MINUTE ITEM
This Calendar Item No. C75 was approved as Minute Item No. 75 by the California State Lands Commission by a vote of 3 to Ø at its 8-19-03 meeting.

CALENDAR ITEM
C75

A 67

S 35

08/19/03
WP 8241; PRC 5317.9
PRC 8241 S. Young

TERMINATION OF RECREATIONAL PIER LEASE AND TERMINATION OF GENERAL LEASE - PROTECTIVE STRUCTURE USE AND AUTHORIZE A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

LESSEES:

John D. Brady, Jr.

John D. Brady, Jr., Trustee
of the Brady Qualified Personal Residence Trust U/A
Dated June 17, 1997

APPLICANT:

Ronald B. Labowe
1631 W. Beverly Blvd., Second Floor
Los Angeles, California 90026

AREA, LAND TYPE, AND LOCATION:

State owned submerged lands in Huntington Harbour, Huntington Beach, Orange County.

AUTHORIZED USE:

Use and maintenance of an existing boat dock and repair and reinforcement of an existing bulkhead, adjacent to 16681 Carousel Lane, Huntington Beach, that may include all or some of the following: (1) existing pile repair; (2) placement of rigid vinyl sheet piles; and (3) installation of rock slope protection.

LEASE TERM:

Ten years, beginning February 6, 2002.

CONSIDERATION:

As to the dock: No monetary consideration pursuant to Public Resources Code section 6503.5.

As to the bulkhead repairs and reinforcements: The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

General liability insurance with coverage of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. On August 21, 1996, the Commission authorized a Recreational Pier Lease (PRC 5317.9) to John D. Brady, Jr. for a boat dock. Subsequently, on November 26, 2001, pursuant to Minute Item 50, the Commission authorized a General Lease - Protective Structure Use (PRC 8241.9) to John D. Brady, Jr., Trustee of the Brady Qualified Personal Residence Trust U/A dated June 17, 1997, James Brady, Trustee, for repair of an existing bulkhead adjacent to Lot 144 of Tract 5481, Huntington Harbour, Huntington Beach, Orange County.

3. Staff was subsequently informed that on February 6, 2002, the littoral land, Lot 144 of Tract 5481, was deeded to Ronald B. Labowe. Ronald B. Labowe is now applying for a new General Lease-Recreational and Protective Structure Use. The proposed lease would cover both the bulkhead repairs and the existing boat dock.

4. With regard to the boat dock, Applicant qualifies for rent-free status because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single family dwelling.

5. As to the repair and maintenance of the bulkhead, the consideration is the public health and safety, with the state reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

6. **Termination of Existing Leases** - 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 not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines. Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

7. **Issuance of New Lease** - 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.

8. 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-1. Location Map For Boat Dock
A-2. Section View For Bulkhead Repair

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASES – FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY THE PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE – 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).

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.

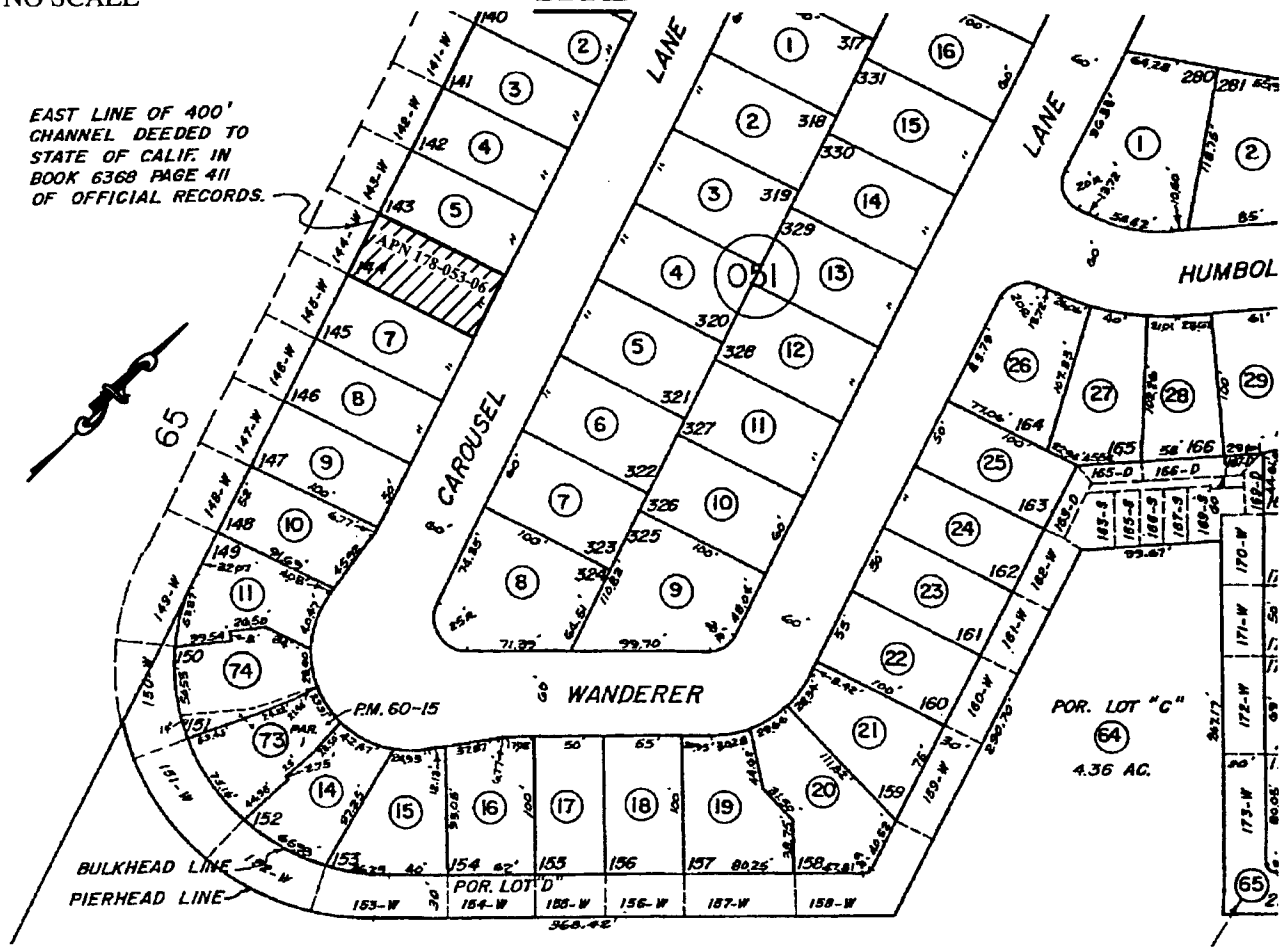
AUTHORIZATION:

