

**CALENDAR ITEM
C91**

A 67
S 35

03/29/12
WP 7423.1
S. Paschall

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

APPLICANTS:

Ralph Ascher and Marietta Ascher

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Sunset Harbor, adjacent to 16232 Piedmont Circle, Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of an existing boat dock and access ramp.

LEASE TERM:

10 years, beginning July 1, 2011

CONSIDERATION:

Annual rent in the amount of \$733 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.

CALENDAR ITEM NO. **C91** (CONT'D)

OTHER PERTINENT INFORMATION:

1. On January 26, 2012, the Commission authorized a General Lease – Recreational Use to Ralph Ascher and Marietta Ascher for the use and maintenance of an existing boat dock, and access ramp for a period of 10 years commencing on July 1, 2011.
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 The Applicant did not meet either of the exceptions for the recently enacted Chapter 585, Statutes of 2011, which repealed the rent-free provision of section 6503.5 of the Public Resources Code (PRC).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.
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 1, 2011, the date the Applicant's acquired the property. However, staff intended to recommend 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.
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 reasonable 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.

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.

CALENDAR ITEM NO. **C91** (CONT'D)

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; and set annual rent in the amount of \$733, commencing January 26, 2012.

EXHIBIT A

WP 7423.1

LAND DESCRIPTION

A parcel of submerged land in Huntington Harbour, in the City of Seal Beach, Orange County, California, described as follows:

Beginning at the most northerly corner of Lot 3, as said lot is shown and so designated on that certain map of Tract No. 10557 filed in Book 533, Pages 24 through 26 of Miscellaneous Maps, Official Records of said County; thence along the northeasterly extension of the northwesterly line of said lot North 46° 32' 54" East 2.2 feet, more or less, to the southwesterly extension of the centerline of an existing dock, thence northeasterly along said extension, said centerline and the northeasterly extension of said centerline 92.9 feet, more or less, to the pierhead line, as said pierhead line is shown on said map; thence easterly along said pierhead line 11.9 feet, more or less, to the northerly extension of the easterly line of said lot; thence southerly along said extension 93.4 feet, more or less, to the most easterly corner of said lot; thence along the northerly boundary of said lot North 73° 44' 06" West 34.84 feet and North 44° 14' 06" West 1.52 feet to the point of beginning.

END OF DESCRIPTION

Prepared January 3, 2012 by the California State Lands Commission Boundary Unit.



