

**MINUTE ITEM**  
This Calendar Item No. 21  
was approved as Minute Item  
No. 21 by the State Lands  
Commission by a vote of 7  
to 2 at its 12/23/86  
meeting.

**CALENDAR ITEM**

A 10

**21**

12/23/86  
WP 1809  
Lane

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**APPROVAL OF AN AMENDMENT TO PRC 1809  
GENERAL LEASE - COMMERCIAL USE**

**APPLICANT:** Cannery Cove Marina, Inc.  
1430 Arroyo Way, Suite 11  
Walnut Creek, California 94596

**AREA, TYPE LAND AND LOCATION:**  
A 5.256-acre parcel of tide and submerged land,  
located in the San Joaquin River, Antioch,  
Contra Costa County.

**LAND USE:** Construction and maintenance of a commercial  
marina.

**TERMS OF ORIGINAL LEASE:**

**Initial period:** 30 years beginning April 1,  
1985.

**Surety bond:** \$10,000.

**Public liability insurance:** Combined single  
limit coverage of \$1,000,000.

**Consideration:** (1) Six percent of the Gross  
Income derived from the  
rental of boat docks and  
moorings. (2) Five percent  
of the Gross Income derived  
from the operation of bait  
shop and ship chandlery.  
(3) 25 percent of the Gross  
Income derived from the  
operation of coin operated  
verding and electronic game  
machines. (4) Ten percent of

CALENDAR ITEM NO. 21 (CONT'D)

The Gross Income derived from sources exclusive of those described in (1) through (3).  
(5) A minimum annual rental of \$5,000 for the period April 1, 1985 through March 31, 1986 and a minimum annual rental of \$10,000 thereafter; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

Special: \$.25 per cubic yard of material; sand, silt, clay, and gravel dredged from the leased premises and placed on private property or used for any private or commercial benefit.

**AMENDED CONSIDERATION:**

Six percent of the Gross Income derived from rental of boat docks and moorings, five percent of the Gross Income derived from Yacht Brokerage fees, 25 percent of the Gross Income derived from the operation of coin operated vending and electronic game machines. \$.015 per gallon of fuel sold up to 100,000 gallons, and \$.02 per gallon thereafter. Ten percent of Gross Income derived from other sources. A minimum annual rental of \$5,000 for the period April 1, 1985 through March 1, 1986 and a minimum annual rental of \$10,000 thereafter.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Adm. Code 2003.

**APPLICANT STATUS:**

Applicant is owner of upland.

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 10, Div. 5.

CALENDAR ITEM NO. **21** (CONT'D)

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

2. The amendment to the lease was requested because it was found the bait and chandlery shop would be located on the upland property. Adding fuel sales to the contract is to accommodate future development plans for the State-owned land.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

3. AUTHORIZE AMENDMENT OF PRC 1809 TO MODIFY BASIS FOR PERCENTAGE OF GROSS INCOME RENTAL, EFFECTIVE APRIL 1, 1986 OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING APRIL 1, 1985; AMENDED CONSIDERATION: SIX PERCENT OF THE GROSS INCOME DERIVED FROM RENTAL OF BOAT DOCKS AND MOORINGS, FIVE PERCENT OF THE GROSS INCOME DERIVED FROM YACHT BROKERAGE FEES, 25 PERCENT OF THE GROSS INCOME DERIVED FROM THE OPERATION OF COIN OPERATED VENDING AND ELECTRONIC GAME MACHINES, \$.015 PER GALLON OF FUEL SOLD TO 100,000 GALLONS, AND \$.02 PER GALLON THEREAFTER. TEN PERCENT OF GROSS INCOME DERIVED FROM OTHER SOURCES. PROVIDED ALL OTHER LEASE TERMS AND CONDITIONS REMAINED UNCHANGED ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

MP 1889

A parcel of tide and submerged land in the bed of the San Joaquin River, Contra Costa County, State of California, more particularly described as follows:

BEGINNING at the north east corner of that certain parcel of land described in that deed recorded October 29, 1925, in Volume 8, Page 185, of Official Records, in the Office of the County Recorder of Contra Costa County; thence along the northerly boundary of said parcel the following two courses:

1. N 72° 45' E 223.59 feet;
2. S 82° 15' E 354.98 feet; thence the following six courses:

3. North 106.42 feet;
4. N 90° W 109.99 feet;
5. North 260.00 feet;
6. S 86° W 238.33 feet;
7. S 71° W 230.06 feet;
8. South 293.33 feet to the point of beginning.

