

MINUTE ITEM

This Calendar Item No. C7
was approved as Minute Item
No. 7 by the State Lands
Commission by a vote of 2
to 0 at its 7-24-80
meeting.

MINUTE ITEM

7/24/80
Gordon
WP 4498
PRC 5873

C7. AMENDMENT AND RENEWAL OF EXISTING COMMERCIAL LEASE
AND APPROVAL OF GENERAL LEASE.

Although the item mentions authorization of Commercial Use-Sublease to Lakeside Marina, this is an error and clarification is required. The following information, therefore, is provided to clarify the calendar item:

PRC 4498 to Lakeside Yacht and Harbor Club, Inc. was amended and renewed.

PRC 5873 - General Lease-Commercial Use was authorized to Lakeside Marina.

Upon motion duly made and carried, the resolution as presented in Calendar Item C7 was approved by a vote of 2-0.

Attachment:
Calendar Item C7

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(Rev. 11/25/80/technical,
non-substantive amendment)

CALENDAR ITEM

C7.

7/80
WP 4498
Gordon
PRC 5873

AMENDMENT AND RENEWAL
OF EXISTING COMMERCIAL LEASE PRC 4498.1, AND
APPROVAL OF GENERAL LEASE - COMMERCIAL USE SUBLEASE

EXISTING LESSEE:

Lakeside Yacht and Harbor Club, Inc.
P. O. Box 161537
Sacramento, California 95816

SUBLESSEE:

Placid Fuchslin
dba Lakeside Marina
P. O. Box 4097
South Lake Tahoe, California 95729

AREA, TYPE LAND AND LOCATION:

A 0.980-parcel and 10 circular parcels,
each 40 feet in diameter containing 0.029
acre and together totalling 0.288 acre,
with all parcels composing an aggregate
of 1.268 acres of submerged lands in Lake
Tahoe at South Lake Tahoe, El Dorado County.

LAND USE:

Maintenance, management and operation of
existing yacht harbor facilities and 10
mooring buoys all utilized for commercial
recreational boating.

TERMS OF ORIGINAL LEASE:

Initial period: 8 years from July 1,
1970.

Renewal options: 1 successive period of
7 years each.

Surety bond: \$10,000.

Public liability insurance: \$500,000 per
occurrence for bodily
injury and \$50,000 for
property damage.

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Consideration: Yacht Harbor: \$1,980
per annum.

TERMS OF AMENDED LEASE DURING THE PROPOSED RENEWAL PERIOD:
Initial period: 7 years from July 1,
1978.

Surety bond: \$10,000.

Public liability insurance: \$800,000 per
occurrence for bodily
injury and \$200,000 for
property damage, or combined
single limit coverage
of \$1,000,000.

- Special:
1. The amendment increases the area of use by including existing facilities not previously covered under the existing lease.
 2. The amendment brings the standard covenants into conformance with the Commission's current leasing regulations and policies.
 3. The amendment conditions the existing lease on lessee's conformance with the California Tahoe Regional Planning Agency and Tahoe Regional Planning Agency Shorezone Ordinances.
 4. The amendment is entered into by all parties without prejudice to their respective claims of boundary.
 5. The amendment changes the State's right to fix a different rental on each fourth anniversary of the existing lease in order to correlate the anniversaries of

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the proposed amended
lease and sublease herein.

6. All other terms and conditions of the existing lease remain in full force and effect.

CONSIDERATION: Yacht Harbor: \$2,612 per annum. Buoys: \$300 per annum with the State reserving the right to fix a different rental on each fourth anniversary of the existing lease.

TERMS OF SUBLEASE:

Initial period: 3 years from May 30, 1979.

Renewal options: 2 successive periods of 3 years each.

Public liability insurance: \$800,000 per occurrence for bodily injury and \$200,000 for property damage, or combined single limit coverage of \$1,000,000.

- Special:
1. The sublease is conditioned on conformance with the California Tahoe Regional Planning Agency and Tahoe Regional Planning Agency Shorezone Ordinances.
 2. The sublease is entered into by all parties without prejudice to their respective claims of boundary.
 3. The term of the sublease is correlated with proposed amended lease.

