

**CALENDAR ITEM
C70**

A 72
S 34

06/19/14
PRC 3086.1
D. Simpkin

**RESCISSION OF COMMISSION AUTHORIZATION AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEES:

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:

Continued use and maintenance of an existing boat dock, access ramp, and cantilevered deck extending no more than 5 ½ feet waterward of the bulkhead.

LEASE TERM:

10 years, beginning March 8, 2014

CONSIDERATION:

Annual rent in the amount of \$4,614 with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On April 23, 2014, the Commission authorized a General Lease – Recreational Use to Leonis C. and D. Leonie Malburg.
3. Following the April 23, 2014 Commission meeting, but prior to execution of the lease, staff detected an error in the rent calculation. Commission staff is now requesting rescission of the Commission’s authorization of the existing lease and the issuance of a new General Lease – Recreational Use to address an error in the annual rent authorized on April 23, 2014.
4. **Rescission of Commission Authorization:** The staff recommends that the Commission find that the subject rescission of Commission

CALENDAR ITEM NO. **C70** (CONT'D)

authorization 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, subdivision (c)(3), and 15378.

5. **Issuance of New Lease:** The staff recommends that the Commission find 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:

Rescission of Commission Authorization: Find that the rescission of Commission authorization 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.

CALENDAR ITEM NO. **C70** (CONT'D)

Issuance of New Lease: 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:

1. Authorize rescission of Commission authorization, effective June 19, 2014, of Lease No. PRC 3086.1, a General Lease – Recreational Use, issued to Leonis C. and D. Leonie Malburg.
2. 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 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 \$4,614, with the State reserving the right to fix a different rent periodically during the lease term, as provided 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



