

**CALENDAR ITEM
C90**

A 67
S 35

03/29/12
WP 5761.1
S. Paschall

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

APPLICANTS:

Douglas Williams and Anne Williams, Trustees of the Williams Revocable Living Trust, dated March 19, 2010

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16682 Coral Cay Lane, 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 October 29, 2010.

CONSIDERATION:

\$2,332 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 \$1,518 for the period of October 29, 2010

CALENDAR ITEM NO. **C90** (CONT'D)

through January 25, 2012; and set annual rent in the amount of \$2,332 commencing January 26, 2012.

OTHER PERTINENT INFORMATION:

1. On January 26, 2012, the Commission authorized a General Lease – Recreational Use to Douglas Williams and Anne Williams, Trustees of the Williams Revocable Living Trust, dated March 19, 2010, for the use and maintenance of an existing boat dock, access ramp, and cantilevered deck, for a period of 10 years commencing on October 29, 2010.
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 The Applicant did not meet either of the exceptions for the recently enacted Chapter 585, Statutes of 2011, which repealed the rent-free provision of section 6503.5 of the Public Resources Code (PRC).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 \$1,215.
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 October 29, 2010, the date the Applicant's acquired the property. However, staff intended to recommend that rent be charged for the cantilevered deck beginning October 29, 2010 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 use 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 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

EXHIBITS:

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

CALENDAR ITEM NO. **C90** (CONT'D)

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 \$1,518 for the period October 29, 2010 through January 25, 2012; and set annual rent in the amount of \$2,332, commencing January 26, 2012.

EXHIBIT A

WP 5761.1

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 easterly corner of Lot 51, as said lot is shown and so designated on that certain map of Tract No. 8040 filed November 22, 1974 in Book 350, Pages 27 through 37, Official Records of said County; thence along the easterly prolongation of the southerly line of said lot 60.00 feet to the pierhead line, as said pierhead line is described in Resolution No. 5197, passed and adopted December 6, 1982 by the City Council of said City; thence northerly along said pierhead line 60.00 feet to the intersection of said pierhead line with the easterly prolongation of the northerly line of said lot; thence westerly along said easterly prolongation 60.00 feet to the northerly most corner of said lot; thence southerly along the easterly line of said lot to the POINT OF BEGINNING.

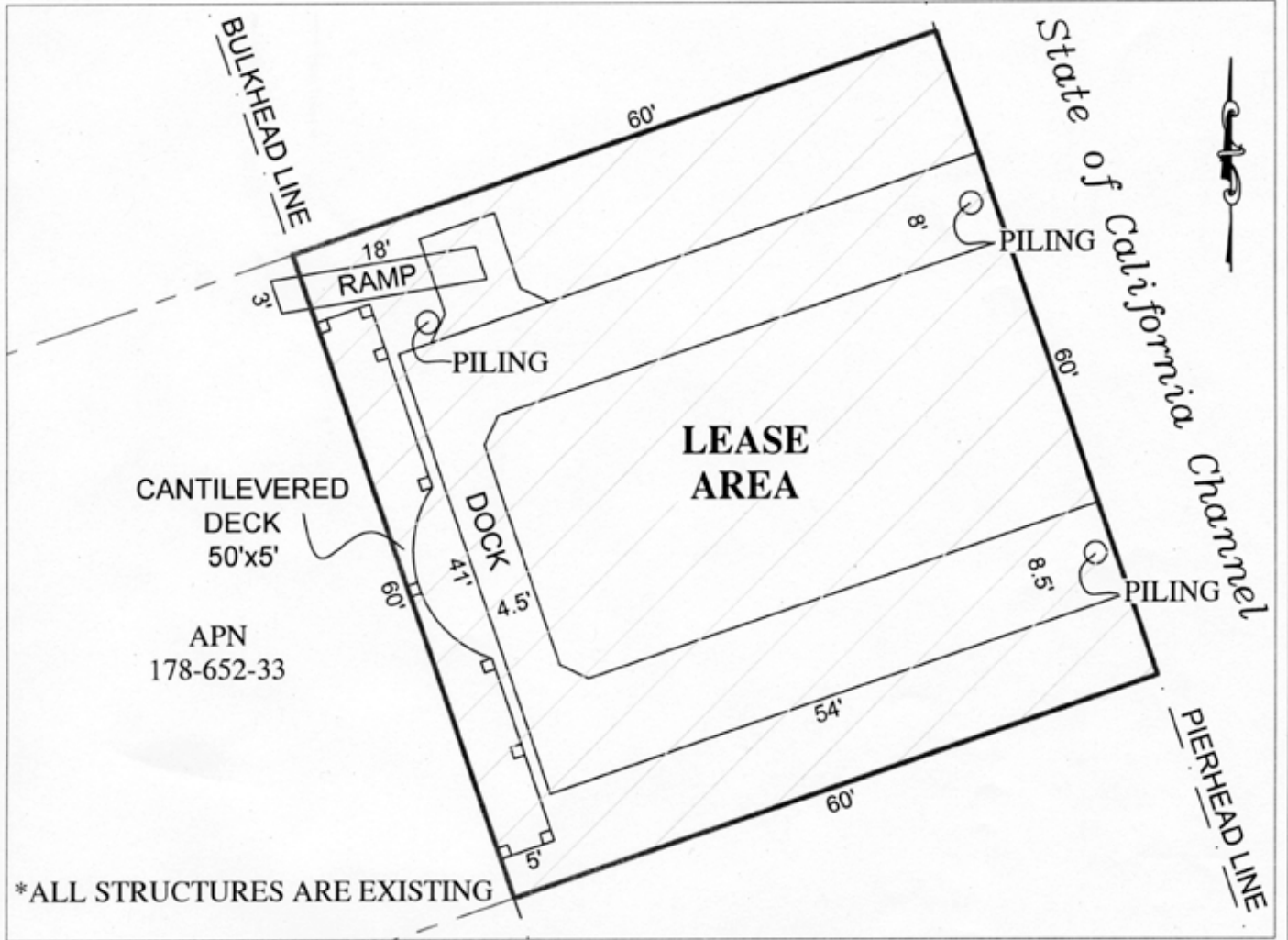
END OF DESCRIPTION

Prepared 06/01/2010 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



16682 Coral Cay Lane, Huntington Beach

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

WP 5761.1
 WILLIAMS TRUST
 APN 178-652-33
 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.