

**CALENDAR ITEM
C39**

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PRC 7631.1

R. Boggiano

AMENDMENT OF LEASE AND REVISION OF RENT

APPLICANT/LESSEE:

Califia LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to Assessor's Parcel Number 213-290-19, near the city of Lathrop, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing commercial marina, known as Mossdale Marina, consisting of two open floating boat docks secured to pilings accommodating approximately 21 boats, two walkways, one gas pump/dispenser, bank protection consisting of concrete riprap material, and appurtenant facilities.

LEASE TERM:

20 years, beginning April 8, 2002.

CONSIDERATION:

The lease provides that the State may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends rent be revised from \$1,545 per year to \$1,773 per year, effective April 8, 2014.

PROPOSED AMENDMENT:

Amend the Lease as follows:

1. Authorize the after-the-fact reconstruction of two existing docks and renovation of the fuel dispenser previously authorized by the Commission.
2. Authorize the proposed reconstruction of boat slips previously authorized by the Commission.

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3. Include additional special lease provisions related to the reconstruction of the boat slips and the Commission's "Best Management Practices".
4. Replace Section 3-1 (Land Description) with the attached Exhibit A.
5. Replace Section 3-2 (Site Plan of Lease Premises) with the attached Exhibit B (Site and Location Map).

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On April 7, 2003, the Commission approved Lease No. PRC 7631.1, a 20-year General Lease – Commercial Use, to Thomas Edward Radford beginning April 8, 2002. On February 2, 2004, the Commission authorized the assignment of the Lease to Califia LLC, a California Limited Liability Company (Califia). This lease expires on April 7, 2022. Califia is now applying for an amendment of the lease for after-the-fact authorization for reconstruction of the existing docks and renovation of the fuel tank and proposed reconstruction of the existing boat slips.
3. Califia replaced the northern dock (Dock 1) in 2005 due to damage from a falling tree near the shoreline. The southern dock facility (Dock 2) and gangway were damaged during a high water event in 2006 and replaced in 2013. The previously authorized boat slips on both docks were removed and not replaced. The boat slips will be reconstructed by 2016.
4. The existing fuel dispenser and the upland fuel tank were renovated and have been inspected by the Lathrop-Manteca Fire Protection District. The facilities are in full compliance with the California Fire Code (2010ed) and all local requirements. Neither the State Water Resources Control Board (SWRCB) nor the California Valley Regional Water Quality Control Board requires a permit for the gasoline dock or above-ground fuel tank. A single storage tank holding up to 1,320 gallons of fuel is exempt from registering with, and obtaining a storage statement from SWRCB.

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5. Staff conducted the rent review called for in the lease and recommends that the rent be increased.
6. **Existing Structures:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).
7. **Proposed Removal and Replacement of Structures:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. **Revision of Rent:** The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the CEQA.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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. Land Description
- B. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Existing Structures: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Proposed Removal and Replacement of Structures: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction, California Code of Regulations, Title 2, section 2905, subdivision (b).

Revision of Rent: Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, 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 section 6370 et seq.

AUTHORIZATION:

1. Authorize the Amendment of Lease No. PRC 7631.1, a General Lease – Commercial Use, effective February 21, 2014, to authorize the after-the-fact reconstruction of two existing docks and renovation of the fuel tank and dispenser previously authorized by the Commission; authorize the proposed reconstruction of boat slips previously authorized by the Commission; include additional special lease provisions related to the reconstruction of the boat slips and the Commission's "Best Management Practices"; replace Section 3-1 (Land Description) with the attached Exhibit A; and replace Section 3-2 (Site Plan of Lease Premises) with the attached Exhibit B (Site and Location Map); all other terms and conditions of the lease will remain in effect without amendment.

CALENDAR ITEM NO. **C39** (CONT'D)

2. Approve the revision of rent for Lease No. PRC 7631.1 from \$1,545 per year to \$1,773 per year, effective April 8, 2014.

EXHIBIT A

PRC 7631.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the San Joaquin River, lying adjacent to El Pascadero Rancho, San Joaquin County, State of California, and more particularly described as follows:

COMMENCING at the most southerly corner of that parcel described in that Grant Deed recorded November 15, 1982 as Document No. 82067194 in Official Records of San Joaquin County; thence along the westerly boundary of said parcel the following four (4) courses:

1. North 41°15'00" West 125.30 feet;
2. North 27°50'00" West 140.80 feet;
3. North 20°40'00" West 71.00 feet;
4. North 11°36'00" West 168.70 feet to a point on the northerly boundary of said parcel;

thence along the northerly boundary of said parcel North 72°48'00" East 52.69 feet to the POINT OF BEGINNING, said point of beginning being on the mean high tide line of the left bank of said river; thence continuing easterly on the prolongation of said northerly boundary of said parcel North 72°48'00" East 66.18 feet; thence leaving said prolongation and continuing along the following three (3) courses:

1. South 30°22'08" East 214.56 feet;
2. South 63°56'12" East 47.69 feet;
3. South 26°50'48" East 173.62 feet to the easterly prolongation of the southerly

boundary of said parcel; thence westerly along said prolongation of said southerly boundary South 47°30'00" West 52.37 feet to a point on the mean high tide line of said left bank of said river, from which the most southerly corner of said parcel bears South 47°30'00" West 132.01 feet; thence along said mean high tide line the following six (6) courses:

1. North 32°15'17" West 29.61 feet;
2. North 44°59'18" West 55.13 feet;
3. North 36°20'57" West 186.43 feet;
4. North 32°51'53" West 89.35 feet;
5. North 25°54'34" West 56.84 feet;
6. North 23°21'45" West 39.69 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said San Joaquin River.

