MINUTE ITEM
This Calendar Item No. C03
was approved as Minute Item
No. C03 by the State Lands
Commission by a vote of 3
to 0 at its 3/29/96
meeting.

CALENDAR ITEM

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03/27/90
W 22731 PRC 7378
PRC 6438
Louie

GENERAL LEASE - COMMERCIAL USE
AND APPROVAL OF SUBLEASE

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

SUBLESSEE: Jack L. Fennie
P. O. Box 338
Avalon, California 90704

AREA, TYPE LAND AND LOCATION:
A 7,500-square-foot parcel of tide and submerged lands at Pebbly Beach, Santa Catalina Island, Los Angeles County.

LAND USE: Maintenance of freight barge landing.

TERMS OF PROPOSED LEASE:

Initial period: Twenty-six years, three months beginning January 1, 1990.

Surety bond: $25,000.

Public liability insurance: Combined single limit coverage of $3,000,000.

CALENDAR PAGE 17
MINUTE PAGE 328

D. 1097

CONSIDERATION: $4,875 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 freight barge ramp is an existing ramp at Pebbly Beach, Santa Catalina Island, used for freight handling operations. The 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 broken out and given individual leases. The freight barge ramp is similarly being brought under a separate lease.

2. The Santa Catalina Island Company has a sublease with Jack L. Fennie for use of the freight barge ramp. The Island Company's sublease also covers Mr. Fennie's use of the Isthmus barge landing at Isthmus Cove, Catalina Island. That barge landing is under State lease PRC 6438. Staff recommends that the Island Company's sublease with Mr. Fennie, dated April 1, 1973, as extended and amended April 1, 1976, be approved, provided Lessee and Sublessee are in compliance with the terms and conditions of the State leases. In the

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event there is a conflict between the terms and conditions of the State leases and Lessee's sublease, the State leases shall be controlling.

3. Since the expiration of the old PRC 3639, the Island Company has continued to collect rent from Mr. Fennie for use of the freight ramp during negotiations with staff. As settlement for the past use of State land, the Island Company is proposing to pay the State all the rent it has collected from Mr. Fennie since January 1, 1982, along with penalty and interest, which amounts to $7,780 for the period through December 31, 1989. The new lease for the freight barge ramp has a beginning date of January 1, 1990.

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 the Pebbly Beach site.

   The lease provides that, if the City of Avalon and the County of Los Angeles determine 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.

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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. 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 Facilities, 2 Cal. Code Regs 2905(a)(2).

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

EXHIBITS:

A. Land Description - Pebbly Beach Freight Ramp.
B. Land Description - Isthmus Barge Landing.
C. 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. CODE REGS. 15061, AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).

2. ACCEPT, AS SETTLEMENT FOR THE PAST USE OF STATE LAND, PAYMENT IN THE AMOUNT OF $7,780 FOR THE PERIOD JANUARY 1, 1982 THROUGH DECEMBER 31, 1989.

3. AUTHORIZE ISSUANCE TO SANTA CATALINA ISLAND COMPANY OF A 26-YEAR, 3-MONTH GENERAL LEASE - COMMERCIAL USE, BEGINNING JANUARY 1, 1990, SAID LEASE ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $4,875, 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 $3,000,000; FOR MAINTENANCE OF A FREIGHT BARGE LANDING FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A", ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

4. APPROVE LESSEE'S SUBLEASE TO JACK L. FENNIE IN SUBSTANTIALLY THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION, COVERING THE LANDS DESCRIBED IN EXHIBITS "A" AND "B", PROVIDED LESSEE AND SUBLESSEE ARE IN COMPLIANCE WITH THE LEASE AUTHORIZED ABOVE AND LEASE PRC 6438; IN THE EVENT THERE IS A CONFLICT BETWEEN THE TERMS AND CONDITIONS OF THE STATE LEASES AND LESSEE'S SUBLEASE, THE STATE LEASES SHALL BE CONTROLLING.

EXHIBIT "A"

LAND DESCRIPTION

W 22731

PARCEL 1

A strip of tide and submerged land 20 feet wide in the Pacific Ocean on the northeast side of Catalina Island at Pebbly Beach, Los Angeles County, California, said strip lying 10 feet on each side of the following described line:

BEGINNING at a point having local coordinate system coordinates of E = 102,423 and N = 12,526 as said coordinate system is shown on Sheet 1 of 1 of that certain map entitled "Topographic Map of Santa Catalina Island (Pebbly 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 N 38° 30' E, 50 feet to the end of the herein described line.

EXCEPTING THEREFROM any land lying landward of the ordinary high tide line of the Pacific Ocean.

PARCEL 2

A strip of tide and submerged land 40 feet wide in the Pacific Ocean on the northeast side of Catalina Island at Pebbly Beach, Los Angeles County, California, said strip lying 20 feet on each side of the following described line:

COMMENCING at a point having local coordinate system coordinates of E = 102,423 and N = 12,526 as said coordinate system is shown on Sheet 1 of 1 of that certain map entitled "Topographic Map of Santa Catalina Island (Pebbly 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 N 38° 30' E, 50 feet to the TRUE POINT OF BEGINNING; thence N 38° 30' E, 130 feet to the end of the herein described line.

EXCEPTING THEREFROM any land lying landward of the ordinary high tide line of the Pacific Ocean.

