

MINUTE ITEM
This Calendar Item No. C31 was approved as
Minute Item No. 31 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

CALENDAR ITEM
C31

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09/13/07

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PRC 6015

WP 6015.1

V. Caldwell

RESCISSION OF MINUTE ITEM 01
APPROVED BY THE STATE LANDS COMMISSION AT ITS JULY 13, 2007,
MEETING AND APPROVAL OF AMENDMENT OF
A GENERAL LEASE – COMMERCIAL USE

LESSEE:

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

AREA, LAND TYPE, AND LOCATION:

3.86 acres, more or less, of sovereign lands in the Sacramento River, adjacent to the Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing commercial marina with 50 covered boat berths, 32 uncovered boat berths, 450 lineal feet of side ties, restaurant/bar operation, floating debris deflector, harbor master barge, yacht sales, pump out station, and bank protection.

LEASE TERM:

48 years, beginning January 1, 1981.

CONSIDERATION:

A minimum annual rental of \$15,000 (paid quarterly) against the sum of the following income from operations on State land, whichever is greater, with the State reserving the right to fix a different rent if the Commission finds such action to be in the State's best interest:

1. 5.5% of gross income for the berthing, docking, mooring or launching of boats
2. 1.5% of gross income from the operation of the restaurant and bars
3. 25% of gross income from the operation of coin operated vending and electronic game machines

CALENDAR ITEM NO. C31 (CONT'D)

4. 0.5% of the total sales price and servicing of yachts, boats, personal water craft and related equipment sales
5. 1% of gross income from operation of tours of excursion boats
6. 10% of all other gross income generated from the lease premises

PROPOSED AMENDMENT:

The Lease will be amended to include, 1) security provisions that will allow that no more than two navigable vessels may be used as residences for security purposes and, 2) provisions that the Lessee must implement the Commission's "Best Management Practices (BMPs) for Marina Owners/Operators", incorporate the Commission's "BMPs for Berth Holders and Boaters" into Lessee's berth rental agreements, and include the additional BMPs the Commission subsequently deems appropriate for either of the above categories. In addition to the inclusion of the BMPs for Berth Holders and Boaters into the berth rental agreements, the Lessee shall post such publication in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease amendment and on each successive third anniversary thereafter, a report on compliance with all BMPs.

All other terms and conditions of the lease shall remain in effect without amendment.

SPECIFIC LEASE PROVISIONS:

Insurance:

\$1,000,000 Combined Single Limit

Bond:

\$20,000

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. At its July 13, 2007, meeting, the Commission authorized the approval of Agreement and Consent to Encumbrancing of Lease No. PRC 6015.1, a General Lease – Commercial Use, with Tamalpais Bank, a California Corporation, as a secured-party lender. At the same meeting, the Commission authorized an amendment to the Lease to include two existing liveaboards for security purposes and add Best Management Practices. Subsequently, River View Marina, a Limited Partnership, decided not to encumbrance its Lease with Tamalpais Bank. Staff is therefore requesting that the Commission's authorization at the

CALENDAR ITEM NO. C31 (CONT'D)

July 13, 2007, meeting be rescinded. Staff is also requesting that the Lease be amended to again authorize the two existing liveboards and the addition of the Best Management Practices.

3. Riverview Marina is a large marina and has experienced vandalism, as well as other problems that require immediate action, such as boats taking on water, accidental fires, etc. These factors support a limited and controlled presence of navigable vessels used as residences for security purposes. No more than two vessels used for security purposes are recommended and will be located in strategically designated slips subject to the approval of Commission staff. These security vessels will be required to leave the marina waters at least once for a minimum of six hours in each 90-day period and Riverview is required to submit an annual log to the staff of the Commission.
4. The Lease will be amended to include provisions that will implement the Commission's "Best Management Practices for Marina Owners/Operators" and the "Best Management Practices for Berth Holders and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. The Lessee will incorporate BMP's on "Berth Holders and Boaters" into Lessee's berth rental agreement. The Lessee shall provide the Commission, on the first anniversary of the assignment and on each successive third anniversary thereafter, a report on compliance with all BMPs.
5. 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.

