MINUTE ITEM

This Calendar Item No. C15 was approved as Minute Item No. 12 by the State Lands Commission by a vote of 3 - 0 at its 3-5-81 meeting.

CALENDAR ITEM

C15

2/81
WP 1691
Gordon

RENEWAL OF NONCOMMERCIAL LEASE PRC 1691.1

APPLICANT: The Brockway Club
2656 Bridgeway Boulevard
Sausalito, California 94965

AREA, TYPE LAND AND LOCATION:
A 0.62-acre parcel, a 0.20-acre parcel and 11 circular parcels, each 40 feet in diameter that together total 0.317 acre, and all of which totally compose an aggregate of 1.137 acres of submerged lands in Agate Bay, Lake Tahoe at Brockway, Placer County.

LAND USE: Maintenance and operation of one pier with three floating docks, one pier, related ancillary structures, and 11 mooring buoys, respectively, for noncommercial multiple-use recreational purposes.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years, from April 20, 1956.

Renewal options: two successive periods of 10 years each.

Surety bond: $1,000.

Consideration: $30 per annum for a pier and breakwater.

TERMS OF AMENDED LEASE DURING FIRST RENEWAL PERIOD:

Initial period: 10 years, from April 20, 1971.

Renewal options: one successive period of 10 years.

Surety bond: $3,000.

Public liability insurance: $800,000 per occurrence of bodily injury and $200,000 for property damage, or combined

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single limit coverage of $1,000,000.

Special:

1. The amendment increased the rental, insurance coverage, area of use, and brought the provisions for monetary consideration and standard covenants into conformance with current regulations and policies.

2. The amendment was entered into by both parties without prejudice to their respective claims of boundary.

3. All other terms and conditions of the lease remained in full force and effect.

CONSIDERATION: One pier - $70 per annum; other structures and buoys - no fee pursuant to the provisions of PRC Section 6503.5 with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

TERMS OF LEASE DURING SECOND PROPOSED RENEWAL PERIOD:

Initial period: 10 years from April 20, 1981.

Surety bond: $3,000.

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.

CONSIDERATION: One pier - $70 per annum; other structures and buoys - no monetary fee pursuant to the provisions of PRC Section 6503.5 with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

OTHER PERTINENT INFORMATION:

1. These facilities are utilized to accommodate the owners, tenants, and guests of the condominium complexes located on the adjacent upland.

2. The consideration set forth herein is based on the current general permit fee schedule as approved by the Commission and made effective March 1, 1977; and Public Resources Code 6503.5.

3. An EIR is not required. This transaction is 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 and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

4. 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.

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 Placer. The lease is conditioned on the approval of all agencies having jurisdiction.

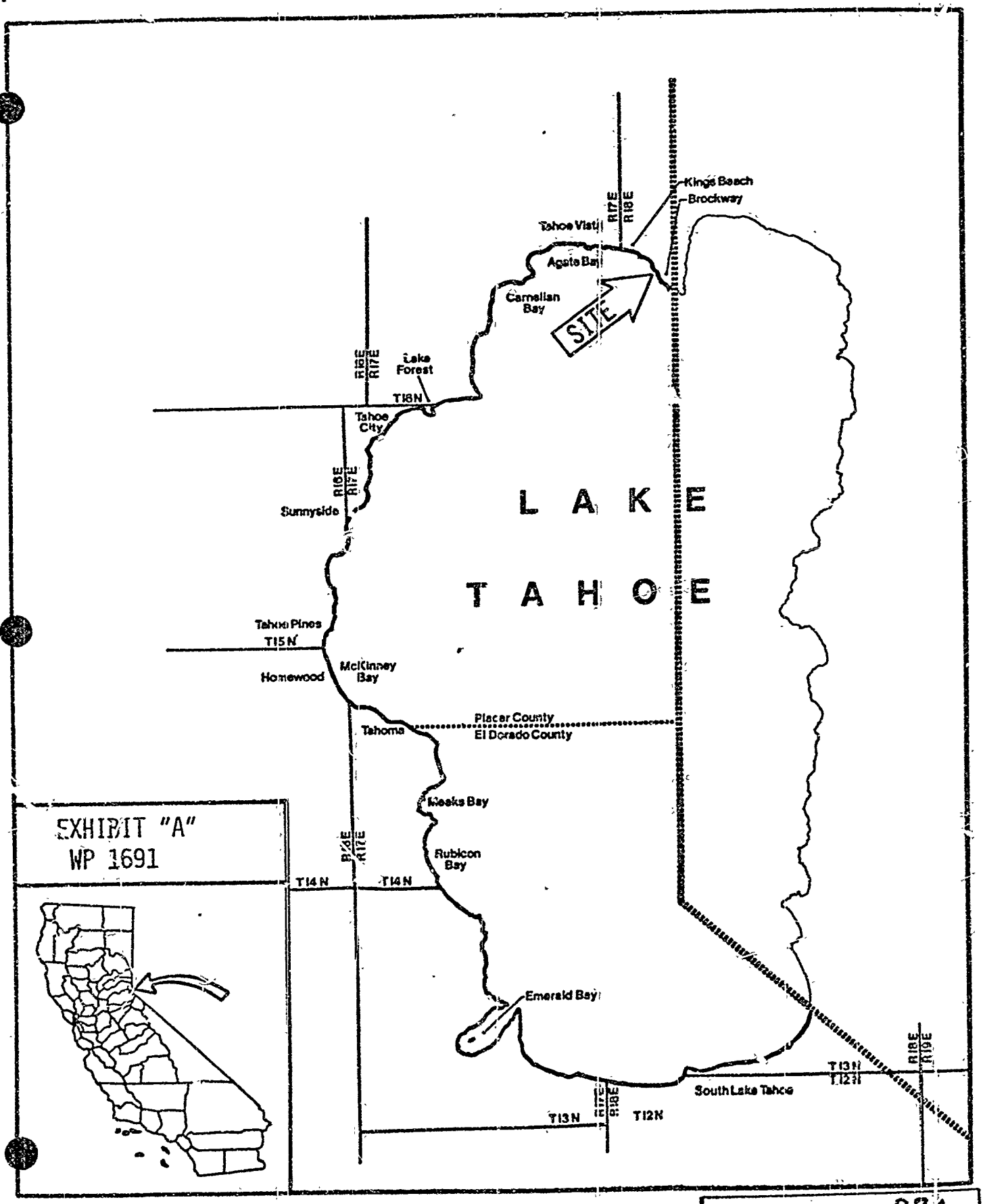
EXHIBITS: A. Location Map.

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. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

2. FIND THAT GRANTING OF THIS LEASE RENEWAL WILL HAVE NO SIGNIFICANT EFFECT UPON THE ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.

3. AUTHORIZE THE 10-YEAR RENEWAL OF NONCOMMERCIAL LEASE PRC 1691.1 FROM APRIL 20, 1981; IN CONSIDERATION OF RENT IN THE AMOUNT OF $70 PER ANNUM FOR A PIER AND THE EXEMPTION OF RENT PURSUANT TO THE PROVISIONS OF PRC SECTION 6503.5 FOR THE ADDITIONAL QUALIFYING FACILITIES; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A $3,000 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 THE CONTINUED MAINTENANCE, OPERATION AND NONCOMMERCIAL USE OF TWO PIERS, THREE FLOATING DOCKS, RELATED ANCILLARY STRUCTURES, AND 11 MOORING BUOYS ON THE LAND DESCRIBED IN SAID LEASE.



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