

**CALENDAR ITEM  
C55**

A 72  
S 34

08/15/14  
PRC 5936.1  
D. Oetzel

**REVISION OF RENT**

**LESSEE:**

James J. Swearingen and Lee Swearingen, Co-Trustees of the Swearingen Family Trust, Under Declaration of Trust, dated April 15, 1996

**LAND TYPE AND LOCATION:**

Sovereign land in Huntington Harbour, adjacent to 16832 Coral Cay 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:**

10 years, beginning November 1, 2008.

**CONSIDERATION:**

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$553 per year to \$664 per year, effective November 1, 2014.

**OTHER PERTINENT INFORMATION:**

1. Lessee has the right to use the upland adjacent to the Lease Premises.
2. On April 6, 2010, the Commission authorized a General Lease – Recreational Use to James J. Swearingen and Lee Swearingen, Co-Trustees of the Swearingen Family Trust, Under Declaration of Trust, dated April 15, 1996, for the continued use and maintenance of an existing boat dock and access ramp and an existing cantilevered deck extending no more than five feet waterward of the bulkhead; the lease commenced on November 1, 2008, and will expire on September 30, 2018.

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3. The lease was authorized by the Commission prior to the enactment of Chapter 585, Statutes of 2011, which replaced the rent-free provision of a prior version of Public Resources Code section 6503.5 with a requirement to charge rent for private recreational piers constructed on state lands. Consequently, no rent is charged under the current lease for the existing boat dock and access ramp. Rent is charged for the cantilevered deck. Staff conducted the rent review called for in the lease and recommends the rent increase for the cantilevered deck.
  
4. Staff recommends that the Commission find that the subject revision of rent 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 California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

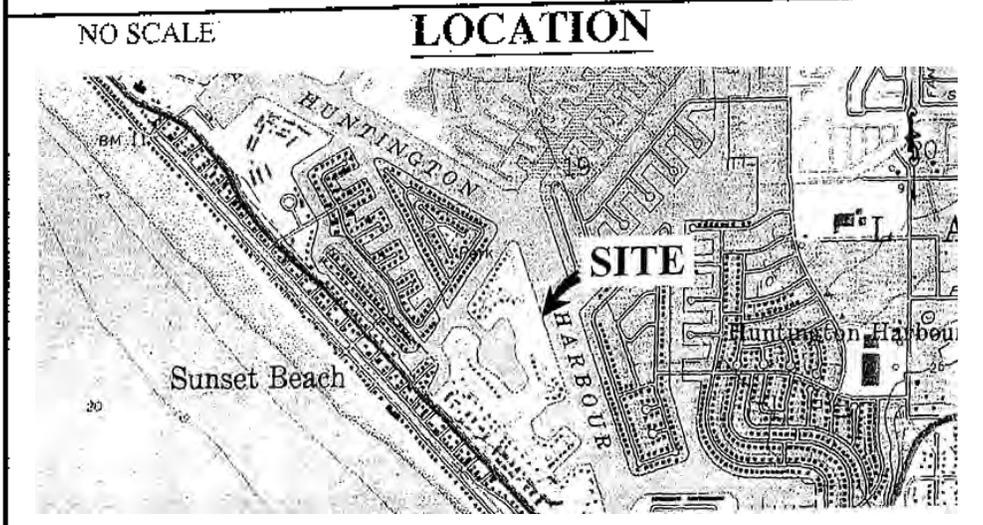
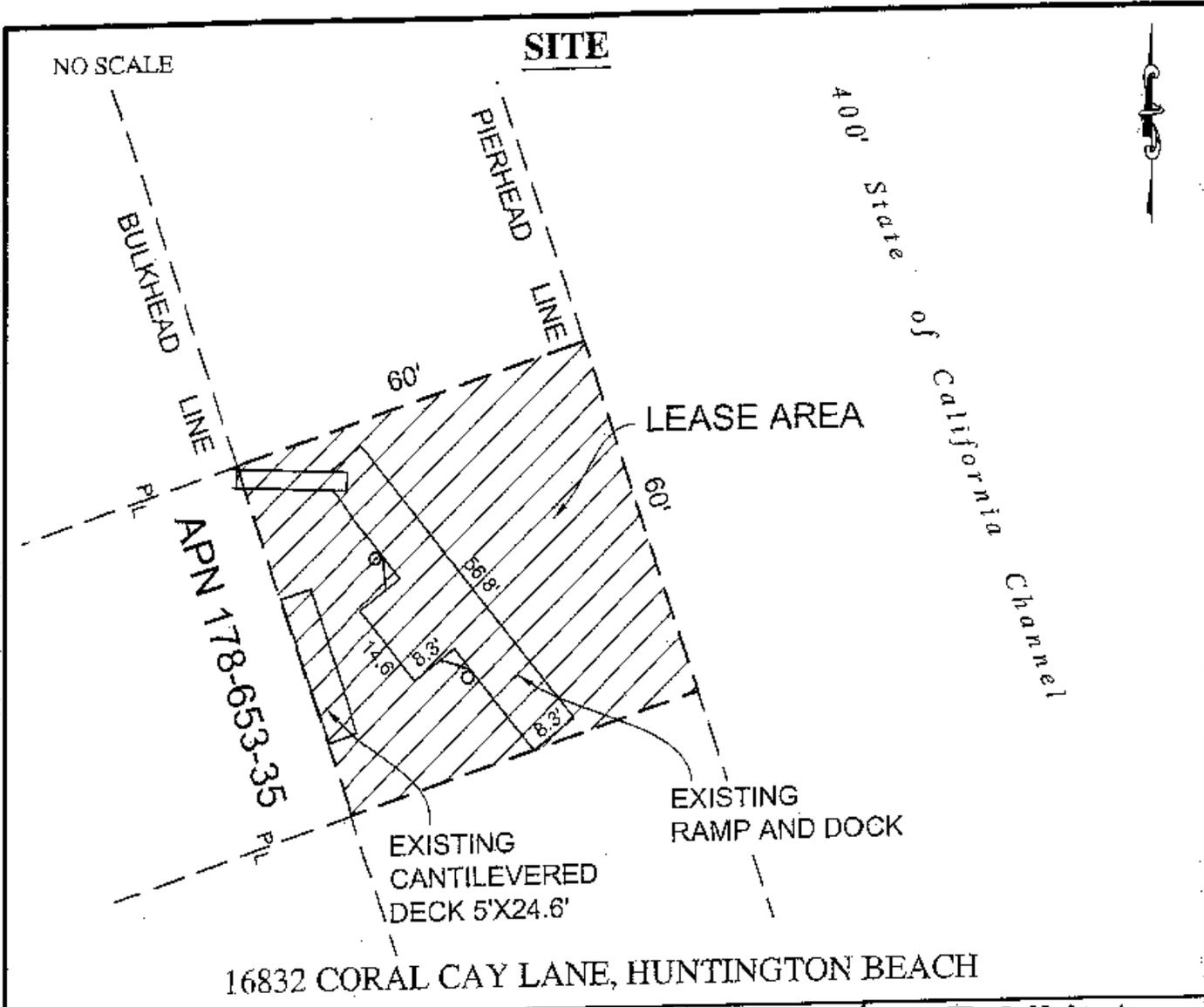
It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject revision of rent 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:**

Approve the revision of rent for Lease No. PRC 5936.1 from \$553 per year to \$664 per year, effective November 1, 2014.



MAP SOURCE: USGS QUAD

**Exhibit A**  
 PRC 5936.1  
 SWEARINGEN  
 APN 178-653-35  
 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.