CALENDAR ITEM

C69

A 72 06/19/14

PRC 3172.1

S 34 D. Simpkin

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Russell H. Lepper and Marsha L. Lepper

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16622 Somerset Lane, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock, access ramp, and cantilevered deck extending no more than five feet waterward of the bulkhead.

LEASE TERM:

10 years, beginning March 4, 2014

CONSIDERATION:

Annual rent in the amount of $2,383 with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than $1,000,000 per occurrence.

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.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland 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 between the Commission and the Huntington Harbour Corporation, recorded as Sovereign Lands Location No. 34 dated December 22, 1960, and recorded on January 31, 1961, in Book 5611, Page 470, Official Records, Orange County, California. Projects, including new development or maintenance of existing facilities, extending into these Channels beyond the bulkhead line, require a lease from the Commission pursuant to Public Resources Code section 6501.1. The Applicant's upland property is located along the Main Channel of Huntington Harbour.

3. On June 20, 2005, the Commission authorized issuance of Lease No. PRC 3172.9, a General Lease - Recreational Use, to Russell H. and Marsha L. Lepper for a period of 10 years, for use and maintenance of an existing boat dock, access ramp, and cantilevered deck. That lease expired on March 3, 2014. The Applicants are now applying for a new lease.

4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

A. Land Description
B. Site and Location Map

RECOMMENDED ACTION:
It is recommended that the Commission:

CEQA FINDING:

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

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Russell H. Lepper and Marsha L. Lepper beginning March 4, 2014, for a term of 10 years, for the continued use and maintenance of an existing boat dock, access ramp, and cantilevered deck, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be annual rent in the amount of $2,383, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease; liability insurance in an amount no less than $1,000,000 per occurrence.

EXHIBIT A

PRC 3172.1

LAND DESCRIPTION

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

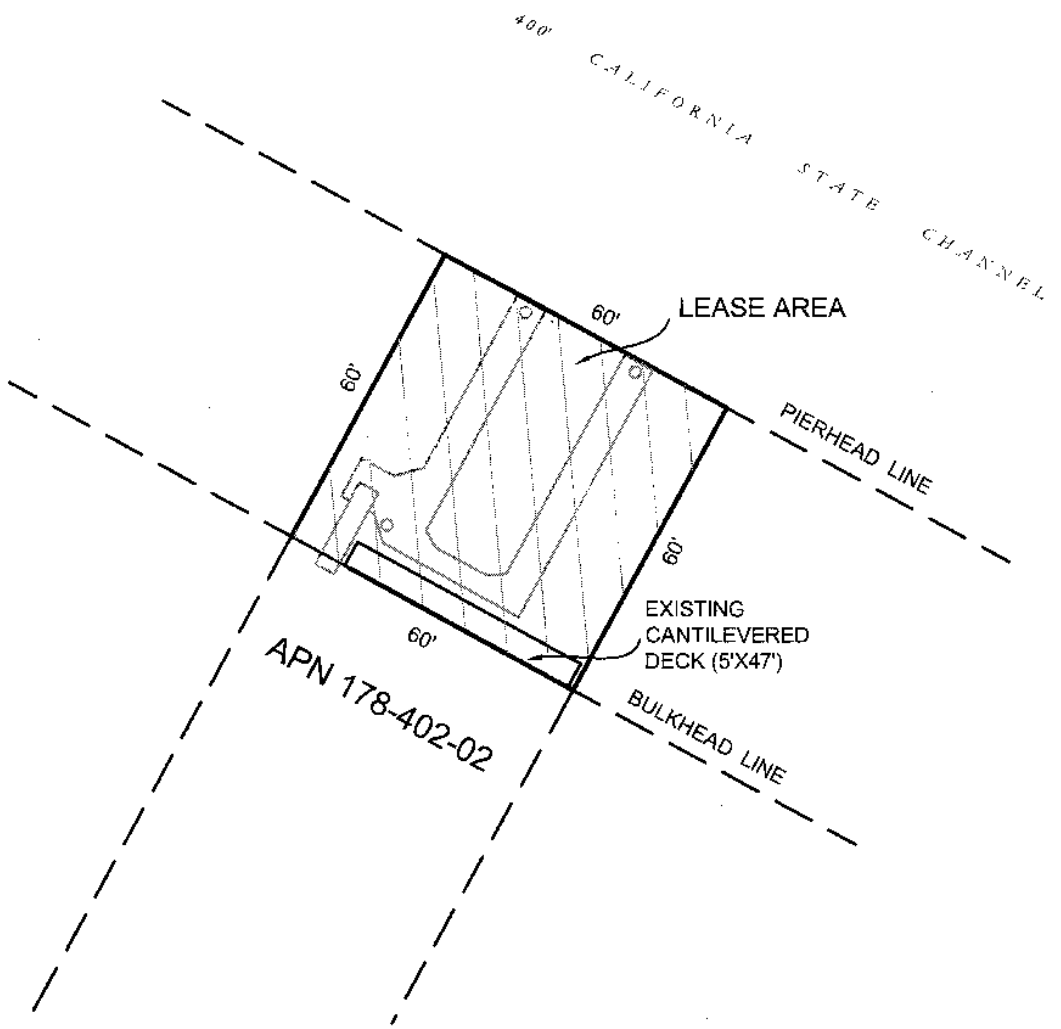
BEGINNING at the most northerly corner of Lot 32, as said lot is shown and so designated on that certain map of Tract No.4677 filed in Book 168, Pages14 through 18 of Miscellaneous Maps, Official Records of said County; thence along the northeasterly extension of the northwesterly line 60.00 feet,more or less to the pierhead line, as said pierhead line is described in Resolution No. 5908, passed and adopted August 1,1988 by the City Council of said City; thence southeasterly along said pierhead line to the northeasterly extension of the southeasterly line of said lot; thence along said extension 60.00 feet, more or less, to the most easterly corner of said lot; thence northwesterly along the northeasterly line of said lot to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 05/01/2014 by the California State Lands Commission Boundary Unit

NO SCALE

SITE



16622 SOMERSET 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 B

PRC 3172.1
LEPPER
APN 178-402-02
GENERAL LEASE-
RECREATIONAL USE
ORANGE COUNTY

MJJ 04/18/2014