

**CALENDAR ITEM  
C72**

A 70  
S 35

02/22/13  
PRC 4513.1  
A. Franzoia

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Emerald Bay Community Association

**AREA, LAND TYPE, AND LOCATION:**

Sovereign submerged land in Emerald Bay and the Gulf of Santa Catalina, near Laguna Beach, Orange County.

**AUTHORIZED USE:**

Continued use and maintenance of seven marker buoys and three swimmer safety lines.

**PROPOSED LEASE TERM:**

10 years, beginning February 22, 2013.

**CONSIDERATION:**

\$1,608 per year effective February 22, 2013 with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance coverage in the amount of no less than \$3,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises including the beach, which is not available to the general public.
2. On September 3, 1999 the Commission authorized a 10-year General Lease – Recreational Use for the maintenance and use of seven buoys and three swimmer safety lines. The lease expired on March 29, 2009 and the Lessee has been in holdover.
3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1,

CALENDAR ITEM NO. **C72** (CONT'D)

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.

4. 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. Location and Site 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).

**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 – Recreational Use to Emerald Bay Community Association beginning February 22, 2013, for a term of 10 years, for seven buoys and three swimmer safety lines as described on Exhibit A and shown on Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$1,608; with the State reserving the right to fix a different rent periodically during the lease term; and liability insurance in the amount of no less than \$3,000,000.

## **EXHIBIT A**

**PRC 4513.1**

### **LAND DESCRIPTION**

Ten parcels of tide and submerged land situated in the Emerald Bay, Gulf of Santa Catalina, Pacific Ocean, Orange County, State of California, being described as follows:

#### **PARCEL 1 – SWIMMER SAFETY LINE**

A strip of land five (5) feet in width lying two and one-half (2.5) feet on each side of the following described centerline; BEGINNING at a point with WGS84 geographical coordinates of 33° 33' 08.940" North Latitude, 117° 48' 42.245" West Longitude, thence South 07° 31' 45" West 555.00 feet to the point of termination.

EXCEPTING THEREFROM any portion located landward of said ordinary high water mark of said bay/ocean.

The sidelines of said strip to be lengthened or shortened as to begin on the ordinary high water mark of said Pacific Ocean and to terminate at a line perpendicular to the terminus of said centerline.

#### **PARCEL 2 – SWIMMER SAFETY LINE**

A strip of land five (5) feet in width lying two and one-half (2.5) feet on each side of the following described centerline; BEGINNING at a point with WGS84 geographical coordinates of 33° 33' 06.037" North Latitude, 117° 48' 32.293" West Longitude, thence South 33° 35' 55" West 555.00 feet to the point of termination.

EXCEPTING THEREFROM any portion located landward of said ordinary high water mark of said bay/ocean.

The sidelines of said strip to be lengthened or shortened as to begin on the ordinary high water mark of said Pacific Ocean and to terminate at a line perpendicular to the terminus of said centerline.

PARCEL 3 – SWIMMER SAFETY LINE

A strip of land five (5) feet in width lying two and one-half (2.5) feet on each side of the following described centerline; BEGINNING at a point with WGS84 geographical coordinates of 33° 33' 01.872" North Latitude, 117° 48' 25.893" West Longitude, thence South 46° 07' 00" West 555.00 feet to the point of termination.

EXCEPTING THEREFROM any portion located landward of said ordinary high water mark of said bay/ocean.

The sidelines of said strip to be lengthened or shortened as to begin on the ordinary high water mark of said Pacific Ocean and to terminate at a line perpendicular to the terminus of said centerline.

PARCELS 4 through 10 – MARKER BUOYS

Seven circular parcels of submerged land, 50 feet in diameter, the centers of said parcels having the following WGS84 geographical coordinates:

- 1) 33° 33' 03.535" North Latitude, 117° 48' 43.000" West Longitude;
- 2) 33° 33' 02.497" North Latitude, 117° 48' 39.404" West Longitude;
- 3) 33° 33' 01.460" North Latitude, 117° 48' 35.808" West Longitude;
- 4) 33° 32' 59.751" North Latitude, 117° 48' 33.158" West Longitude;
- 5) 33° 32' 58.042" North Latitude, 117° 48' 30.509" West Longitude;
- 6) 33° 32' 55.012" North Latitude, 117° 48' 34.861" West Longitude;
- 7) 33° 32' 58.493" North Latitude, 117° 48' 41.240" West Longitude.

EXCEPTING THEREFROM any portion lying within the above described parcels 1 thru 3.

WGS84 Geographical Coordinates provided by the Hunsaker & Associates Inc.

