

MINUTE ITEM
This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 10/23/86
meeting.

CALENDAR ITEM

A 7

C 13

10/23/86

WP 4498

S 1

WP 5873 PRC 5873

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APPROVAL OF GENERAL LEASE - COMMERCIAL USE PRC 4498; AND
APPROVAL OF GENERAL LEASE - COMMERCIAL USE SUBLEASE PRC 5873

PROPOSED LESSEE: Lakeside Yacht and
Harbor Club, Inc.
P. O. Box 161537
Sacramento, California 95816

PROPOSED SUBLESSEE: Ralph Fuchslin dba
Lakeside Marina
P. O. Box 4188
South Lake Tahoe, California 95729

AREA, TYPE LAND AND LOCATION:

A 0.739-acre parcel and ten circular parcels,
each 40 feet in diameter, containing
0.029 acre, totalling 0.288 acre, with all
parcels composing an aggregate of 1.027 acres
of submerged land in Lake Tahoe at
South Lake Tahoe, El Dorado County.

LAND USE: Maintenance and operation of existing marina
facilities utilized for commercial purposes.

TERMS OF PROPOSED LEASE: (PRC 4498)

Initial period: 16 years beginning July 1,
1986.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

Special: 1. The lease restricts any
residential use of the
facilities.

CALENDAR ITEM NO. C13 (CONT'D)

2. The lease is conditioned on lessee's conformance with the Tahoe Regional Planning Agency's shorezone ordinance.

3. The lease conforms to the Lyon/Fogerty decision.

Consideration: \$6,758 per annum, as to the marina, and \$410 per annum, as to the mooring buoys; with the State reserving the right to fix a different rental on each fifth anniversary of the lease; and with the State reserving the right to change, modify and alternate the method of fixing annual rent from either a percentage of the appraised value of the leased land to a percentage of annual gross income, or vice versa, if lessee discontinues subleasing the management and operation of the lease sites and assumes these duties and responsibilities itself.

TERMS OF PROPOSED SUBLEASE: (PRC 5873)

Initial period: Five years beginning June 1, 1986.

Public liability insurance: Combined single limit coverage of \$1,000,000.

Special:

1. The lease restricts any residential use of the facilities.
2. The lease is conditioned on lessee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.
3. The lease conforms to the Lyon/Fogerty decision.

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CONSIDERATION: \$3,584 minimum annual rental or five percent of gross income exceeding \$7,168 per annum, whichever is greater; plus one cent per gallon of fuel sold annually to a maximum of 100,000 gallons, and one and one-half cents per gallon sold annually in excess of 100,000 gallons.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicants are lessees of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fees have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

12/10/86.

OTHER PERTINENT INFORMATION:

1. The five-year term of the proposed sublease is consistent with the conditions of an agreement by and between applicants which is on file in the office of the Commission.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

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

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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 activity is consistent with its use classification.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board and County of El Dorado.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. 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. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO LAKESIDE YACHT AND HARBOR CLUB, INC. OF A 16-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING JULY 1, 1986; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$6,758, AS TO THE MARINA, AND \$410, AS TO THE MOORING BUOYS, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH THE STATE RESERVING THE RIGHT TO CHANGE, MODIFY AND ALTERNATE THE METHOD OF FIXING ANNUAL RENT FROM EITHER A PERCENTAGE OF THE PROPOSED VALUE OF THE LEASED LAND TO A PERCENTAGE OF ANNUAL GROSS INCOME, OR VICE VERSA, IF LESSEE DISCONTINUES SUBLEASING THE MANAGEMENT AND OPERATION OF THE LEASE SITES AND ASSUMES THESE DUTIES AND RESPONSIBILITIES ITSELF; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE AND OPERATION OF EXISTING MARINA FACILITIES UTILIZED FOR COMMERCIAL PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

CALENDAR ITEM NO. C13 (CONT'D)

4. AUTHORIZE ISSUANCE TO RALPH FUCHSLIN, DBA LAKESIDE MARINA, OF A FIVE-YEAR GENERAL LEASE - COMMERCIAL USE SUBLEASE BEGINNING JUNE 1, 1986; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$3,584 OR FIVE PERCENT OF GROSS INCOME EXCEEDING \$7,168, WHICHEVER IS GREATER; PLUS ONE CENT PER GALLON OF FUEL SOLD ANNUALLY TO A MAXIMUM OF 100,000 GALLONS AND ONE AND ONE-HALF CENTS PER GALLON SOLD ANNUALLY IN EXCESS OF 100,000 GALLONS; WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE AND OPERATION OF EXISTING MARINA FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 4498
WP 5873

Eleven parcels of submerged land in the State-owned bed of Lake Tahoe, El Dorado County, California, situated adjacent to fractional Section 27, T13N, R18E, MDM, more particularly described as follows:

PARCEL 1

BEGINNING at the most southerly corner of Lot 3, as shown on the map of Lakeside Lodge Subdivision, filed in Map Book "A", at page 31, El Dorado County records; thence along the southeasterly line and its northeasterly extension of Lots 3, 2 and 1 of said Lakeside Lodge Subdivision, N 25° 46' 40" E, 253 feet; thence N 64° 13' 20" W, 273 feet; thence N 25° 46' 40" E, 20 feet; thence N 64° 13' 20" W, 70 feet; thence N 25° 46' 40" E, 9 feet; thence N 64° 13' 20" W, 30 feet; thence S 25° 46' 40" W, 110 feet; thence S 64° 13' 20" E, 37 feet; thence S 25° 46' 40" W, 147.02 feet; thence S 64° 13' 20" E, 182.53 feet; thence S 25° 46' 40" W, 7 feet to the most westerly corner of said Lot 3; thence along the southwesterly line of said Lot 3, S 57° 32' 30" E, 154.52 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of Lake Tahoe.

PARCEL 2-11 (BUOYS)

Ten circular parcels of submerged land 40 feet in diameter lying within a rectangular area 200 feet by 250 feet, the northwest corner of the long side of said rectangle being 550 feet northwesterly along the northeast line of Park Avenue projected from the northwest line of Lakeshore Boulevard as said Park Avenue and Lakeshore Boulevard are shown on the above-referenced map of Lakeside Lodge Subdivision.

END OF DESCRIPTION

REVISED JUNE 4, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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