

MINUTE ITEM

6/28/73
CRK

28. APPROVAL OF TWO SUBLEASES OF THE SANTA CLARA COUNTY PALO ALTO AIRPORT PROPERTY, SANTA CLARA COUNTY, PURSUANT TO PROVISIONS OF LEASE PRC 4598.9 - W 8911.

After consideration of Calendar Item 27 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE APPROVAL BY ENDORSEMENT OF TWO SUBLEASES UNDER LEASE PRC 4598.9, BOTH SUBLEASES ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, BY THE COUNTY OF SANTA CLARA TO WOODROW C. ERSTED, AN INDIVIDUAL, AND LEWIS J. RATNER, DBA AIRPORT ASSOCIATES OF PALO ALTO; PROVIDED THAT THE SUBLEASES SHALL BE SUBJECT TO COMPLIANCE BY THE COUNTY OF SANTA CLARA WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES FOR IMPLEMENTATION THEREOF.

Attachment:

Calendar Item 27 (1 page)

Minute item 28, meeting of 6/28/73 RESCINDED
P. 526
by minute item 29, meeting of 6/6/74. dj
P. 517 (initials)

CALENDAR ITEM

6/73
CRK
W 8911

27.

APPROVAL OF TWO SUBLEASES OF THE SANTA CLARA COUNTY PALO ALTO
AIRPORT PROPERTY, SANTA CLARA COUNTY, PURSUANT TO PROVISIONS
OF LEASE PRC 4598.9

On June 23, 1971 (Minute Item 3, page 369), the State Lands Commission authorized issuance of Lease PRC 4598.9 to the County of Santa Clara as to all right, title and interest of the State in and upon those sovereign lands located within those parcels of real property situated in Santa Clara County more particularly described in the sub-leases on file in the office of the State Lands Division and by reference made a part hereof.

The subject agreement provides for the orderly development by the County of Santa Clara of the lands for the construction, operation and proper maintenance of yacht harbors, yacht harbor facilities, an airport and airport related facilities.

The term of the agreement, beginning June 2, 1971, is for 46 years and 4 months or through October 1, 2017.

The consideration for the lease is the public benefit, the State reserving the right to review the consideration at any time and to set a monetary rental if in the State's best interest.

Paragraph 8, pages 4 and 5 of said agreement reads as follows:

"That Lessee as an incident to the development of yacht harbors or airport may, with the prior approval of the State sublet said lands or any portion thereof for development, operation and use for facilities related to marina and airport purposes. The State hereby approves existing subleases of Lessee to:

- Nystrom Aviation Corporation dated 12/23/69.
- Palo Alto Aviation, Inc., dated 12/23/69.
- Encinal Park, Inc., dated 12/23/69 and that certain modification of agreement for lease of Santa Clara County Palo Alto property dated 9/29/70.

Any modification or amendment of any sublease pursuant to this paragraph shall also require prior written approval of the State. Lessee also shall not assign this or any portion thereof without prior written approval of the State."

CALENDAR ITEM NO. 27. (CONTD)

The County of Santa Clara has informed the State Lands Division that the sub-leases granted to Palo Alto Aviation Corporation and Encinal Park, Inc., have been cancelled.

Two new sub-leases of Santa Clara County Palo Alto airport property for the same purposes have been submitted to the State Lands Commission for approval, to wit:

Woodrow C. Ersted, an individual, dated May 2, 1972.

Lewis J. Rattner, dba Airport Associates of Palo Alto, dated April 4, 1972.

Lease PRC 4598.9 states:

"that the Lessee shall observe and comply with all rules and regulations now promulgated by any agency of the State of California having jurisdiction therein and such reasonable rules and regulations as may hereafter be promulgated by any agency of the State of California having jurisdiction therein."

Since the issuance of Lease PRC 4598.9 to the County of Santa Clara, the California Environmental Quality Act (CEQA) of 1970, was amended effective on December 5, 1972, and the Secretary for Resources thereafter adopted implementing guidelines providing for and specifying the duties of Lead Agency.

Based upon the Division's review of the sub-leases, the California Environmental Quality Act of 1970, as amended, and the Secretary for Resources Guidelines, the Division recommends that the two new sub-leases be approved, and that the County of Santa Clara, acting as Lead Agency, shall comply with the California Environmental Quality Act of 1970, as amended, and the State Guidelines for implementing said Act.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE APPROVAL BY ENDORSEMENT OF TWO SUB-LEASES UNDER LEASE PRC 4598.9, BOTH SUB-LEASES ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MAP PART HEREOF, BY THE COUNTY OF SANTA CLARA TO WOODROW C. ERSTED, AN INDIVIDUAL, AND LEWIS J. RATTNER, DBA AIRPORT ASSOCIATES OF PALO ALTO; IT IS FURTHER RECOMMENDED THAT THE SUB-LEASES SHALL BE SUBJECT TO COMPLIANCE BY THE COUNTY OF SANTA CLARA WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES FOR IMPLEMENTATION THEREOF.