

MINUTE ITEM

This Calendar Item No. C05 was approved as Minute Item No. 05 by the California State Lands Commission by a vote of 3 to 0 at its 12-09-03 meeting.

**CALENDAR ITEM
C05**

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PRC 7067

12/09/03

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WP 7067.1

L. Burks

AMENDMENT OF LEASE

LESSEE:

Delta Bay Club, a California Corporation
922 West Brannan Island Road
Isleton, California 95641

AREA, LAND TYPE, AND LOCATION:

1.583 acres, more or less, of tide and submerged lands in the San Joaquin River, at Andrus Island, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of a commercial marina.

LEASE TERM:

30 years, beginning April 23, 1987.

CONSIDERATION:

A Minimum Annual Rent of \$2,500 against six percent (6%) of the Gross Income, whichever is greater, derived from the rental of boat docks and moorings on the Lease Premises. Subject to modification by the Lessor, as specified in Paragraph 2(b) of Section 4.

PROPOSED AMENDMENT:

1. The expiration date of this lease shall be extended from April 22, 2017, to April 22, 2029.
2. 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 Minimum Annual Rent be revised from \$2,500 to \$2,990, effective December 9, 2003.
3. All other terms and conditions of the lease shall remain in effect without amendment.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On April 23, 1987, the Commission authorized issuance to Jerrold J. Smith, Mitzi E. Smith, and George M. Brahy General Lease – Commercial Use No. PRC 7067.1 for a commercial marina. On September 23, 1987, the Commission authorized assignment of this Lease from Jerrold J. Smith, et al. to Delta Bay Club, a California Corporation.
2. The Delta Bay Club is requesting a twelve (12) year extension of the lease term so that they can obtain refinancing for the marina. The expiration date of this lease shall be extended from April 22, 2017, to April 22, 2029.
3. 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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

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.

EXHIBITS:

- A. Site Plan
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

CALENDAR ITEM NO. **C05** (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

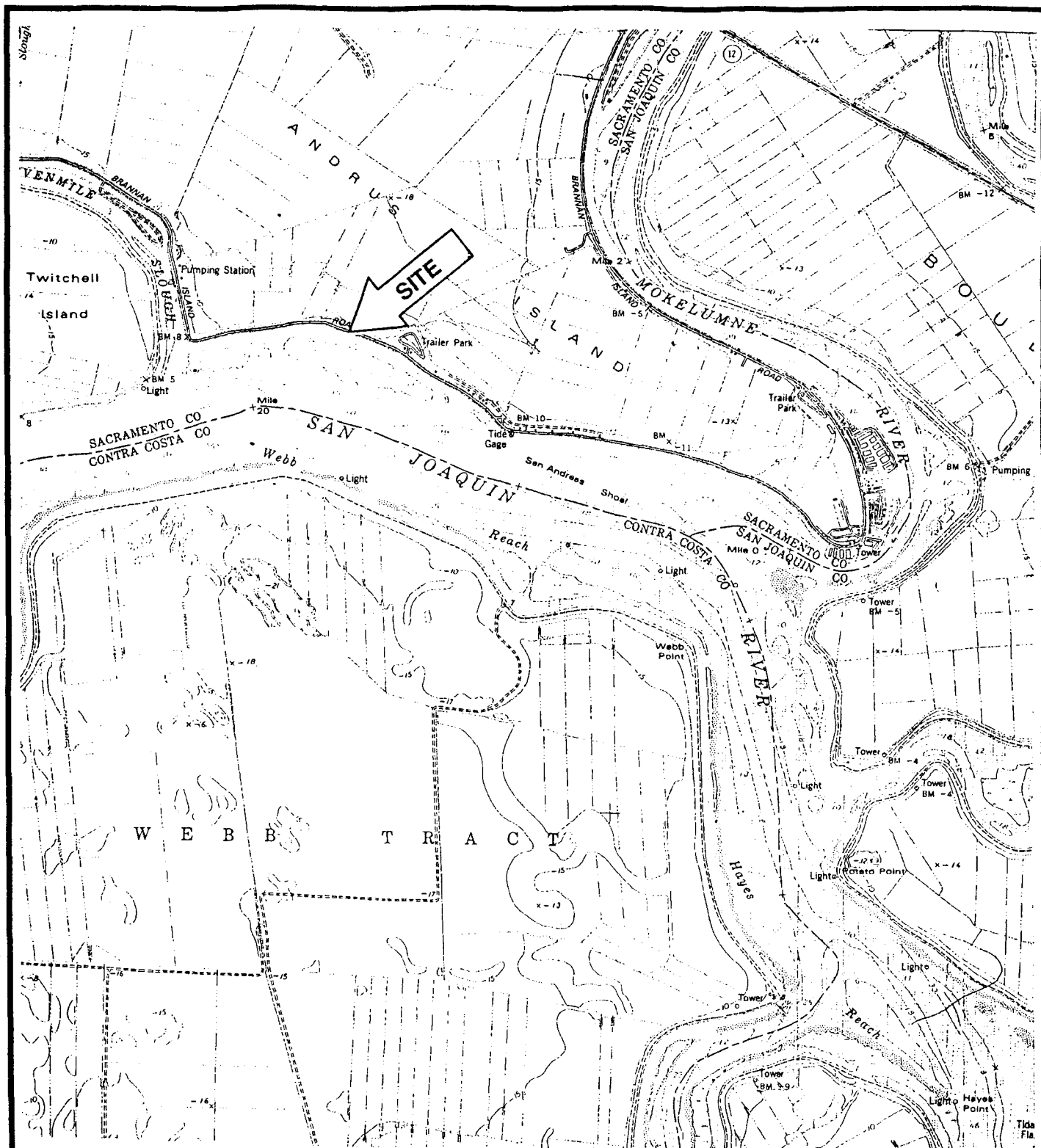
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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 7067.1, A GENERAL LEASE - COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE DECEMBER 9, 2003, 1) TO EXTEND THE EXPIRATION DATE OF THIS LEASE TO APRIL 22, 2029; 2) APPROVE THE REVISION OF RENT FOR LEASE NO. PRC 7067.1 FROM A MINIMUM ANNUAL RENT OF \$2,500 TO A MINIMUM ANNUAL RENT OF \$2,990. ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



Bouldin Island Quad

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

Exhibit B
WP 7067

LMB 11/19/03

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