

MINUTE ITEM

This Calendar Item No. C43 was approved as Minute Item No. 43 by the California State Lands Commission by a vote of 3 to 0 at its 9-17-01 meeting.

**CALENDAR ITEM
C43**

A 73
S 38

09/17/01
PRC 8215 WP 8215.9
J. Smith

AMENDMENT OF LEASE

LESSEE:

Five Star Resort LLC and Athens Resort Development LLC
30801 Coast Highway #40
Laguna Beach, California 92651

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Pacific Ocean, Laguna Beach, Orange County.

AUTHORIZED USE:

Maintenance of existing rock groin/seawall.

LEASE TERM:

Ten years, beginning September 1, 2000.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

The type of lease will be amended to General Lease - Recreational and Protective Structure Use, to accommodate the installation and maintenance of one offshore mooring buoy. The buoy will anchor a 40-50 foot vessel that will be used by the upland resort for fishing or pleasure cruises. The proposed annual rent for the mooring buoy is \$2,034. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On September 19, 2000, the Commission authorized the issuance of a General Lease - Protective Structure Use (Lease No. PRC 8215.9) for the

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removal of an existing concrete slab and pier, that extends from the base of the bluff at Treasure Island to a rock outcrop called Goff Island. The removal of the concrete slab/pier will restore the area to its natural condition. In addition, the Lessee was proposing to maintain the existing northern retaining wall and augment it with rock to function as a groin/seawall in order to prevent erosion of adjacent beaches and act to stabilize the base of an existing access ramp.

The Lessee has submitted an application to amend Lease No. PRC 8215.9 to accommodate the installation and maintenance of one offshore mooring buoy. The mooring system will be located approximately 550 feet offshore and consists of a concrete block approximately 4.5 feet wide, 4.5 feet long, and 4.5 feet high. It will be used to anchor a 40-50 foot vessel that will be available for use, free of charge, to resort guests and members of the public that use any of the resort facilities. The buoy will be located two miles southeast of the Heisler Park State Ecological Reserve and approximately three-fourths of a mile northwest of the South Laguna Beach Marine Life Refuge. Commission staff has contacted staff of the State Department of Fish and Game, which is the agency responsible for management of these areas, and they have no objection to the installation of the mooring buoy. Commission staff recommends that Lease No. PRC 8215.9 be amended to accommodate this mooring buoy and proposes an annual rent in the amount of \$2,034.

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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment. Authority: Title 14, California Code of Regulations, section 15061(b)(3).
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.

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APPROVALS OBTAINED:

U.S. Army Corps of Engineers; Regional Water Quality Control Board

FURTHER APPROVALS REQUIRED:

California Coastal Commission; California State Lands Commission

EXHIBITS:

- A. Location and Site Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

July 19, 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 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061(b)(3).

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 THE AMENDMENT OF LEASE NO. PRC 8215.9, A GENERAL LEASE - PROTECTIVE STRUCTURE USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE AUGUST 1, 2001, TO CHANGE THE LEASE TYPE TO GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE TO ACCOMMODATE THE INSTALLATION AND MAINTENANCE OF ONE OFFSHORE MOORING BUOY; ANNUAL RENT FOR THE BUOY IN THE AMOUNT OF \$2,034;

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ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN
IN EFFECT WITHOUT AMENDMENT.

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EXHIBIT A

WP 8215

LAND DESCRIPTION

A parcel of submerged land in the Gulf of Santa Catalina, Pacific Ocean, Orange County, California, situated westerly of fractional Section 6, Township 8 South, Range 8 West, M.D.M., said parcel being more particularly described as follows:

A circular parcel of land having a radius of seventy (70.00) feet, the center of said parcel having CCS83, Zone 6 coordinates of North (y-coordinate) = 2133110 feet, East (x-coordinate) = 6102340 feet, said coordinates being also expressed as Latitude 33°30.6982' North, Longitude 117°45.4188' West, the course from said center to NGS Station "GOFF RIDGE RESET" being North 04°11'58" East 3580.6 feet.

This description is based on the California Coordinate System of 1983, Zone 6.

End of description.

