

CALENDAR ITEM

C93

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09/20/13
PRC 3079.1
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**RESCISSION OF PRIOR AUTHORIZATION AND ISSUANCE OF GENERAL LEASE -
RECREATIONAL USE**

APPLICANTS:

Gerald A. Jones and Marilyn L. Jones, Trustees of the Gerald A. Jones and Marilyn L. Jones Revocable Trust, dated September 12, 1985

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3442 Gilbert Drive, Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of a boat dock, access ramp, and cantilevered deck.

LEASE TERM:

10 years, beginning January 1, 2013.

CONSIDERATION:

Dock and Access Ramp: Annual rent to be \$609 for the lease term pursuant to Public Resources Code 6503.5, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

Cantilevered Deck: Annual rent in the amount of \$864, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single-limit liability of no less than \$1,000,000 per occurrence.

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Other:

No permanent roof or other enclosure will be constructed on the Lease Premises. Applicants agree that any proposed use of the Lease Premises that includes an extension of the actual living quarters constitutes residential use and is prohibited.

OTHER PERTINENT INFORMATION:

1. 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 a lease from the Commission pursuant to Public Resources Code section 6501.1. The Applicants' upland property is located along the Main Channel of Huntington Harbour.
3. On December 5, 2012, the Commission approved the issuance of a General Lease – Recreational Use to the Applicants, for a period of 10 years, for the use and maintenance of an existing boat dock, access ramp, and cantilevered deck beginning December 5, 2012. Following the Commission's authorization, staff discovered an error pertaining to how title was held and who was authorized to sign the lease, specifically the trustees of the revocable trust were not identified. Staff is now recommending rescission of the prior authorization and issuance of a new General Lease – Recreation Use which reflects the corrections.
4. **Rescind Authorization of a General Lease – Recreational Use:**
The staff recommends that the Commission find that the subject rescission of approval does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivisions (c)(3), and 15378.

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5. **Issuance of a New General Lease – Recreational Use:**

The staff recommends that the Commission find 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; 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:

Rescind Authorization of a General Lease – Recreational Use:

Find that the subject rescission of approval is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of a New General Lease – Recreational Use:

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.

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AUTHORIZATION:

Authorize rescission of the previously approved General Lease and authorize the issuance of a new General Lease – Recreational Use, to Gerald A. Jones and Marilyn L. Jones, Trustees of the Gerald A. Jones and Marilyn L. Jones Revocable Trust, dated September 12, 1985, beginning January 1, 2013, for a term of 10 years, for use and maintenance of an existing boat dock, access ramp, and cantilevered deck, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration: annual rent in the amount of \$1,473; combined single-limit liability insurance coverage in the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3079.1

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 20, 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 along the southeasterly extension of the northeasterly line of said lot 40.00 feet to a line parallel with the southeasterly line of said lot; thence southwesterly 50 feet to the southeasterly extension of the southwesterly line of said lot; thence northwesterly 40.00 feet along said easterly extension to the most southerly corner of said lot; thence northeasterly along the southeasterly line to the point to beginning.

