

**CALENDAR ITEM
C81**

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06/19/14
W 26713
S. Haaf

**AMENDMENT OF INTERIM AUTHORIZATION
TO EFFECTUATE VESSEL REMOVAL**

PARTY:

Maxim Commercial Capital, LLC (Maxim)

AREA, LAND TYPE, AND LOCATION:

Filled and unfilled sovereign land at and adjacent to 410 Airport Boulevard, Burlingame, San Mateo County.

AUTHORIZED USE:

To cause removal of the vessel, gangway, pilings, and other restaurant-related improvements from the Premises, including restoration of the Premises to the satisfaction of the Commission.

TERM:

The lesser of twelve (12) months or the time necessary to secure contracts and the necessary authorizations for removal of the vessel from sovereign lands and restoration of Premises, beginning on September 1, 2013, and terminating on August 31, 2014, or sooner as provided in the Interim Authorization or any amendments thereto.

CONSIDERATION:

Interim Rent: \$848 per month during the Authorization Term; and as specified in Paragraph 2 of Section 3, General Provisions.

PROPOSED AMENDMENTS:

1. Extend limited Authorization Term to August 31, 2014
2. Authorize the placement of the vessel on legislatively granted lands, subject to advance approval from grantee being obtained and Maxim must submit said approval to the CSLC prior to vessel relocation.
3. All other terms and conditions to remain in effect without amendment.

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OTHER PERTINENT INFORMATION:

1. Maxim is the record owner of the subject vessel based upon Department of Motor Vehicles registration and U.S. Coast Guard documentation submitted to Commission staff, and the Commission has previously issued Interim Authorizations to Effectuate Vessel Removal to Maxim, most recently at the January 23, 2014 Commission meeting (C02, 01/23/14).
2. The Interim Authorization to Effectuate Vessel Removal authorized by the Commission on January 23, 2014, did not allow for the vessel to be placed on legislatively granted lands. Commission staff recommends this restriction be deleted.
3. Maxim has submitted a work plan including, but not limited to: proof of the scope of work for the vessel's removal, status of any required regulatory authorizations, estimates of costs, and estimated number of days to complete for completion of work for Commission staff's review. Based upon available information, staff believes the work plan submitted by Maxim to be satisfactory at this time.
4. Maxim and its representatives have provided periodic updates to Commission staff as to the status of the removal of the vessel, including, potential locations for the vessel, parties contacted, and actions taken to remove the vessel and restore the Premises.
5. On or about June 16, 2014 Maxim commenced moving the vessel to a location near the city of Stockton that is not on sovereign land. However, the pilings and other site improvements still need to be removed and the Premises fully restored. Extending the term of this agreement will provide Maxim with sufficient time to obtain the necessary permits to complete the site restoration.
6. 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 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15301.

7. 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

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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 Location and Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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 14, section 15301.

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:

Authorize amendment of the Interim Authorization to Effectuate Vessel Removal located at 410 Airport Boulevard, as described in Exhibit A and shown on Exhibit B (for reference purposes only) and by this reference made a part hereof, as approved by the Commission on June 19, 2014, and retroactively effective on May 1, 2014 (to avoid any interruption of the Authorization Term), to extend the term to August 31, 2014, and to allow the placement of the vessel on legislatively granted lands; all other terms and conditions will remain in effect without amendment.

EXHIBIT A

W 26713

LAND DESCRIPTION

A parcel of land conveyed to the State of California by Anza Pacific Corporation under Boundary Line Agreement 131, situate in the City of Burlingame, County of San Mateo, State of California, lying adjacent to the San Francisco Bay and more particularly described as follows:

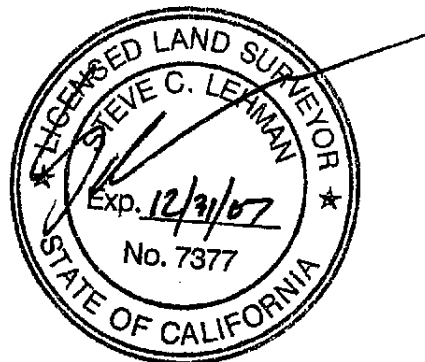
Parcel 5 as described in that Grant Deed recorded July 13, 1972 in Book 6198 at Page 76 of official records of the County of San Mateo.

EXCEPTING THEREFROM that portion of Lot 7 as shown on that map of Anza Airport Park Unit No. 6 recorded February 27, 1973 in Book 70 of maps at Page 33 of official records of the County of San Mateo and more particularly described as follows:

BEGINNING at the southwest corner of Lot 7, thence along the West line of said Lot 7 $N02^{\circ}25'31''W$ 359.50 feet to the northwest corner of said lot, thence along the North line of said lot $N89^{\circ}43'01''E$ 35.89 feet to a point on said North line, thence leaving said North line $S00^{\circ}17'00''E$ 358.80 feet to a point on a non-tangent curve having a radius of 643.50 feet from which a radial line bears $S00^{\circ}25'32''E$, said point also being on the South line of said Lot 7, thence westerly along said South line 22.46 feet along said curve through a central angle of $1^{\circ}29'59''$ to the POINT OF BEGINNING.

