MINUTE ITEM
This Calendar Item No. C39 was approved as Minute Item No. 39 by the California State Lands Commission by a vote of 3 to ∅ at its 05/10/07 meeting.

CALENDAR ITEM
C39

A 67 | PRC 6063 | 05/10/07
S 35 | | WP 6063.1
K. Foster

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Bernie Barrad and Sheila Barrad, as Trustees of the Bernie and Sheila Barrad Trust dated February 12, 1987

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

LEASE TERM:

Ten years, beginning April 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 $765, 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 insurance coverage in the amount of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On May 12, 1997, the Commission authorized the issuance of a Recreational Pier Lease, PRC 6063.9, to Nancy S. Roberts for a ten-year

term, effective April 1, 1997. The lease expired on March 31, 2007. The upland property was sold and title transferred to Bernie and Sheila Barrad as Trustees. 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 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. 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.

3. **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).

   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. **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.

5. 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:

EXISTING 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).

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.

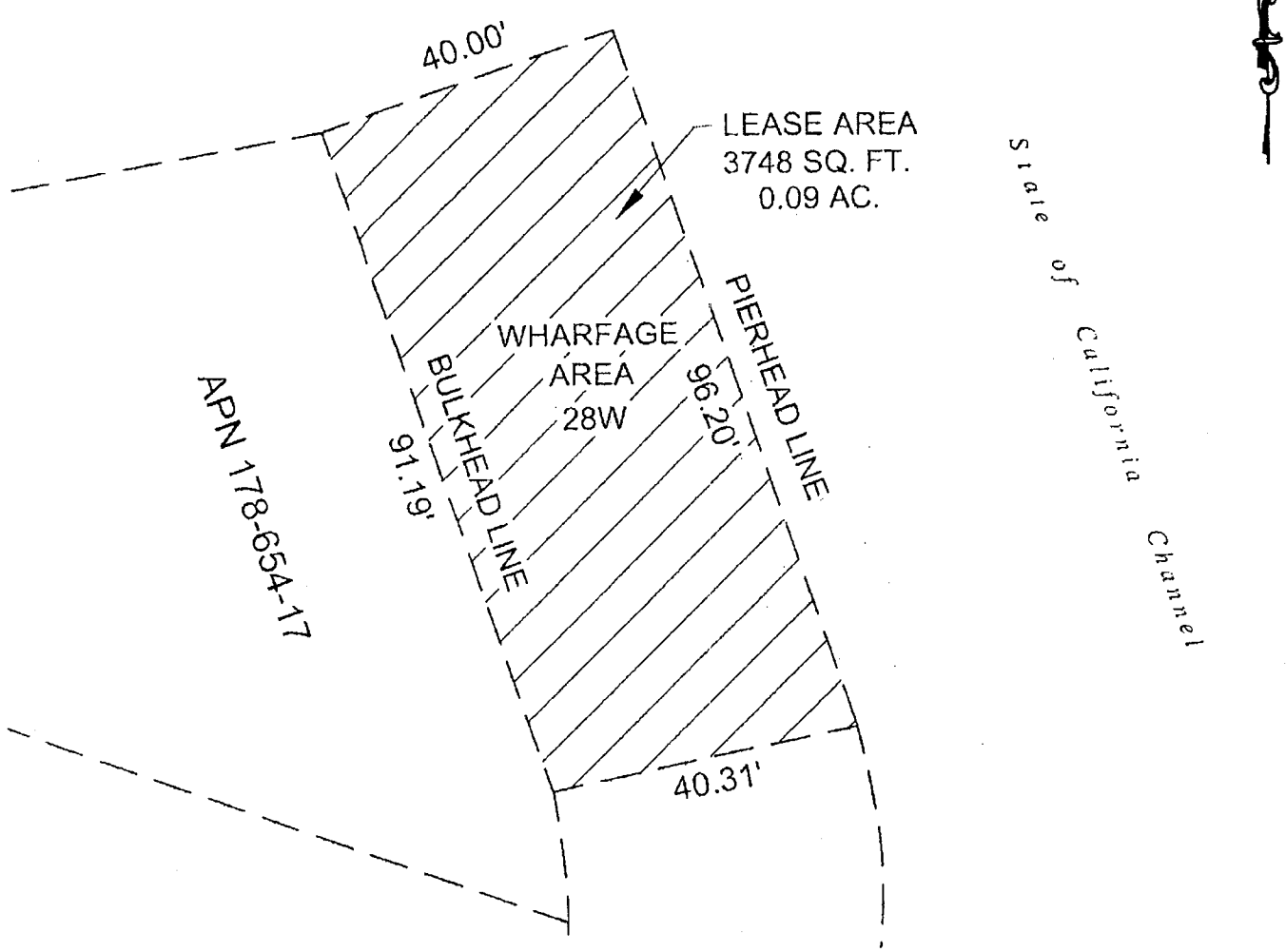
AUTHORIZATION:

AUTHORIZE ISSUANCE TO BERNIE BARRAD AND SHEILA BARRAD, AS TRUSTEES OF THE BERNIE AND SHEILA BARRAD TRUST DATED FEBRUARY 12, 1987, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING APRIL 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING BOAT DOCK, ACCESS RAMP, AND AN EXISTING CANTILEVERED DECK, ON THE LAND, 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 $765, 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 INSURANCE COVERAGE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

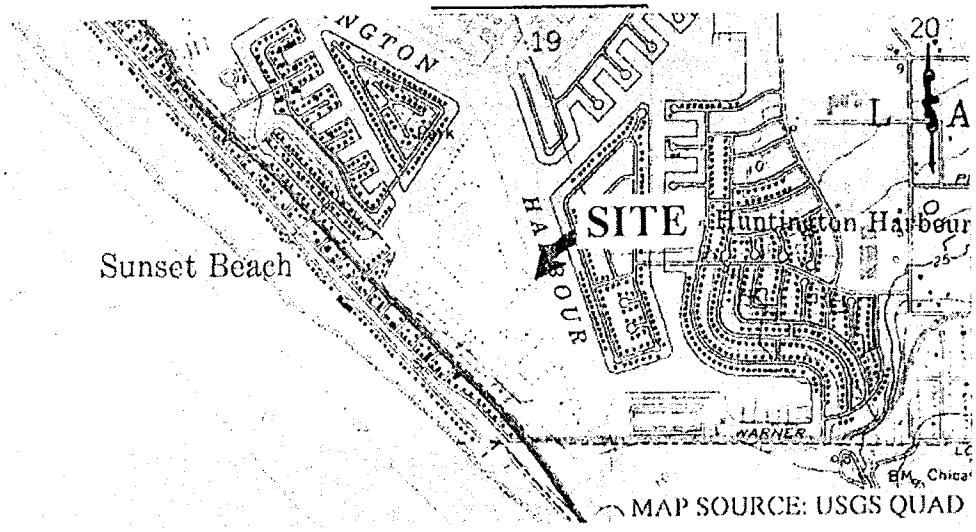
SITE



16932 CORAL CAY LANE

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 6063.1
BARRAD
APN 178-654-17
GENERAL LEASE
RECREATIONAL USE
ORANGE COUNTY

EXHIBIT B

PRC 6063

LAND DESCRIPTION

A parcel of submerged land in Huntington Harbour, in the City of Huntington Beach, Orange County, California, described as follows:

> Wharfage Area 28W, as shown on that certain map of Tract No. 8040, filed November 22, 1974, in Book 350, Pages 27 through 37 of Miscellaneous Maps, Official Records of said County.

END OF DESCRIPTION

Prepared 03/29/2007 by the California State Lands Commission Boundary Unit