CALENDAR ITEM
C23

A 67 02/01/10
WP 4095.1
S 35 D. Simpkin

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:
Kenneth Arthur Lester and Lana Christine Lester, Trustees of the Lester Family Trust, dated April 18, 1991

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Huntington Harbour, adjacent to 16821 Bolero Lane, city of Huntington Beach, Orange County.

AUTHORIZED USE:
The continued use and maintenance of an existing boat dock and access ramp, and the retention of an existing cantilevered deck extending no more than five feet waterward of the bulkhead.

LEASE TERM:
Ten years, beginning March 23, 2009.

CONSIDERATION:
Boat dock and access ramp: No monetary consideration pursuant to Public Resources Code section 6503.5.

Cantilevered deck: Annual rent in the amount of $894, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:
Insurance:
Combined single limit liability insurance coverage in the amount 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 a residential extension of the actual living quarters constitutes residential use and is prohibited.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels in 1961 as a result of a land exchange entered into and recorded as Boundary Line Agreement 18, between the Commission and the Huntington Harbour Corporation. Appurtenances extending into these Channels are subject to lease pursuant to Public Resources Code section 6501, et seq. The Applicants' upland property is located along the Main Channel of Huntington Harbour.

3. On February 5, 2001, the Commission authorized the issuance of a Recreational Pier Lease, PRC 4095.9, to Kenneth Arthur Lester and Lana Christine Lester, Trustees of the Lester Family Trust dated April 18, 1991, for a ten-year term, effective March 23, 1999. The lease expired on March 22, 2009. The Applicants are now applying for a new General Lease – Recreational Use for the existing boat dock and access ramp as well as for the existing cantilevered deck, not previously authorized by the Commission. A five-foot portion of the cantilevered deck extends over the State's fee ownership in the Main Channel of Huntington Harbour. Since the deck is existing, staff is recommending that it be included in the lease.

4. The existing boat dock and access ramp qualify for rent-free status as the Applicants are natural persons who own the littoral land improved with a single-family dwelling.

5. The cantilevered deck does not qualify for rent-free status because it is not used for the mooring of boats. Therefore, that portion of the deck extending over State fee ownership within the Harbour is subject to annual rent.

6. **Existing Boat Dock and Access Ramp:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. **Cantilevered Deck:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

A. Location and Site Map
B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

EXISTING BOAT DOCK AND ACCESS RAMP: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

CANTILEVERED DECK: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

SIGNIFICANT LANDS INVENTORY FINDING:

