

MINUTE ITEM
This Calendar Item No. C41 was approved as
Minute Item No. 41 by the California State Lands
Commission by a vote of 3 to 0 at its
6-20-05 meeting.

CALENDAR ITEM
C41

A 67

S 35

PRC 3168

06/20/05
WP 3168.1
S. Young

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Jerry Fuller, as Trustee of the Jerry Fuller Separate Property Trust, Dated
11/16/00

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

(1) The proposed reconstruction and reconfiguration of an existing boat dock and gangway; (2) use and maintenance of a boat dock and gangway; (3) the proposed reconstruction of an existing cantilevered deck; and (4) the use and maintenance of the reconstructed cantilevered deck extending no more than five feet waterward of the existing bulkhead.

LEASE TERM:

Ten years, beginning March 23, 2004.

CONSIDERATION:

As to the boat dock and gangway, no monetary consideration pursuant to Public Resources Code section 6503.5; as to the use and maintenance of the cantilevered deck, \$1,058 per year, effective March 23, 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. Applicant owns the uplands adjoining the lease premises.

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2. On August 21, 1984, the Commission authorized the issuance of a Recreational Pier Lease for a ten-year term with the effective date of July 25, 1984, to Ben T. Cowles and Helen H. Cowles. The lease expired July 24, 1994. On March 23, 2004, the littoral land, Lot 36 of Tract No. 4677, was deeded to Jerry Fuller, as Trustee of the Jerry Fuller Separate Property Trust, dated 11/16/00 (Applicant). Applicant is now applying for a new General Lease – Recreational Use for the reconstruction of the existing boat dock, gangway, and cantilevered deck and for the use and maintenance of these facilities located within the jurisdiction of the Commission. A five-foot portion of the proposed deck will extend 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 23, 2005. The boat dock and gangway will remain rent-free because the Applicant is a natural person who has improved the littoral land with, and uses the upland for a single-family dwelling.

3. 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 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.

APPROVALS OBTAINED:

City of Huntington Beach

APPROVALS REQUIRED:

California Coastal Commission

CALENDAR ITEM NO. C41 (CONT'D)

U.S. Army Corps of Engineers
Regional Water Quality Control Board

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

July 13, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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 JERRY FULLER, AS TRUSTEE OF THE JERRY FULLER SEPARATE PROPERTY TRUST, DATED 11/16/00, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING MARCH 23, 2004, FOR A TERM OF TEN YEARS, FOR THE RECONSTRUCTION, USE AND MAINTENANCE OF AN EXISTING BOAT DOCK, GANGWAY AND RECONSTRUCTED 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 GANGWAY, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AS TO THE USE AND MAINTENANCE OF THE CANTILEVERED DECK, \$1,058 PER YEAR EFFECTIVE

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MARCH 23, 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.

