

CALENDAR ITEM

C79

A 67

03/29/12

S 35

PRC 8282.1

S. Paschall

REVISION OF RENT

LESSEES:

Douglas Arden Daniels and La Rae Daniels

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Huntington Harbour, adjacent to 3602 Venture Drive, City of Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock, access ramp, cantilevered deck, and bulkhead protections.

LEASE TERM:

10 years, beginning May 10, 2007.

CONSIDERATION:

This lease provides that the State may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease and recommends rent be revised from \$900 per year to \$1,080 per year, effective May 10, 2012.

OTHER PERTINENT INFORMATION

1. On May 10, 2007, the Commission approved issuance of a General Lease – Recreational and Protective Structure Use for a 10-year term, beginning May 10, 2007, to Douglas Arden Daniels and La Rae Daniels, for continued use and maintenance of an existing boat dock, access ramp, cantilevered deck, and bulkhead protection. The current lessees are natural persons who own the upland property adjacent to the lease premises.
2. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which has allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the

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former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:

- A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
- B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

This lease meets the statutory requirements for an exception to the recently-enacted changes to section 6503.5 of the Public Resources Code for the remaining term of the lease because the lease was in effect on July 1, 2011. Therefore, the only facility subject to rent is the cantilevered deck.

- 3. The staff recommends that the Commission find that the subject Revision of Rent 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject Revision of Rent 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. **C79** (CONT'D)

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 8282.1 from \$900 per year to \$1,080 per year, effective May 10, 2012.

EXHIBIT A

PRC 8282.1

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 70, as said lot is shown and so designated on that certain map of Tract No. 9168 filed in Book 371, Pages 16 through 20, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 60.00 feet to the pierhead line as said pierhead line is described in Resolution No. 5503, passed and adopted May 6, 1985 by the City Council of said City; thence northwesterly along said pierhead line to the southwesterly extension of the northwesterly line of said lot; thence along said extension 60.00 feet to the most westerly corner of said lot; thence southeasterly along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 04/17/2007 by the California State Lands Commission Boundary Unit