6. 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.

CALENDAR ITEM NO. C31 (CONT'D)

EXHIBITS:

- A. Site and Location Map
- B. Land Description

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

SIGNIFICANT LANDS INVENTORY FINDING:

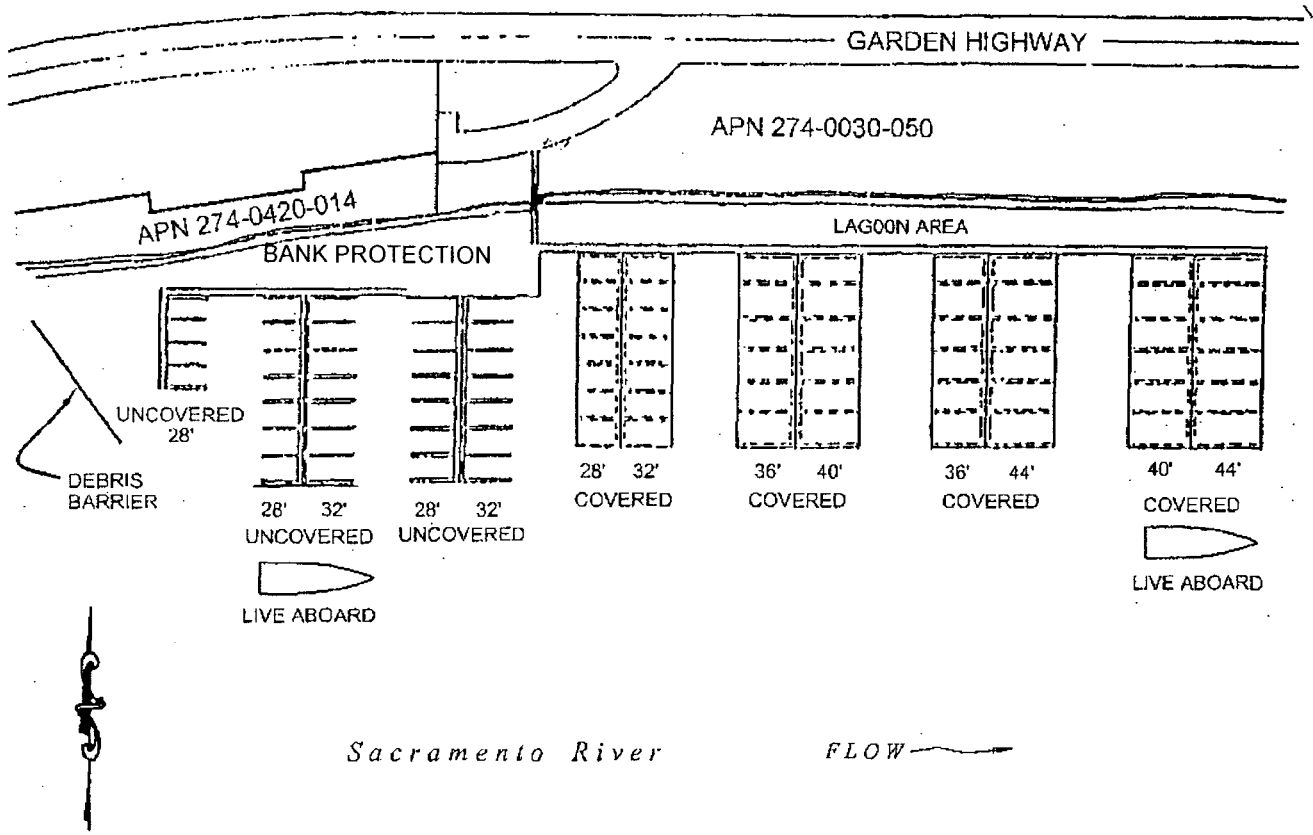
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE RESCISSION OF MINUTE ITEM 01 AUTHORIZED BY THE STATE LANDS COMMISSION AT ITS JULY 13, 2007, MEETING, EFFECTIVE SEPTEMBER 13, 2007.
2. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 6015.1, A GENERAL LEASE – COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 13, 2007, TO INCLUDE SECURITY PROVISIONS WHICH WILL ALLOW NO MORE THAN TWO VESSELS TO BE USED FOR SECURITY PURPOSES AND TO ADD BEST MANAGEMENT PROVISIONS, AS SET FORTH IN THE LEASE AMENDMENT WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

