

MINUTE ITEM

This Calendar Item No. 17
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 2
to 0 at its 12/23/86
meeting.

MINUTE ITEM

17

12/23/86
PRC 6427
Hight

**AMENDMENT OF COMMERCIAL LEASE-
RIVERBANK HOLDING COMPANY**

Executive Officer Dadrick submitted for the record a December 17, 1986 letter from Riverbank Holding Company requesting the Commission to approve a 90-day extension before taking any action on Calendar Item 17.

Executive Officer Dadrick indicated staff recommended acceptance of the letter and asked the Commission to withhold action on Calendar Item 17 for a period not to exceed 90 days.

Mr. Thomas Westley, representing Riverbank Holding Company, indicated his concurrence with the staff's recommendation.

Upon motion duly made and carried, the Commission granted the applicant a 90-day extension.

Attachment: Calendar Item 17.

CALENDAR ITEM

17

12/23/86

WP 6427

Hight

A 10

S 6

AMENDMENT OF COMMERCIAL LEASE

APPLICANT:

Riverbank Holding Company
Attn: Mr. Thomas C. Westley
General Manager
1361 Garden Highway
Sacramento, California 95833

AREA, TYPE LAND AND LOCATION: (Existing Lease, PRC 6427)
A 5.272-acre parcel of tide and submerged land,
located in the Sacramento River, Sacramento
County.

LAND USE:

Commercial marina, floating restaurant, harbor
master office, boat sales office, debris
deflector, and all appurtenant facilities
related thereto.

TERMS OF EXISTING LEASE PRC 6427:

Initial period: 20 years beginning August 1,
1984.

Surety bond: \$10,000.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

CONSIDERATION: ANNUAL RENTAL:

Six percent of the gross income derived from
the rental of boat docks and moorings.
Three percent of the gross income derived from
the operation of restaurant and bar.
Twenty-five percent of the gross income derived
from the operation of coin-operated vending
and electronic game machines. A percentage of

(ADDED 12/22/86)

CALENDAR PAGE

106

MINUTE PAGE

4011

CALENDAR ITEM NO. 17 (CONT'D)

the gross income derived from boat sales (yacht brokerage). Ten percent of the gross income derived from sources exclusive of those described above. A minimum annual rental of \$4,000 for the period August 1, 1984 through July 31, 1985 and a minimum annual rental of \$15,000 thereafter.

TERMS OF PROPOSED AMENDMENT:

Increase land area in lease PRC 6427 to 5.326 acres; and to add a special provision concerning outside moorages at the Lessee's facilities.

APPLICANT STATUS:

Applicant is owner 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:

01/07/87.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (1 Cal. Adm. Code 15062), 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 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 1 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

2. 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

(ADDED 12/22/86)

-2-

| | |
|---------------|------|
| CALENDAR PAGE | 1061 |
| MINUTE PAGE | 4012 |

CALENDAR ITEM NO. 17 (CONT'D)

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.

3. The Commission authorized the issuance of Lease PRC 6427 on July 12, 1984. At that time, the Commission found that an EIR was prepared and adopted for this project by the City of Sacramento Planning Department and that the Commission had reviewed and considered the information contained therein. The improvements discussed below were covered in the EIR.
4. Riverbank's constructed facilities extend into unpermitted sovereign lands westerly of and adjacent to the leased property, and into lands leased to The Virgin Sturgeon, Inc., Lease PRC 5167. The proposal herein is to enlarge the description of the lands leased to Riverbank Holding Company to encompass the unpermitted area which it presently occupies.
5. A sublease from The Virgin Sturgeon, Inc. to Riverbank Holding Company for the portion of The Virgin Sturgeon's lease area used by Riverbank Holding Company was approved by the Commission at its October 1986 meeting.
6. Lessee's current Federal permit No. 8503, issued by the United States Army Corps (Corps) of Engineers, prohibits moorage on the exterior side of the outside docks. On July 10, 1986, the regulatory functions branch of the Sacramento office of the Corps advised that it will allow such moorage, and that it may continue unless there is a resumption of commercial barge traffic along the river, and in that event that all outside moorage shall be again prohibited. Staff has been provided a copy of the Corps' enabling document.

(ADDED 12/22/86)

-3-

| | |
|---------------|-------|
| CALENDAR PAGE | 106-2 |
| MINUTE PAGE | 4013 |

CALENDAR ITEM NO. 17 (CONT'D)

7. The following additional factors are relevant to the Commission in its decision-making process. Riverbank has still failed to submit an application for approval of a sublease for a deli. Riverbank Holding Company and the Commission staff have a disagreement over the interpretation of the Rental Provisions of the lease. It is the State's position that River Bank Village, A California Limited Partnership owes a total of \$52,027.66. They have paid \$24,273.38, leaving a difference of \$27,754.28 in dispute.
8. If the Commission decides to approve Riverbank's application, Lease PRC 6427 would be changed to enlarge the land area by 0.54 acre, and to require discontinuance of the exterior moorage, should barge activity be resumed.

APPROVALS OBTAINED:

United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.

