

**CALENDAR ITEM
C70**

A 54
S 27

02/22/13
PRC 6457.1
A. Franzoia

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Guided Discoveries, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean at Toyon Bay, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

Use and maintenance of a pier, gangway, float, swim area, scuba area, nine mooring and two safety cans.

LEASE TERM:

10 years, beginning January 1, 2013.

CONSIDERATION:

\$9,945 per year effective January 1, 2013, with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance coverage in the amount of no less than \$3,000,000.

OTHER PERTINENT INFORMATION:

1. On June 19, 1998, the Commission authorized a General Lease – Recreational Use for a 10-year term which expired on December 31, 2005, and is in holdover. The upland is owned by the Santa Catalina Island Conservancy and leased to Guided Discoveries, Inc. The upland lease term began January 1, 2011, and ends December 31, 2015, with the option to extend for two consecutive five-year terms.
2. Six moorings are used all year while three moorings are only used for three months during the summer from June 1 through August 31. These three moorings will be removed from September 1 to May 31.

CALENDAR ITEM NO. **C70** (CONT'D)

3. Swim and scuba areas, as shown on Exhibit B, are installed no sooner than May 15th and removed no later than September 15th.
4. The staff recommends the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Guided Discoveries, Inc. beginning January 1, 2013, for a term of 10 years, for the

CALENDAR ITEM NO. **C70** (CONT'D)

use and maintenance of a pier, gangway, float, swim area, scuba area, nine moorings and two safety cans as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$9,945 with the State reserving the right to fix a different rent periodically during the lease term; and liability insurance in the amount of no less than \$3,000,000.

EXHIBIT A

PRC 6457.1

LAND DESCRIPTION

Fourteen (14) parcels of tide and submerged land situate in the bed of Toyon Bay, on the easterly side of Catalina Island, Los Angeles County, State of California, more particularly described as follows:

PARCEL 1 – PIER, GANGWAY & FLOAT

COMMENCING at a point having CCS27, Zone 6 coordinates of Northing(Y)=446111.48 feet, Easting (X)=1357923.38 feet and from which a NGS monument "Channel 1933" bears North 54°13'44" West, 45970.03 feet, said monument having CCS27, Zone 6 coordinates of Northing (Y)=472983.28 feet, Easting (X)=1320625.26 feet; thence North 40°29'08" West 6.13 feet to the POINT OF BEGINNING; thence along the following sixteen (16) courses:

- 1) North 49°26'41" East, 229.73 feet;
- 2) North 40°33'19" West, 2.56 feet;
- 3) North 49°26'41" East, 37.86 feet;
- 4) South 40°49'32" East, 5.63 feet;
- 5) North 49°56'24" East, 38.77 feet;
- 6) North 40°43'14" West, 9.21 feet;
- 7) North 49°26'41" East, 61.39 feet;
- 8) South 40°33'19" East, 24.56 feet;
- 9) South 49°26'41" West, 61.39 feet;
- 10) North 40°03'36" West, 9.21 feet;
- 11) South 49°56'24" West, 38.88 feet;
- 12) South 40°49'32" East, 5.63 feet;
- 13) South 49°26'41" West, 37.86 feet;
- 14) North 40°33'19" West, 2.56 feet;
- 15) South 49°26'41" West, 229.73 feet;
- 16) North 40°33'19" West, 6.15 feet to the POINT OF BEGINNING.

PARCEL 2 – SWIM AREA

BEGINNING at a point having CCS27, Zone 6 coordinates of Northing(Y)=446023.89, Easting(X)=1358206.25 feet and from which a NGS monument "Channel 1933" bears North 54°20'44" West, 46250.83 feet, said monument having CCS27, Zone 6 coordinates of Northing (Y)=472983.28 feet, Easting (X)=1320625.26 feet; thence along the following four (4) courses:

- 1) South 50°33'33" East, 123.03 feet;
- 2) South 47°34'57" West, 110.33 feet;
- 3) North 47°29'35" West, 127.50 feet;
- 4) North 50°26'30" East, 104.31 feet to the POINT OF BEGINNING.

