MINUTE ITEM
This Calendar Item No. C38 was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 3 to 0 at its 05/10/07 meeting.

CALENDAR ITEM
C38

A 67

S 35

05/10/07
PRC 3572 WP 3572.1
K. Foster

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Masao Ishihama, Trustee of the Masao Ishihama Qualified Personal Residence Trust No. 2 Dated May 28, 1998, and Asako Ishihama, Trustee of the Asako Ishihama Qualified Personal Residence Trust No. 2 Dated May 28, 1998

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

(1) The continued use and maintenance of an existing boat dock and access ramp previously authorized by the Commission; (2) the use and maintenance of an existing cantilevered deck, not previously authorized by the Commission, extending no more than five feet waterward of the existing bulkhead.

PROPOSED LEASE TERM:

Ten Years, beginning March 1, 2007.

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, annual rent in the amount of $1,035, 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:

Combined single limit liability coverage in the amount of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On May 12, 1997, the Commission authorized the issuance of a Recreational Pier Lease, PRC 3572.9 to Subbarao and Sarada Mylavarapu for a ten-year term, effective March 1, 1997. The littoral land, Lot 42 of Tract 5264, has been transferred to Masao and Asako Ishihama, Trustees, who are applying for a new General Lease – Recreational Use for the existing boat dock and access ramp previously authorized by the Commission, as well as for the existing cantilevered deck, not previously authorized by the Commission. A five-foot portion of the cantilevered deck extends over the State's fee ownership in the Main Channel of Huntington Harbour. Since the deck is existing, staff is recommending that a lease be issued to the Applicants.

3. 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. The existing boat dock and access ramp will remain rent-free as the Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

4. **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).

   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. **Cantilevered Deck:** 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 14, California Code of Regulations, section 15303 (e).

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

6. 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. Site and Location Map
B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FOR THE PREVIOUSLY LEASED 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).

FOR 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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303 (e).

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.

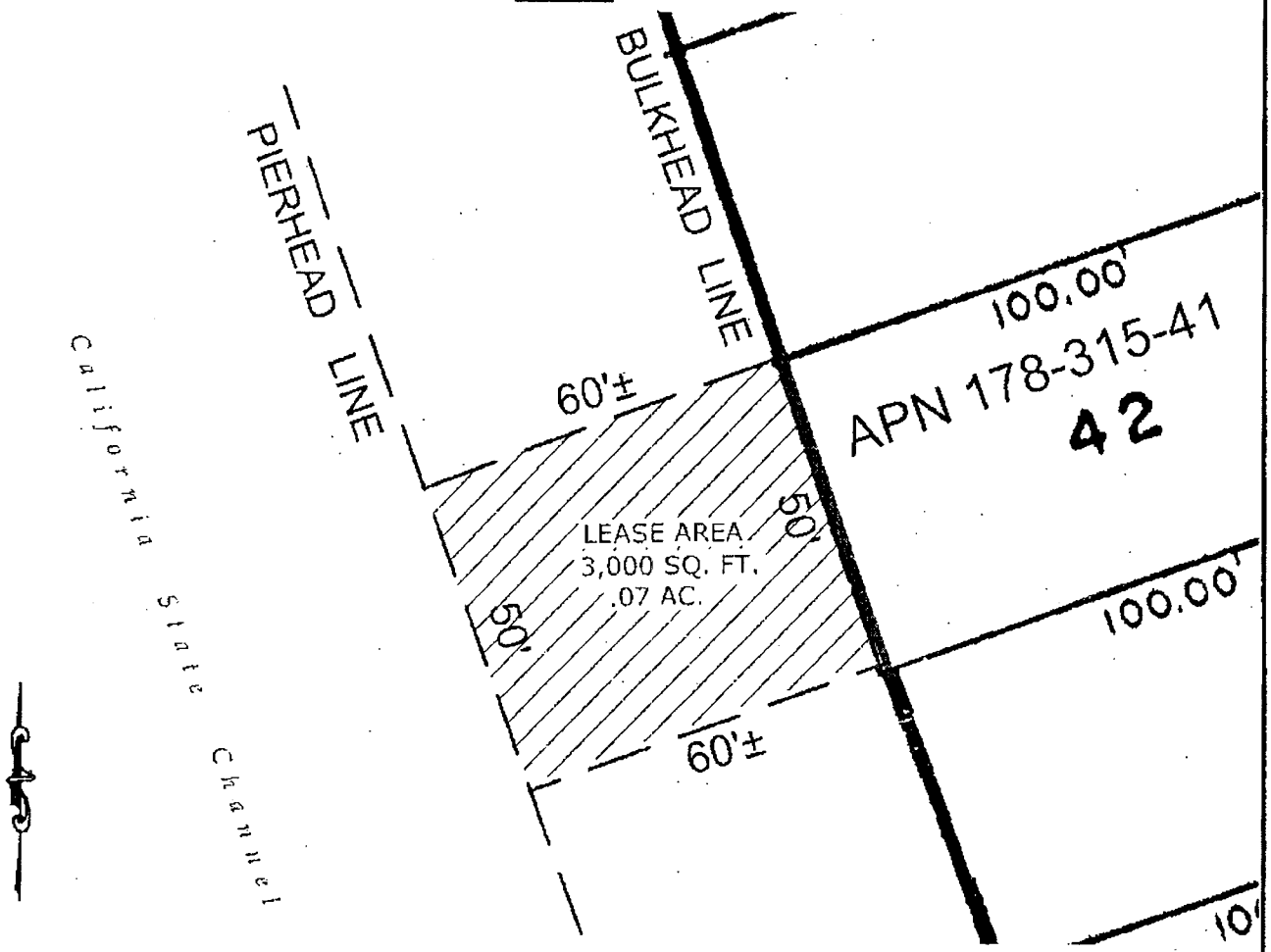
AUTHORIZATION:

