

MINUTE ITEM

This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 3
0 at its 9/27/89
meeting.

CALENDAR ITEM

C12

A 58
S 37

09/27/89
WP 5807 PRC 5807
Townsend

ASSIGNMENT OF GENERAL PERMIT - RECREATIONAL USE

ASSIGNOR: Southwest Savings and Loan Association
Attn: Pat Role
20061 Saticoy Street
Canoga Park, California 91306

ASSIGNEE/ASSIGNOR: Scotthill Corporation
Attn: Scott Whimpey
2841 East 19th Street
Long Beach, California 90804

ASSIGNEES: Dean K. and Melba T. Zitko
16875 Algonquin Street
Huntington Beach, California 92649

John and Carla Davis
16581 Bordeaux Lane
Huntington Beach, California 92649

Jim McGee
7100 Donald Circle
Garden Grove, California 92641

Murrey and Sue Seidner
4500 N. Rosemead Boulevard
Rosemead, California 91770

Stuart and Elayne Simpson
16151 Fairway Lane
Huntington Beach, CA 92649

CALENDAR ITEM NO. C12 (CONT'D)

AREA, TYPE LAND AND LOCATION:

A .317-acre parcel of sovereign tide and submerged land located in the Huntington Harbour Main Channel, City of Huntington Beach, Orange County.

LAND USE:

Use and maintenance of five boat docks for private recreational use.

TERMS OF ORIGINAL PERMIT:

Initial period: Ten years beginning March 15, 1980.

Surety bond: \$5,000.

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

Consideration: \$2,485 per annum; five-year rent review.

Special: Royalty: \$.15 per cubic yard for material removed from State land and deposited on publicly owned disposal areas; \$.25 per cubic yard for material sold or placed on private property.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicants are owners of upland.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884:

N/A.

CALENDAR ITEM NO. C 12 (CONT'D)

OTHER PERTINENT INFORMATION:

1. BACKGROUND: On March 19, 1980, the State Lands Commission authorized the issuance of a ten-year General Permit - Recreational Use, to Joseph and Barbara Noble for incidental dredging and construction of a bulkhead, pedestrian ramp, and seven boat docks for private recreational use in the Huntington Harbour Main Channel, Orange County. The permit was subsequently amended to change the name of the permittee to J. B. and D. Enterprises. The permit was again amended by Commission action on June 23, 1983 for the following purposes: 1) reduce the number of boat slips to five, 2) provide for a new land description, 3) increase in consideration, 4) provide for a surety bond, and 5) provide for construction-limiting dates of November 1, 1983 to November 1, 1984. On April, 25, 1985, the permit was amended a third time to extend the construction-limiting dates. Due to financial difficulties, and in advance of a pending foreclosure by the lender, the permit was assigned to Southwest Savings and Loan Association.

2. PRESENT SITUATION: Southwest Savings and Loan has sold the property upland of the lease premises to Scotthill Corporation, effective June 10, 1988. Scotthill subsequently sold the upland to five new owners for development of private residences, effective June 11, 1988. The information contained in the applications for assignment submitted by Scotthill and the five new owners indicate their ability to meet the terms and conditions of the permit. All other terms and conditions of the permit shall remain unchanged and in full force and effect. Prior to termination of the permit on March 14, 1990, the five new owners will submit new applications for a replacement lease.

CALENDAR ITEM NO. C 12 (CONT'D)

3. Five filing fees and one processing expense were paid by the proposed assignees. Although this is a double assignment, the transaction has been processed as one. For this reason, staff recommends that the application fees for Scotthill Corporation be waived.
4. 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 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. Code Regs. 2954 is not applicable.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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. Code Regs. 15378.

EXHIBITS: A. Land Description.
 B. 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. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

CALENDAR ITEM NO. C 12 (CONT'D)

2. APPROVE THE ASSIGNMENT OF GENERAL PERMIT - RECREATIONAL USE PRC 5807 TO SCOTTHILL CORPORATION, EFFECTIVE JUNE 10, 1988, AND THE SUBSEQUENT ASSIGNMENT TO DEAN AND MELBA ZITKO, JOHN AND CARLA DAVIS, JIM MCGEE, MURREY AND SUE SEIDNER, AND STUART AND ELAYNE SIMPSON, AS INDIVIDUALS, EFFECTIVE JUNE 11, 1988, UNDER THE TERMS AND CONDITIONS AS SET FORTH IN THE EXECUTED COMMISSION'S STATE LEASE ASSIGNMENT FORM NO. 51.11, ON FILE WITH THE STAFF OF THE COMMISSION.

