

MINUTE ITEM

This Calendar Item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 2
to 0 at its 3/28/85
meeting.

CALENDAR ITEM

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WP 5467
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AMENDMENT OF GENERAL LEASE - COMMERCIAL USE PRC 5467

APPLICANT: Robert M. Sherman
P. O. Box 4234
Burlingame, California 94011

AREA, TYPE LAND AND LOCATION:
A 1.419-acre parcel of filled and unfilled tide
and submerged lands, Burlingame, San Mateo
County.

LAND USE: Operation of a floating restaurant.

TERMS OF EXISTING LEASE:
Initial period: 18 years beginning May 1,
1978 and ending April 30,
1996.

Surety bond: \$2,000.

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

CONSIDERATION: \$750 per annum, to the State of California, or
2.5 percent of gross income per annum,
whichever is greater, with the State reserving
the right to fix a different rental on the
eighth anniversary of the lease.

Special: Lessee is allowed as a credit
against the annual rental,
the sum of \$1,400 per annum
in recognition of the
prepayment of bonds formerly
assessed against the
property. In no event does
the State receive less than
\$750 per annum.

CALENDAR PAGE	86
PAGE NUMBER	968

TERMS OF PROPOSED AMENDMENT:

1. The Lease will be extended 25 years such that it will terminate at the close of April 30, 2021.
2. The Lessee shall continue to be allowed to deduct \$1,400 annually from the rental specified in this Lease, as a credit against the annual rental in recognition of the prepayment of Reclamation District No. 2097 Bonds formerly assessed against the leased lands; provided, however, that such \$1,400 annual deduction shall not apply nor be allowed after April 30, 1996.

CONSIDERATION: (Rental Adjustment -- Increase -- and Five-Yearly Rent Review provisions)

- a) For the period beginning May 1, 1985 and extending through April 30, 1991, the rental shall be \$560 per month, or 2 1/2 percent of the Lessee's gross income, whichever is greater.
- b) For the period beginning May 1, 1991 and extending through April 30, 1996, the rental shall be \$750 per month, or three percent of the Lessee's gross income, whichever is greater.
- c) For the period beginning May 1, 1996 rental shall be set by Lessor pursuant to Lessor's rental regulations and/or policy then in effect.
- d) The State will have the right to modify the rental each fifth anniversary of the lease after May 1, 1996.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

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.

CALENDAR NO.	86.1
MINUTE PAGE	967

CALENDAR ITEM NO. 21 (CONT'D)

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 categorically 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.

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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:

None.

FURTHER APPROVALS REQUIRED:

None.

EXHIBIT: A. 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.

CALENDAR ITEM NO.	86.2
MINUTE PAGE	968

3. AUTHORIZE ISSUANCE TO ROBERT M. SHERMAN OF AN AMENDMENT TO LEASE PRC 5467.1, EFFECTIVE MAY 1, 1985, PROVIDING FOR THE TERMS OF AMENDMENT SET OUT BELOW FOR LESSEE'S CONTINUED OPERATION OF A FLOATING RESTAURANT ON THE LAND SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF:

TERMS OF AMENDMENT:

- A) THE LEASE WILL BE EXTENDED 25 YEARS SUCH THAT IT WILL TERMINATE AT THE CLOSE OF APRIL 30, 2021.
- B) THE LESSEE SHALL CONTINUE TO BE ALLOWED TO DEDUCT \$1,400 ANNUALLY FROM THE RENTAL SPECIFIED IN THIS LEASE, AS A CREDIT AGAINST THE ANNUAL RENTAL IN RECOGNITION OF THE PREPAYMENT OF RECLAMATION DISTRICT NO. 2097 BONDS FORMERLY ASSESSED AGAINST THE LEASE LANDS; PROVIDED, HOWEVER, THAT SUCH \$1,400 ANNUAL DEDUCTION SHALL NOT APPLY NOR BE ALLOWED AFTER APRIL 30, 1996.
- C) FOR THE PERIOD BEGINNING MAY 1, 1985 AND EXTENDING THROUGH APRIL 30, 1991, THE RENTAL SHALL BE \$560 PER MONTH, OR 2 1/2 PERCENT OF THE LESSEE'S GROSS INCOME, WHICHEVER IS GREATER.
- D) FOR THE PERIOD BEGINNING MAY 1, 1991 AND EXTENDING THROUGH APRIL 30, 1996, THE RENTAL SHALL BE \$750 PER MONTH, OR THREE PERCENT OF THE LESSEE'S GROSS INCOME, WHICHEVER IS GREATER.
- E) FOR THE PERIOD BEGINNING MAY 1, 1996 RENTAL SHALL BE SET BY LESSOR PURSUANT TO LESSOR'S RENTAL REGULATIONS AND/OR POLICY THEN IN EFFECT.
- F) THE STATE WILL HAVE THE RIGHT TO MODIFY THE RENTAL EACH FIFTH ANNIVERSARY OF THE LEASE AFTER MAY 1, 1996.

