

CALENDAR ITEM
C43

A 67

06/20/05

PRC 3859

WP 3859.1

S 35

S. Young

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

James Antonowitsch and Kathleen Antonowitsch

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 July 20, 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, \$1,103 per year, effective July 20, 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 May 28, 1987, the Commission authorized a Recreational Pier Lease for a ten-year term, effective June 1, 1987 to William F. Urbano and Flota L. Urbano. On July 20, 2004, the littoral land, Lot 58 of Tract 5264, was deeded to James Antonowitsch and Kathleen Antonowitsch (Applicants).

CALENDAR ITEM NO. C43 (CONT'D)

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 July 20, 2005. The existing boat dock and access ramp are 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).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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.

CALENDAR ITEM NO. C43 (CONT'D)

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:

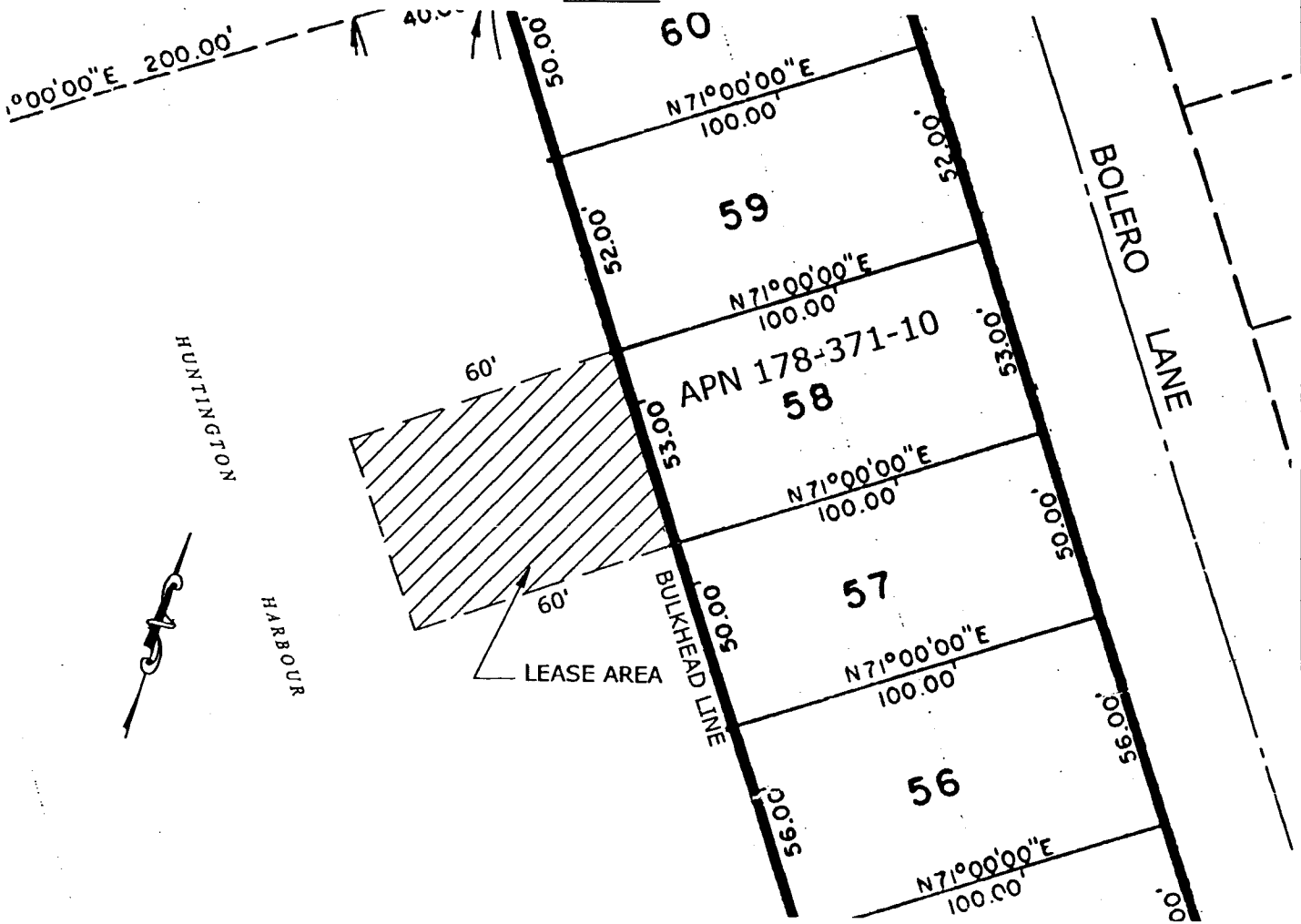
AUTHORIZE ISSUANCE TO JAMES ANTONOWITSCH AND KATHLEEN ANTONOWITSCH, OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING JULY 20, 2004, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING BOAT DOCK, ACCESS RAMP, AND CANTILEVERED DECK ON THE LAND SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AS TO THE BOAT DOCK

