

26  
C26  
by a vote of 3  
5/5/92

CALENDAR ITEM

A 74  
S 37

C 2 6

05/05/92  
PRC 5542  
Maricle

APPROVE, BY ENDORSEMENT, A SUBLEASE AMENDMENT  
PORTION OF MASTER LEASE PRC 5542

**SUBLESSOR:**

City of San Clemente  
100 Avenida Presidio  
San Clemente, California 92672

**SUBLESSEE:**

Donald H. and Shirley J. Stanley  
141 Avenida Pelayo  
San Clemente, California 92672

**AREA, TYPE LAND AND LOCATION:**

Master Lease: A 1.379-acre parcel of tide and submerged  
land, westerly of the City of San Clemente, Orange County.

**LAND USE:**

Operation and maintenance of a public fishing pier.

**TERMS OF EXISTING MASTER LEASE:**

Initial period:  
Forty-five (45) years beginning September 1, 1978.

**Public liability insurance:**

Combined single limit coverage of \$5,000,000.

**Consideration:**

Submission by the City of annual reports of the income  
and expenses on the lease premises. The State has the  
right to set a monetary rental for any reporting period  
in which the income exceeds the expenses, not to exceed  
the amount of such excess income.

195  
135

CALENDAR ITEM NO. 026 (CONT'D)

**TERMS OF EXISTING SUBLEASE: (Bait Shop)**

Sublessor: City of San Clemente  
Sublessee: Donald H. and Shirley J. Stanley

Term: Ten (10) years, expired September 15, 1991.

Rental Payable To Sublessor:

5% of 1st \$15,000 gross sales  
10% of next \$15,000 gross sales  
15% of gross sales in excess of \$30,000

Public liability insurance:

Combined single limit coverage of \$500,000 per occurrence; \$500,000 property damage per occurrence.

**TERMS OF PROPOSED AMENDMENT:**

Term: Extend above sublease for a five-year period.

Rental Payable to Sublessor:

No change.

Public liability insurance:

\$1,000,000, covering injury and death of one or more persons, property damage, and products liability.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs have been received.

**STATUTORY AND OTHER REFERENCES:**

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

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

AB 884:

N/A

**OTHER PERTINENT INFORMATION:**

1. 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.

CALENDAR ITEM NO. 026 (CONT'D)

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq., but will not affect those significant lands.
3. On June 26, 1986, under Minute Item 6, the Commission approved an amendment and extension of a sublease to Harlo Burke for the seasonal operation of a bait and tackle shop located on the City of San Clemente Municipal Pier in the Gulf of Santa Catalina, west of the City of San Clemente, Orange County. On June 30, 1988, under Minute Item No. 4, the Commission authorized an assignment of the sublease to Donald H. and Shirley J. Stanley.
3. Pursuant to correspondence from the City of San Clemente, the Sublessor and the present Sublessee desire to extend the sublease subject to the provisions set out above, such that it will expire on September 15, 1996. The staff has reviewed the proposal and has no objection to it.

**EXHIBIT:**

- A. 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. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ.
3. APPROVE, BY ENDORSEMENT, THE PROPOSED AMENDED SUBLEASE AGREEMENT BETWEEN THE CITY OF SAN CLEMENTE, SUBLESSOR, AND DONALD H. AND SHIRLEY J. STANLEY, SUBLESSEE, FOR A FIVE-YEAR TENANCY TO EXPIRE ON SEPTEMBER 15, 1996, FOR THE CONTINUED OPERATION OF A BAIT AND TACKLE SHOP LOCATED ON THE SAN CLEMENTE MUNICIPAL PIER.

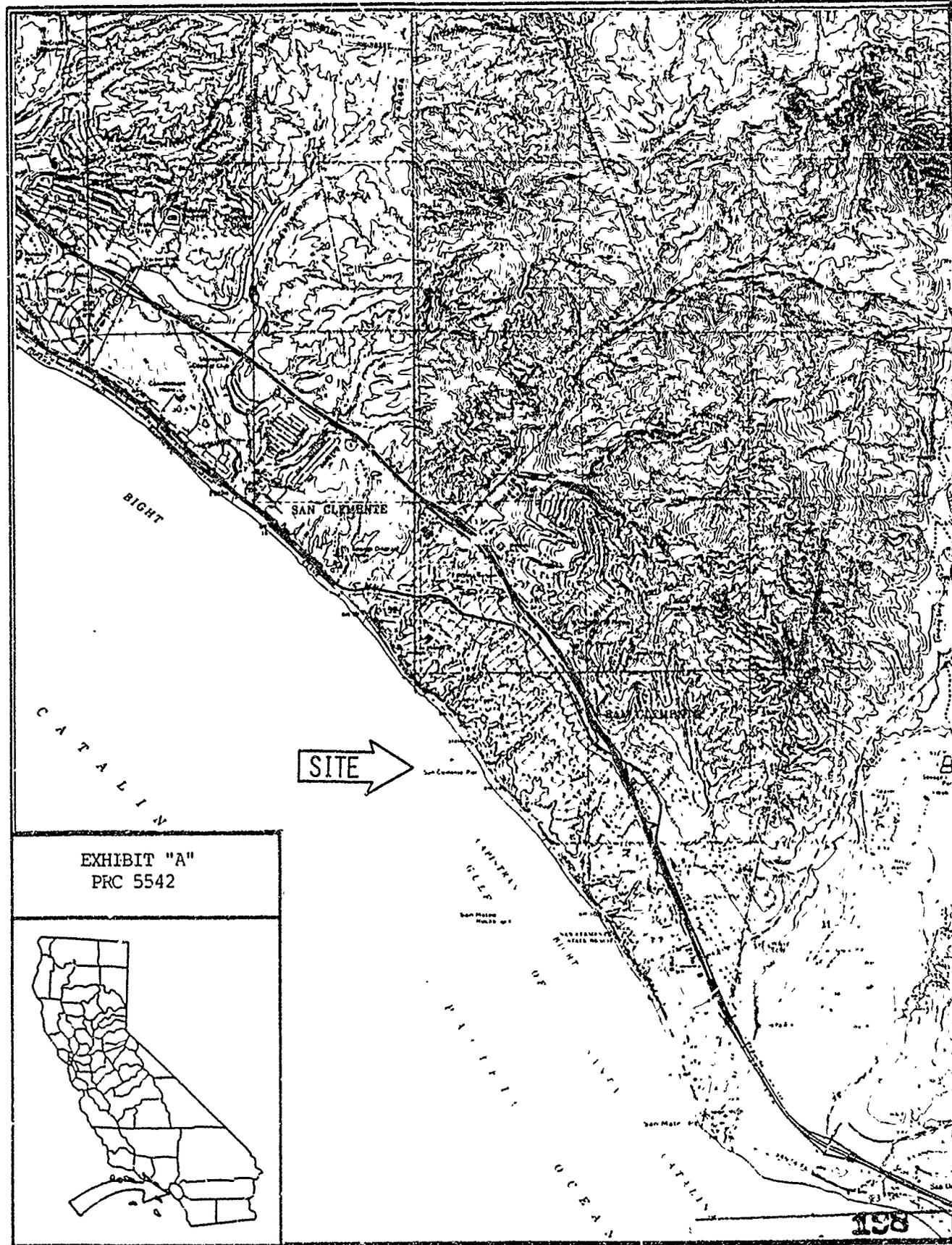


EXHIBIT "A"  
PRC 5542



198

198