

MINUTE ITEM
This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 3
to 0 of its 08/30/89
meeting.

CALENDAR ITEM 26

CALENDAR ITEM

A 58
S 29

26

08/30/89
W 22957.1 PRC 7332
Louie
J. Sekelsky

GENERAL LEASE - COMMERCIAL USE AND
APPROVAL OF SUBLEASE AND LICENSE

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

SUBLESSEE: David Gemilere
P.O. Box 483
Avalon, California 90704

LICENSEE: Catalina Flying Boats, Inc.
605 S. Pacific Avenue #203
San Pedro, California 90731

AREA, TYPE LAND AND LOCATION:
1,500 square feet of tidelands and submerged
lands at Pebbly Beach, Santa Catalina Island,
Los Angeles County.

LAND USE: Maintenance of existing seaplane ramp.

TERMS OF PROPOSED LEASE:
Initial period: Fifteen (15) years beginning
January 1, 1985.
Surety bond: \$25,000.
Public liability insurance: Combined single
limit coverage of \$5,000,000.

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CALENDAR ITEM NO. 26 (CONT'D)

MINUTE ITEM
The Calendar Item No. 26
will appear in the Minute Item
by the State Lands Commission
to allow a vote of the
Commission

CONSIDERATION: \$975 per annum; 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. Code Regs. 2003.

APPLICANT STATUS:
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. The seaplane ramp is an existing facility at Pebbly Beach which has been used by Catalina Flying Boats and Mr. David Gemilere. The seaplane ramp was previously under Lease PRC 3639, dated October 27, 1966, which covered all of the Santa Catalina Island Company's activities on State land at Santa Catalina Island. The various commercial and recreational activities under the old PRC 3639 lease have been separated and given individual leases. The seaplane ramp is similarly being brought under separate lease.

Catalina Flying Boats has been operating an air cargo and passenger service on a year-to-year basis under a license agreement form with the Santa Catalina Island Company. The form is on file with the State Lands Commission. Staff has been informed that Catalina Flying Boats is terminating its service this year. However, since Catalina Flying Boats has been using the seaplane ramp in past years, staff recommends that the license form be approved.

2. Mr. David Gemilere of Gemilere Boat Yard also uses the seaplane ramp in connection with boat storage and repair facilities at Pebbly Beach. Mr. Gemilere has entered into a year-to-year lease with the Santa Catalina Island Company for these facilities which also include non-exclusive use of the seaplane ramp for boat launching. Staff recommends approval of the Island Company's subleases with David Gemilere, dated February 25, 1985 and December 9, 1988, and subsequent extensions and amendments to said subleases, substantially in the form on file with the Commission, provided Lessee and Sublessee are in compliance with the terms and conditions of the State lease. In the event there is a conflict between the terms and conditions of the State lease and Lessee's sublease, the State lease shall be controlling.
3. The proposed State lease provides for the payment of rent for the period January 1, 1985 through December 31, 1989 upon Lessee's execution of the lease.
4. The City of Avalon and the County of Los Angeles are in the process of conducting a feasibility study for construction of a commercial airport at Pebbly Beach.

The State lease provides that if the City of Avalon and the County of Los Angeles determine that the lease premises are necessary for the construction and/or operation of an airport, and if the City and/or County demonstrate to the State Lands Commission's satisfaction that they can acquire (1) all interests in other real property shown on the final airport Master Plan to be necessary for airport construction and operation, (2) all necessary government approvals for the airport, and (3) sufficient financing for the airport, then the State may modify or terminate the lease upon ninety (90) days prior written notice to Lessee.

The lease also provides that the State does not assume any financial responsibility for relocation costs or other damages which may result from such modification or termination of the Lease.

5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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.

6. As to the continued use and maintenance of the seaplane ramp, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facility, 2 Cal. Code Regs 2905(a)(2).

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

7. As to the approval of the sublease and the license agreement form, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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. Code Regs. 15378.

EXHIBITS:

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

CALENDAR ITEM NO. ~~25~~ 26 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE CONTINUED USE AND MAINTENANCE OF THE SEAPLANE RAMP, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITY, 2 CAL. CODE REGS. 2905(a)(2).
2. AS TO THE APPROVAL OF THE SUBLEASE AND THE LICENSE AGREEMENT FORM, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
3. AUTHORIZE ISUANCE TO THE SANTA CATALINA ISLAND COMPANY OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE, BEGINNING JANUARY 1, 1985; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$975, WITH RENT FOR THE FIRST FIVE YEARS OF THIS LEASE DUE AND PAYABLE UPON LESSEE'S EXECUTION OF THE LEASE; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$25,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$5,000,000; FOR MAINTENANCE OF AN EXISTING SEAPLANE RAMP ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. APPROVE THE SANTA CATALINA ISLAND COMPANY'S SUBLEASES DATED FEBRUARY 25, 1985 AND DECEMBER 9, 1988 TO DAVID GEMILERE AND SUBSEQUENT EXTENSIONS AND AMENDMENTS TO SAID SUBLEASES, SUBSTANTIALLY IN THE FORM ON FILE WITH THE STATE LANDS COMMISSION, COVERING THE LAND DESCRIBED IN EXHIBIT "A", PROVIDED LESSEE AND SUBLESSEE ARE IN COMPLIANCE WITH THE STATE LEASE AUTHORIZED ABOVE; IN THE EVENT THERE IS A CONFLICT BETWEEN THE TERMS AND CONDITIONS OF THE STATE LEASE AND LESSEE'S SUBLEASE, THE STATE'S LEASE SHALL BE CONTROLLING.
5. APPROVE THE SANTA CATALINA ISLAND COMPANY'S LICENSE AGREEMENT FORM TO CATALINA FLYING BOATS SUBSTANTIALLY IN THE FORM ON FILE WITH THE COMMISSION, PROVIDED LESSEE AND LICENSEE ARE IN COMPLIANCE WITH THE STATE LEASE AUTHORIZED ABOVE; IN THE EVENT THERE IS A CONFLICT BETWEEN THE TERMS AND CONDITIONS OF THE STATE LEASE AND LESSEE'S LICENSE AGREEMENT FORM, THE STATE'S LEASE SHALL BE CONTROLLING.