END OF DESCRIPTION

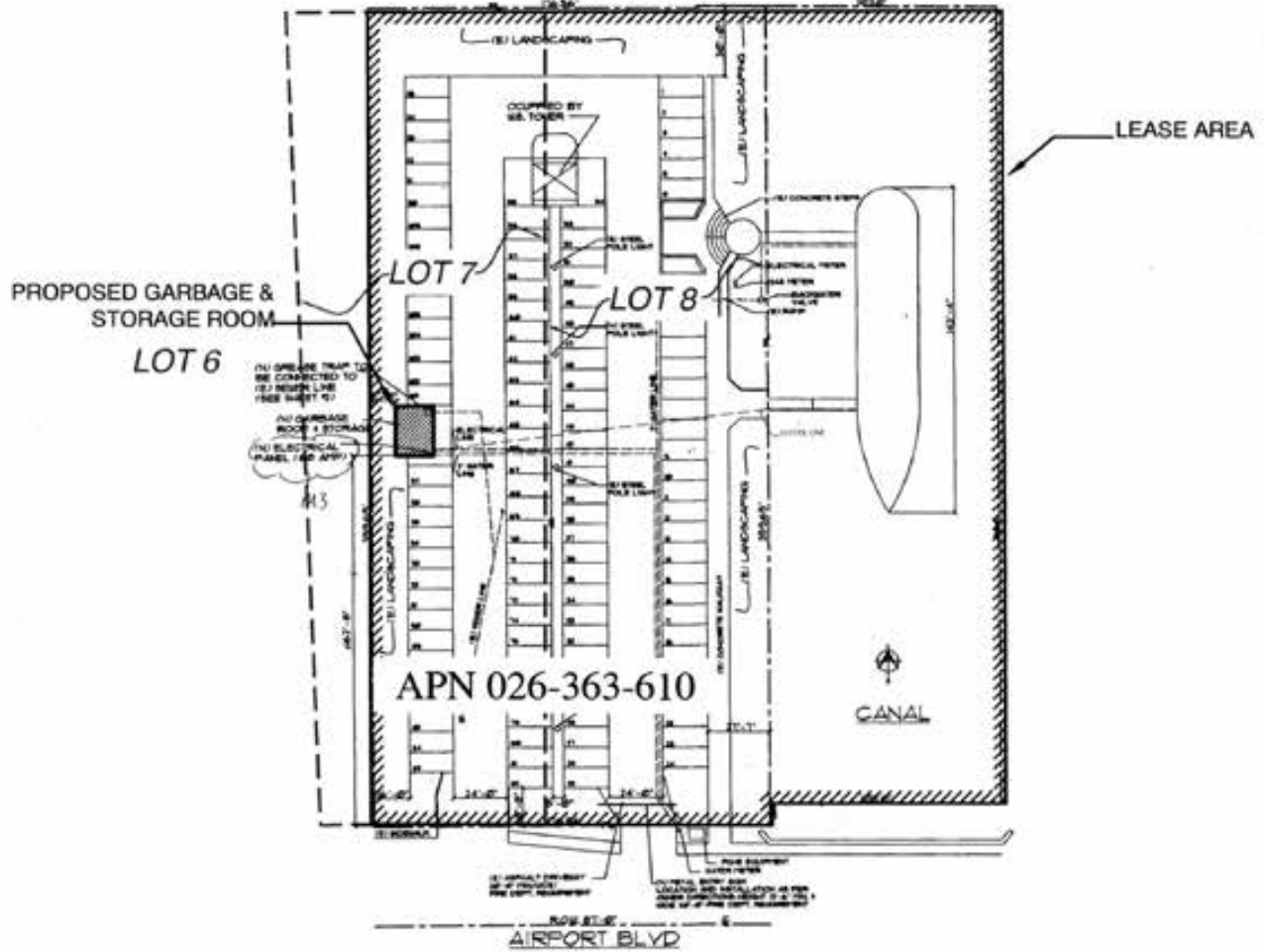
Prepared by the California State Lands Commission Boundary Unit November 19, 2007.



NO SCALE

SITE

San Francisco Bay



410 AIRPORT BLVD.

NO SCALE

LOCATION



Exhibit B

W 26713
 MAXIM COMMERCIAL
 CAPITAL LLC
 INTERIM
 AUTHORIZATION
 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.