PARCEL 3

A strip of tide and submerged land 20 feet wide in the Pacific Ocean on the northeast side of Catalina Island at Pebbly Beach, Los Angeles County, California, said strip lying 10 feet on each side of the following described line:

COMMENCING at a point having local coordinate system coordinates of E = 102,423 and N = 12,526 as said coordinate system is shown on Sheet 1 of 1 of that certain map entitled "Topographic Map of Santa Catalina Island (Pebbly 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 N 38° 30' E, 135 feet; thence S 51° 30' E, 30 feet to the TRUE POINT OF BEGINNING; thence N 38° 30' E, 65 feet to the end of the herein described line.

EXCEPTING THEREFROM any land lying landward of the ordinary high tide line of the Pacific Ocean.

REVISED SEPTEMBER 2, 1988 BY BIU 1.

EXHIBIT "B"

(PRC 6438.1)

W 22731

LAND DESCRIPTION

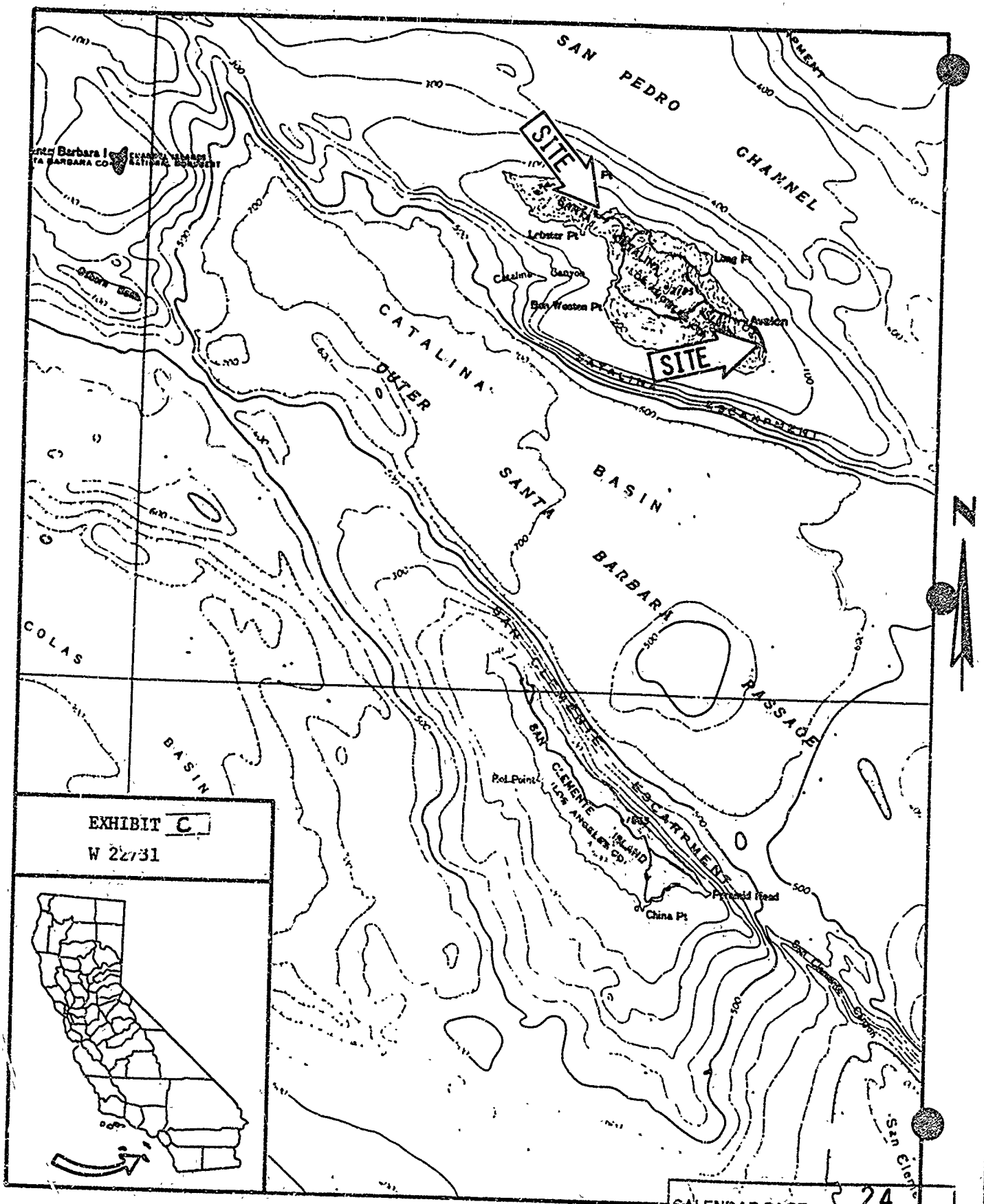
A parcel of tide and submerged land in Isthmus Cove on Santa Catalina Island, Los Angeles County, California, described as follows:

Said parcel lies 10 feet on each side of a centerline, the landward terminus of which is located at approximate geographical coordinates of 33° 26' 30.4" north latitude and 118° 29' 26" west longitude and extends northwesterly 40 feet therefrom.

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

END OF DESCRIPTION

REVIEWED MAY 23, 1989 BY BIU 1.



CALENDAR PAGE 24
MINUTE PAGE 335