

MINUTE ITEM

This Calendar Item No. CR
was approved as Minut. Item
No. 8 by the State Land
Commission by a vote of 9
to 0 at its 4-28-76
meeting.

CALENDAR ITEM

4/76
WP 391
ACS

CS

COMMERCIAL LEASE

APPLICANT: Kissel Corporation
dba Paradise Cove Land Company
28128 Pacific Coast Highway
Malibu, California 90265

AREA, TYPE LAND AND LOCATION:
A 1.65 acre parcel of tide and submerged
land near Malibu in the Pacific Ocean, Los
Angeles County.

LAND USE: Continued operation and maintenance of a
commercial fishing pier.

TERMS OF PROPOSED LEASE:
Initial period: 15 years, from February 25,
1974.

Renewal options: 1 successive period of 10
years.

Surety bond: \$5,000.

Public liability insurance: \$1,000,000 combined
single limit.

CONSIDERATION: \$1,562.40 for the period February 25, 1974
through February 24, 1976, and \$5,960 per
annum thereafter, with the State reserving
the right to fix a different rental on each
fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
8% of appraised value of land.

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

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3
Arts. 1, 2, 10 & 11.

A 38

B 19

CALENDAR ITEM NO. C8 (CONT'D)

OTHER PERTINENT INFORMATION:

1. This lease is for the continuance of an existing pier which has been under lease since 1949. The pier is in a good state of repair and there is no indication of damage to the environment.
2. This area has been classified as having significant environmental values even though this pier was and is still in full operation as a commercial fishing pier.
3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 5360.1, and is classified in a significant use category, Class A. 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. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100 ET SEQ.; AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO KISSEL CORPORATION DBA PARADISE COVE LAND COMPANY OF A 15-YEAR COMMERCIAL LEASE FROM FEBRUARY 25, 1974; WITH LESSEE'S OPTION TO RENEW FOR 1 SUCCESSIVE PERIOD OF 10-YEARS IN CONSIDERATION OF RENT IN THE AMOUNT OF \$1,562.40 FOR THE PERIOD FEBRUARY 25, 1974 THROUGH FEBRUARY 24, 1976, AND \$5,960 PER ANNUM THEREAFTER, WITH

CALENDAR ITEM NO. 08 (CONTD)

WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE WITH PROVISION OF A \$5,000 SURETY BOND; AND PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$1,000,000 COMBINED SINGLE LIMIT FOR THE CONTINUED OPERATION AND MAINTENANCE OF A COMMERCIAL FISHING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

Exhibit "A"

WP 391

A parcel of tide and submerged land, 100 feet wide, near Point Dume, in Santa Monica Bay, Los Angeles County, California and in an area known as Paradise Cove, and lying 50 feet on each side of the following described centerline:

COMMENCING at NGS triangulation station "TRESTLE 1933"; thence N 30° 18' 47" E 640.46 feet; thence N 55° 05' 43" E 373.47 feet to the TRUE POINT OF BEGINNING of the herein described centerline; thence S 43° 46' 59" E 765.0 feet to the point of termination.

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

END OF DESCRIPTION

Prepared R. L. Blake Checked J. H. Kummert
Reviewed Donald Britton Date 1/15/76

