

**CALENDAR ITEM
C85**

A 72
S 34

12/02/13
PRC 3857.1
A. Franzoia

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Jim H. Martin and Marilyn A. Martin, Trustees, or their Successors in Trust under the Martin Living Trust, dated February 27, 2006 and any amendments thereto.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3532 Gilbert Drive, city of Huntington Beach, Orange County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning December 2, 2013.

CONSIDERATION:

Annual rent in the amount of \$1,878, 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:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

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.

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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 Midway Channel of Huntington Harbour.
3. On April 13, 1999, the Commission authorized issuance of Recreational Pier Lease No. PRC 3857.9 to Jim H. Martin and Marilyn A. Martin, for a period of 10 years, for use and maintenance of an existing boat dock. That lease expired February 21, 2009. The Applicants are now applying for a new lease. Pursuant to Chapter 585, Statutes of 2011, the Applicants are not eligible for a rent-free lease because the application for a new lease was not received prior to March 31, 2011.
4. A portion of the cantilevered deck and access ramp extend over the State's fee owned land in the Midway Channel of Huntington Harbour, and were not previously authorized by the Commission. Since the cantilevered deck and access ramp are existing and do not currently interfere with public trust needs at this location, staff is recommending they be included in the lease.
5. 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, 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.

CALENDAR ITEM NO. **C85** (CONT'D)

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).

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 Jim H. Martin and Marilyn A. Martin, Trustees, or their Successors under the Martin Living Trust dated February 27, 2006 and any amendments thereto, for a term of 10 years, beginning December 2, 2013, for the continued 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 to be annual rent in the amount of \$1,878, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3857.1

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 southerly corner of Lot 27, 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 prolongation of the southwesterly line of said lot to the intersection with a line parallel with and perpendicular 32.00 feet to the southeasterly line of said lot; thence northeasterly along said parallel line to the intersection with the easterly prolongation of the north line of said lot; thence westerly along said prolongation to the most easterly corner of said lot; thence southwesterly along southeasterly line of said lot to the point of beginning.

EXCEPTING THEREFROM any lands lying within Lot C as shown on said map of Tract No. 4677.

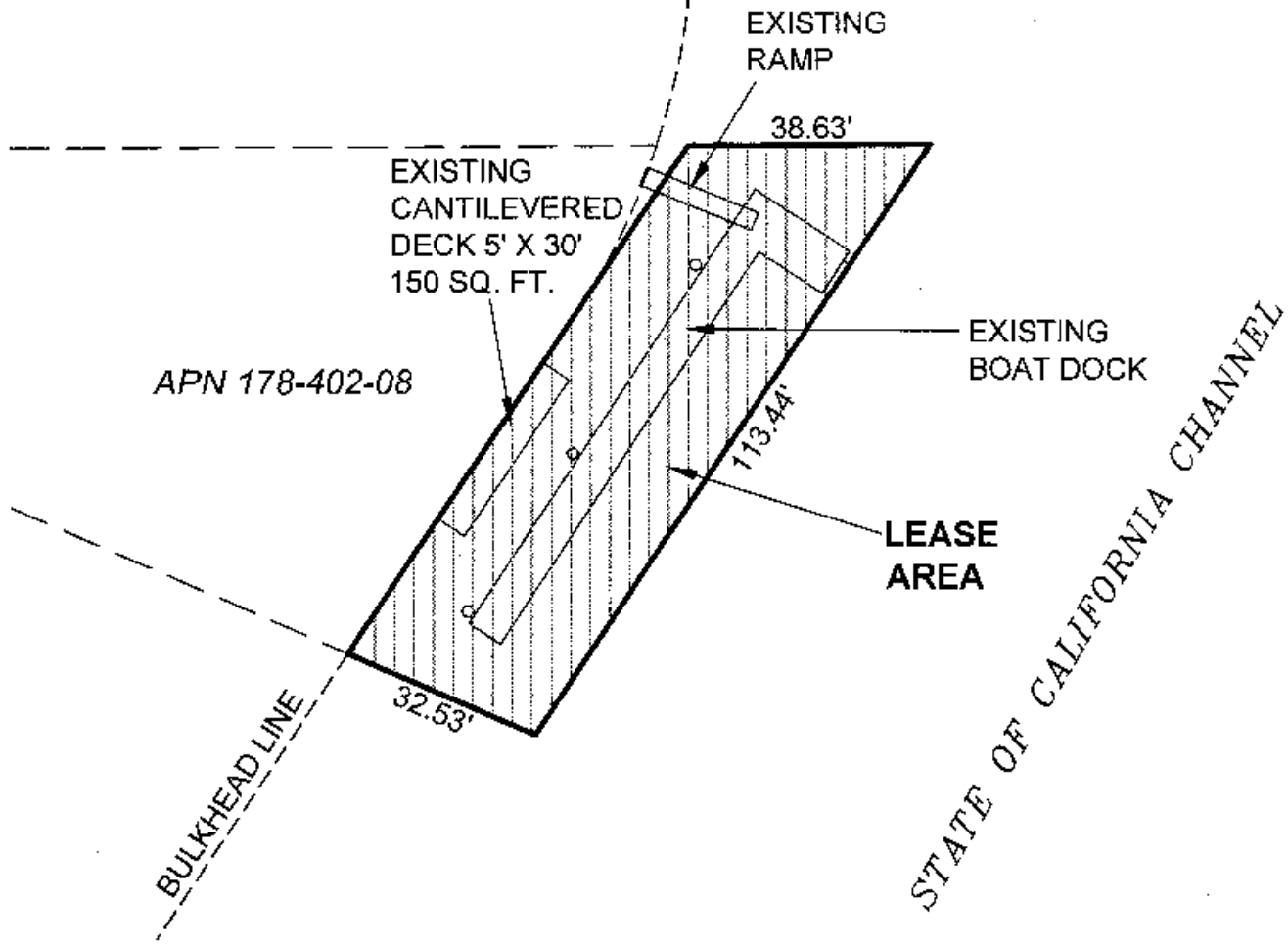
END OF DESCRIPTION

Prepared 09/04/13 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



3532 GILBERT DRIVE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3857.1

MARTIN LIVING TRUST

APN 178-402-08

GENERAL LEASE -
RECREATIONAL USE
ORANGE COUNTY



TS 09/04/13

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.