

CALENDAR ITEM

C23

A 67

06/24/08

WP 3171.1

S 35

K. Foster

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Sam Mobassaly and Pamela Sue Mobassaly, Trustees of the Mobassaly Family Trust U/D/T dated August 9, 2000

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Huntington Harbour adjacent to 16602 Somerset Lane, near Huntington Beach, Orange County.

AUTHORIZED USE:

The continued use and maintenance of an existing boat dock and access ramp; and the retention, use and maintenance of an existing cantilevered deck extending no more than five feet waterward of the bulkhead.

LEASE TERM:

Ten years, beginning February 1, 2008.

CONSIDERATION:

Boat dock and access ramp: no monetary consideration pursuant to Public Resources Code section 6503.5.

Cantilevered deck: annual rent in the amount of \$759, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit liability insurance coverage in the amount of no less than \$1,000,000.

Other:

No permanent roof or other enclosure will be constructed on the Lease Premises. Lessee agrees that any proposed use of the Lease Premises

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that includes a residential extension of the actual living quarters constitutes residential use and is prohibited.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On February 27, 1998, the Commission authorized the issuance of a Recreational Pier Lease, to Sam Mobassaly and Pamela S. Mobassaly for a ten-year term, effective February 1, 1998. The lease expired on January 31, 2008. The property has since been deeded to Sam Mobassaly and Pamela Sue Mobassaly, Trustees of the Mobassaly Family Trust U/D/T dated August 9, 2000. Applicants are now applying for a new General Lease – Recreational Use for the existing boat dock and access ramp, as well as for the existing cantilevered deck, not previously authorized by the Commission.
3. A five-foot portion of the cantilevered deck extends over the State's fee ownership in the Main Channel of Huntington Harbour. Since the deck is existing, staff is recommending that the deck be included in the lease to the Applicants. As the cantilevered deck does not qualify for a rent-free lease, that portion of the deck extending over State fee ownership within the Harbour is subject to annual rent.
4. The existing boat dock and access ramp will remain rent-free as the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
5. **Existing Boat Dock and Access Ramp:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

6. **Cantilevered Deck:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The

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project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXISTING BOAT DOCK AND ACCESS RAMP: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

CANTILEVERED DECK: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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 SECTIONS 6370, ET SEQ.

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AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO SAM MOBASSALY AND PAMELA SUE MOBASSALY, TRUSTEES OF THE MOBASSALY FAMILY TRUST U/D/T DATED AUGUST 9, 2000, BEGINNING FEBRUARY 1, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING BOAT DOCK, ACCESS RAMP, AND CANTILEVERED DECK AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE BOAT DOCK AND ACCESS RAMP, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE CANTILEVERED DECK: ANNUAL RENT IN THE AMOUNT OF \$759, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; COMBINED SINGLE LIMIT LIABILITY COVERAGE IN THE AMOUNT OF NO LESS THAN \$1,000,000.