

**CALENDAR ITEM
C56**

A 67
S 35

01/26/12
PRC 3562.1
S. Paschall

REVISION OF RENT

LESSEES:

Anthony Bartoli and Rosemary Bartoli, Trustees of the Anthony Bartoli and Rosemary Bartoli 2001 Trust, dated April 4, 2001

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Huntington Harbour, adjacent to 16452 Malden Circle, City of Huntington Beach, Orange County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning March 27, 2007.

CONSIDERATION:

This lease provides that the State may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$1,418 per year to \$1,701 per year, effective March 27, 2012.

OTHER PERTINENT INFORMATION

1. On May 10, 2007, the Commission approved issuance of a General Lease – Recreational Use for a 10-year term, beginning March 27, 2007, to Anthony Bartoli and Rosemary Bartoli, Trustees of the Anthony Bartoli and Rosemary Bartoli 2001 Trust, dated April 4, 2001, for continued use and maintenance of an existing boat dock and access ramp, and the use and maintenance of an existing cantilevered deck. The current lessees are natural persons who own the upland property adjacent to the lease premises.
2. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which has allowed rent-free use of State-owned land by

CALENDAR ITEM NO. C56 (CONT'D)

certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:

1. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
2. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

This lease meets the statutory requirements for an exception to the recently-enacted changes to section 6503.5 of the Public Resources Code for the remaining term of the lease because the lease was in effect on July 1, 2011. Therefore, the only facility subject to a rental consideration is the deck which cantilevers beyond the bulkhead and onto State property.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of 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.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 3562.1 from \$1,418 per year to \$1,701 per year, effective March 27, 2012.

EXHIBIT A

PRC 3562.1

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 northerly corner of Lot 48, 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 Official Records of said County; thence along the northeasterly extension of the northwesterly line of said lot 60.00 feet, to the pierhead line as said pierhead line is described in Resolution No. 5908, passed and adopted August 1, 1988 by the City Council of said City; thence southeasterly along said pierhead line to the northeasterly extension of the southeasterly line of said lot; thence along said extension 60.00 feet, to the most easterly corner of said lot; thence northwesterly along the northeasterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 01/03/2012 by the California State Lands Commission Boundary Unit



