

MINUTE ITEM

This Calendar Item No. C10  
was approved as Minute Item  
No. 10 by the State Lands  
Commission by a vote of 2  
to 0 at its 9/27/78  
meeting.

CALENDAR ITEM

C10.

9/78  
W 7354  
Atkins  
PRC 5542

TERMINATION OF A 20-YEAR GENERAL PERMIT -  
PUBLIC AGENCY USE, PRC 2925.9 AND  
ISSUANCE OF 35-YEAR GENERAL PERMIT

APPLICANT: City of San Clemente  
100 Avenida Presidio  
San Clemente, California 92672

AREA, TYPE LAND AND LOCATION:  
Tide and submerged land westerly of the  
City of San Clemente, Orange County.

LAND USE: The renovation, operation and maintenance  
of an existing public fishing pier.

TERMS OF ORIGINAL PERMIT:  
Initial period: 20 years from August 1,  
1962.

TERMS OF PROPOSED PERMIT:  
Initial period: 35 years from September 1,  
1978.

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

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:  
A. P.R.C. Code: Div. 6, Parts 1 & 2.  
B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:  
1. The annual rental value of the site  
is estimated to be \$5,000.  
2. A negative declaration was prepared  
by the City of San Clemente, pursuant  
to CEQA and implementing regulations.  
A notice of determination has been  
received.

A 74

S 36

CALENDAR ITEM NO. c10. (CONTD)

3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class C, which authorizes Multiple Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

4. The City of San Clemente and the California Department of Fish and Game, represented by the Wildlife Conservation Board are entering into an agreement whereby the State will share in the cost to renovate the pier. To do this the State is requiring the city to sublease the pier to the California Department of Fish and Game for a period of 25 years. The pier must be open to the public and the city will pay for maintenance.
5. Approval of this agreement by the Commission will terminate an existing permit for the pier and substitute the new permit. Also, approval of the new permit by the Commission will constitute approval of the 25-year sublease to the California Department of Fish and Game.
6. The city has 3 existing subleases on the leased premises. Commission approval of subleases was not a requirement of the existing permit - PRC 2925.9. The city explains the revenue these subleases generate is substantially less than pier maintenance costs reported at approximately \$30,000 per annum. These subleases include:
  - a. Cafe  
Leased by M. F. Gable and D. Gable. The city receives 10% of their gross income or approximately \$7,500 a year in rent.

CALENDAR ITEM NO. C10. (CONTD)

- b. Bait Shop  
M. T. Baker  
J. M. Baker, lessee.  
The city receives 10% of thier  
gross income or approximately \$1,600  
a year.
  - c. Telescope  
J. O. Carden, lessee.  
The city receives \$300 a year.
- 7. This is an existing structure which  
is exempt from Article 6.5, of Title 2,  
of the Cal. Adm. Code.
  - 8. The staff recommends waving the processing  
fee because of the public benefit of  
the project and the multipublic agency  
involvement in this transaction.

APPROVALS OBTAINED:

Wildlife Conservation Board.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS  
PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED  
BY THE CITY OF SAN CLEMENTE, ON FEBRUARY 9, 1978.
- 2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED  
THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.
- 3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT  
EFFECT ON THE ENVIRONMENT.
- 4. DETERMINE THAT THIS PROJECT IS EXEMPT FROM THE REQUIREMENTS  
OF ARTICLE 6.5, OF TITLE 2, OF CAL. ADM. CODE BECAUSE  
THIS PROJECT IS NOT A DEVELOPMENT WITHIN THE MEANING  
OF SECTION 2503, OF TITLE 2, CAL. ADM. CODE, AND SECTION  
30105 OF THE P.R.C.

CALENDAR ITEM NO. C10. (CONTD)

5. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
6. AUTHORIZE THE TERMINATION OF PERMIT PRC 2925.9 BEGINNING AUGUST 28, 1962.
7. AUTHORIZE ISSUANCE TO THE CITY OF SAN CLEMENTE OF A 35-YEAR GENERAL PERMIT - PUBLIC AGENCY USE FROM SEPTEMBER 1, 1978; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE OPERATION AND MAINTENENCE OF A PUBLIC FISHING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
8. AUTHORIZE THE SUBLEASE OF THE LEASED PREMISES TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR A PERIOD OF 25 YEARS BEGINNING SEPTEMBER 1, 1978, AND EXISTING SUBLEASES TO M. GABLE AND D. GABLE FOR A CAFE, TO M. BAKER AND J. BAKER FOR A BAIT SHOP AND TO J. CARDEN FOR A TELESCOPE.

