

CALENDAR ITEM  
C39

MINUTE ITEM  
This Calendar Item No. C39  
was approved as Minute Item  
No. 39 by the State Lands  
Commission by a vote of 3  
to 0 at its 11/15/94  
meeting. WP 5297

A 17  
S 5

D. Jones  
PRC 5297

AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE 11/15/94

**APPLICANT:**

Golden Gate Water Ski Club  
P.O. Box 11561  
Pleasanton, California 94580

**AREA, TYPE LAND AND LOCATION:**

A 2.265 acre parcel of tide and submerged land in the Middle  
River, San Joaquin County.

**LAND USE:**

Maintenance of a deck, floating dock, walkway and a slalom  
course with 22 slalom marker buoys; all existing and  
utilized for recreational purposes.

**CURRENT LEASE TERMS:**

Initial period:  
20 years beginning April 1, 1987.

Surety bond:  
\$1,000

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

Consideration:  
\$436.80 per annum, as to the deck, dock and walkway and  
\$916.75 per annum, as to the slalom course and marker  
buoys; per annum; five-year rent review.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fees and processing costs have been received.

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**

11/13/94

**OTHER PERTINENT INFORMATION:**

1. On April 23, 1987, the Commission issued a 20 year General Permit- Recreational Use, to the Golden Gate Water Ski Club, hereinafter referred to as Lessee, beginning April 1, 1987 for the maintenance of a deck, floating dock and walkway, plus a slalom course with 22 slalom marker buoys, all utilized for recreational purposes. The Lessee did not have permission of the upland owner to locate its facilities adjacent to their land; however, the lease contained a termination clause if the littoral owner objected to the presence of this facility adjacent of its lands.
  
2. Subsequently, the adjacent landowners filed suit in the San Joaquin Superior Court against the Lessee, and on December 4, 1991, the court issued a Judgment Pursuant to Stipulation (Nichols v. Golden Gate Water Ski Club, San Joaquin Superior Court No. 217869). On September 23, 1991, the Commission authorized the settlement of this litigation. As part of that settlement agreement, the parties entered into a Lease Amendment and Settlement Agreement which required the removal of the docking facilities from their existing location to a site which was mutually acceptable to the State of California and Lessee.
  
3. In accordance with the Agreement, and agreed to by staff, Lessee moved its facilities across the river to a location adjacent to a parcel of land owned by the State of California. Lessee also applied to the Commission to add a second story to its deck structure. Staff has reviewed the application and is recommending that the lease be amended to include the second story and to revise the lease description to reflect the relocation of the facilities.
  
4. As part of the Agreement, the parties agreed that the rent will be fixed at 50 percent of the current rent, the current rent being \$1,353.55, until the moving costs have been offset; hence a five-year rent review has not and will not be undertaken until the moving costs are offset. The Agreement provided it was in the State's sole discretion to determine if the expenses incurred are in fact moving costs and acceptable as rent offsets. Once the moving costs are offset, the Agreement provided that the rent may be reviewed by the

State pursuant to the same terms and conditions stated in Paragraph 2, Section 4 of said lease before the Amendment.

5. The parties have agreed that \$7,835 represents the actual moving costs. The reduced rent of \$676.78 will be paid until the \$7,835 has been offset, after which Lessee shall pay the full annual rental which shall be based on a new rental review.

