

MINUTE ITEM
C16

1/27/83
WP 5259
Louie
Townsend

ASSIGNMENT AND AMENDMENT OF
GENERAL LEASE - COMMERCIAL USE

Calendar Item C16, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C16.

A 73

S 36

CALENDAR PAGE

MINUTE PAGE

3338

CALENDAR ITEM

LC 16. - 4

1/27/83
WP 5259
Louie
Townsend

ASSIGNMENT AND AMENDMENT OF GENERAL LEASE - COMMERCIAL USE

ASSIGNOR: KTJ Properties, Inc.
1552 West 134th Street
Gardena, California 90247

ASSIGNEE: Warmington-Huntington Harbour, Ltd.
3090 Pullman Street
Costa Mesa, California 92626
Attention: Mark McAlpine

AREA, TYPE LAND AND LOCATION:
1.067 acre parcel of tide and submerged
lands in Huntington Harbor Channel, Orange
County.

LAND USE: Wharfage and docking facilities for small
craft incidental to the adjacent upland
residential development.

TERMS OF EXISTING LEASE:
Initial period: 42 years, 10 months from
June 1, 1977.

Surety bond: \$10,000.

A 73

-1-

S 36

CALENDAR PAGE	79
MINUTE PAGE	3839

CALENDAR ITEM NO. C 16. (CONT'D)

Public liability insurance:
\$600,000 per occurrence
for bodily injury and
\$400,000 for property
damage, or combined single
limit coverage of \$1,000,000.

Consideration: \$450 per annum until
the completion of construction,
July 1, 1981. Thereafter,
Lessee shall pay a new
annual rental to be determined
by the State. The State
also reserves the right
to fix a different rental
on each fifth anniversary
of the lease.

Special: The lease provides that
Lessee may mortgage or
encumber the leased premises
and provides for mortgagee
protection language.

TERMS OF PROPOSED ASSIGNMENT AND AMENDMENT:

Initial period: 42 years and 10 months
from June 1, 1977.

Surety bond: \$50,000.

Public liability insurance:
\$600,000 per occurrence
for bodily injury and
\$400,000 for property
damage, or combined single
limit coverage of \$1,000,000.

Consideration: \$450 per annum from the
commencement of the term
of this lease through
May 31, 1982. Beginning
June 1, 1982, and thereafter,
the Lessee shall pay
\$43,920 per annum, with
the State reserving the
right to fix a different
rental on each fifth
anniversary of the lease.

CALENDAR ITEM NO. C 16. (CONTD)

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 6/21/83.

OTHER PERTINENT INFORMATION:

1. KTJ Properties, Inc., has entered into a limited partnership with The Robert P. Warmington Company. The joint venture development of the State lease area and the adjacent upland will be vested under the name of the partnership, Warmington-Huntington Harbour, Ltd.
2. The partnership no longer intends to construct a commercial marina on the subject lease premises but plans instead to construct recreational boat slips ancillary to adjacent upland residential development. Assignee anticipates that construction of the boat slips will begin prior to April 1, 1983.
3. The proposed Assignment and Amendment will include the following:
 - a. Assignment of the lease from KTJ Properties, Inc., to Warmington-Huntington Harbour, Ltd., effective July 1, 1981.
 - b. The "LEASE TYPE" and "LAND USE OR PURPOSE" as provided in Section 1 of the lease shall be amended to "GENERAL LEASE - RECREATIONAL USE" and "Wharfage and dockage facilities for small craft incidental to the adjacent upland residential development".

CALENDAR ITEM NO. C 16. (CONTD)

- c. Amendment of the land description, increasing the lease area from 0.894 acres to 1.067 acres.
 - d. Amendment of construction limiting dates to reflect a construction beginning date no later than April 1, 1983, and a construction completion date no later than January 1, 1984.
 - e. Beginning June 1, 1982, and thereafter, Lessee shall pay \$43,920 per annum; five-year rent review.
4. A Negative Declaration was prepared and certified by the City of Huntington Beach, pursuant to CEQA and the State CEQA Guidelines. The City of Huntington Beach found that the project will not have a significant effect on the environment.
 5. This project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy.

APPROVALS OBTAINED:

City of Huntington Beach.

APPROVALS REQUIRED:

Coastal Commission; Corps of Engineers.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY THE CITY OF HUNTINGTON BEACH.
2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.

