

MINUTE ITEM

This Calendar Item No. 34  
was approved as Minute Item  
No. 34 by the State Lands  
Commission by a vote of 3  
to 0 at its 6/30/77  
meeting.

CALENDAR ITEM

34.

6/77  
G. 10-07  
TB

APPROVAL OF PIER LEASE

TRUSTEE:

City of San Diego  
1200 Third Avenue, Suite 1024  
San Diego, California 92101

LOCATION:

Granted tide and submerged lands in Mission  
Bay, San Diego County.

BACKGROUND:

In 1926 the Board of Harbor Commissioners for  
San Diego issued a 50-year lease of tide and  
submerged lands in the Crescent Beach area of  
Mission Bay, San Diego. In 1945 the leased  
lands as well as other tide and submerged  
lands in Mission Bay were granted in trust to  
the City of San Diego and the leases came under  
the control of the City.

In 1976 the original lease of the pier expired  
and a new lease was executed between the City  
of San Diego as trustee and Mr. William D. Evans  
is owner of both the upland and the Catamaran  
hotel complex located on the upland.

In accordance with a condition in the Coastal  
Commission's permit authorizing retention of  
the pier located on the leased premises, this  
lease has been submitted to the Commission to  
determine whether the lease is consistent with  
the provisions of Section 6702(b) of the Public  
Resources Code.

FACTS SUPPORTING DETERMINATION:

Chapter 112, Statutes of 1945 granted tide and  
submerged lands, whether filled or unfilled,  
lying in or adjacent to Mission Bay or its  
entrance, to the City of San Diego, in trust.  
The lands were granted for purposes of commerce,  
navigation and fishery, and also for the  
"establishment and maintenance of parks, play-  
grounds, bath-houses, recreation piers and  
facilities..."

The Catamaran pier will be used for various  
water oriented commercial enterprises such  
as boat rentals, and an excursion boat ride  
and will be open to members of the public.  
Rental paid to the City will be 7% of gross  
profits with a \$1,000 minimum as determined on  
an annual basis. Proceeds from the lease are

A 77, 80

S 39, 40

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to be deposited in a trust fund and used exclusively for Mission Bay Park.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CATAMARAN LEASE DESCRIBED ABOVE IS IN ACCORDANCE WITH THE TERMS OF THE GRANT UNDER WHICH TITLE TO THE TIDE AND SUBMERGED LANDS IN QUESTION IS HELD.
2. FIND THAT THE FUND INTO WHICH THE PROCEEDS FROM THE CATAMARAN LEASE ARE TO BE DEPOSITED IS AN APPROPRIATE TRUST FUND EXPENDABLE ONLY FOR STATEWIDE PURPOSES.
3. FIND THAT THE CATAMARAN LEASE IS IN THE BEST INTERESTS OF THE STATE.
4. FIND THAT BECAUSE OF THE ABOVE MENTIONED FINDINGS THE CATAMARAN LEASE IS CONSISTENT WITH THE PROVISIONS OF SECTION 6702(B) OF THE PUBLIC RESOURCES CODE.
5. FIND THAT NEITHER COMMISSION APPROVAL OF THIS CALENDAR ITEM NOR ANY STATEMENT OR DESCRIPTION CONTAINED IN THIS CALENDAR ITEM, THE CATAMARAN LEASE DOCUMENT OR ANY OTHER SUPPORTING DOCUMENTS SHALL IN ANY WAY AFFECT ANY OWNERSHIP OR BOUNDARY CLAIMS OF THE STATE OF CALIFORNIA.
6. DETERMINE THAT THIS ACTION IS NOT A PROJECT WITHIN THE MEANING OF PRC 21065, 14 CAL. ADM. CODE SECTION 15037, AND 2 CAL. ADM. CODE SECTION 2503(A)(1).