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AND ACCESS RAMP, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AS TO THE USE AND MAINTENANCE OF THE CANTILEVERED DECK, \$1,103 PER YEAR EFFECTIVE, JULY 20, 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



16801 BOLERO LANE, HUNTINGTON HARBOUR

NO SCALE

LOCATION

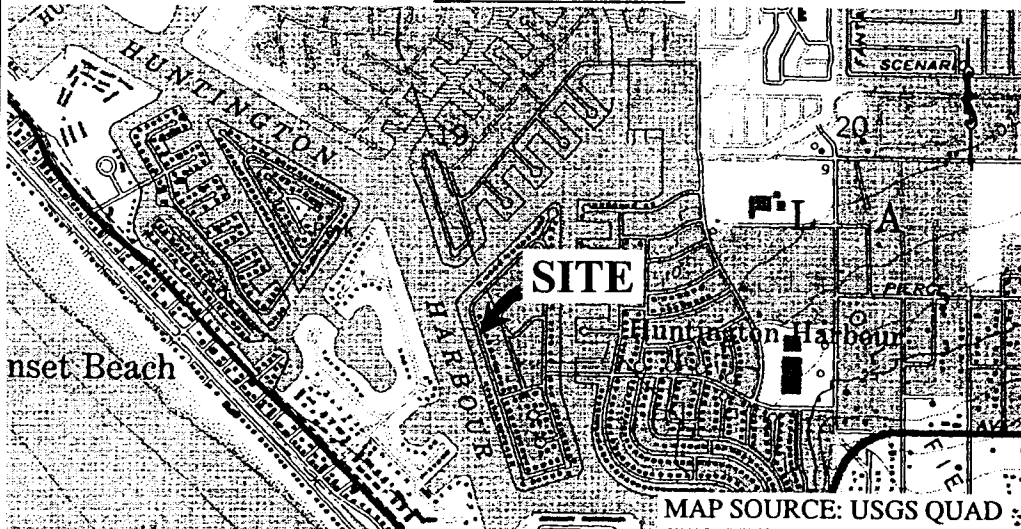


Exhibit A
 JAMES & KATHLEEN
 ANTONOWITSCH
 PRC 3859.1
 APN 178-371-10
 GENERAL LEASE
 RECREATIONAL USE
 ORANGE COUNTY



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 B

PRC 3859

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 58, as said lot is shown and so designated on that certain map of Tract No. 5264 filed in Map Book 185, Pages 27 through 34, Official Records of said County; thence along the westerly extension of the southerly line of said lot 60.00 feet; thence northerly along a line parallel with the westerly line of said lot to the westerly extension of the northerly line of said lot; thence easterly along said extension 60.00 feet to the most westerly corner of said lot; thence southerly along said westerly line of said lot to the point of beginning.

END OF DESCRIPTION

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



Michael J. Bell

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