

MINUTE ITEM

This Calendar Item No. ~~15~~ was approved as Minute Item No. 58 by the California State Lands Commission by a vote of 3 to ~~0~~ at its 5/12/97 meeting.

**CALENDAR ITEM
C58**

A 11
S 7

05/12/97
WP 3454.1
N. Smith

AMENDMENT OF LEASE

LESSEE:

Tosco Corporation
Avon Refinery
Martinez, California 94533-1487

CURRENT LEASE PROVISIONS:

AREA, LAND TYPE, AND LOCATION:

10.64 acres, more or less, of sovereign lands in Suisun Bay, near city of Martinez, Contra Costa County.

AUTHORIZED USE:

Marine petroleum wharf together with appurtenances.

LEASE TERM:

15 years, beginning July 26, 1964, with 3-ten year renewal periods.

CONSIDERATION:

\$62,625 per year; with the State reserving the right to fix a different rent periodically during the lease term.

PROPOSED AMENDMENTS:

Amend land description to increase lease premises by 0.60 acre, for a total of 11.24 acres, more or less.

Adjust annual rent proportionately to the increase in acreage, to \$66,169; with the State reserving the right to fix a different rent periodically during the lease term as set forth in the lease.

OTHER PERTINENT INFORMATION:

- 1. Applicant is owner of the uplands adjoining the lease premises.

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2. Tosco proposes to remove mooring facilities on the east end of the wharf, and replace with two new mooring dolphins and two new breasting dolphins; along with one new mooring dolphin on the west side. This amendment will provide improved safety, mooring security and reduce the potential for accidents and oil spills at the wharf.
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 14, California Code of Regulations, section 15301).
Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon staff's consultation with 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. Land Description
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

June 8, 1997

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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301.

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SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 3454.1, AN INDUSTRIAL LEASE, OF LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART THEREOF, EFFECTIVE MAY 1, 1997; TO AMEND THE LAND DESCRIPTION, AND ADJUST THE ANNUAL RENT TO \$66,169, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL PERIODICALLY DURING THE LEASE TERM; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

**Exhibit A
Land Description**

PRC 3454

A parcel of State owned submerged lands in Suisun Bay, Contra Costa County, California said parcel described as follows:

COMMENCING at a brass cap stamped "California Lands Commission - LANDS END - 1947"; thence N 22° 32' 28" E, 673.79 feet; thence S 72° 06' 30" W, 661.27 feet to the **TRUE POINT OF BEGINNING**; thence the following twelve courses:

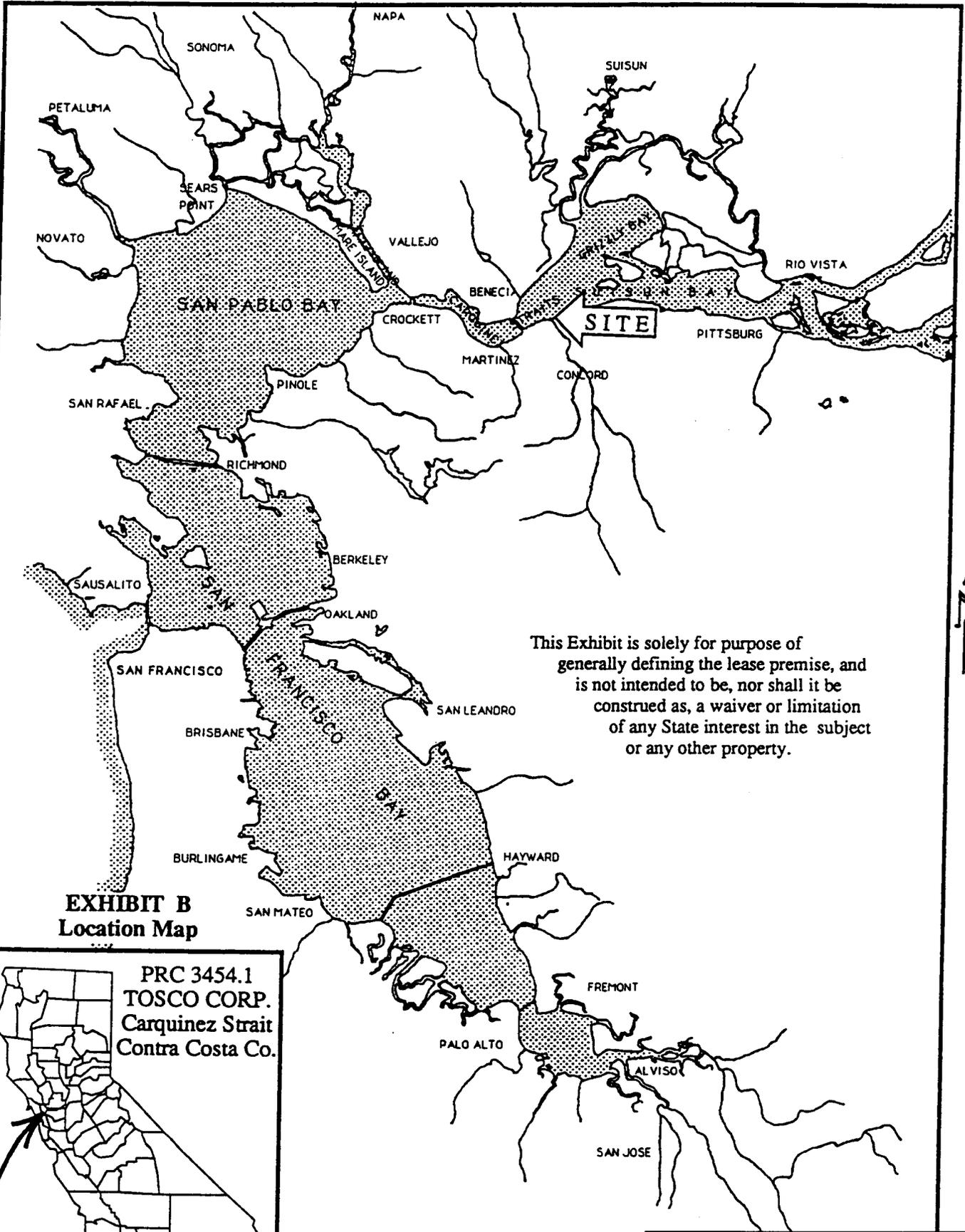
1. N 34° 04' 15" W, 1889.52 feet;
2. N 70° 30' 45" E, 177.70 feet;
3. S 19° 29' 15" E, 65.00 feet;
4. N 70° 30' 45" E, 370.00 feet;
5. N 19° 29' 15" W, 75.00 feet;
6. S 70° 30' 45" W, 210.00 feet;
7. N 19° 29' 15" W, 145.00 feet;
8. S 70° 30' 45" W, 1334.00 feet;
9. S 19° 29' 15" E, 230.00 feet;
10. N 70° 30' 45" E, 912.49 feet;
11. S 34° 04' 15" E, 1809.03 feet;
12. N 72° 06' 30" E, 104.12 feet to the true point of beginning.

Bearings and distances are based upon CCS27 Zone 3.

END OF DESCRIPTION

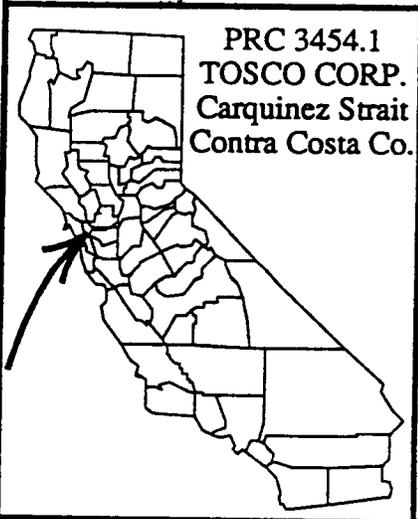
Revised April 1997 by SFBCC.

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This Exhibit is solely for purpose of generally defining the lease premise, 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.

**EXHIBIT B
Location Map**



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