

**CALENDAR ITEM
C51**

A 72
S 34

12/17/14
PRC 3570.1
D. Simpkin

**CONSIDER RESCISSION OF APPROVAL OF A
GENERAL LEASE – RECREATIONAL USE AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

APPLICANTS:

John R. Keefner and Lori Schaffer

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Main Channel of Huntington Harbour, adjacent to 17011 Bolero Lane, city of Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of a boat dock, access ramp, and cantilevered deck extending no more than 5 feet waterward of the bulkhead.

LEASE TERM:

10 years, beginning December 17, 2014

CONSIDERATION:

\$1,778 per year, 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. Boats are prohibited from tying up to the channel side edge of the docks. 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.

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2. The State of California acquired fee ownership of the Huntington Harbour Main and Midway 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 , 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. The Applicants' upland property is located along the Main Channel of Huntington Harbour.

3. On December 2, 2013, the Commission authorized issuance of a General Lease - Recreational Use. Lease No. PRC 3570.1, to Recreational Land Investments, Inc. for a period of 10 years, for use and maintenance of an existing boat dock, access ramp and cantilevered deck. The proposed lease was never signed and the property was deeded to the Applicants on August 7, 2014. The Applicants have applied for a lease and staff is now recommending rescission of the prior Commission authorization and issuance of a new lease to the Applicants.

4. **Rescission of Lease:** The staff recommends that the Commission find that the subject rescission of the previous approval 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.

5. **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.

6. 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

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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:

Rescission of Lease: Find that the subject rescission of previous approval 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 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:

1. Authorize rescission of the Commission's approval of Lease No. PRC 3570.1, A General Lease – Recreational Use, at the December 2, 2013 meeting, to Recreational Land Investments, Inc.
2. Authorize issuance of a General Lease – Recreational Use to John R. Keefner and Lori Schaffer, beginning December 17, 2014, for a term of 10 years, for use and maintenance of an existing boat dock, access ramp, and cantilevered deck, as described in Exhibit A attached and by this reference made a part hereof and as shown on Exhibit B (for reference purposes only); annual rent in the amount of \$1,778 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3570.1

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 southerly corner of Lot 35, as said lot is shown and so designated on that certain map of Tract No. 5264 filed in Book 185, Pages 27 through 34 of Miscellaneous Maps, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 50.00 feet; thence northwesterly and parallel with the southwesterly line of said lot 50.00 feet to the southwesterly extension of the northwesterly line of said lot; thence northeasterly along said extension to the most westerly corner of said lot; thence southeasterly along said southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

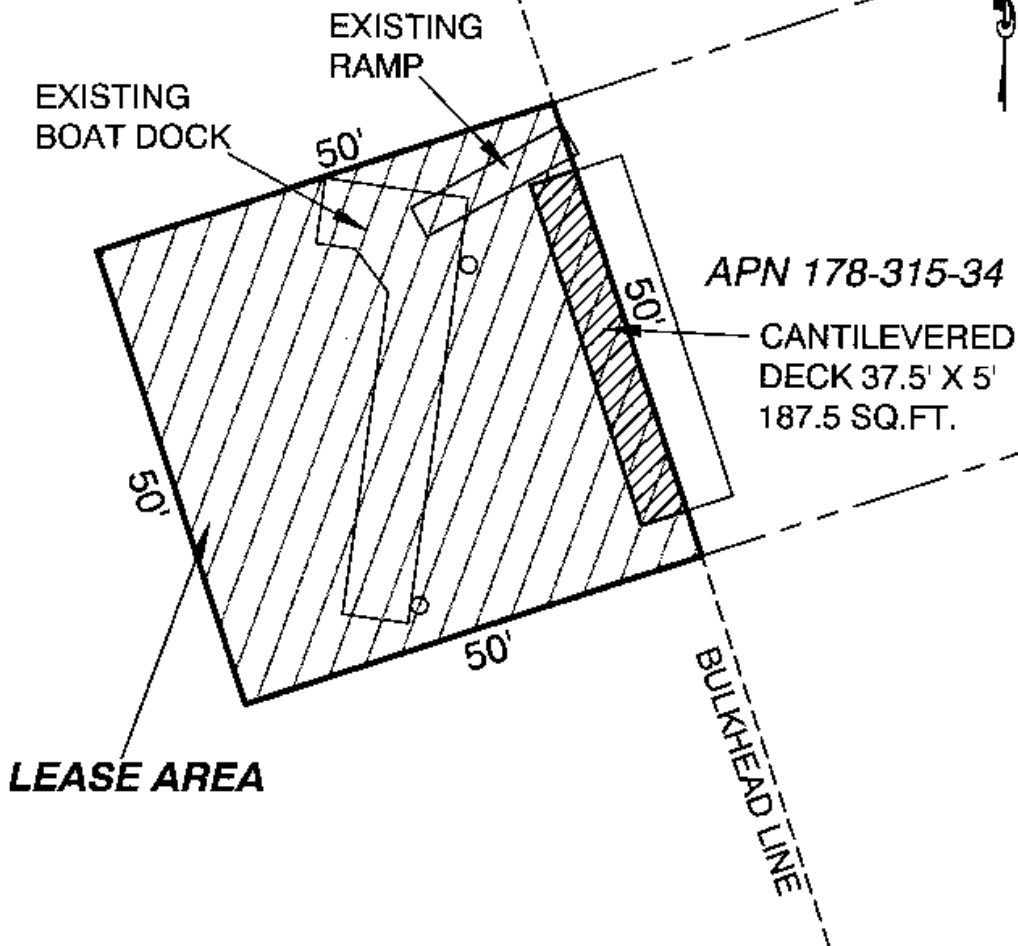
Prepared 09/18/13 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

STATE OF CALIFORNIA 400' CHANNEL



17011 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 3570.1
 KEEFNER
 APN 178-315-34
 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.

TS 09/18/13