

MINUTE ITEM

This Calendar Item No. C61 was approved as Minute Item No. 61 by the California State Lands Commission by a vote of 3 to 0 at its 4-24-01 meeting.

**CALENDAR ITEM
C61**

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S 10

04/24/01
PRC 3979
D. Plummer

AMENDMENT OF LEASE

LESSEE:

South Bay Yacht Club, Inc.
10825 W. Estates Drive
Cupertino, California 95014

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Guadalupe River, Alviso, Santa Clara County.

AUTHORIZED USE:

Continued use and maintenance of facilities for the docking and mooring of boats.

LEASE TERM:

Twenty years, beginning June 19, 1993.

CONSIDERATION:

\$1,068 per year with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

The installation and operation of a sewage pumpout station on the dock to provide a facility for vessels using South San Francisco Bay. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. The South Bay Yacht Club, Inc. is proposing to install a sewage pumpout station on the existing dock in order to provide pumpout facilities for boats using the South San Francisco Bay. The closest pumpout station is twenty miles away in Redwood City. The facilities are being funded through the Clean Vessel Act which was passed by Congress in 1992.

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The Act was passed to help reduce pollution from vessel sewage discharges into waters of the United States. The California Department of Boating and Waterways administers the Grant Program to provide funding to both private and public entities that own and operate boating facilities. Through a partnership with the State Lands Commission the Grant Program can fund up to 100 per cent of the installed cost of the facility. The facility will be available to all recreational vessels. The South Bay Yacht Club is proposing to operate the facility with a charge of five dollars per vessel pumpout to assist in the cost of maintenance of the pumpout station.

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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

4. 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:

San Francisco Bay Conservation and Development Commission

FURTHER APPROVALS REQUIRED:

City of San Jose and the Santa Clara Flood Control and Water District

EXHIBIT:

- A. Land Description

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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 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT: TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

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:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 3979, A GENERAL LEASE - COMMERCIAL USE, OF LANDS DESCRIBED IN EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE APRIL 24, 2001, TO INSTALL, MAINTAIN, AND OPERATE A VESSEL SEWAGE PUMPOUT STATION; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

EXHIBIT A

PRC 3979.1

LAND DESCRIPTION

A parcel of land located in the bed of Guadalupe River and in the canal connecting said river with Steamboat Slough (Alviso Slough) located immediately adjacent to the westerly line of the town of Alviso, Santa Clara County, California, more particularly described as follows:

BEGINNING at a point on the easterly bank of said Guadalupe River, said point being at the junction of said river and said canal as described by Patent recorded in Book "S" of "Deeds", page 651, of said Santa Clara County Records; thence northwesterly along the easterly bank of said canal 220 feet; thence leaving said easterly bank of said canal in a southwesterly direction, 110 feet to a point in said canal; thence southeasterly 1175 feet +/-; thence northeasterly 170 feet to a point on the easterly bank of said Guadalupe River; thence northwesterly along the easterly boundary of said river, 975 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Guadalupe River, as it last existed in a State of Nature.

END OF DESCRIPTION

REVISED APRIL, 1993 BY SFB&CC.

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