MINUTE ITEM
This Calendar Item No. C15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 2
to 0 at its 6/23/83
meeting.

CALENDAR ITEM

C 15

6/23/83
WP 5807.1
WP 4076.9
Louie
Townsend

AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE -
PRC 5807.1 AND
AMENDMENT OF GENERAL LEASE - PUBLIC AGENCY USE -
PRC 4076.9

LESSEES:

1) J. B. and D. Enterprises (PRC 5807.1)
5400 The Toledo
Long Beach, California 90803

2) Orange County Harbors, (PRC 4076.9)
Beaches and Parks District
c/o Mr. Robert F. Wingard, Chief
Program Implementation;
Environmental Management Agency
811 North Broadway
Santa Ana, California 92702

TERMS OF ORIGINAL PERMIT - J. B. AND D. ENTERPRISES - PRC 5807.1:

Area, Type Land and Location: A 0.28-acre parcel of tide and submerged land in Sunset Bay, City of Seal Beach; Orange County.

Land Use: Incidental dredging up to 4,000 cubic yards and construction and maintenance of bulkhead, pedestrian ramp, and five boat docks for private recreational use ancillary to the adjacent upland residential development.

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Initial Period:	Ten years from March 15, 1980.
Public Liability Insurance:	Combined single limit coverage of $300,000.
Consideration:	$260 per annum; five-year rent review.
Royalty:	$0.15 per cubic yard for material removed from State land and deposited on publicly owned disposal areas; $0.25 per cubic yard for material sold or placed on private property; the State reserving the right to fix a different rental on each fifth anniversary of the permit.

TERMS OF AMENDED PERMIT - J. B. AND D. ENTERPRISES - PRC 5807.1:

Land Area:	A 0.317-acre parcel.
Initial Period:	Ten years from March 15, 1980.
Surety Bond:	$5,000.
Public Liability Insurance:	Combined single limit coverage of $300,000.
Consideration:	$2,485 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the permit.
Royalty:	$0.15 per cubic yard for material removed from State land and deposited on publicly owned disposal areas; $0.25 per cubic yard for material sold or placed on private property.

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TERMS OF ORIGINAL LEASE - ORANGE COUNTY HARBORS, BEACHES AND PARKS DISTRICT - PRC 4076.9:

Area, Type Land and Location: A 44.682-acre parcel of tide and submerged land in Sunset Bay, City of Seal Beach; Orange County.

Land Use: Beaches, marina, bulkheads, piers, dredging and related facilities.

Initial Period: 49 years from December 1, 1968.

Public Liability Insurance: $300,000/$500,000 per occurrence for bodily injury and $50,000 for property damage.

Consideration: The public benefit with any profit derived from the lease area going to the State.

TERMS OF PROPOSED LEASE - ORANGE COUNTY HARBORS, BEACHES AND PARKS DISTRICT - PRC 4076.9:

Land Area: A 44.566-acre parcel.

All other terms of the lease remain unchanged.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:

PRC 5807.1 - Applicant is owner of upland.
PRC 4076.9 - Applicant is owner of upland.
Filing fee has been received.

Commission staff recommends that processing costs be waived in that the deletion of land from the County's lease area is necessary to the revised project proposed by J. B. and D. Enterprises for which increased rental will be 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: 11/19/83.

OTHER PERTINENT INFORMATION:

1. On March 19, 1980, the Commission approved a General Permit for Recreational Use to Joseph W. Noble and Barbara Noble, beginning March 15, 1980, and subsequently authorized an amendment to the permit on August 26, 1980, changing the name of the Permittee to J. B. and D. Enterprises. The lease was for proposed incidental dredging up to 4,000 cubic yards and construction and maintenance of bulkhead, pedestrian ramp and seven boat docks for private recreational use. J. B. and D. Enterprises has since modified the proposed plans to reduce the number of boat slips to five, and to increase the use area covered under the permit.

2. The additional area proposed for the permit amendment to J. B. and D. Enterprises will extend onto land currently under lease to Orange County Harbors, Beaches and Parks District, PRC 4076.9, a 49-year General Lease - Public Agency Use, beginning December 1, 1968.

   The County's lease is for dredging and marine recreational facilities. The County does not object to the project as proposed by J. B. and D. Enterprises and has requested that the area be deleted from the County's lease. The area previously under lease to the County was 44.682 acres. The proposed deletion from the County's parcel will reduce the County's lease area to 44.566 acres.

3. Pursuant to the revision of the proposed plans by J. B. and D. Enterprises to reduce the number of boat slips and to increase the permit use area, and the request by the County to have this additional area deleted from the County's

lease, the amendments will include the following:

PRC 5807.1 - J. B. and D. Enterprises

a) Amendment of the land description, increasing the permit use area from 0.28 acre to 0.317 acre, described in Exhibit "A" attached.

b) Amendment of construction limiting dates to reflect a construction beginning date no later than November 1, 1983, and a construction completion date no later than November 1, 1984.

c) Beginning June 1, 1983, and thereafter, Permittee shall pay $2,485 per annum; five-year rent review.

d) Permittee shall provide a surety bond in the amount of $5,000.

