

MINUTE ITEM

This Calendar Item No. 16
was approved as Minute Item
No. 16 by the State Lands
Commission by a vote of 2
to 0 at its 2-28-80
meeting.

MINUTE ITEM

2/28/80
Maricle

16. ASSIGNMENT OF COMMERCIAL LEASE - WP 4686.

During consideration of Calendar Item 16 attached, Jan Stevens, Assistant Attorney General, requested that language be amended into the item to make sure that the bonded indebtedness be retired prior to execution of the assignment and that the actual construction projects be reviewed by the Executive Officer for determination of consistency with the Master Plan previously approved by the Commission.

Acting Chairman Roy M. Bell questioned if the assignor and assignee had any objections to this language. Mr. Stevens said they did not.

Upon motion duly made and carried, the following resolution, as amended, was adopted by a vote of 2-0:

THE COMMISSION:

1. DETERMINES THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21065, 14 CAL. ADM. CODE 15037, ET SEQ., AND 2 CAL ADM. CODE 2903(d).
2. FINDS THAT APPROVAL OF THE ASSIGNMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZES APPROVAL OF THE ASSIGNMENT OF LEASE PRC 4685.1 AND PRC 4686.1, FROM ANZA SHAREHOLDERS' LIQUIDATING TRUST TO ZERIMAR INVESTMENT COMPANY; ON THE CONDITION THAT ASSIGNOR IS NOT RELEASED NOR RELIEVED OF ANY OBLIGATION TO THE STATE UNDER THE TERMS OF SAID LEASE, AND FURTHER THAT ASSIGNOR IS HELD LIABLE BY STATE FOR THE FAITHFUL PERFORMANCE OF SAID LEASE IN THE EVENT ASSIGNEE IS UNABLE OR UNWILLING TO FULFILL ANY AND ALL OBLIGATIONS REQUIRED IN THE LEASE; ASSIGNOR CAN ONLY BE RELIEVED FROM THE ABOVE OBLIGATIONS BY SPECIFIC AUTHORIZATION OF THE STATE LANDS COMMISSION.
4. PRIOR TO EXECUTION, THE EXECUTIVE OFFICER SHALL HAVE SATISFACTORY ASSURANCE OF RETIREMENT OF ALL BONDED INDEBTEDNESS APPLICABLE TO THE LEASE PARCEL.
5. DETERMINES THAT APPROVAL OF THIS ASSIGNMENT DOES NOT RELIEVE THE ASSIGNEE OF THE OBLIGATION TO SUBMIT ANY

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PROPOSAL FOR DEVELOPMENT OF THE SUBJECT PARCEL FOR THE
EXECUTIVE OFFICER'S DETERMINATION OF CONSISTENCY WITH THE
MASTER PLAN SET FORTH IN B.L.A. 131.

Attachment:
Calendar Item 16

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CALENDAR ITEM

16.

2/80
WP 4686
Maricle
PRC 4686.1

ASSIGNMENT OF COMMERCIAL LEASE

ASSIGNOR: Anza Shareholders' Liquidating Trust
770 Airport Boulevard
Burlingame, California 94010

ASSIGNEE: Zerimar Investment Company
6 Adrian Court
Burlingame, California 94010

AREA, TYPE LAND AND LOCATION:
Approximately 5.3 Acres, filled sovereign
land, Burlingame, San Mateo County. This
includes State Parcel 7, PRC 4685.1, and
State Parcel 8, PRC 4686.1

LAND USE: Commercial development.

TERMS OF PRESENT LEASE:

Initial period: 66 years from July 1,
1972.

Public liability insurance: \$600,000/\$2,000,000
per occurrence for bodily
injury and \$400,000 for
property damage.

CONSIDERATION: \$2,625 per annum, fixed rental until June 30,
1988; then $\frac{1}{2}$ the net income or \$2,625,
whichever is greater, with the State reserving
the right to fix a different rental on
July 1, 2007.

PREREQUISITE TERMS, FEES AND EXPENSES:

\$300 expense deposit received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3,
Arts, 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

- 1. Leases PRC 4685.1 and PRC 4686.1 were

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originally issued to Anza Pacific Corporation, under the Provisions of BLA No. 131, as authorized by the Commission on July 6, 1972, Minute Item 26. Under Subsequent Calendar Item No. 47, dated March 25, 1976, the Commission heard and approved the assignment of the State leases from the Anza Pacific Corporation to Anza Shareholders' Liquidating Trust. Anza Pacific was reorganized as a liquidating trust for financial reasons.

