

MINUTE ITEM

This Calendar Item No. C06 was approved as Minute Item No. 06 by the California State Lands Commission by a vote of 3 to 0 at its 10-20-03 meeting.

**CALENDAR ITEM
C06**

A 4
S 1

PRC 3994

10/20/03
WP 3994.1
M. Hays

AMENDMENT OF LEASE

LESSEE:

Agate Pier and Swim Club, Inc.
P. O. Box 1705
Carnelian Bay, CA 96140

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Agate Bay, Placer County.

EXISTING AUTHORIZED USE:

Continued use and maintenance of an existing pier, one swim float and 14 mooring buoys.

LEASE TERM:

20 years, beginning July 1, 1998.

EXISTING CONSIDERATION:

\$2,629 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

1. Amend the authorized improvements to relocate and retain 14 existing previously authorized mooring buoys and seven existing not previously authorized mooring buoys and include one U.S. Coast Guard marker buoy for a total of 21 buoys and one marker buoy; and exclude the swim float from the authorized improvements.
2. Amend the Special Provisions to include the Tahoe Regional Planning Agency two year buoy permit authorization.
3. Amend the rent to a minimum annual rent of \$3,220; plus five percent of the gross annual derived from the 21 mooring buoys less the minimum annual rent paid for the 21 mooring buoys, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

CALENDAR ITEM NO. C06 (CONT'D)

4. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. On December 16, 1998, the Commission approved a 20-year lease that will expire on June 30, 2018. On April 7, 2003, the Commission approved an assignment from Agate Bay Properties, Inc. to Agate Pier and Swim Club, Inc. On July 15, 2003, Agate Bay Properties, Inc. Assignor deeded the littoral land to the Agate Pier and Swim Club, Inc. (Club).

The Club is a private membership club that is limited to property owners of the upland development, Agate Bay Shores Subdivision. The Club owns and operates the recreational facilities located within the subdivision and those located on the Lease Premises.

3. The Lessee is now proposing to relocate an existing buoy field into a grid pattern that will include 14 existing previously authorized mooring buoys, seven existing not previously authorized mooring buoys, and one marker buoy for a total of 21 mooring buoys and one marker buoy.

The Lessee has permanently removed the swim float and is requesting that the swim float be excluded from the authorized improvements.

4. This lease is conditioned on the Lessee obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.
5. 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 as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

CALENDAR ITEM NO. C06 (CONT'D)

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

United States Army Corps of Engineers
Placer County Public Works Department

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBITS:

- A. Site And Location Map

PERMIT STREAMLINING ACT DEADLINE:

January 7, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

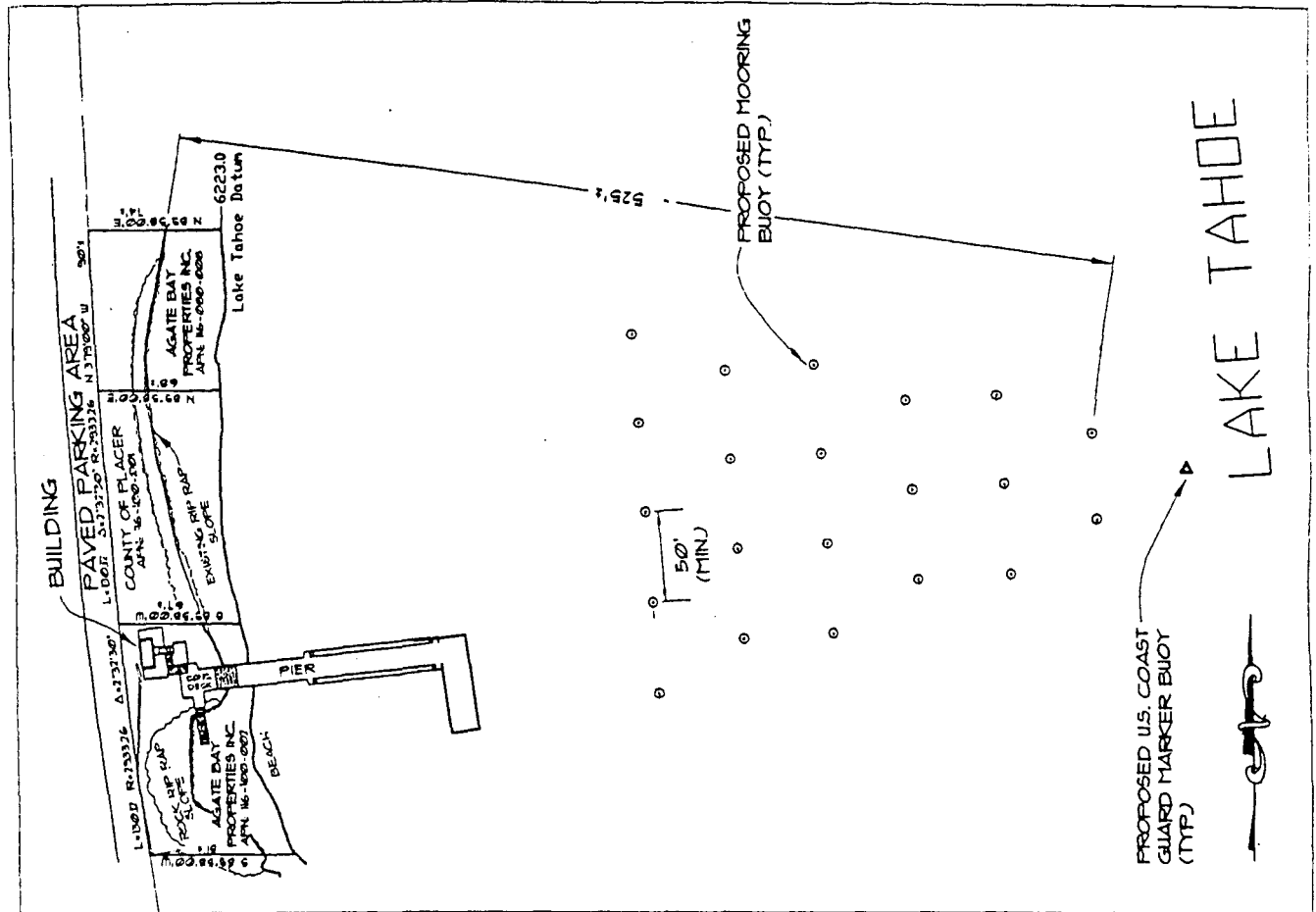
AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 3994.1, A GENERAL LEASE-COMMERCIAL USE, OF SOVEREIGN LANDS AS SHOWN ON

