

**CALENDAR ITEM
C67**

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S 28

06/19/14
PRC 6696.1
A. Franzoia

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

City of Avalon
P.O. Box 707
Avalon, CA 90704

AREA, LAND TYPE, AND LOCATION:

4.30 acres, more or less, of sovereign land in the Pacific Ocean at Hamilton Cove, Santa Catalina Island, Los Angeles County.

AUTHORIZED USE:

Continued use and maintenance of 10 mooring buoys.

LEASE TERM:

15 years, beginning July 1, 2014.

CONSIDERATION:

25% of gross income derived from the rented moorings against a minimum annual rent of \$4,580 (\$458 per installed mooring) subject to modification by Lessor as specified in Paragraph 3(c) of Section 3-General Provisions.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$5,000,000 per occurrence. Such insurance shall not exclude watercraft.

Surety:

Surety bond or other security in the amount of \$20,000.

OTHER PERTINENT INFORMATION:

1. The City of Avalon (City) is the legislative grantee for tide and submerged lands in Avalon Bay, Descanso Bay, and a portion of Hamilton Cove pursuant to Chapter 303, Statutes of 1943 and as amended. The City owns the adjacent upland property. The lease area comprises sovereign

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land under the jurisdiction of the Commission and is immediately adjacent to the land in Hamilton Cove held under the legislative grant.

On June 21, 1984, the Commission authorized issuance of Lease No. PRC 6696.1 a General Lease – Commercial Use, to the City for a period of 15 years for the provision and maintenance of 61 recreational moorings. Initially 52 moorings were installed; however the City removed 16 of the installed moorings during the lease term, leaving a total of 36 moorings within the approximately 10-acre lease area. This lease expired on June 30, 1999.

2. On April 20, 2000 the Commission authorized issuance of a new General Lease – Commercial Use to the City for a period of 15 years. This lease will expire on June 30, 2014. The Applicant is now applying for a new lease.
3. Review of the lease file indicates that of the 36 installed recreational moorings only 10 are within the lease premises.
4. The lease area under the two previous leases was approximately 10 acres. The proposed lease will reduce the lease area to approximately 4.30 acres.
5. The proposed lease would specifically allow the City to sublease each mooring to separate individuals. All moorings in the leased area are nontransferable and mooring tackle not removed at the end of the sublease becomes property of the City. The City, as grantee, also maintains and leases additional moorings installed on sovereign lands granted to the City. The 10 moorings serve as an overflow area in accommodating Avalon Harbor demand.
6. The staff recommends that 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.

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7. 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. Site and Location 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 - Commercial Use to the City of Avalon beginning July 1, 2014, for a term of 15 years, for 10 moorings at Hamilton Cove as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in an amount equal to 25% of the gross income derived from rented moorings against a minimum annual rent of \$4,580 (\$458 per installed mooring); liability insurance in an amount no less than \$5,000,000 per occurrence; such insurance shall not exclude watercraft; and surety in the amount of \$20,000.

EXHIBIT A

PRC 6696.1

LAND DESCRIPTION

A parcel tide and submerged land situated in San Pedro Channel of the Pacific Ocean adjacent to and northerly of the northwesterly boundary of the City of Avalon, Santa Catalina Island, Los Angeles County, State of California, more particularly described as follows:

BEGINNING at Station 46 as shown on the map filed for record December 22, 1966 in Map Book 2423 Page 904, Official Records of said County, said point being on the northwesterly boundary of the City of Avalon and on the ordinary high water mark of the Pacific Ocean as shown on said map; thence along the continuation of said boundary North 37° 01' 00" East 409.80 feet; thence leaving said boundary North 11° 32' 29" West 270.00 feet; thence South 82° 02' 17" West 435.00 feet; thence South 10° 04' 43" East 345.00 feet; thence South 42° 49' 05" East 261.50 feet to the POINT OF BEGINNING.

