

**MINUTE ITEM**

This Calendar Item No. C15 was approved as Minute Item No. 15 by the California State Lands Commission by a vote of 3 to 0 at its 2-17-05 meeting.

**CALENDAR ITEM**

**C15**

A 5

02/17/05

PRC 6015

WP 6015.1

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L. Burks

**APPROVAL OF A SUBLEASE**

**LESSEE/SUBLESSOR:**

River View Marina, a Limited Partnership  
135 Third Street, Suite 150  
San Rafael, CA 94901

**SUBLESSEES:**

Chong Rock Oh  
dba Samurai Sushi II  
2028 Empire Mine Circle  
Gold River, CA 95670

**AREA, LAND TYPE, AND LOCATION:**

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; 450 linear feet of side ties; 400 linear feet of side ties; restaurant/bar operation; floating debris deflector; harbor masters barge; yacht sales; pumpout station.

PROPOSED

SUBLEASE: The operation of "Samurai Sushi II" as a restaurant.

**LEASE TERM:**

EXISTING

LEASE: 30 years, beginning January 1, 1981, and extended an additional 18 years to expire on December 31, 2029.

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**PROPOSED**

**SUBLEASE:** Sublease will commence on April 1, 2005, and terminate on March 30, 2010. Sublessee shall have the option to renew the sublease for an additional term of five years commencing at the expiration of the initial sublease term.

**CONSIDERATION:**

**LEASE:** A Minimum Annual Rent of \$15,000 due and payable according to the following schedule:

- (1) The Minimum Annual Rent shall be paid in four quarterly installments of \$3,750. The installments shall be due and payable on the first day of each calendar quarter commencing July 1, 2004. 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 by Lessee, Sublessees or other operators from sales by the restaurant.
- (4) One percent (1%) of the Gross Income derived from boat charters by Sublessee or other operator.
- (5) One half of one percent (0.5%) of the Gross Income derived from yacht sales by Sublessee or other operator.

**OTHER PERTINENT INFORMATION:**

1. On April 7, 2003, the Commission endorsed a Sublease to Richard Chapa, Anita Marie Chapa, Toshiro Kido and ChapaKido Enterprises, Inc. The Lessee, River View Marina, has entered into a Lease with the new

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owner, Chong Rock Oh, dated January 25, 2005. Staff has reviewed this Lease 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 15060(c)(3)], the staff has determined that this activity is not subject to the provisions 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 Plan
- B. Location Map

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**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 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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**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 AGREEMENT TO ENTER THE SUBLEASE BETWEEN RIVER VIEW MARINA, A LIMITED PARTNERSHIP, AND CHONG ROCK OH COVERING A PORTION OF THE LEASE NO. PRC 6015.1, SAID AGREEMENT TO SUBLEASE IS ON FILE IN THE OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.