STATE OF CALIFORNIA CHANNEL

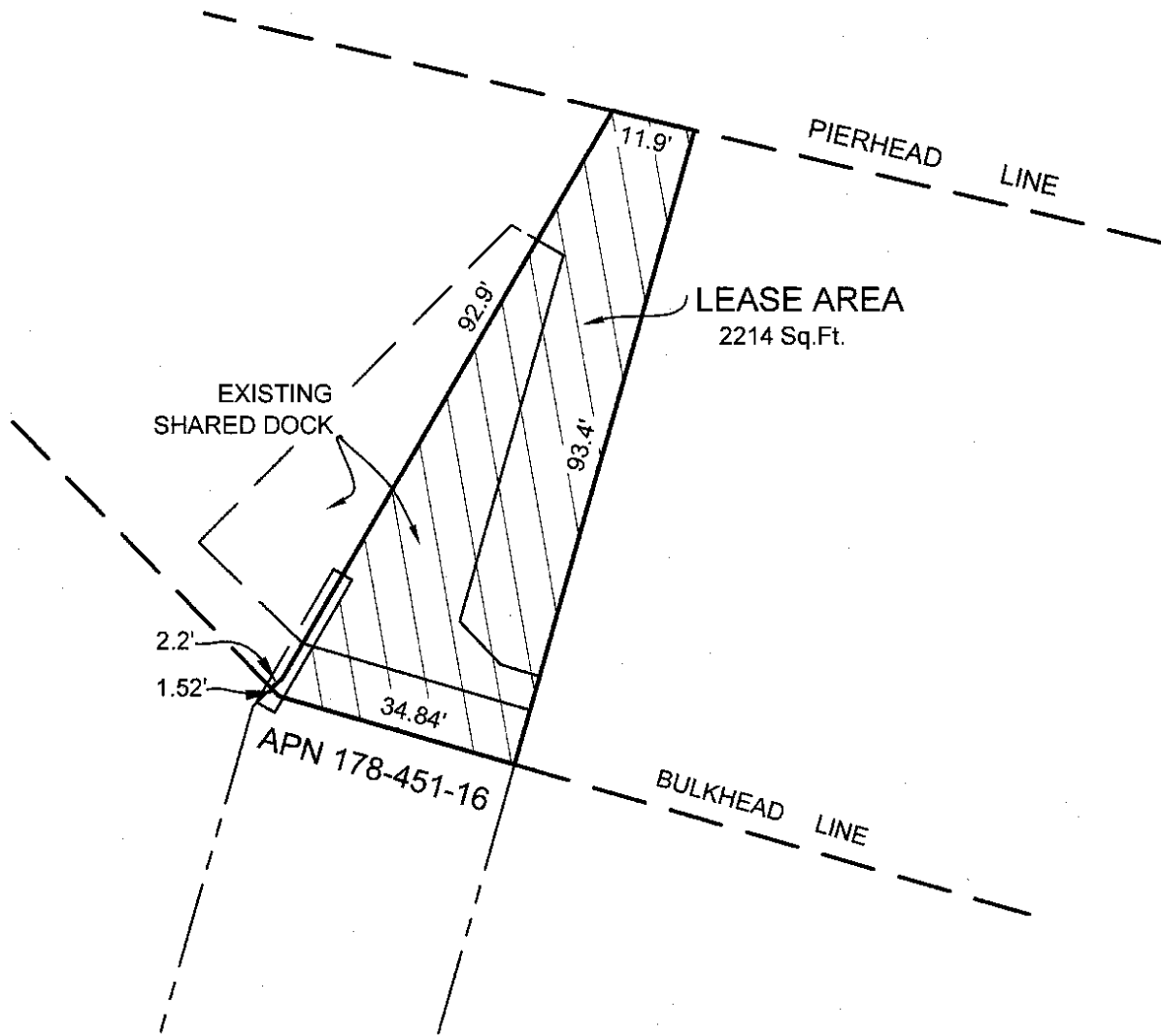


EXHIBIT A

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MJJ 01/03/12

LAND DESCRIPTION
WP 7423.1, ASCHER
ORANGE COUNTY

CALIFORNIA STATE
LANDS COMMISSION