AUTHORIZE ISSUANCE TO MASAO ISHIHAMA, TRUSTEE OF THE MASAO ISHIHAMA QUALIFIED PERSONAL RESIDENCE TRUST NO. 2

DATED MAY 28, 1998, AND ASAKO ISHIHAMA, TRUSTEE OF THE ASAKO ISHIHAMA QUALIFIED PERSONAL RESIDENCE TRUST NO. 2 DATED MAY 28, 1998, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING MARCH 1, 2007, FOR A TERM OF TEN YEARS, FOR THE USE AND MAINTENANCE OF AN EXISTING BOAT DOCK, ACCESS RAMP, AND CANTILEVERED DECK AS 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 CANTILEVERED DECK, ANNUAL RENT IN THE AMOUNT OF $1,035, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; COMBINED SINGLE LIMIT LIABILITY COVERAGE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

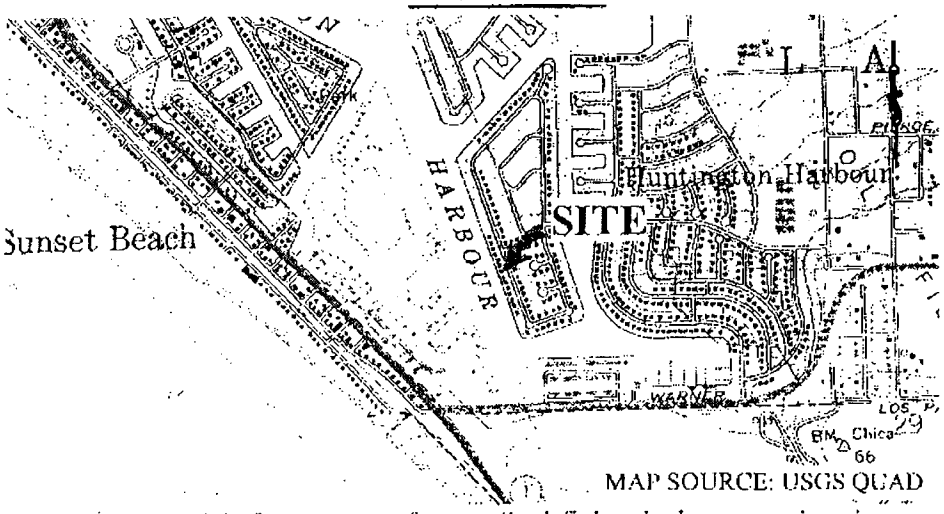
SITE



16941 BOLERO 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

PRC 3572.1
ISHIHAMA TRUST
APN 178-315-41
GENERAL LEASE
RECREATIONAL USE
ORANGE COUNTY

EXHIBIT B

PRC 3572.1

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 42, 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, to the pierhead line as said pierhead line has been determined by the city council of said city; thence northwesterly along said pierhead line to the southwesterly extension of the northwesterly line of said lot, thence northeasterly along said extension to the most westerly corner of said lot; thence southeasterly along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 02/20/2007 by the California State Lands Commission Boundary Unit