

**CALENDAR ITEM
C44**

A 67
S 35

04/06/11
WP 3172.1
D. Simpkin

AMENDMENT OF LEASE

APPLICANTS/LESSEES:

Russell H. Lepper and Marsha L. Lepper

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 16622 Somerset Lane, city of Huntington Beach, Orange County.

AUTHORIZED USE:

The continued use and maintenance of an existing boat dock, access ramp and cantilevered deck.

LEASE TERM:

10 years, beginning March 4, 2004.

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 \$1,058, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to authorize the retention of a boat dock that replaced a boat dock previously authorized by the Commission. The effective date of the proposed amendment is October 21, 2010, the date that placement of the new dock was completed.

OTHER PERTINENT INFORMATION:

1. On June 20, 2005, the Commission authorized the issuance of a General Lease – Recreational Use, PRC 3172.1, to Russell H. Lepper and Marsha L. Lepper for the continued use and maintenance of an existing boat dock and access ramp, and the use and maintenance of a cantilevered deck

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extending no more than five feet waterward of the existing bulkhead. The lease will expire March 3, 2014.

2. Beginning October 14, 2010, and ending October 21, 2010, the Lessees existing boat dock was replaced. The new boat dock was built off-site and delivered by truck to the city launch ramp in Huntington Harbour, where it was launched and navigated to the site via a 10 horsepower motor. No pilings were replaced during the boat dock replacement. The new boat dock is the same size as the boat dock that was replaced. Consequently, the lease area and land description are not impacted.
3. The Lessee did not notify Commission staff prior to the replacement of the boat dock and are now applying to amend the lease to allow for its replacement.
4. 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 CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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 staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Location and Site Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically

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exempt project, Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (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 sections 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 3172.1, a General Lease – Recreational Use, effective October 21, 2010 for the retention of a new boat dock that replaced the boat dock previously authorized by the Commission; all other terms of the lease will remain in effect without amendment.