

**CALENDAR ITEM
C60**

A 67
S 35

01/26/12
WP 8293.9
S. Paschall

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANTS:

Thomas McInally and Lynn T. McInally

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Huntington Harbour, adjacent to 3382 Venture Drive, in the city of Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of existing bulkhead protection.

LEASE TERM:

10 years, beginning April 1, 2011.

CONSIDERATION:

The public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance: Combined single-limit liability coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. The Applicants own the upland 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 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 obtaining a lease from the Commission pursuant to Public Resources Code section 6501.1. The

CALENDAR ITEM NO. **C60** (CONT'D)

Applicants' upland property is located along the Main Channel of Huntington Harbour.

3. On April 24, 2001, the Commission approved issuance of a General Lease – Protective Structure Use to Thomas McInally and Lynn T. McInally, for a term of 10 years. The Lessees are now applying to renew the lease.
4. The bulkhead protection mutually benefits the public and the Applicants. The bulkhead will be protected from being undermined at no cost to the public.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined 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.

6. 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:

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).

CALENDAR ITEM NO. **C60** (CONT'D)

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:

Authorize Issuance of a General Lease – Protective Structure Use to Thomas McInally and Lynn T. McInally beginning April 1, 2011, for a term of 10 years, for continued use and maintenance of existing bulkhead protection as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance for combined single-limit coverage in the amount of no less than \$1,000,000.

EXHIBIT A

WP 8293.9

LAND DESCRIPTION

Parcel 1—(adjacent to APN 178-713-19)

A parcel of tide and submerged land situate in the City of Huntington Beach, Orange County, California and more particularly described as follows:

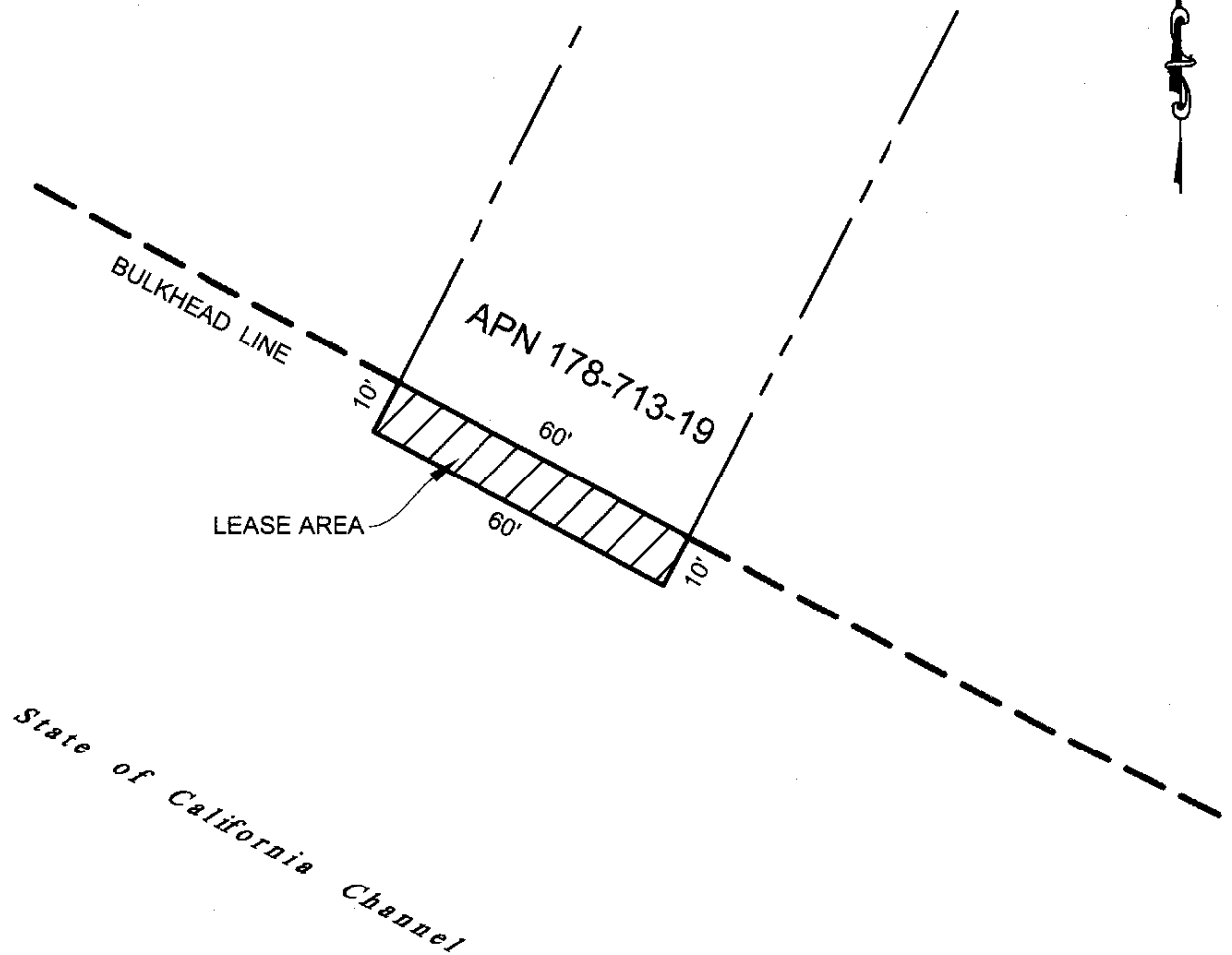
Beginning at the most southerly corner of Lot 10, as said lot is shown on that certain map entitled Tract No. 8636, filed in Book 397 of Miscellaneous Maps at Pages 33 to 35, Orange County Records; thence along the southwesterly line of said lot, North 61° 00' 00" West, 60.00 feet to the most westerly corner of said lot; thence South 29° 00' 00" West, 10.00 feet to a line which is parallel with and distant 10.00 feet southwesterly from said southwesterly line of said lot; thence along said parallel line, South 61° 00' 00" East, 60.00 feet; thence North 29° 00' 00" East, 10.00 feet to the point of beginning.

