

MINUTE ITEM
This Calendar Item No. 28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 3
to 0 at its 10-21-87
meeting.

CALENDAR ITEM

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28.

10/21/87
W 23858 PRC 7134
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Gordon

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Catfish Cafe, Inc.
Jerry Thompson & Associates, Inc.
P. O. Box 15232
Sacramento, California 95851

AREA, TYPE LAND AND LOCATION: A 0.446-acre area of tide and submerged land located in Stockton Slough (Stockton Deep Water Channel) at Stockton, San Joaquin County.

LAND USE: PARCEL 1: Construction, maintenance, and operation of a floating restaurant/bar facility;
PARCEL 2: Placement and maintenance of rock riprap material and vegetation utilized for bank protection purposes.

TERMS OF PROPOSED LEASE:
Initial period: 20 years beginning November 1, 1987.
Surety bond: \$25,000.
Public liability insurance: Combined single limit coverage of \$1,000,000.

CONSIDERATION: PARCEL 1: (Restaurant/Bar)
MINIMUM RENTALS payable in advance on:
November 1, 1987 \$5,000
May 1, 1988 \$5,000
November 1, 1988 \$6,500
May 1, 1989 \$6,500
November 1, 1989 and annually thereafter, \$16,000

(ADDITION 10/21/87)

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ANNUAL RENTAL: Beginning November 1, 1989, three percent (3%) of gross income annually, less a \$16,000 minimum annual rental paid in advance with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

PARCEL 2: (Bank Protection Material) The public benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:
1. Applicant proposes to construct a floating restaurant with on-sale alcoholic beverages, and aesthetically upgrade existing bank protection material with vegetation.
2. As to Parcel 1, a Negative Declaration was prepared and adopted for this project by the City of Stockton. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

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3. As to Parcel 2, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 4, Minor Alterations to Land, 14 Cal. Adm. Code 15304.

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 14 Cal. Adm. Code 15304.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
California Department of Fish and Game,
California Central Valley Regional Water
Quality Control Board, California Reclamation
Board, and City of Stockton.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Notice of Determination/Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO PARCEL 1, FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF STOCKTON AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. AS TO PARCEL 1, DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

(ADDITION 10/21/87)

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3. AS TO PARCEL 2, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND, 14 CAL. ADM. CODE 15304.
4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
5. AUTHORIZE ISSUANCE TO CATFISH CAFE, INC. OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING NOVEMBER 1, 1987; IN CONSIDERATION OF MINIMUM RENTALS PAYABLE IN ADVANCE ON NOVEMBER 1, 1987, IN THE AMOUNT OF \$5,000; MAY 1, 1988, IN THE AMOUNT OF \$5,000; NOVEMBER 1, 1988, IN THE AMOUNT OF \$6,500; MAY 1, 1989, IN THE AMOUNT OF \$6,500; NOVEMBER 1, 1989, AND ANNUALLY THEREAFTER, IN THE AMOUNT OF \$16,000; AND, BEGINNING NOVEMBER 1, 1989, ANNUAL RENTAL OF THREE PERCENT (3%) OF GROSS INCOME, LESS A \$16,000 MINIMUM ANNUAL RENTAL, AS TO PARCEL 1; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND, AS TO PARCEL 2, THE PUBLIC BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; WITH PROVISION OF A \$25,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF A FLOATING RESTAURANT/BAR FACILITY; PLUS PLACEMENT AND MAINTENANCE OF ROCK RIPRAP MATERIAL AND VEGETATION UTILIZED FOR BANK PROTECTION PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(REVISED 10/21/87)

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EXHIBIT "A"

LAND DESCRIPTION

W 23858

Two parcels of tide and submerged land in the bed of Stockton Slough, now known as Stockton Deep Water Channel, in the City of Stockton, San Joaquin County, California, described as follows:

PARCEL 1

COMMENCING at the southeast corner of the west one-half of Lot 22, Block 14 of "Terminal Tract" filed for record in Volume 2, Page 64 of Maps and Plats, San Joaquin County Records; thence along the southerly line of said Block 14, N 83°11'56" E, 41 feet to the POINT OF BEGINNING; thence continuing along said southerly line N 83°11'56" E, 185 feet; thence S 06°48'04" E, 121 feet; thence S 84°57'18" W, 28 feet; thence S 05°02'42" E, 4 feet; thence S 84°57'18" W, 134.95 feet; thence N 51°48'04" W, 31.12 feet; thence N 06°48'04" W, 98 feet to the point of beginning.