PARCEL 3 – SCUBA AREA

Bounded on the northwest by the southeast side of a pier, gangway and float; bounded on the northeast by the southeasterly prolongation of the northeasterly end of a float; bounded on the southeast by a line parallel to and approximately 100 feet southeasterly of the southeast side of the pier, gangway and float; bounded on the southwest by a line northeasterly of and approximately 150 feet waterward from the ordinary high water mark.

PARCELS 4 thru 12 – Mooring Buoys 1 thru 9

Nine (9) circular parcels of land, being 50 feet in diameter, underlying existing buoys and having the following coordinates:

- 1) Northing (Y)=446817.66 feet, Easting (X)=1358018.59 feet;
- 2) Northing (Y)=446748.32 feet, Easting (X)=1358115.41 feet;
- 3) Northing (Y)=446603.86 feet, Easting (X)=1358189.34 feet;
- 4) Northing (Y)=446434.51 feet, Easting (X)=1358445.01 feet;
- 5) Northing (Y)=446255.29 feet, Easting (X)=1358392.95 feet;
- 6) Northing (Y)=446136.63 feet, Easting (X)=1358493.15 feet;
- 7) Northing (Y)=446066.63 feet, Easting (X)=1358583.80 feet;
- 8) Northing (Y)=446572.36 feet, Easting (X)=1358042.86 feet;
- 9) Northing (Y)=446514.72 feet, Easting (X)=1358095.13 feet.

PARCELS 13 & 14 – Safety Cans

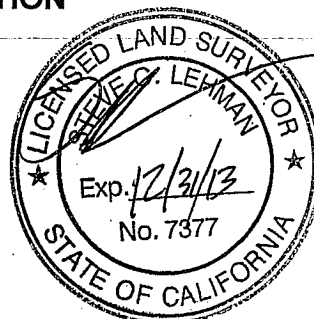
Two (2) circular parcels of land, being 50 feet in diameter, underlying existing buoys and having the following coordinates:

- 1) Northing (Y)=446881.56 feet, Easting (X)=1357893.33 feet;
- 2) Northing (Y)=445786.99 feet, Easting (X)=1358865.93 feet.

