MINUTE ITEM

This Calendar Item No. C47 was approved as Minute Item No. 47 by the California State Lands Commission by a vote of 3 to 0 at its 2-17-05 meeting.

CALENDAR ITEM
C47

A 67

S 35

PRC 3568

02/17/05
WP 3568.1
S.Young

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Bolero Lane LLC
c/o Nazir S. Antoun

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Huntington Harbour, Huntington Beach, Orange County.

AUTHORIZED USE:

(1) The continued use and maintenance of an existing boat dock; and (2) the construction and maintenance of a cantilevered deck extending no more than 5 feet waterward of the existing bulkhead.

LEASE TERM:

Ten years, beginning April 25, 2003.

CONSIDERATION:

As to the boat dock $237 per year, with the State reserving the right to fix a different rent periodically during the lease term; as to the construction and maintenance of the cantilevered deck, $1,013 per year effective January 1, 2005, with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the littoral parcel adjoining the lease premises.

2. On June 27, 2000, the Commission approved the issuance of a Recreational Pier Lease for a ten-year term to C. and Kathleen M. Bennett. On April 25, 2003, the littoral land, Lot 39 of Tract 5264,

Huntington Beach, was deeded to Bolero Lane, LLC. Bolero Lane, LLC is now applying for a new General Lease – Recreational Use. Applicant does not qualify for a rent-free lease as to the boat dock pursuant to Public Resources code section 6503.5 because the Applicant is not a natural person.

3. As to the existing boat dock and 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.

4. As to the proposed construction of a cantilevered deck, staff has been informed that on November 18, 2004, the California Coastal Commission (CCC) granted Permit # 5-04-344 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c).

   Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

5. These activities involve 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 projects, as proposed, are consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission Permit #5-04-344.

EXHIBITS:

A. Location and Site Map
B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

March 22, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO THE EXISTING BOAT DOCK, 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).

AS TO THE PROPOSED CONSTRUCTION OF THE CANTILEVERED DECK, FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT, CALIFORNIA COASTAL COMMISSION (CCC) PERMIT # 5-04-344, WAS ADOPTED FOR THIS PROJECT BY THE CCC UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251(c), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN THE CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THESE ACTIVITIES ARE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

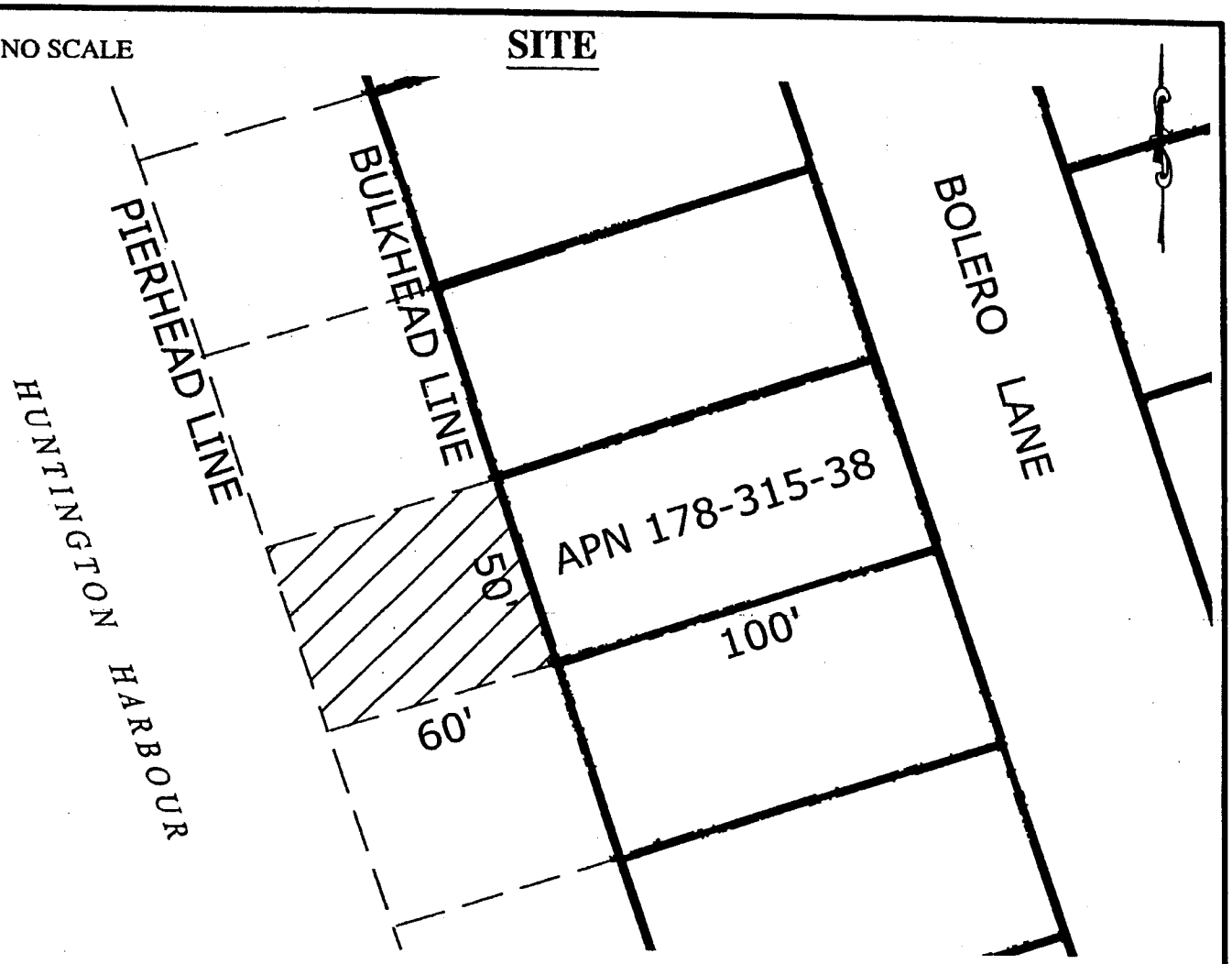
AUTHORIZATION:

