

**MINUTE ITEM**  
This Calendar Item No. C42 was approved as  
Minute Item No. 42 by the California State Lands  
Commission by a vote of 3 to 0 at its  
05/10/07 meeting.

**CALENDAR ITEM**

**C42**

A 5, 9

05/10/07

PRC 5167

WP 5167.1

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D. Jones

**RESCISSION OF MINUTE ITEM 17 APPROVED BY THE STATE  
LANDS COMMISSION AT ITS NOVEMBER 21, 2006, MEETING AND  
APPROVAL OF AMENDMENT TO LEASE A GENERAL  
LEASE - COMMERCIAL USE**

**LESSEE:**

Buffer Properties, LLC  
1577 Garden Highway  
Sacramento, CA 95833

**AREA, LAND TYPE, AND LOCATION:**

One acre, more or less, of sovereign lands in the Sacramento River, near the city  
of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Operation of a commercial marina and restaurant.

**LEASE TERM:**

Originally issued for 15 years, beginning June 18, 1976, with one ten year  
renewal option. Ten-year renewal option approved, effective June 18, 1991;  
lease extended to terminate June 17, 2025.

**CONSIDERATION:**

Minimum annual rental of \$250 against a percentage of gross income per year,  
whichever is greater, with the State reserving the right to fix a different rent  
periodically during the lease term, as provided in the lease.

**PROPOSED AMENDMENT:**

The lease will be amended to contain provisions that will implement the  
Commission's "Best Management Practices for Marina Owners/Operators" and  
incorporate the Commission's "Best Management Practices for Berth Holders  
and Boaters" into Lessee's berth rental agreements, and include the additional  
Best Management Practices (BMPs) the Commission subsequently deems  
appropriate for either of the above categories. Lessee shall post "BMPs for Berth

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Holder and Boaters" in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease amendment and triennially thereafter, a report on compliance with all BMPs. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Lessee owns the uplands adjoining a portion of the lease premises. Lessee has long-standing improvements on the sovereign lands, which have provided recreational opportunities to the public for over 20 years.
2. At its November 21, 2006, meeting, the Commission authorized the assignment of lease No. PRC 5167.1, a General Lease – Commercial Use, from Buffer Properties, LLC, to VEP VS, LLC. At the same meeting, the Commission authorized an amendment to the Lease to add Best Management Practices, and a Sublease between VEP VS, LLC and the Sacramento Yacht Charters, LLC. Subsequently, VEP VS, LLC, the proposed Assignee, decided not to purchase the marina. Staff is therefore requesting that the Commission's authorization at the November 21, 2006, meeting be rescinded. Since the aforementioned amendment to the Lease was for the proposed Assignee, VEP VS, LLC, staff is now recommending an amendment to the lease with the current Lessee, Buffer Properties, LLC, to add Best Management Practices.
3. 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.

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.

**EXHIBIT:**

- A. Location Map

CALENDAR ITEM NO. C42 (CONT'D)

**RECOMMENDED ACTION:**

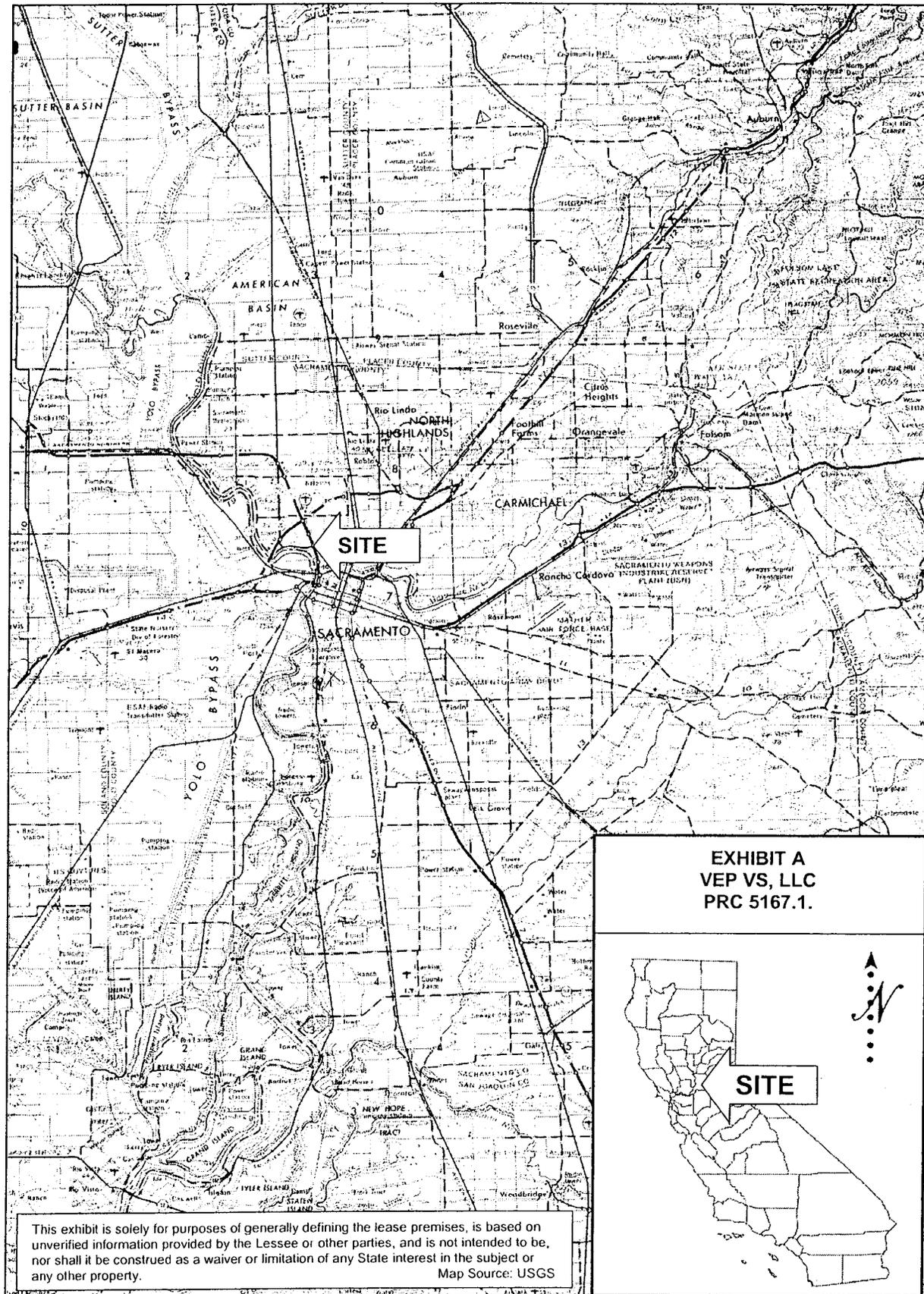
IT IS RECOMMENDED THAT THE COMMISSION:

**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.

**AUTHORIZATION:**

1. AUTHORIZE RESCISSION OF MINUTE ITEM 17 AUTHORIZED BY THE STATE LANDS COMMISSION AT ITS NOVEMBER 21, 2006, MEETING, EFFECTIVE MAY 10, 2007.
2. AUTHORIZE THE AMENDMENT OF LEASE PRC 5167.1, A GENERAL LEASE – COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF, EFFECTIVE MAY 10, 2007, TO ADD PROVISIONS INVOLVING BEST MANAGEMENT PRACTICES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



**SITE**

SACRAMENTO

**EXHIBIT A  
VEP VS, LLC  
PRC 5167.1.**

**SITE**

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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 any other property.  
Map Source: USGS