MINUTE ITEM
This Calendar Item No C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 6-20-05 meeting.

CALENDAR ITEM
C37

A 67

S 35

PRC 5750

06/20/05
WP 5750.1
S. Young

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Frank Jao and Catherine Jao, as Trustees of the Jao Trust dated Dec 5th, 2002

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 access ramp; and (2) the use and maintenance of a cantilevered deck extending no more than five feet waterward of the existing bulkhead.

LEASE TERM:

Ten years, beginning March 8, 2004.

CONSIDERATION:

As to the boat dock and access ramp, no monetary consideration pursuant to Public Resources Code section 6503.5; as to the use and maintenance of the existing cantilevered deck, $1,193 per year, effective March 8, 2005, 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:

Liability insurance in the amount of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On March 8, 1994, the Commission authorized a Recreational Pier Lease for a ten-year term, effective date of March 8, 1994, to Kenneth and Harlyne Norris. The lease expired March 7, 2004. On August 5, 1997, the littoral land, Lot 54 of Tract 8040, was deeded to Frank Jao and Catherine

Thuy-Duyen Jao. On January 7, 2003, the Jao family subsequently transferred the upland parcel to Frank Jao and Catherine Jao, as Trustees of the Jao Trust dated December 5th, 2002 (Applicants). 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. A five-foot portion of the existing deck extends over the State's fee title ownership in the Main Channel of Huntington Harbour. 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 effective March 8, 2005. The existing boat dock and access ramp is rent-free because the Applicants are natural persons who have improved the littoral land with, and use the upland for a single-family dwelling.

3. As to the 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).

   As to the cantilevered deck, pursuant to the Commission's delegation of authority and the State CEQA Guideline (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 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.

4. 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. Location and Site Map
B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO THE 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).

AS TO THE 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.

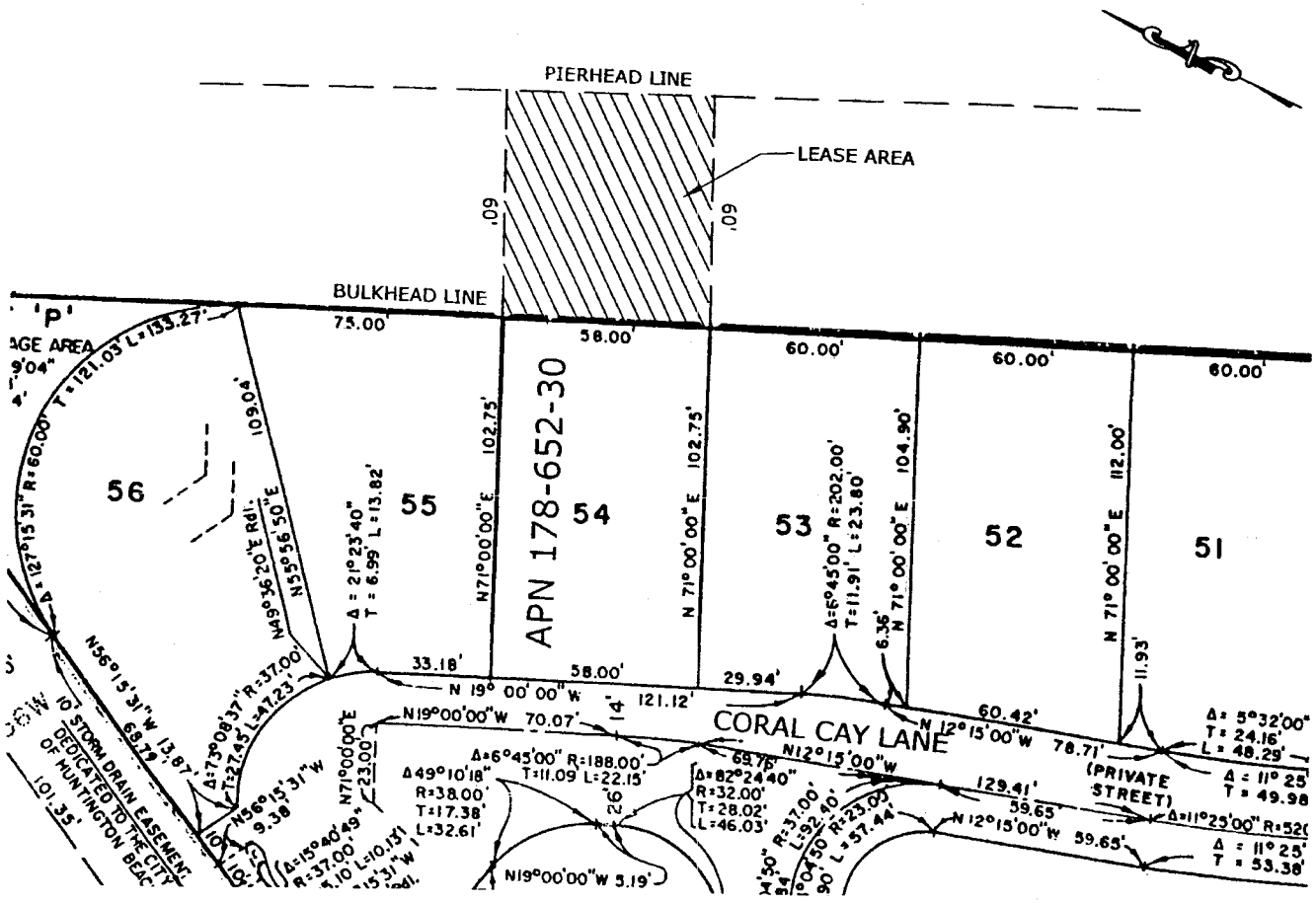
AUTHORIZATION:

AUTHORIZE ISSUANCE TO FRANK JAO AND CATHERINE JAO, AS TRUSTEES OF THE JAO TRUST, DATED DECEMBER 5, 2002, OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE, BEGINNING MARCH 8, 2004, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING BOAT DOCK AND ACCESS RAMP AND FOR AN EXISTING CANTILEVERED DECK ON THE LAND SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AS TO THE BOAT DOCK AND ACCESS

RAMP, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AS TO THE USE AND MAINTENANCE OF THE CANTILEVERED DECK, $1,193 PER YEAR EFFECTIVE, MARCH 8, 2005, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

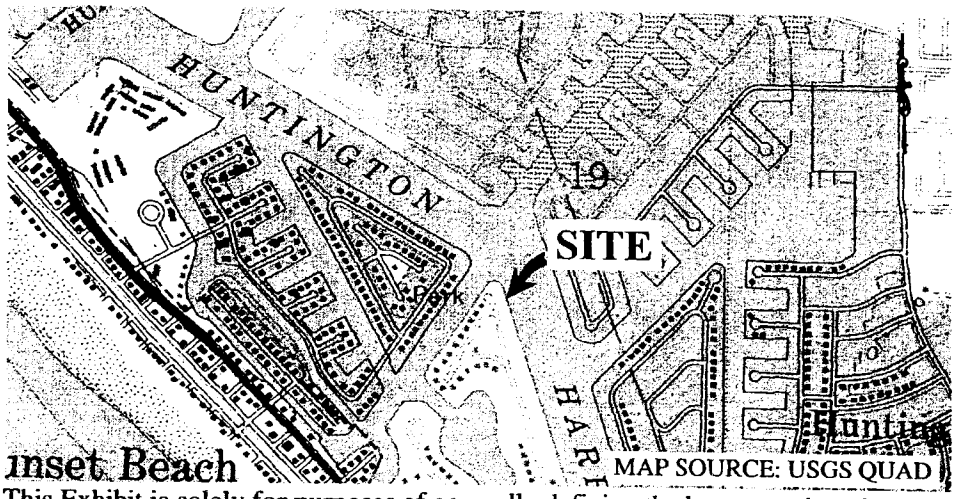
SITE



16652 CORAL CAY LANE, HUNTINGTON BEACH

NO SCALE

LOCATION

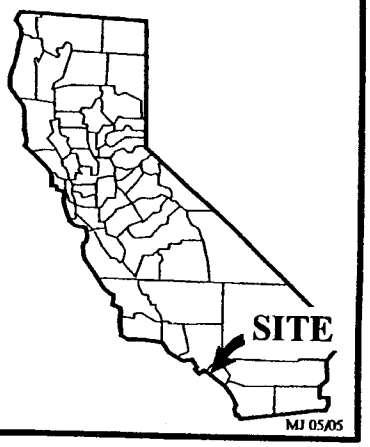


MAP SOURCE: USGS QUAD

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

JAO TRUST
WP 5750.1
GENERAL LEASE
RECREATIONAL USE
HUNTINGTON HARBOUR
ORANGE COUNTY



MJ 05/05

EXHIBIT B

PRC 5750

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 northerly corner of Lot 54, as said lot is shown and so designated on that certain map of Tract No. 8040 filed in Map Book 350, Pages 27 through 37, Official Records of said County; thence along the easterly extension of the northerly line of said lot 60.00 feet, more or less, to the pierhead line as said pierhead line is described in Resolution No. 5197, passed and adopted December 6, 1982 by the City Council of said City; thence southerly along said pierhead line to the easterly extension of the southerly line of said lot; thence westerly along said extension 60.00 feet, more or less, to the most easterly corner of said lot; thence northerly along the easterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 06/06/2005 by the California State Lands Commission Boundary Unit

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