MINUTE ITEM
This Calendar Item No. C36
was approved as Minute Item
No. 36 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting.

CALENDAR ITEM

C 3 6

A 10

S 5

09/23/92
PRC 7620
Simmons

AMENDMENT OF GENERAL LEASE - COMMERCIAL USE;
APPROVAL OF CONSENT TO ENCUMBRANCING

APPLICANT:
Vollman-Clark Ranch, a general partnership
953 Keith Drive
Roseville, California 95661

SECURED-PARTY LENDER:
Department of Boating and Waterways
629 "S" Street
Sacramento, California 95814-7291

AREA, TYPE LAND AND LOCATION:
A 1.139-acre parcel of tide and submerged land in the Sacramento River, Sacramento County.

LAND USE:
Commercial boat storage marina.

TERMS OF ORIGINAL LEASE:
Initial period:
Twenty-five (25) years beginning June 1, 1991.

Surety bond:
$10,000.

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

Consideration:
$2,500 per annum minimum rent or five percent (5%) of gross income per annum, whichever is greater, with the State reserving the right fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:
N/A

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

2. The Commission approved the subject lease on March 2, 1992. Subsequently, lessee obtained a loan of $600,000 for construction of the facility from the Department of Boating and Waterways. Lessee and Boating and Waterways now desire to secure the loan by encumbrancing the leasehold.

3. Boating and Waterways has required construction of a debris deflector to protect the facility when built from objects floating in the river. Staff has reviewed the plans and concurs that such a modification of the plans is prudent. The deflector constitutes a minor amendment to the approved facility and will occupy less than 500 square feet of the lease area.

4. Through oversight, the inception date for the lease was incorrectly stated to be June 1, 1991 instead of March 2, 1992 when the Commission approved the lease. Since this is a new facility the correct beginning date of the lease is March 2, 1992.

EXHIBIT:

A. Land Description

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND, AS TO THE CONSENT TO LEASE ENCUMBRANCE, THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. APPROVE THE EXECUTION OF THE CONSENT TO ENCUMBRANCING OF LEASE PRC 7620 BETWEEN VOLLMAN-CLARK RANCH (LESSEE), DEPARTMENT OF BOATING AND WATERWAYS (SECURED-PARTY LENDER), AND THE COMMISSION (LESSOR).

3. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES, 2 CAL. CODE REGS. 2905(c)(1).

4. AUTHORIZE AMENDMENT OF THE LEASE TO PERMIT CONSTRUCTION OF THE DEBRIS DEFLECTOR.

5. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

6. AUTHORIZE AMENDMENT OF THE LEASE TO REFLECT INCEPTION ON MARCH 2, 1992.

7. FIND THAT ALL OTHER PROVISIONS AND CONDITIONS OF THE LEASE AND PROJECT DESIGN, APPROVED BY THE COMMISSION ON MARCH 2, 1992, ARE RETAINED IN FULL FORCE AND EFFECT.

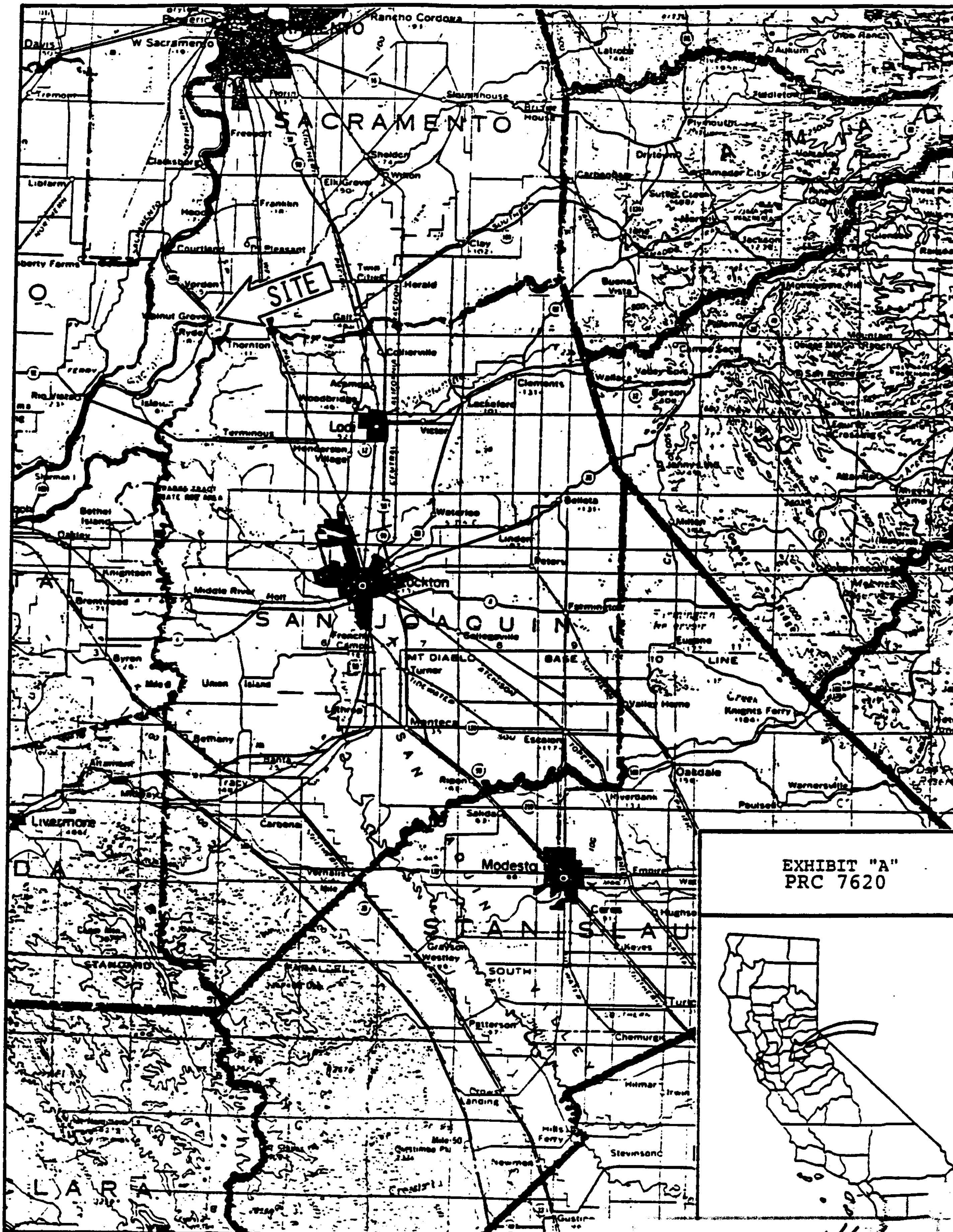

EXHIBIT "A"
PRC 7620

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