

**CALENDAR ITEM
C54**

A 72
S 34

08/15/14
PRC 3859.1
A. Franzoia

REVISION OF RENT

LESSEE:

Scott S. Brown, Trustee of the Scott S. Brown Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Huntington Harbour, adjacent to 16801 Bolero Lane, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of an existing boat dock, access ramp, and cantilevered deck.

LEASE TERM:

10 years, beginning September 16, 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 rent be revised from \$1,110 per year to \$1,328 per year, effective September 16, 2014.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the upland.
2. On April 6, 2010, the Commission authorized a General Lease-Recreational Use to Scott S. Brown and Melissa L. Brown for the continued use and maintenance of an existing boat dock, access ramp, and cantilevered deck beginning September 16, 2009.
3. On February 22, 2013, the Commission authorized a Correction and Issuance of a General Lease to Scott S. Brown, Trustee of the Scott S. Brown Trust. The Correction was to recognize a prior transfer of title to the upland to the Applicant.

CALENDAR ITEM NO. **C54** (CONT'D)

4. 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 rent be increased for the cantilevered deck

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

AUTHORIZATION:

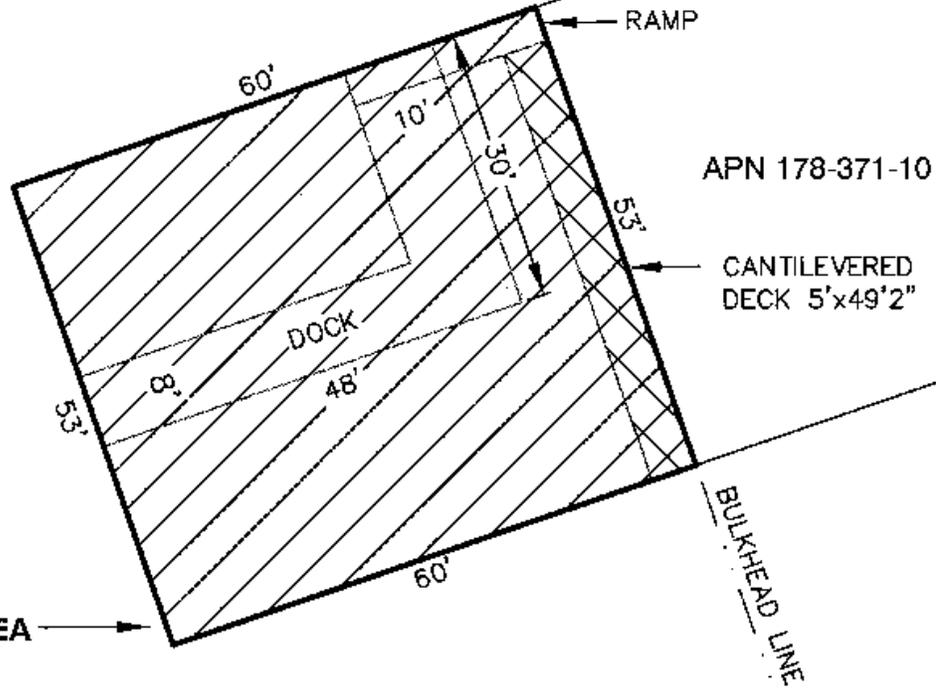
Approve the revision of rent for Lease No. PRC 3859.1 from \$1,110 per year to \$1,328 per year, effective September 16, 2014.

NO SCALE

SITE

State of California Channel

LEASE AREA



APN 178-371-10

CANTILEVERED DECK 5'x49'2"

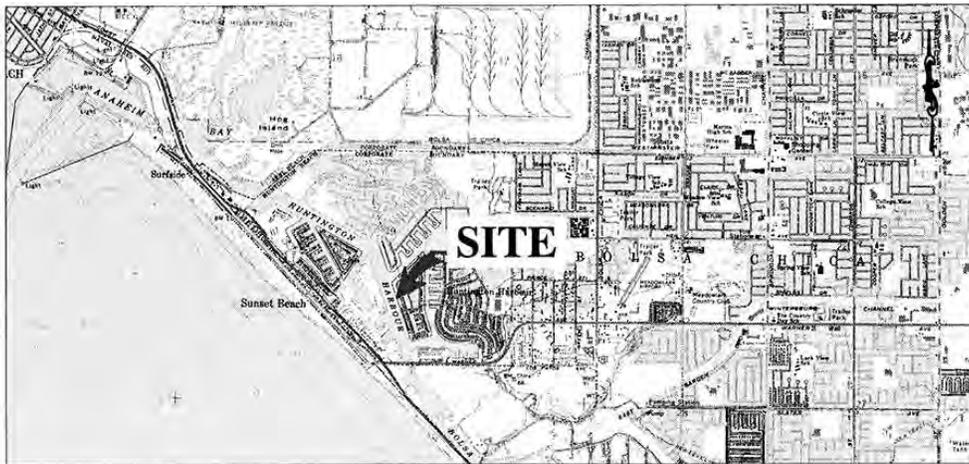
BULKHEAD LINE

*ALL STRUCTURES SHOWN ARE EXISTING

16801 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 3859.1

BROWN

APN 178-371-10

GENERAL LEASE-
RECREATIONAL USE
ORANGE COUNTY



SITE

DJF 07/10/2014

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.