CONSIDERATION: \$880 per annum or 5% of gross income exceeding \$2912 per annum, whichever is greater, plus 1¢ per gallon of fuel sold to a maximum of 100,000 gallons and 1½¢ per gallon sold in excess of 100,000 gallons, with the

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State reserving the right to fix a different rental on each third anniversary of the sublease.

BASIS FOR CONSIDERATION:

2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicants are lessees of upland.

Filing fees have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. An EIR is not required. These transactions are within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair.
2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received. Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

3. The Commission, at its meeting on November 27, 1978, suspended all leasing for new construction at Lake Tahoe, except for mooring buoys in designated areas. This action was taken pending completion of an EIR which addresses the cumulative impact of continued

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construction of piers in Lake Tahoe. The applications herein are for the continued use of existing facilities in the Lake, and therefore are not subject to the Commission's suspension of leasing activities for new construction.

APPROVALS REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the California Tahoe Regional Planning Agency, Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and the County of El Dorado. The proposed amendment, renewal and sublease are conditioned on the approval of all agencies having jurisdiction.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE AMENDMENT AND RENEWAL OF THE EXISTING LEASE AND ISSUANCE OF THE SUBLEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE THE AMENDMENT AND 7-YEAR RENEWAL OF EXISTING COMMERCIAL LEASE PRC 4498.1, EFFECTIVE JULY 1, 1978, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$2,912, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FOURTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$10,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$800,000 PER OCCURRENCE FOR BODILY INJURY AND \$200,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF EXISTING YACHT HARBOR FACILITIES AND 10 MOORING BUOYS, ALL UTILIZED FOR RECREATIONAL BOATING ON THE LANDS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZE ISSUANCE TO PLACID FUCHSLIN, DBA LAKESIDE MARINA, OF A 3-YEAR COMMERCIAL USE SUBLEASE FROM MAY 30,

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1979, WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 3 YEARS EACH; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$880, OR 5% OF GROSS INCOME EXCEEDING \$2912 PER ANNUM, WHICHEVER IS GREATER, PLUS 1¢ PER GALLON OF FUEL SOLD TO A MAXIMUM OF 100,000 GALLONS AND 1½¢ PER GALLON SOLD IN EXCESS OF 100,000 GALLONS; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH THIRD ANNIVERSARY OF THE SUBLEASE; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$800,000 PER OCCURRENCE FOR BODILY INJURY AND \$200,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MANAGEMENT AND OPERATION OF EXISTING YACHT HARBOR FACILITIES AND 10 MOORING BUOYS ALL UTILIZED FOR RECREATIONAL BOATING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

WP 4498

Eleven parcels of submerged land in the State-owned bed of Lake Tahoe, El Dorado County, California, situated adjacent to fractional Section 27, T13N, R18E, MDM, more particularly described as follows:

PARCEL 1

BEGINNING at the most southerly corner of Lot 3, as shown on the map of Lakeside Lodge Subdivision, filed in Map Book "A", at page 31, El Dorado County records; thence along the southeasterly line and its northeasterly extension of Lots 3, 2, and 1 of said Lakeside Lodge Subdivision, N 25° 46' 40" E 253 feet; thence N 64° 13' 20" W 343 feet; thence N 25° 46' 40" E 29 feet; thence N 64° 13' 20" W 30 feet; thence S 25° 46' 40" W 110 feet; thence S 64° 13' 20" E 37 feet; thence S 25° 46' 40" W 147.02 feet; thence S 64° 13' 20" E 182.53 feet; thence S 25° 46' 40" W 7 feet to the most westerly corner of said Lot 3; thence along the southwesterly line of said Lot 3, S 57° 32' 30" E 154.52 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Lake Tahoe.

PARCELS 2-11 (Buoys)

Ten circular parcels of submerged land 20 feet in diameter lying within a rectangular area 200 feet by 250 feet, the northwest corner of the long side of said rectangle being 550 feet northwesterly along the northeast line of Park Avenue projected from the northwest line of Lakeshore Boulevard as said Park Avenue and Lakeshore Boulevard are shown on the above-referenced map of Lakeside Lodge Subdivision.

