

**CALENDAR ITEM
C50**

A 54
S 27

12/05/12
PRC 6438.1
A. Franzoia

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Santa Catalina Island Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land located at Isthmus Cove and Catalina Harbor, Santa Catalina Island, near Avalon, Los Angeles County.

AUTHORIZED USE:

Operation of commercial and recreational piers and barge loading facilities.

LEASE TERM:

20 years, beginning January 1, 1997.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the minimum rent be revised from \$10,000 per year to \$47,708 per year, effective January 1, 2013.

PROPOSED AMENDMENT:

Amend the lease to correct the land description as described on Exhibit A attached and by this reference made a part hereof and shown on Exhibit B (for reference purposes only). All other terms and conditions of the lease will remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On February 27, 1998, the Commission approved the issuance of a General Lease – Commercial and Recreational Use for a 20-year term beginning January 1, 1997, to Santa Catalina Island Company for the continuation of existing commercial and recreational operations.

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2. During the rent review process, a typographical error was found in the land description coordinates, rendering the land description inaccurate. The corrected land description accurately reflects the actual lease premises.
3. The staff recommends that the Commission find that the subject amendment and revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject amendment and revision of rent is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize the Amendment of Lease to correct the Land Description as described on Exhibit A (attached); all other terms and conditions of the lease will remain in effect without amendment.

Approve the Revision of Rent for Lease No. PRC 6438.1 from \$10,000 per year minimum to \$47,708 per year minimum, effective January 1, 2013.

EXHIBIT A

PRC 6438.1

LAND DESCRIPTION

Two parcels of tide and submerged lands lying in the bed of the Pacific Ocean on the northeast side of Santa Catalina Island, adjacent to Isthmus Cove, Los Angeles County, State of California, described as follows:

Parcel 1 – Isthmus Cove

BEGINNING at a point on the centerline of an existing pier in Isthmus Cove from which a NGS monument "Channel 1933" (PID DY2979) bears N 74°25'14" E 6,364.98 feet, said monument having California Coordinate System 1927, Zone 6, coordinates of X = 1,320,625.26 feet and Y = 472,983.28 feet, thence along the following fifteen courses:

1. S 58°52'04" E 19.50 feet;
2. N 31°07'56" E 94.76 feet;
3. S 58°52'04" E 122.65 feet;
4. N 31°07'56" E 150.46 feet;
5. N 58°52'04" W 42.40 feet;
6. N 31°07'56" E 327.89 feet;
7. N 58°52'04" W 200.98 feet;
8. S 31°07'56" W 362.46 feet;
9. N 58°52'04" W 64.22 feet;
10. S 31°07'56" W 49.75 feet;
11. S 58°52'04" E 87.47 feet;
12. S 31°07'56" W 64.09 feet;
13. S 58°52'04" E 58.49 feet;
14. S 31°07'56" W 96.81 feet;
15. S 58°52'04" E 19.50 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of land lying landward of the Ordinary High Water Mark of the Pacific Ocean.

Parcel 2 – Isthmus Barge Landing

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.

Three parcels of tide and submerged lands in the bed of the Pacific Ocean in Catalina Harbor adjacent to Santa Catalina Island, Los Angeles County, State of California, described as follows:

Parcel 3 – Catalina Harbor Dinghy Dock Pier

BEGINNING at a point on the centerline of an existing pier from which NGS monument "Channel 1933" bears N 61°58'12" E 8,747.00 feet, said monument having CCS27, Zone 6, coordinates of X = 1,320,625.26 feet and Y = 472,983.28 feet; thence the following eleven (11) courses:

- 1) S 74°34'43" E 6.00 feet;
- 2) S 15°25'17" W 95.82 feet;
- 3) S 13°09'13" W 95.11 feet;
- 4) S 76°58'08" E 15.41 feet;
- 5) S 13°01'52" W 10.00 feet;
- 6) N 76°58'08" W 42.85 feet;
- 7) N 13°01'52" E 10.00 feet;
- 8) S 76°58'08" E 15.45 feet;
- 9) N 13°09'13" E 95.37 feet;
- 10) N 15°25'17" E 96.06 feet;
- 11) S 74°34'43" E 6.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any land validly patented as Tidelands Location No. 197, Los Angeles County.

ALSO EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

Parcel 4 – Catalina Harbor Pier

A strip of land 36 feet wide, lying 18 feet on each side of the following described centerline; BEGINNING at a point on the centerline of an existing pier from which NGS monument "Channel 1933" bears N 61°02'11" E 10,471.70 feet, said monument having CCS27, Zone 6, coordinates of X = 1,320,625.26 feet and Y = 472,983.28 feet; thence S 5°21'33" W 195 feet to the terminus of said centerline.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

Parcel 5 – Catalina Harbor Concrete Ramp

A strip of land 30 feet wide, lying 15 feet on each side of the following described centerline; BEGINNING at a point on the centerline of an existing concrete ramp having geographical coordinates of 33°25'55.4" North latitude and 118°30'28.15" West longitude; thence along the centerline of said concrete ramp S 10°30' E 85 feet to the terminus of said centerline.

