

MINUTE ITEM

This Calendar Item No. 19.
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 3
to 0 at its 10-29-79
meeting.

CALENDAR ITEM
19.

10/79
WP 3264
Scott
PRC 3264

GENERAL LEASE
COMMERCIAL USE

APPLICANT:

Alvin Stults
dba Cliff's Marina
8651 River Road
Sacramento, California 95923

AREA, TYPE LAND AND LOCATION:

A 2.41 acre parcel of tide and submerged
land in the bed of the Sacramento River
near Freeport, Sacramento County.

LAND USE:

Continued operation, maintenance and expansion
of an existing commercial marina.

TERMS OF ORIGINAL LEASE AS AMENDED:

Initial period: 10 years from January 1,
1965.

Renewal options: 1 successive period of
5 years.

Surety bond: \$4,000.

Public liability insurance: \$100,000/300,000
per occurrence for bodily
injury and \$50,000 for
property damage or combined
single limit coverage
of \$500,000.

Consideration: \$832, 5-year rent review.

TERMS OF PROPOSED LEASE:

Initial period: 15 years from January 1,
1980.

Renewal options: 1 successive period of
10 years.

Surety bond: \$4,000.

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Public liability insurance: \$100,000/500,000
per occurrence for bodily
injury and \$100,000 for
property damage, or combined single
limit coverage of \$500,000.

CONSIDERATION: \$2,506.40 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Negotiated rent per acre as used for adjacent
existing marina.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland.

No filing fee required, file opened for
renegotiation of lease.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. The file was opened to process the
replacement of an expiring lease. Lessee
requested new lease with expansion
of lease area to accommodate proposed
expansion of marina facilities.
2. Lessee desires to begin reconstruction
of existing marina facilities and proposed
expansion as soon as possible prior
to winter weather. Staff recommends
that Commission allow construction
to begin in new lease area upon approval
of proposed lease even though rental
for the new lease area will not start
until the existing lease expires. Lessee
will not derive income from new lease
area until after this proposed lease
with new rental becomes effective.
Construction limiting dates of proposed
lease will allow construction to start
prior to beginning date of new lease
and will require completion within
2 years. This proposal will give lessee
a 3-month lead time prior to the rent
increase.

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3. A negative declaration was prepared by Sacramento County, pursuant to CEQA and implementing regulations. A notice of determination has been received.

4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
State Reclamation Board, Sacramento County.

EXHIBITS:

- A. Land Description. B. Location Map.
C. Negative Declaration and Initial Study.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY SACRAMENTO COUNTY, ON JUNE 29, 1979.

2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.

3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

4. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

5. AUTHORIZE ISSUANCE TO ALVIN STULTS - DBA CLIFF'S MARINA OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1980, WITH LESSEE'S OPTION TO RENEW FOR 1 SUCCESSIVE PERIOD OF 10 YEARS; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$2,506.40, WITH THE STATE RESERVING

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THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$4,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/500,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; AUTHORIZE CONSTRUCTION TO BEGIN ON EXPANDED LEASE AREA PRIOR TO JANUARY 1, 1980; FOR THE CONTINUED OPERATION, MAINTENANCE AND EXPANSION OF AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED.

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EXHIBIT "A"

LAND DESCRIPTION

WP 3264

A parcel of tide and submerged land situated in the bed of the Sacramento River, in Sections 23, 24 and 25, T7N, R4E, MDM, Sacramento County, California, and lying westerly of Swamp and Overflowed Lands Survey Numbers 152 and 168, and more particularly described as follows:

BEGINNING at the southwest corner of S & O Survey 168; thence along the westerly boundary of said survey N 0° 45' E 800.00 feet (this course shown as N 0° 13' 24" W on that record of survey map recorded in Book 26 of Surveys, page 15, on May 10, 1968, in the Office of the County Recorder of said county); thence leaving said boundary the following five courses:

1. S 45° 45' W 98.99 feet;
2. S 0° 45' W 724.18 feet;
3. S 10° 15' W 464.31 feet;
4. S 21° 45' W 265.77 feet;
5. S 68° 15' E 70.00 feet to a point on the westerly boundary of S & O Survey 152; thence along said boundary the following two courses:
 6. N 21° 45' E 272.82 feet;
 7. N 10° 15' E 477.18 feet to the point of beginning.