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

END OF DESCRIPTION

REVISED SEPTEMBER 3, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR

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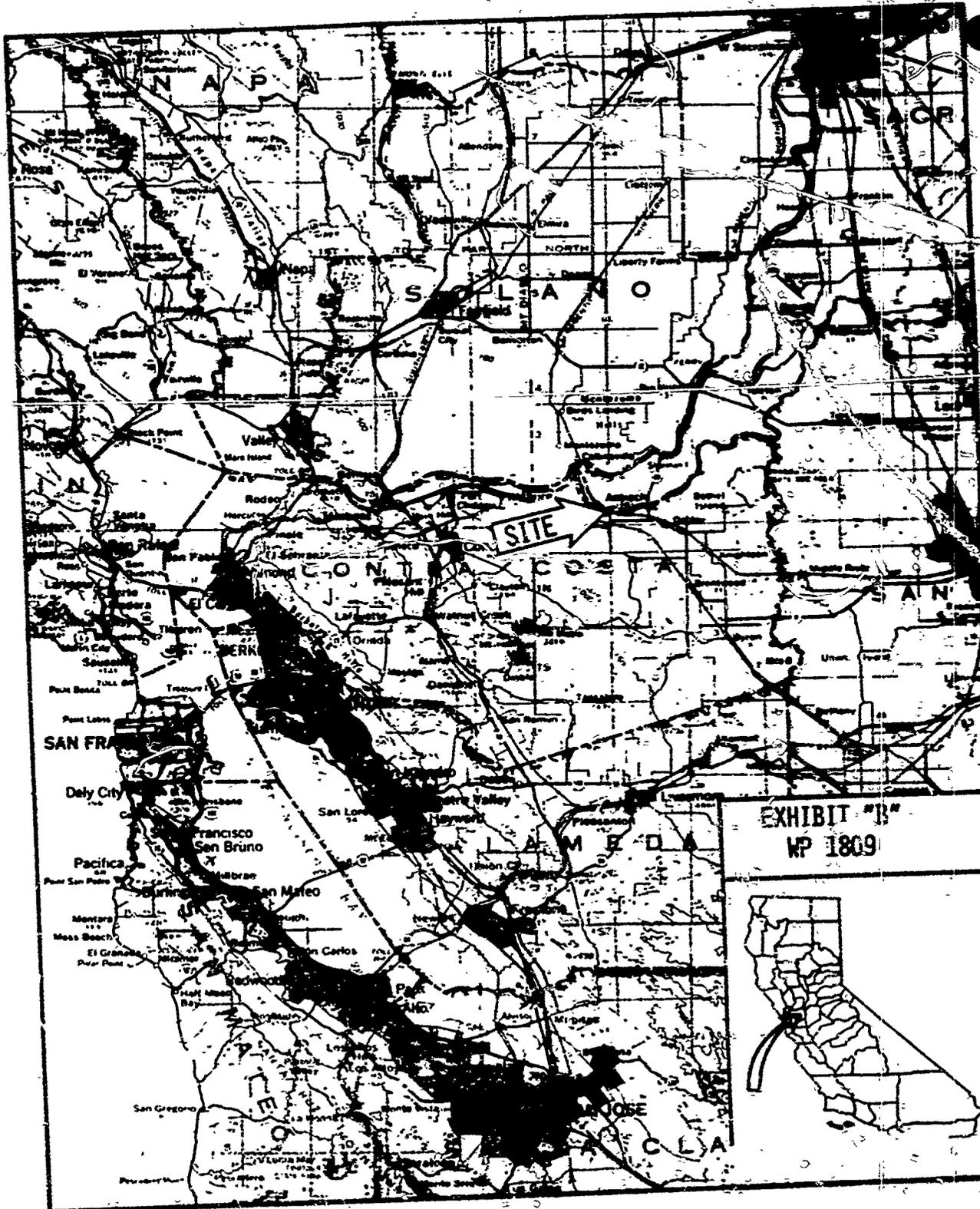


EXHIBIT "B"  
 WP 1809