

**CALENDAR ITEM  
C77**

A 72

06/29/15

S 34

PRC 5625.1

D. Simpkin

**TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND  
PROTECTIVE STRUCTURE USE**

**LESSEE:**

Robert E. Faber and Sarah K. Faber, Co-Trustees of the Third amendment and Restatement of the Faber Revocable Inter-Vivos Trust, u/d/t/ April 29, 2005

**APPLICANT:**

Ernie W. Quijada, Jr. and Diane G. Quijada

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Main Channel of Huntington Harbour, adjacent to 16671 Carousel Lane, Huntington Beach, Orange County.

**AUTHORIZED USE:**

Continued use and maintenance of a boat dock, access ramp, and bulkhead protection, and the replacement, use, and maintenance of a cantilevered deck.

**LEASE TERM:**

10 years, beginning February 26, 2014.

**CONSIDERATION:**

Annual rent in the amount of \$2,007, with an annual Consumer Price Index adjustment.

**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. Applicant agrees 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. The Applicant owns the upland adjoining the lease premises.

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2. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels (Channels) in 1962 as a result of a land exchange entered into between the Commission and the Huntington Harbour Corporation, recorded as the Amended Agreement for the Exchange of Lands in the Sunset Beach Area, Orange County, California, and recorded on March 7, 1963, in Book 6457, Page 819, 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.
3. On April 6, 2010, the Commission authorized Lease No. PRC 5625.1, a General Lease – Recreational Use, with Robert E. Faber and Sarah K. Faber, Co-Trustees of the Third amendment and Restatement of the Faber Revocable Inter-Vivos Trust, u/d/t/ April 29, 2005, for a 10-year term ending January 24, 2019.
4. On January 26, 2012, the Commission authorized the amendment of Lease No. PRC 5625.1 to include existing bulkhead protection that had previously been authorized under Lease No. PRC 8240.9.
5. On February 26, 2014, the upland property was deeded to Ernie W. Quijada, Jr. and Diane G. Quijada. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.
6. Staff is recommending termination of the existing lease and issuance of a new lease. Staff recommends termination of the existing lease because the prior lessee abandoned the lease by selling the property and facilities without executing a quitclaim deed.
7. The existing cantilevered deck extends over the State's fee owned land in the Main Channel of Huntington Harbour and will be replaced with a new cantilevered deck. Staff is recommending issuance of the new lease to include replacement of the cantilevered deck.
8. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination 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.

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9. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

10. **Replacement of a Cantilevered Deck:** 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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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

11. 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:**

**Lease Termination:** Find that the subject lease termination 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.

**Issuance of Lease:** Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title

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14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**Replacement of a Cantilevered Deck:** 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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

**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:**

1. Authorize termination effective February 25, 2014, of Lease No. PRC 5625.1, a General Lease – Recreational Use, to Robert E. Faber and Sarah K. Faber, Co-Trustees of the Third amendment and Restatement of the Faber Revocable Inter-Vivos Trust, u/d/t/ April 29, 2005.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Ernie W. Quijada, Jr. and Diane G. Quijada beginning February 26, 2014, for a term of 10 years, for the continued use and maintenance of an existing boat dock, access ramp, and bulkhead protection, and the replacement, use, and maintenance of a 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; annual rent in the amount of \$2,007, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

## EXHIBIT A

PRC 5625.1

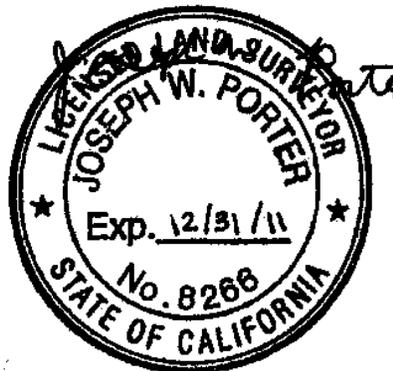
### LAND DESCRIPTION

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

Beginning at the most westerly corner of Lot 143, as said lot is shown and so designated on that certain map of Tract No. 5481 filed in Book 215, Pages 11 through 22, Official Records of said County; thence along the westerly extension of the northerly line of said lot 60.00 feet, more or less, to the pierhead line as said pierhead line is described in Resolution No. 5631, passed and adopted January 21, 1986 by the City Council of said City; thence southerly 50.00 feet along said pierhead line to the westerly extension of the southerly line of said lot; thence along said extension 60.00 feet, more or less, to the most southerly corner of said lot; thence northerly along the westerly line of said lot to the point of beginning.