CALENDAR ITEM No. C 16 (CONTD)

3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT THIS ACTIVITY IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS ACTIVITY IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
5. AUTHORIZE THE ASSIGNMENT OF LEASE P.R.C. 5259.1 TO WARMINGTON-HUNTINGTON HARBOUR, LTD., AND THE AMENDMENT OF SAID LEASE TO GENERAL LEASE - RECREATIONAL USE, EFFECTIVE JULY 1, 1981, IN CONSIDERATION OF \$450 PER ANNUM UNTIL MAY 31, 1982, AND THEREAFTER, \$43,920 PER ANNUM BEGINNING JUNE 1, 1982; PROVISION OF A \$50,000 SURETY BOND; AMENDMENT OF CONSTRUCTION LIMITING DATES; AND THE LAND DESCRIPTION AS SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
6. ALL OTHER TERMS AND CONDITIONS OF LEASE P.R.C. 5259.1 SHALL REMAIN IN FULL FORCE AND EFFECT.

CALENDAR PAGE	83
MINUTE PAGE	3643

EXHIBIT "A"

LAND DESCRIPTION

WP 5259

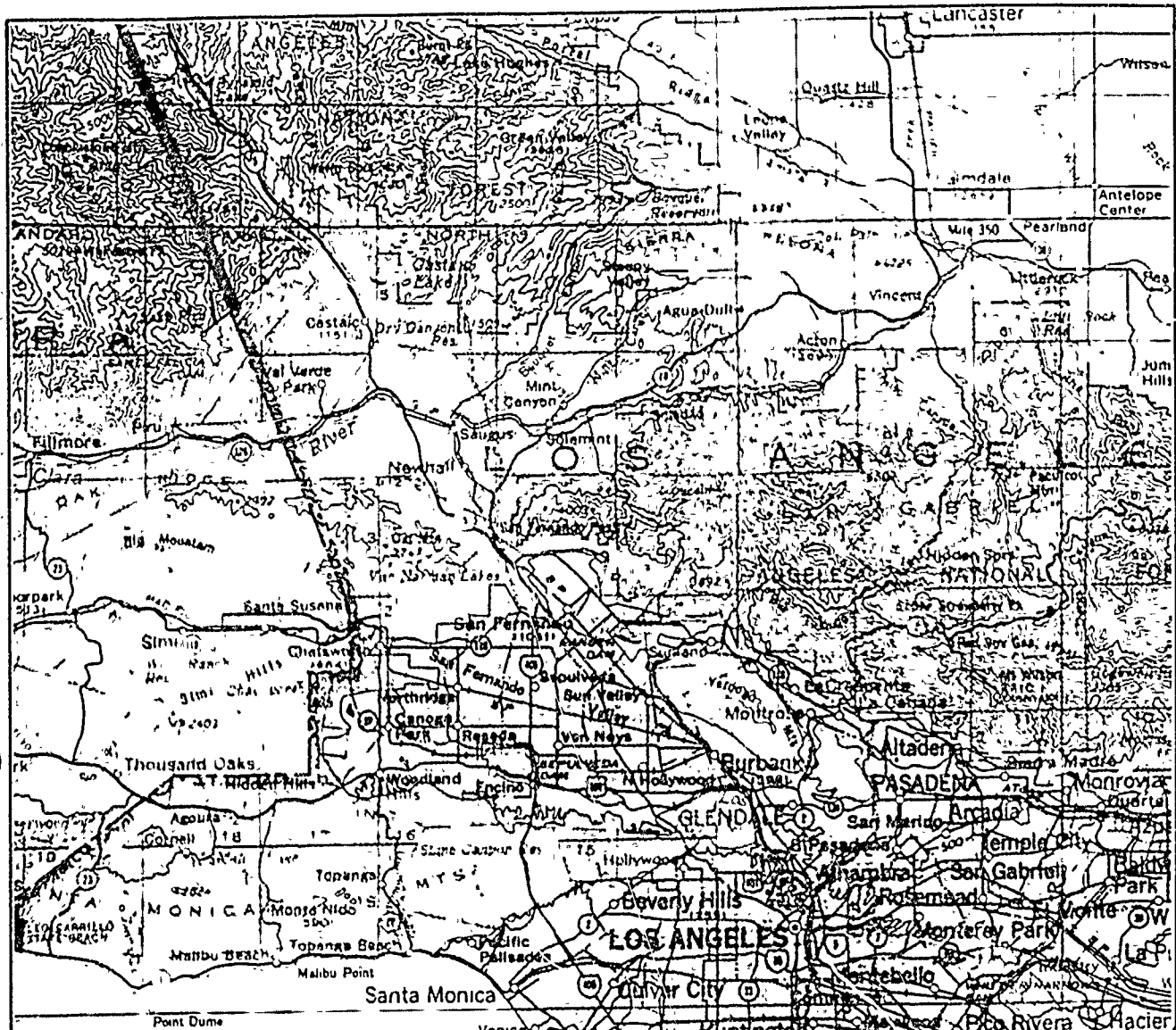
A parcel of submerged land in the State-owned Huntington Harbor Channel, situated in Protracted Section 19, T5S, R11W, SBM, County of Orange, State of California, more particularly described as follows:

COMMENCING at the intersection of the southwesterly prolongation of the compromise boundary line between Rancho Los Alamitos and Rancho La Bolsa Chica as recorded in Book 115, Page 284, records of Los Angeles County, California, with the northerly line of the 400-foot-wide State-owned channel described as "Strip A" in the deed recorded in Book 6368, Page 411, records of Orange County, California; thence along said northerly line of said channel S 61° 00' 00" E 245.67 feet to the TRUE POINT OF BEGINNING; thence continuing along said northerly line S 61° 00' 00" E 803.34 feet to a non-tangent curve concave to the north having a radius of 170.00 feet; thence leaving said northerly line westerly 147.40 feet along the arc of said curve through a central angle of 49° 40' 47"; thence tangent to said curve N 61° 00' 00" W 96.25 feet; thence N 49° 34' 33" E 64.09 feet to the true point of beginning.

END OF DESCRIPTION

REVISED JULY 28, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

CALENDAR PAGE	84
MINUTE PAGE	3644



CALENDAR PAGE 3845
MINUTE PAGE

SEP 7 1982

ENVIRONMENTAL INFORMATION FORM
Fee - \$15.00

FOR CITY USE ONLY

Date Received: _____

Project Number: 82-32

Department of Origin: _____

Other Applications or Permit Numbers:
CWP 82-25

11/11/82
Revised

Robert P. Warmington Co.
Authorized Agent

100 Pullman Street, Costa Mesa, CA 92626
Mailing Address

(714) 966-1333
Telephone

Warmington - Huntington Harbour, Ltd.
Property Owner

-same as above -
Mailing Address/Telephone

- 1.0 Project Information (please attach Plot Plan and submit photographs of subject property)
- 1.1 Nature of Project: Give complete description of the proposed project. This project will entail the subdivision and improvement of 21 residential lots. This project will be a lot sale subdivision. All subsequent design and development of residential dwelling units will be done by each individual lot owner.
- 1.2 Location of Project: (Address, nearest street intersections)
Southern terminus of Countess Drive, approximately 1/2 mile south of Edinger Avenue.
- 1.3 Assessor's Parcel Number: 178-070-17

CALENDAR PAGE	<u>85</u>
MINUTE PAGE	<u>3846</u>

1.4 What is the present zoning on the property? R-2-PUD

What is the surrounding land use to the:

- North Sea Bridge Park
- South Huntington Harbour Main Channel; condominium development
- East Trinidad Island; single family residential development
- West Sunset Aquatic Park

1.6 If the project is commercial or industrial give a complete description of activities and other pertinent information including but not limited to estimated employment per shift and any potential hazardous materials which may be used, etc.

N/A

1.7 If the project is residential, indicate number, types and size of units and associated facilities. The proposed project is a subdivision of land into 21 residential lots, plus common area lots. No residential units are proposed at this time. However, subsequent lot owners will construct one single family detached residential lot

If the project is institutional, indicate the major function, estimated employment per shift and maximum occupancy.

N/A

1.9 Project land area (acres) 5.152 Number of parking spaces See Attachment #1

1.10 Square feet of building area N/A Number of floors N/A

1.11 Height of tallest structure involved in the project No structures currently proposed.

2.0 Environmental Setting

2.1 Drainage and Flood Control

a) Please describe how on-site drainage will be accommodated.

The rear portion of each lot is devised to flow into a yard drain connected to an underground storm drain system located beneath the public access way on the perimeter of the site. Front yard and street drainage will be accomplished by draining to the project entrance into two catch basins to be located in the cul-de-sac of Centre Drive. These catch basins will drain into an underground 24" RCP line that will use the existing outfall discharge purposes.

87

CALENDAR PAGE	3847
MINUTE PAGE	

2.2. Land Form

- a) Is the site presently graded? No
- b) Indicate the gross cubic yards of grading proposed , the amount of earth to be transported on the site 5.15, and the amount of earth to be transported off the site 9,250 C.Y. -0-
- c) What will be the maximum height and grade of cut or fill after grading is completed? Maximum elevation after grading will be 12.5' MSL for finished pads.

2.3 Soils

- a) Type of soils on the subject site? (Submit soils report if available). See Attached Soils Report.