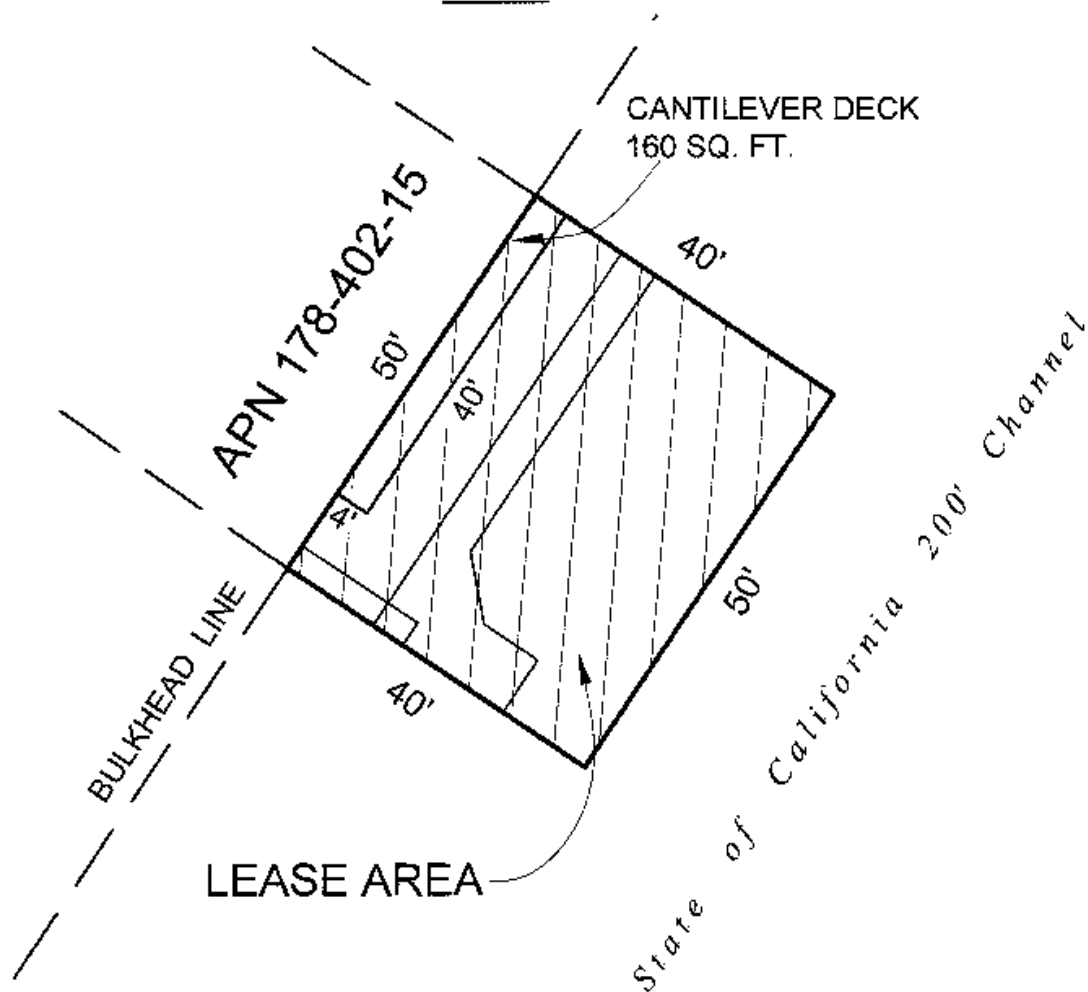
END OF DESCRIPTION

Prepared 10/15/2012 by the California State Lands Commission Boundary Unit



NO SCALE

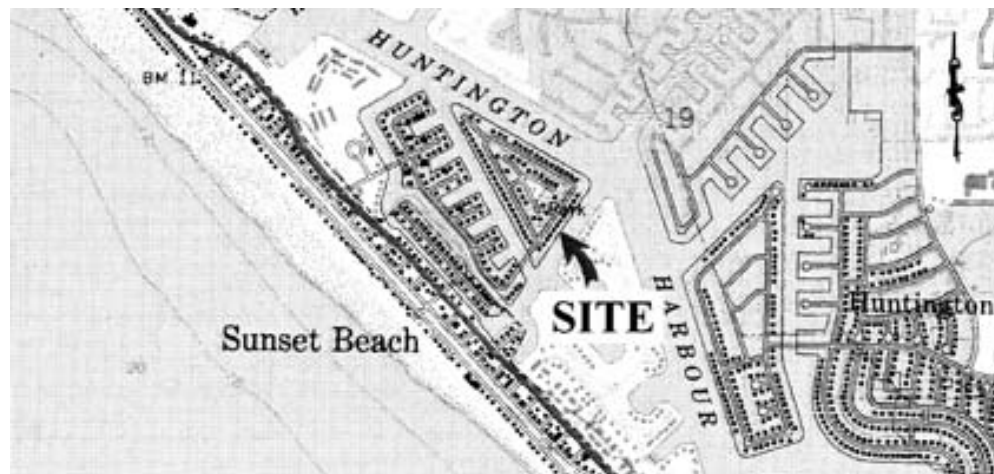
SITE



3442 GILBERT DRIVE, HUNTINGTON BEACH

NO SCALE

LOCATION



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 B

PRC 3079.1

JONES

APN 178-402-15

GENERAL LEASE -
RECREATIONAL USE
ORANGE COUNTY



MD 10/29/12