EXHIBIT "A"

LAND DESCRIPTION

PRC 5807.1

A parcel of tide and submerged land in projected Section 24, T5S, R12W, SBM, City of Seal Beach, Orange County, California, described as follows:

BEGINNING at the northwest corner of Parcel No. 2 of the Parcel Map filed in Book 44, Page 24, Official Records of Orange County, said corner also being the point of beginning of Boundary Line Agreement No. 60 recorded in Book 9634, Page 613, Official Records of Orange County; thence N 46° 32' 00" E 60.00 feet; thence S 72° 57' 57" E 147.37 feet; thence S 15° 48' 50" W 88.00 feet to said agreement line; thence along said line N 73° 45' 00" W 110.76 feet; thence N 44° 15' 00" W 77.58 feet to the point of beginning.

END OF DESCRIPTION

PREPARED NOVEMBER 26, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

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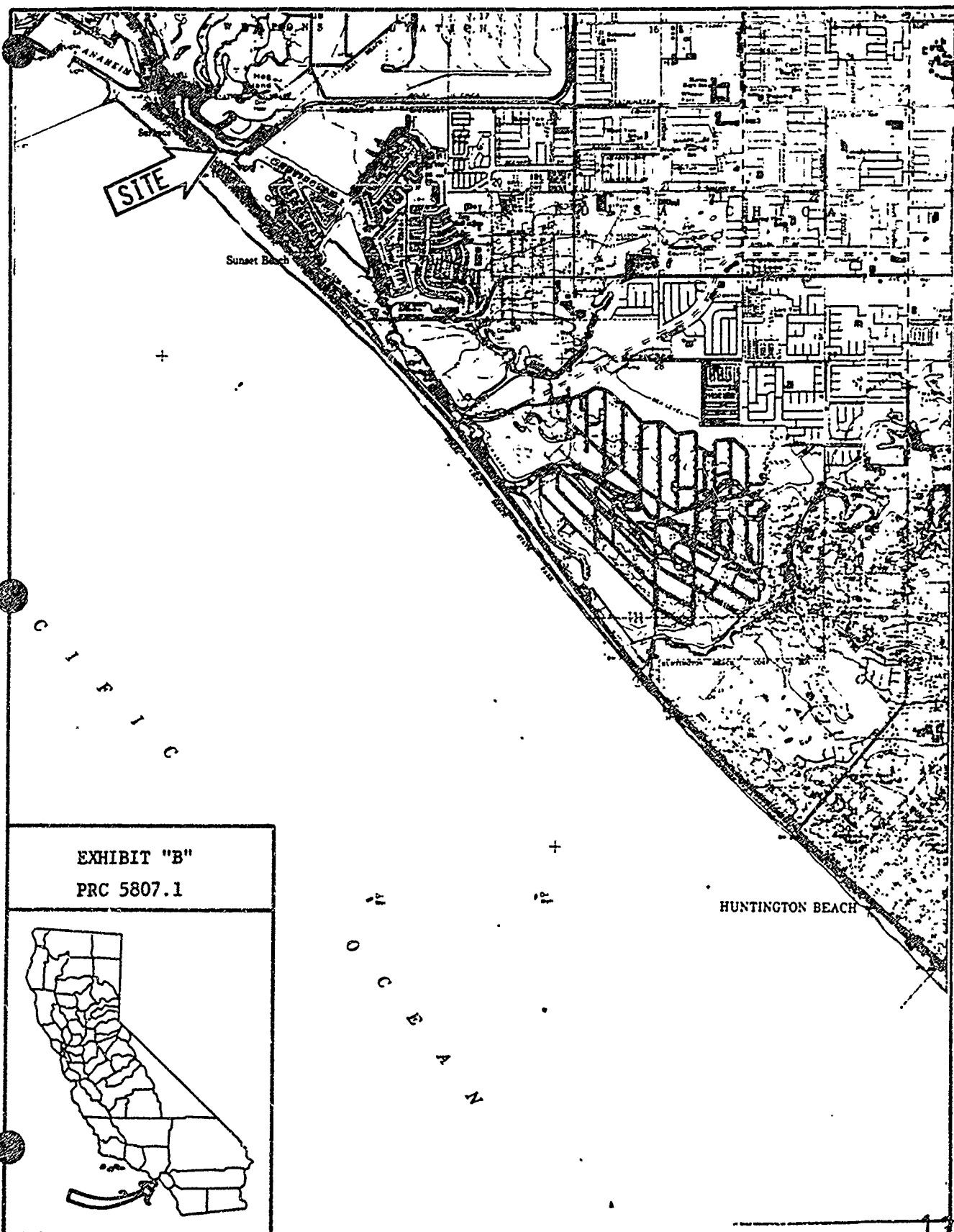


EXHIBIT "B"
 PRC 5807.1