2.4 Vegetation

- a) Attach a map indicating the location, type and size of trees located on the site. Indicate below the number, type and size of trees to be removed as a result of the project. No onsite vegetation

2.5 Water Quality

- a) Does any portion of the project abut or encroach on beaches, estuaries, bays, tidelands, or inland water areas? Yes
- b) Describe how the project will effect any body of water. 21 private boat slips will be proposed concurrently with this project.

2.6 Air Quality

- a) If the project is industrial, describe and list air pollution sources and quantity and types of pollutants emitted as a result of the project. N/A

2.7 Noise

- a) Describe any adjacent off-site noise sources (i.e., airports, industry, freeways). The City-owned park and related parking lot to the north of this site will be the only off-site noise sources. Noise will be mitigated by perimeter walls.
- b) What noise will be produced by the project? If available, please give noise levels in decible measurement and typical time distribution when noise will be produced. Noise will be produced by traffic to and from this site. At this time, no decibel measurements are available. Typically, noise will be greatest between 7:00 a.m. - 8:00 a.m. and 4:30 p.m. - 6:30 p.m.

CALENDAR PAGE	<u>88</u>
MINUTE PAGE	<u>3848</u>

- c. How will noise produced by the project compare with existing noise levels? Due to increases in traffic to the site, there will be a minor increase in the ambient noise level.

Traffic

Approximately how much traffic will be generated by the project:
(check one)

- 0-50 vehicular trips per day _____
50 - 250 vehicular trips per day Approximately 210 vehicle trips
250 - 500 vehicular trips per day per day
over 500 vehicular trips per day _____

3.0 Public Services and Facilities

3.1 Water

- a) Will the project require installation or replacement of new water lines? yes
- b) Please estimate the daily volume in gallons required to serve the project. At such time as all lots are sold and each lot owner has constructed a residence, the water consumption would be approximately 15,750 gallons of water per unit per month.*

2 Sewer

- a) Will the project require installation or replacement of new sewer lines? yes
- b) Please indicate the approximate amount of sewage generated from the project. At completion, this project will generate approximately 13,703 gallons per unit per month (approximately 87% of water consumption).

3.3 Solid Waste

- a) If the project is industrial, describe the type and amount (pounds/day) of solid waste generated by the project.

N/A

4.0 Social

4.1 Population Displacement

- a) Will any residential occupants be displaced by the project activities? No
- b) Describe briefly the type of buildings or improvements to be demolished by the project. None

*According to the City Water Department, this type of project would use 150 gallons per person per day; dwellings would have 3.5 persons.

CALENDAR PAGE 89
MINUTE PAGE 3849

5.0

Mitigating Measures

5.1

Are there measures included in the project which may conserve nonrenewable resources (e.g., electricity, gas, water)? Please describe. No.

5.2

Are there measures included in the project which would protect or enhance flora and fauna? Please describe. No flora or fauna are currently present on this site.

5.3

Are there measures proposed in the design of the project to reduce noise pollution? Please describe. Any noise generated by this project will be abated by the perimeter wall.

5.4

Are there measures proposed in the design of the project (e.g. architectural treatment and landscaping) which have been coordinated with design of the existing community to minimize visual effect? Please describe. See attached Landscape Plan.

5.5

Are there measures proposed in the design of the project to reduce water pollution? Please describe.

N/A

5.6

Are there measures proposed which would reduce air pollution? List any Air Pollution Control District equipment required.

N/A

5.7

Are there measures or facilities designed into the project to facilitate resource recovery and/or energy conservation (e.g. solar heating, special insulation, etc.)? Please describe.

No

6.0

Alternatives

6.1

Are there alternatives to the project which may result in a lesser adverse environmental effect? Please explain all project alternatives on an attached sheet.

I hereby certify that the information herein is true and accurate to the best of my knowledge.

M. J. McHugh

Signature

September 7, 1982

Date Filed

CALENDAR FILE	90
MINUTE PAGE	3850

ATTACHMENT NO. 1

1.9) This action is only a subdivision of land for lot sale purposes. Future lot owners will adhere to parking standards as established in Article 931, Section 9312.15(b) of the Huntington Beach Ordinance Code. Also, this subdivision is designed to allow on-street parking on both sides of the street.

6.1) Project Alternatives - Lesser Adverse Effect

A. No project - This appears to be the only alternative with a substantially lesser effect on the environment. The "No Project" alternative would postpone development plans; the site would remain in its present condition. At some future point it is likely that requests for development would again be filed with the City of Huntington Beach. Because this site is currently designated by the City's local coastal plan for medium density family residential use, it is likely that future requests would be for residential land uses of similar or greater density than that of this project.

CALENDAR PAGE	91
MINUTE PAGE	3851