

**CALENDAR ITEM
C57**

A 72
S 37

08/15/14
PRC 3254.1
D. Simpkin

REVISION OF RENT

LESSEE:

Ing Liong Wong and Chu Fong Wong, as Trustees under the Wong 1986 Family Trust (created by a Declaration of Trust Dated September 18, 1986)

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 16891 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 November 20, 2009.

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 \$1,013 per year to \$1,215 per year, effective November 20, 2014.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On June 28, 2010, the Commission authorized a General Lease – Recreational and Protective Structure Use to Ing Liong Wong and Chu Fong Wong, as Trustees under the Wong 1986 Family Trust (created by a Declaration of Trust Dated September 18, 1986), for 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; the lease commenced on November 20, 2009, and will expire on November 19, 2019.

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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 a 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.

EXHIBITS:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

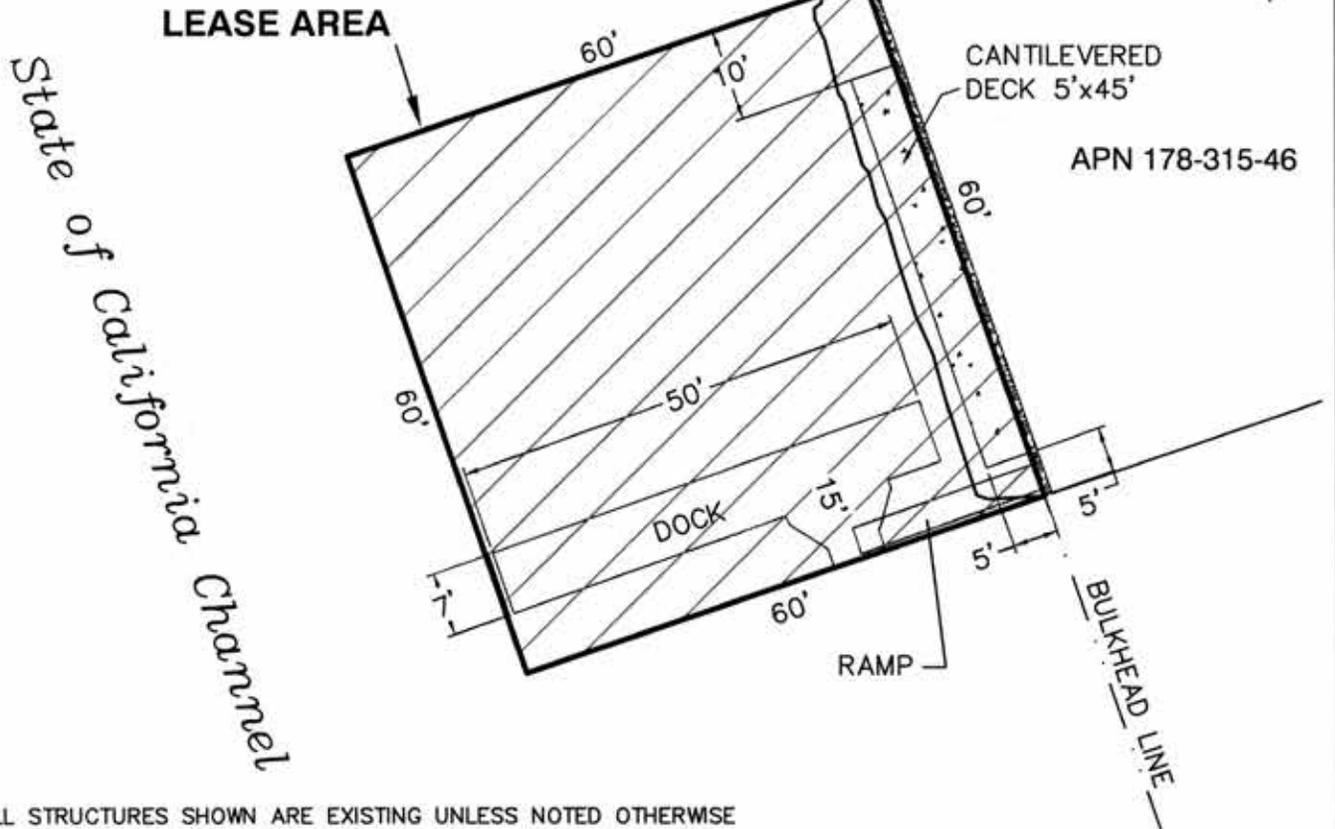
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 3254.1 from \$1,013 per year to \$1,215 per year, effective November 20, 2014.

NO SCALE

SITE



• ALL STRUCTURES SHOWN ARE EXISTING UNLESS NOTED OTHERWISE

16891 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 3254.1
 WONG
 APN 178-315-46
 GENERAL LEASE
 RECREATIONAL &
 PROTECTIVE STRUCTURE 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.