AUTHORIZE THE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 5317.9 ISSUED TO JOHN D. BRADY JR. AND AUTHORIZE THE TERMINATION OF GENERAL LEASE – PROTECTIVE STRUCTURE USE NO. PRC 8241.9 ISSUED TO JOHN D. BRADY, JR., TRUSTEE OF THE BRADY QUALIFIED PERSONAL RESIDENCE TRUST U/A DATED JUNE 17, 1997, JAMES BRADY, TRUSTEE.

AUTHORIZE ISSUANCE TO RONALD B. LABOWE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING FEBRUARY 6, 2002, FOR A TERM OF TEN YEARS, FOR USE AND MAINTENANCE OF AN EXISTING BOAT DOCK AS SHOWN ON EXHIBIT A-1; AND FOR THE REPAIR OF AN EXISTING BULKHEAD ADJACENT TO 16681 CAROUSEL LANE, HUNTINGTON BEACH, THAT MAY INCLUDE ALL OR SOME OF THE FOLLOWING: (1) EXISTING PILE REPAIR; (2) PLACEMENT OF SHEET PILES; AND (3) INSTALLATION OF ROCK SLOPE PROTECTION AS SHOWN ON EXHIBIT A-2 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AS TO THE DOCK, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AS TO THE BULKHEAD REPAIRS, THE CONSIDERATION IS THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; GENERAL LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $1,000,000.

NO SCALE

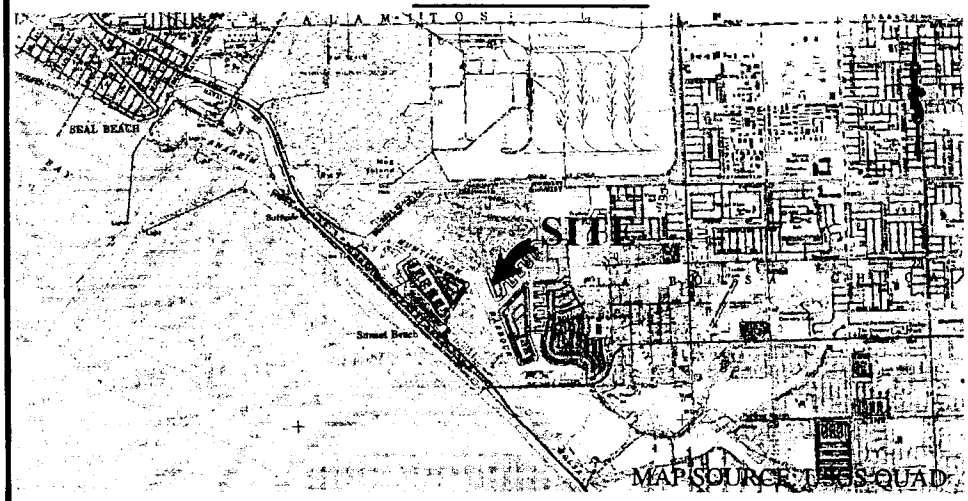
SITE



16681 CAROUSEL LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



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.