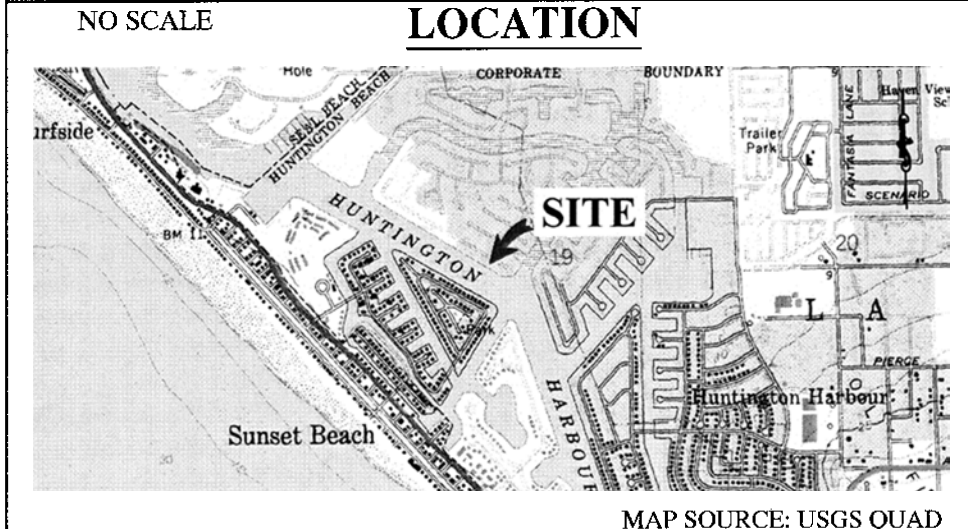
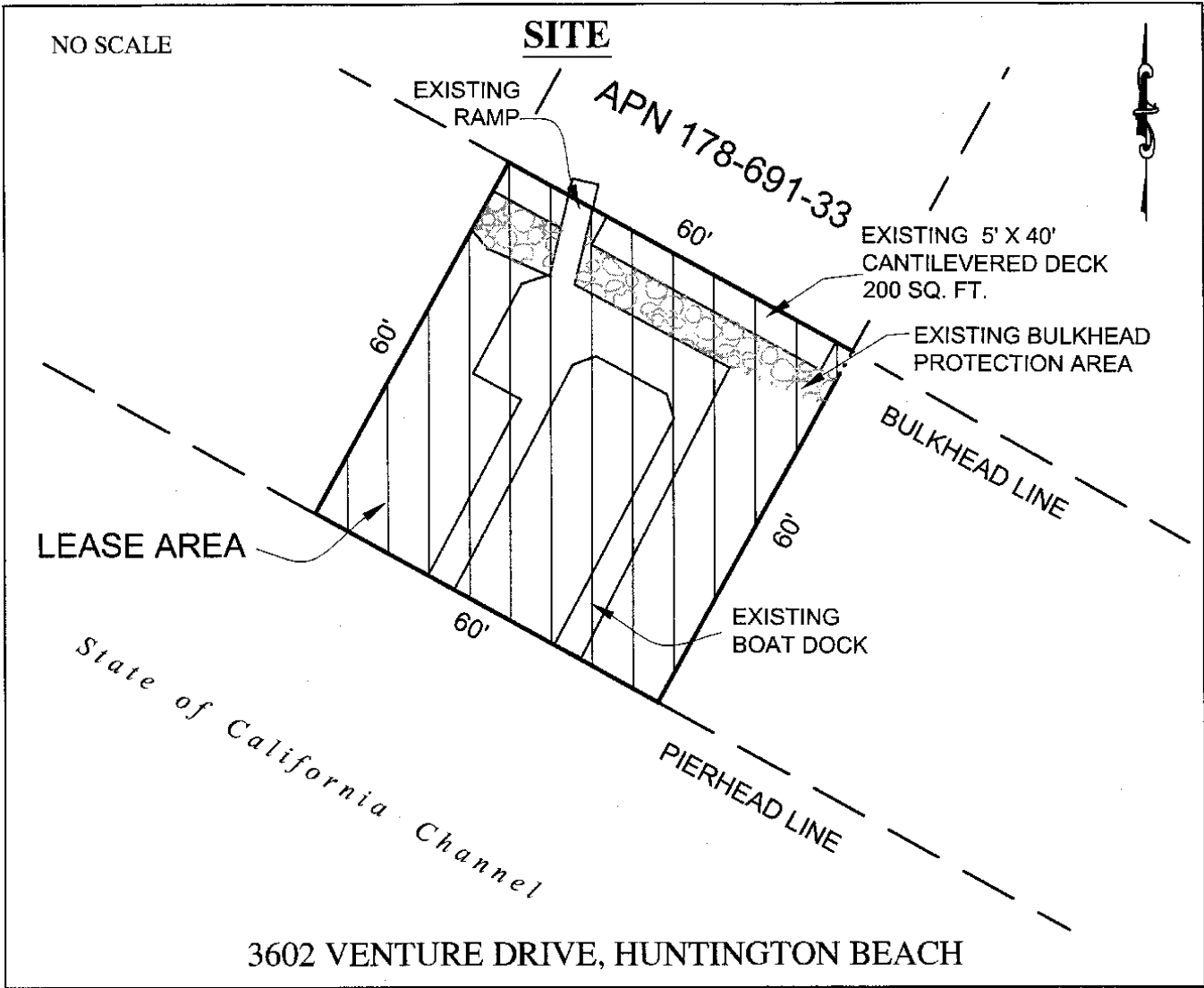


Exhibit B

PRC 8282.1

DANIELS

APN 178-691-33

GENERAL LEASE -

RECREATIONAL USE &

PROTECTIVE STRUCTURE

ORANGE COUNTY



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.