

MINUTE ITEM

This Calendar Item No. C58
was approved as Minute Item
No. 58 by the State Lands
Commission by a vote of 3
to 0 at its 4-20-00
meeting.

CALENDAR ITEM
C58

A 73
S 38

04/20/00
WP 5542.9
J. Smith

**APPROVE, BY ENDORSEMENT, ASSIGNMENT AND ASSUMPTION
OF SUBLEASE, PORTION OF MASTER LEASE PRC 5542**

LESSEE/SUBLESSOR:

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

SUBLESSEE:

Carlos A. Kepner and Jasmin C. Kepner
5 Calle Del Apice
San Clemente, California 92673

AREA, LAND TYPE, AND LOCATION:

Master Lease: 1.38 acres, more or less, of sovereign lands in the Pacific Ocean,
near San Clemente, Orange County.

AUTHORIZED USE:

LEASE: Operation and maintenance of a public fishing pier.

SUBLEASE: Operation of a bait and tackle shop.

TERM:

LEASE: 35 years, beginning May 1, 1999.

SUBLEASE: Five years, beginning September 15, 1999.

CONSIDERATION:

LEASE: 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 rent for any reporting period in which the income exceeds
the expenses, not to exceed the amount of such excess income.

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SUBLEASE: Rent to City is 5% of first \$15,000 of annual gross sales; 10% of the next \$15,000 of annual gross sales; and 15% of annual gross sales in excess of \$30,000.

OTHER PERTINENT INFORMATION:

1. On May 3, 1995, pursuant to Minute Item 33, the Commission approved, by endorsement, the amendment and assignment of a sublease between the City of San Clemente, as Sublessor, and Kamal A. Ibrahim and Priscilla M. Ibrahim, as Sublessees, 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. On December 3, 1999, pursuant to Minute Item 43, the Commission approved the extension of the sublease for an additional five years. The current Sublessees are no longer able to operate the bait and tackle shop due to a serious health problem.
2. The City has submitted an application requesting that the Commission approve the assignment and assumption of the sublease by Carlos A. Kepner and Jasmin A. Kepner. The City Council authorized the assignment and assumption of the sublease at its meeting of January 5, 2000. Commission staff has reviewed the information submitted and has no objection.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

APPROVALS OBTAINED:
City of San Clemente.

EXHIBIT:
A. Location Map

CALENDAR ITEM NO. C58 (CONT'D)

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

APPROVE, BY ENDORSEMENT, THE PROPOSED ASSIGNMENT AND ASSUMPTION OF SUBLEASE AGREEMENT BETWEEN THE CITY OF SAN CLEMENTE, SUBLESSOR, AND CARLOS A. KEPNER AND JASMIN A. KEPNER, SUBLESSEE, FOR THE CONTINUED OPERATION OF A BAIT AND TACKLE SHOP LOCATED ON THE SAN CLEMENTE MUNICIPAL PIER.

