

MINUTE ITEM

This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 2
to 0 at its 6/26/86
meeting.

CALENDAR ITEM

A 58

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06/26/86

S 37

PRC 6900

Townsend

AGREEMENT AND CONSENT TO ENCUMBRANCING OF
RECREATIONAL PIER PERMIT

LESSEE: Portofino Cove Patio Homes Association
8072 Adams Avenue
Huntington Beach, California 92646

SECURITY PARTY-LENDER:
Crocker National Bank
19000 MacArthur Boulevard
Irvine, California 92715

AREA, TYPE LAND AND LOCATION:
Tide and submerged land, Huntington Harbour
Main Channel, City of Huntington Beach, Orange
County.

LAND USE: 14 recreational docks.

TERMS OF ORIGINAL PERMIT::

Initial period: Ten years beginning
November 1, 1985.

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

Consideration: Pursuant to Section 6503.5 of
the P.R.C., no rent shall be
charged for any private
recreational pier constructed
on State lands for the use of
a littoral landowner.

APPLICANT STATUS:

Applicant is owner of upland.

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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: N/ A.

OTHER PERTINENT INFORMATION:

1. By its action of September 26, 1985, Minute Item 33, the State Lands Commission authorized the issuance of a Recreational Pier Permit to the Portofino Cove Patio Homes Association for 14 recreational boat docks in the Huntington Harbour Main Channel. The Homes Association has subsequently agreed, subject to Commission approval, to grant a security interest in the Permit to Crocker National Bank for the construction loan agreement with Mola Development Corporation. The Agreement and Consent to Encumbrancing of Lease is on file in the offices of the Commission. Staff has no objections to the Agreement and recommends its approval.
2. 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 because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such

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declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

EXHIBITS: A. 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 THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.
3. AUTHORIZE EXECUTION OF THE AGREEMENT AND CONSENT TO ENCUMBRANCING OF LESSEE'S RIGHT, TITLE, AND INTERESTS IN THE RECREATIONAL PIER PERMIT, PRC 6900, IN FAVOR OF CROCKER NATIONAL BANK FOR THE CONSTRUCTION LOAN AGREEMENT WITH PORTOFINO COVE PATIO HOMES ASSOCIATION AND MOLA DEVELOPMENT CORPORATION.

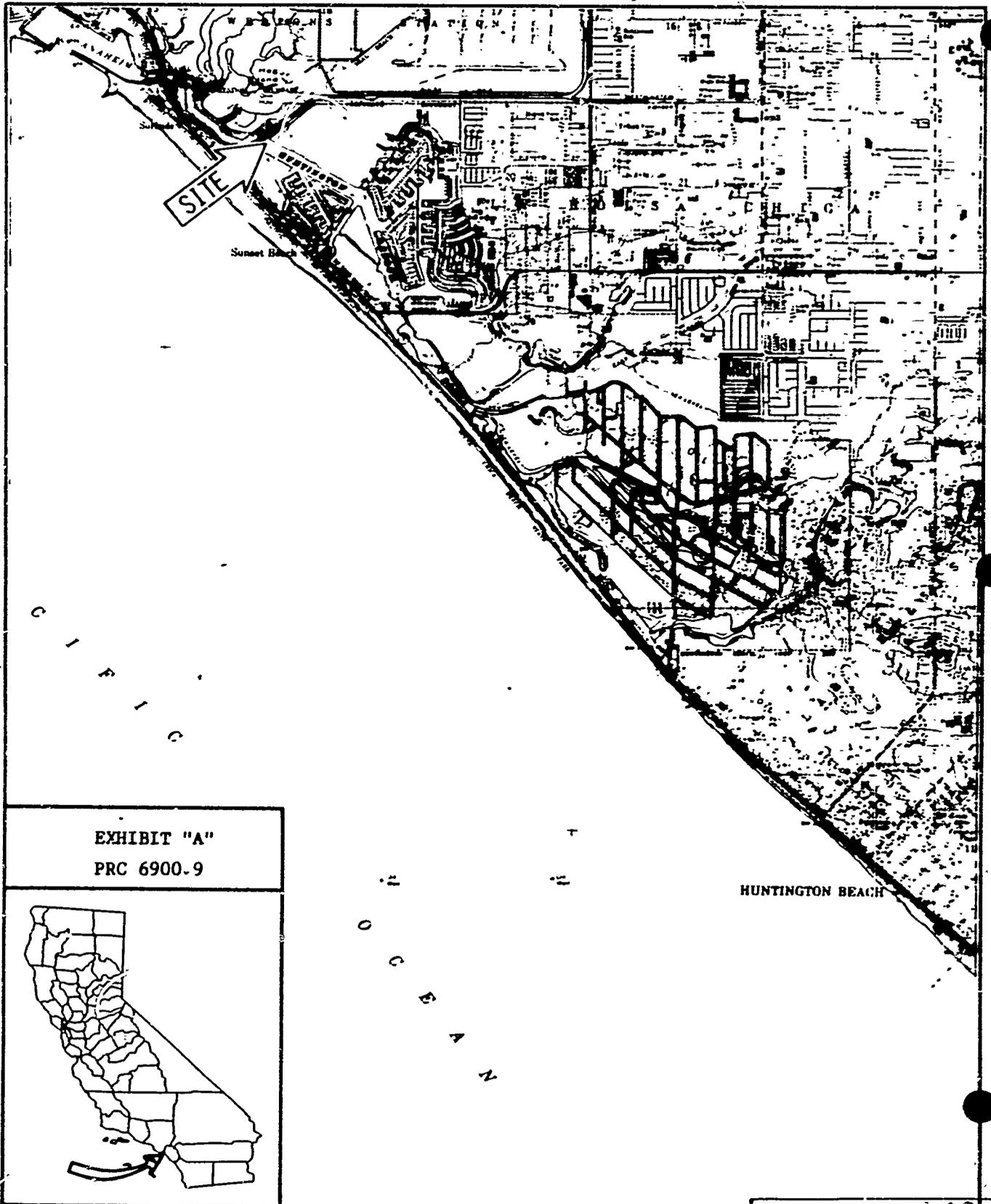


EXHIBIT "A"

PRC 6900.9



HUNTINGTON BEACH

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