

MINUTE ITEM
This Calendar Item No. C20 was approved as
Minute Item No. 20 by the California State Lands
Commission by a vote of 3 to 0 at its
12-03-07 meeting.

CALENDAR ITEM

C20

A 19

12/03/07

PRC 5467

WP 5467.1

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J. McComas

AMENDMENT OF LEASE

LESSEE:

Dago Mary's
1875 Mission Street
San Francisco, CA 94103

AREA, LAND TYPE, AND LOCATION:

Filled and unfilled lands in the city of Burlingame, San Mateo County.

AUTHORIZED USE:

Operation of a restaurant, parking lot, and public access amenities.

LEASE TERM:

25 years, beginning April 1, 2006

CONSIDERATION:

Three percent of gross income derived from the restaurant and bar operations; 25 percent gross income from the operations of coin operated vending and electronic game machines; ten percent from all other gross income derived from the use of the Lease Premises. Lessee shall pay a monthly minimum rent in the amount of \$750 with the State reserving the right to adjust the rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

The construction, use and maintenance of a cold storage and garbage building, with appurtenances, and the upgrading of utility services. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On February 9, 2006, the Commission authorized the issuance of a General Lease - Commercial Use to Dago Mary's for the mooring of the vessel to be used as a floating restaurant and bar, a parking lot to serve patrons, and public access amenities.

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2. On August 26, 2005, the city of Burlingame adopted Ordinance 25.47.050 requiring "a fully enclosed attached or detached structure for refuse and garbage containers". In accordance with this ordinance, the Lessee has filed an application to amend the lease to authorize the construction, use, and maintenance of a cold storage and garbage building, with appurtenances, which include a glycol cooled beverage dispensing system, on a portion of the Lease Premises. The dispensing system consists of refrigerated copper tubing installed underground from the cold storage section of the proposed building to the restaurant.
3. Lessee is in the process of renovating the restaurant which requires the upgrade and replacement of utility services, which consists of underground water, sewer and electrical systems.
4. 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 as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303(d) and 15303(e).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. 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.

APPROVALS TO BE OBTAINED:

City of Burlingame, Building Department

EXHIBIT:

A. Location Map

CALENDAR ITEM NO. C20 (CONT'D)

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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303(d) AND 15303(e).

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.

