CALENDAR ITEM

C39

A 11 04/06/10
WP 8865
S 7 N. Smith

AMENDMENT OF LEASE

LESSEE:

City of Martinez
525 Henrietta Street
Martinez, CA 94553

AREA, LAND TYPE, AND LOCATION:

58.77 acres, more or less, of filled and unfilled sovereign lands in Suisun Bay where it joins with the Carquinez Strait just west of the Benicia-Martinez Bridge (I-680), City of Martinez, Contra Costa County

AUTHORIZED USE:

Marina related facilities and construction of a breakwater and berthing system containing 367 slips. Upland facilities including a park, portion of the Bay Trail, Yacht Club, Sea Scout building, boat repair facility, and amphitheater.

LEASE TERM:

46 years, beginning February 1, 2010.

CONSIDERATION:

A minimum annual rent of $10,000 for the marina related facilities plus five percent of rent collected by the City for the upland facilities.

PROPOSED AMENDMENT:

Amend existing land description to include a 50-foot construction easement for the construction of the new breakwater in Carquinez Strait; increase the number of security vessels in the marina from seven to 14; and provide a payment schedule for the first year's minimum annual rent. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.

2. On February 1, 2010, the Commission authorized a new 46-year lease to the City for the existing marina and subleases to several parties for various uses on the upland, along with construction activities for improvements to the marina and a new breakwater.

3. Staff determined that a 50-foot construction easement is necessary for the construction of the new breakwater. Upon completion of construction of the new breakwater, the City shall provide as-built plans showing the location of the breakwater. If the location of the breakwater is determined to be outside the existing lease premises, then the City shall submit an application to amend the land description of the lease at that time.

4. The City has requested to pay the first year's minimum annual rent of $10,000 in the following installments: April 1st - $2,500; May 1st - $2,500, June 15th - $5,000; thereafter the minimum annual rent will be paid on February 1st as provided in the lease.

5. The City has requested that the number of security vessels for the marina be increased from seven to 14 to provide additional security at each end of the marina's seven docks. Because the marina is located away from the urbanized area of Martinez and is separated from this area by the Union Pacific Railroad tracks, both patrol and response times by local public safety personnel can be delayed by several minutes. The additional security vessels would increase the marina's ability to provide its own neighborhood watch-type security.

6. **50-Foot Temporary Construction Easement and Increase Number of Security Vessels:** A Negative Declaration (SCH # 2008012065) was prepared by the City of Martinez and adopted on May 7, 2008 for this project. The California State Lands Commission's staff has reviewed such document.

7. **Payment of First Year's Minimum Annual Rent:** Pursuant to the Commission's delegation of authority and 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 CEQA because it is not a "project" as defined by 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.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

A. Site Map
B. Land Description

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

50-FOOT TEMPORARY CONSTRUCTION EASEMENT AND INCREASE NUMBER OF SECURITY VESSELS: Find that a Negative Declaration (SCH# 2008012065) was prepared and adopted for this project by the City of Martinez on May 7, 2008, and the Commission has reviewed and considered the information contained therein.

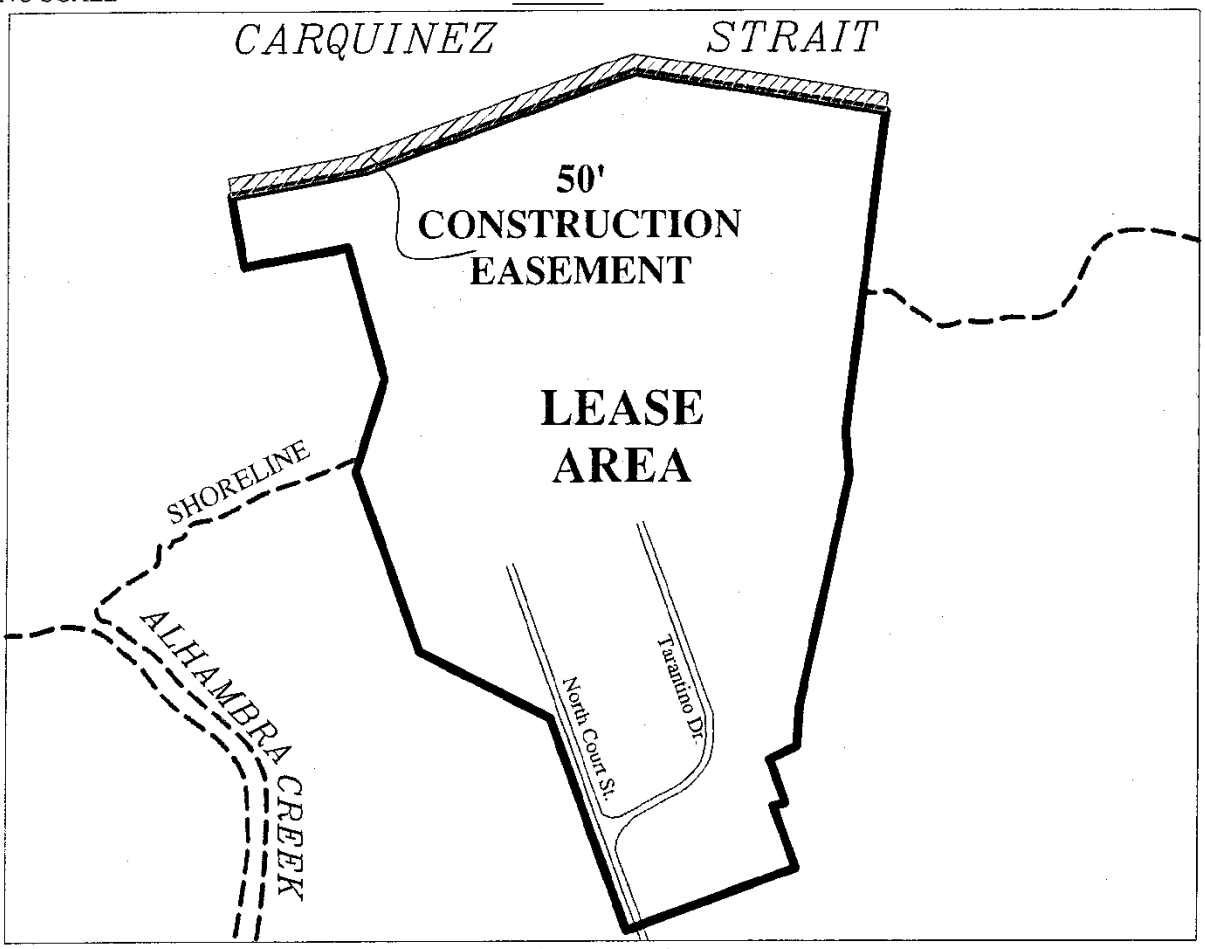
PAYMENT OF FIRST YEAR'S MINIMUM ANNUAL RENT: Find that this activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources, section 21065 and Title 14, California Code of 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 section 6370, et seq.

