

MINUTE ITEM

This Calendar Item No. C11
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 2
to 0 at its 11/29/84
meeting.

CALENDAR ITEM

A 7

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11/29/84
WP 5859 PRC 5859
Ludlow

S 3,13

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Richard D. Schwartz dba Richardson's Marina and
Camp Richardson Resort and Marina
P. O. Box 10648
South Lake Tahoe, California 95731

AREA, TYPE LAND AND LOCATION:
A 3.400-acre parcel of submerged land located
in Lake Tahoe, El Dorado County.

LAND USE: Operation of a commercial marina.

TERMS OF PROPOSED LEASE

Initial period: 20 years beginning July 22,
1984.

Public liability insurance: Combined single
limit coverage of \$500,000.

CONSIDERATION: Minimum annual rental of \$825, against five
percent (5%) of gross income derived from the
rental of moorings; one cent (1¢) per gallon of
fuel sold during the reporting period to a
maximum of 100,000 gallons and one and one-half
cents (1 1/2¢) per gallon thereafter, with the
State reserving the right to fix a different
rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

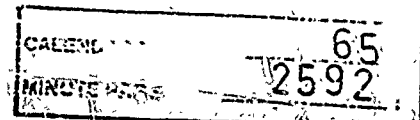
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of one upland parcel and
lessee of the adjacent upland parcel.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and minimum rent covering the period
of July 22, 1982 through December 31, 1984 has
been received.



CALENDAR ITEM NO. C 1 1 (CONT'D)

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: N/A.

OTHER PERTINENT INFORMATION:

1. 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). Title 2, Division 3.

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

2. The lease parcel is adjacent to two upland parcels. The first parcel was previously leased to Blaine O. Bender, et al, dba Bender's Camp Richardson Marina, under PRC 5859.1. The lease was issued for a 40-year term beginning July 1, 1980 and authorized 90 existing buoys, gasoline sales and a pier.

This parcel was sold to Mr. Richard D. Schwartz in July, 1982. During the property sale transaction, Mr. Bender proved to be extremely uncooperative in executing a lease assignment for the existing marina facilities. Due to the fact that Mr. Bender has abandoned the lease premises, staff feels that it is in the State's best interest to terminate Mr. Bender's lease and issue a new lease to the applicant, Richard D. Schwartz.

CALENDAR ITEM NO. C 1 1 (CONT'D)

3. The second upland parcel is owned by the United States Forest Service. Twenty of the 110 authorized buoys are adjacent to this parcel. The applicant, Mr. Schwartz, has obtained a Use Permit from the U. S. Forest Service to operate the upland resort and maintain an existing pier adjacent to this parcel. The Use Permit was issued for a 20-year term, effective June 28, 1983. The pier at this parcel is authorized under PRC 5544.9. Said permit was issued to the U. S. Forest Service for a 49-year term, effective May 11, 1977.
4. Lessor hereby consents to Lessee's subletting of all or any portion of the lease premises for berthing or mooring purposes in conjunction with normal commercial marina subleasing practices for terms of one year or less.
5. Termination and Replacement of the State's Lease PRC 5859.1 is for administrative purposes only, and does not change the use from that granted in the original lease.
6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. and the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

United States Department of Interior - Use Permit, County Permit - El Dorado County.

FURTHER APPROVALS REQUIRED:

Tahoe Regional Planning Agency, United States Corps of Engineers.

EXHIBITS:

- A. Land Description.
- B. Location Map.

CALENDAR ITEM NO. C 1 1 (CONT'D)

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) (TITLE 2, DIVISION 3).
2. FIND THAT THIS ACTIVITY INVOLVES LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET. SEQ. AND THE PROJECT, AS PROPOSED, IS CONSISTENT WITH ITS USE CLASSIFICATION.
3. TERMINATE LEASE PRC 5859.1 ISSUED TO BLAINE O. BENDER, ET AL, dba BENDERS CAMP RICHARDSON MARINA EFFECTIVE JULY 21, 1982.
4. AUTHORIZE ISSUANCE TO RICHARD D. SCHWARTZ dba RICHARDSON'S MARINA AND/OR CAMP RICHARD RESORT AND MARINA, INC. OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING JULY 22, 1982; IN CONSIDERATION OF MINIMUM ANNUAL RENTAL OF \$825 AGAINST FIVE PERCENT (5%) OF GROSS INCOME DERIVED FROM THE RENTAL OF MOORINGS; ONE CENT (1¢) PER GALLON OF FUEL SOLD DURING THE REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS AND ONE AND ONE-HALF CENTS (1 1/2¢) PER GALLON THEREAFTER WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE OPERATION AND MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 5859

One hundred ten (110) circular parcels of submerged land 40 feet in diameter (for buoys) and a parcel of submerged land lying immediately beneath an existing pier, TOGETHER WITH a necessary use area extending not more than 10 feet from the extremities of said pier, in the bed of Lake Tahoe, El Dorado County, California, all said parcels lying within the following described area:

