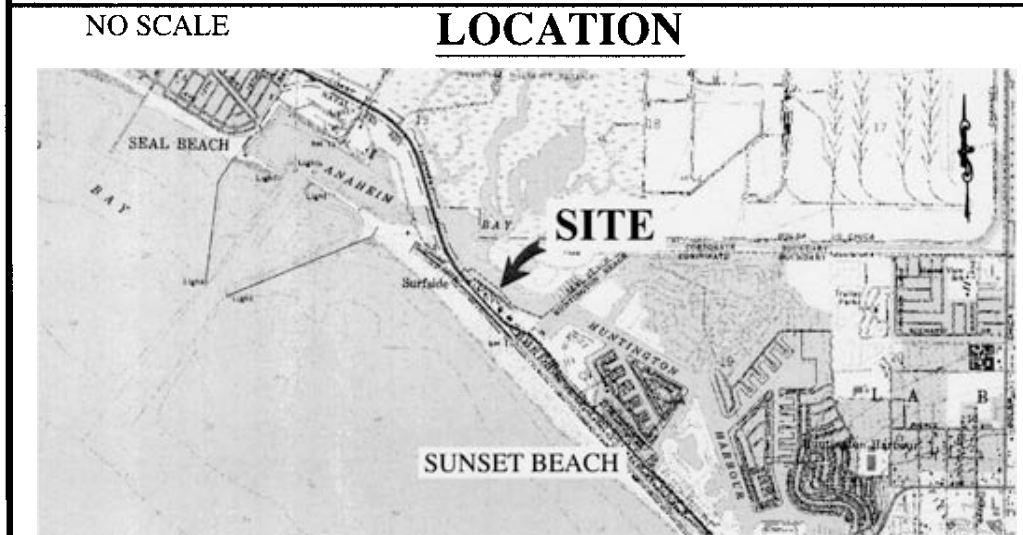
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Recreational Use to the Huntington Marina Association, for a term of 10 years, for the continued use and maintenance of 24 existing boat docks with dinghy docks, and 24 access ramps 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 docks and access ramps: annual rent in the amount of \$163, 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.



HUNTINGTON MARINA ASSOCIATION, HUNTINGTON HARBOUR



MAP SOURCE: USGS QUAD

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 A
 PRC 3288.1
 HUNTINGTON MARINA ASSOCIATION
 APN 178-581-02, 178-581-003,
 178-581-004, 178-581-005
 GENERAL LEASE -
 RECREATIONAL USE
 ORANGE COUNTY



EXHIBIT B

PRC 3288

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:

COMMENCING at 1 ½" Iron Pipe marking the southerly corner of Tideland Location No. 141, as shown on Record of Survey Map recorded July 17, 1963, in Book 65, Page 28 of maps, records of Orange County; thence N 46°32'00" E 208.95 feet to the beginning of the agreed Ordinary Low Water Mark as described in Boundary Line Agreement 46, said agreement on file at the Sacramento Offices of the California State Lands Commission, said point also being the POINT OF BEGINNING; thence along said Ordinary Low Water Mark N 44°15'00" W 417.42 feet; thence N 52°45'00" W 750.25 feet; thence leaving said Ordinary Low Water Mark N 37°15'00" E 57.00 feet; thence S 52°45'00" E 754.49 feet; thence S 44°15'00" E 421.65 feet; thence S 45°45'00" W 57.00 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 10/06/2010 by the California State Lands Commission Boundary Unit.

