

MINUTE ITEM

5/27/76
EPW

19. COMMERCIAL LEASE, TIDE AND SUBMERGED LAND IN THE SACRAMENTO RIVER, SACRAMENTO COUNTY; WALTER M. HARVEY AND F. BRETT STAUFFER - W 21082.

Calendar Item 19 attached was pulled at the Commission meeting at the request of the applicant.

Attachment:

Calendar Item 19 (4 pages)

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CALENDAR ITEM

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EPW

19.

COMMERCIAL LEASE

APPLICANT:

Walter M. Harvey and
F. Brett Stauffer
P. O. Box 1222
Sacramento, California 95806

AREA, TYPE LAND AND LOCATION:

An 0.429 acre parcel of tide and submerged
land in the Sacramento River, Sacramento,
Sacramento County.

LAND USE:

Maintenance of one stern wheeler steamboat with
ramp and floating dock to be used as a restaurant,
lounge, and bar.

TERMS OF PROPOSED LEASE:

Initial Period: 19 years from effective date of lease.
The effective date to be time lessee
occupies the land or November 1, 1976,
whichever occurs first.

Renewal options: 3 successive periods of 10 years each.

Surety Bond: \$2,000.

Public liability insurance: \$500,000 per occurrence
for combined single limit bodily
injury and property damage.

CONSIDERATION:

\$1,400 per annum the first year; \$2,800 per annum
thereafter plus 1% of gross sales, payable annually.
The 5-year rent review will be omitted from the
lease. The State interest will be protected by
the percent of gross sales provision.

BASIS FOR CONSIDERATION:

Percentage of gross receipts as provided by
Section 2007, Art. 2, Title 2, Cal. Adm. Code.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland.

Filing fee has been received in the amount of \$25;
and \$160 environmental costs also has been received.

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STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 and 11

OTHER PERTINENT INFORMATION:

1. This project calls for the relocation and extensive remodeling of a riverboat. There will be a restaurant, lounge, and bar which will comply with all City, County, and State health and safety requirements. The City of Sacramento and the Redevelopment Agency had earlier expressed support of this proposal. The City at the State Lands Commission meeting on 4/28/76, requested State Lands defer approval of the project until the Commission's May meeting. The State Lands Executive Officer has written the City and advised that the Commission will make a decision at its May 27, 1976 meeting. Inasmuch as paragraph 15 of every State Lands Commission lease requires a lessee to "comply with all rules and regulations now or hereafter promulgated by any governmental agency having authority by law, etc," it would appear the Commission in granting its approval of a lease of submerged lands is not authorizing non-conformance to any agency.

The proposed lease will call for rent in accordance with present statutes based on a percentage of gross sales with a minimum rent with rents to start at time Lessee occupies the land or 180 days from effective date of lease, whichever occurs first. The lease will also restrict the Lessee from interfering with the operation and maintenance of the State highway bridge.

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: Limited Use. Staff review indicates that there will be no significant effect upon the identified environmental values.
3. A Negative Declaration was prepared by the Division pursuant to CEQA and implementing regulation. Also, the initial study for environmental purposes was circulated to those making nominations of significant environmental characteristics. No adverse comments have been received on the initial study. Comments received in response to the Negative Declaration were non-substantive.

EXHIBITS:

- A. Land description.
- B. Location Map.
- C. Negative Declaration

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE DIVISION.

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2. CERTIFY THAT THE NEGATIVE DECLARATION #191 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. DETERMINE THAT THE GRANTING OF THIS APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
5. AUTHORIZE ISSUANCE TO WALTER N. HARVEY AND F. BRETT STAUFFER OF A 19-YEAR COMMERCIAL LEASE FROM EFFECTIVE DATE OF LEASE, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH IN CONSIDERATION OF AN ANNUAL RENT OF 1% OF ANNUAL GROSS SALES PLUS A MINIMUM ANNUAL RENT OF \$1,400 FOR THE FIRST YEAR AND \$2,800 MINIMUM ANNUAL RENT THEREAFTER THE EFFECTIVE DATE AND RENTS TO START AT TIME LESSEE OCCUPIES THE LAND OR NOVEMBER 1, 1976, WHICHEVER OCCURS FIRST, WITH PROVISION OF A \$2,000 SURETY BOND AND PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNT OF \$500,000 PER OCCURRENCE FOR COMBINED SINGLE LIMIT BODILY INJURY AND PROPERTY DAMAGE FOR MAINTENANCE OF ONE STERN WHEELER STEAMBOAT WITH RAMP AND FLOATING DOCK TO BE USED AS A RESTAURANT, LOUNGE, AND BAR ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21082

A parcel of land in the State owned bed of the Sacramento River, situated in the City and County of Sacramento, State of California, and more particularly described as follows:

· BEGINNING at the point where the centerline of Capitol Mall Avenue (a city street 100 feet wide) intersects the centerline of Front Street (a city street 80 feet wide), as said point is shown on that record of survey filed in Book 26 of Surveys at Page 18, Official records of Sacramento County; thence N 71° 27' 41" W, 250.0 feet; thence N 18° 32' 19" E, 135.0 feet; thence S 71° 27' 41" E, 250.0 feet; thence S 18° 32' 19" W, 135.0 feet to the point of beginning.

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

Bearings used herein are based on the California Coordinate System Zone 2.

END OF DESCRIPTION

Prepared

R L Blake

Checked

[Signature]

Reviewed

[Signature]

Date

3/2/76

