

MINUTE ITEM
This Calendar Item No. 35
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 2
to 0 at its 12/23/86
meeting.

MINUTE ITEM

35

12/23/86
W 23344
PRC 7030 SLL 130
Louie
J. Sekelsky

GENERAL LEASE - INDUSTRIAL USE

During consideration of Calendar Item 35 attached, Chief Counsel Hight outlined some additional language to be included as part of the terms and conditions for this lease.

Mr. Roger Woolley, representing the Santa Catalina Island Company, indicated the applicant's approval of the agreement.

Upon motion duly made and carried, the following resolution was approved, as amended, by a vote of 2-0.

THE COMMISSION:

1. FINDS THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 14 CAL. ADM. CODE 15304. 2 CAL. ADM. CODE 2905(a)(2).
2. AUTHORIZES THE EXECUTION AND RECORDATION OF A BOUNDARY LINE AGREEMENT AT JEWFISH POINT AND EMPIRE LANDING, SANTA CATALINA ISLAND SO THAT THERE IS A TOTAL OF 30 ACRES OF FILLED TIDE AND SUBMERGED LANDS WHICH SHALL BELONG TO THE STATE.
3. AUTHORIZES THE STAFF TO NEGOTIATE WITH THE SANTA CATALINA ISLAND COMPANY A 49-YEAR GENERAL LEASE - INDUSTRIAL USE BEGINNING JANUARY 1, 1987 IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF SEVEN PERCENT OF APPRAISED LAND VALUE WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE FOR MAINTENANCE OF EXISTING FACILITIES NECESSARY TO SUPPORT ROCK QUARRY OPERATIONS ON THE SUBJECT 30 ACRES AT JEWFISH POINT AND EMPIRE LANDING.

Attachment: Calendar Item 35.

(Non-substantive revision 6-1-89)

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CALENDAR ITEM

35

A 58

S 29

12/23/86
W 23344 PG 7030
Louie
J. Sokelsky

GENERAL LEASE - INDUSTRIAL USE

APPLICANT: Santa Catalina Island Company
P. O. Box 737
Avalon, CA, California 90704

SUBLESSEE: Connolly-Pacific Company
1925 Water Street
Long Beach, California 90802

AREA, TYPE LAND AND LOCATION:
Two parcels of filled tide and submerged land totaling 32 acres, located at Jewfish Point and Empire Landing, Santa Catalina Island, Los Angeles County.

LAND USE: Maintenance of existing facilities necessary to support rock quarry operations.

TERMS OF PROPOSED LEASE:

Initial period: 15 years, one month, 11 days beginning November 20, 1980.

Surety bond: \$50,000.

Public liability insurance: Combined single limit coverage of \$5,000,000.

Special: (1) Lessee may maintain existing living quarters for security personnel on the lease premises.

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(2) Discontinuance of the authorized use (support facilities for rock quarry operations) for a period of one year or more shall be presumed to be a cessation of quarry activities and may at the option of the Commission be grounds for termination.

CONSIDERATION: \$14,688 per annum; with the State reserving the right to fix a different rental on each fifth anniversary commencing January 1, 1991.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of adjacent upland.

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. In the process of negotiating a new lease with Connolly-Pacific for barge moorings at Jewfish Point, Santa Catalina Island, the staff discovered that tide and submerged lands had been filled. Additional study by staff indicated that there were also filled lands at Empire Landing and other sites around Santa Catalina Island. There is a dispute as to the extent and ownership of these filled lands between the State and the Santa Catalina Island Company.

In addition, the City of Avalon and County of Los Angeles have been conducting a feasibility study for construction of a commercial airport on the island which included consideration of Jewfish Point as

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a possible site. The staff has been informed that the City does not plan further consideration of Jewfish Point as an airport site.

2. The premises defined by this lease consist of 32 acres, an area of filled tide and submerged land claimed by the State. It is the Company's position that the State owns no more than a total of 28 acres of filled tide and submerged lands at Jewfish Point and Empire Landing.
3. The proposed lease is a non-prejudicial lease which is not intended to establish the State's boundaries and is made without prejudice to Lessor and Lessee regarding any boundary claims which may be asserted presently or in the future.
4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification required by 2 Cal. Adm. Code 2954 is not applicable.
5. 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 as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 14 Cal. Adm. Code 15304, 2 Cal. Adm. Code 2905(a) (2).

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Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300. Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

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 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 14 CAL. ADM. CODE 15304, 2 CAL. ADM. CODE 2905(a)(2).
2. AUTHORIZE ISSUANCE TO SANTA CATALINA ISLAND COMPANY OF A 15-YEAR, ONE MONTH, 11 DAY GENERAL LEASE - INDUSTRIAL USE BEGINNING NOVEMBER 20, 1980 AND ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$14,686, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE COMMENCING JANUARY 1, 1991; PROVISION OF A \$50,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$5,000,000; FOR MAINTENANCE OF EXISTING FACILITIES NECESSARY TO SUPPORT ROCK QUARRY OPERATIONS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; THIS LEASE IS NOT INTENDED TO ESTABLISH THE STATE'S BOUNDARIES AND IS BEING ENTERED INTO WITHOUT PREJUDICE TO LESSOR AND LESSEE REGARDING ANY BOUNDARY CLAIMS WHICH MAY BE ASSERTED PRESENTLY OR IN THE FUTURE.

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EXHIBIT "A"
LAND DESCRIPTION

W23344

Two parcels of filled tide and submerged lands on Santa Catalina Island within and adjoining Lots 3 and 85 respectively, of L.A.C.A. Map No. 59, recorded February 28, 1952, in book 1, page 7 of Assessor's Maps, Los Angeles County, California, bounded as follows:

PARCEL 1 (Jewish Point)

1. On the north by a grid line having a value of $y=3,867,000.00$ feet on the California Coordinate System, Zone 7, 1927 N.A.D..
2. On the east by the present (December 1986) mean high water line of the Pacific Ocean.
3. On the south by the easterly prolongation of the south line of Lot 3 of L.A.C.A. Map No. 59, recorded February 28, 1952, in book 1, page 7 of Assessor's Maps, Los Angeles County Recorder's Office.
4. On the west by the ordinary high water mark of the Pacific Ocean.

EXCEPTING THEREFROM those interests, if any, which may have passed by virtue of Lease P.R.C. 4193.

PARCEL 2 (Empire Landing)

1. On the north by the present (December 1986) mean high water line of the Pacific Ocean.
2. On the east by a grid line having a value of $x=150,000.00$ feet on the California Coordinate System, Zone 7, 1927 N.A.D..
3. On the south by the ordinary high water mark of the Pacific Ocean.
4. On the west by a grid line having a value of $x=4,144,000.00$ feet on the California Coordinate System, Zone 7, 1927 N.A.D..

EXCEPTING THEREFROM those interest, if any, which may have passed by virtue of Lease P.R.C. 4193 (formerly P.R.C. 4626).

END OF DESCRIPTION

PREPARED DECEMBER 15, 1986 BY BOUNDARY SERVICES UNIT, M. I. SHAFER,
SUPERVISOR.

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