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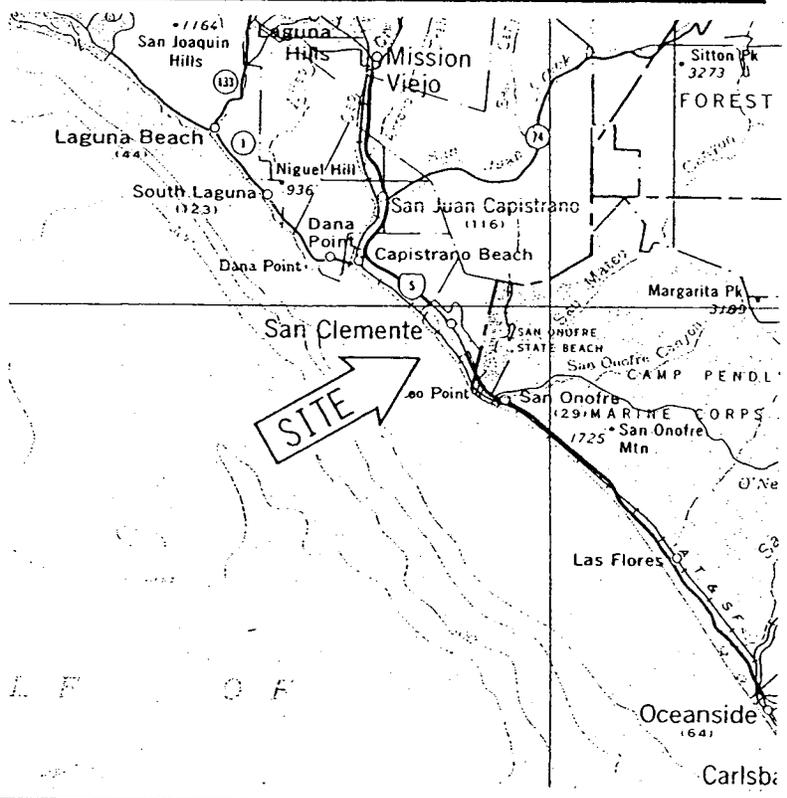
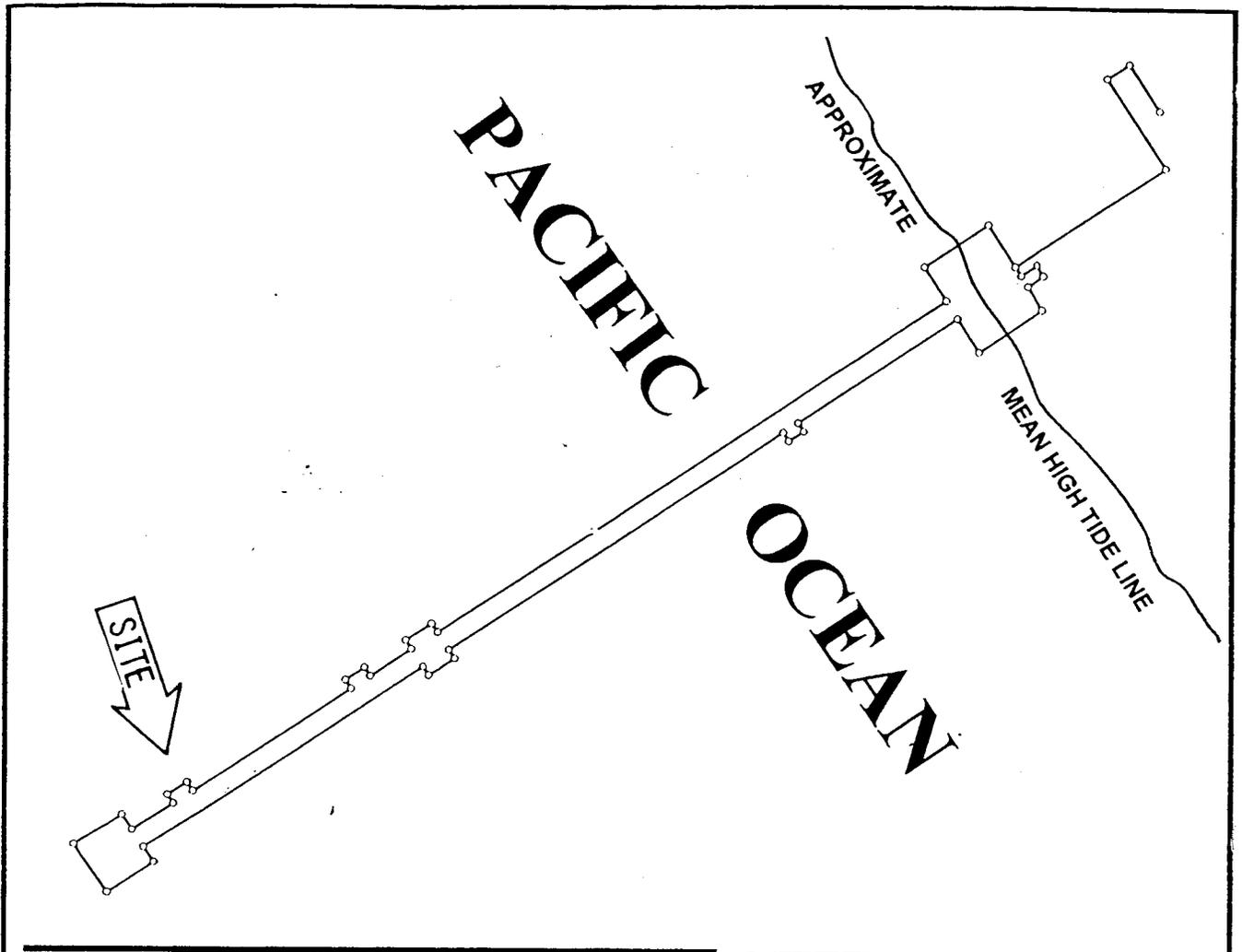


EXHIBIT "A"
 PRC 5542.9
 SITE MAP
 SAN CLEMENTE PIER
 CITY OF SAN CLEMENTE
 ORANGE, COUNTY
 CALIFORNIA

