

CALENDAR ITEM

C77

A 11

09/20/13

PRC 7659.1

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D. Oetzel

REVISION OF RENT

LESSEE:

C&H Sugar Company
830 Loring Avenue
Crockett, California 94525

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Carquinez Strait, in the town of Crockett, Contra Costa County.

AUTHORIZED USE:

Continued use and maintenance of a sugar refinery, dock and outfall lines.

LEASE TERM:

30 years, beginning September 24, 1992.

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 revised from \$461,700 per year to \$583,524 per year, payable on a monthly basis, effective September 24, 2013.

OTHER PERTINENT INFORMATION

1. On September 23, 1992, the Commission authorized a 30-year General Lease –Industrial Use to California and Hawaiian Sugar Company for an existing sugar refinery and its appurtenant facilities, beginning September 24, 1992 and expiring on September 23, 2022. The Commission authorized assignment of the lease on September 22, 1998, to C&H Sugar Company, Inc. On August 8, 2005, the Commission approved a Request for Approval and Transfer of Controlling Interest from C&H Sugar Refining, Inc., to American Sugar Refining, Inc., effective upon completion of corporate reorganization. Under the terms of the assignment, the Lessee is to remain known as C&H Sugar Company, Inc.

CALENDAR ITEM NO. **C77** (CONT'D)

2. The Lease was amended in 2003 to allow the Lessee to pay annual rent on a monthly basis. Accordingly, the recommended new annual rent equals \$48,627 per month.
3. 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 California Environmental Quality Act (CEQA).

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

EXHIBIT:

- A. Location Map

RECOMMENDED ACTION:

CEQA FINDING:

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.

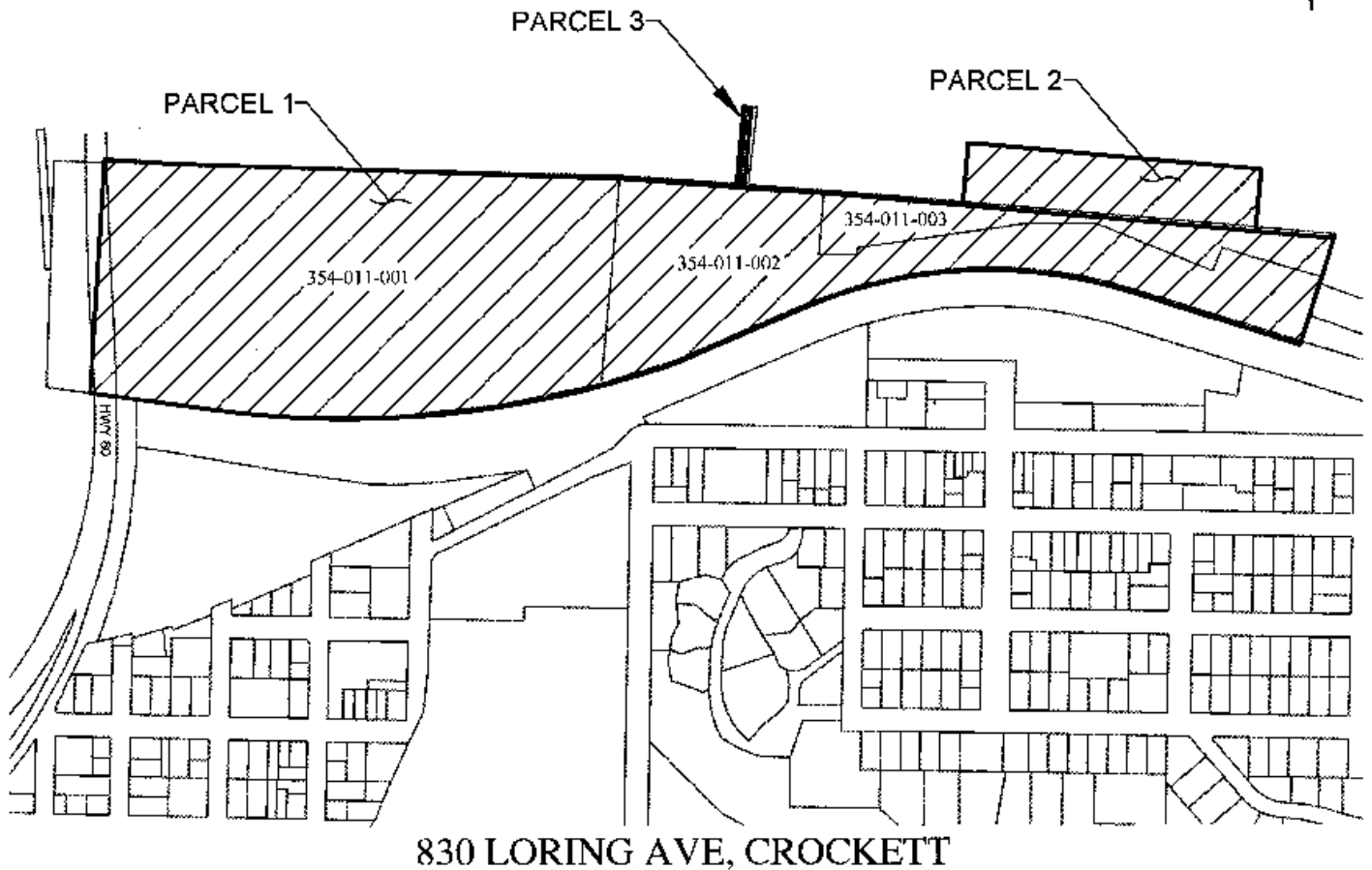
AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 7659.1 from \$461,700 per year to \$583,524 per year, payable on a monthly basis, effective September 24, 2013.

NO SCALE

SITE

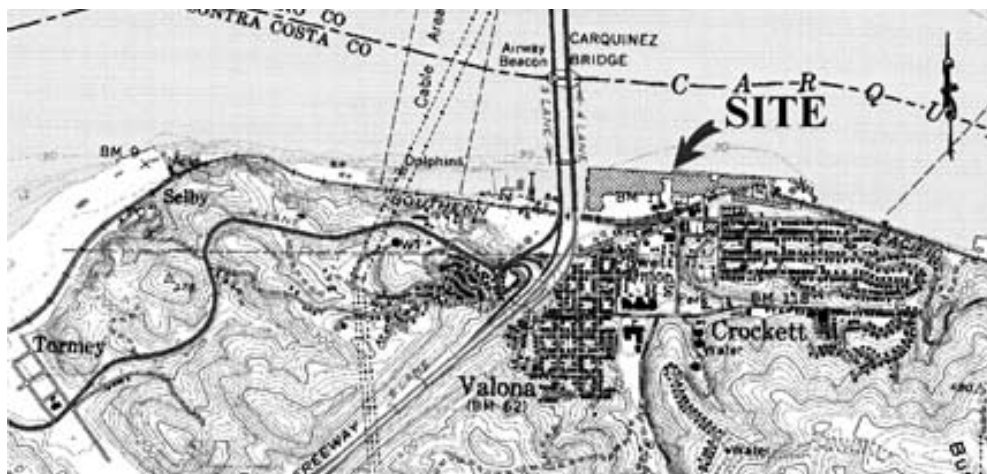
CARQUINEZ STRAIT



830 LORING AVE, CROCKETT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 7659.1
C&H SUGAR CO.
GENERAL LEASE -
INDUSTRIAL USE
CONTRA COSTA 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.

JAK 4/9/13