

MINUTE ITEM

This Calendar Item No. 21  
Was approved as Minute Item  
No. 21 by the State Lands  
Commission by a vote of 3  
to 0 at its 12/17/81  
meeting.

CALENDAR ITEM

21 \*

12/17/81  
W 22455  
Reese  
PRC 6C93

GENERAL LEASE - COMMERCIAL USE

APPLICANT: The Jolly Roger, Inc.  
17042 Gillette Avenue  
Irvine, California 92714

AREA, TYPE LAND AND LOCATION:  
A parcel of filled tide and submerged land,  
adjacent to the Sacramento River, Sacramento  
County.

LAND USE: Commercial restaurant.

TERMS OF PROPOSED LEASE:  
Initial period: 30 years from January 1,  
1982.  
Renewal option: One successive period  
of 15 years.  
Surety bond: \$10,000.  
Public liability insurance: Combined single  
limit coverage of \$1,000,000.

CONSIDERATION: Minimum Annual Rental:  
For the period January 1, 1982 - December 31,  
1982 - \$1,000; thereafter;

<u>Year</u>	<u>Rental</u>
2	\$10,000
3	\$11,000
4	\$12,000
5	\$13,000

The minimum annual rental shall be automatically  
adjusted on each fifth anniversary of the  
beginning date of this lease, effective  
on each fifth anniversary of the accounting  
year.

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Percentage Rental: In addition to the minimum annual rental, lessee shall pay as percentage rental the amount, if any, by which the total of the percentages of gross receipts specified below in each accounting year or partial accounting year exceeds the minimum annual rental for the same accounting year or partial accounting year.

Restaurant Sales: One percent.

Bar Sales: One and one-half percent.

Coin operated and electronic game machines: 25 percent.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Adm. Code 2005.

**PREREQUISITE TERMS, FEES AND EXPENSES:**

Applicant is owner of upland.

Filing fee has 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. Lessor and lessee are aware of the extensive title problems that exist in this area. Staff recommends that the Commission authorize this non-prejudicial lease, therefore eliminating costly and time consuming litigation for the purpose of perfecting State and private titles.
2. A Negative Declaration were prepared by City of Sacramento, pursuant to CEQA and the State EIR Guidelines.
3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C.

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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:

State Reclamation Board, City of Sacramento Planning Commission, and City of Sacramento Architectural Review Board.

FURTHER APPROVALS REQUIRED:

City of Sacramento Building Permit.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY THE CITY OF SACRAMENTO.
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, WITH THE INCLUSION OF THE MITIGATION SET FORTH IN THE CITY'S NEGATIVE DECLARATION.
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 THE JOLLY ROGER, INC. OF A 30-YEAR NON-PREJUDICIAL, AS TO THE BOUNDARY BETWEEN PRIVATE AND STATE-OWNED LAND, GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1982, WITH LESSEE'S OPTION TO RENEW ONE SUCCESSIVE PERIOD OF FIFTEEN YEARS; IN CONSIDERATION OF ONE PERCENT OF THE GROSS RECEIPTS DERIVED FROM RESTAURANT SALES, ONE AND ONE-HALF PERCENT OF THE GROSS RECEIPTS DERIVED FROM BAR SALES, AND TWENTY-FIVE PERCENT OF THE GROSS RECEIPTS DERIVED FROM COIN OPERATED ELECTRONIC GAME MACHINES; A MINIMUM ANNUAL RENTAL WILL BE PAID

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IN ADVANCE ON OR BEFORE THE BEGINNING DATE OF THE LEASE  
AND ON THE BEGINNING DATE OF EVERY YEAR THEREAFTER.  
THE MINIMUM RENTAL IS SUBJECT TO A REVIEW ON EVERY  
FIFTH ANNIVERSARY OF THE TERM OF THIS LEASE; PROVISION  
OF A \$10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY  
INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000;  
FOR A COMMERCIAL RESTAURANT ON THE LAND DESCRIBED ON  
EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

A parcel of land in the City of Sacramento, Sacramento County, California, being all that portion of the following described Parcel 1 and Parcel 2 lying waterward, westerly of, the ordinary high water line along the easterly bank of the Sacramento River.