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

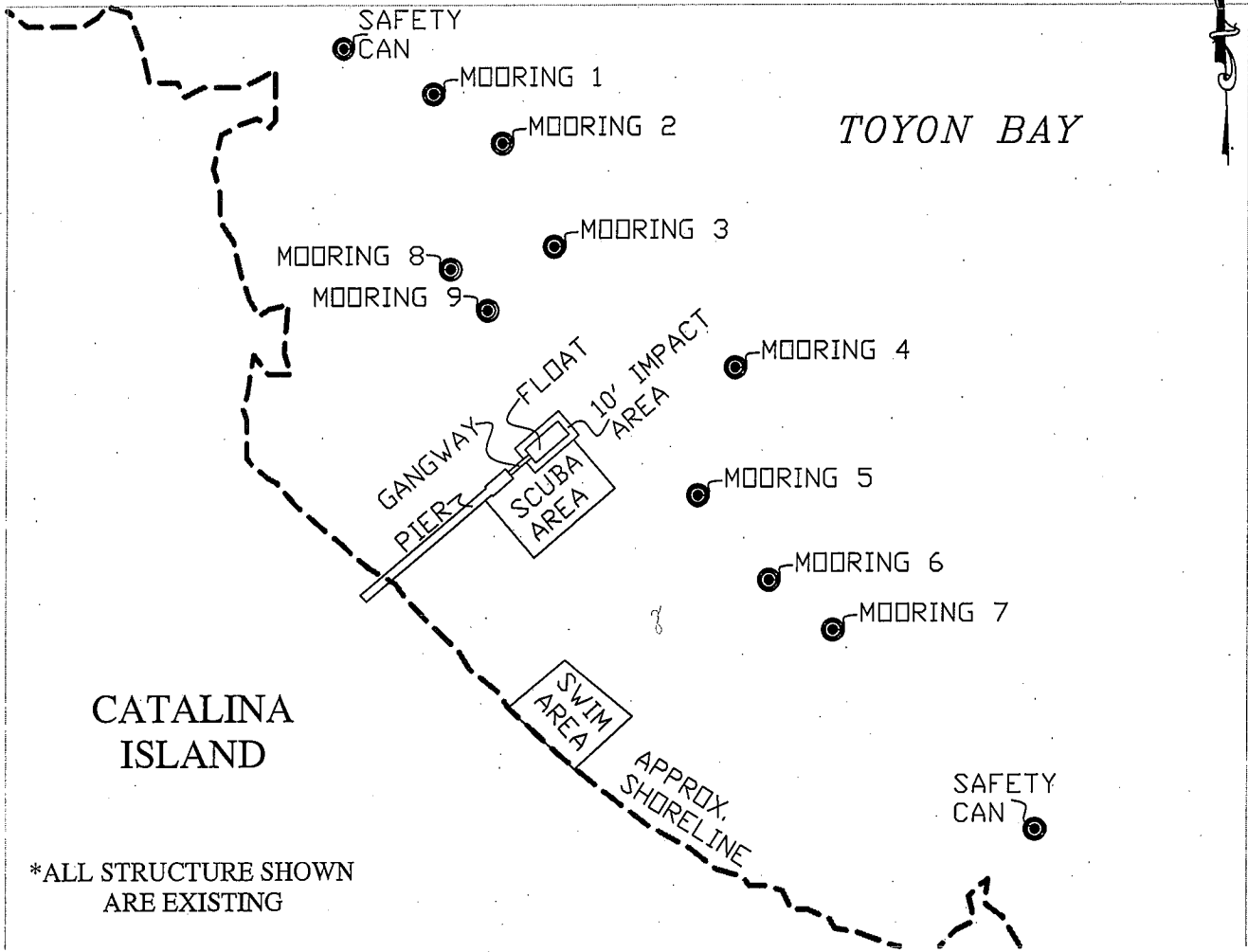
END OF DESCRIPTION

PREPARED 12/17/12 BY THE
CALIFORNIA STATE LANDS COMMISSION
BOUNDARY UNIT



NO SCALE

SITE

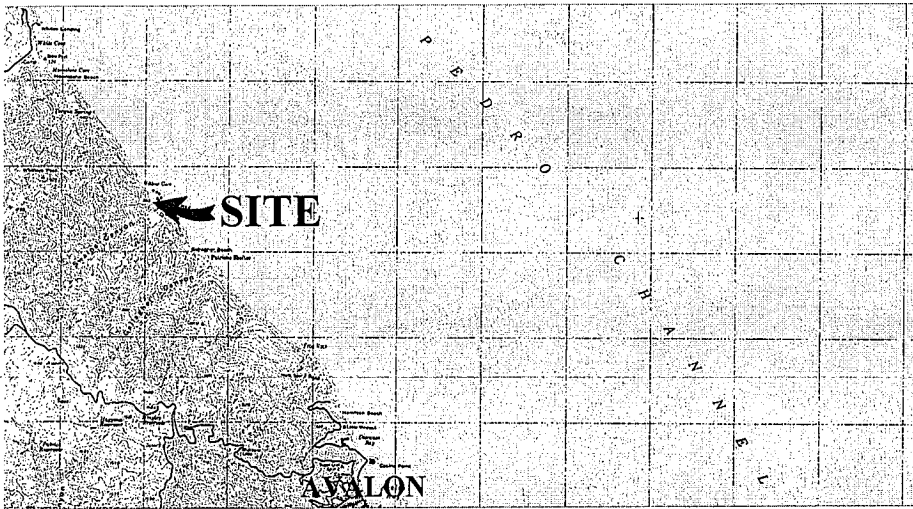


*ALL STRUCTURE SHOWN ARE EXISTING

TOYON BAY, SANTA CATALINA ISLAND

NO SCALE

LOCATION

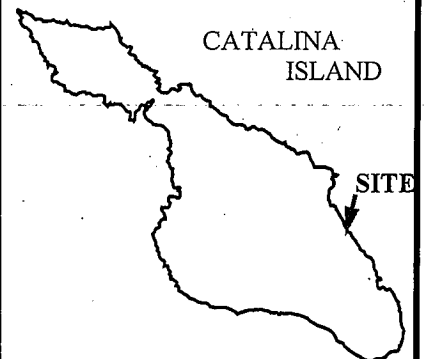


MAP SOURCE: USGS QUAD

Exhibit B

PRC 6457.1

GUIDED DISCOVERIES
GENERAL LEASE -
RECREATIONAL USE
CATALINA ISLAND
LOS ANGELES 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.