(ADDED 12/22/86)

-4-

| | |
|---------------|------------------|
| CALENDAR PAGE | 106 ³ |
| MINUTE PAGE | 4014 |

EXHIBIT "A"
LAND DESCRIPTION

WP 6427

A parcel of tide and submerged land lying in the Sacramento River, adjacent to Swamp and Overflowed Survey No. 907, Sacramento County, California, more particularly described as follows:

BEGINNING at the northeasterly corner of that parcel of land described in the deed recorded April 16, 1981 in Book 81-04-16, Page 943, of the Official Records of Sacramento County; thence along the east line of said parcel and its prolongation S 00° 23' 30" W, 327.42 feet; thence leaving said line S 23° 01' 00" W, 92.38 feet; thence N 66° 59' 00" W, 291.81 feet; thence N 70° 04' 58" W, 638.52 feet; thence N 70° 10' 55" W, 634.86 feet; thence N 13° 49' 05" E, 223.76 feet to the north line of said parcel; thence along said north line S 78° 54' 49" E, 1498.29 feet to the point of beginning.

EXCEPTING THEREFROM any portion thereof lying within State Lands Commission Lease PRC 5167.1.

ALSO EXCEPTING THEREFROM any portion thereof lying landward of the ordinary high water mark of the Sacramento River.

END OF DESCRIPTION

REVISED JULY 14, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

(ADDED 12/22/86)

| | |
|---------------|-------|
| CALENDAR PAGE | 106.4 |
| MINUTE PAGE | 4015 |

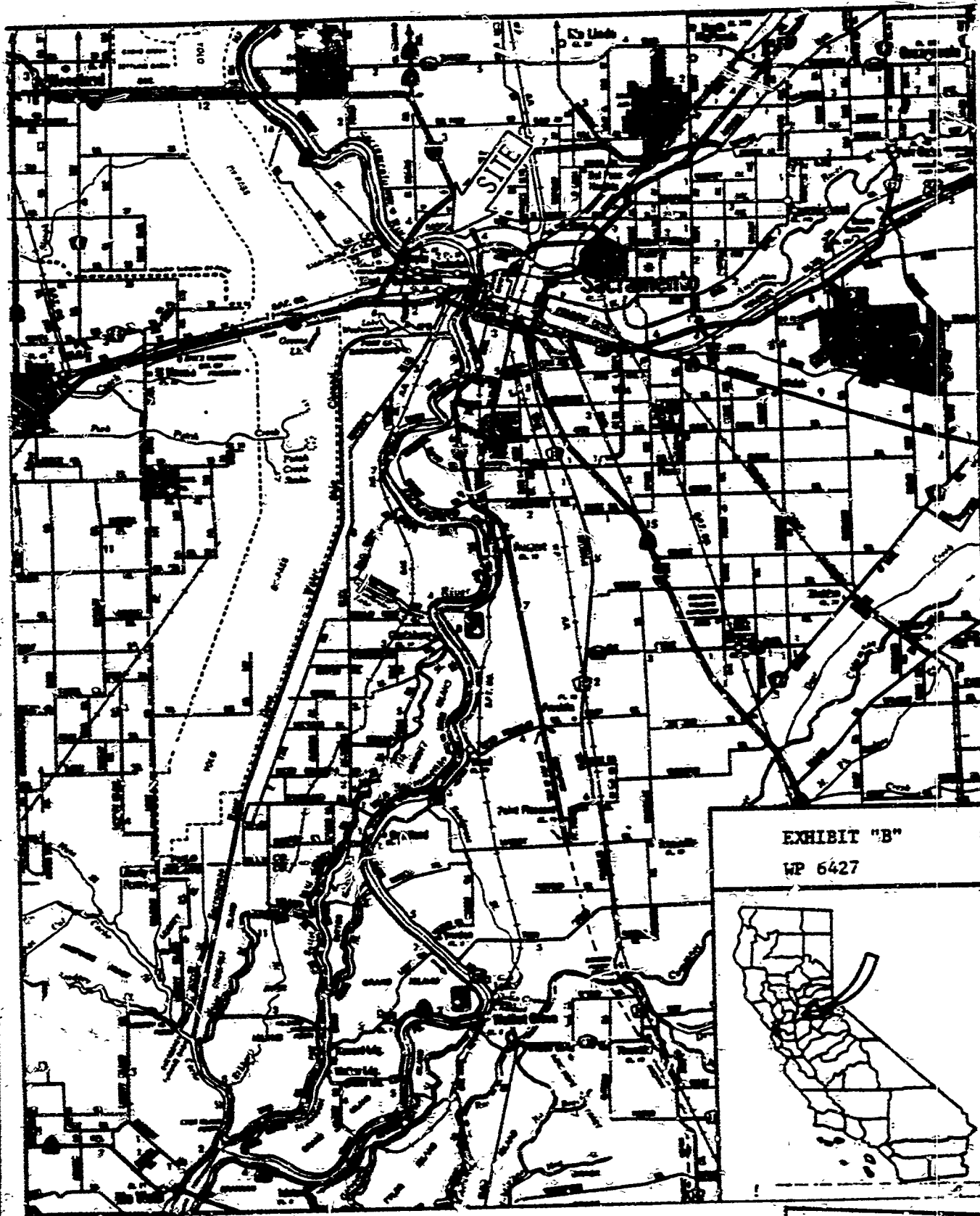


EXHIBIT "B"

WP 6427



(ADDED 12/22/86)

| | |
|---------------|-------|
| CALENDAR PAGE | 106.5 |
| MINUTE PAGE | 4016 |