CALENDAR ITEM NO. C06 (CONT'D)

EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JULY 15, 2003, TO RELOCATE AND RETAIN 14 EXISTING PREVIOUSLY AUTHORIZED MOORING BUOYS AND SEVEN EXISTING NOT PREVIOUSLY AUTHORIZED MOORING BUOYS AND ONE MARKER BUOY IN A GRID FOR A TOTAL OF 21 MOORING BUOYS AND ONE MARKER BUOY; AMEND THE AUTHORIZED IMPROVEMENTS TO EXCLUDE THE SWIM FLOAT; AMEND THE SPECIAL PROVISIONS TO INCLUDE THE TAHOE REGIONAL PLANNING AGENCY PERMIT AUTHORIZATION; AND AMEND THE RENT TO A MINIMUM ANNUAL RENT OF \$3,220, PLUS FIVE PERCENT OF GROSS ANNUAL INCOME DERIVED FROM THE 21 MOORING BUOYS LESS THE MINIMUM ANNUAL RENT PAID FOR OF THE 21 MOORING BUOYS, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE MAP



5690 North Lake Boulevard, Agate Bay

NO SCALE

LOCATION MAP

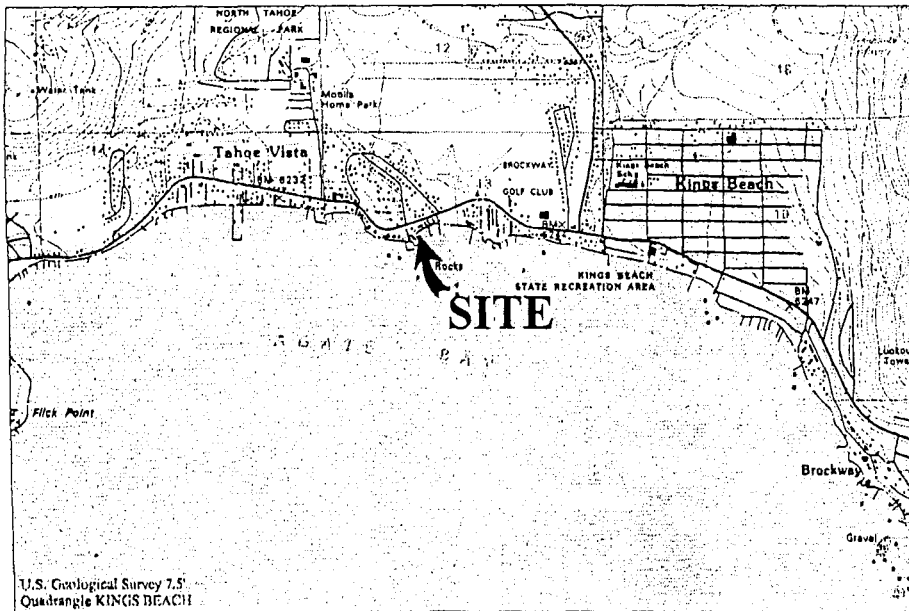
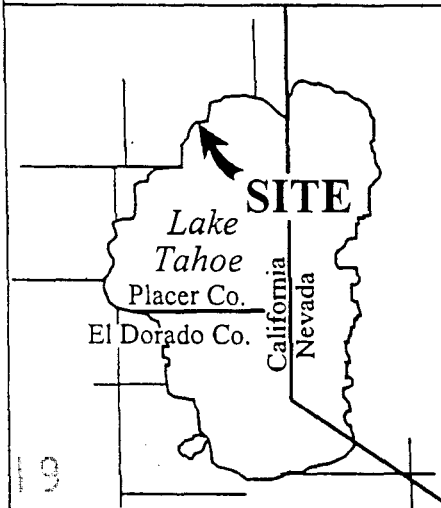


EXHIBIT A

PRC 3994.1
 APN 116-100-002
 APN 116-080-008
 Lake Tahoe
 PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as a waiver or limitation of any state interest in the subject or any other property.