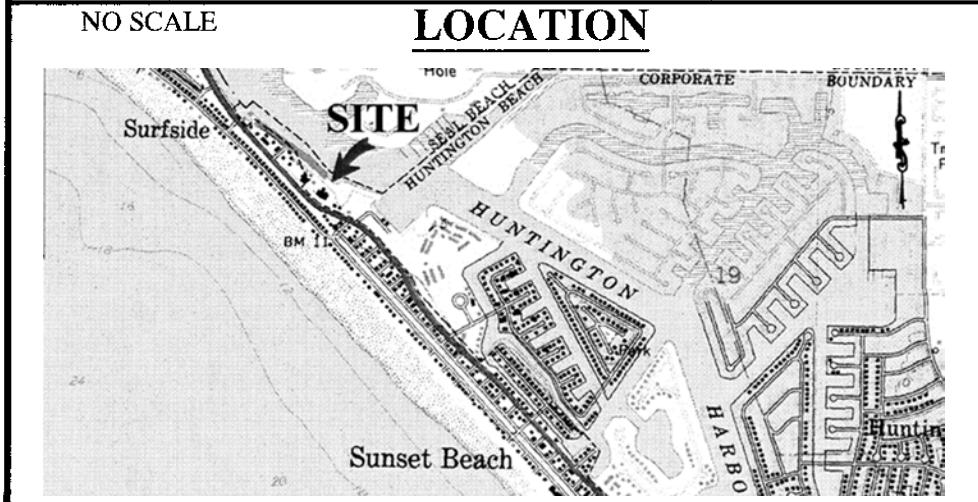
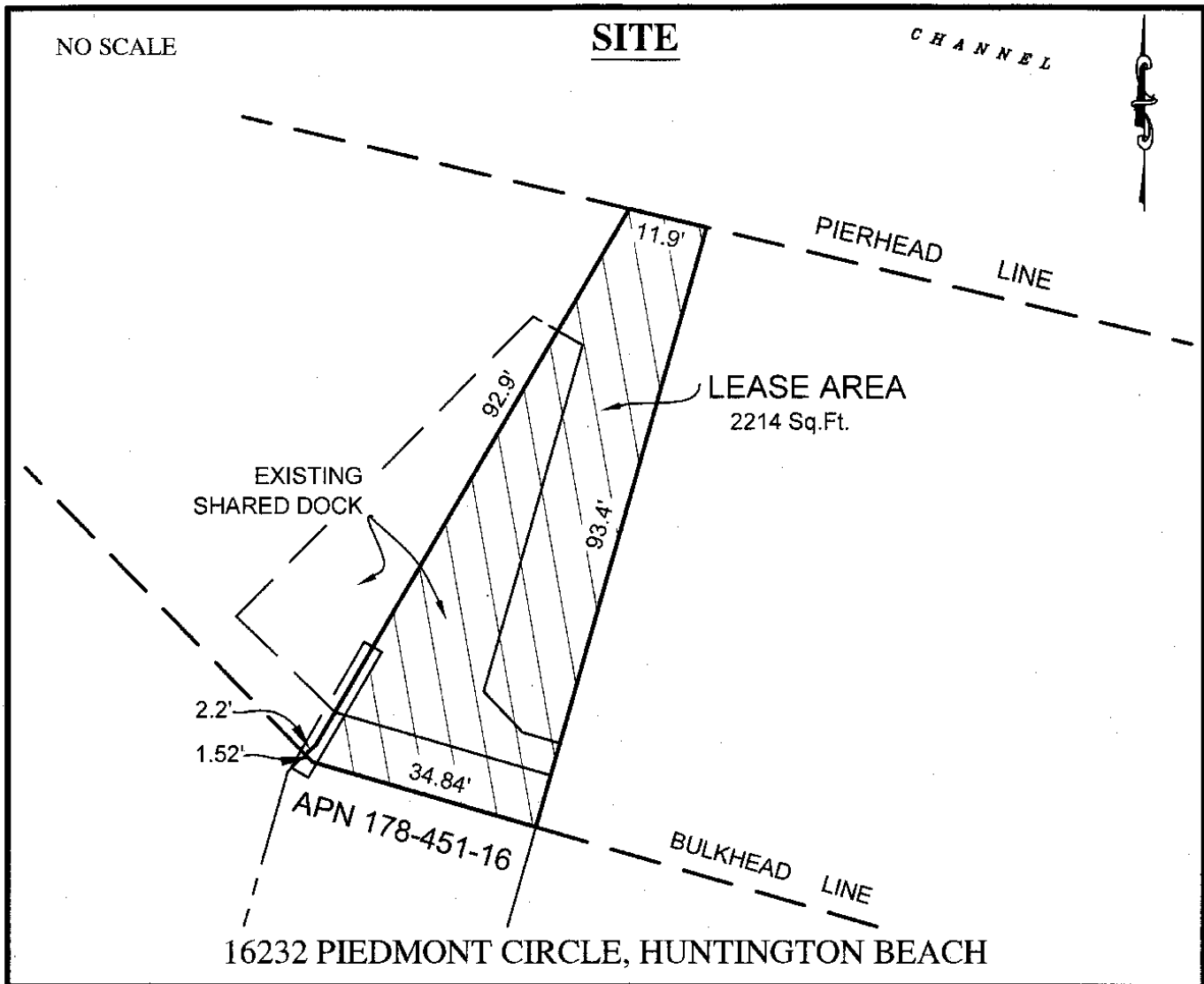


Exhibit B

WP 7423.1
ASCHER
APN 178-451-16
GENERAL LEASE -
RECREATIONAL USE
ORANGE COUNTY



MAP SOURCE: USGS QUAD

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.