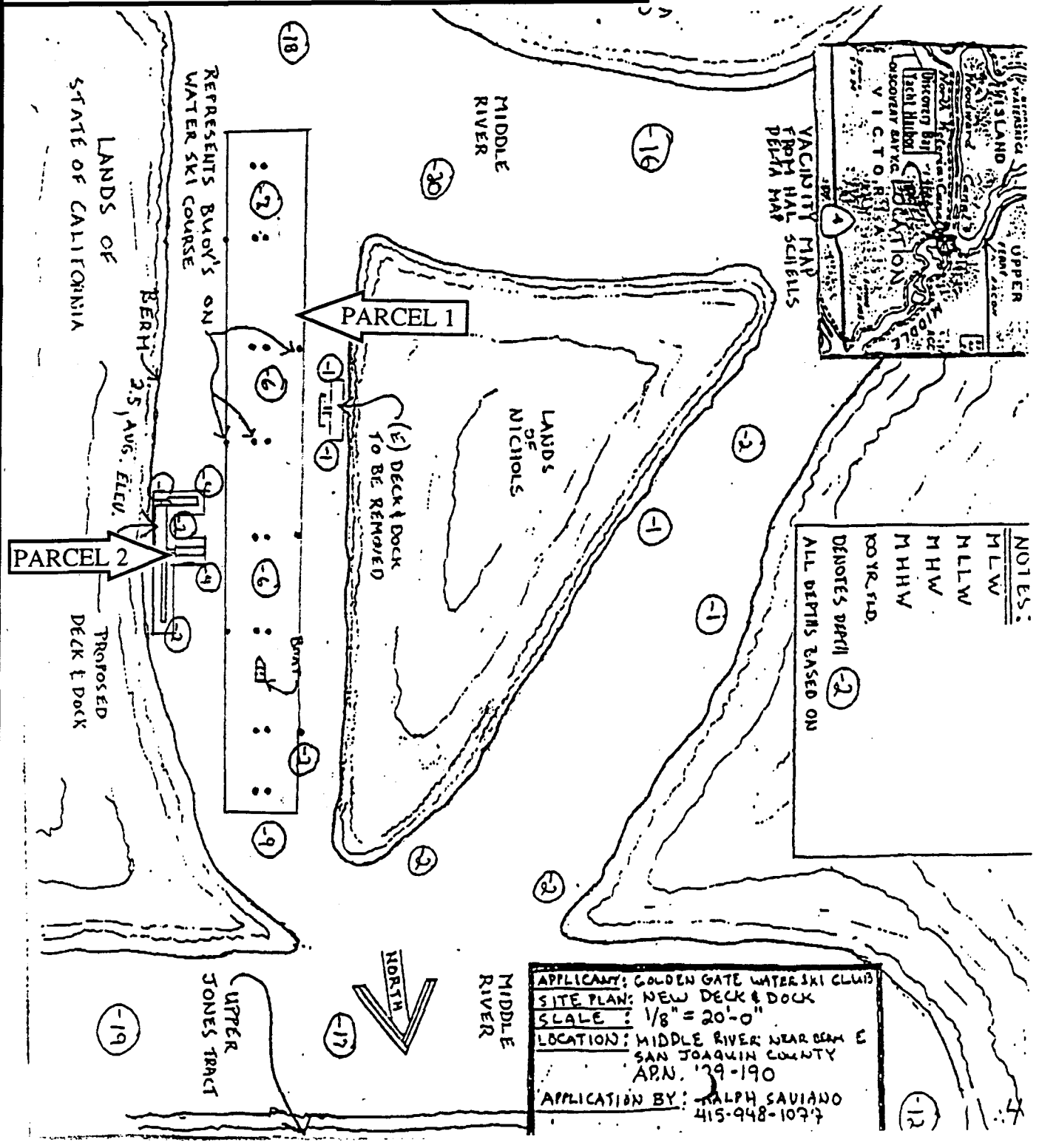
**EXHIBITS:**

- A. Revised Land Description
- B. Location Map

**IT IS RECOMMENDED THAT THE COMMISSION:**

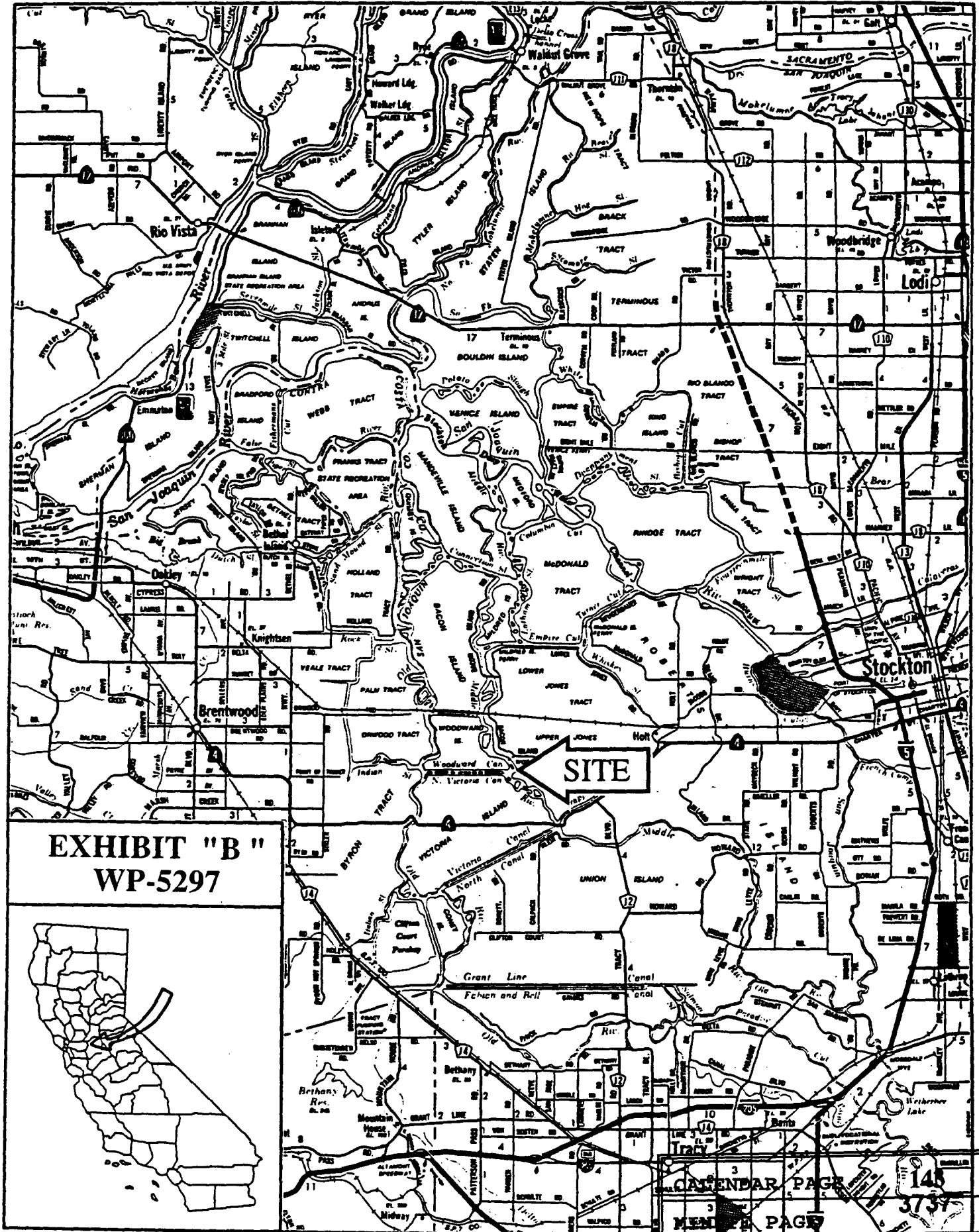
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES, 14 CAL. CODE REGS. 15303.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE THE AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE PRC 5297.1 ISSUED TO THE GOLDEN GATE WATER SKI CLUB TO AUTHORIZE THE REVISION OF THE LAND DESCRIPTION, REFERRED TO AS EXHIBIT "A" ATTACHED, TO REFLECT THE RELOCATION OF THE FACILITIES ACROSS THE RIVER; TO AUTHORIZE THE ADDITION OF A SECOND STORY STRUCTURE ON TO THE DECK FACILITIES; AND PURSUANT TO THE JUDGMENT PURSUANT TO STIPULATION IN THE CASE OF NICHOLS V. GOLDEN GATE WATER SKI CLUB, SAN JOAQUIN SUPERIOR COURT NO 217869, TO AUTHORIZE THE ACTUAL MOVING EXPENSES OF THE DOCKING FACILITIES IN THE AMOUNT OF \$7,835, SAID AMENDMENT BEING EFFECTIVE AUGUST 1, 1994. ALL OTHER TERMS AND CONDITIONS OF SAID LEASE SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

Area to be leased lies directly beneath water ski course, deck and docks, plus a necessary use area 10 feet in width around the deck and dock area. Excepting therefrom any portion lying above the ordinary high water mark.



This exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of State interest in the subject or any other property.

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**EXHIBIT "B"**  
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