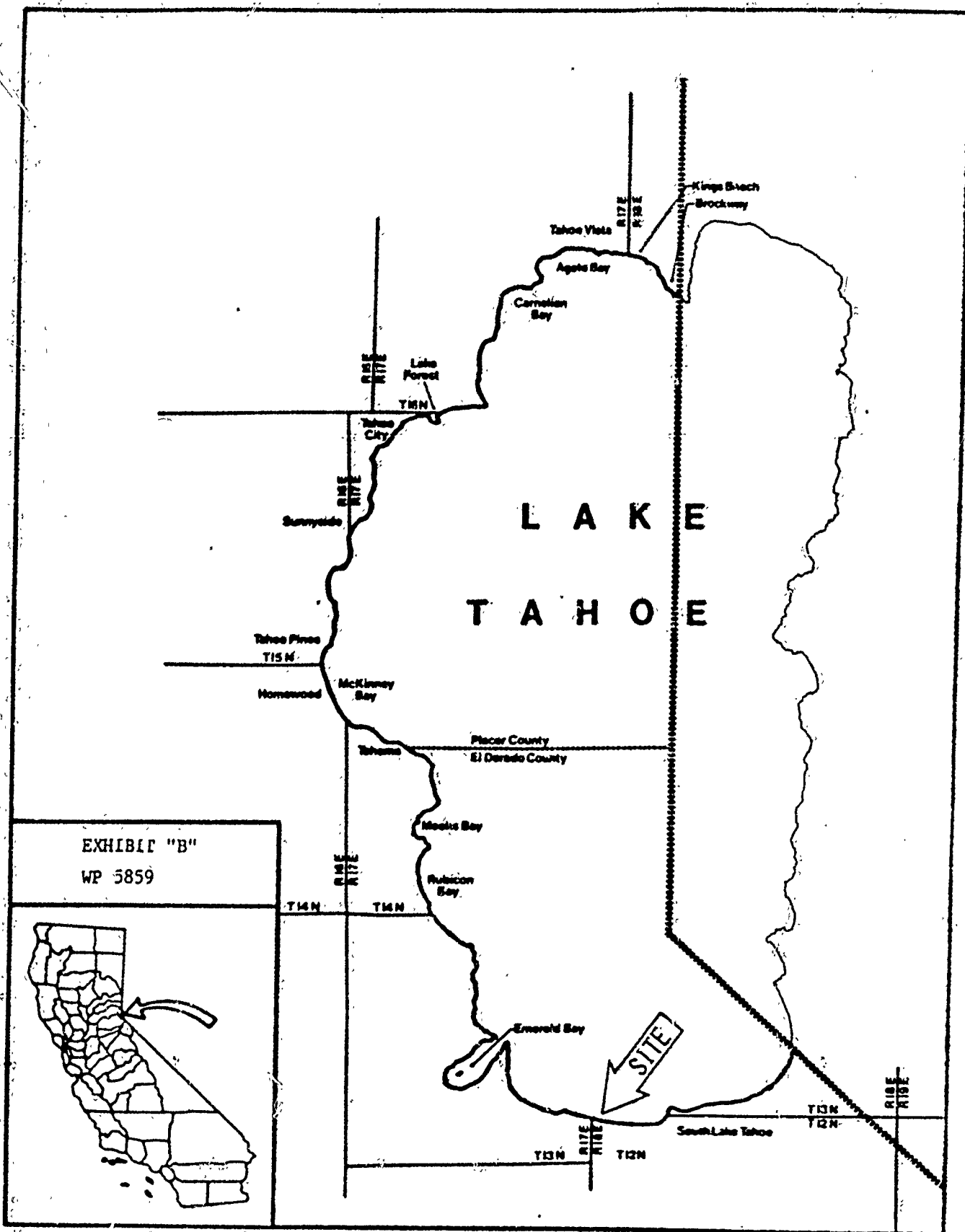
COMMENCING at GLO brass cap marking the southeast corner of Section 25 and the northeast corner of Section 36, T13N, R17E, MDM, and the west line of Section 6, T12N, R18E, MDM, as said GLO brass cap is shown upon Sheet 7 of 17 of that certain map entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe" filed in Record of Surveys, Book No. 2, page 12, as Document No. 7367, El Dorado County Records Office, thence N 00° 27' E 409.77 feet to the TRUE POINT OF BEGINNING; thence S 77° 48' E 620.8 feet; thence N 00° 30' E 1180.43 feet; thence N 89° 30' W 146.87 feet; thence S 00° 30' W 354.14 feet; thence N 89° 33' W 461.64 feet; thence S 00° 27' W 700.00 feet to the point of beginning.

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

ALSO EXCEPTING THEREFROM any portion lying within State Lands Commission Lease P.R.C. 5544.9.

END OF DESCRIPTION

REVISED OCTOBER 18, 1984 BY THE BOUNDARY UNIT, M. L. SHAFER, SUPERVISOR.



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