

**CALENDAR ITEM
C30**

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08/14/12
PRC 3141.1
N. Lavoie

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE - COMMERCIAL USE**

LESSEE/APPLICANT:

Delta Marina Yacht Harbor, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 120 Marina Drive, near the city of Rio Vista, Solano County.

AUTHORIZED USE:

Continued use and maintenance of an existing restaurant accommodation dock, gangway, ramp, and seven pilings previously authorized by the Commission, and use and maintenance of an existing fishing pier, two pilings, and bank protection not previously authorized by the Commission.

LEASE TERM:

20 years, beginning May 28, 2011.

CONSIDERATION:

\$909 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Surety:

Surety bond or other security in the amount of \$10,000.

Other:

The lease contains provisions that require the implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate. Lessee shall post the "BMPs for Guest Dock Users and Boaters" in prominent places within the lease premises.

CALENDAR ITEM NO. **C30** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 3, 1999, the Commission authorized a General Lease – Commercial Use with Delta Marina Yacht Harbor, Inc. That lease will expire May 27, 2019.
3. Delta Marina Yacht Harbor was built in 1959 and can accommodate up to 250 boats under covered and uncovered slips. The major portion of the marina facilities are situated on an artificially cut inlet off the main channel of the Sacramento River in Rio Vista and consists of a restaurant called Point Waterfront Restaurant, an RV park, parking lot, and picnic area. The marina facilities located on the main channel of the Sacramento River that are the subject of the lease consist of a restaurant accommodation dock, fishing pier, two pilings, and bank protection as described in Exhibit A, and shown on the Exhibit B attached.
4. The Lessee has agreed to terminate the existing lease and requests a new lease because it has been determined that the accommodation dock, previously authorized by the Commission, is smaller than previously described and approved by the Commission. The Lessee has supplied evidence the dock was approximately 111 feet in length when the previous lease was authorized on December 3, 1999, not as described in the lease as 200 feet in length. In addition, during a site visit, staff became aware of an existing fishing pier, two pilings and bank protection that have been in the Sacramento River for many years, but were not previously authorized by the Commission. The issuance of a new lease will correctly describe the existing facilities on sovereign lands and bring them under lease with the Commission.
5. The new lease will update the annual rent to reflect the new lease area, and bring the lease into conformance with current Commission practices. The rent has been paid current. Staff is recommending termination of the current lease, and issuance of a new lease.
6. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

CALENDAR ITEM NO. **C30** (CONT'D)

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

7. **New Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378

New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C30** (CONT'D)

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:

1. Authorize termination and accept quitclaim deed, effective May 27, 2011, of Lease No. PRC 3141.1, a General Lease – Commercial Use, issued to Delta Marina Yacht Harbor, Inc.
2. Authorize Issuance of a General Lease – Commercial Use to Delta Marina Yacht Harbor, Inc. beginning May 28, 2011, for a term of 20 years, for an existing restaurant accommodation dock, gangway, ramp and seven pilings previously authorized by the Commission and use and maintenance of an existing fishing pier, two pilings, and bank protection not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$909, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; liability insurance with coverage of no less than \$1,000,000; and surety in the amount of \$10,000.

EXHIBIT A

PRC 3141.1

LAND DESCRIPTION

Three parcels of tide and submerged land lying in the bed of the Sacramento River, adjacent to that Parcel of land described in that certain Deed recorded on March 11, 1960, as Document 1960-4886, in the Official Records of Solano County, County of Solano, State of California, more particularly described as follows:

PARCEL 1 – FLOATING DOCK

BEGINNING at the intersection of the Ordinary High Water Mark of the Sacramento River with a line parallel with and 10.00 feet northerly of the most northerly end of an existing floating dock; thence easterly along said parallel line to a point that intersects a line parallel with and 10.00 feet easterly of the most easterly side of said dock; thence southerly along said parallel line to a point that intersect a line parallel with and 10.00 feet southerly of the most southerly end of said dock; thence westerly along said parallel line to the intersection with the Ordinary High Water Mark of said River; thence northerly along said Ordinary High Water mark to the POINT OF BEGINNING.

