

MINUTE ITEM
This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 3
to 0 at its 6-19-98
meeting.

CALENDAR ITEM
C12

A 8
S 4

06/19/98
WP 6109.1
L. Burks

**TERMINATION OF EXISTING LEASE;
ISSUANCE OF A NEW GENERAL LEASE - COMMERCIAL USE;
AND ENCUMBRANCING OF LEASE**

LESSEE:

Snug Harbor Resorts, a California
Limited Liability Company (LLC)
Attn: Nicole Suard
1155 Trancas Street
Napa, California 94558

AREA, LAND TYPE, AND LOCATION:

.99 acres, more or less, of tide and submerged lands in Steamboat Slough, at
Ryer Island (APN 048-260-012), Solano County.

AUTHORIZED USE:

75 covered berths; 40 open berths; 60 foot gas dock; boat launch ramp; guest
docking; and storage of a 51 foot x 102 foot dredge (a.k.a. "Golden Gate").

PREVIOUS LEASE TERM(S):

20 years, beginning September 23, 1988.

PROPOSED LEASE TERM:

25 years, beginning September 23, 1998.

CONSIDERATION:

The annual rent shall consist of a minimum annual rent against five percent (5%)
of the gross income derived from berthing, and ten percent (10%) of all other
gross income generated from the Lease Premises. For the period of
September 23, 1998, through December 31, 1998, the minimum annual rent
shall be \$735 against a percentage of gross income, whichever is greater; for the
period of January 1, 1999, through December 31, 1999, the minimum annual
rent shall be \$2,911 against a percentage of gross income, whichever is greater;
and for the period of January, 2000, and thereafter, the minimum annual rent

CALENDAR ITEM NO. C12 (CONT'D)

shall be \$3,450 against a percentage of gross income, whichever is greater, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease. In addition, Lessee shall pay one and one-half (1-1/2) cents per gallon of fuel sold during each reporting period up to a maximum of 100,000 gallons and two (2) cents per gallon thereafter.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Bond:

\$20,000

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. Lessee is surrendering existing Lease No. PRC 6109.1, effective September 22, 1998, and a new General Lease - Commercial Use (Lease No. PRC 6109.1) is being issued for a term of 25 years, with a beginning date of September 23, 1998.
3. Lessee has requested approval of an encumbrancing agreement in the amount of \$450,000 in favor of the California Department of Boating and Waterways as secured party lender.

4. As to the approval of the new General Lease - Commercial Use:

A Mitigated Negative Declaration (SCH 98012031) was prepared and adopted for this project by Solano County. The California State Lands Commission's staff has reviewed such document.

5. As to the approval of the encumbrancing of lease:

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 because the activity is not a project as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

CALENDAR ITEM NO. C12 (CONT'D)

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

United States Army Corps of Engineers; California Department of Housing and Community Development; California Department of Health Services; California Department of Fish and Game; Yolo-Solano Air Quality Management District; California Department of Boating and Waterways; and Solano County.

EXHIBITS:

- A. Site Plan
- B. Location Map
- C. Notice of Determination

PERMIT STREAMLINING ACT DEADLINE:

December 4, 1998

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

**AS TO THE APPROVAL OF THE NEW GENERAL LEASE -
COMMERCIAL USE (PRC 6109.1):**

FIND THAT A MITIGATED NEGATIVE DECLARATION (SCH 98012031) WAS PREPARED AND ADOPTED FOR THIS PROJECT BY SOLANO COUNTY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. C12 (CONT'D)

AS TO THE ENCUMBRANCING AGREEMENT:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