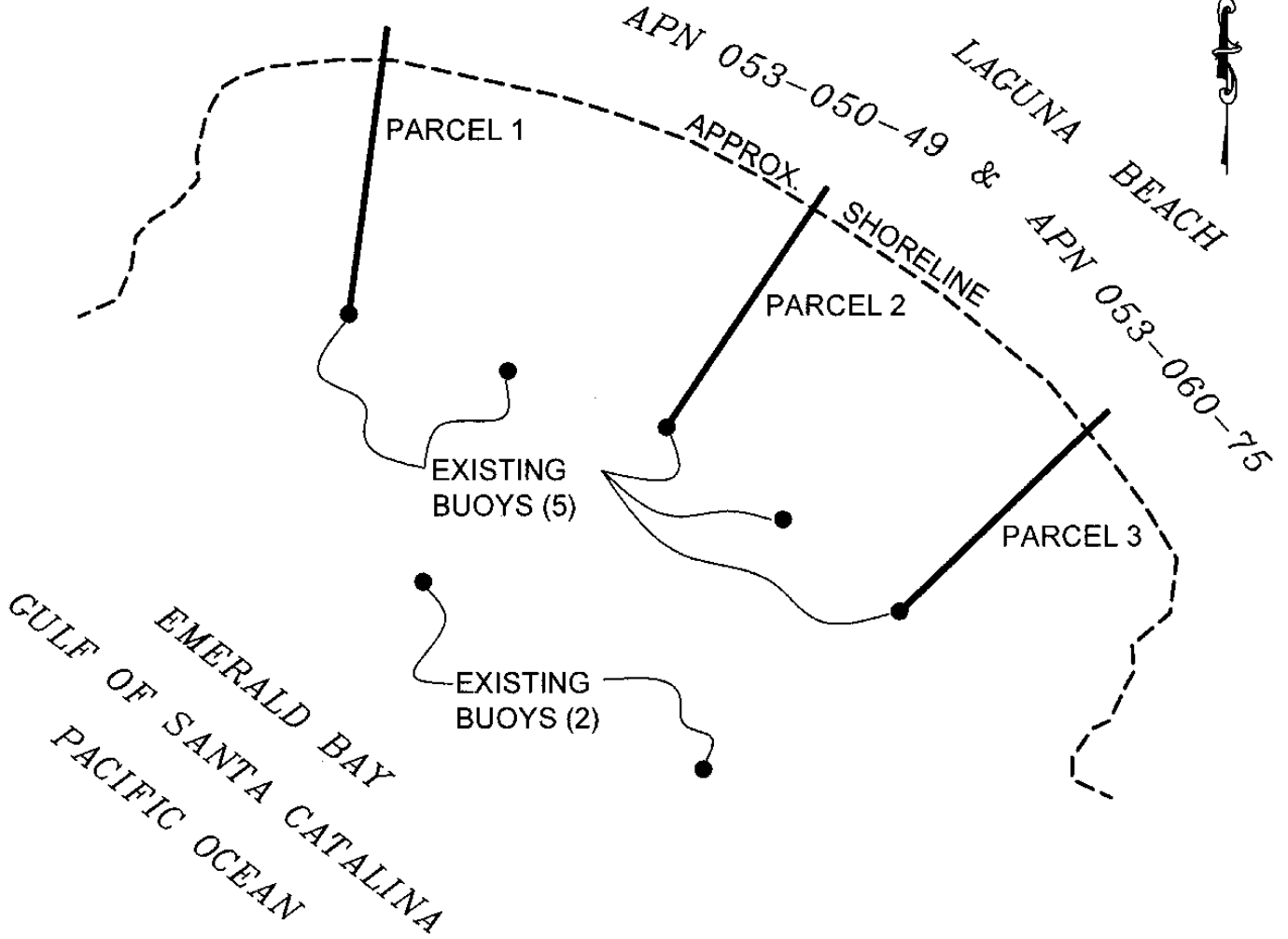
**END OF DESCRIPTION**

Prepared 12/21/12 by the California State Lands Commission Boundary Unit



NO SCALE

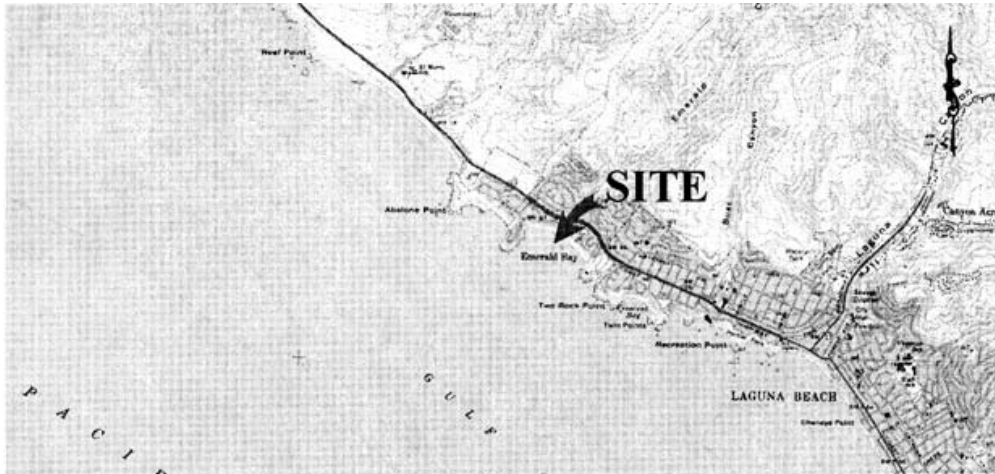
### SITE



600 EMERALD BAY, LAGUNA BEACH

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### **Exhibit B**

PRC 4513.1  
 EMERALD BAY COMMUNITY  
 ASSOCIATION  
 APN 053-060-75 & 053-050-49  
 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.