Prepared in February, 2001 from record data.



NO SCALE

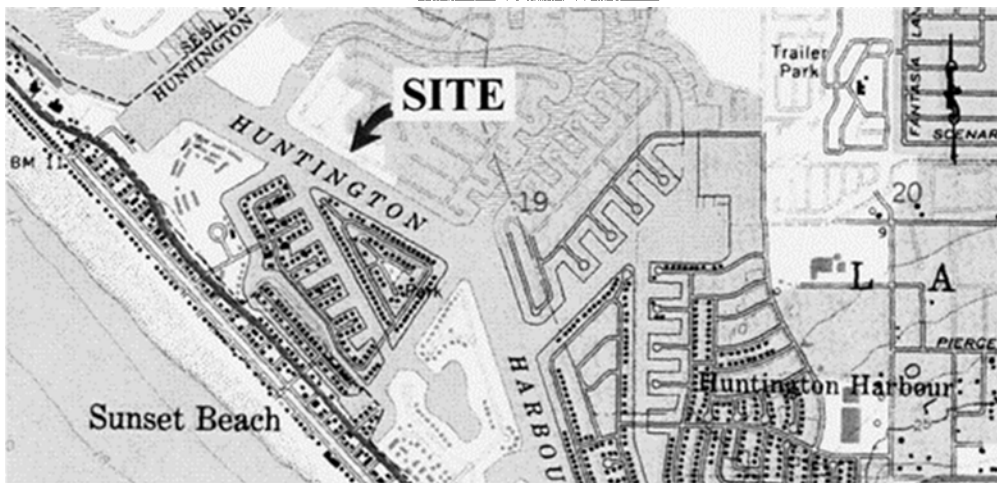
SITE



3382 VENTURE DRIVE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

WP 8293.9
 MC INALLY
 APN 178-713-19
 GENERAL LEASE -
 PROTECTIVE STRUCTURE USE
 ORANGE COUNTY



MJJ 01/05/12

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.