

MINUTE ITEM

This Calendar Item No. C33
was approved as Minute Item
No. 33 by the State Lands
Commission by a vote of 3
to 0 at its May 3, 1995
meeting.

05/03/95
PRC 5542
J. Smith

CALENDAR ITEM
C33

A 73
S 38

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

SUBLESSOR :

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

SUBLESSEE:

Kamal A. and Priscilla M. Ibrahim
2401 Camino Corso Rio
San Clemente, California 92673

AREA, TYPE LAND AND LOCATION:

Master Lease: A 1.379-acre parcel of tide and submerged
land, 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.

TERMS OF EXISTING SUBLEASE: (Bait Shop)

Sublessor: City of San Clemente

Sublessee: Donald H. and Shirley J. Stanley

Term: Fifteen (15) years, expiring September 15, 1996.

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

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Public Liability Insurance:

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

TERMS OF PROPOSED SUBLEASE:

Sublessor: City of San Clemente
Sublessee: Kamal A. and Priscilla M. Ibrahim

Term: Four years, expiring September 15, 1999.

Rental Payable To Sublessor:

No change.

Public Liability Insurance:

No change.

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 2, 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 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.

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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.

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3. On June 30, 1988, under Minute Item No. 4, the Commission authorized an assignment of the sublease to Donald H. and Shirley J. Stanley. On May 5, 1992, the Commission authorized an amendment to and extension of the sublease to Donald H. and Shirley J. Stanley changing the requirements for public liability insurance and extending the term to September 15, 1996.
4. Pursuant to correspondence from the City of San Clemente, the Sublessor desires to amend and assign the sublease as set forth above. The staff has reviewed the proposal and has no objection.

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 IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ .
3. APPROVE, BY ENDORSEMENT, THE PROPOSED AMENDMENT AND ASSIGNMENT OF SUBLEASE AGREEMENT BETWEEN THE CITY OF SAN CLEMENTE, SUBLESSOR, AND KAMAL A. AND PRISCILLA M. IBRAHIM, SUBLESSEE, FOR A FOUR-YEAR TENANCY TO EXPIRE ON SEPTEMBER 15, 1999, FOR THE CONTINUED OPERATION OF A BAIT AND TACKLE SHOP LOCATED ON THE SAN CLEMENTE MUNICIPAL PIER.

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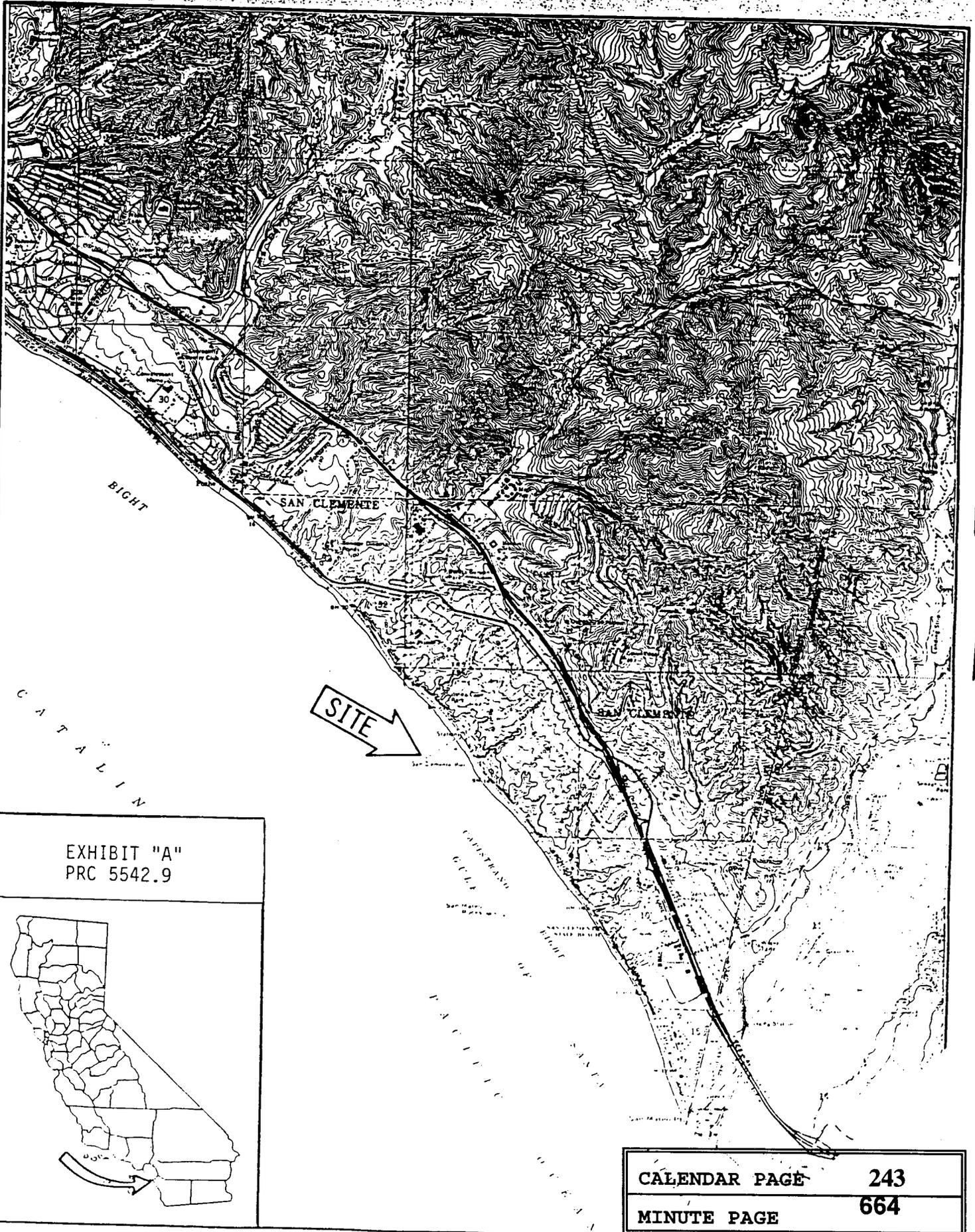


EXHIBIT "A"
PRC 5542.9