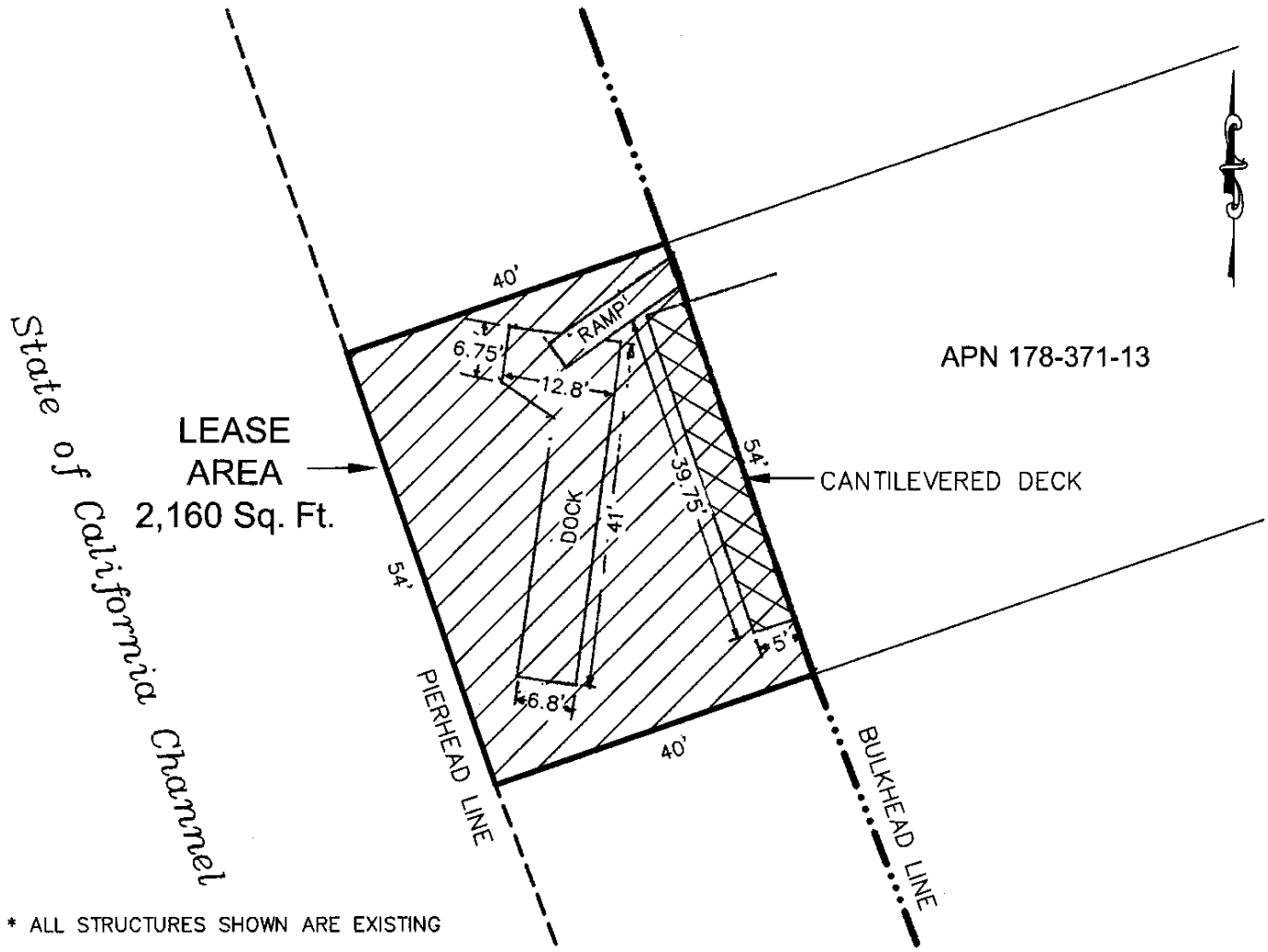
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Recreational Use to Kenneth Arthur Lester and Lana Christine Lester, Trustees of the Lester Family Trust dated April 18, 1991, beginning March 23, 2009, for a term of ten years, for the continued use and maintenance of an existing boat dock, access ramp, and retention of an existing cantilevered deck as shown on Exhibit A attached (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration for the boat dock and access ramp: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the cantilevered deck: annual rent in the amount of $894 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; combined single limit liability insurance coverage in the amount of no less than $1,000,000.

NO SCALE

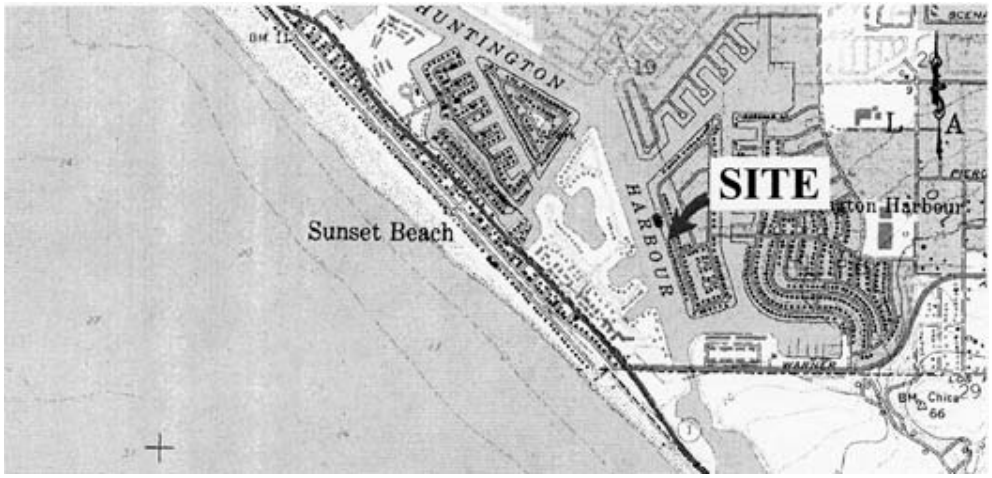
SITE



16821 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



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.

Exhibit A

PRC 4095.1
LESTER
APN 178-371-13
GENERAL LEASE
RECREATIONAL USE
ORANGE COUNTY

DJF 01/10