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

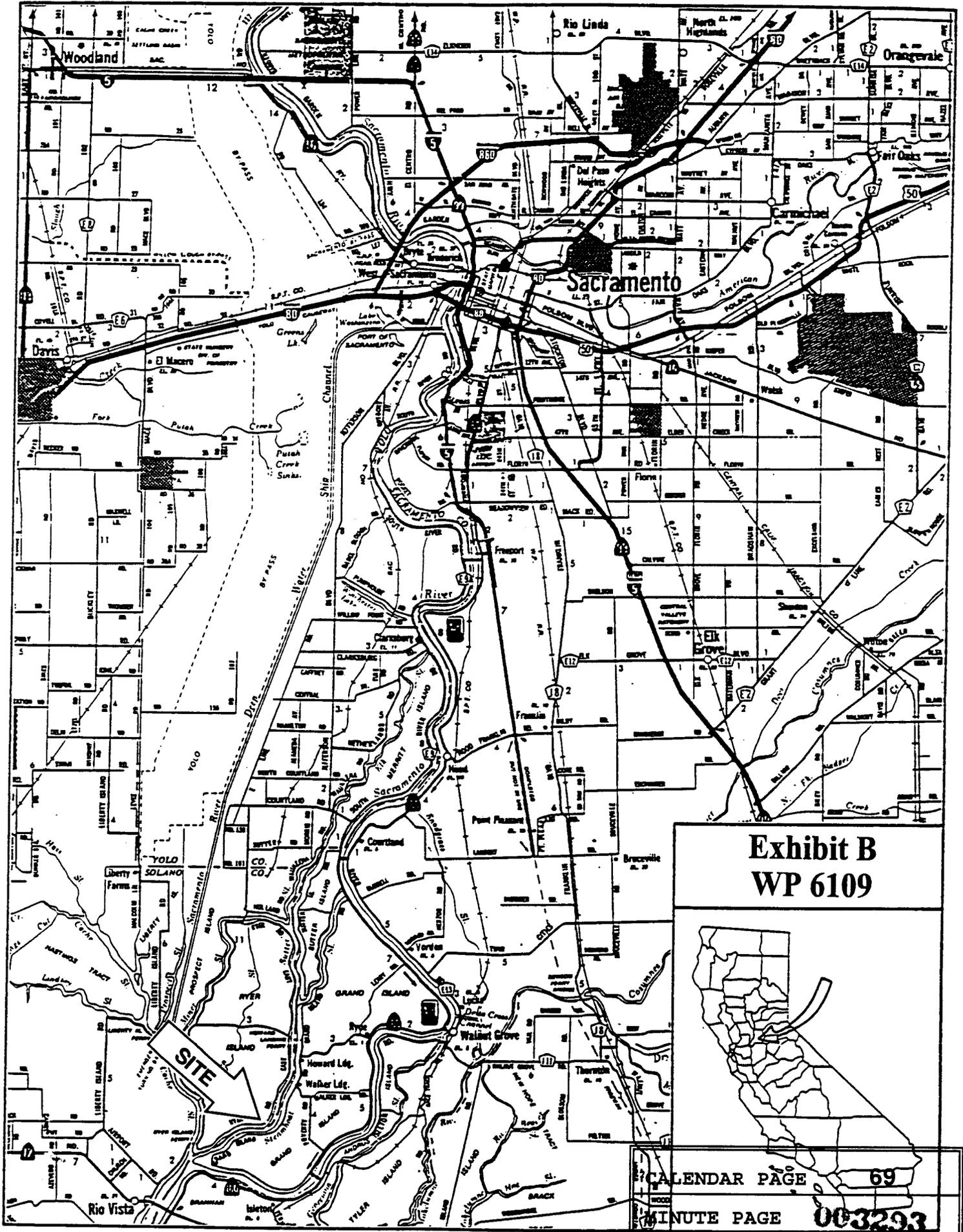
AUTHORIZATION:

1. AUTHORIZE ISSUANCE TO SNUG HARBOR RESORTS, LLC OF A NEW GENERAL LEASE - COMMERCIAL USE, BEGINNING SEPTEMBER 23, 1998, FOR A TERM OF 25 YEARS, FOR RECONSTRUCTION OF AN EXISTING COMMERCIAL USE ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF A MINIMUM ANNUAL RENT AGAINST FIVE PERCENT (5%) OF THE GROSS INCOME DERIVED FROM BERTHING, AND TEN PERCENT (10%) OF ALL OTHER GROSS INCOME GENERATED FROM THE LEASE PREMISES. FOR THE PERIOD OF SEPTEMBER 23, 1998 THROUGH DECEMBER 31, 1998, THE MINIMUM ANNUAL RENT SHALL BE \$735 AGAINST A PERCENTAGE OF GROSS INCOME, WHICHEVER IS GREATER; FOR THE PERIOD OF JANUARY 1, 1999, THROUGH DECEMBER 31, 1999, THE MINIMUM ANNUAL RENT SHALL BE \$2,911 AGAINST A PERCENTAGE OF GROSS INCOME, WHICHEVER IS GREATER; AND FOR THE PERIOD OF JANUARY 1, 2000, AND THEREAFTER, THE MINIMUM ANNUAL RENT SHALL BE \$3,450 AGAINST A PERCENTAGE OF GROSS INCOME, WHICHEVER IS GREATER. IN ADDITION, LESSEE SHALL PAY ONE AND ONE-HALF (1-1/2) CENTS PER GALLON OF FUEL SOLD DURING EACH REPORTING PERIOD UP TO A MAXIMUM OF 100,000 GALLONS AND TWO (2) CENTS PER GALLON THEREAFTER; LIABILITY INSURANCE

CALENDAR ITEM NO. **C12** (CONT'D)

COVERAGE OF NO LESS THAN \$1,000,000; AND A SURETY BOND IN THE AMOUNT OF \$20,000.

2. AUTHORIZE EXECUTION OF THE DOCUMENT ENTITLED "AGREEMENT AND CONSENT TO ENCUMBRANCE OF LEASE" IN THE AMOUNT OF \$450,000 ON FILE IN THE OFFICE OF THE COMMISSION, IN FAVOR OF CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS AS SECURED PARTY LENDER.



**Exhibit B
WP 6109**



NOTICE OF DETERMINATION

FILED

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Environmental Management
601 Texas Street
Fairfield, CA 94533

March 9, 1998

Michael D. Johnson, Clerk of
the Board of Supervisors of
the County of Solano, State
of California

X County Clerk
County of Solano

M. Santillo Deputy

FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 2108 OR 21152 OF THE PUBLIC RESOURCES CODE.

Use Permit Application No. U-97-17 of Snug Harbor Resorts
Project Title

98012031 Ron Glas
State Clearinghouse Number Lead Agency
(If submitted to Clearinghouse) Contact Person

The project is located on 8.31 acres at 3356 Snug Harbor

Solano County APN: 48-260-12
Project Location (include county & APN)

Post-it* Fax Note	7671	Date	5/29	# of pages	▶
To	Lowna Buiks	From			
Co./Dept.		Co.			
Phone #	916-574-1955	Phone #			
Fax #		Fax #			

Project Description:

Use Permit Application No. U-97-17 to re-establish a water-oriented resort with related services and facilities. The project is located on 8.31 acres at 3356 Snug Harbor Drive, Ryer Island in a "P" Park Zoning District.

This is to advise that the Solano Co. Planning Commission has approved the above described project on March 5, 1998

Lead Agency Responsible Agency

(date)

and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 Negative Declaration was prepared for this project pursuant to the provisions of CBQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A Statement of Overriding Consideration was was not adopted for this project.
5. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the Final EIR/Negative Declaration with comments and responses and record of project approval is available to the General Public at the Department of Environmental Management, 601 Texas Street, Fairfield, CA 94533 (707) 421-6765.

Solano County Planning Commission 601 Texas Street, Fairfield, CA 94533

THIS DOCUMENT POSTED FROM

[Signature]
Signature (public agency)

March 5, 1998
Date

Senior Planner
Title

Date received for filing at OPR:

[Signature]
DEPUTY CLERK OF THE BOARD
MINUTE PAGE 003294