PRC 4076.9 - Orange County Harbors, Beaches and Parks District

a) The land description, as amended February 1, 1979, shall be superseded by the land description shown on Exhibit "B" attached.

4. A Negative Declaration for this project was prepared and circulated by the Commission staff pursuant to CEQA and the State CEQA Guidelines. This document was approved by the Commission at its March 19, 1980 meeting. The current activity involves no significant modification to that described in the Negative Declaration (Number 256).

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 believes this project to be compatible with Commission policy.

APPROVALS OBTAINED:
City of Huntington Beach; State Water Quality Control Board; Department of the Army, Corps of Engineers; California Coastal Commission.

EXHIBITS:
A. Land Description - PRC 5807.1.
B. Land Description - PRC 4076.9.
C. Location Map - PRC 5807.1 and PRC 4076.9.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A NEGATIVE DECLARATION WAS PREVIOUSLY PREPARED FOR THIS PROJECT BY THE COMMISSION AND APPROVED AT ITS MARCH 19, 1980 MEETING.

2. CERTIFY THAT A NEGATIVE DECLARATION, NO. 256, HAS BEEN COMPLETED IN ACCORDANCE WITH CEQA, THE STATE CEQA GUIDELINES, AND THE COMMISSION'S ADMINISTRATIVE REGULATIONS; AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN TOGETHER WITH COMMENTS RECEIVED DURING THE REVIEW PROCESS.

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. WAIVE ALL PROCESSING COSTS FOR THE AMENDMENT OF LEASE NOS. PRC 5807.1 AND PRC 4076.9.

6. AUTHORIZE THE AMENDMENT OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE (PRC 5807.1), TO J. B. AND D. ENTERPRISES, EFFECTIVE JUNE 1, 1983, IN CONSIDERATION OF $2,485 PER ANNUM; PROVISION OF A $5,000 SURETY BOND; AMENDMENT OF CONSTRUCTION LIMITING DATES; AND THE LAND DESCRIPTION SET FORTH IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

7. AUTHORIZE THE AMENDMENT OF A 49-YEAR GENERAL LEASE - PUBLIC AGENCY USE (PRC 4076.9), TO ORANGE COUNTY HARBORS, BEACHES AND PARKS DISTRICT, EFFECTIVE JUNE 1, 1983, PROVIDING FOR THE AMENDMENT OF THE LAND DESCRIPTION SET FORTH IN EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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8. ALL OTHER TERMS AND CONDITIONS OF THE GENERAL PERMIT - RECREATIONAL USE, PERMIT NO. PRC 5807.1, AND THE GENERAL LEASE - PUBLIC AGENCY USE, PRC 4076.9, SHALL REMAIN IN FULL FORCE AND EFFECT.

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EXHIBIT "A"

LAND DESCRIPTION

PRC 5807.1

A parcel of tide and submerged land in projected Section 24, T5S, R12W, SBM, City of Seal Beach, Orange County, California, described as follows:

BEGINNING at the northwest corner of Parcel No. 2 of the Parcel Map filed in Book 44, Page 24, Official Records of Orange County, said corner also being the point of beginning of Boundary Line Agreement No. 60 recorded in Book 9634, Page 613, Official Records of Orange County; thence N 46° 32' 00" E 60.00 feet; thence S 72° 57' 57" E 147.37 feet; thence S 15° 48' 50" W 88.00 feet to said agreement line; thence along said line N 73° 45' 00" W 110.76 feet; thence N 44° 15' 00" W 77.58 feet to the point of beginning.

END OF DESCRIPTION

PREPARED NOVEMBER 26, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

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EXHIBIT "B"

LAND DESCRIPTION PRC 4076.9

A parcel of State-owned tide and submerged lands in Sunset Bay, Orange County, inland of Pacific Coast Highway, and more particularly described as follows:

BEGINNING at a point bearing S 49° 28' W 1244.86 feet from the intersection of the northerly line of Section 19, T5S, R11W, SBM, and that certain course in the southeasterly line of Lot 1, Tract No. 893 as shown by the Map filed for record in Book 27, Pages 23 and 24 of Maps in the Office of the Recorder of Orange County, which bears S 49° 28' W; thence from said point of beginning S 49° 28' W 29.48 feet; thence S 40° 32' E 270.00 feet; thence S 49° 28' W 681.31 feet; thence N 61° 06' 33" W 288.40 feet; thence S 49° 28' W 427.26 feet; thence N 61° 00' W 80.05 feet; thence S 49° 28' W 241.31 feet, thence N 73° 45' W 487.04 feet; thence N 15° 48' 50" E 38.00 feet; thence N 72° 57' 57" W 147.37 feet; thence S 46° 32' W 10.00 feet; thence N 44° 15' W 421.83 feet; thence N 52° 45' W 845.74 feet; thence S 46° 32' W 50.66 feet; thence N 52° 45' W 219.01 feet; thence N 3° 45' W 904.20 feet; thence N 87° 30' W 469.67 feet; thence N 16° 55' 15" W 350.80 feet; thence S 81° 15' E 686.41 feet; thence S 73° 00' E 313.41 feet; thence S 02° 15' W 851.73 feet; thence S 57° 00' E 838.20 feet; thence N 60° 00' E 528.00 feet; thence N 17° 15' E 442.20 feet; thence N 43° 15' E 236.82 feet; thence S 89° 56' 55" E 215.47 feet; thence S 40° 00' W 384.48 feet; thence S 15° 45' W 356.40 feet; thence S 57° 45' W 462.00 feet; thence S 25° 30' W 264.00 feet; thence S 44° 00' E 165.00 feet; thence N 87° 00' E 1234.20 feet; thence N 10° 15' E 422.40 feet; thence S 83° 15' E 425.02 feet to the true point of beginning.