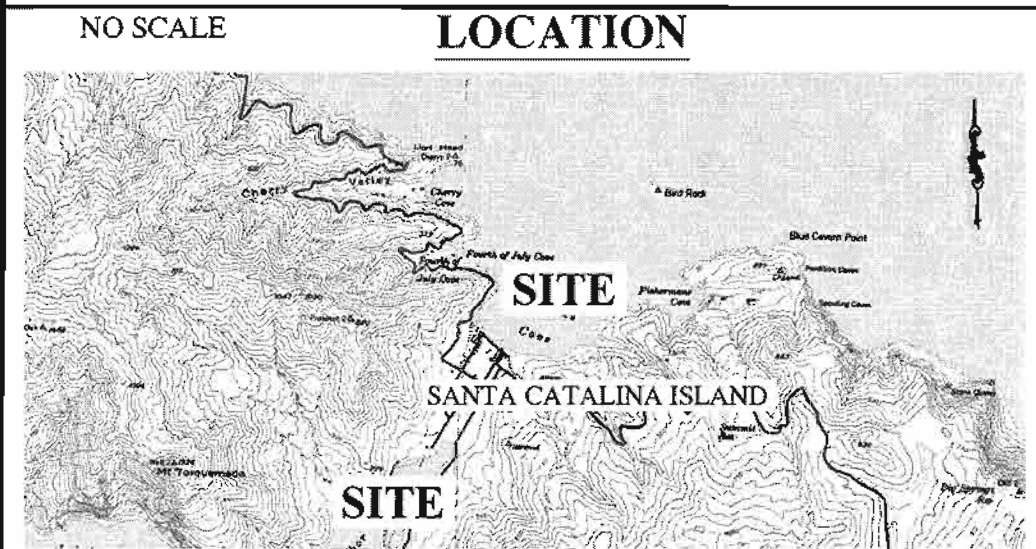
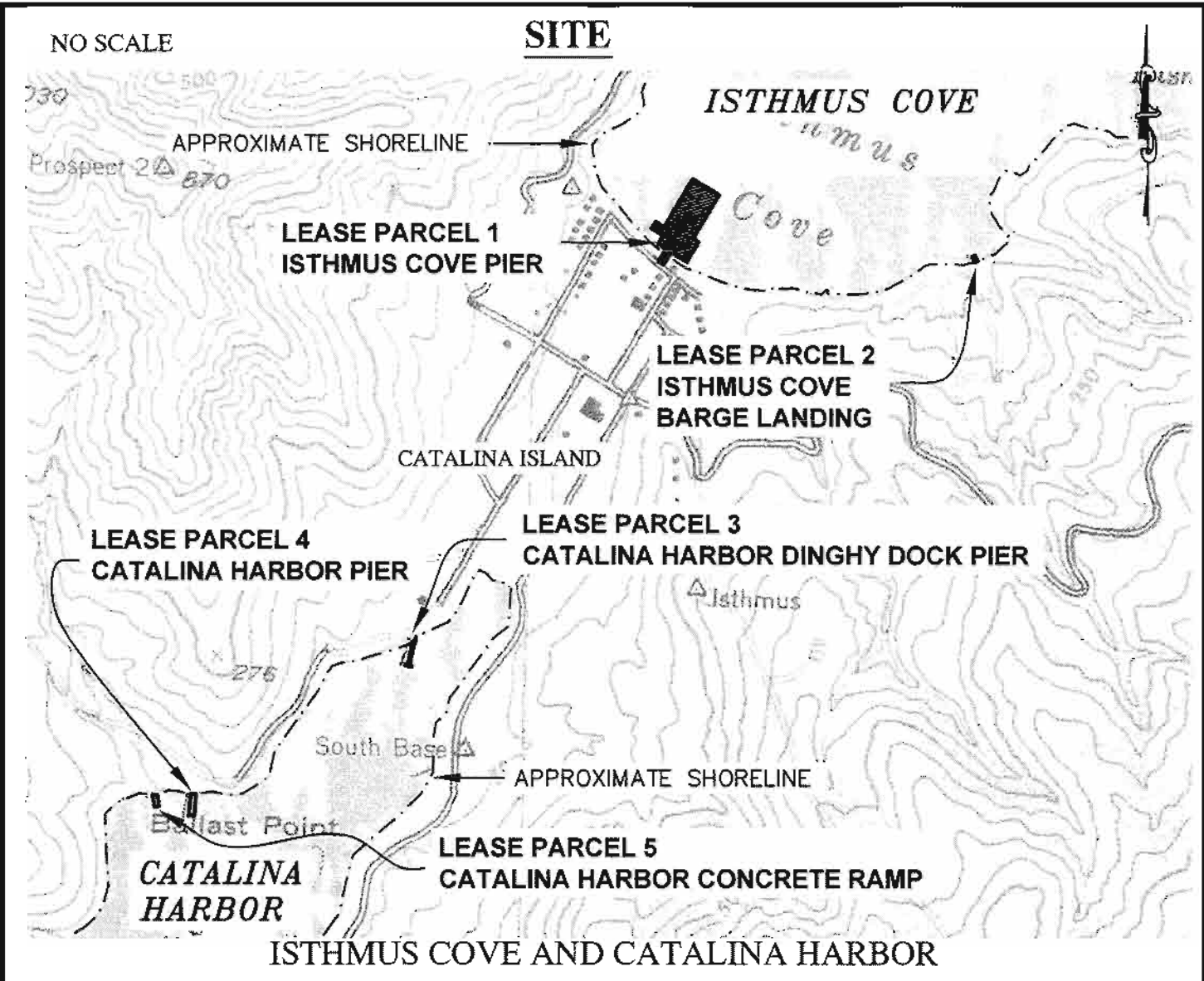
EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

END OF DESCRIPTION

Prepared 11/8/2012 by the California State Lands Commission Boundary Unit.

Parcels 2 and 5 are based on previous Section 3 Land Description dated June 7, 1983 by CSLC Boundary and Title Unit. Parcels 1, 3 and 4 are based on a CSLC field survey conducted October 22, 2002.





MAP SOURCE: USGS QUAD

Exhibit B
 PRC 6438.1
 SANTA CATALINA IS. CO.
 ISTHMUS COVE &
 CATALINA HARBOR
 COMMERCIAL LEASE
 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.