PARCEL 2

All that tide and submerged land lying immediately beneath riprap and revegetation placed for bank protection adjacent to and waterward of the following described line:

BEGINNING at the southeast corner of the west one-half of Lot 22 of above described Block 14; thence along the southerly line of said Block 14 N 83°11'56" E 267.00 feet, more or less, to the end of the herein described line.

EXCEPTING FROM above described Parcels 1 and 2 any portion lying landward of the ordinary high water mark of Stockton Slough.

END OF DESCRIPTION

REVISED SEPTEMBER 15, 1987, BY BIU #1.

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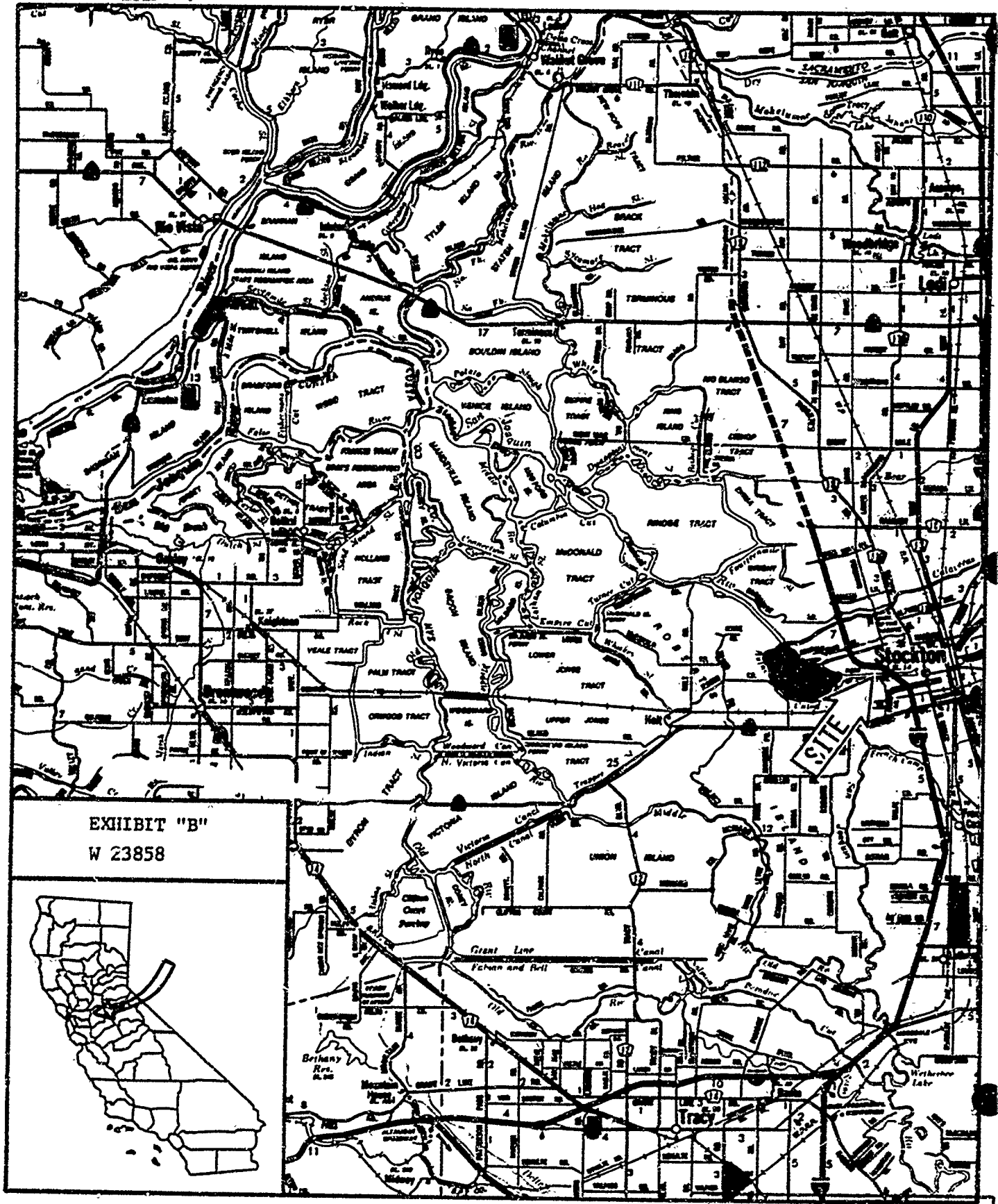