END OF DESCRIPTION

Prepared M. L. Shafer Checked R. N. Hoff

Reviewed W. W. Kunnecke Date July 20, 1977

Revised: Jan. 8, 1979

M.L. Shafer
R.N. Hoff

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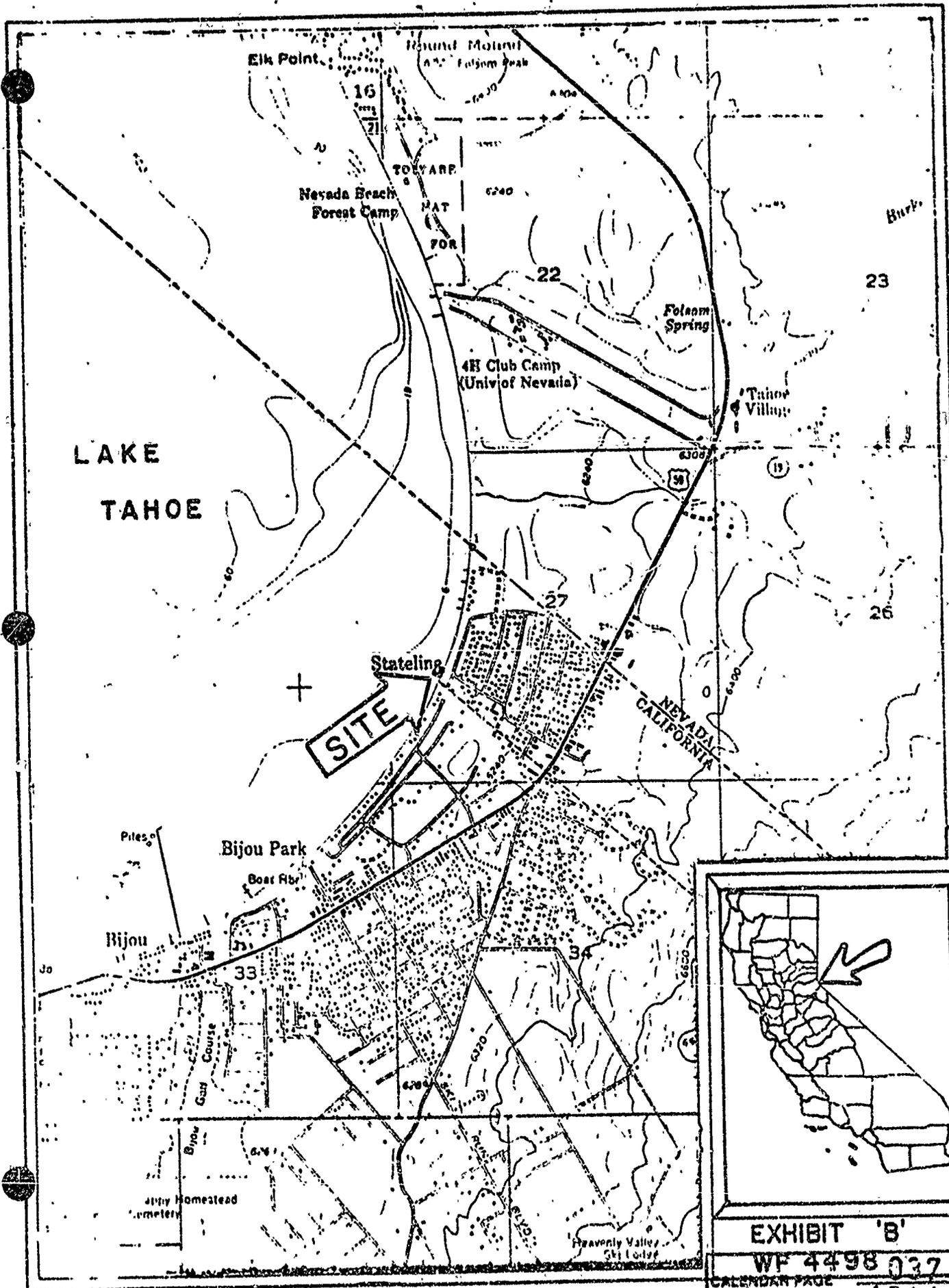


EXHIBIT 'B'
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