(Basis of bearing for this description is the southeasterly line of Rancho Los Alamitos that bears N 49° 28' 00" E as shown on the recorded map for Tract No. 893).

END OF DESCRIPTION

REVISED APRIL 15, 1983 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

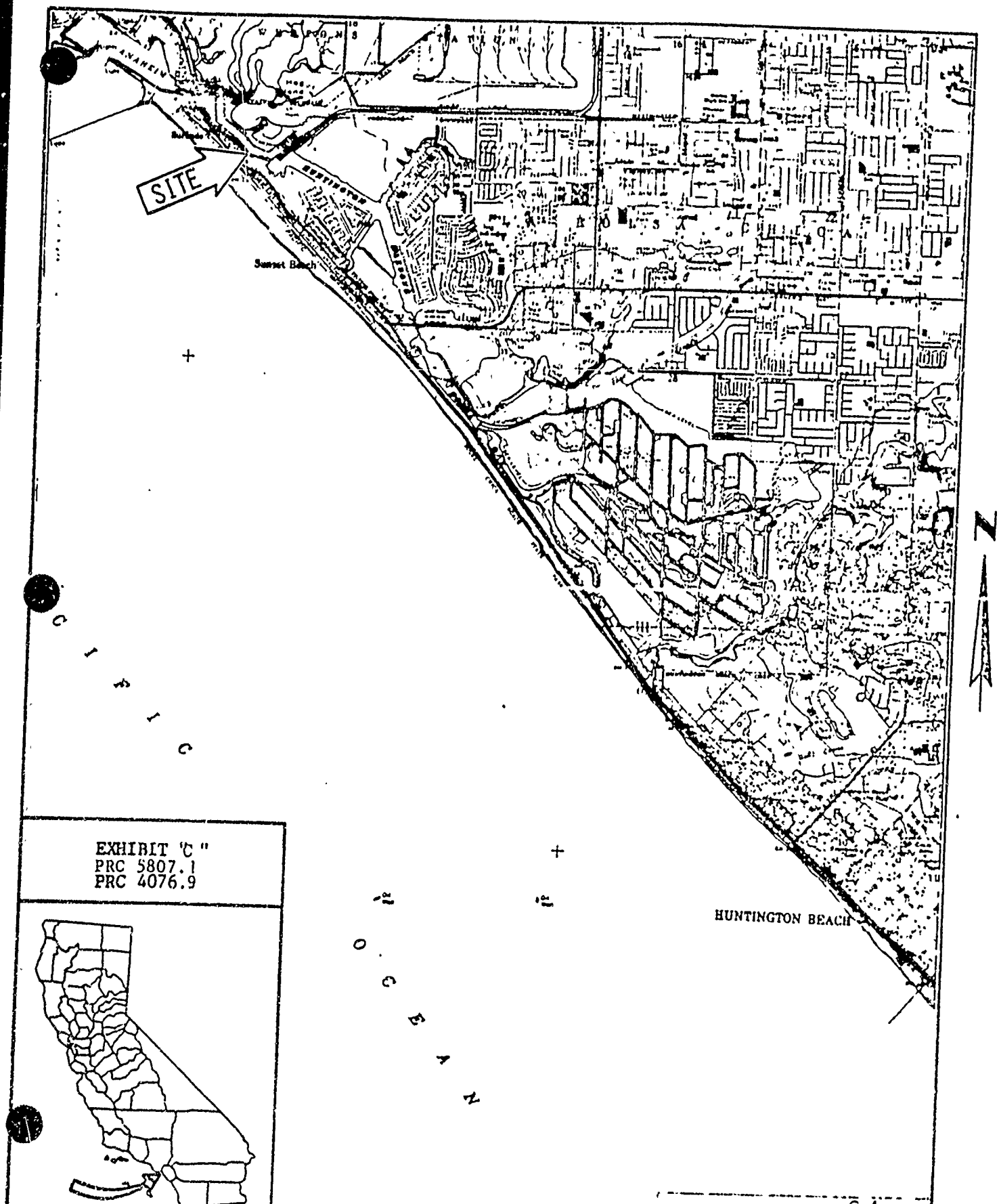

EXHIBIT "C"
PRC 5807.1
PRC 4076.9