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

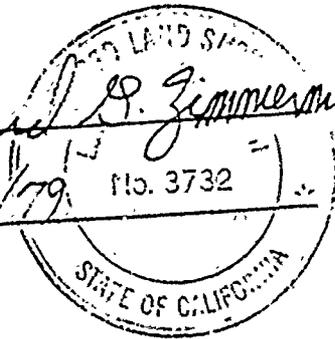
END OF DESCRIPTION

Prepared Carlos Mejica

Checked Edward R. Zimmerman

Reviewed _____

Date 8/28/79



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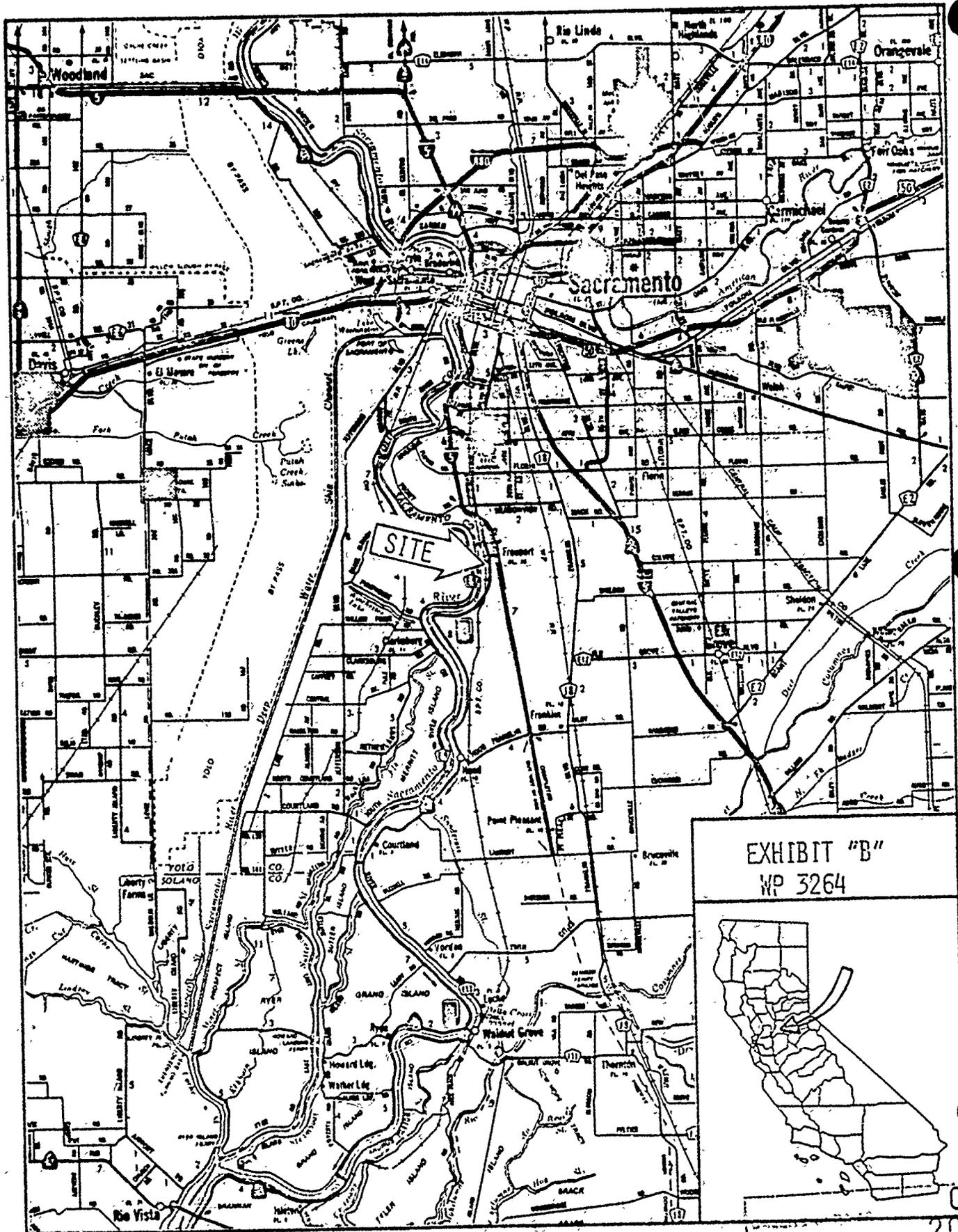


EXHIBIT "B"
 WP 3264



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EXHIBIT "C"