EXHIBIT "B"
W 23858



CITY OF STOCKTON

Notice of Determination

Lead Agency: Community Development Department, Planning Division
Address: City Hall Annex, 6 East Lindsay Street, Stockton, California 95202

Contact Person: Frank Alford Phone: (209) 944-8266

Project Title, Location and Description: TOCCOLI PROPERTIES (IS43-86) -- Use Permit for a Floating restaurant with on-sale alcoholic beverages located on the south side of Fremont Street, west of Pershing Avenue.

State Clearinghouse Number (if submitted to State Clearinghouse)

A. The following has been prepared and is on file:

An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.

A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. The Negative Declaration may be examined at the Lead Agency address given above.

B. The decision-making body or administrative official having final authority over the project has reviewed and considered the information contained in the environmental document prior to approving the project and has made the determination that the project will , will not have a significant effect on the environment.

C. A Statement of Overriding Considerations was , was not adopted for this project.

Mitigation measures adopted by the Lead Agency to reduce the impacts of the approved project: None.

Environmental Clearance completed on: September 22, 1986 - 5 p.m.
Permits, contracts, etc., can be issued or let. Copy of notice sent to: County Clerk, Applicant, Public Works, Use Permit File (74-86), I.S. File.

FILED AND POSTED BY
Governor's Office of
Planning and Research

MAR 20 1987

JOHN CARLSON, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By F. Alford
FRANK ALFORD, SENIOR PLANNER

Date: September 23, 1986

The information on this form is required to be submitted by state agencies to the Office of Planning and Research by Public Resources Section 21108. Public Resources Code Section 21152 requires local agencies to submit this information to the County Clerk. The filing of the notice starts a 30 day statute of limitations on court challenges to the approval of the project under Public Resources Code Section 21167. Failure to file the notice results in the statute of limitations being extended to 180 days. The information filed by state agencies is maintained in the California EIR Monitor and in the Office of Planning and Research, 1400 Tenth Street, Room 121, Sacramento, CA 95814, Telephone (916) 322-2318.

EXHIBIT "C"

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CITY OF STOCKTON

Negative Declaration

1. Description of the project and commonly used name:

Use Permit for a floating restaurant with on-sale alcoholic beverages

2. Location of proposed project:

South side of Fremont Street, west of Pershing Avenue

3. Name of person, agency or organization undertaking the project:

TOCOOLI PROPERTIES (IS43-86)

4. Date of preparation of the Negative Declaration: September 12, 1986

5. Date appeal period terminates: September 22, 1986 - 5 p.m.

FINDING: The project will not have a significant effect on the environment.
The basis for this finding is included in the I.S.

Mitigation measures included in the project to avoid potentially significant
environmental effects:

None.

JOHN CARLSON, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By F. Alford
FRANK ALFORD, ASSOCIATE PLANNER

Date: September 12, 1986

EXHIBIT "C"

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