

**CALENDAR ITEM
C41**

A 72
S 34

10/13/16
PRC 7422.9
S. Kreutzburg

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Kenneth D. Wolder and Leslie A. Wolder, as Trustees of the Wolder Family Revocable Inter Vivos Trust initially created on September 18, 1991

APPLICANT/ASSIGNEE:

David Lee Johnston and Lisa D. Johnston, Trustees of the DLJ Trust dated December 5, 2005

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 16212 Piedmont Circle, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of an existing boat dock.

LEASE TERM:

10 years, beginning August 22, 2010.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$500,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

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:

In October 2010, the Commission authorized a Recreational Pier Lease to Kenneth D. Wolder and Leslie A. Wolder, as Trustees of the Wolder

CALENDAR ITEM NO. **C41** (CONT'D)

Family Revocable Inter Vivos Trust initially created on September 18, 1991, for a term of 10 years. ([October 29, 2010, Calendar Item C3](#)). The lease commenced on August 22, 2010 and will expire on August 21, 2020. On October 31, 2014, the upland property was deeded to David Lee Johnston and Lisa D. Johnston, Trustees of the DLJ Trust dated December 5, 2005. The Applicant is now applying for an assignment of the existing lease.

Assignment of this existing lease from the current Lessee to the Applicant will not result in a change in the use of or impacts to Public Trust resources. Commission staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. Lease No. PRC 7442.9 was already in effect prior to July 1, 2011 so no rent was required for a private recreational pier at that time (Pub. Resources Code § 6503.5). Any new lease issued by the Commission for a private recreational pier must include rent based on fair annual rental values and local conditions.
3. Assignment of the lease is not a project as defined by the California Environmental Quality Act, because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed assignment will not substantially interfere with the Public Trust needs and values at this location at this time and are in the best interests of the State.

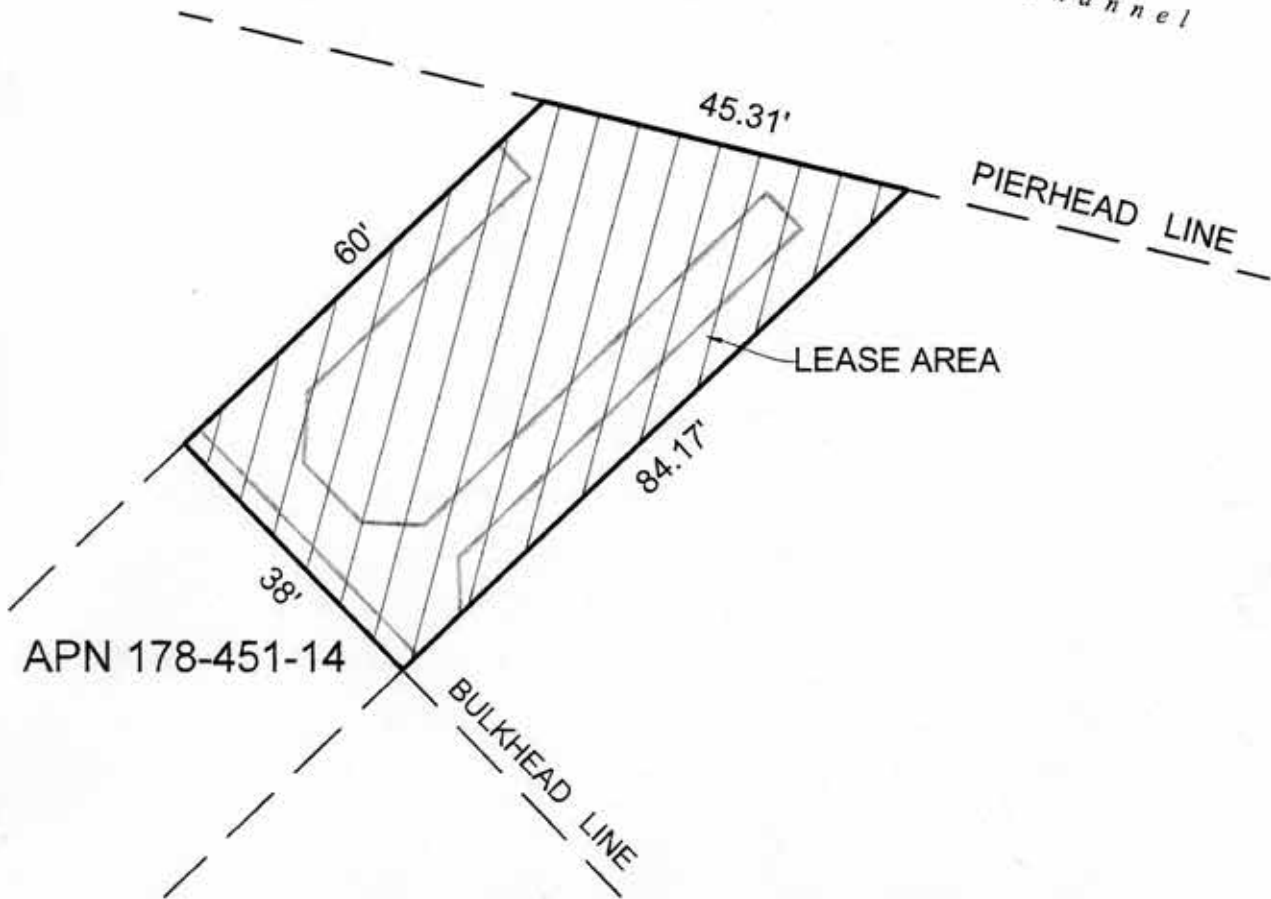
AUTHORIZATION:

Authorize the assignment of Lease No. PRC 7422.9, a Recreational Pier Lease, of sovereign land as shown on Exhibit A attached and by this reference made a part hereof, from Kenneth D. Wolder and Leslie A. Wolder, as Trustees of the Wolder Family Revocable Inter Vivos Trust initially created on September 18, 1991, to David Lee Johnston and Lisa D. Johnston, Trustees of the DLJ Trust dated December 5, 2005; effective October 31, 2014.

NO SCALE

SITE

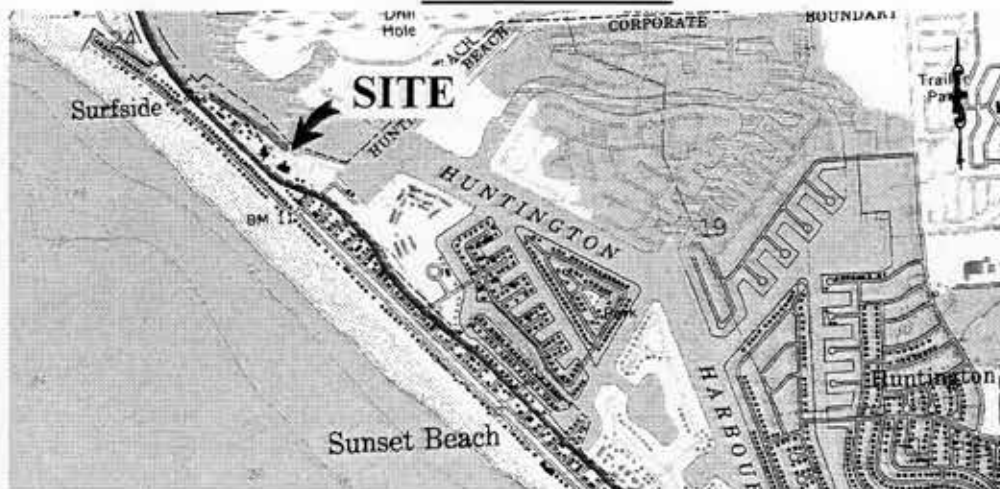
State of California Channel



16212 PIEDMONT CIRCLE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 7422.9
 JOHNSTON TRUST
 APN 178-451-14
 RECREATIONAL PIER LEASE
 ORANGE COUNTY



MJJ 8/24/2016

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.