

MINUTE ITEM

This Calendar Item No. C19 was approved as Minute Item No. 19 by the California State Lands Commission by a vote of 2 to 0 at its 10-30-07 meeting.

CALENDAR ITEM

C19

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10/30/07

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PRC 6168.1

C. Hudson

AMENDMENT OF LEASE AND CONTINUATION OF RENT

LESSEE:

Russell J. Gilardi
dba: Lakeville Marina
5684 Lakeville Highway
Petaluma, California 94952

AREA, LAND TYPE, AND LOCATION:

0.454 acres, more or less, of sovereign lands in the Petaluma River, at Lakeville, Sonoma County.

AUTHORIZED USE:

Continued operation and maintenance of a commercial marina consisting of three uncovered floating boat docks, walkways, and a launching ramp.

LEASE TERM:

20 years, beginning January 1, 1997.

CONSIDERATION:

This lease provides that Lessor may modify the 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 rent be continued at \$1,130 per year, effective January 1, 2008.

PROPOSED AMENDMENT:

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 any 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

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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.

OTHER PERTINENT INFORMATION:

1. On January 29, 1999, the Commission authorized the issuance of a General Lease – Commercial Use to Evelyn Gilardi for operation of an existing marina. On December 16, 2002, the Commission authorized an assignment of the lease from Evelyn Gilardi to Russell J. Gilardi. The lease will expire on December 31, 2016.
2. Staff is recommending amending the lease to include the Commission's BMPs. The Lessee has agreed to the lease amendment.
3. 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.

4. 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.

EXHIBIT:

- A. Site and Location Map

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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.

AUTHORIZATION:

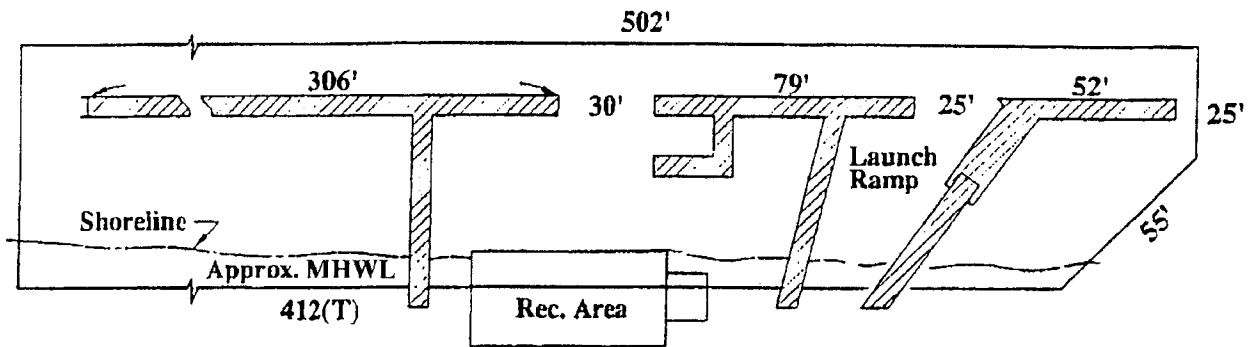
AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 6168.1, A GENERAL LEASE – COMMERCIAL USE, OF SOVEREIGN LANDS AS SHOWN ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF, EFFECTIVE OCTOBER 30, 2007, TO ADD PROVISIONS INVOLVING BEST MANAGEMENT PRACTICES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT AND APPROVE THE CONTINUATION OF RENT FOR LEASE NO. PRC 6168.1 AT \$1,130 PER YEAR, EFFECTIVE JANUARY 1, 2008.

NO SCALE

SITE MAP



Petaluma River



5684 Lakeville Hwy. Petaluma, California

NO SCALE

LOCATION MAP

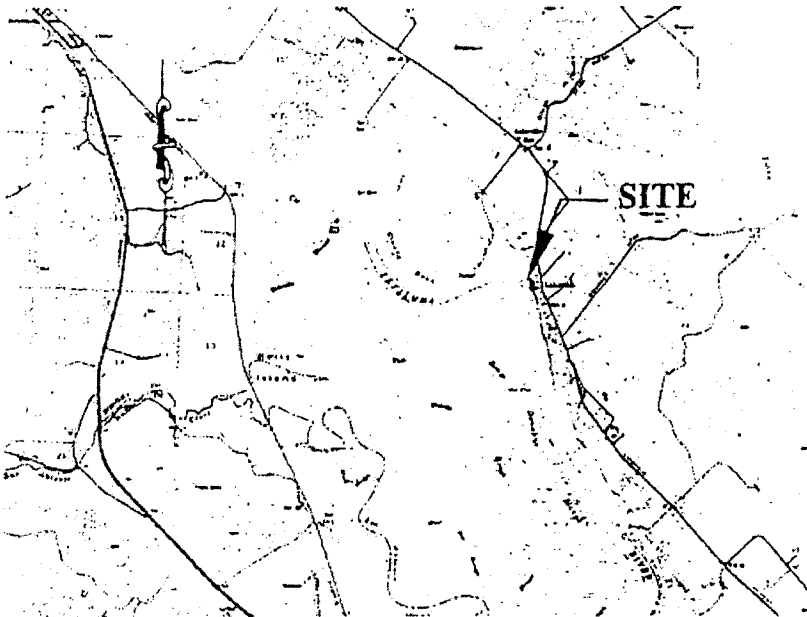


Exhibit A

PRC 6168.1

Russell J. Gilardi

APN 068-060-50

Sonoma County



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.

MJJ.07/2001