

MINUTE ITEM

This Calendar Item No. 42
was approved as Minute Item
No. 42 by the State Lands
Commission by a vote of 2
0 at its 8/26/80
meeting.

MINUTE ITEM

8/26/80
WP 3288
Louie
PRC 3288

42. GENERAL PERMIT - RECREATIONAL USE

During consideration of Calendar Item 42 attached, Commission-Alternate Susanne Morgan questioned why the bond requirements in the permit were deleted. Mr. Leslie H. Grimes, Deputy Chief, Division of Land Management and Conservation, explained that this was an unusual situation in that the applicant qualified for a recreational pier permit under Section 6503 of the Public Resources Code which does not require a bond, or consideration. However, because the applicant wanted a longer term than permitted for Recreational Pier Permits for the purpose of obtaining long-term loans, the staff is recommending that the applicant be issued a general permit - recreational use. Since the general permit requires consideration, the applicant will be paying it, but the staff felt it was not appropriate to also require a bond. Mr. Grimes did point out that the permit does contain a hold harmless clause. Mr. Robert C. Hight, Chief Counsel, stated that by approving the permit as recommended, it would eliminate the cost and time in processing 92 separate recreational pier permits.

Upon motion duly made and carried, the resolution as presented in Calendar Item 42 was approved by a vote of 2-0.

Attachment: Calendar Item 42.

CALENDAR ITEM

42.

8/80
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GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Huntington Marina Association
16101 Mariner Drive
Huntington Beach, California 92649

AREA, TYPE LAND AND LOCATION:
1.344-acre parcel of tide and submerged
land in Sunset Bay near Surfside, Orange
County.

LAND USE: Operation and maintenance of 92 small boat
slips.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from April 29,
1965.

Renewal options: 3 successive periods
of 10 years each.

Surety bond: \$7,000.

Consideration: \$4,844.58.

TERMS OF PROPOSED PERMIT:

Initial period: 10 years from April 29,
1980.

Renewal options: 2 successive periods
of 10 years each.

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

Special: The State may modify
the amount or rate of
consideration effective
on the beginning date
of each period of renewal
of the lease.

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CONSIDERATION: \$1,180 per annum.

BASIS FOR CONSIDERATION:

\$1,180 fixed rental for this type of permit.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
2. This project is situated on State 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.
3. The project is consistent with the provisions of Article 6.5, of Title 2, of the Cal. Adm. Code in that it is an existing recreational boating facility.
4. The Commission's standard provisions for rent review have been modified to provide for such review at the beginning of each 10-year renewal period. The current lessee is a non-profit corporation which qualifies for a rent-free, recreational pier permit. However, Lessee has advised the staff of its need to retain the renewal options of the original lease for the securing of long term loans which is not possible under the terms of a recreational pier permit.

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Therefore, the staff feels that a permit in consideration of annual rent in the amount of \$1,180, with the State reserving the right to fix a different rental at the beginning of each renewal period, is in the best interests of the State and the Lessee.

EXHIBITS: A. Land Description. E. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
3. FIND THAT THIS PROJECT 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 PROJECT IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
4. AUTHORIZE ISSUANCE TO HUNTINGTON MARINA ASSOCIATION OF A 10-YEAR GENERAL PERMIT - RECREATIONAL USE, AS ON FILE IN THE OFFICE OF THE COMMISSION, FROM APRIL 29, 1980, WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,180, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON THE BEGINNING DATE OF EACH PERIOD OF RENEWAL OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF \$300,000 COMBINED SINGLE LIMIT COVERAGE; FOR THE OPERATION AND MAINTENANCE OF NINETY-TWO SMALL BOAT SLIPS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

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COMMENCING at the most westerly corner of the land described in the quitclaim deed to Sam Arvanitis and George Arvanitis, recorded January 20, 1953, in Book 2439, Page 488, Official Records, in the office of the Orange County Recorder, being also a point in the southwesterly line of tideland location No. 141, recorded in Book 1, Page 194 of patents of said Orange County as shown on Record of Survey Map recorded July 17, 1963, in Book 65, Page 28 of maps, records of Orange County, and also having California coordinates, Zone 6, N 572,059.30 and E 1,444,106.82; thence N 45° 32' 00" E 208.25 feet to a point on the northeasterly line of tideland location No. 141, which point is the TRUE POINT OF BEGINNING; thence from said true point of beginning along the following courses:

N 44° 15' 00" W 417.42 feet,
N 52° 45' 00" W 750.25 feet,
N 37° 15' 00" E 50.00 feet,
S 52° 45' 00" E 754.00 feet,
S 44° 15' 00" E 421.10 feet, and
S 45° 45' 00" W 50.00 feet to point of beginning, containing 1.344 acres.

END OF DESCRIPTION

REVIEWED JULY 28, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR

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EXHIBIT "B"
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