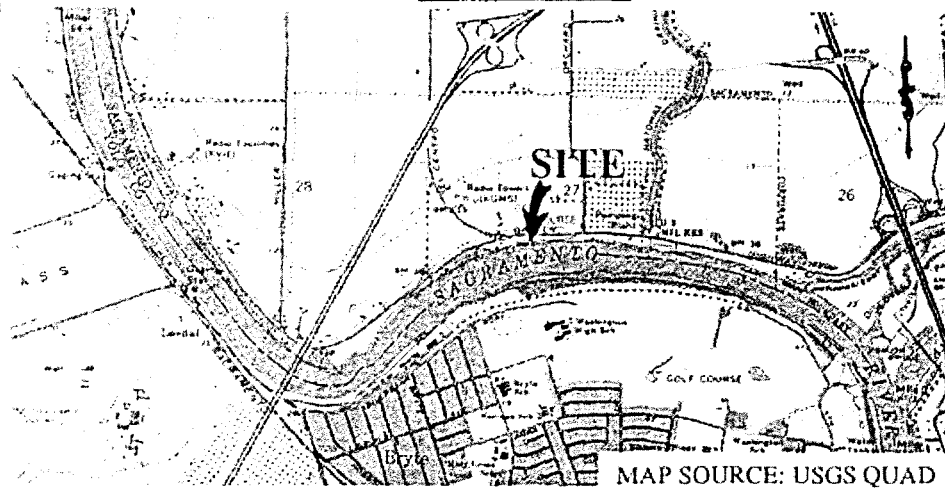
SITE



1801 GARDEN HIGHWAY, RIVER VIEW MARINA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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 any other property.

Exhibit A
 RIVER VIEW MARINA
 PRC 6015.1
 APN 274-0420-014
 GENERAL LEASE
 COMMERCIAL USE
 SACRAMENTO CO.



M1 07A7

EXHIBIT B
LAND DESCRIPTION

PRC 6015.1

A parcel of tide and submerged land in the bed of the Sacramento River, Sacramento County, California, situated in Section 27, T9N, R4E, MDM, being more particularly described as follows:

COMMENCING at a point on the Northerly line of Reclamation District No. 1000 right of way as said right of way is shown on that map entitled "Map of Natomas Riverside Subdivision No. 1", recorded in Book 15 of Maps, Map No. 26, August 9, 1915 in the office of the county recorder of Sacramento County, said point being at the intersection with the west line of the east one-half of Lot 5 of said subdivision, said intersection being the northwest corner of Parcel 1 of that deed recorded January 12, 1981, in Book 4433, page 170 of Official Records of said County Recorder; thence South 194 feet along said west line; thence East 160 feet to the TRUE POINT OF BEGINNING of this description; thence the following seven courses:

1. N 79° 55' E 539 feet;
2. N 89° 13' E 423 feet;
3. S 3° 36' E 177 feet;
4. S 86° 20' W 587 feet;
5. South 30 feet;
6. West 379 feet;
7. North 144 feet to the true point of beginning.

EXCEPTING THEREFROM any portion lying landward of ordinary high water mark of the Sacramento River.

TOGETHER WITH three circular parcels of submerged land each 10 feet in diameter, adjacent to, and Southerly of the above described parcel.

END OF DESCRIPTION

REVISED NOV. 29, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

000130
CALENDAR PAGE

002200
MINUTE PAGE