

MINUTE ITEM
This Calendar Item No. C54
was approved as Minute Item
No. 54 by the State Lands
Commission by a vote of 3
to 0 at its 02/12/97
meeting.

CALENDAR ITEM
C54

A 70
S 35

02/12/97
PRC 7304 WP 7304.9
J. Smith

**TERMINATION OF RECREATIONAL PIER PERMIT
AND ISSUANCE OF NEW RECREATIONAL PIER LEASE**

LESSEE:

Portofino Cove Yacht Association
16291 Countess Drive, #309
Huntington Beach, California 92649

AREA, LAND TYPE, AND LOCATION:

Submerged land in Huntington Harbour, Huntington Beach, Orange County.

AUTHORIZED USE:

Reconstruction and continued use and maintenance of 47 boat slips.

LEASE TERM:

Ten years, beginning January 1, 1997.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$300,000.

OTHER PERTINENT INFORMATION:

1. On July 11, 1996, the California Coastal Commission granted Permit #5-96-091 for this project under its certified regulatory program. (Title 14, California Code of Regulations, section 15251(c)).
2. Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253(b), have been met allowing the Commission to use the environmental analysis document certified by the California Coastal Commission as a

CALENDAR ITEM NO. C54 (CONT'D)

Negative Declaration equivalent in order to comply with the requirements of CEQA.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
4. The applicant has an existing Recreational Pier Permit (Lease No. PRC 7304.9) for the 47 boat slips known as the Portofino Cove Marina. The current permit expires July 9, 1999. Forty of the boat slips were destroyed in the January 1995 storms. The applicant proposes to replace the 40 slips within the existing footprint. Four slips will be reconfigured to reduce hydrodynamic loading. Commission staff proposes to terminate the existing Permit and issue the new lease effective January 1, 1997. The proposed lease will supersede the current permit which was effective July 10, 1989.

APPROVALS OBTAINED:

United States Army Corps of Engineers; City of Huntington Beach; California Coastal Commission.

EXHIBITS:

- A. Site Map
- B. CDP 5-96-091

PERMIT STREAMLINING ACT DEADLINE:

June 9, 1997

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (CALIFORNIA COASTAL COMMISSION PERMIT #5-96-091, WAS ADOPTED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION (CCC) UNDER ITS CERTIFIED PROGRAM (TITLE 14,

CALENDAR ITEM NO. C54 (CONT'D)

CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (c), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN, AND CONCURS IN CCC'S DETERMINATION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE TERMINATION OF EXISTING RECREATIONAL PIER PERMIT NO. PRC 7304.9 AND THE ISSUANCE TO THE PORTOFINO COVE YACHT ASSOCIATION OF A RECREATIONAL PIER LEASE, EFFECTIVE JANUARY 1, 1997; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6303.5; PROVISION FOR LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000; FOR THE RECONSTRUCTION AND CONTINUED USE AND MAINTENANCE OF THE PORTOFINO COVE MARINA CONSISTING OF 47 BOAT SLIPS IN HUNTINGTON HARBOUR, ORANGE COUNTY, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

