

**CALENDAR ITEM  
C77**

A 67  
S 35

06/28/10  
WP 3265.1  
S.Young

**GENERAL LEASE - COMMERCIAL USE**

**APPLICANT:**

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

**AREA, LAND TYPE, AND LOCATION:**

0.115 acre, more or less, of sovereign lands in Sunset Bay, near Huntington Beach, Orange County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

15 years, beginning April 1, 2010.

**CONSIDERATION:**

Minimum annual rent of \$8,900 against charges of \$0.015 per gallon for the first 100,000 gallons of fuel sales, \$0.02 per gallon thereafter, and five percent of all other gross income.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance with coverage of no less than \$2,000,000 combined single limit coverage.

Bond:

\$25,000.

Other:

Applicant must maintain authorization to use the uplands adjoining the Lease Premises.

The lease contains provisions that the Lessee must implement the Best Management Practices (BMPs) for Marina Owners/Operators, including additional BMPs the Commission subsequently deems appropriate.

CALENDAR ITEM NO. **C77** (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the uplands adjoining the lease premises.
2. In 1965, the Commission authorized the issuance of a 15-year General Lease – Commercial Use to the Applicant, with three options to renew for periods of ten years each. The Applicant has exercised all three options and the lease expired on March 31, 2010 and is now applying for a new General Lease-Commercial Use.
3. The facility is located at the mouth of Sunset Bay and provides fueling for pleasure boats in Huntington Harbour as well. The fuel facility includes five fuel dispensers, containment for the temporary storage of oil waste and contaminants, and a metal building used for storage and as an attendant's office. Merchandise such as ice, snacks, bait, and tackle are sold on the Lease Premises. The U.S. Navy and Orange County also, utilize this facility for fueling their patrol and fire boats.
4. The annual Underground Storage Tank Permit (USTP) compliance inspection which includes all of the Applicant's fuel facilities, from tanks to nozzles, has been performed by the Orange County Environmental Health Division (Division) and a new permit was issued by the Division on June 25, 2009. The Applicant also maintains a current operation permit with the South Coast Air Quality Management District.
5. 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 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).  
  
Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C77** (CONT'D)

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of 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:**

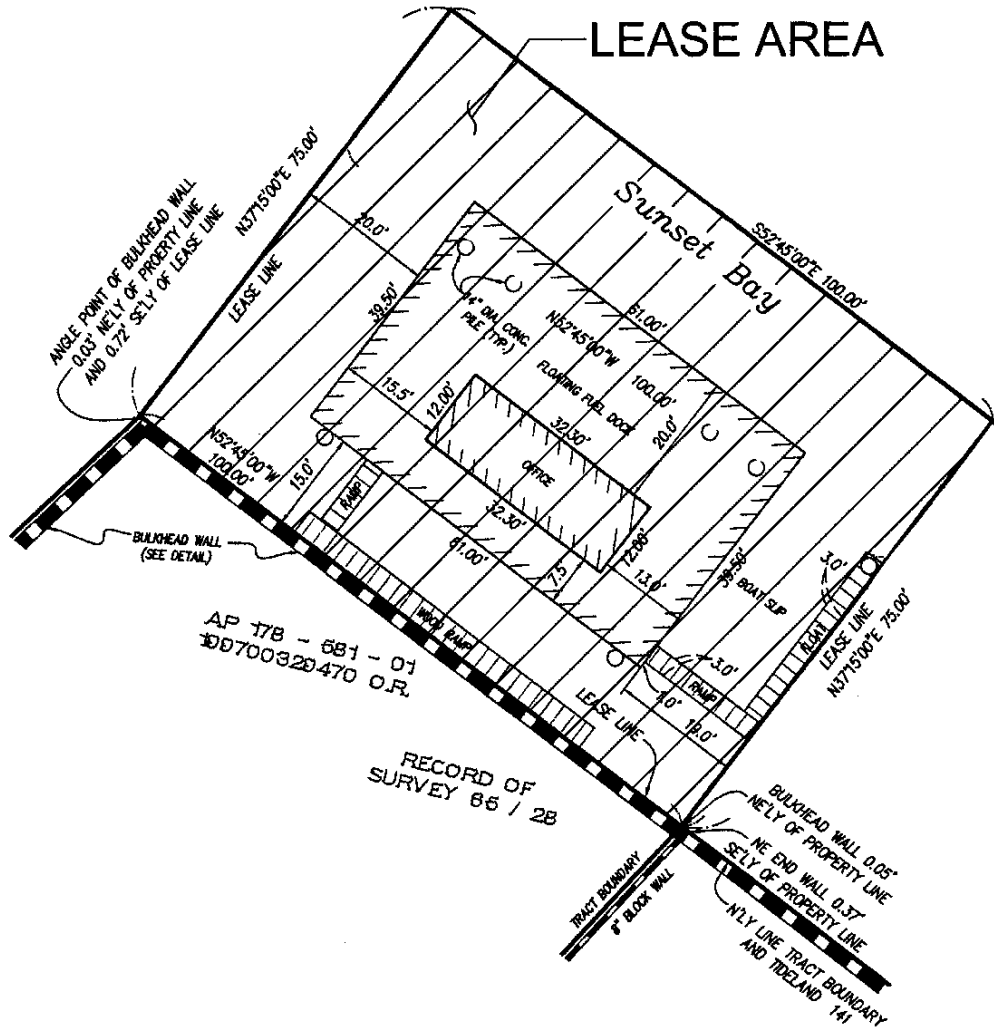
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370 et seq.

**AUTHORIZATION:**

Authorize Issuance of a General Lease – Commercial Use to Mariner’s Point, a California General Partnership, beginning April 1, 2010, for a term of 15 years, for the continued use and maintenance of an existing commercial fuel dock facility on the land shown on Exhibit A attached (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; Minimum Annual Rent of \$8,900 against charges of \$0.015 per gallon for the first 100,000 gallons of fuel sales, \$0.02 per gallon thereafter and 5 percent of all other gross sales; Liability insurance for combined single limit coverage of \$2,000,000; and surety in the amount of \$25,000.

NO SCALE

# SITE



15922 PACIFIC COAST HIGHWAY, HUNTINGTON BEACH

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit A

WP 3265.1  
 MARINER'S POINT  
 APN 178-581-01  
 GENERAL LEASE  
 COMMERCIAL USE  
 ORANGE COUNTY



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

EXHIBIT B

WP 3265.1

LAND DESCRIPTION

A parcel of submerged land in Sunset Bay, City of Seal Beach, Orange County, State of California, located adjacent to and northeasterly of Tideland Location No. 141 patented to Alamitos Land Company April 4, 1901 and being further described as follows:

BEGINNING at the most northerly corner of Tract No. 5864 recorded book 214 pages 37 through 42 of miscellaneous maps filed in the office of the Orange County Recorder; thence N. 52° 45' 00" W. a distance of 100.00 feet along the northwesterly prolongation of the northeast tract boundary, said northeast tract boundary and its prolongation being coincident with the northeasterly line of said Tideland Location No.141; thence leaving said tract boundary and northeasterly line, into Sunset Bay, N. 37° 15' 00" E. 75.00 feet; thence S. 52° 45' 00"E. 100.00 feet; thence S. 37° 15' 00" W. 75.00 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

This document was prepared by me or under my supervision.



*Patrick J. Savage* 6/14/10

Patrick J. Savage P.L.S. 5183