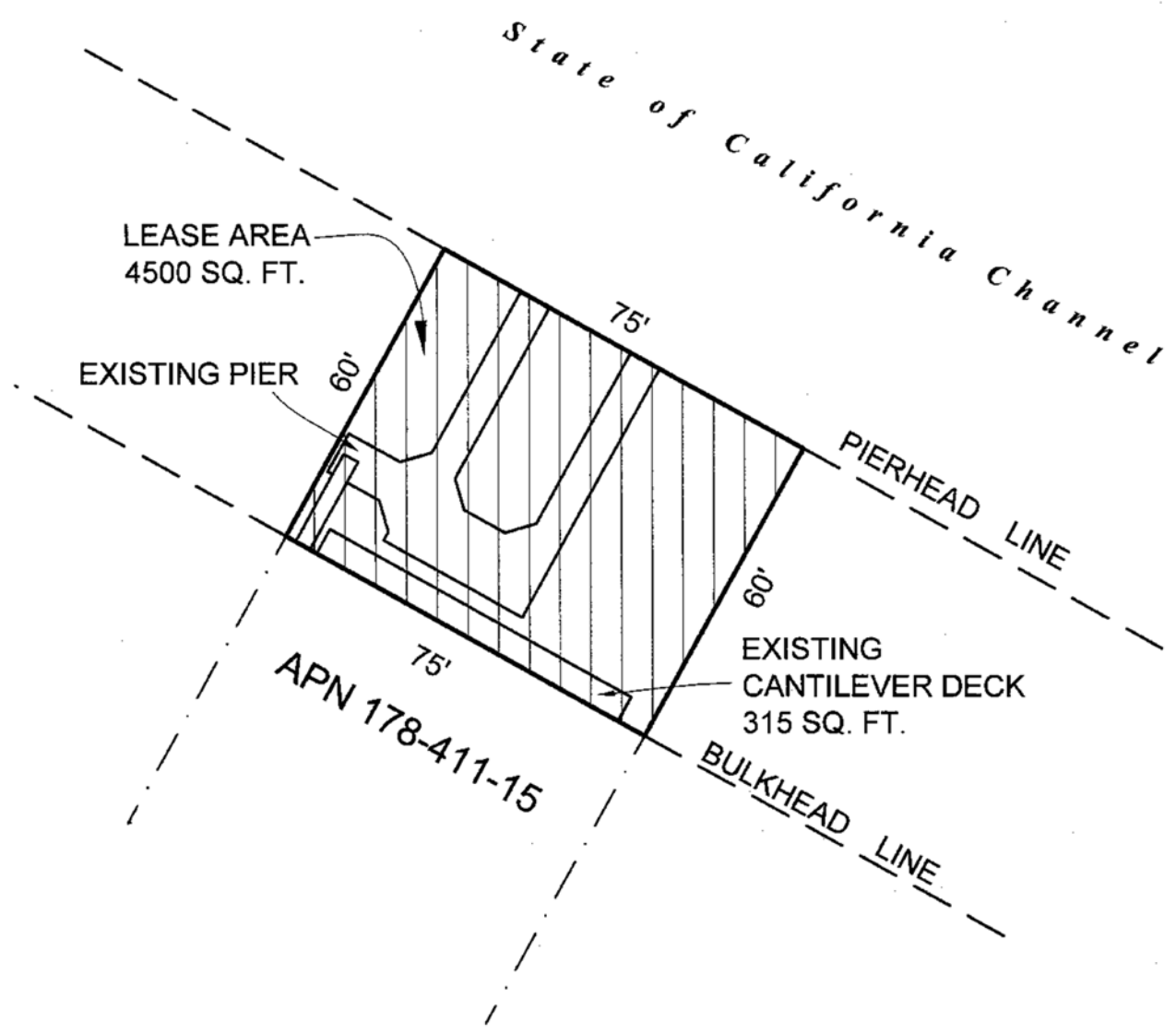


EXHIBIT A

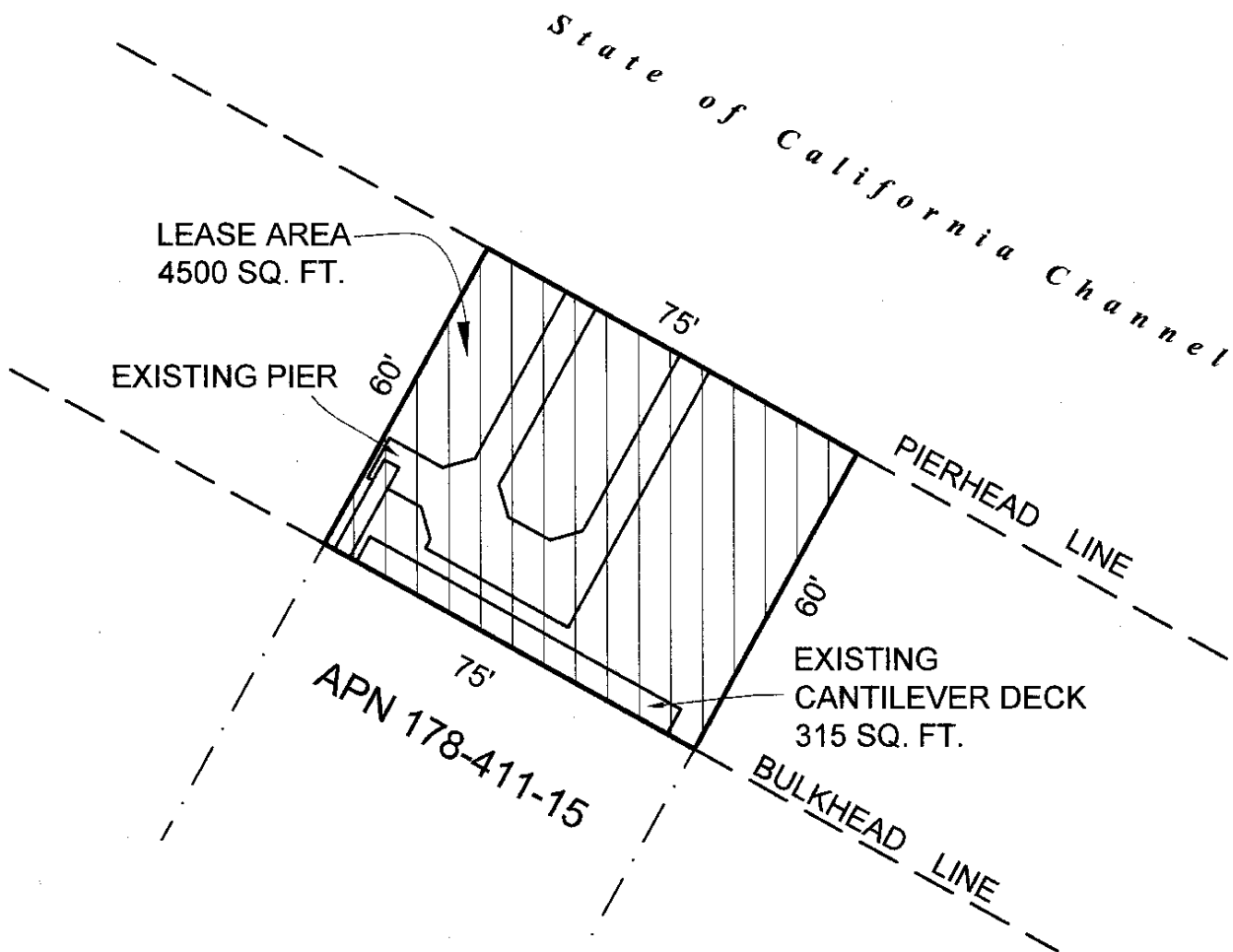
LAND DESCRIPTION PLAT
 PRC 3562.1, BARTOLI
 ORANGE COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



16452 MALDEN CIRCLE, HUNTINGTON BEACH

NO SCALE

LOCATION



Exhibit B

PRC 3562.1
 BARTOLI TRUST
 APN 178-411-15
 GENERAL LEASE -
 RECREATIONAL USE
 ORANGE COUNTY



MIJ 01/03/12

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.