

MINUTE ITEM

This Calendar Item No. C96 was approved as Minute Item No. 96 by the California State Lands Commission by a vote of 3 to 0 at its 12/16/98 meeting.

CALENDAR ITEM

C96

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12/16/98
PRC 7235.1
N. Smith

**AMENDMENT OF LEASE
REVISION OF RENT**

LESSEE:

City of Petaluma
11 English Street
Petaluma, California 94953-0061

AREA, LAND TYPE, AND LOCATION:

13.95 acres, more or less, of sovereign lands in the Petaluma River, city of Petaluma, Sonoma County.

AUTHORIZED USE:

Commercial marina with 220 uncovered berths, fuel dock and launching ramp.

LEASE TERM:

Thirty years, beginning July 1, 1988.

CONSIDERATION:

This lease provides that Lessor may modify the annual minimum rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the minimum annual rent be revised from \$4,240 per year to \$6,000 per year, effective with rent due July 1, 1998.

The proposed amendment, if approved will change the reporting and payment date of percent of gross rent from July 25 to September 30.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. The City of Petaluma has requested an amendment of the lease, in order that the Report of Percentage of Gross Forms and payment of percentage

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of gross will be due September 30 of each year. This will afford Lessee the opportunity to complete its annual financial statement and prepare the percentage of gross report for Lessor after the close of the City's fiscal year.

3. 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 both the rent review and amendment activities are exempt from the requirements of the CEQA because the activities are not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands.

EXHIBITS:

- A. Location Map

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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

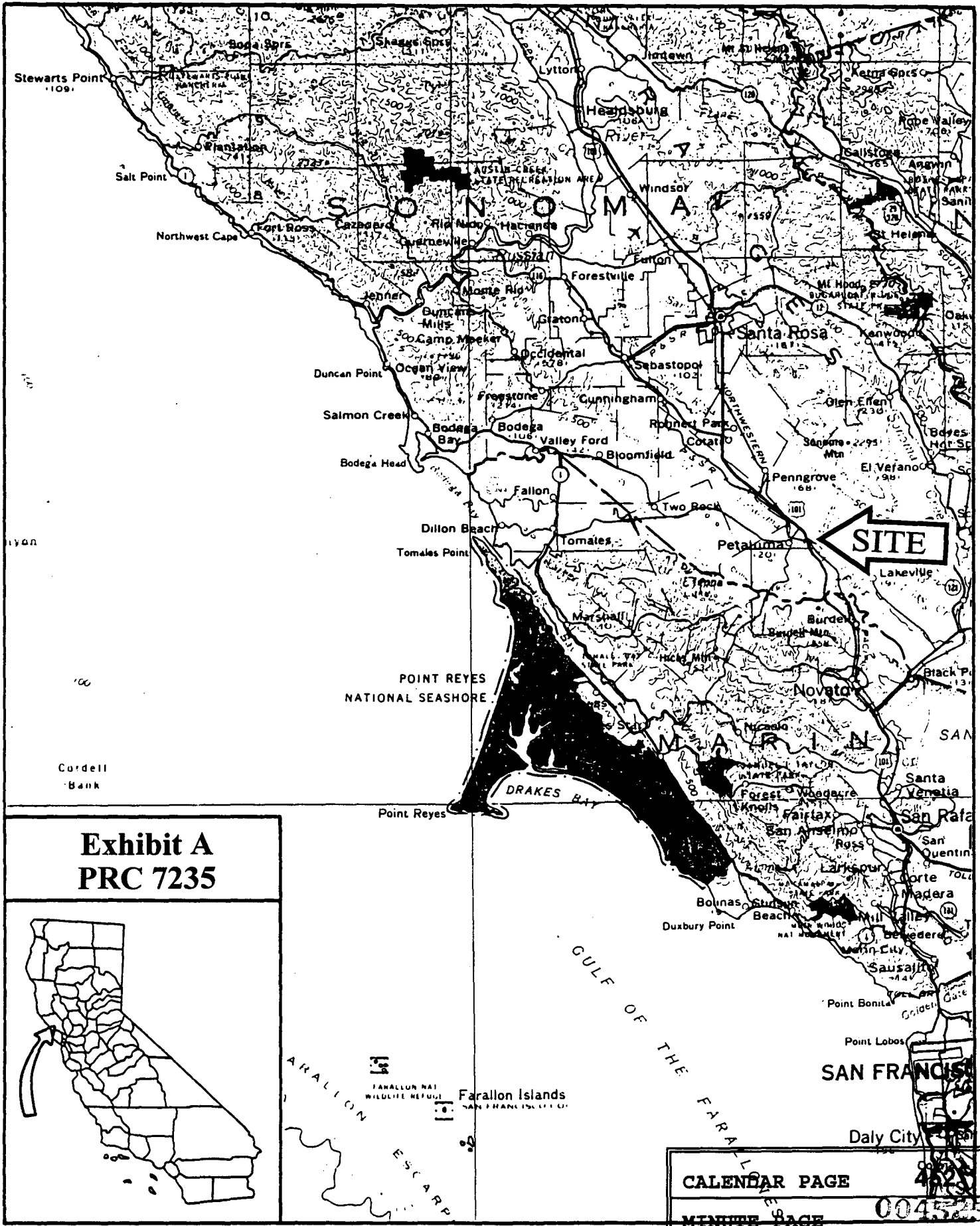
AUTHORIZATION:

1. APPROVE THE REVISION OF THE MINIMUM ANNUAL RENT FOR LEASE NO. PRC 7235.1 FROM \$4,240 PER YEAR TO \$6,000 PER YEAR, EFFECTIVE WITH RENT DUE JULY 1, 1998.
2. AUTHORIZE AMENDMENT OF LEASE NO. PRC 7235.1 A GENERAL LEASE-PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A

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ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF,
EFFECTIVE MAY 1, 1998, TO PROVIDE THAT THE REPORT OF
PERCENTAGE OF GROSS AND PAYMENT BE DUE SEPTEMBER
30 OF EACH YEAR; ALL OTHER TERMS AND CONDITIONS OF THE
LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

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**Exhibit A
PRC 7235**



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