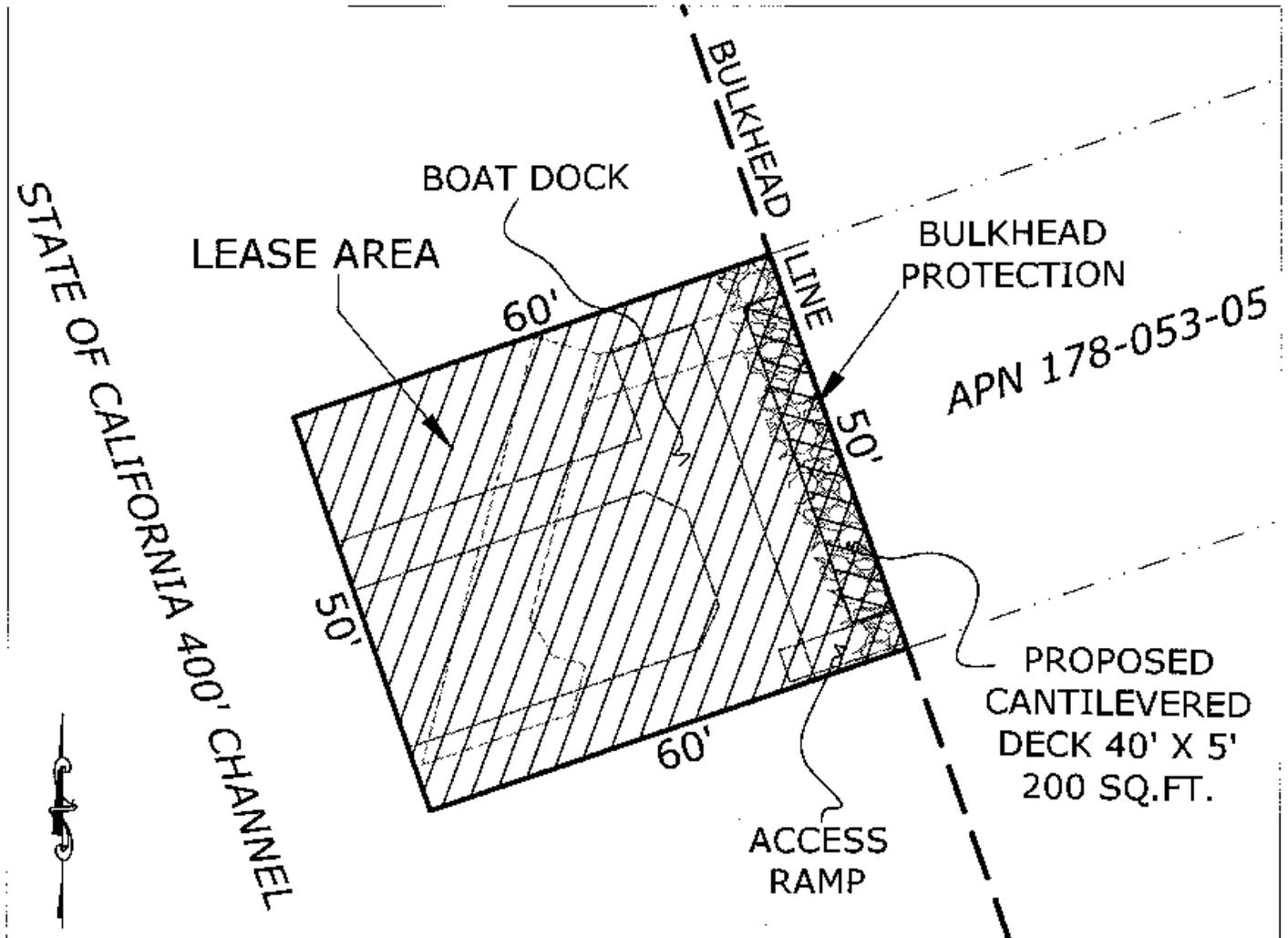
### END OF DESCRIPTION

Prepared 01/28/2010 by the California State Lands Commission Boundary Unit



NO SCALE

### SITE



16671 CAROUSEL 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 5625.1  
 QUIJADA  
 APN 178-053-05  
 GENERAL LEASE -  
 RECREATIONAL AND  
 PROTECTIVE STRUCTURE USE  
 ORANGE COUNTY



TS 06/01/15