

MINUTE ITEM

This Calendar Item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 2
to 0 at its 3/25/85
meeting.

CALENDAR ITEM

A 58
S 37

22 1

03/28/85
WP 5924
Townsend
PRC 5924

AMENDMENT AND ASSIGNMENT OF
GENERAL PERMIT - RECREATIONAL USE

ASSIGNOR: Harbour Point Estates
5182 Katella Avenue, Suite 106
Los Alamitos, California 90720

ASSIGNEE: Coastline Development Corp.
255 Owens Drive
Anaheim, California 92807

AREA, TYPE LAND AND LOCATION:
A 0.062-acre parcel of sovereign land, located
in Huntington Harbour, Orange County.

LAND USE: Maintenance of landscaping and recreational
facilities.

TERMS OF ORIGINAL PERMIT:

Initial period: 35 years beginning January 1,
1981.

Public liability insurance: Combined single
limit coverage of \$300,000.

Consideration: \$1,550 per annum; five-year
rent review.

TERMS OF PROPOSED PERMIT:

Initial period: 35 years beginning January 1,
1981.

Public liability insurance: Combined single
limit coverage of \$500,000.

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CONSIDERATION: \$2,350 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have 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 24, Div. 6.

AB 884:

04/07/85.

OTHER PERTINENT INFORMATION:

1. On December 16, 1980, the Commission approved a lease to Harbour Point Estates, a limited partnership, beginning January 1, 1981, for maintenance of landscape and open space on filled sovereign land for recreational use ancillary to proposed multi-residential use on adjacent land.
2. By application, dated June 18, 1984, Harbour Point Estates requested an amendment of the Lease to authorize the placement of a portable gazebo and barbecue on the lease premises, increase the existing dry land grade approximately 18 inches, and install riprap and two boat docks at Sunset Bay. The proposed amendment of the State's Lease to Harbour Point Estates, to be effective November 1, 1984, will include the following:
 - a) LAND TYPE, as provided in Section 1 of the Lease, shall be amended from "Filled Sovereign Land" to "Sovereign Land."

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- b) LAND USE, as provided in Section 1 of the Lease, shall be "maintenance of landscaping and recreational facilities."
- c) Increase the annual rental to \$2,350 per annum, effective November 1, 1984, with the State reserving the right to fix a different rental on each fifth anniversary of the Lease.
- d) Increase the liability insurance to be in the amount of \$500,000, combined single limit coverage.
- e) Modify the land description to reflect the new lease area.
- f) Construction of proposed improvements shall commence no later than November 1, 1984, and shall be completed no later than November 1, 1985.

3. Subsequent to the application for amendment of the Lease, Harbour Point Estates, informed staff that they were in the process of selling their property. An application has since been received from Coastline Development Corporation, the new owner, requesting assignment of the Lease, to be effective August 28, 1984.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. project, as proposed, is consistent with its use classification.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that CEQA applies only to projects which have the potential for

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causing a significant effect on the environment. The staff believes there is no possibility that this project may have a significant effect on the environment.

Authority: 14 Cal. Adm. Code 15061(b)(3).

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

Lessee shall obtain all necessary approvals and/or permits required from those governmental agencies or entities having lawful authority and jurisdiction over the proposed project, including, but not limited to, the following:

1. State of California Coastal Commission
2. State of California Department of Fish and Game - Marine Fisheries
3. City of Huntington Beach
4. County of Orange
5. United States Army Corps of Engineers.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. (14 CAL. ADM. CODE 15061(b)(3))
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE THE AMENDMENT OF LEASE PRC 5924 TO HARBOUR POINT ESTATES, EFFECTIVE NOVEMBER 1, 1984, PROVIDING FOR THE INSTALLATION OF RECREATIONAL FACILITIES ON SOVEREIGN LAND AND CONSTRUCTION LIMITING DATES; AMENDMENT OF THE ANNUAL RENTAL TO \$2,350 AND LIABILITY INSURANCE IN THE AMOUNT OF \$500,000; AND AMENDMENT OF THE LAND DESCRIPTION SET FORTH IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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4. ALL OTHER TERMS AND CONDITIONS OF THE GENERAL PERMIT RECREATIONAL USE, PRC 5924, SHALL REMAIN IN FULL FORCE AND EFFECT.
5. AUTHORIZE THE ASSIGNMENT OF LEASE PRC 5924, TO COASTLINE DEVELOPMENT CORPORATION, FROM HARBOUR POINT ESTATES, EFFECTIVE AUGUST 28, 1984, SUBJECT TO THE TERMS OF THE LEASE, AS AMENDED HEREIN.

