

MINUTE ITEM

This Calendar Item No. C02 was approved as Minute Item No. 02 by the California State Lands Commission by a vote of 3 to 0 at its 10-01-02 meeting.

**CALENDAR ITEM
C02**

A	5, 9		10/01/02
		PRC6015.1	WP 6015.1
S	6		L. Burks

**APPROVAL OF A SUBLEASE AND
AMENDMENT TO GENERAL LEASE – COMMERCIAL USE NO. PRC 6015.1**

LESSEE/SUBLESSOR:

River View Marina, a Limited Partnership
767 Lincoln Avenue, Suite 4
San Rafael, California 94901

SUBLESSEES:

Jeff Davis and Mike Sneper
dba Sushi On the River
1801 Garden Highway
Sacramento, California 95833

AREA, LAND TYPE, AND LOCATION:

3.86 acres, more or less, of tide and submerged lands in the Sacramento River, adjacent to the Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

EXISTING

LEASE: 50 covered boat berths; 32 uncovered boat berths; 450 linear feet of side ties; 400 linear feet of side ties; restaurant/bar operation; floating debris deflector; harbor masters barge, yacht sales; pumpout station.

PROPOSED

SUBLEASE: The operation of "Sushi On the River" as a restaurant.

TERM:

EXISTING

LEASE: 30 years, beginning July 1, 1997.

CALENDAR ITEM NO. C02 (CONT'D)

PROPOSED

SUBLEASE: Sublease commenced on March 15, 2000, and shall terminate on March 30, 2005. Sublessee shall have the option to renew the sublease for an additional term of five years commencing at the expiration of the initial sublease term.

CONSIDERATION:

LEASE: A Minimum Annual Rent of \$8,000 due and payable according to the following schedule:

- (1) The Minimum Annual Rent shall be paid in four quarterly installments of \$2,000. The installments shall be due and payable on the first day of each calendar quarter commencing July 1, 1997. Quarterly payments shall be due on July 1, October 1, January 1 and April 1 of each year.

Against a percentage of Gross Income as follows:

- (1) Five and one-half percent (5.5%) of the Gross Income derived from the rental of boat docks and moorings as conducted by Lessee or other operator.
- (2) Ten percent (10%) of the Gross Income derived by Lessee, Sublessees or other operators from sources exclusive of dock rentals and moorings.
- (3) One percent (1%) of the Gross Income derived from boat charters by Sublessee or other operator.
- (4) One half of one percent (0.5%) of the Gross Income derived from yacht sales by Sublessee or other operator.

OTHER PERTINENT INFORMATION:

1. The "Amendment to Lease PRC 6015.1 issued on January 1, 1981" (Agreement), and approved by the Commission on July 11, 1997, did not include a category for percentage of Gross Income derived from sales by the restaurant. This Agreement is being amended to change the consideration section to include one and one-half percent (1.5%) of the Gross Income derived from sales by the restaurant.

CALENDAR ITEM NO. C02 (CONT'D)

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it 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, sections 15060 (c)(3) and 15378.

3. 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.

EXHIBITS:

- A. Land Description
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) 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.

CALENDAR ITEM NO. C02 (CONT'D)

AUTHORIZATION:

AUTHORIZE THE STAFF TO APPROVE, BY ENDORSEMENT, A SUBLEASE BETWEEN RIVER VIEW MARINA, A LIMITED PARTNERSHIP, AND JEFF DAVIS AND MIKE SNEPER, DBA SUSHI ON THE RIVER, COVERING A PORTION OF THE AREA OF THE SACRAMENTO RIVER UNDER GENERAL LEASE – COMMERCIAL USE NO. PRC 6015.1.

AUTHORIZE AMENDMENT TO “AMENDMENT TO LEASE PRC 6015.1 ISSUED ON JANUARY 1, 1981”, AND APPROVED BY THE COMMISSION ON JULY 11, 1997, TO INCLUDE IN SECTION ONE UNDER “CONSIDERATION”: “ONE AND ONE-HALF PERCENT (1.5%) OF THE GROSS INCOME DERIVED FROM SALES BY THE RESTAURANT”.

EXHIBIT "A"

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River, Sacramento County, California, situated in Section 27, T9N, R4E, MDM, being more particularly described as follows:

COMMENCING at a point on the northerly line of Reclamation District No. 1000 right of way as said right of way is shown on that map entitled "Map of Natomas Riverside Subdivision No. 1" recorded in Book 15 of Maps, Map No. 26, August 9, 1915, in the office of the county recorder of Sacramento County, said point being at the intersection with the west line of the east one-half of Lot 5 of said subdivision, said intersection being the northwest corner of Parcel 1 of that deed recorded January 12, 1981, in Book 4433, page 170 of Official Records of said county recorder; thence South 194 feet along said west line; thence East 160 feet to the TRUE POINT OF BEGINNING of this description; thence the following seven courses:

1. N 79° 55' E 539 feet;
2. N 89° 13' E 423 feet;
3. S 3° 36' E 177 feet;
4. S 86° 20' W 587 feet;
5. South 30 feet;
6. West 379 feet;
7. North 144 feet to the true point of beginning.