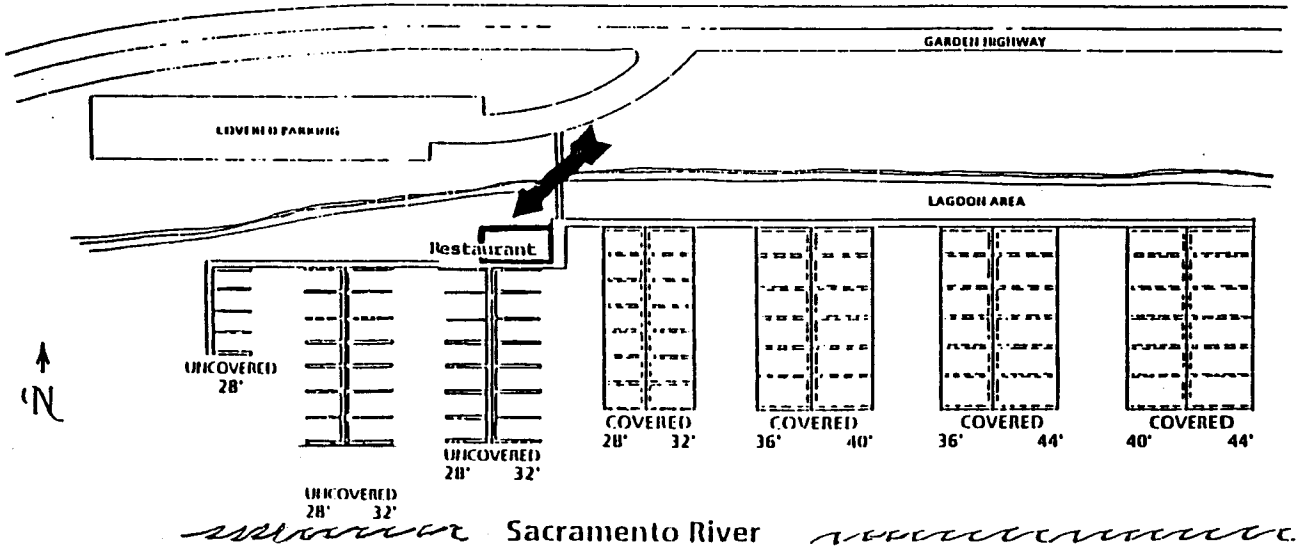
# River View Marina

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  
 929-6232



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**

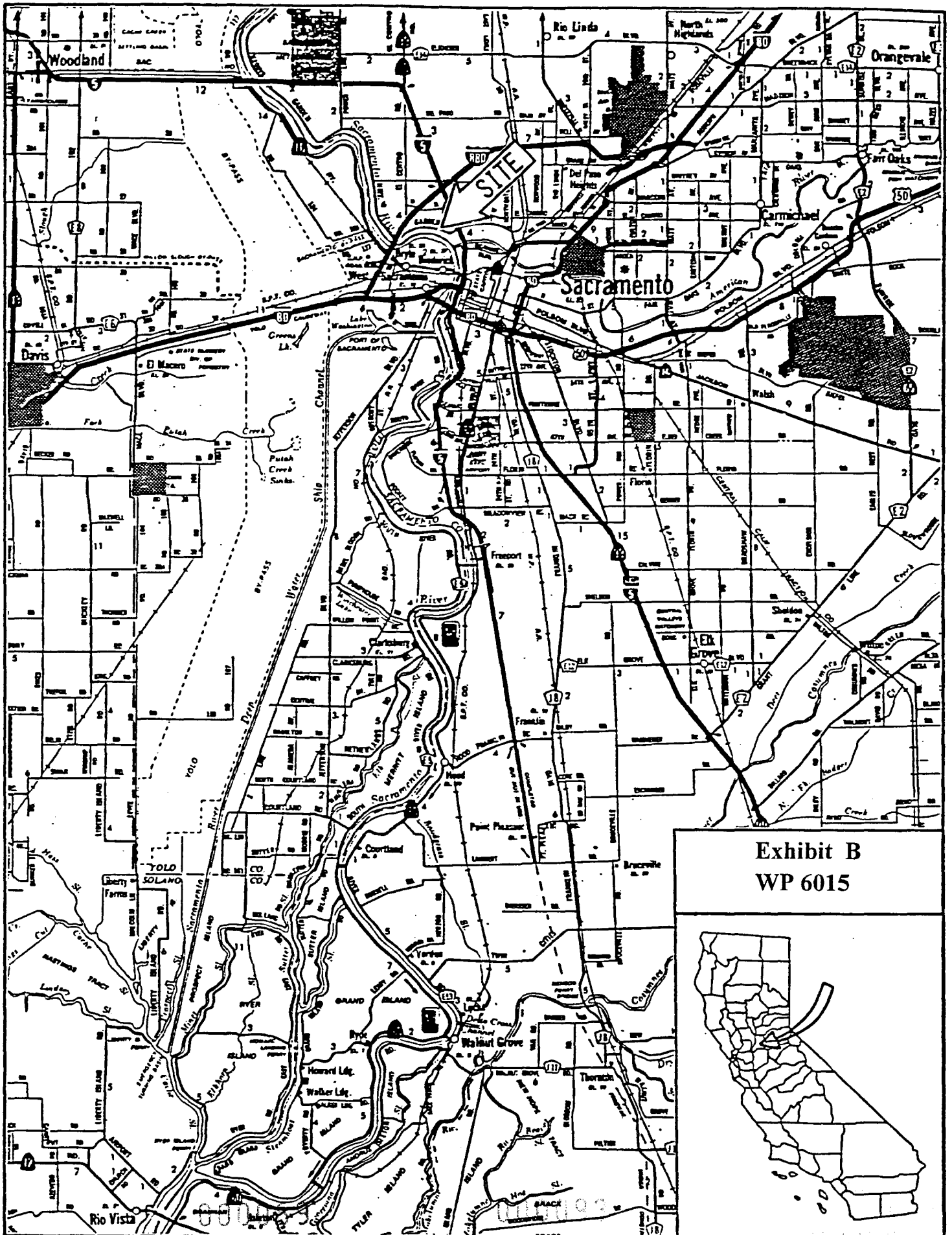


Exhibit B  
WP 6015