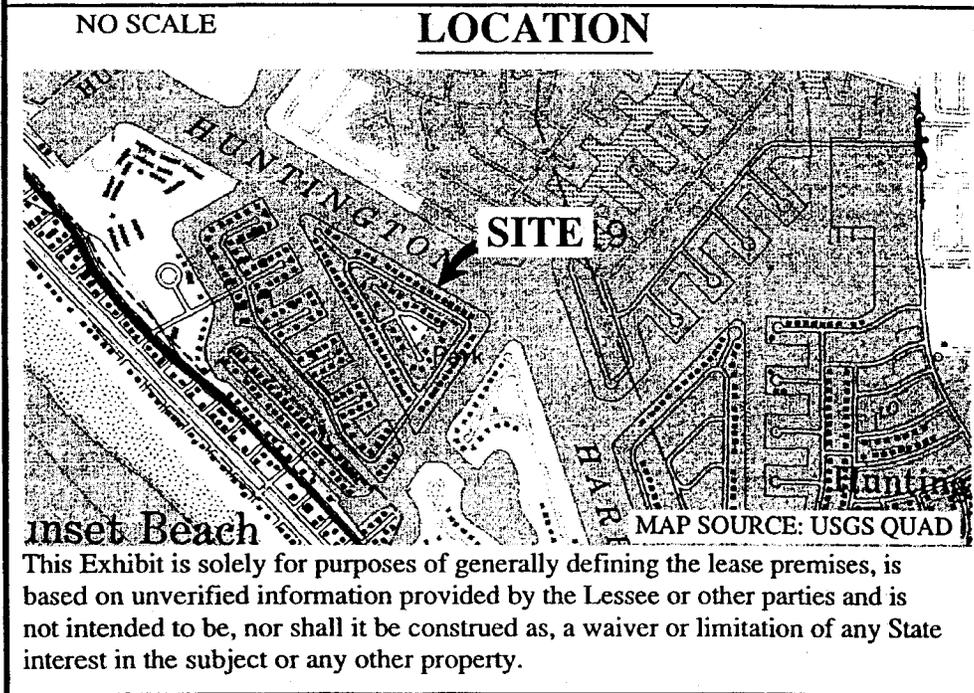
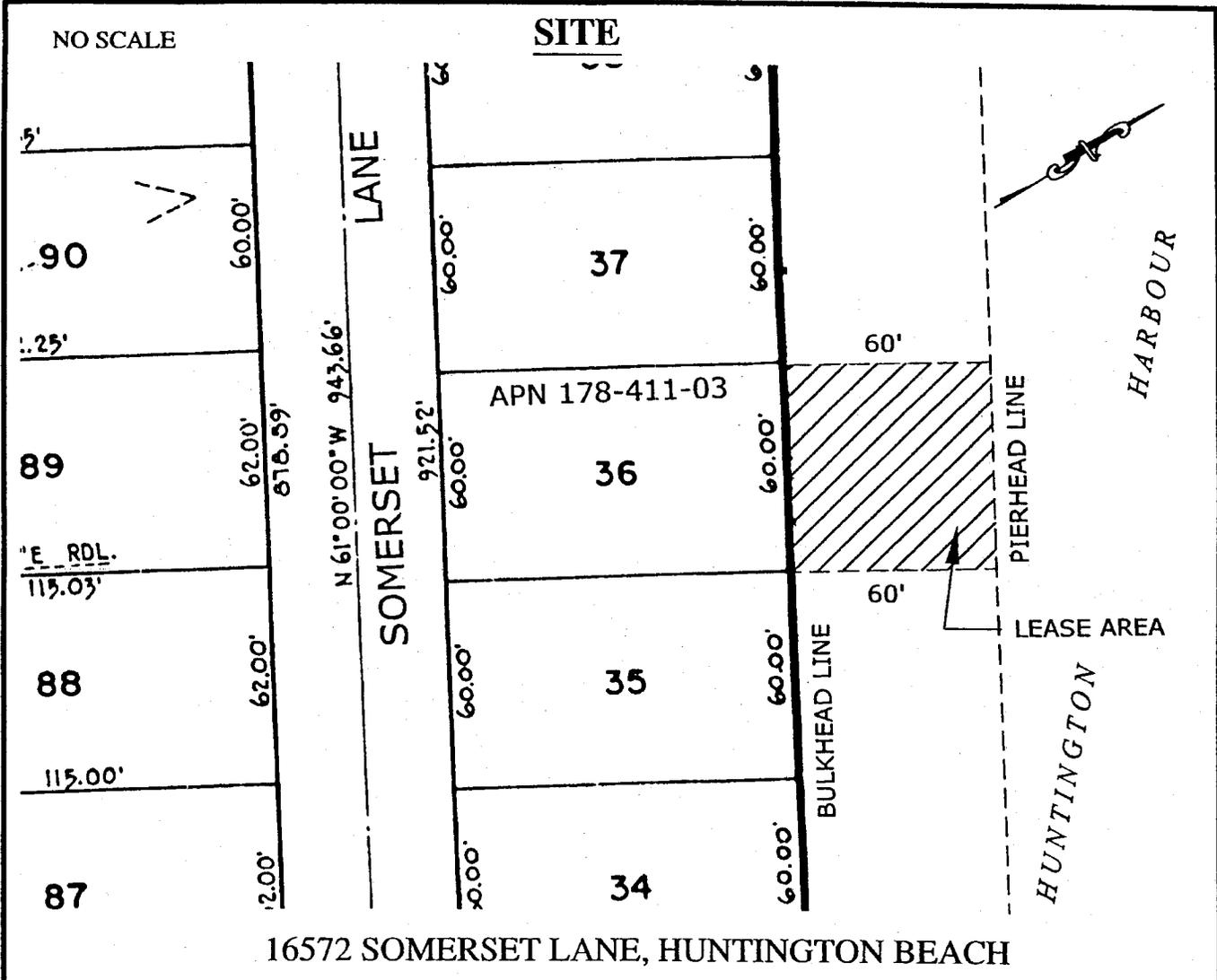


Exhibit A

JERRY FULLER, TRUSTEE
WP 3168
GENERAL LEASE
RECREATIONAL USE
HUNTINGTON HARBOUR
ORANGE COUNTY

SITE

MJ 05/05

EXHIBIT B

PRC 3168

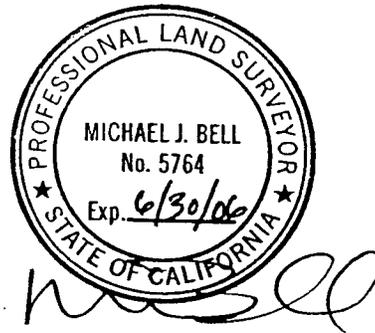
LAND DESCRIPTION

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 36, as said lot is shown and so designated on that certain map of Tract No. 4677 filed in Map Book 168, Pages 14 through 18, Official Records of said County; thence along the northeasterly extension of the northwesterly line of said lot 60.00 feet, more or less, to the pierhead line as said pierhead line is described in Resolution No. 5908, passed and adopted August 1, 1988 by the City Council of said City; thence southeasterly along said pierhead line to the northeasterly extension of the southeasterly line of said lot; thence southwesterly along said extension 60.00 feet, more or less, to the most easterly corner of said lot; thence northwesterly along the northeasterly line of said lot to the point of beginning.

END OF DESCRIPTION

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



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