

MINOR ITEM

Commission by vote of 3  
at its 10/28/76  
meeting.

CALENDAR ITEM

10/76  
ACS  
W 8635  
PRG 5195

C 3

MINOR - COMMERCIAL LEASE

APPLICANT: John P. & Gladys M. Soares  
dba ANDREAS COVE

ADDRESS: Route 1, Box 67  
Isleton, California 95641

AREA, TYPE LAND AND LOCATION:  
A .643 acre parcel of tide and submerged  
land in the bed of the San Joaquin River  
adjacent to Andrus Island, Sacramento  
County.

LAND USE: Continued maintenance of an existing marina.

TERMS OF PROPOSED LEASE:  
Initial period: 10 years from August 1, 1976.  
Surety bond: \$2,000.  
Public liability insurance: \$100,000/\$250,000  
per occurrence for bodily  
injury and \$25,000 for property  
damage.

CONSIDERATION: \$300 per annum, with State reserving the right  
to fix a different rental on each fifth  
anniversary of the lease.

BASIS FOR CONSIDERATION:  
8% of appraised value of land.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of upland.  
Filing fee received.

STATUTORY AND OTHER REFERENCES:  
a. Public Resources Code, Div. 6, Parts 1 & 2.  
b. Administrative Code: Title 2, Div. 3,  
Art. 1, 2, 10 and 11.

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CALENDAR ITEM NO. C 3 (CONTD)

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
2. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B, which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

3. This marina has been in operation for many years without being under lease. Staff had been negotiating with the previous owner since 1967. \$900 paid to the State prior to the completion of this lease document by the previous owner should be accepted as back rent.
4. The annual rent specified in this lease has been set at 8% of appraised land value. Although the amount of rent is below the minimum for a commercial lease (\$450 per annum) the staff feels that this marina meets the qualification of a minor-commercial operation which has a minimum of \$225 per annum.

EXHIBITS:

A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC SECTION 21085, 14 CAL. ADM. CODE SECTION 15100 ET SEQ., AND 2 CAL. ADM. CODE SECTION 2907.

CALENDAR ITEM NO. C 3 (CONTD.)

2. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
4. AUTHORIZE THE ACCEPTANCE OF \$900 FROM ALBINO GARCIA, PREVIOUS OWNER, AS BACK RENT
5. AUTHORIZE ISSUANCE TO JOHN P. SOARES AND GLADYS M. SOARES dba ANDREAS COVE OF A 10-YEAR COMMERCIAL LEASE FROM AUGUST 1, 1976 IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$300 WITH PROVISION OF A \$2,000 SURETY BOND: PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/\$250,000 PER OCCURRENCE FOR BODILY INJURY AND \$25,000 FOR PROPERTY DAMAGE, FOR THE CONTINUED OPERATION OF AN EXISTING MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

U 8635

A parcel of tide and submerged land in the State owned bed of the San Joaquin River, at Andrus Island, Sacramento County, California, situated adjacent to lots 27, 28, 29 and 30, as said lots are shown on the official plat of San Andreas Park, filed in book 24 of maps, map 44, Sacramento County records, said parcel being bounded by the following numbered courses:

1. On the southeast by the southwesterly extension of the southeasterly line of said lot 27;
2. On the northwest by the southwesterly extension of the northwesterly line of said lot 30;
3. On the southwest by a line perpendicular to above described courses 1 and 2, and 10 feet southwesterly of the most southwesterly extremity of an existing boat dock which lies adjacent to said lots 27, 28, 29 and 30;
4. On the northeast by the ordinary high water mark of the San Joaquin River.

END OF DESCRIPTION

Prepared R. J. Blake Checked J. M. Hoff  
Reviewed J. H. Gummel Date 7/2/76  
XB