

**MINUTE ITEM**

This Calendar Item No. C39 was approved as Minute Item No. 39 by the California State Lands Commission by a vote of 3 to 6 at its 12-3-99 meeting.

**CALENDAR ITEM  
C39**

A 78

S 39

12/03/99

PRC 8054.1

WP 8054.1

J. Smith

**AMENDMENT OF LEASE**

**LESSEE:**

Southwest Marine, Inc.  
P.O. Box 13308  
San Diego, California 92071-3308

**AREA, LAND TYPE, AND LOCATION:**

1.4 acres, more or less, of sovereign lands in San Diego Bay, San Diego, San Diego County.

**AUTHORIZED USE:**

Construction and maintenance of a 20' x 20' mooring dolphin; maintenance of a portion of a drydock facility adjacent to existing Pier 1; and appurtenant use area waterward of the U.S. Pierhead Line, to accommodate the repair of deep-draft vessels.

**LEASE TERM:**

35 years, 8 months, 16 days, beginning December 15, 1998.

**CONSIDERATION:**

\$1,253 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**PROPOSED AMENDMENT:**

Amend authorized use and legal description to provide for removal of existing 20' x 20' mooring dolphin; construction and maintenance of an 8' x 6' mooring dolphin; maintenance of a portion of the Auxiliary Floating Drydock Small (AFDL) drydock facility and appurtenant use area waterward of the U.S. Pierhead Line adjacent to Pier 4. The land description contained in Lease No. PRC 8054.1 shall be superceded by the land description shown on Exhibit A attached. The new annual rent for Lease No. PRC 8054.1 is revised to \$1,486. The effective date of this amendment will be December 1, 1999. All other terms and conditions of the lease shall remain in effect without amendment.

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**OTHER PERTINENT INFORMATION:**

1. Applicant has a right to use the uplands adjoining the lease premises.
2. Applicant is a tenant of the Port of San Diego and operates a ship repair facility in central San Diego Bay. The majority of the applicant's facility is on sovereign lands legislatively granted to the San Diego Unified Port District pursuant to Chapter 67, Statutes of 1962, as amended. At its September 3, 1999 meeting, the Commission authorized the issuance of an industrial lease (Lease No. PRC 8054.1) to the applicant for mooring dolphin improvements and maintenance of a portion of a drydock facility and appurtenant use area adjacent to Pier 1. Applicant is requesting an amendment of Lease No. PRC 8054.1 to accommodate mooring dolphin improvements, and maintenance of a portion of the AFDL drydock facility and appurtenant use area adjacent to Pier 4. These improvements are necessary to securely moor the AFDL drydock which is utilized to support the Applicant's ongoing ship repair activities.

The Port of San Diego, as the CEQA lead agency, determined that the described activities were exempt from the CEQA as a categorically exempt project under Class II, Accessory Structures. Under the Port's regulations, such structures specifically include "construction or placement of minor mooring facilities, floats, buoys or similar structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities (97191-4442)"

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 11, Accessory Structures; Title 14, California Code of Regulations, section 15311.

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

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

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**APPROVALS OBTAINED:**

San Diego Unified Port District; Regional Water Quality Control Board

**FURTHER APPROVALS REQUIRED:**

U. S. Army Corps of Engineers; State Lands Commission

**EXHIBITS:**

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

**PERMIT STREAMLINING ACT DEADLINE:**

December 7, 1999

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 11, ACCESSORY STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15311.

**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 SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8054.1, A GENERAL LEASE - INDUSTRIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE DECEMBER 1, 1999, TO AMEND AUTHORIZED USE AND LEGAL DESCRIPTION TO PROVIDE FOR REMOVAL OF EXISTING 20' X 20' MOORING DOLPHIN; CONSTRUCTION AND MAINTENANCE OF AN 8' X 6' MOORING DOLPHIN; MAINTENANCE OF A PORTION OF THE AFDL DRYDOCK FACILITY AND APPURTENANT USE AREA ADJACENT TO PIER 4. THE LAND DESCRIPTION

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CONTAINED IN LEASE NO. PRC 8054.1 SHALL BE SUPERCEDED BY THE LAND DESCRIPTION SHOWN ON EXHIBIT A ATTACHED. THE NEW ANNUAL RENT FOR LEASE NO. PRC 8054.1 IS REVISED TO \$1,486; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

EXHIBIT "A"  
LAND DESCRIPTION

WP 8054.1

Two parcels of tide and submerged land, lying in the bed of San Diego Bay, in the City of San Diego, San Diego County, State of California and more particularly described as follows:

PARCEL 1

COMMENCING on the U. S. Pierhead Line at Station 477, as said station is shown on the map entitled, "Property Maps Tideland Parcels May 1994", by the San Diego Unified Port District, sheet 21; thence S56°51'00"E, 1,140 feet plus or minus along said Pierhead Line to the southwest corner of Parcel No. 2 Southwest Marine Inc. and the POINT OF BEGINNING of the herein described parcel; thence leaving said Pierhead Line S33°09'W, 200 feet; thence S56°51'E, 245 feet; thence N33°09'E, 175 feet; thence S56°51'E, 155 feet; thence N33°09'E, 25 feet to the Pierhead Line; thence westerly along said Pierhead Line to the point of beginning and the end of the herein described parcel.

PARCEL 2

COMMENCING on the U. S. Pierhead Line at Station 477, as said station is shown on the map entitled, "Property Maps Tideland Parcels May 1994", by the San Diego Unified Port District, sheet 21; thence S56°51'00"E, 1,140 feet plus or minus along said Pierhead Line to the southwest corner of Parcel No. 2 Southwest Marine Inc.; thence continuing along said Pierhead Line S56°51'E 810 feet to the POINT OF BEGINNING of the herein described parcel; thence leaving said Pierhead Line S33°09'W, 100 feet; thence S56°51'E, 115 feet; thence N33°09'E, 100 feet to the Pierhead Line; thence westerly along said Pierhead Line to the point of beginning and the end of the herein described parcel.

END DESCRIPTION

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