

**CALENDAR ITEM
C63**

A 72
S 34

04/23/14
PRC 3086.1
D. Simpkin

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Leonis C. and D. Leonie Malburg

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16442 Malden Circle, city of Huntington Beach, Orange County.

AUTHORIZED USE:

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 March 8, 2014

CONSIDERATION:

Annual rent in the amount of \$3,766 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. Boats are prohibited from tying up to the channel side edge of the docks. 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

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agreement 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 April 5, 2004, the Commission authorized issuance of Recreational Pier Lease No. PRC 3086.9 to Leonis C. and D. Leonie Malburg for a period of 10 years, for use and maintenance of an existing boat dock and access ramp. The lease expired on March 7, 2014. The Applicants are now applying for a new lease. A portion of the cantilevered deck extends over the State's fee-owned land in the Main Channel of Huntington Harbour and was not previously authorized by the Commission.
4. 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.

5. 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

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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 Leonis C. and D. Leonie Malburg beginning March 8, 2014, 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 to be annual rent in the amount of \$3,766, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3086.1

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 49, 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 northeasterly extension of the northwesterly line 60 feet, more or less to the pierhead line, as said pierhead line is shown on Resolution No. 5908, passed and adopted August 1, 1988 by the City Council of the City of Huntington Beach; thence southeasterly along said pierhead line to the northeasterly extension of the southeasterly line of said lot; thence southwesterly along said extension 60 feet, more or less, to the most southerly corner of said lot; thence along the northeasterly line of said lot to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 03/25/2014 by the California State Lands Commission Boundary Unit



