

MINUTE ITEM
This Calendar Item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 2
to 0 at its 11/20/86
meeting.

CALENDAR ITEM

21

A 58

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11/20/86
PRC 3639
Lipphardt

AMENDMENT TO GENERAL LEASE - COMMERCIAL USE

CO-APPLICANTS: Santa Catalina Island Company
P. O. Box 737
Avalon, California 90704
and
Santa Catalina Island
Conservancy
P. O. Box 1547
Avalon, California 90704

AREA, TYPE LAND AND LOCATION:
19 parcels of tide and submerged land,
totalling approximately 435± acres, located at
Santa Catalina Island, Los Angeles County.

LAND USE: Maintenance and operation of 720 revenue
production moorings and two revenue producing
stringlines together with open coves for
anchorage.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years beginning January 1,
1982.
Performance bond: \$500,000.
Public liability insurance: Combined single
limit coverage of \$5,000,000.
Consideration: \$206,500 per annum, five-year
rent review.
Special: Required Services Fund:
\$125,000.

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2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 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. Adm. Code 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. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. AUTHORIZE ISSUANCE TO SANTA CATALINA ISLAND COMPANY AND SANTA CATALINA ISLAND CONSERVANCY, AS CO-LESSEES, OF AN AMENDMENT TO LEASE PRC 3639, SUBSTANTIALLY ON THE FORM ON FILE IN THE PRINCIPAL OFFICE OF THE STATE LANDS COMMISSION, WHICH MODIFIES THE LEASE DESCRIPTION AND THE FEE SCHEDULE FOR THE INDIVIDUAL MOORING SITES; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$210,000 OR 20 PERCENT OF GROSS INCOME ATTRIBUTABLE TO THE LEASED PREMISES PER ANNUM, WHICHEVER IS GREATER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR MAINTENANCE AND OPERATION OF 720 REVENUE PRODUCING MOORINGS AND TWO REVENUE PRODUCING STRINGLINES TOGETHER WITH OPEN COVES FOR ANCHORAGE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF. THE EFFECTIVE DATE OF THE AMENDMENT IS JANUARY 1, 1987. ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 3639 REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

CALENDAR ITEM NO. 21 (CONT'D)

TERMS OF PROPOSED AMENDMENT:

This Amendment adjusts the annual rental provisions and modifies the fee schedule for the individual mooring site subleases.

CONSIDERATION: A base annual rent in the amount of \$210,000 or 20 percent of gross income attributable to the lease premises per annum, whichever is greater; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to '2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of upla

STATUTORY AND OTHER REFERENCES:

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

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

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1 The proposed Amendment was prompted by the five-year rent review provision of the lease. Lessee has agreed to an annual rental of \$210,000 or 20 percent of gross income attributable to the leased premises, whichever is greater. The minimum annual payment of \$210,000 will be due in two payments of \$105,000 each, on March 1 and August 31 of each year, starting in 1987. The amendment also modifies the existing fee schedule for the individual mooring site subleases to allow lessee to adjust the fees charged for the mooring sites. The amendment further amends the lease description to reflect the deletion of one parcel at Empire Landing, (which is no longer being used by Lessee) and to clarify the lease description.

(REVISED 11/17/86)

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EXHIBIT "A"

LAND DESCRIPTION

PRC 3639

PARCEL 1 - Isthmus Cove

All that area bounded on the west, south, and southeast by the mean lower low waterline and on the north by a straight line extending from a point on the mean high tide line at approximately 33°26'35" North Latitude, 118°29'25" West Longitude to a point on the mean high tide line at approximately 33°26'45" North Latitude, 118°29'50" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

ALSO EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing freight ramp and two existing launching ramps.

PARCEL 2 - Fourth of July Cove

All that area bounded on the north, west and south by the mean lower low waterline and on the east by a straight line beginning at a point on the mean high tide line at approximately 33°26'56" North Latitude, 118°29'55" West Longitude; thence northeasterly 50 feet, more or less, to a point offshore at approximately 33°26'56" North Latitude, 118°29'54" West Longitude; thence southeasterly 1,200 feet, more or less, to a point on the mean high tide line described as 33°26'45" North Latitude, 118°29'50" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands lying beneath an existing pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier.