EXHIBIT "A"

LAND DESCRIPTION SHEET 1 OF 1 W 22957.1

A strip of tide and submerged land 30 feet wide in the Pacific Ocean at Pebbly Beach on the northeasterly side of Santa Catalina Island, Los Angeles County, California, the centerline of said strip being described as follows:

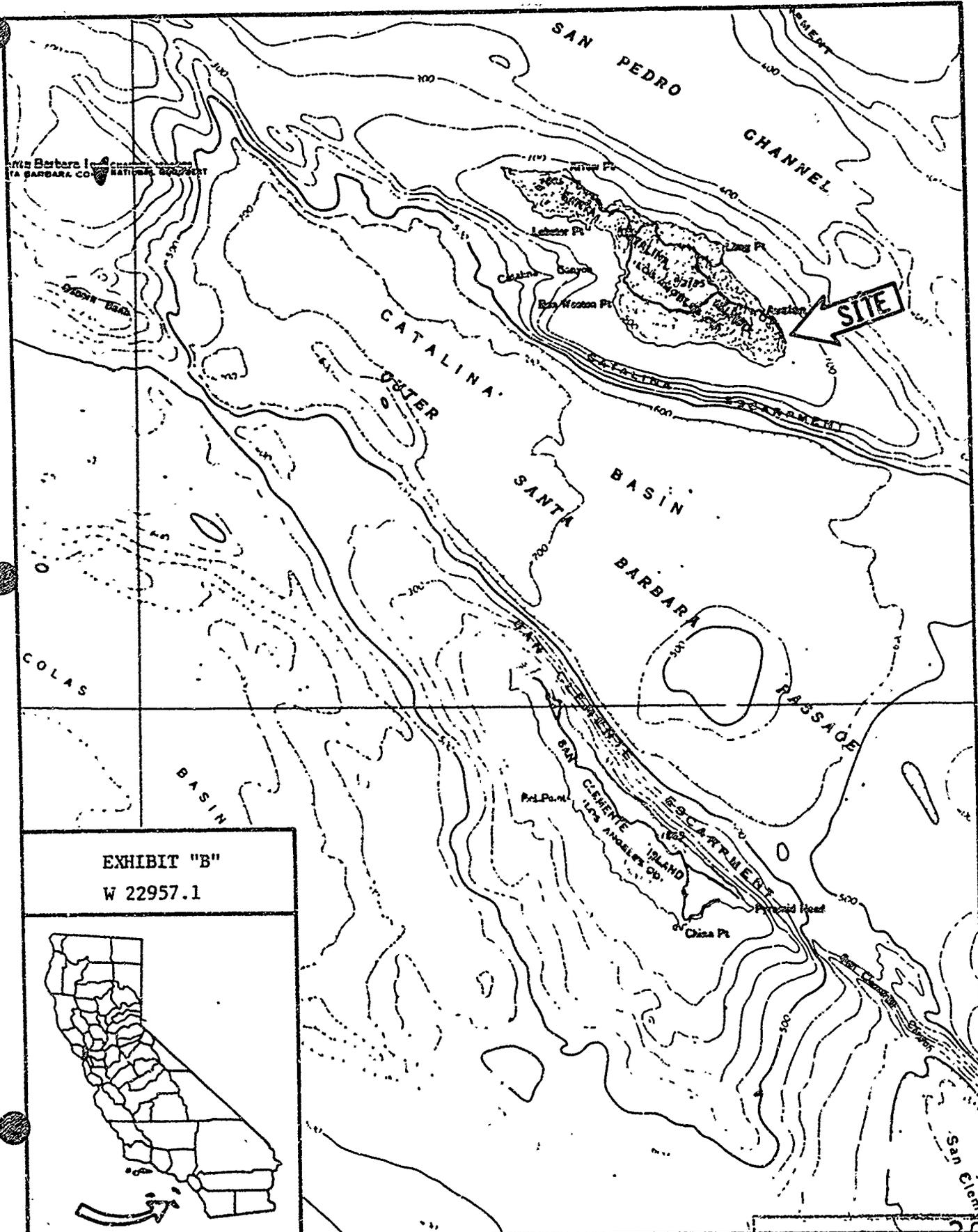
BEGINNING at a point on the centerline of the amphibian plane ramp on said Pebbly Beach said point having local coordinates of N = 12,400 and E = 102,540 as said coordinate system is shown on Sheet 1 of 1 of that map entitled "Topographic Map of Santa Catalina Island (Pebble Beach)" prepared by the County of Los Angeles, Department of County Engineer, Survey Division, filed as Survey No. 108-62-A in the office of said County Engineer; thence from said point of beginning N 34°20'00" E, 105.00 feet to the end of the herein described line.

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

END OF DESCRIPTION

REVISED DECEMBER 21, 1987 BY BIU 1.

0671b



San Barbara Island
 SANTA BARBARA COUNTY NATIONAL MONUMENT

SITE



EXHIBIT "B"
 W 22957.1



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