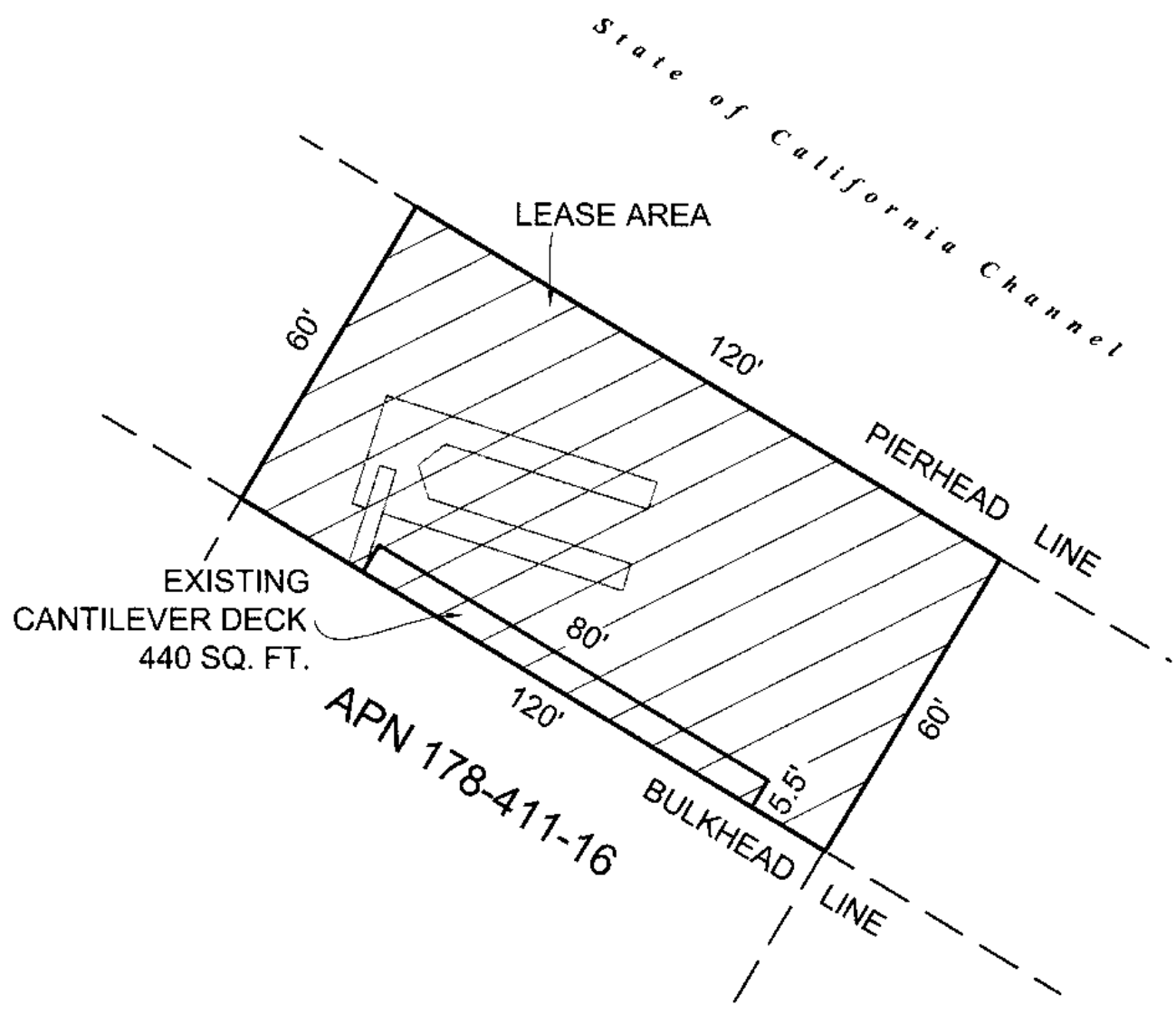


EXHIBIT A

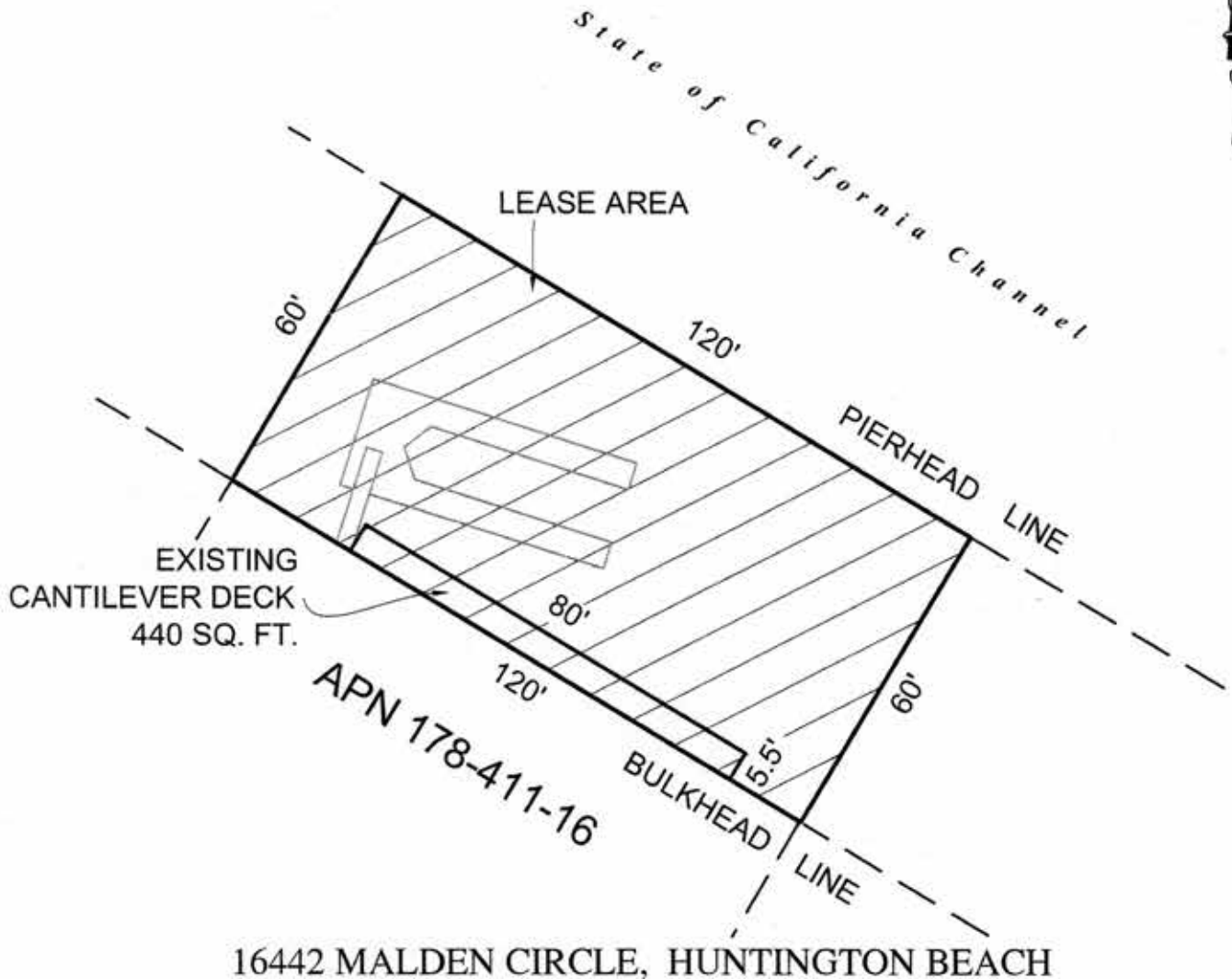
LAND DESCRIPTION PLAT
 PRC 3086.1, MALBURG
 ORANGE COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



16442 MALDEN CIRCLE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3086.1
 MALBURG
 APN 178-411-16
 GENERAL LEASE -
 RECREATIONAL USE
 ORANGE COUNTY



MIJ 03/18/14

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.