PARCEL 3 - Howland's Landing

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean high tide line at approximately 33°27'40" North Latitude, 118°31'07" West Longitude to a point on the mean high tide line at approximately 33°27'55" North Latitude, 118°31'15" West Longitude.

EXCEPTING THEREFROM all those tidelands and submerged lands lying beneath existing piers together with those areas historically used for activities in conjunction with upland camp programs.

PARCEL 4 - Emerald Bay

All that area bounded on the west and south by the mean lower low waterline and on the north and east by a line beginning at a point on the mean high tide line at approximately 33°28'10" North Latitude, 118°31'45" West Longitude; thence easterly 1,500 feet, more or less, to a point seaward of Indian Rock at approximately 33°28'10" North Latitude, 118°31'30" West Longitude; thence southeasterly to a point on the mean high tideline at approximately 33°27'58" North Latitude, 118°31'20" West Longitude.

EXCEPTING THEREFROM all those tidelands and submerged lands lying beneath existing piers together with those areas historically used for activities in conjunction with upland camp programs.

PARCEL 5 - Catalina Harbor

All that area bounded on the west, north and east by the mean lower low waterline and on the south and southeast by a line beginning at a point on the mean high tide line at approximately 33°25'41" North Latitude, 118°30'21" West Longitude; thence west 848 feet, more or less, to a point at approximately 33°25'41" North Latitude, 118°30'31" West Longitude; thence southwesterly 1,625 feet, more or less, terminating at a point on the mean high tide line at approximately 33°25'30" North Latitude, 118°30'39" West Longitude.

EXCEPTING THEREFROM that portion of tideland owned by the Santa Catalina Island Company generally described as a portion of Tideland in Catalina Harbor of approximately 12.8 acres lying between the ordinary high water and ordinary low water mark along the east and north shore of Catalina harbor beginning at Ballast Point.

ALSO EXCEPTING THEREFROM all those tide and submerged lands lying beneath three existing dingy piers and one existing commercial pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said dingy piers and commercial pier.

ALSO EXCEPTING THEREFROM all those tide and submerged lands lying beneath two existing ramps.

PARCEL 6 - Buttonshell Beach

All that area bounded on the north and west by the mean lower low waterline and on the east by a straight line extending from a point on the mean high tide line at approximately 33°24'02" North Latitude, 118°21'59" West Longitude to a point on the mean high tide line at approximately 33°24'23" North Latitude, 118°21'56" West Longitude.

EXCEPTING THEREFROM all those tidelands and submerged lands lying beneath existing piers together with those areas historically used for activities in conjunction with upland camp programs.

PARCEL 7 - White's Landing

All that area bounded on the northwest, west, and south by the mean lower low waterline and on the north, northeast, and southeast by a line beginning at approximately 33°23'42" North Latitude, 118°22'07" West Longitude; thence northeasterly 100 feet, more or less, to a point at approximately 33°23'44" North Latitude, 118°22'06" West Longitude; thence on a straight line 1,460 feet, more or less, to a point at approximately 33°23'31" North Latitude, 118°21'59" West Longitude; thence southwesterly 556 feet, more or less, to a point on the mean high tide line at approximately 33°23'27" North Latitude, 118°22'03" West Longitude.

EXCEPTING THEREFROM all those tidelands and submerged lands lying beneath existing piers together with those areas historically used for activities in conjunction with upland camp programs.

PARCEL 8 - Moonstone Cove

All that area bounded on the west and south by the mean lower low waterline and on the northeast and northwest by a line beginning at approximately 33°23'27" North Latitude, 118°22'03" West Longitude; thence northeasterly 556 feet, more or less, to a point at approximately 33°23'31" North Latitude, 118°21'58" West Longitude; thence southeasterly 1,460 feet, more or less, to a point on the mean high tide line at approximately 33°23'18" North Latitude, 118°21'51" West Longitude.

EXCEPTING THEREFROM all those tide and submerged lands beneath an existing pier TOGETHER WITH a necessary use extending 10 feet from the extremities of said pier.

