

MINUTE ITEM

This Calendar Item No. C04 was approved as Minute Item No. 04 by the California State Lands Commission by a vote of 3 to 0 at its 04-07-03 meeting.

**CALENDAR ITEM
C04**

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S 6

PRC 6015

04/07/03
WP 6015.1
D. Jones

**APPROVAL OF A FIRST AMENDMENT AND AGREEMENT
TO ASSIGN THE SUBLEASE FOR
GENERAL LEASE – COMMERCIAL USE, PRC 6015.1**

LESSEE/SUBLESSOR:

River View Marina, a Limited Partnership
767 Lincoln Avenue, Suite 4
San Rafael, California 94901

SUBLESSEES:

Richard Chapa
Anita Marie Chapa
Toshiro Kido
ChapaKido Enterprises, Inc.
1801 Garden Highway
Sacramento, California 95833

AREA, LAND TYPE, AND LOCATION:

EXISTING

LEASE: 3.86 acres, more or less, of tide and submerged lands in the Sacramento River, adjacent to the Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

EXISTING

LEASE: 50 covered boat berths; 32 uncovered boat berths; 850 linear feet of side ties; restaurant/bar operation; floating debris deflector; harbor master's barge, yacht sales; pumpout station.

PROPOSED

SUBLEASE: The operation of "Sushi On the River" as a restaurant.

CALENDAR ITEM NO. C04 (CONT'D)

TERM:

EXISTING
LEASE:

30 years, beginning January 1, 1981

PROPOSED
SUBLEASE:

Sublease commenced on March 15, 2000, and shall terminate on March 30, 2005. Sublessee shall have the option to renew the sublease for an additional term of eight years commencing at the expiration of the initial sublease term.

CONSIDERATION:

EXISTING
LEASE:

A Minimum Annual Rent of \$8,000 due and payable according to the following schedule:

- (1) The Minimum Annual Rent shall be paid in four quarterly installments of \$2,000. The installments shall be due and payable on the first day of each calendar quarter commencing July 1, 1997. Quarterly payments shall be due on July 1, October 1, January 1 and April 1 of each year.

Against a percentage of Gross Income as follows:

- (1) Five and one-half percent (5.5%) of the Gross Income derived from the rental of boat docks and moorings as conducted by Lessee or other operator.
- (2) Ten percent (10%) of the Gross Income derived by Lessee, Sublessees or other operators from sources exclusive of dock rentals and moorings.
- (3) One and one-half percent (1.5%) of the Gross Income derived from sales by the restaurant.
- (3) One percent (1%) of the Gross Income derived from boat charters by Sublessee or other operator.
- (4) One half of one percent (0.5%) of the Gross Income derived from yacht sales by Sublessee or other operator.

CALENDAR ITEM NO. C04 (CONT'D)

OTHER PERTINENT INFORMATION:

1. On October 1, 2002, the Commission endorsed a Sublease to Jeff Davis and Mike Sneper to operate the restaurant "Sushi on the River". Messrs. Davis and Sneper have sold the business to the new owners, Richard Chapa, Anita Marie Chapa, Toshiro Kido and ChapaKido Enterprises, Inc. The Lessee, River View Marina, has entered into a First Amendment and Agreement to Assign the Sublease with the new owners dated February 14, 2003. Staff has reviewed this First Amendment and Agreement to Assign the Sublease and has concluded its lease terms are consistent with the Master Lease, PRC 6015.1.

2. 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 because it is 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, sections 15060(c)(3) and 15378.

3. 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.

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY

CALENDAR ITEM NO. C04 (CONT'D)

PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14,
CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

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, BY ENDORSEMENT, THE FIRST AMENDMENT AND
AGREEMENT TO ASSIGN THE SUBLEASE BETWEEN RIVER VIEW
MARINA, A LIMITED PARTNERSHIP, AND RICHARD CHAPA, ANITA
MARIE CHAPA, TOSHIRO KIDO AND CHAPAKIDO ENTERPRISES,
INC. COVERING A PORTION OF THE LEASE NO. PRC 6015.1, SAID
FIRST AMENDMENT AND AGREEMENT TO ASSIGN THE SUBLEASE
IS ON FILE IN THE OFFICE OF THE COMMISSION AND BY
REFERENCE MADE A PART HEREOF.



River View Marina

River View... only minutes from downtown Sacramento amidst the country quiet.

River View... a statement about class and distinction.