Control No.: 79-UP-613

RECEIVED
STATE LAND COMMISSION
JUL 13 11 51 AM '79

NEGATIVE DECLARATION

Pursuant to Division 6, Title 14, Chapter 3, Article 7, Section 15083 of the California Administrative Code and pursuant to the Procedures for Preparation and Processing of Environmental Impact Reports adopted by the County of Sacramento pursuant to Sacramento County Ordinance No. SCC-116, the Environmental Coordinator of Sacramento County, State of California, does prepare, make, declare, publish, and cause to be filed with the County Clerk of Sacramento County, State of California, this Negative Declaration re: The Project described as follows:

1. Title and Short Description of Project:
ALVIN STULTS USE PERMIT
The proposed project is to obtain a use permit for the expansion of an existing marina. The expansion would include 700 linear feet of new docking and 700 linear feet of covered boat slips.
2. Location of Project and Assessor's Parcel Number:
The project is located on the east side of the Sacramento River, approximately 1/2 mile south of the Freeport Bridge, in southwestern Sacramento County.

APN# 119-020-10,42

3. Project Proponent: Alvin Stults
4. Said project will not have a significant effect on the environment for the following reasons:
 - a. It will not have a significant aesthetic effect.
 - b. It does not affect a rare or endangered species of animal or plant, or habitat of such species.
 - c. It does not interfere with the movement of any resident or migratory fish or wildlife species.
 - d. It does not breach any published national, state or local standards relating to solid waste.
 - e. It will not result in a significant effect on air or water quality, or on ambient noise levels for adjoining areas.
 - f. It does not involve the possibility of contaminating a public water supply system or adversely affect groundwater.
 - g. It could not cause substantial flooding, erosion, or siltation.
 - h. It is not in an area subject to major geologic hazards.
 - i. It is not in conflict with the goals of the Environmental Conservation and Resource Management Element of the Sacramento County General Plan.
5. As a result thereof, the preparation of an environmental impact report pursuant to the Environmental Quality Act of 1970 (Division 13 of the Public Resources Code of the State of California) is not required.
6. An initial study has been performed by the Sacramento County Environmental Impact Section in support of this Negative Declaration. Further information may be obtained by contacting the Section at 827 Seventh Street, Room 101, Sacramento, California 95814, or phone (916) 440-7914.

DATED: June 29, 1979
Filed

JUN. 29 1979

J.A. SIMPSON, CLERK
BY AL WOODS
DEPUTY
ADM-5 B-1-2

Environmental Coordinator of
Sacramento County, State of
California

By *Louise Wilton*
for Alcides Freitas
Environmental Coordinator

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ENVIRONMENTAL IMPACT SECTION
INITIAL STUDY

NAME: ALVIN STULTS USE PERMIT

ASSESSOR'S PARCEL NO.: 119-020-10 & 42

CONTROL NO.: 79-UP-613

LOCATION: East side of the Sacramento River,
approx. 1/2 mile south of the
Freeport Bridge, in southwestern
Sacramento County.

OWNER:

Alvin T. Stults (Cliff's Marina)
8651 River Road
Sacramento, CA 95823

1) Project Description:

The proposed project is to obtain a Use Permit for the expansion of an existing marina. The expansion would include 700 linear feet of new docking and 700 linear feet of covered boat slips.

2) Environmental Setting:

The project site is located on the east side (left bank) of the Sacramento River near the community of Freeport in southwestern Sacramento County. Vegetation along the levee in this area is sparse and consists predominantly of willows and poplar trees and includes occasional oaks. The proposed parking area on the east side of the levee road contains two heritage size oak trees of about 30" in diameter. Surrounding land uses include the Sacramento River on the west, and agricultural-residential uses to the east, north and south.

3) Environmental Effects:

See Initial Study Checklist attached to the Negative Declaration and the following discussion:

LAW ENFORCEMENT IMPACTS: Sergeant Jerry W. Johnson of the Sheriff's Crime Prevention Unit reviewed the proposed project, and provided comments in a letter dated June 4, 1979. The concerns of the Sheriff's Department are summarized below.

The project vicinity is served by one deputy sheriff who patrols an area consisting of 56.3 square miles and a population of 12,439 people. Included in this patrol beat is the major population center of Elk Grove. The patrol unit serving the site is already heavily burdened, and continued population growth and development will add to the number of calls for service with a corresponding reduction in response time.

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Boats moored at marinas on the delta experience a high rate of burglary and thefts, often perpetrated by thieves who approach docking areas in small boats. In this case, the boat docks will not be accessible by patrol vehicles. It is recommended that the Marina provide a security watchman within the dock area and security lighting, preferably high pressure sodium vapor lighting.