PARCEL NO. 1

All that real property in the City of Sacramento, County of Sacramento, State of California, described as follows:

All that portion of the Tract of Land designated "S. Masuhara 32.744 Acres" on that certain Record of Survey entitled "Portion of Swamp Land Survey No. 207, located in Section 26 and 27, T8N, R4E, MDM", recorded in the office of the Recorder of Sacramento County, March 3, 1960 in Book 15 of Surveys, Map No. 37, lying West of the center line of Riverside Boulevard, described as follows:

BEGINNING in the center line of said Riverside Boulevard and the Northeast corner of a parcel of land designated "Beatrice Silva 0.393 Acres" on said Record of Survey, thence along said center line, North 23° 16' 25" East 235.87 feet and along the arc of a curve to the left with a radius of 960.00 feet, subtended by a chord bearing North 21° 47' 38" East 49.58 feet, to the North line of said "S. Masuhara 32.744 acres"; thence, North 75° 18' 45" West 359.81 feet, to the low water line of the Sacramento River; thence along said water line, South 15° 37' 55" East 173.27 feet and South 02° 55' 25" East 117.03, to the Northwest corner of said "Beatrice Silva 0.393 Acres"; thence South 69° 06' 05" East 196.74 feet, to the point of beginning.

EXCEPTING THEREFROM all that portion lying Easterly of the line described as follows:

BEGINNING at a point on the West line of said Riverside Boulevard that bears South 06° 08' 49" West 1030.21 feet from an iron pipe marking the Southwest corner of the Sutter Grant as shown on the "Plat of Riverside Estates Unit No. 2", recorded on February 18, 1957, in Book 46 of Maps, Map no. 3, said point also being distant 208.46 feet Westerly, measured at right angles from the base line at Engineer's station "B" 259+50.60 of the Department of Public Works' Survey on Road 03-Sac-5 from Post Mile 15.1 to Post Mile 21.7; THENCE, from said point of beginning North 22° 35' 25" East 117.72 feet; thence North 09° 41' 18" East 40.38 feet; thence North 08° 42' 18" West 70.54 feet; thence North 05° 36' 50" East 30.07 feet; thence North 07° 58' 25" East 100.25 feet to a point that is 161.22 feet Westerly measured at right angles from said base line at Engineer's Station "B" 262+99.69.

PARCEL NO. 2

A parcel of land in the City of Sacramento, County of Sacramento, State of California described as follows:

BEGINNING at a point 619.08 feet South of and 291.06 feet West of an old sycamore stump, the remains of a tree marked for the Southwest corner of the Sutter Grant; thence South 65° 30' East 2634.72 feet; thence South 25° 45' West 840.84 feet to a point in Mungers Lake; thence North 53° 15' West 2163.48 feet to a fence on South line of Flower Gardens; thence North 71° 30' West along the said fence and across levee 343.20 feet to Sacramento River; thence up stream North 23° 30' East 217.80 feet; thence North 14° 30' West 257.40 feet to point of beginning, and being a portion of the land conveyed by George H. Clark to Manuel F. Silveria, Manuel G. Rose and Antone F. Silveria by deed dated March 15, 1902.

EXCEPTING THEREFROM the following three parcels:

(1) All that portion of the above described land lying Easterly of the center line of Riverside Boulevard, as said Riverside Boulevard is shown on that survey entitled "Portion of Swamp Land Survey No. 207 located in Sections 26 & 27, Township 8 North, Range 4 East, MDM" recorded in the office of the County Recorder of Sacramento County on March 3, 1960 in Book 15 of Surveys, Map No. 37.

(2) All that portion of the above described land lying Southerly of the Northerly line of that certain parcel entitled "S. Masuhara, 32.744 Acres", on that certain survey entitled "Portion of Swamp Land Survey No. 207 located in Sections 26 & 27, Township 8 North, Range 4 East, MDM", recorded in the office of the County Recorder of Sacramento County on March 3, 1960 in Book 15 of Surveys, Map No. 37.

(3) All that portion of the above described land lying easterly of the following described line:

BEGINNING at a point on the West line of said Riverside Boulevard that bears South 06° 08' 49" West 1030.21 feet from an iron pipe marking the Southwest corner of the Sutter Grant as shown on the "Plat of Riverside Estates Unit No. 2", recorded on February 18, 1957, in Book 46 of Maps, Map No. 3, said point also being distant 203.46 feet Westerly, measured at right angles from the base line at Engineer's Station "8" 259+50.60 of the Department of Public Works' Survey on Road 03-Sac-5 from Post Mile 15.1 to Post Mile 21.7; THENCE, from said point of beginning North 22° 35' 25" East 117.72 feet; thence North 09° 41' 18" East 40.38 feet; thence North 08° 42' 18" West 70.54 feet; thence North 05° 36' 50" East 30.07 feet; thence North 07° 58' 25" East 100.25 feet to a point that is 161.22 feet Westerly measured at right angles from said base line at Engineer's Station "8" 262+99.69.

