

**CALENDAR ITEM
C48**

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S 26

04/05/16
PRC 6440.1
D. Simpkin

AMENDMENT OF LEASE

LESSEE:

Guided Discoveries, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, Santa Catalina Island near Button Shell Beach, Los Angeles County.

AUTHORIZED USE:

The continued use and maintenance of an existing pier, ramp, floating dock, swim area, and four moorings.

LEASE TERM:

10 years, beginning January 1, 2013.

CONSIDERATION:

\$7,636 per year, with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease.

PROPOSED AMENDMENT:

Amend the Lease to authorize the already reconstructed pier; revise the annual rent from \$7,636 to \$6,368 effective January 1, 2016; and replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

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Public Trust and State's Best Interests Analysis:

Recreational boating is a water-dependent use that is generally consistent with the common law public trust doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code, § 6503.5). The Lessee currently has a lease for a pier, ramp, floating dock, swim area and four moorings. The adjacent upland parcel is privately owned and developed with dwellings that facilitate a marine science program and summer youth camp.

The subject pier was damaged in 2014 by Hurricane Marie and subsequently rebuilt without Commission authorization. The pier serves as the only landing in the area to access Button Shell Beach. In addition to providing access to the upland, the pier is an integral part of educational and recreational opportunities operated by the Lessee. The Lessee operates the Catalina Island Marine Institute (CIMI) and YMCA Camp Fox. CIMI is a year-round outdoor marine science residential school program. Camp Fox is a youth summer camp program.

In addition to the pier and appurtenant facilities, the lease also includes a seasonal swim area, all of which facilitate the operation of CIMI and Camp Fox. Water-related recreation is also recognized generally as consistent with the common law public trust doctrine.

Commission staff believes that amending the lease to allow for the already reconstructed pier will not substantially interfere with public trust needs at this location, at this time, or for the foreseeable term of the proposed lease. For all the reasons above, Commission staff believes the issuance of this lease amendment is consistent with the common law public trust doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. On April 26, 2013, the Commission authorized a General Lease – Recreational Use to the Lessee, for the continued use and maintenance of an existing pier, ramp, floating dock, swim area, and four moorings.
2. On August 27, 2014, high wave conditions created by hurricane Marie destroyed the existing pier. In July 2015, the pier was rebuilt in a similar footprint as the previous pier. The height of the pier has been increased to better protect it from future high wave events. The Lessee is now requesting an amendment to the lease to allow for the reconstructed pier.

CALENDAR ITEM NO. C48 (CONT'D)

3. The Lease Premises have been reconfigured because the pier and seasonal swim areas have changed, resulting in an overall smaller lease area subject to rent. Staff recommends adjusting the annual rental amount to \$6,368 from \$7,636 to reflect the reconfigured lease area.
4. Staff recommends the issuance of this amendment as it promotes Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
5. 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.

6. 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).

CALENDAR ITEM NO. **C48** (CONT'D)

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.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment is consistent with the common law public trust doctrine and is in the best interests of the State.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 6440.1, a General Lease – Recreational Use, effective January 1, 2016, to authorize the reconstructed pier; to revise the annual rent from \$7,636 to \$6,368 effective January 1, 2016; and replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 6440.1

LAND DESCRIPTION

Six parcels of tide and/or submerged land situate in the bed of the Pacific Ocean on the easterly side of Santa Catalina Island, lying adjacent to Button Shell Beach, Los Angeles County, State of California, more particularly described as follows:

PARCEL 1 (Pier, Ramp and Floating Dock)

BEGINNING at the point which bears South 64° 04'42" East, 36617.00 feet from the NGS monument Channel 1933 having CCS27 Zone 6 coordinates of Northing (y) = 472983.28 feet, Easting (x) = 1320625.26 feet; thence from said point of beginning the following five (5) courses:

1. North 06° 30' 51" East, 26.75 feet;
2. South 83° 29' 18" East, 420.00 feet;
3. South 06° 30' 49" West, 60.00 feet;
4. North 83° 29' 18" West, 420.00 feet;
5. North 06° 30' 51" East, 33.25 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion located landward of ordinary high water mark of said ocean.

ALSO EXCEPTING THEREFROM any portion lying within below described PARCEL 2.

PARCEL 2 (Seasonal Swim Area)

BEGINNING at the point which bears South 64° 05' 26" East, 36614.26 feet from the NGS monument Channel 1933 having CCS27 Zone 6 coordinates of Northing (y) = 472983.28 feet, Easting (x) = 1320625.26 feet; thence from said point of beginning the following six (6) courses:

1. North 06° 30' 48" East, 113.24 feet;
2. South 77° 27' 07" East, 247.70 feet;
3. South 16° 53' 41" West, 72.68 feet;
4. South 06° 30' 49" West, 15.71 feet;
5. North 83° 29' 11" West, 233.23 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion located landward of ordinary high water mark of said ocean.