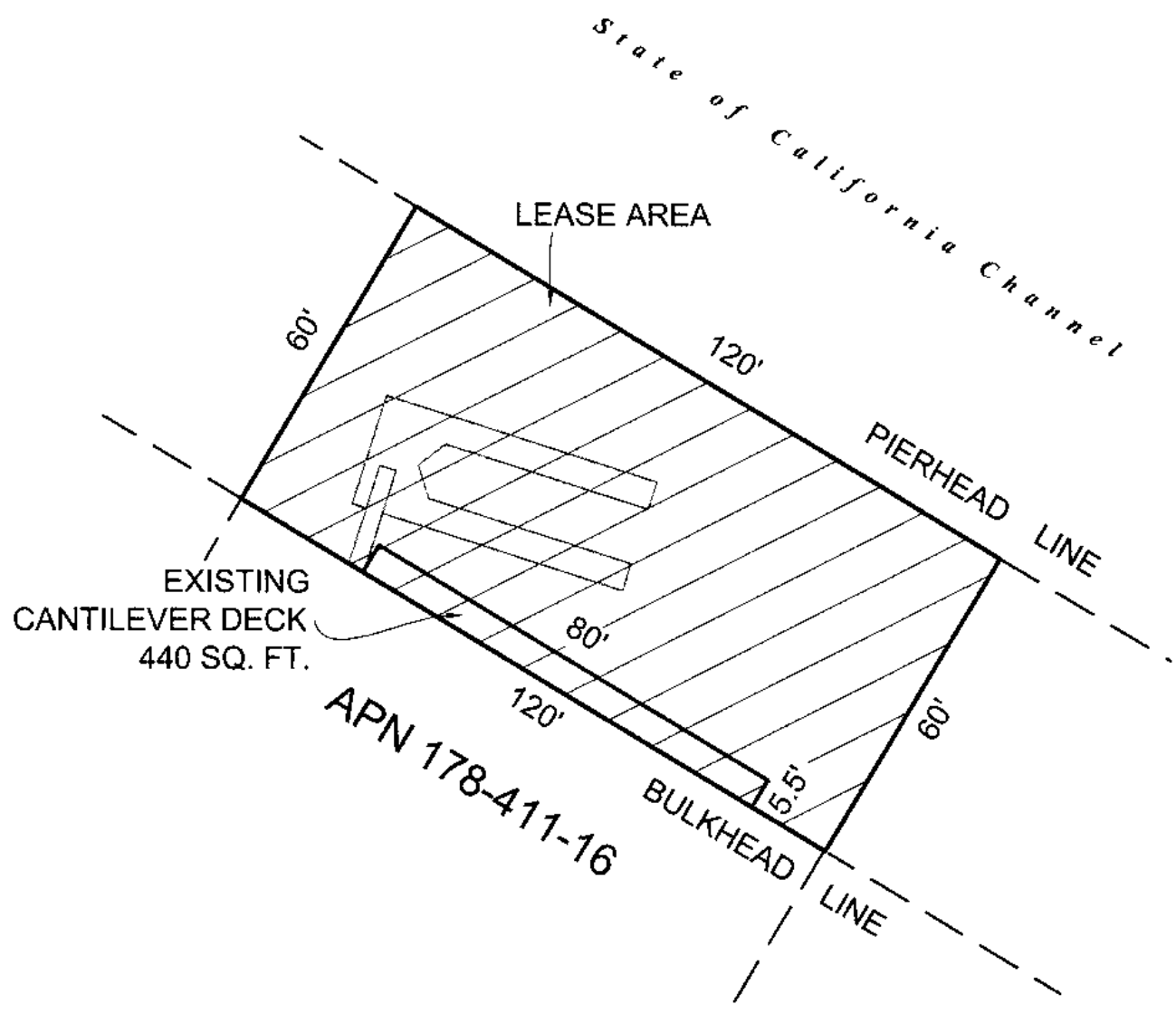


EXHIBIT A

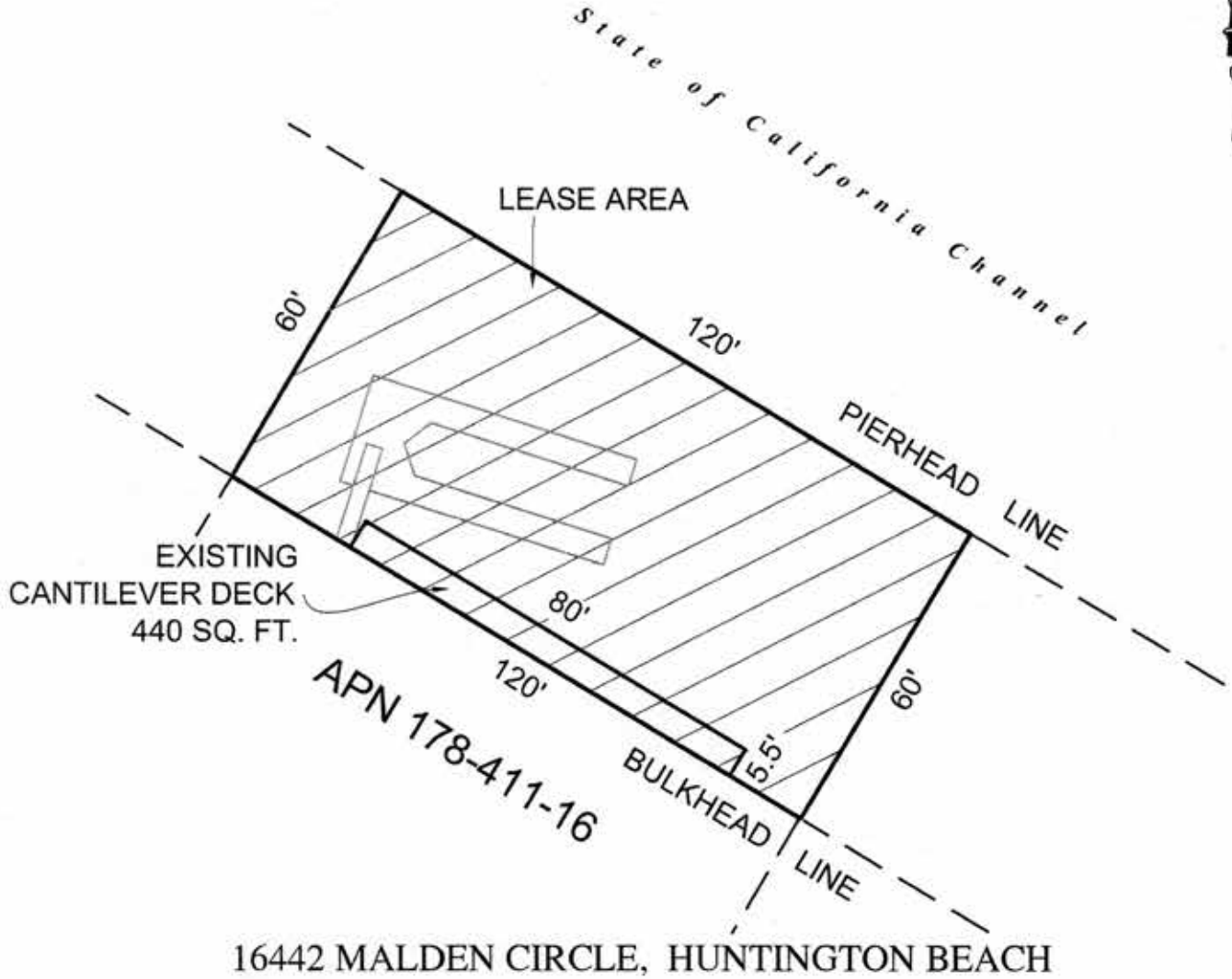
LAND DESCRIPTION PLAT
PRC 3086.1, MALBURG
ORANGE COUNTY

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.