EXHIBIT "A"

LAND DESCRIPTION

W 7354

A parcel of tide and submerged land lying in the Gulf of Santa Catalina, Pacific Ocean, westerly of the City of San Clemente, Orange County, State of California, being more particularly described as follows:

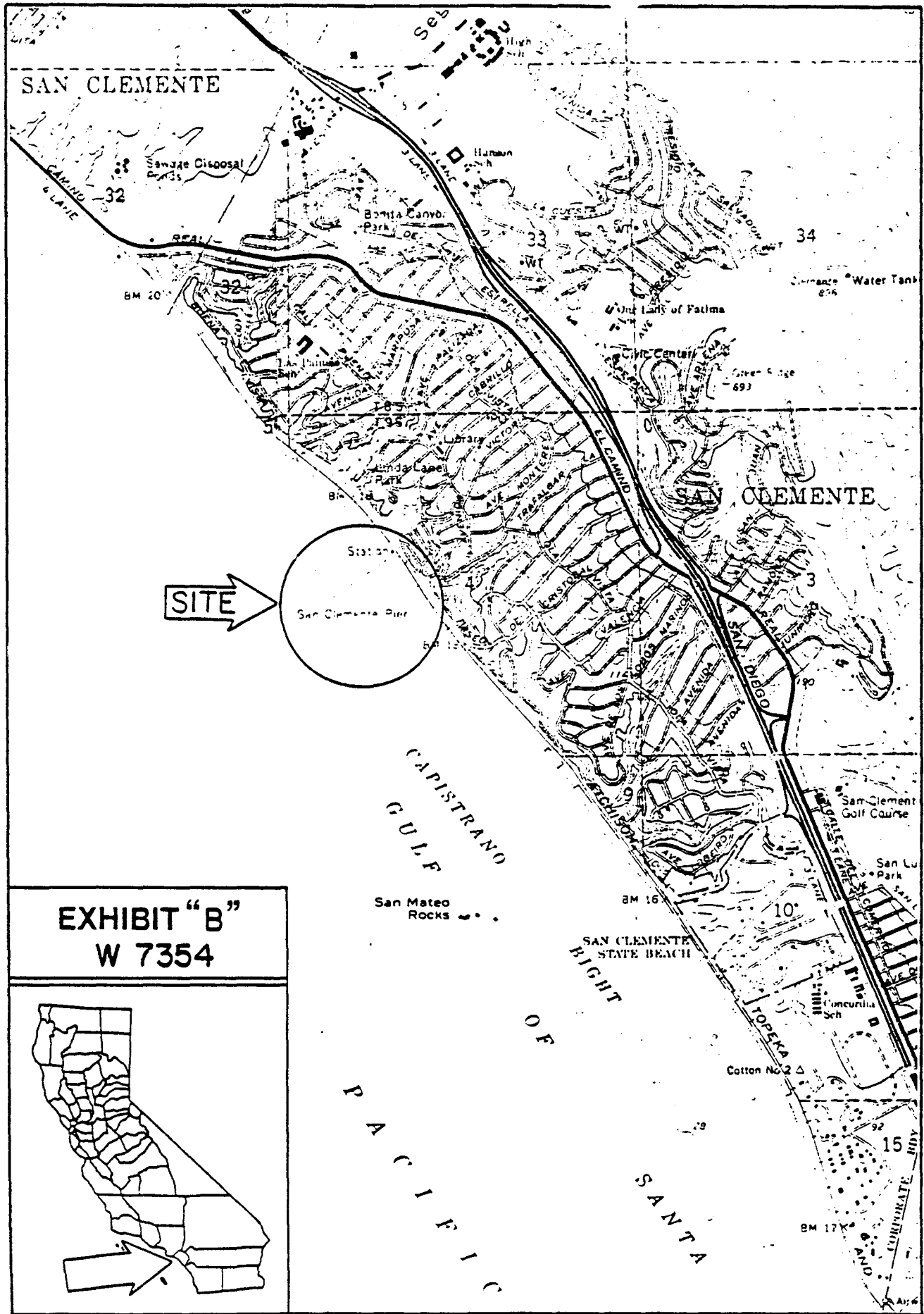
A strip of land, 200 feet wide, lying 100 feet on each side of the following described centerline:

BEGINNING at a point that bears S 33° 28' 55" E 75 feet and S 56° 31' 05" W 230 feet from the most southerly corner of Block 33 of Tract No. 779 as shown on that map recorded in Book 23 of Miscellaneous Maps and Records, pages 19 to 25 inclusive, in the office of the county recorder of said county; thence S 56° 31' 05" W 2000 feet to the end of this line.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

END OF DESCRIPTION

Prepared Carter Major Checked \_\_\_\_\_  
Reviewed [Signature] Date 1/11/11



**EXHIBIT "B"**  
**W 7354**



CITY OF SAN CLEMENTE  
STATE OF CALIFORNIA

EXHIBIT "C"

No. 78-5

W 7354

NEGATIVE DECLARATION

Pursuant to Division 13 Public Resources Code

Description of Project - City Project

Renovation of existing San Clemente Municipal Ocean Fishing Pier.

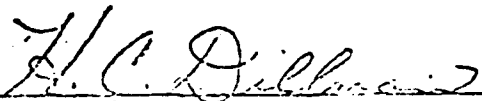
The project will include replacement and repair of all wood decking superstructures, piling, and electrical system, including replacement of existing light fixtures.

All work will be done to restore existing pier. No modification other than electrical system and light fixtures will be made. The electrical system will be replaced with one that meets present code requirements.

Findings

This action is a periodic maintenance project. No significant fauna, flora, historical or archaeological items being disturbed. Public service facilities will be improved and the project will not be growth-inducing.

There will be no significant adverse impact on the environment.

  
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H. C. Dillman  
Environmental Evaluator  
City of San Clemente

Date: February 9, 1978