PARCEL 2 – FISHING PIER

BEGINNING at the intersection of the Ordinary High Water Mark of the Sacramento River with a line parallel with and 10.00 feet northerly of the most northerly end of an existing fishing pier; thence easterly along said parallel line to a point that intersects a line parallel with and 10.00 feet easterly of the most easterly side of said pier; thence southerly along said parallel line to a point that intersect a line parallel with and 10.00 feet southerly of the most southerly end of said pier; thence westerly along said parallel line to the intersection with the Ordinary High Water Mark of said River; thence northerly along said Ordinary High Water mark to the POINT OF BEGINNING.

PARCEL 3 – BANK PROTECTION

A strip of land, 20 feet wide, the westerly side of which is described as follows:

BEGINNING at the intersection of the southerly line of the hereinabove described Parcel 1 with the Ordinary High Water Mark of the right bank of the Sacramento River, thence northerly along said Ordinary High Water Mark to the intersection of the northerly line, or the easterly prolongation thereof, of that parcel of land described in Grant Deed recorded in Book 1018, Page 469, Official Records of Solano County, State of California, said intersection being the terminus of this strip.

The sidelines of said strip shall be prolonged or shortened so as to commence at the southerly line of the hereinabove described Parcel 1, and terminate at the northerly line, or the easterly prolongation thereof, of that parcel of land described in Grant Deed recorded in Book 1018, Page 469, Official Records of Solano County, State of California.

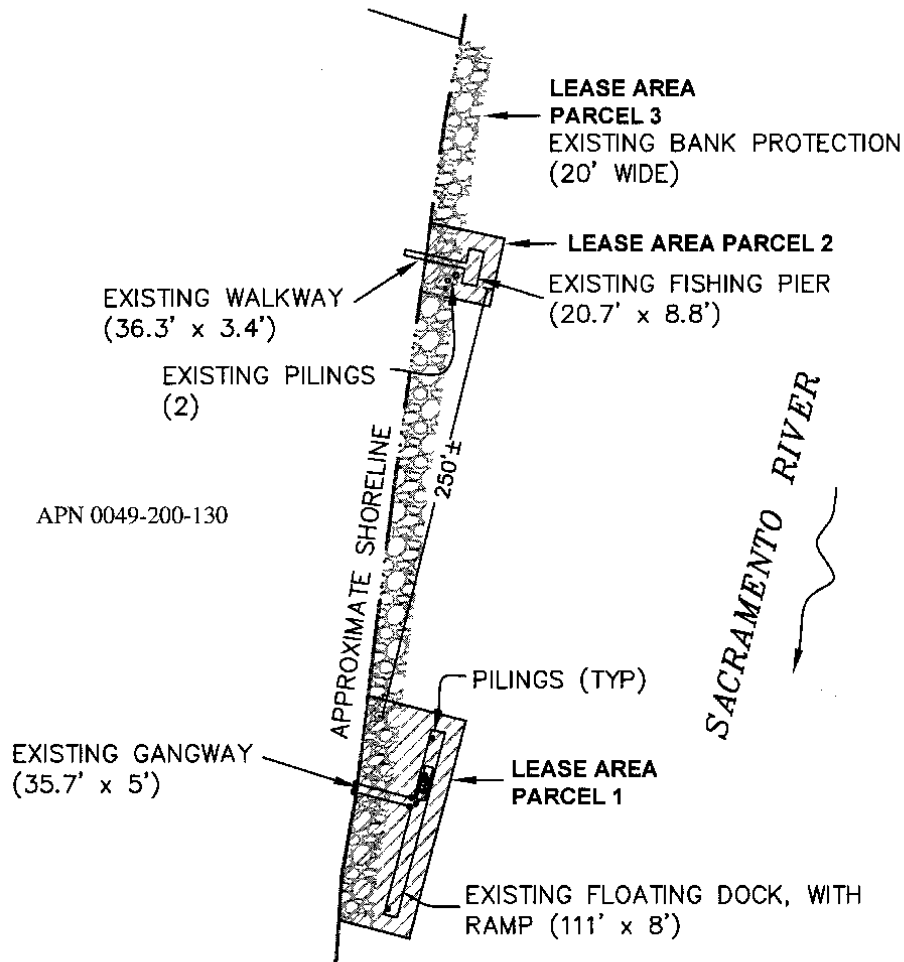
END OF DESCRIPTION

Prepared 8/9/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



120 MARINA DRIVE, RIO VISTA

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 B

PRC 3141.1
DELTA MARINA YACHT
HARBOR, INC.
APN 0049-200-130
GENERAL LEASE -
COMMERCIAL USE
SOLANO COUNTY



DJF 08/09/12