

This

21

was

No. 21

MINUTE ITEM

2/24/77

AGS

Commis

2/24/77

to

meeting

21. COMMERCIAL LEASE; WALTER N. HARVEY - W 21082, PEC 5257.

During consideration of Calendar Item 21, attached, Chairman Kenneth Cory stated that the applicant Walter Harvey was not the Walter Harvey that worked for him. He proceeded to state further that this item was a problem between the City of Sacramento and the proposed lessee and that it had been solved. Mr. William F. Northrop, Executive Officer, explained that there had been changes in the design and the size of the ship. Without objections this item was approved.

Upon motion duly made and carried, the resolution as presented in Calendar Item 21 was adopted by a vote of 3-0.

Attachment: Calendar Item 21 (5 pages)

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CALENDAR ITEM

2/77  
W 21082  
AC

21.

COMMERCIAL LEASE

PRC 5257

APPLICANT: Walter M. Harvey  
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 wheeled 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 begin at the time lessee occupies the land or February 1, 1978, 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 plus 1% of gross sales 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 2006 b(1), 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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CALENDAR ITEM NO. 21. (CONTD)

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3,  
Arts. 1, 2, 10 & 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 April 28, 1976, requested State Lands defer approval of the project until the Commission's May meeting. The State Lands Executive Officer wrote the City and advised that the Commission would consider a decision at its May 27, 1976 meeting. At the Commission's May 27, 1976 meeting, the Calendar Item was deferred at the applicant's request to allow time for applicant to make changes in his plans to accommodate requests by the City of Sacramento and the City-County Museum of Sacramento to make the exterior of applicant's proposed riverboat conform more closely to a riverboat of the 1849-1880 era which frequented the Sacramento riverfront. Applicant has now received concurrence from the City of Sacramento and the historical museum in his choice of the "Young America" as an appropriate riverboat of the Old Sacramento era. 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.," the Commission in granting its approval of a lease of submerged lands is not authorizing a non-conforming use.
2. The proposed riverboat will be moored in a temporary location upon completion of its construction. The riverboat will be moved to a permanent location as part of the Old Sacramento Riverfront Development upon completion of construction of wharfage as proposed by the City of Sacramento. This was a requirement of the City of Sacramento and is agreeable to applicant.

CALENDAR ITEM NO. 21. (CONTD)

3. The proposed lease will call for rent in accordance with present regulations based on a percentage of gross sales with a minimum rent. Rents will start at time lessee occupies the land or February 1, 1978, whichever occurs first. The lease will also require lessee to relocate his riverboat to a permanent location upon completion of construction of necessary wharfage by the City of Sacramento in its "Old Sacramento Riverfront Development."
4. 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.
5. A Negative Declaration was prepared by the Division pursuant to CEQA and implementing regulations. Also, the initial study for environmental purposes was circulated to those agencies 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 and have been mitigated by applicant.

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.
2. CERTIFY THAT THE NEGATIVE DECLARATION #151, 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.

CALENDAR ITEM NO. 21. (CONTD)

5. AUTHORIZE ISSUANCE TO WALTER M. HARVEY OF A 19 YEAR COMMERCIAL LEASE TO BE EFFECTIVE UPON OCCUPANCY ON FEBRUARY 1, 1978, WHICHEVER OCCURS FIRST; 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; WITH A PROVISION FOR RELOCATION OF IMPROVEMENTS UPON COMPLETION OF WHARFAGE CONSTRUCTION BY THE CITY OF SACRAMENTO; 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 WHEELED 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 135 foot wide strip of land in the bed of the Sacramento River, situated in the City and County of Sacramento, and lying 67.5 feet on each side of the following described centerline:

BEGINNING at the point where the centerline of Front Street intersects the centerline of "J" Street, as said point is shown on that monument survey map, in file number 3333 at page 1422 in the Dept of Public Works Office of Sacramento County; thence along the westerly prolongation of the centerline of "J" street N 71° 30' 10" W, 364.32 feet to the end of the herein described centerline.

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

END OF DESCRIPTION

Prepared *J. J. [unclear]* Checked *M. J. [unclear]*  
Reviewed *[unclear]* Date *2/16/77*  
*3063*