

The “White Hole” Issue:
Mills Land & Water Settlement Agreement Update (Jan. 2005)

In 1994 the Mills Land and Water Company sued the City of Huntington Beach alleging that the City had taken its property because the City had not obtained a certified Local Coastal Program from the California Coastal Commission on the property. A Tolling Agreement was entered into between Mills and the City from 1996 to 2002. A Settlement Agreement was approved by the City Council in 2002. Subsequently, Mills requested a renegotiation of the Agreement.

In June 2004, the City Council agreed to a revised Settlement Agreement dismissing the City from the lawsuit. The agreement involves the following:

- 1) A Certificate of Compliance will be issued by the City for the property currently identified as the Tank Farm at the northwest corner of Newland Street and Hamilton Avenue **(completed)**.
- 2) All of the Mills properties designated as wetlands shall be conveyed to CalTrans and deed restricted for wetland use only **(completed)**.
- 3) Mills will acquire all of the CalTrans property fronting Pacific Coast Highway, including the property occupied by Action Boat Sales and the Cabrillo Mobile Home Park **(completed)**.
- 4) Mills will initiate applications to the City for the following:
 - a) Amend the General Plan and Local Coastal Program for the Cabrillo Mobile Home Park to be planned and zoned for mobile home use **(not yet initiated)**.
 - b) Rezone an approximately 2.5 acre portion of property along Pacific Coast Highway immediately south of Action Boats from Coastal Conservation District to Visitor Serving Commercial District **(not yet initiated)**.
 - c) Rezone approximately 1.2 acres adjacent to and east of the Cabrillo Mobile Home Park along Pacific Coast Highway from Coastal Conservation District to Visitor Serving Commercial District **(not yet initiated)**.
- 5) Concurrently with the items outline in #4, Mills will initiate a mutually agreeable development agreement **(not yet initiated)**.