

MINUTE ITEM

This Calendar Item No. C35
was approved as Minute Item
No. C35 by the State Lands
Commission by a vote of 3
to 0 at its 6/11/90
meeting.

CALENDAR ITEM

C 3 5

A 58

S 29

06/11/90
PRC 6412
Townsend

AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE

LESSEES: Del Rey Yacht Club
Attn: Jeffery Chauncey
13900 Palawan Way
Marina Del Rey, California 90292

AREA, TYPE LAND AND LOCATION:
A .109-acre parcel of sovereign tide and
submerged land at Catalina Harbor.
Santa Catalina Island, Los Angeles County.

LAND USE: Recreational facilities consisting of one
dinghy pier, ramp, and float.

TERMS OF ORIGINAL PERMIT:
Initial period: Ten years beginning
January 1, 1984.
Public liability insurance: Combined single
limit coverage of \$3,000,000.

Consideration: \$712 per annum; five-year
rent review.

TERMS OF AMENDED PERMIT:
Consideration: \$444 per annum; with the
State reserving the right to
fix a different rental on
each fifth anniversary of the
permit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

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APPLICANT STATUS:

Applicant is lessee 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. By its action of August 30, 1989, Minute Item 06, the State Lands Commission authorized amendment of the General Permit - Recreational Use to the Del Rey Yacht Club, effective September 1, 1989, to provide for the installation and maintenance of a 28-foot by 8-foot extension of the Club's recreational dinghy dock. The land description of the leased premises was amended to accommodate the extension, thus increasing the area from a .095-acre parcel to a .109-acre parcel. The rent increased from \$621 to \$712 to reflect the increase in use area. Immediately following action by the Commission, staff was informed by the upland owner that calculation of the rental did not provide for the exception of that portion of the pier located within patented Tideland Location No. 197 (TLL 197).

Staff has determined that the tide lands in question have been validly patented, and further, are encumbered with the public trust easement. As such, that portion of the improvements located within the perimeter of TLL 197 are found to be consistent with the public trust and covered under lease PRC 6412. Rental, however, will be calculated only on the 0.068-acre parcel of submerged lands located outside the perimeter of TLL 197. Staff proposes to amend the lease as follows:

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- A. The land description of the Lease Premises, as contained in Section 3 of lease PRC 6412, shall be superseded by the land description attached hereto as Exhibit "A" and by reference made a part hereof.
 - B. The portion of the improvements located within the perimeter of TLL 197 are covered under lease PRC 6412 and are consistent with the public trust.
 - C. The lease rental shall be adjusted from \$712 to \$444 per annum, effective September 1, 1989. (This effective date is used as it is the date the discrepancy was brought to staff's attention, as well as the effective date of the prior amendment. An adjustment will be made to correct any increased rental already paid by the Lessee under the prior amendment.)
2. Staff further recommends that all application and processing expenses for amendment of this permit be waived.
 3. 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.
 4. 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.

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EXHIBITS: A. Land Description.
 B. 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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. WAIVE ALL APPLICATION FILING FEES AND PROCESSING EXPENSES FOR AMENDMENT OF GENERAL PERMIT - RECREATION USE PRC 6412.
3. AUTHORIZE AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE PRC 6412 TO THE DEL REY YACHT CLUB, EFFECTIVE SEPTEMBER 1, 1989, TO ADJUST THE LEASE RENTAL TO \$444 PER ANNUM, AND REVISE THE LAND DESCRIPTION OF THE LEASE PREMISES CONTAINED IN SECTION 3 OF THE LEASE, ATTACHED HERETO AS EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.
4. FIND THAT THE PORTIONS OF THE IMPROVEMENTS WITHIN THE PERIMETER OF TIDELAND LOCATION NO. 197 ARE COVERED UNDER LEASE PRC 6412 AND ARE FOUND TO BE CONSISTENT WITH THE PUBLIC TRUST. NO IMPROVEMENTS OTHER THAN THOSE AUTHORIZED IN THIS LEASE ARE DEEMED CONSISTENT.

EXHIBIT "A"

PRC 6412

LAND DESCRIPTION

A parcel of tide and submerged land located in Catalina Harbor, on Santa Catalina Island, Los Angeles County, California, said parcel being immediately beneath an existing, float and float extension, TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier, float, and float extension, the northeasterly end of said pier having California Coordinate System of 1927, Zone 7 coordinates of X= 4,135,320 and Y= 3,906,010.

END OF DESCRIPTION

REVISED APRIL 17, 1990 BY BIU 1.

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