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

TOGETHER WITH three circular parcels of submerged land each 10 feet in diameter, adjacent to, and southerly of the above described parcel.

END OF DESCRIPTION

REVISED NOV. 29, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

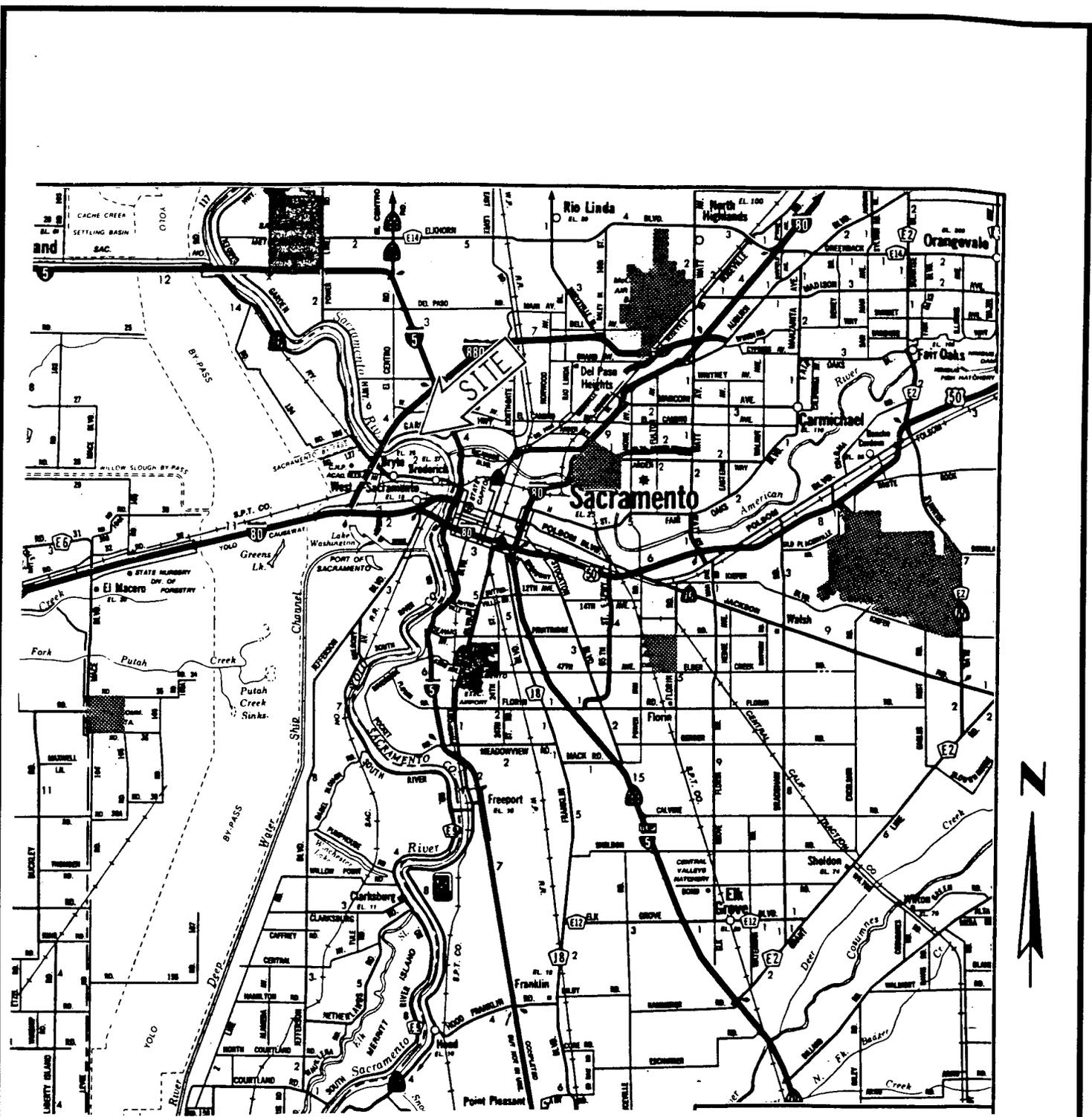
This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or other property.

Exhibit A
WP 6015

000010
CALENDAR PAGE

001708
MINUTE PAGE

LMB 7/23/02



Sacramento West Quad, 1967

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or other property.

Exhibit B
WP 6015