PARCELS 3 through 6 (Individual Mooring Buoys)

Four circular parcels of submerged land, 50 feet in diameter, the centers of said parcels having the following CCS27 Zone 6 coordinates:

- 1. Northing (y) = 457081.05 feet, Easting (x) = 1354047.89 feet;
- 2. Northing (y) = 457046.30 feet, Easting (x) = 1354008.82 feet;
- 3. Northing (y) = 457001.30 feet, Easting (x) = 1353999.77 feet;
- 4. Northing (y) = 456736.09 feet, Easting (x) = 1353962.22 feet;

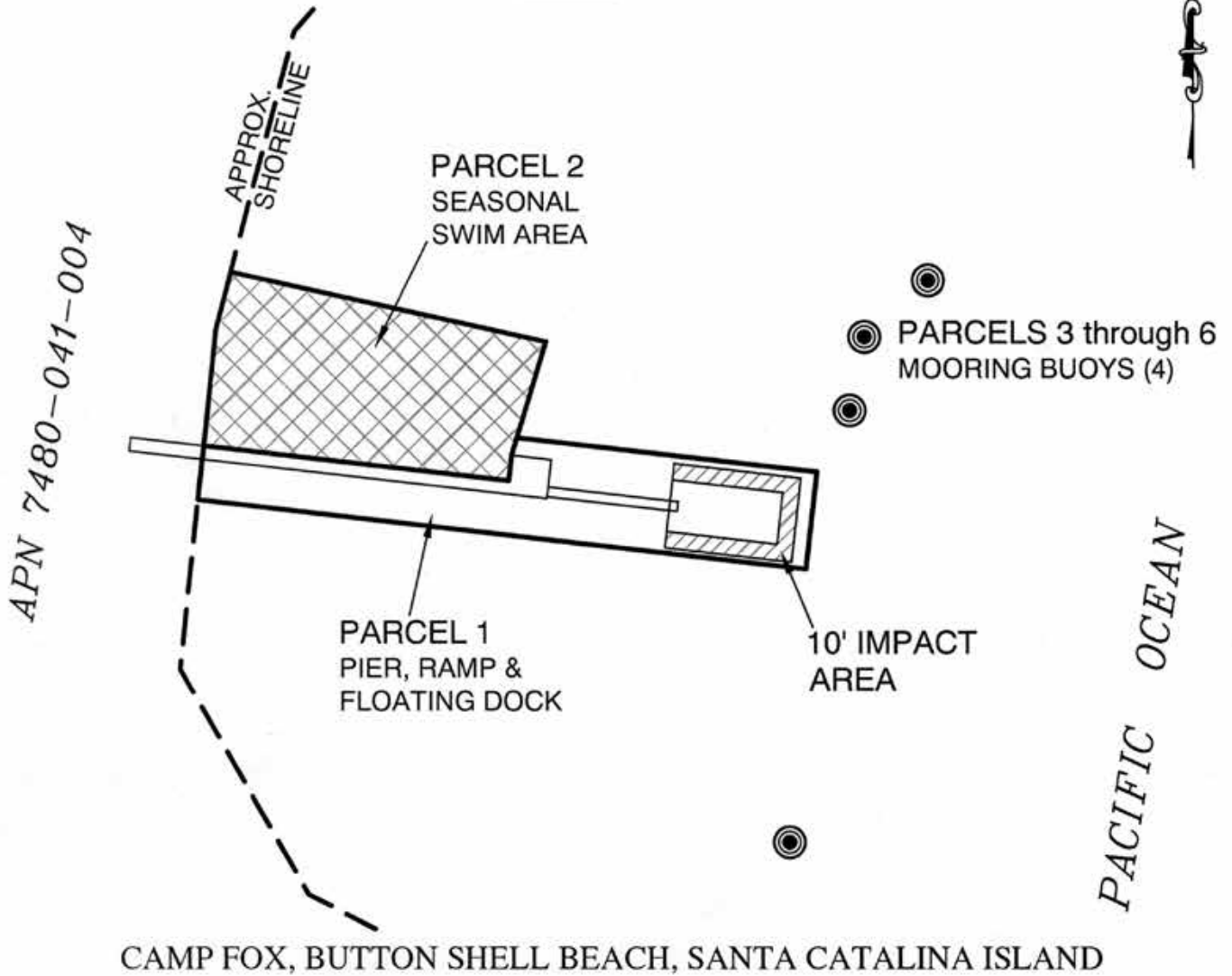
END OF DESCRIPTION

Prepared 02/23/16 by the California State Lands Commission Boundary Unit



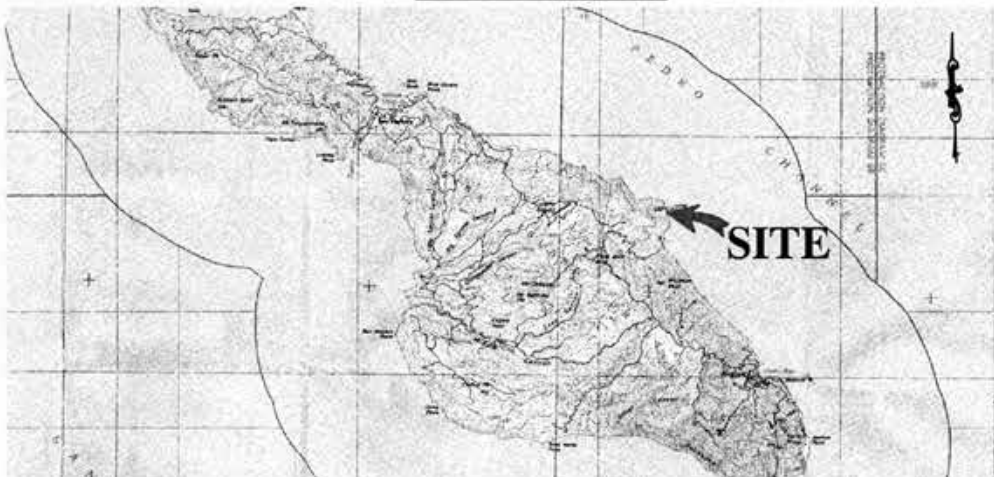
NO SCALE

SITE



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6440.1
 GUIDED DISCOVERIES
 APN 7480-041-004
 GENERAL LEASE -
 RECREATIONAL 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.