PREPARED June 22, 2001

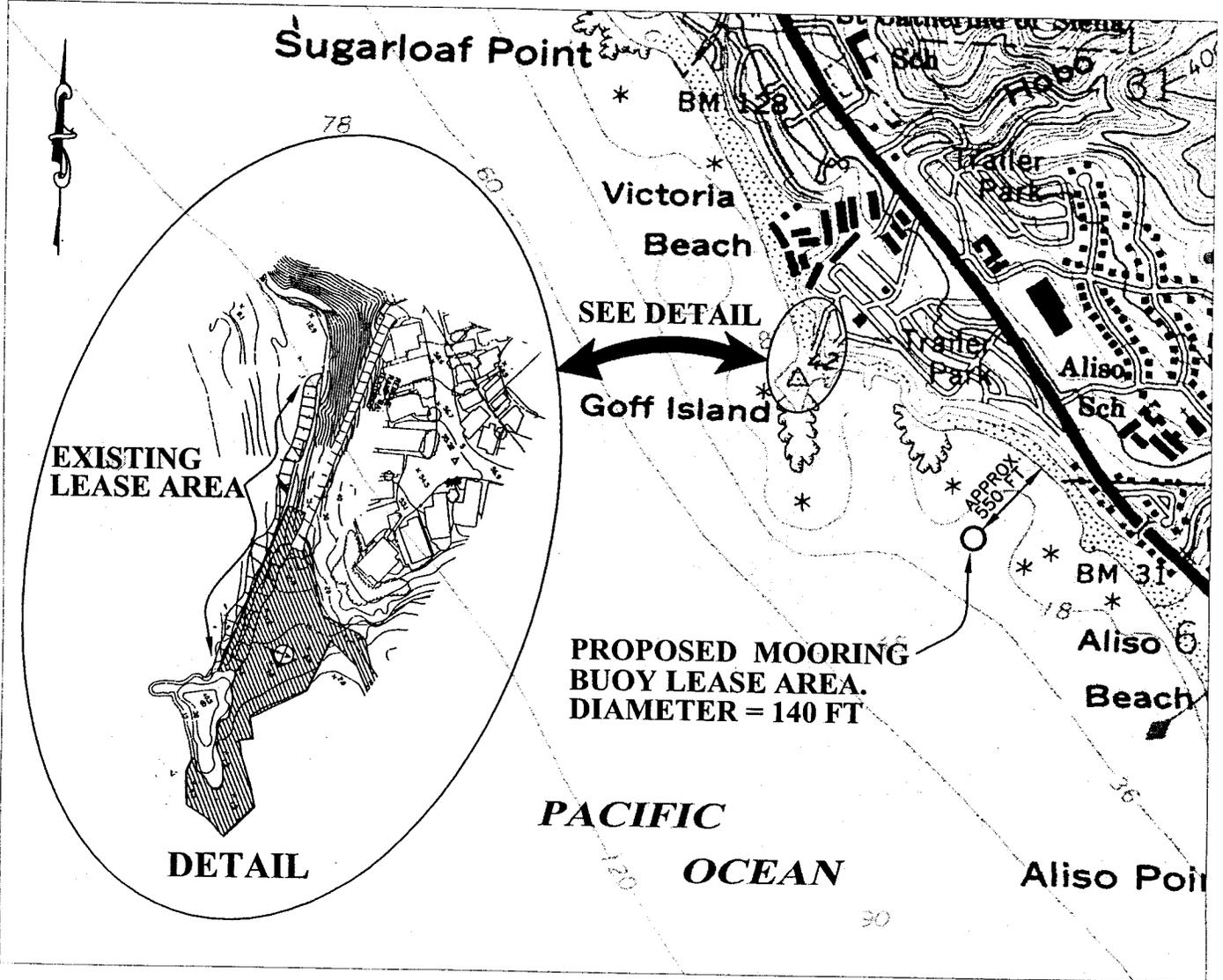
CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



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NO SCALE

LOCATION MAP



NO SCALE

CALIFORNIA MAP



EXHIBIT B

WP 8215.9

Five Star Resort LLC &
Athens Resort Dev. LLC

Offshore Laguna Beach,
Orange County

0000268

0001620

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, 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.