2. The currently proposed assignee is a California Corporation. Its officers are: Joaquin Ramirez, Jr.; President, and Conchita N. Diaz; Secretary.
3. The lease parcels have been subject to bonded indebtedness; the assignor and assignee are reportedly arranging full payment of all such bonds. Proof of such payment will be obtained prior to execution of approval of the assignment.
4. This assignment is recommended for approval with the understanding that assignor is not relieved from any obligation under the terms of the lease, and is liable for faithful performance until such time as specifically relieved by the Commission.
5. The use of the subject parcels is subject to the terms of BLA No. 131. On page 2 of Exhibit "H" thereof, the following Declaration appears:

"Parcels 6, 7, and 8, with their bay exposure, are presently proposed as public access boardwalk areas with specialty shops and tourist attractions. Study of other possible uses similar to the Ports of Call development in San Pedro and the Mission Bay development in San Diego is in progress in an attempt to reproduce all the best features of each."

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6. Final plans for the development of the subject land have not been received. The assignor and assignee have been advised that (A) Approval of the assignment will not include approval of any construction which varies from the master plan in BLA No. 131, and (B) that if a varying use is contemplated, it must be submitted to the Commission for approval prior to construction.
7. An EIR is not required. This transaction involves an activity that is not a project within the meaning of CEQA and the State EIR Guidelines.
8. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class "B", which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values.

FURTHER APPROVALS REQUIRED:

None required for this transaction.

EXHIBITS:

A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21065, 14 CAL. ADM. CODE 15037 ET SEQ., AND 2 CAL ADM. CODE 2903(d).
2. FIND THAT APPROVAL OF THE ASSIGNMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE APPROVAL OF THE ASSIGNMENT OF LEASE PRC 4685.1 AND PRC 4686.1, FROM ANZA SHAREHOLDERS' LIQUIDATING

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TRUST TO ZERIMAR INVESTMENT COMPANY; ON THE CONDITION THAT ASSIGNOR IS NOT RELEASED NOR RELIEVED OF ANY OBLIGATION TO THE STATE UNDER THE TERMS OF SAID LEASE, AND FURTHER THAT ASSIGNOR IS HELD LIABLE BY STATE FOR THE FAITHFUL PERFORMANCE OF SAID LEASE IN THE EVENT ASSIGNEE IS UNABLE OR UNWILLING TO FULFILL ANY AND ALL OBLIGATIONS REQUIRED IN THE LEASE; ASSIGNOR CAN ONLY BE RELIEVED FROM THE ABOVE OBLIGATIONS BY SPECIFIC AUTHORIZATION OF THE STATE LANDS COMMISSION.

Attachment: Exhibit "A"

EXHIBIT "A"

LAND DESCRIPTION

WP 4686

Two parcels of land in San Mateo County, California, said parcels being situated in projected Section 18, T4S, R4W, MDM, more particularly described as follows:

PARCEL NO. 1

BEGINNING at the most northerly corner of Lot 1 of Block 9 as said lot and block are shown on that certain map of Anza Airport Park Unit No. 6 which map was filed for record on February 27, 1970, in Volume 70 of Maps at Page 33, Records of San Mateo County, California; thence from said point of beginning along the exterior line of said Lot 1 the following courses: S 31° 29' 39" E, 206.47 feet; S 35° 56' 54" W, 278.48 feet; and along the arc of a curve to the left tangent to a line that bears N 54° 03' 06" W, having a radius of 628 feet, a central angle of 10° 56' 54" and an arc length of 120.00 feet to a point in the exterior line of said Anza Airport Park Unit No. 6; thence continuing along the arc of a curve to the left tangent to a line that bears N 65° 00' 00" W, having a radius of 628 feet, a central angle of 11° 34' 43", an arc length of 126.91 feet; thence N 0° 16' 59" W, 297.66 feet to the north line of said Section 18; thence along said north line N 89° 43' 01" E, 280.00 feet to the point of beginning.

BEING Lot 1, Block 9, as shown on the above mentioned Map and adjoining acreage.

