MINUTE ITEM
This Calendar Item No. C27 was approved as Minute Item No. 27 by the California State Lands Commission by a vote of 3 to Ø at its 4-24-01 meeting.

CALENDAR ITEM
C27

A 67

S 35

04/24/01
PRC 3265 WP 3265.1
M. Hays

LEASE RENEWAL

LESSEE:
Mariner's Point, A California General Partnership
15922 Pacific Coast Highway
Huntington Beach, CA 92649

AREA, LAND TYPE, AND LOCATION:
0.115 acres more or less of sovereign lands in Sunset Bay, Huntington Beach, Orange County.

AUTHORIZED USE:
The continued use and maintenance of an existing commercial fuel dock facility.

PREVIOUS LEASE TERM(S):
Initial Period: 15 Years beginning April 1, 1965
Renewal Options: Three successive periods of ten years, beginning April 1, 1980.

PROPOSED LEASE TERM:
Ten Years, beginning April 1, 2000.

CONSIDERATION:
Annually, $0.015 per gallon for the first 100,000 gallons of fuel sales, $0.02 per gallon, thereafter, with a minimum annual rent of $6,600; 5% of gross sales other than fuel sales. The State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:
Insurance:
Liability insurance with coverage of no less than $2,000,000, combined single limit coverage.

Bond:
$25,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. This is a renewal of a General Lease-Commercial Use for a fuel dock facility with five fuel dispensers, containment for the temporary storage of oil waste and contaminates and a metal building used for storage and an attendant's office. Small goods such as ice, snacks, bait and tackle are sold. The facility is located at the mouth of Sunset Bay and provides fueling for pleasure boats from the Huntington Harbour area. The annual Underground Storage Tank Permit (USTP) compliance inspection, which includes all fuel facilities from tanks to nozzles, was performed on January 23, 2001, by the Orange County Environmental Health Division. The lease was originally executed by the Commission on April 1, 1965, for a term of 15 years with three options to renew for periods of ten years each. Upon approval of this Calendar item, there will be no renewal options remaining.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

4. 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.

EXHIBITS:

A. Land Description
B. Site Map

PERMIT STREAMLINING ACT DEADLINE:
May 12, 2001

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
AUTHORIZE ISSUANCE TO MARINER'S POINT, A CALIFORNIA GENERAL PARTNERSHIP OF A GENERAL LEASE-COMMERCIAL USE, BEGINNING APRIL 1, 2000, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE ON AN EXISTING COMMERCIAL FUEL DOCK FACILITY ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $0.015 PER GALLON FOR THE FIRST 100,000 GALLONS OF FUEL SALES, $0.02 PER GALLON, THEREAFTER AND 5% OF GROSS SALES OTHER THAN FUEL SALES WITH A MINIMUM ANNUAL RENT OF $6,600; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $2,000,000; SURETY IN THE AMOUNT OF $25,000.

EXHIBIT "A"

WP 3265

LAND DESCRIPTION

A parcel of submerged land in Sunset Bay, Orange County, California, situate adjacent to Tideland Location No. 141 and being further described as follows:

BEGINNING at the terminal point of the last course recited in that Boundary Line Agreement between the State of California and the Lincoln Fidelity Corporation, said agreement being on file with the State Lands Commission as "Boundary Line Agreement No. 46", said last course having a bearing of N 52°45' 00" W and a length of 850.25 feet; thence from said point of beginning proceeding into Sunset Bay N 37°15' E, 50 feet; thence S 52°45' E, 100 feet; thence S 37°15' W, 50 feet to the aforementioned agreed boundary line; thence along said line N 52°45' W, 100 feet to the point of beginning.

END OF DESCRIPTION

REVIEWED SEPTEMBER 15, 1989 BY BIU 1.

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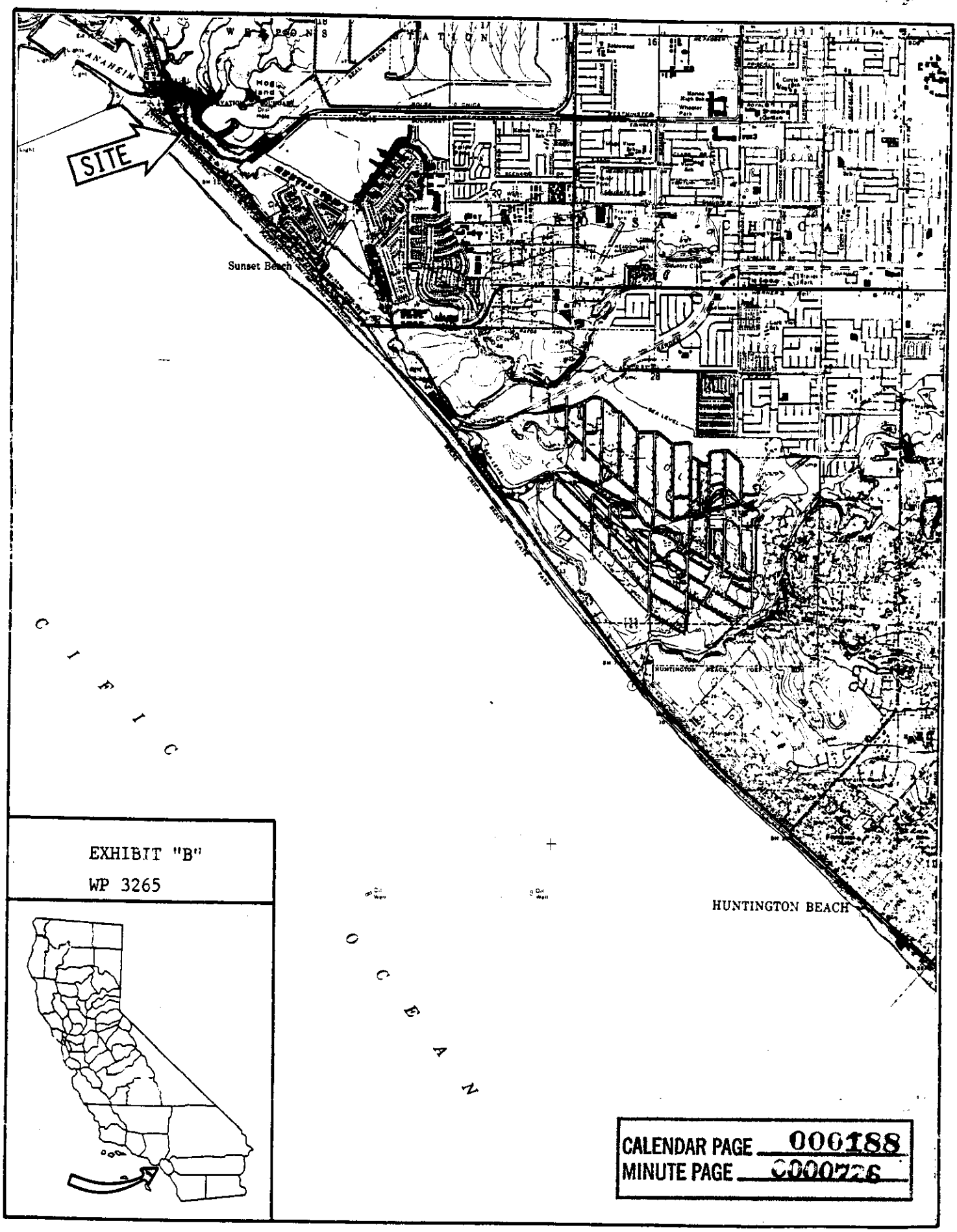

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