NOTE: Plan is preliminary and not for construction

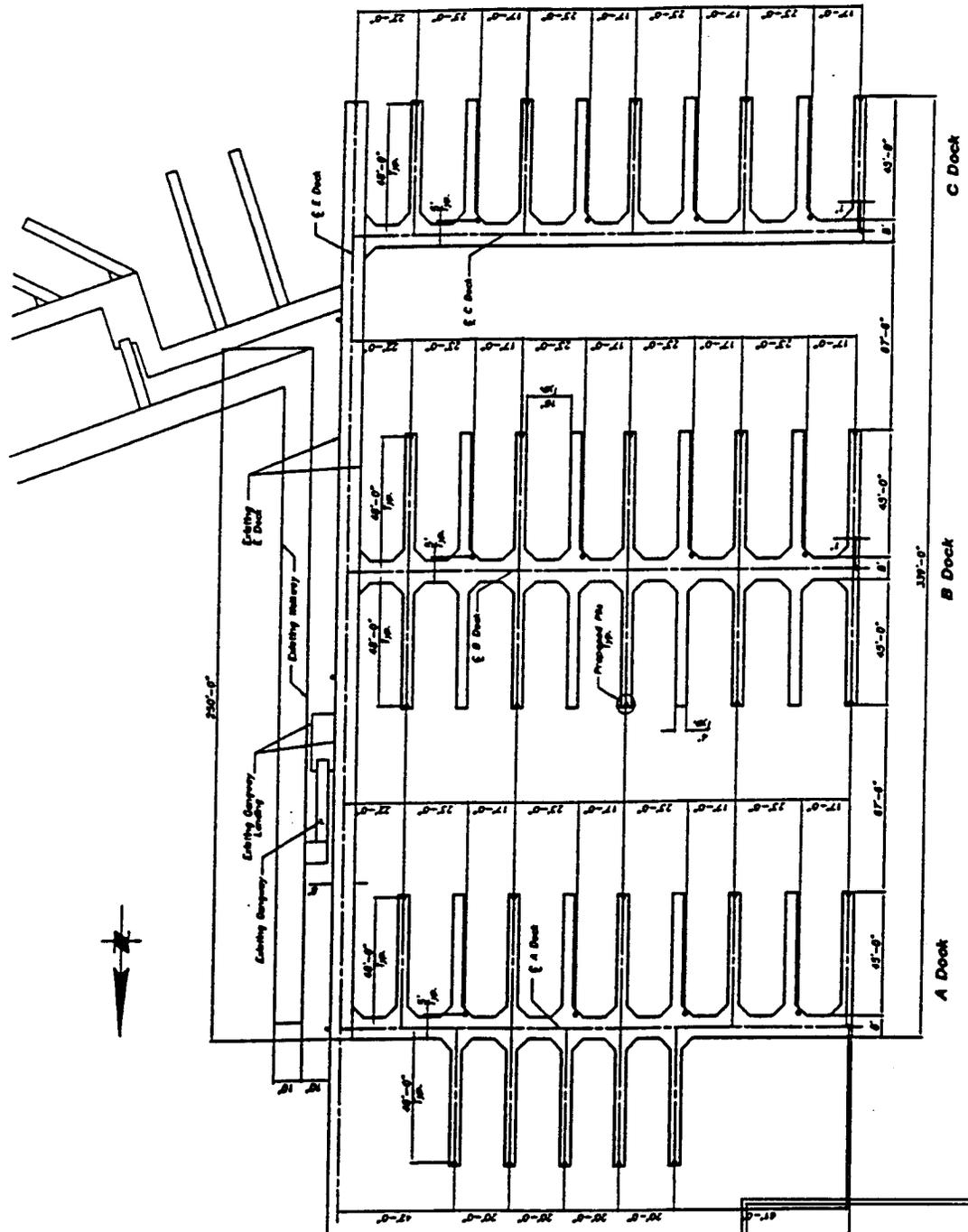
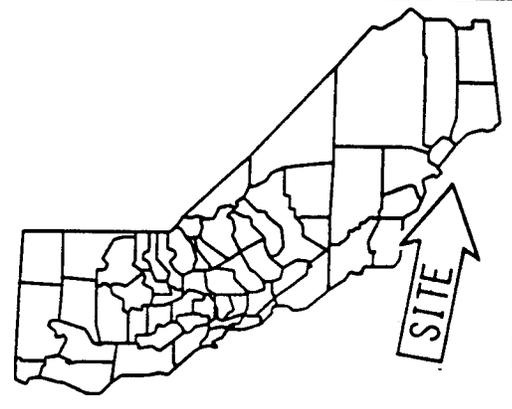


EXHIBIT "A"
 SITE MAP - WP7304
 PORTOFINO MARINA
 HUNTINGTON HARBOUR
 ORANGE COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.



EXHIBIT "B"

PETE WILSON, Governor

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

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Date: 7-15-96
Permit No. 5-96-091



COASTAL DEVELOPMENT PERMIT

On July 11, 1996, the California Coastal Commission granted to

Portofino Cove Yacht Association

this permit subject to the attached Standard and Special conditions, for development consisting of:

Reconstruction of storm damaged 40 slip marina. The proposed slips are 45 feet by 16 feet. Forty 18 inch diameter concrete piles will be driven to support the marina.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at 16291 Countess Drive, Huntington Beach

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: [Signature]
Title: Staff Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

7/16/96
Date

A6: 4/88

[Signature]
Signature of Permittee
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MINUTE PAGE 000272
President, PCYA

EXHIBIT "B"

COASTAL DEVELOPMENT PERMITPage 2 of 2
Permit No. 5-96-091STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

None.

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MV/lm

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