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

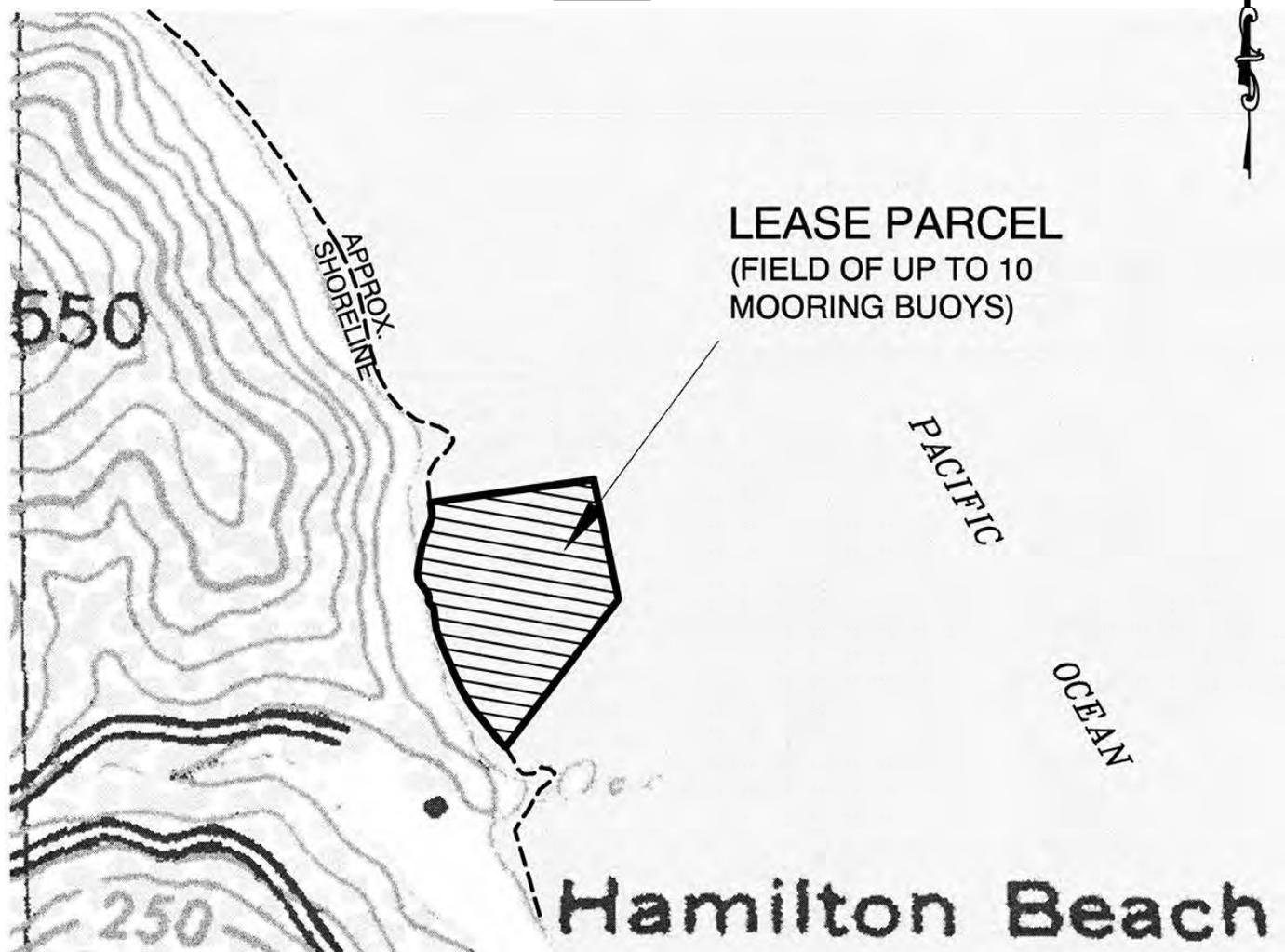
END OF DESCRIPTION

Prepared 05/28/14 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



HAMILTON COVE, CITY OF AVALON

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6696.1
 CITY OF AVALON
 GENERAL LEASE-
 COMMERCIAL USE
 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.