PARCEL NO. 2

Lots 4 and 5 in Block 9, as said Lots and Block are shown on that certain Map of Anza Airport Park Unit No. 6 which Map was filed for record on February 27, 1970, in Book 70 of Maps at Page 33, Records of San Mateo County, California.

END OF DESCRIPTION

Prepared

Jack L. Spring

Checked

Cris H. Perry

Reviewed

D. E. Schumann
B. J. ...

Date

2/8/79

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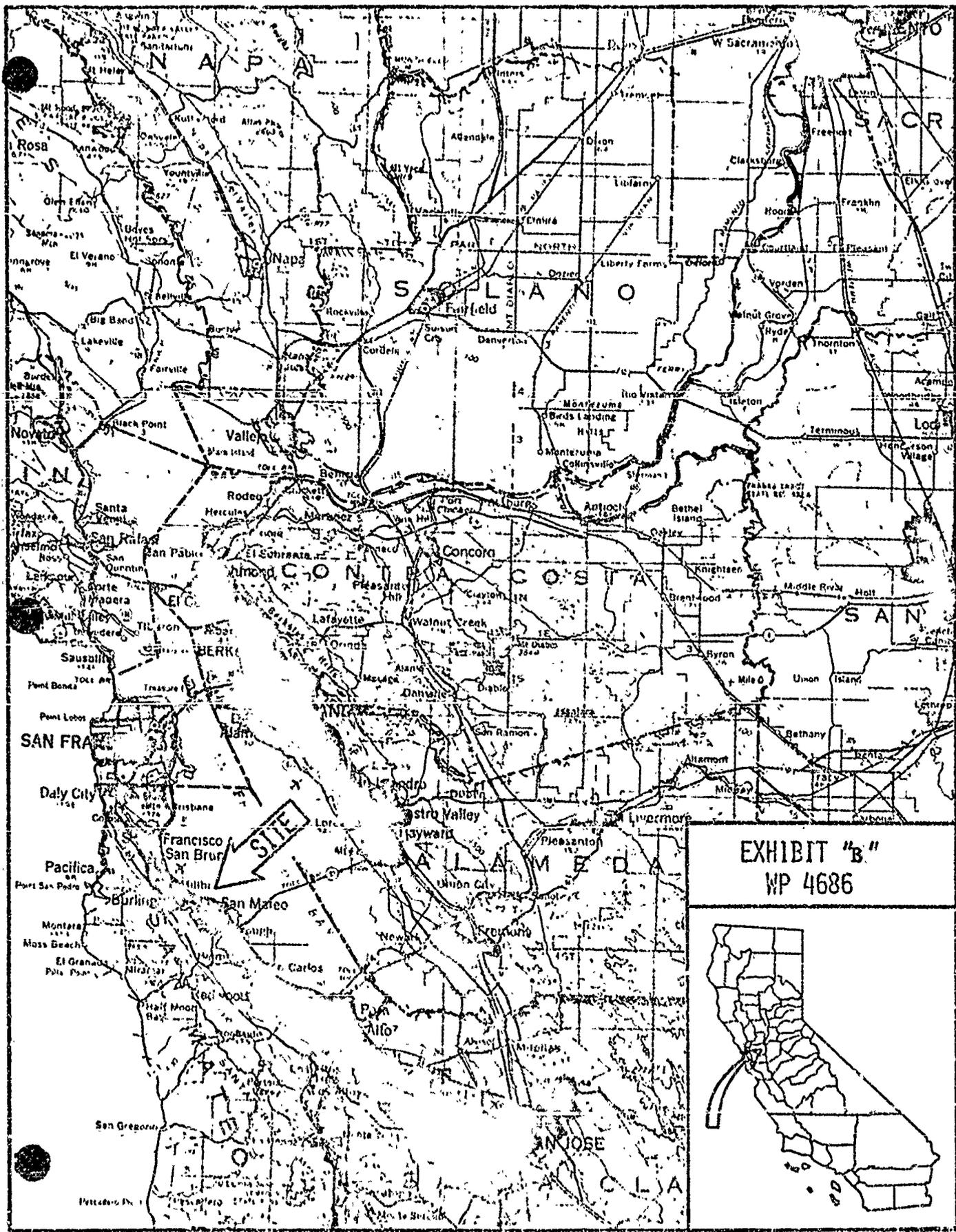


EXHIBIT "B"
WP 4686