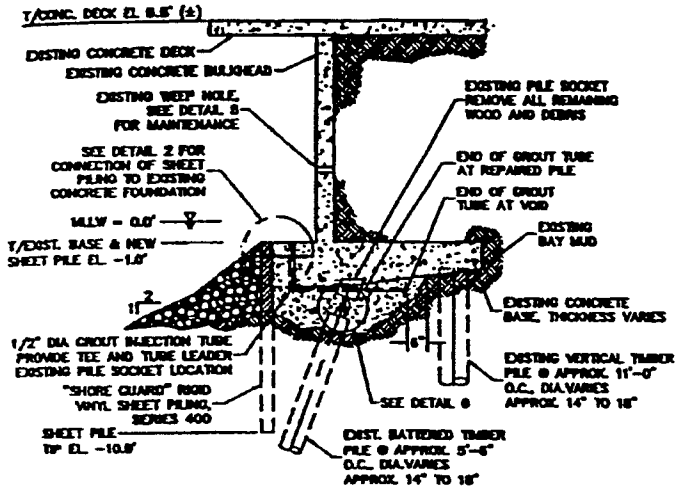
Exhibit A-1

PRC 8241.9
Ronald B. Labowe
APN 178-053-06
Huntington Beach
ORANGE COUNTY

MJJ 03/03

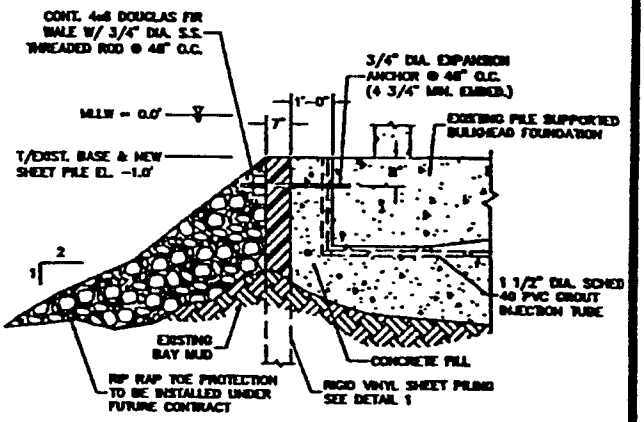
SECTION VIEW FOR BULKHEAD REPAIR

NOT TO SCALE



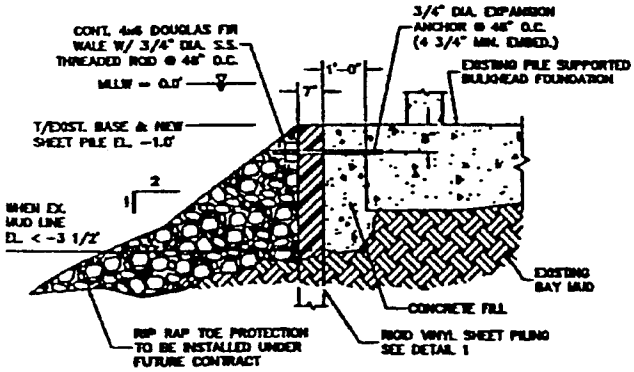
SECTION AT TIMBER PILE REPAIR (1)

SCALE: 1/8" = 1'- 0"



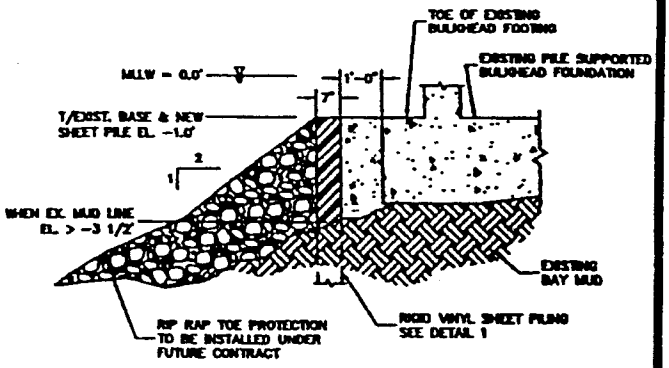
SECTION AT WALE: CASE I (2)

SCALE: 1/4" = 1'- 0" (FOUNDATION UNDERMINED)



SECTION AT WALE: CASE II (3)

SCALE: 1/4" = 1'- 0" (FOR CANTILEVERED SPANS OF 30" OR MORE SUPPORT WALE REQUIRED)



SECTION AT SHEET PILE: CASE III (4)

SCALE: 1/4" = 1'- 0" (FOR CANTILEVERED SPANS OF 30" OR LESS SUPPORT WALE NOT REQUIRED)

Exhibit A-2
PRC 8241.9
APN 178-053-06
Huntington Harbor
Huntington Beach
ORANGE COUNTY

MJJ 05/2001

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