

**CALENDAR ITEM
C89**

A 67
S 35

03/29/12
WP 5244.1
S. Paschall

**CORRECTION OF PRIOR AUTHORIZATION OF
GENERAL LEASE – RECREATIONAL USE**

APPLICANT:

Betty Yuen Cheng Liang, as Trustee for The Betty Yuen Cheng Liang 2010 Trust, under instrument dated September 9, 2010

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3532 Venture Drive, Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of an existing boat dock, access ramp, and cantilevered deck.

LEASE TERM:

10 years, beginning July 10, 2009.

CONSIDERATION:

\$2,357 per year, subject to modification as provided for in the lease provisions.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single-limit liability coverage of no less than \$1,000,000.

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.

PROPOSED CORRECTION:

Change the start date of the lease term to the date of the Commission authorization, January 26, 2012; authorize the collection of back rent for the cantilevered deck in the amount of \$3,157 for the period of July 10, 2009 through

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January 25, 2012; and set annual rent in the amount of \$2,357 commencing January 26, 2012.

OTHER PERTINENT INFORMATION:

1. On January 26, 2012, the Commission authorized a General Lease – Recreational Use to Betty Yuen Cheng Liang, as Trustee for The Betty Yuen Cheng Liang 2010 Trust, under instrument dated September 9, 2010, for the use and maintenance of an existing boat dock, access ramp, and cantilevered deck, for a period of 10 years commencing on July 10, 2009.
2. The Applicant did not meet either of the exceptions for the recently enacted Chapter 585, Statutes of 2011, which repealed the rent-free provision of section 6503.5 of the Public Resources Code (PRC). Pursuant to the newly enacted PRC section 6503.5, the Applicant's boat dock and access ramp are subject to rent. The Applicant's cantilevered deck was already subject to annual rent in the amount of \$1,242.
3. In staff's recommendation to the Commission at the January 26, 2012 meeting, staff inadvertently set the start date for the new lease at July 10, 2009, the day after the prior lease expired. However, staff intended to recommend that rent be charged for the cantilevered deck beginning July 10, 2009 and that rent be charged for the boat dock and access ramp beginning January 26, 2012. To correct this mistake, staff recommends that the Commission change the start date of the subject lease to January 26, 2012 and require the payment of back rent for the unauthorized occupation of state land by the cantilevered deck.
4. The staff recommends that the Commission find that the subject correction of prior 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, and subdivision (c)(3) and 15378.

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EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject correction of prior 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.

AUTHORIZATION:

Authorize the correction to the prior authorization of a General Lease – Recreational Use to change the start date of the lease term to the date of the Commission authorization, January 26, 2012, for a term of 10 years; authorize the collection of back rent for the cantilevered deck in the amount of \$3,157 for the period of July 10, 2009 through January 25, 2012; and set annual rent in the amount of \$2,357 commencing January 26, 2012.

EXHIBIT A

WP 5244.1

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 42, as said lot is shown and so designated on that certain map of Tract No. 9335 filed in Book 386, Pages 32 and 33 of Miscellaneous Maps, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 60.00 feet, more or less, to the pierhead line, as said pierhead line is shown on EXHIBIT "A" of Resolution No. 5503, passed and adopted May 6, 1985 by the City Council of the City of Huntington Beach; thence northwesterly along said pierhead line to the southwesterly extension of the northwesterly line of said lot; thence along said extension 60.00 feet, more or less, to the most westerly corner of said lot; thence along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 01/03/2012 by the California State Lands Commission Boundary Unit



A handwritten signature in black ink, appearing to read "Michael J. Bell", written below the professional seal.

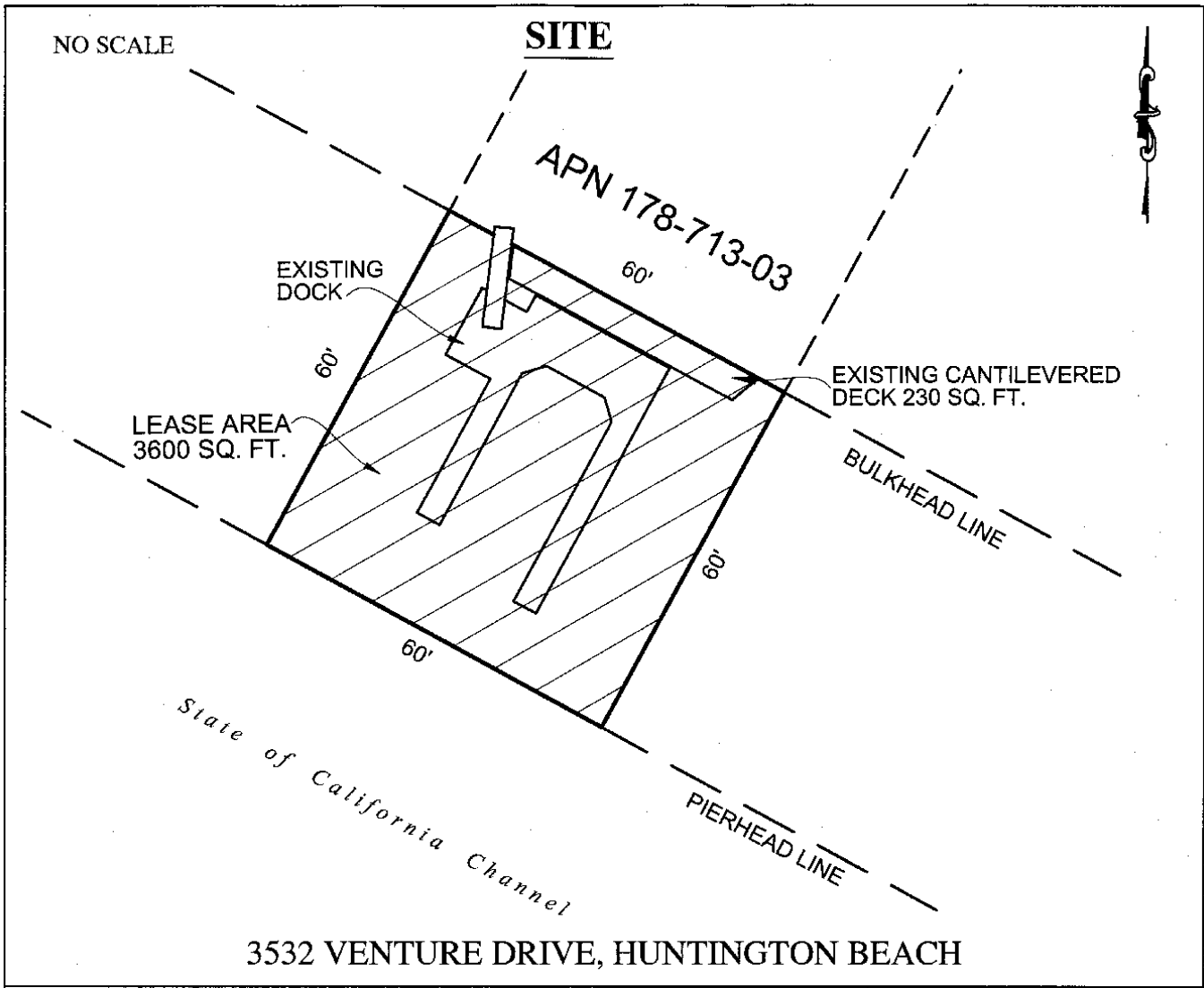


Exhibit B
 WP 5244.1
 LIANG TRUST
 APN 178-713-03
 GENERAL LEASE -
 RECREATIONAL USE
 ORANGE COUNTY



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.