

**CALENDAR ITEM  
C37**

A 72  
S 34

08/09/16  
PRC 3076.1  
S. Kreutzburg

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Robin A. Beeso

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Huntington Harbour, adjacent to 3262 Gilbert Drive, city of Huntington Beach, Orange County.

*AUTHORIZED USE:*

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

*LEASE TERM:*

10 years, beginning June 1, 2016.

*CONSIDERATION:*

\$1,946 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

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

**PUBLIC TRUST AND STATE INTEREST ANALYSIS:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

**Public Trust and State's Best Interests Analysis:**

On June 26, 2006, the Commission authorized a General Lease – Recreational Use to Robin A. Beeso, for a term of 10 years (Calendar Item, June 26, 2006). That lease expired on May 31, 2016. The Applicant who owns the upland adjoining the lease premises is now applying for a General Lease – Recreational Use.

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Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5). The subject facilities, consisting of a boat dock, access ramp and cantilevered deck, are privately owned and maintained and located within the Midway Channel of Huntington Harbour. The boat dock and access ramp facilitate recreational boating because they are used for the docking and mooring of recreational boats.

The Midway Channel in Huntington Harbour was created in the early 1960s and the adjacent upland parcel is privately owned and developed with a residence. There is no public access at this upland property because the private upland property directly abuts the concrete bulkhead that defines the limits of the channel. The boat dock extends to the pierhead line which is 60 feet into the 200-foot wide channel leaving the majority of the Midway Channel available for navigation and public recreation. The cantilevered deck extends no more than 5 feet over the Midway Channel, and does not substantially interfere with the public right of navigation or access.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the use of public land. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine, will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease, and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This activity is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the

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protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. 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.

3. 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is 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:**

Find that issuance of the lease 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).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially interfere with the Public Trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

CALENDAR ITEM NO. **C37** (CONT'D)

**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 Robin A. Beeso beginning June 1, 2016, for a term of 10 years, for the use and maintenance of an existing boat dock, access ramp, and cantilevered deck extending no more than 5 feet waterward of the bulkhead, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration in the amount of \$1,946 per year with an annual Consumer Price Index adjustment, and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 3076.1**

**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 9, 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 southeasterly along a perpendicular line from said corner 30.00 feet to a line parallel to the southeasterly line of said lot; thence following said parallel line northeasterly 68.32 feet more or less; thence northwesterly on a line perpendicular to said parallel line 30.00 feet to the most easterly corner of said lot; thence southwesterly on the southeasterly line of said lot to the POINT OF BEGINNING.

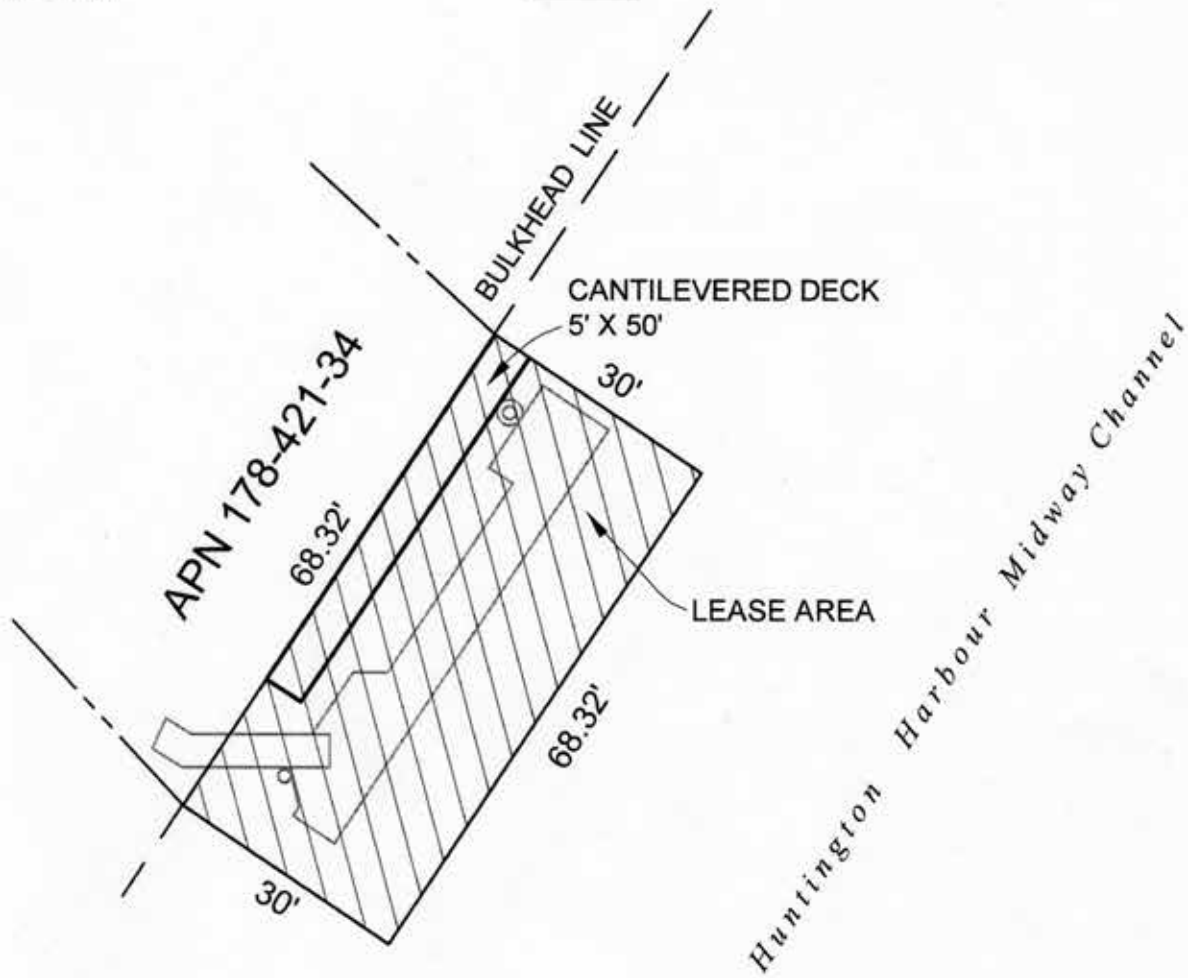
**END OF DESCRIPTION**

Prepared 06/22/2016 by the California State Lands Commission Boundary Unit



NO SCALE

### SITE



3262 GILBERT DRIVE, HUNTINGTON BEACH

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### **Exhibit B**

PRC 3076.1

BEESO

APN 178-421-34

GENERAL LEASE -  
RECREATIONAL LEASE  
ORANGE COUNTY



MJJ 7/07/16

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.