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EXHIBIT "A"

LAND DESCRIPTION

WP 5924

A parcel of filled tideland and a parcel of tide and submerged land at Sunset Beach, Orange County, being a portion of Tide Land Location 221 as described in the patent from the State of California, recorded in Book 1 of Patents, Instrument No. 22084, on April 4, 1903, in the Office of the County Recorder of said county, being more particularly described as follows:

Parcel 1

BEGINNING at the extreme southern corner of the 200-foot wide State-owned channel described as Strip B in Book 6368, Page 411 (at Page 413), of Official Records of Orange County thence along the easterly side line of said 200-foot wide channel. N 33° 44' 29" E, 68.63 feet more or less to the mean high water line along the northern line of said filled tidelands, thence westerly and southwesterly along said mean high water line the following 3 courses: westerly along a curve concave southerly, the center point of which bears S 15° 53' 02" W 70.25 feet, through a central angle of 12° 43' 37" an arc length of 15.61 feet to a tangent curve concave southerly, the center point of which bears S 03° 09' 25" W 111.82 feet, through a central angle of 25° 11' 09" an arc length of 49.15 feet to a tangent point on a westerly line; thence along said line S 67° 58' 16" W 17.19 feet more or less to the southwesterly boundary of the land conveyed to Lomita Land and Water Company, recorded December 7, 1908, in Book 160, Page 282 of Deeds, said point being on the southwesterly line of said 200-foot wide State-owned channel; thence leaving said mean high water line southeasterly along said southwesterly line 61.21 feet more or less to the point of beginning.

PARCEL 2

BEGINNING at a point on the northwesterly line of Parcel 1 above from which the most westerly corner of said Parcel 1 bears S 67° 58' 16" W 2.84 feet; thence leaving said northwesterly line N 20° 30' 00" W 46.94 feet; thence N 69° 30' 00" E 66.09 feet, thence S 20° 30' 00" E 57.71 feet to said northwesterly line, thence southwesterly along said northwesterly line to the point of beginning.

END OF DESCRIPTION

REVISED JULY 17, 1984 BY BOUNDARY AND TITLE UNIT.

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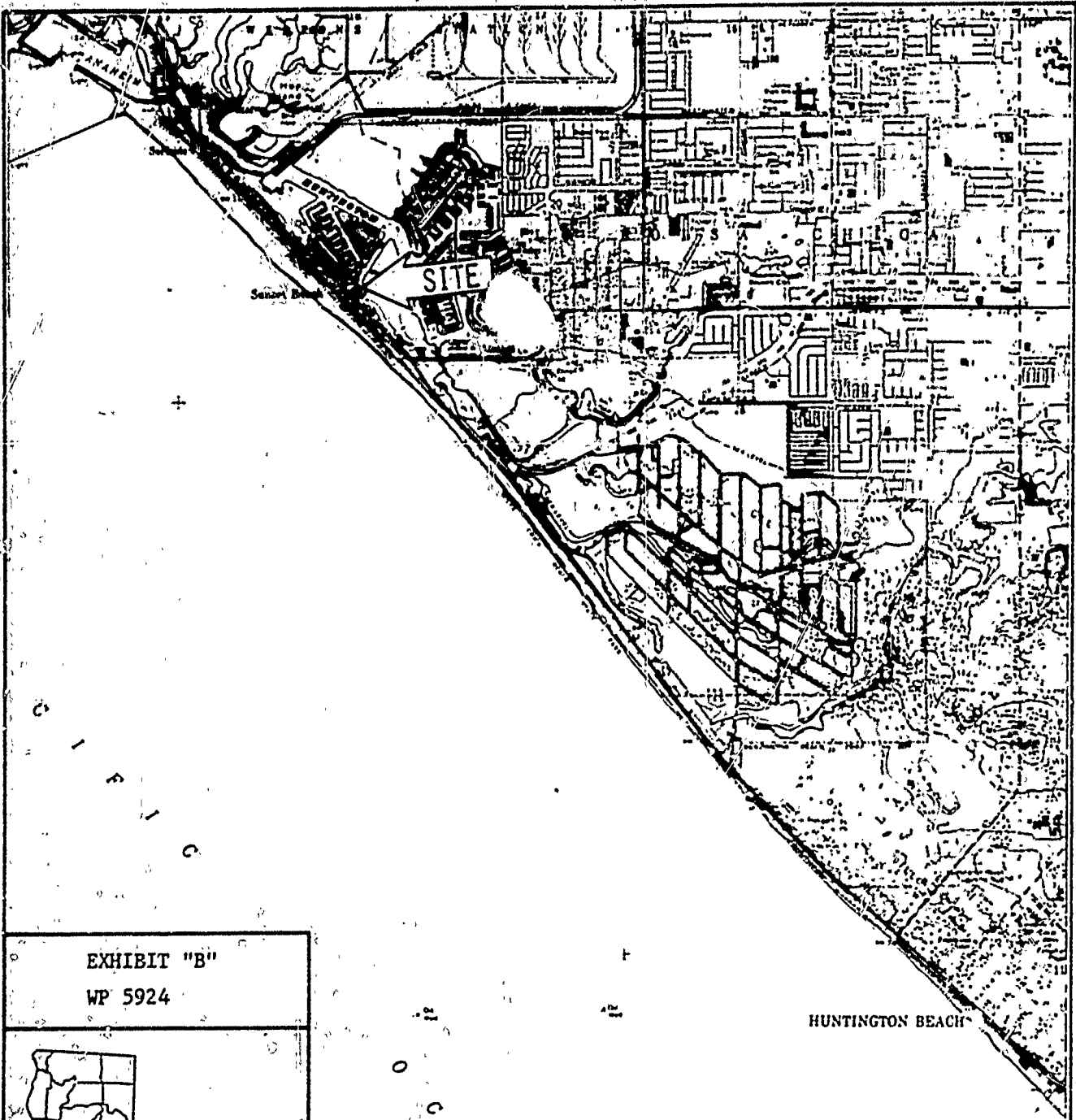


EXHIBIT "B"

WP 5924



HUNTINGTON BEACH

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