The proposed site plan indicates 170 parking spaces across the road from the marina and not visible from the boat docks. The potential for thefts from parked vehicles is much greater when the surveillance factor is low, and vehicles parked overnight would be even more vulnerable to theft. Therefore, it is recommended that high levels of lighting be introduced into each parking area with polycarbonate (vandal resistant) protective shields over lenses to prevent breakage by thieves. It is also recommended that parking stalls be striped larger than normal to facilitate larger recreational vehicles.

TRAFFIC AND RELATED IMPACTS: Written comments concerning traffic safety were received from the Sheriff's Crime Prevention Unit in the letter referenced previously in this report, and the County Highways and Bridges Division. The Sheriff's Department comments were as follows:

"The configuration of the levee road at the point where the Marina exits causes grave concern for the Sheriff's Department. One has to stand at the exact location to comprehend the magnitude of potential problems that may occur at this location as a result of the increased activity.

The levee road drops in elevation and curves off to one side which hampers visibility. The speed limit is posted at 35 M.P.H. Officers working the area recall writing citations for speeding vehicles that were approaching speeds of 90 MPH. At speeds in excess of the posted speed limit visibility becomes a problem. Of the parking stalls servicing the Marina, 170 will be across the road from the Marina itself and will necessitate foot traffic by pedestrians across the road. There is concern that a speeding vehicle will hit a pedestrian and, at the posted speed limit, such car versus pedestrian accidents usually result in fatal injuries.

Vehicle accidents may also occur between vehicles pulling in and out of both the lower and upper parking areas due to their approach to the levee.

It is suggested that the road be straightened and the grade eliminated. The installation of a manually operated signal and pedestrian crosswalk is also suggested. The elimination of any hazard such as pedestrian accidents is of paramount importance due to the rural nature and distance of the Marina from emergency facilities such as hospitals and ambulance service." (Johnson, 1979)

Staff from the Highways and Bridges Division commented that the sight distance in both directions was more than adequate for the posted speed limit and no problems were foreseen from their perspective.

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Ron Nelson, District Traffic Engineer with Cal. Trans, inspected the site on June 19, 1979. His opinion was that the sight distance was adequate and no hazardous condition existed which would warrant a pedestrian cross-walk and/or pedestrian signs.

Egress from the proposed parking area across the levee road appears to present potential safety hazards from two standpoints. The first potential hazard involves the visibility of traffic emerging from the parking area. Although the sight distance from the highway level appears to be adequate, the access drive to the lower parking area is rather steeply sloped, and visibility is extremely limited until the top of the driveway is reached. The second potential hazard involves the left turn movement from the lower parking access driveway onto the levee road. This movement would be extremely tight (if not impossible) for large vehicles and would require a slow and deliberate turning movement even for a more compact vehicle, which could impede the flow of traffic and increase the accident potential. For these reasons, it was recommended by Ron Nelson of Caltrans and Dusty Rhoades of the County Highways and Bridges Division that a stop sign and a sign prohibiting left turns be installed at the top of the egress driveway.

PARKING: The Sacramento County Zoning Code requires one parking space per berth for marinas, and the applicant's site plan indicates that the required parking can be provided by the use of the proposed parking area on the land side of the levee road. However, recent studies by Caltrans and the County Planning Department indicate that the parking requirement for marinas appears to be unrealistic; that perhaps the requirement should be reduced by as much as 1/2 to 2/3. Reducing the parking requirement would proportionately reduce the need for surfacing of the area denoted for parking and possibly eliminate the need for parking in the vicinity of the large oak trees on the eastern portion of the parking area.

The applicant indicates parking for about 35 cars on the river side of the levee. This amount of parking should accommodate parking needs for all but the busiest weekends during the peak fishing season and perhaps the 4th of July weekend according to the experience of the applicant. While the parking spaces denoted can be provided, the amount of space for turning around is inadequate for the northernmost 10 or so spaces due to the presence of abandoned railroad tracks. Cars parking in this area would be required to back up a distance of 100 feet or more before turning around. The applicant indicated that patrons have been doing this for years without incident.

4) Environmental Mitigation Measures:

- a) Post a stop sign at the top of the driveway providing egress from the proposed parking area on the east side of the levee road.
- b) Post a sign prohibiting left turns from the driveway referenced in (a) above.
- c) Do not permit parking within the dripline of the two heritage size oaks on the eastern portion of the proposed parking area.