END OF DESCRIPTION

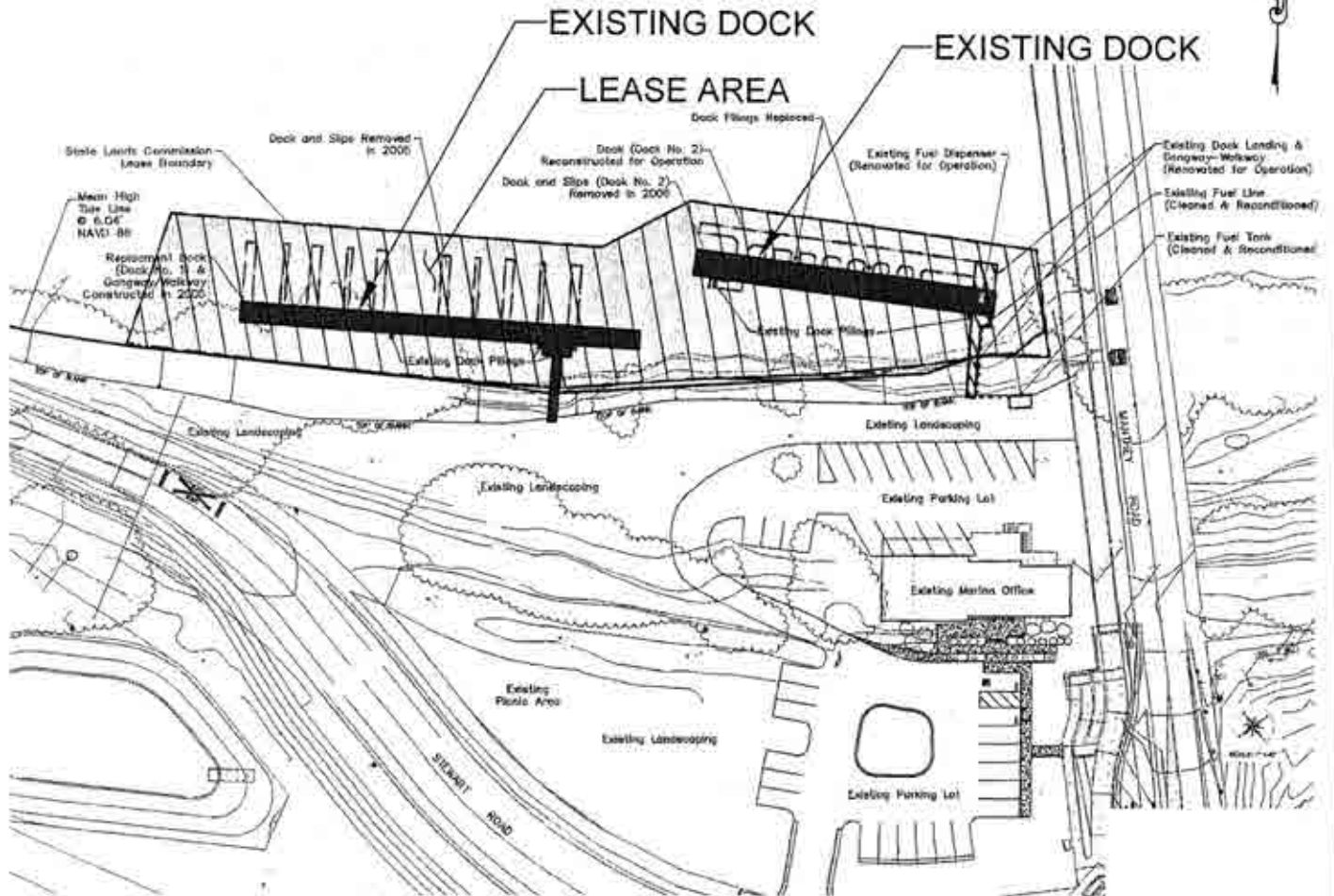
Revised by the California State Lands Commission Boundary Unit July 10, 2013. Original description prepared July 18, 1990 by LLB as found in file for PRC 7631.1.



NO SCALE

SITE

SAN JOAQUIN RIVER



73 WEST STEWART ROAD, LATHROP (MOSSDALE MARINA)

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7631.1
 CALIFIA LLC.
 APN 213-290-19
 GENERAL LEASE -
 COMMERCIAL USE
 SAN JOAQUIN COUNTY



JAK 06/20/13

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.