AUTHORIZE ISSUANCE TO BOLERO LANE, LLC OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING APRIL 25,2003, FOR A TERM OF TEN YEARS, FOR AN EXISTING BOAT DOCK; AND CONSTRUCTION AND MAINTENANCE OF A CANTILIVERED DECK ON THE LAND SHOWN ON EXHIBIT A AND AS DESCRIBED ON

EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION AS TO THE BOAT DOCK, ANNUAL RENT IN THE AMOUNT OF $237, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE AND AS TO THE CONSTRUCTION AND MAINTENANCE OF THE CANTILEVERED DECK, $1013 PER YEAR BEGINNING JANUARY 1, 2005, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $1,000,000.

NO SCALE

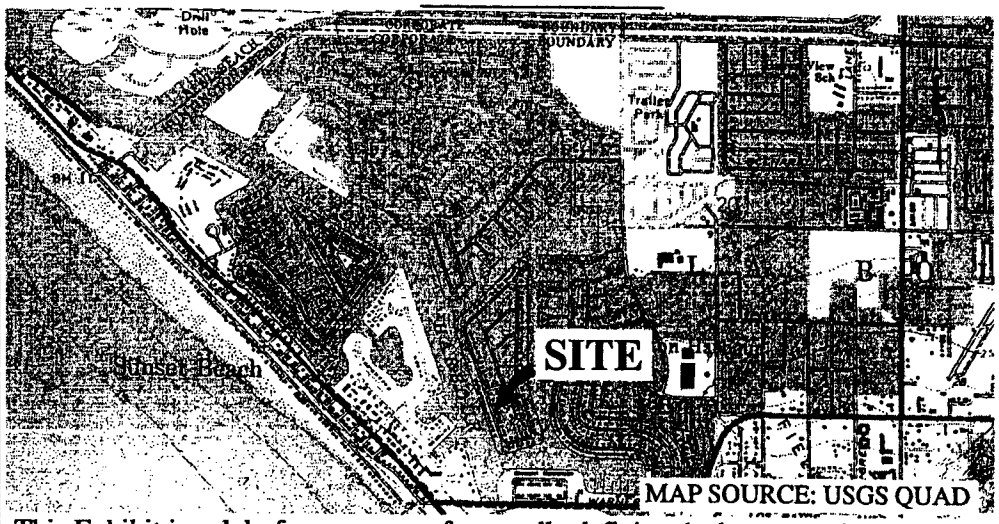
SITE



16971 BOLERO LANE, HUNTINGTON HARBOUR

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
PRC 3568
BOLERO LANE LLC
APN 178-315-38

ORANGE COUNTY

MJ 02/05

EXHIBIT B

PRC 3568

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 39, 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 60.00 feet, more or less, to the pierhead line; thence northwesterly along said pierhead line to the southwesterly extension of the northwesterly line of said lot; thence along said extension 60.00 feet, more or less, to the most westerly corner of said lot; thence along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 02/07/2005 by the California State Lands Commission Boundary Unit

PROFESSIONAL LAND SURVEYOR
MICHAEL J. BELL
No. 5764
Exp. 6/30/06
STATE OF CALIFORNIA