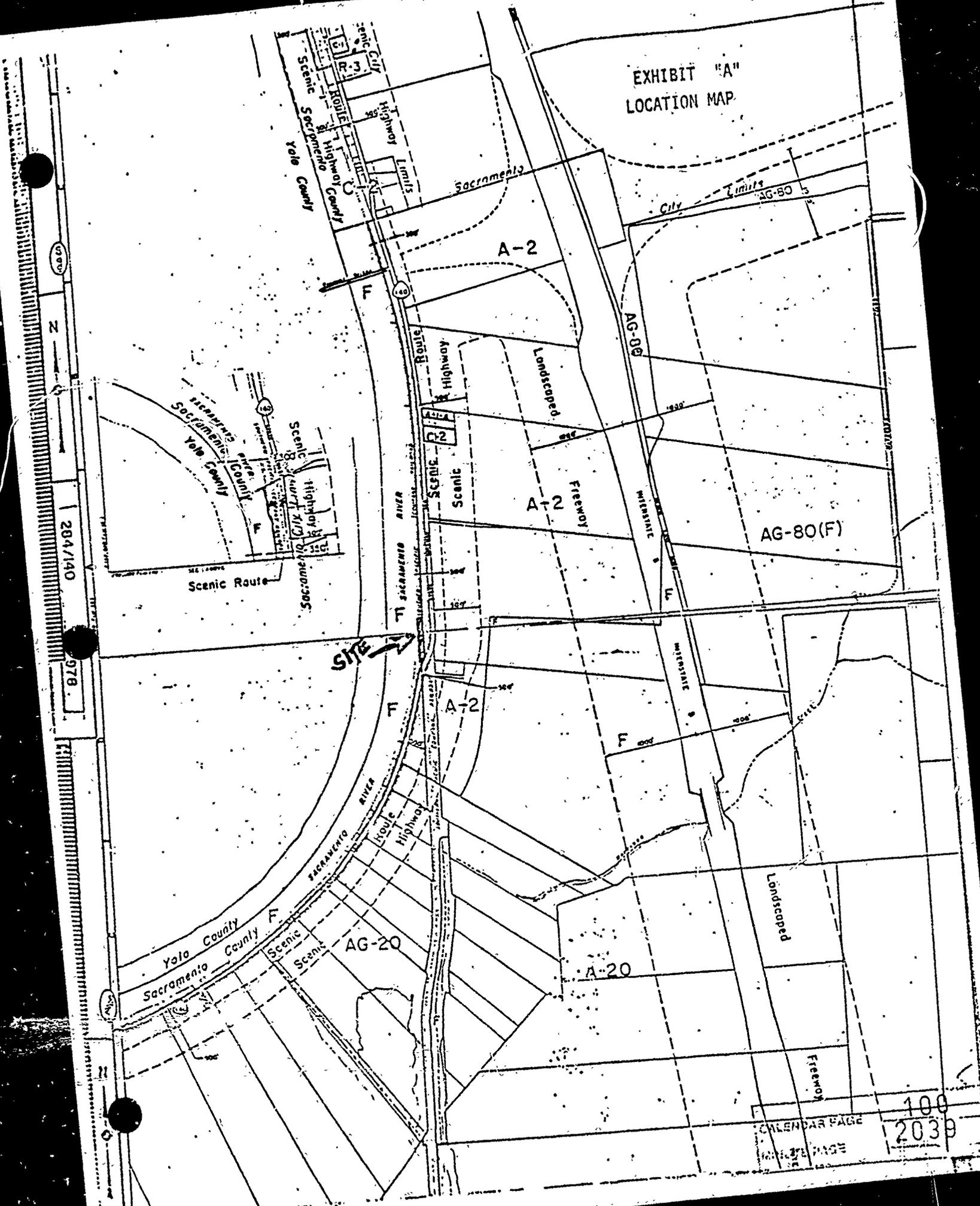
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EIS Initial Study

- d) Do not grade, trench, cut, or pave within the dripline of the two heritage size oaks referred to in (c) above.
- 5) Compatibility with Existing Plans and Zoning:
- a) GENERAL PLAN: The County General Plan Land Use Map indicates the property for Recreation.
- b) COMMUNITY PLAN: Not applicable.
- c) ZONING: The subject property is presently zoned A-2 and F.
- d) The State Delta Master Recreation Plan of 1976 indicates the property for Multiple Use Waterway.
- 6) This Initial Study has been prepared by the Sacramento County Environmental Impact Section staff.

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EXHIBIT "A"
LOCATION MAP



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