

MINUTE ITEM NO. 13

APPROVED J. J. L. 1/16

CALENDAR ITEM

13.

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GDG  
WP 4694

AMENDMENT AND ASSIGNMENT OF NONCOMMERCIAL  
LEASE PRC 4694

ASSIGNOR: Star Harbor Company  
c/o DiGiorgio Development Corporation  
One Maritime Plaza  
San Francisco, California 94111

ASSIGNEE: Star Harbor Association  
P.O. Box 1740  
Tahoe City, California 95730

AREA, TYPE LAND AND LOCATION:  
A 0.243-acre parcel of submerged land in Lake  
Tahoe near Lake Forest, Placer County.

LAND USE: The maintenance of an existing jetty for the  
protection of inland dockage.

TERMS OF ORIGINAL LEASE:

Initial Period: 20 years, from August 1, 1972.

Renewal Options: 2 successive periods of 10 years  
each.

Surety Bond: \$50,000.

Public liability insurance: \$500,000/\$1,000,000 per occurrence  
for bodily injury and \$100,000 for  
property damage.

Consideration: \$9,030 with a 5-year review.

Royalty: \$.10 per cubic yard.

Purpose: The construction and maintenance of  
a breakwater and noncommercial marina.

TERMS OF AMENDED LEASE:

Initial Period: 20 years from August 1, 1972.

Renewal Options: 2 successive periods of 10 years  
each.

Surety Bond: \$15,000.

Public liability insurance: \$300,000 per occurrence for bodily  
injury and \$100,000 for property damage.

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- Purpose: The maintenance of an existing jetty for the protection of inland dockage.
- Special: The description of the land designated as Exhibit "A" attached hereto has been made without a survey and without a determination of boundaries of the land subject to this agreement. This lease and amendment of lease is not intended to constitute the establishment of the State's boundaries and is made without prejudice to any boundary claims which may be asserted in the future. However, when the boundaries are established, the State has the right to revise the rate and amount of the annual rental in addition to the rights stated in the covenants; and the right to approve existing improvements and fills in place.

CONSIDERATION:

\$225 per annum effective July 1, 1975 with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

Royalty: \$.10 per cubic yard.

BASIS FOR CONSIDERATION:

\$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Liv. 6, Parts 1 & 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 & 11

OTHER PERTINENT INFORMATION:

1. Star Harbor Company's development plans originally proposed the construction of 130 condominium/townhouse units on the littoral land adjacent to the proposed construction site of a noncommercial marina and breakwater on State land for the benefit of the homeowners. Delays caused in seeking government agency approvals and a poor economic environment necessitated the Company to discontinue further development of the plan beyond the construction of 70 condominium/townhouse units. A ten-acre parcel located further upland which would have

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accommodated the construction of the remaining 100 units has been foreclosed and is presently owned by Metropolitan Life Insurance company. A jetty has been constructed on the State land, but the proposed marina project will not be constructed. Because of the magnitude of this change in plans and for the purpose of allowing the 30 homeowners the enjoyment of the existing facility, Star Harbor Company, as lessee, endeavors to accommodate the request of the homeowners through their Association, Star Harbor Association. The Association elected to request the Commission to reduce the area of leased State land to an area occupied by the existing facility. By a grant deed dated July 1, 1975, the Association has subsequently acquired title to the littoral land adjacent to the existing jetty.

2. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B: 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.
3. This transaction does not present a plan which changes or alters the environmental setting previously authorized by the Commission and therefore qualifies as a nonproject. This is a continuing administrative activity.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21065, 14 CAL. ADM. CODE 15037.
2. DETERMINE THAT THE GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON THE ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE THE AMENDMENT OF LEASE PRC 4694 TO PROVIDE FOR MAINTENANCE OF AN EXISTING JETTY IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225; WITH THE STATE RESERVING THE

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RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$15,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

4. APPROVE THE ASSIGNMENT OF LEASE PRC 4694 COVERING AN EXISTING JETTY IN LAKE TAHOE NEAR LAKE FOREST, PLACER COUNTY, FROM STAR HARBOR COMPANY TO STAR HARBOR ASSOCIATION.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 4694

A parcel of land in the State-owned bed of Lake Tahoe, adjacent to fractional Section 5, T 15 N, R 17 E, MDM, Placer County, State of California, more particularly described as follows:

BEGINNING at the northeasterly corner of Lot 20, as said lot is shown on the map of STAR HARBOR UNIT NO. 1, recorded in Book "I" of Maps, Page 62, Placer County Recorder's Office; thence along the easterly line of said Lot 20, S 05° 52' 00" E, 67.00 feet; thence along the southerly line of said Lot 20 S 84° 08' 00" W, 8.00 feet; thence leaving said southerly line S 05° 52' 00" E, 64.54 feet; thence N 85° 06' 40" E, 12.02 feet to a point which lies 2.5 feet westerly along said line from the center line of an existing steel bulkhead; thence parallel with and 2.5 feet distant from said center line S 10° 30' 00" E, 150.25 feet; thence N 79° 30' 00" E, 5.0 feet to a point which lies 2.5 feet easterly of and perpendicular to said center line; thence parallel with and 2.5 feet distant from said center line N 10° 30' 00" W, 149.22 feet; thence S 83° 03' 33" E, 226.75 feet; thence N 07° 52' 48" W, 152.70 feet; thence N 75° 00' 00" W, 123.00 feet; thence N 90° 00' 00" W, 65.00 feet; thence N 58° 30' 00" W, 40.00 feet; thence S 10° 52' 16" W, 46.68 feet to the TRUE POINT OF BEGINNING.

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

END OF DESCRIPTION