AUTHORIZATION:
Authorize the Amendment of Lease No. PRC 8865.1, a General Lease-Commercial Use, of lands shown on Exhibit A (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof, effective April 6, 2010, to amend the land description to include a 50-foot construction easement; increase the number of security vessels in the marina to 14; and to provide a payment schedule for the first year's minimum annual rent; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

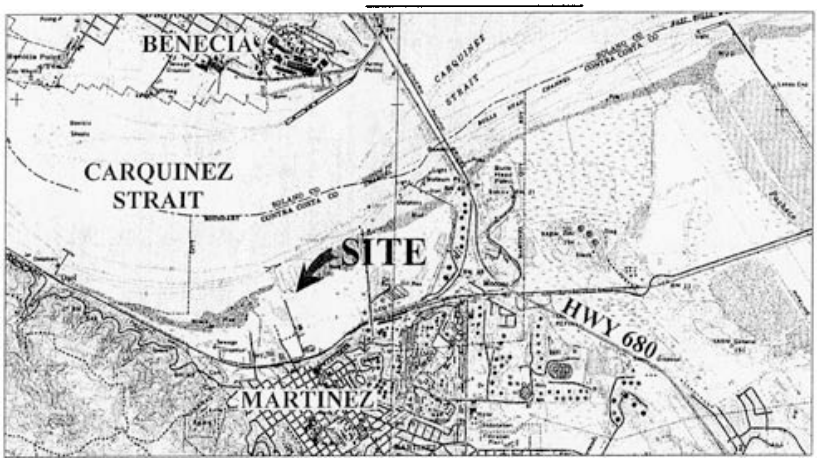
SITE



Martinez Marina
Carquinez Strait, Martinez

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit A

PRC 8865.1(3194.1)
CITY OF MARTINEZ
APN 373-040-003
GENERAL LEASE
COMMERCIAL USE
CONTRA COSTA COUNTY

MJF 2/11/10

EXHIBIT B

PRC 8865 (PRC 3194)

LAND DESCRIPTION

A parcel of submerged land in the bed of the Carquinez Strait, situate in Contra Costa County, State of California and more particularly described as follows:

BEGINNING at the most northeasterly corner of State Lands Commission Lease PRC 8865 (formerly PRC 3194) thence N 81°03'30 W, 710.00 feet; thence S 69°56'30' W, 810.00 feet; S 79°47'48" W, 380.00 feet; N 10°12'12" W, 50.00 feet; N 79°47'48" E, 375.69 feet; N 69°56'30" E, 818.62 feet; S 81°03'30" E, 721.24 feet; thence S 7°00'00" W, 50.03 feet to the POINT OF BEGINNING.

BASIS OF BEARINGS is CCS27, Zone 3, as shown on "Map of Martinez Waterfront Area" filed March 10, 1955, in Volume 16, Pages 39 to 43, Licensed Surveyors Maps in the office of the Contra Costa Recorder.

END OF DESCRIPTION

Prepared 2/11/10 by the California State Lands Commission Boundary Unit

LICENSED LAND SURVEYOR
STEVEN C. LEHMAN
Exp. 12/31/11
No. 7377
STATE OF CALIFORNIA