PARCEL 9 - Cherry Cove

All that area bounded on the north, west and south by the mean lower low waterline and on the east by a straight line extending from a point on the mean high tide line at approximately 33°27'11" North Latitude, 118°30'02" West Longitude; thence southeasterly 1,200 feet to a point offshore at approximately 33°26'59" North Latitude, 118°29'56" West Longitude; thence southwesterly 150 feet more or less to a point on the mean high tide line at approximately 33°26'58" North Latitude, 118°29'57" West Longitude.

EXCEPTING THEREFROM all those tidelands and submerged lands lying beneath existing piers together with those areas historically used for activities in conjunction with upland camp programs.

PARCEL 10 - Little Geiger

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean high tide line at approximately 33°27'23" North Latitude, 118°30'42" West Longitude to a point on the mean high tide line at approximately 33°27'32" North Latitude, 118°30'56" West Longitude.

PARCEL 11 - Ken Rock

All that area bounded on the north, west and south by the mean lower low waterline and on the east by a straight line extending from a point on the mean high tide line at approximately 33°23'42" North Latitude, 118°22'07" West Longitude, to a point on the mean high tide line at approximately 33°23'57" North Latitude, 118°21'41" West Longitude.

PARCEL 12 - Willow Cove

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean lower low waterline at approximately 33°22'38" North Latitude, 118°21'16" West Longitude, to a point on the mean high tide line at approximately 33°22'41" North Latitude, 118°21'20" West Longitude.

PARCEL 13 - Smeltz Cove (Big Geiger)

All that area bounded on the west and south by the mean lower low waterline and on the northeast by a straight line extending from a point on the mean lower low water line at approximately 33°27'32" North Latitude, 118°30'56" West Longitude to a point on the mean lower low waterline at approximately 33°27'37" North Latitude, 118°31'02" West Longitude.

PARCEL 14 - Little Harbor

All that area bounded on the north and east by the mean lower low waterline and on the south by a straight line extending from a point on the mean lower low waterline at approximately 33°23'06" North Latitude, 118°28'27" West Longitude, for approximately 980 feet to a point offshore, being a point on the most easterly end of the harbor reef at approximately 33°22'48" North Latitude, 118°28'36" West Longitude, then north along a straight line for approximately 500 feet to a point on the mean high tide line at approximately 33°23'09" North Latitude, 118°28'34" West Longitude.

PARCEL 15 - Doctor's Cove

All that area bounded on the west and south by the mean lower low waterline and on the north and east by a straight line extending from a point on the mean high tideline at approximately 33°28'17" North Latitude, 118°31'52" West Longitude to a point on the mean high tide line at approximately 33°28'12" North Latitude, 118°31'47" West Longitude.

PARCEL 16 - Ripper's Cove

All that area bounded on the east, south and west by the mean lower low waterline and a straight line on the north, beginning at a point on the mean high tide line at approximately 33°25'40" North Latitude, 118°26'03" West Longitude, and extending to a point on the mean high tide line at approximately 33°25'38" North Latitude, 118°25'50" West Longitude.

PARCEL 17 - Cabrillo Harbor

All that area bounded on the west and south by the mean lower low waterline and on the north and east by a straight line extending from a point on the mean high tide line at approximately 33°25'15" North Latitude, 118°24'14" West Longitude, to a point approximately 100 feet offshore being approximately 33°25'13" North Latitude, 118°24'13" West Longitude, then southwesterly to a point on the mean lower low waterline being approximately 33°25'11" North Latitude, 118°24'12" West Longitude.

PARCEL 18 - Parson's Landing

All that area bounded on the east, south and west by the mean lower low waterline and on the north by a straight line extending from a point on the mean high tide line at approximately 33°28'26" North Latitude, 118°33'09" West Longitude, to a point on the mean lower low waterline at approximately 33°28'08" North Latitude, 118°32'55" West Longitude.

END OF DESCRIPTION

REVIEWED NOVEMBER 17, 1986 BY BOUNDARY SERVICES UNIT, M.L. SHAFER, SUPERVISOR.

(REVISED 11/17/86)

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