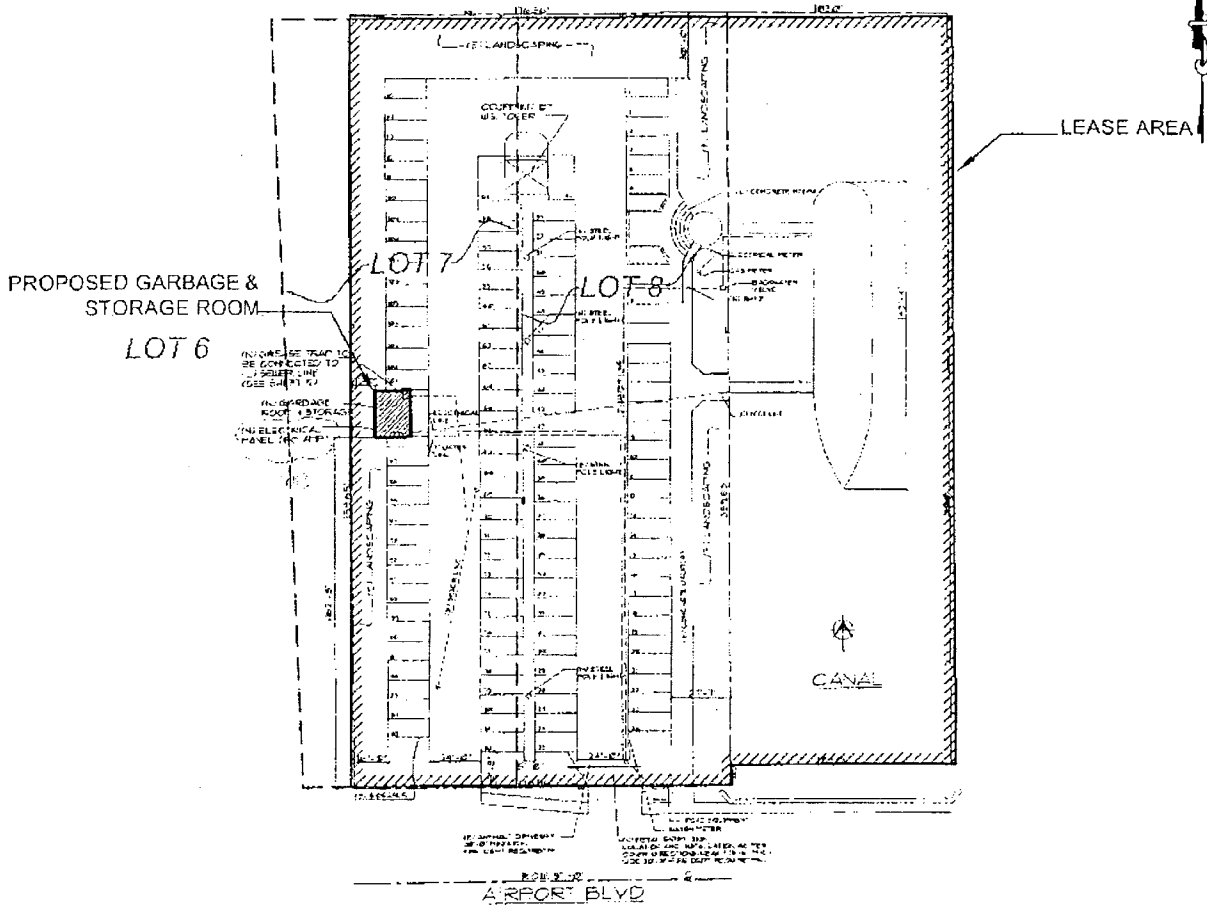
AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 5467.1, A GENERAL LEASE - COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE DECEMBER 3, 2007, FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF A COLD STORAGE AND GARBAGE BUILDING, WITH APPURTENANCES, AND THE UPGRADING OF UTILITY SERVICES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE

San Francisco Bay



APN 026-363-610

NO SCALE

LOCATION

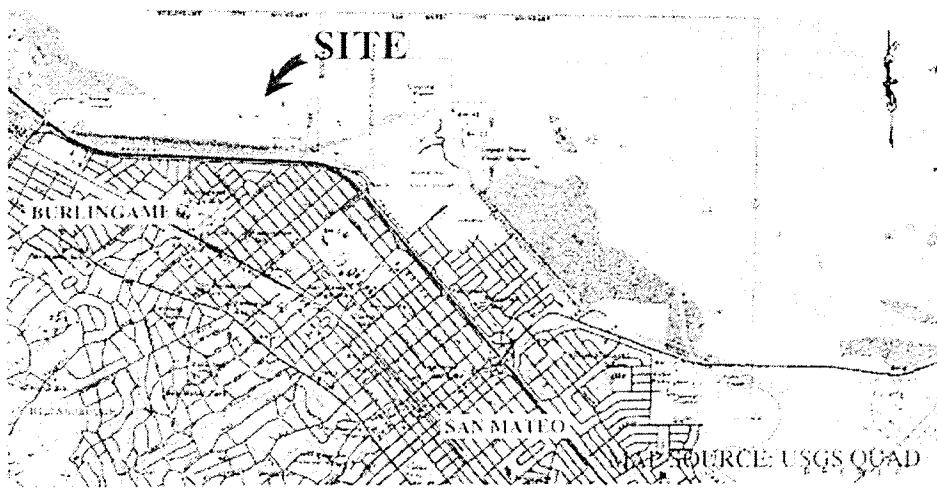


Exhibit A

PRC 5467.1
 DAGO MARY'S
 GENERAL LEASE
 COMMERCIAL USE
 SAN MATEO 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.

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