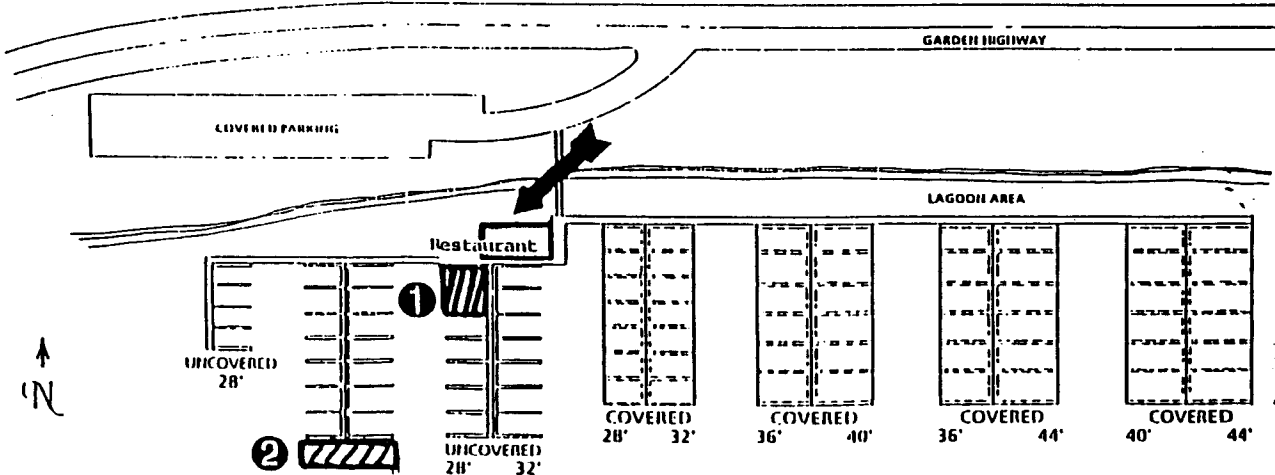
"Best River View Dining"

Lunch
Mon-Sat
11:30-3 pm

Dinner
Sun-Thurs
5-9 pm
Fri-Sat
5-10 pm

Sunday Brunch
9-3 pm

829-6232



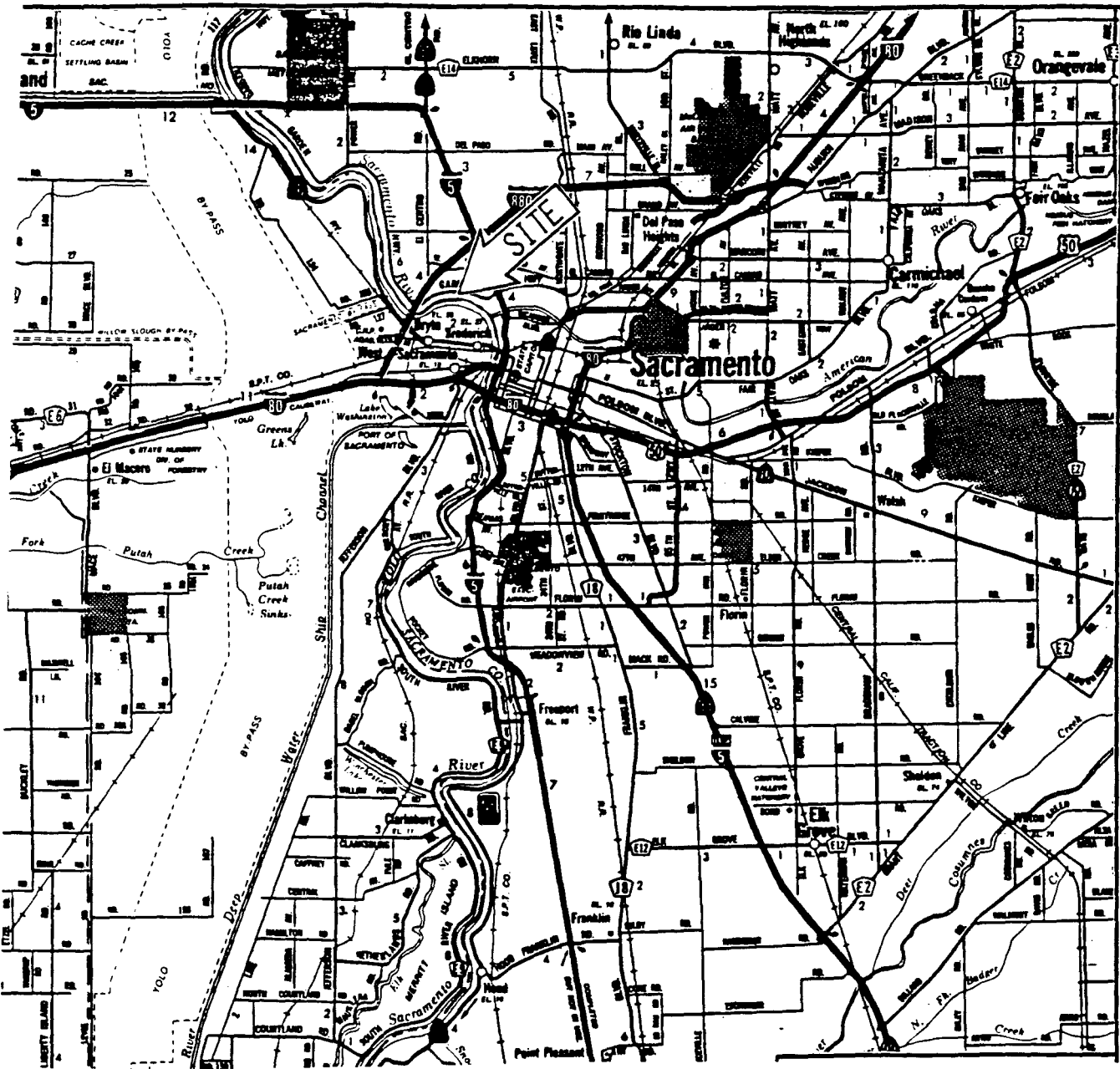
① Britannia Yacht Sales

② Halcyon Days

Sacramento River

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

Exhibit A
PRC 6015.1



Sacramento West Quad, 1967

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 other property.

Exhibit B
WP 6015

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LMB 7/23/02