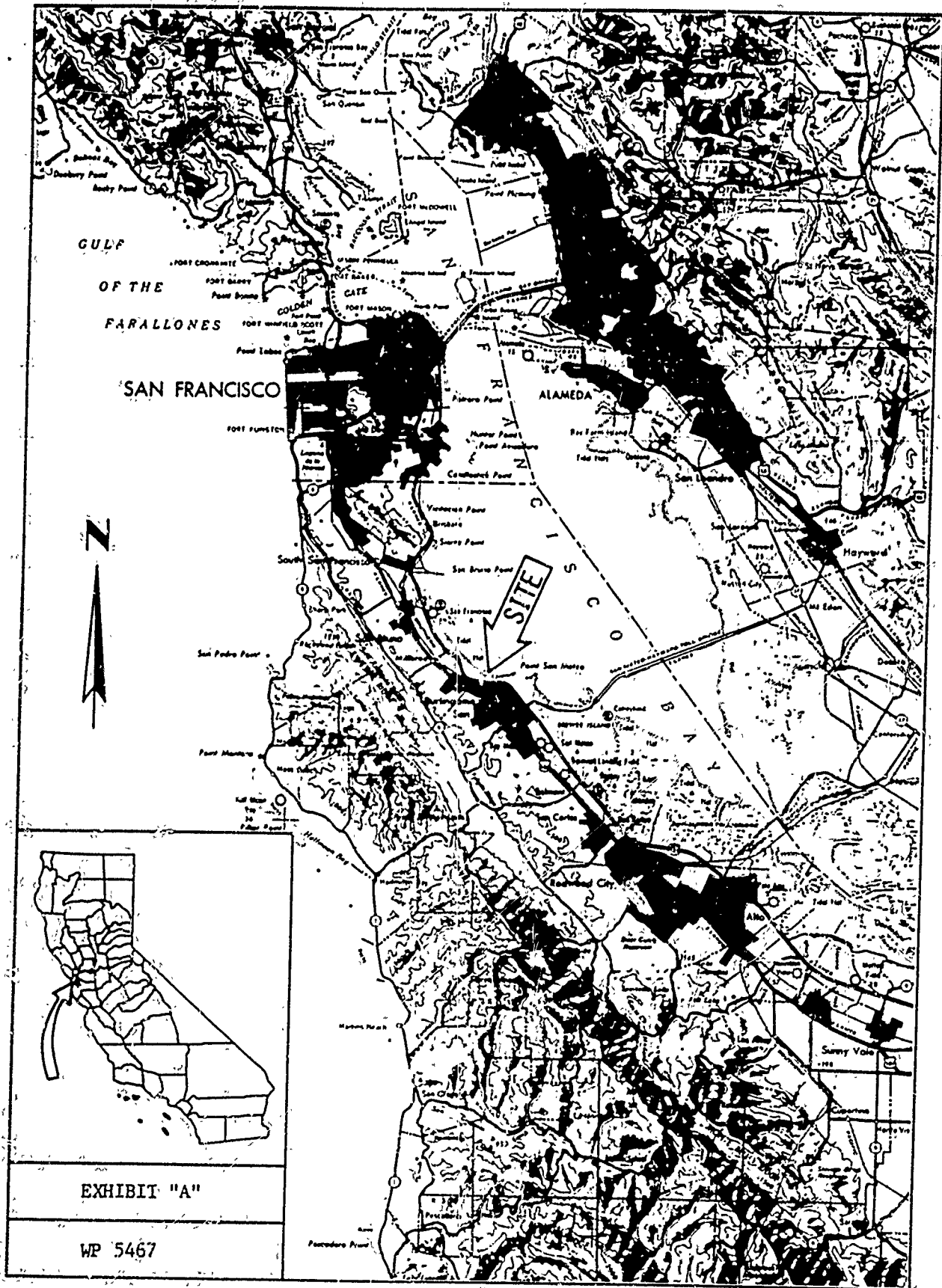


EXHIBIT "A"

WP 5467

CALENDAR NO.	86.4
MINUTE PAGE	970