END OF DESCRIPTION

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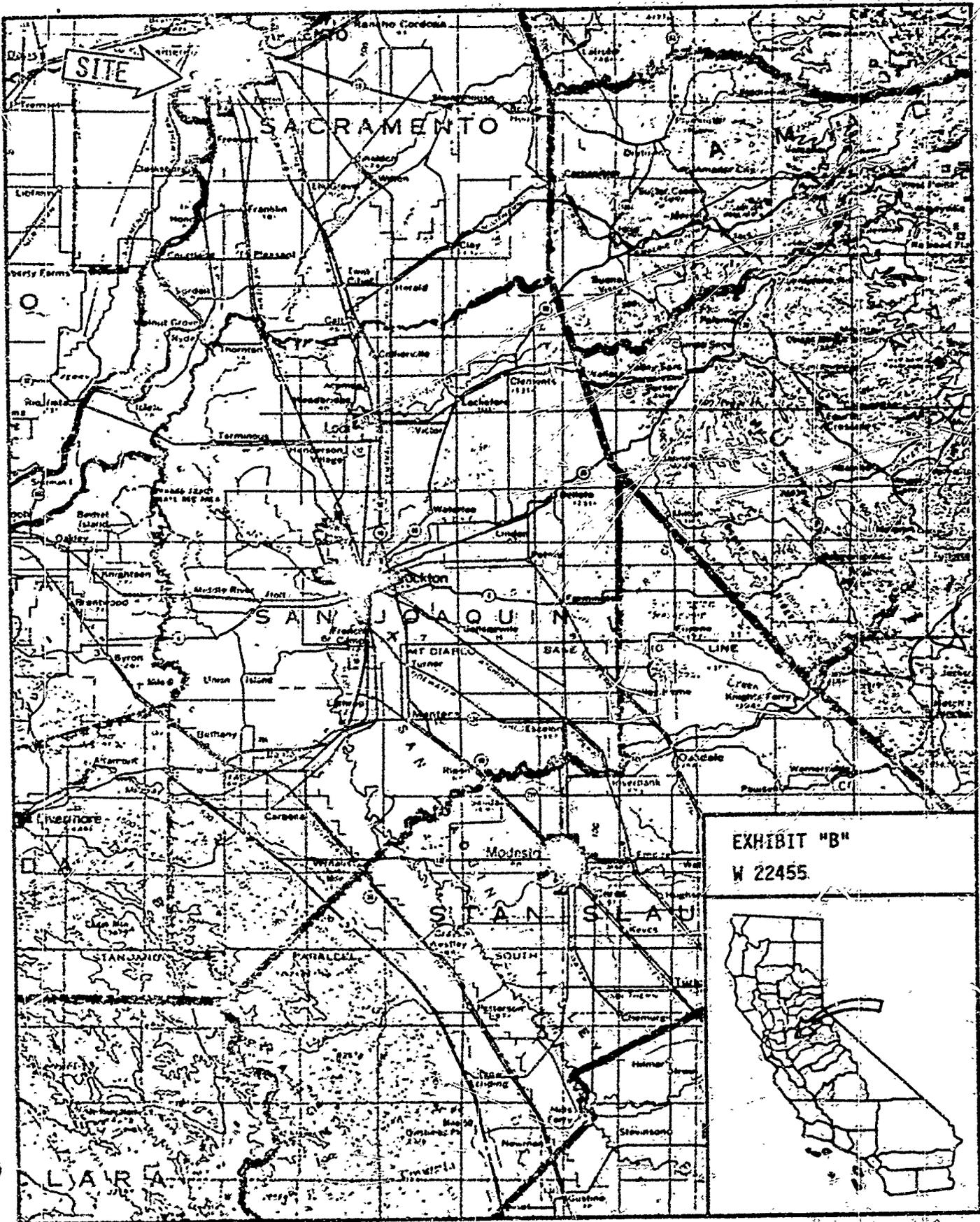


EXHIBIT "B"  
W 22455

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EXHIBIT "C"  
CITY OF SACRAMENTO

NEGATIVE DECLARATION

The Environmental Coordinator of the City of Sacramento, California, a municipal corporation, does prepare, make, declare, and publish this Negative Declaration for the following described project:

P-8974 Special Permits to develop a 8200+ sq. ft. restaurant containing 166 seats on 2+ vacant ac. in the flood "F" and Single Family, R-1 zone and to locate 27 of the proposed 81 parking spaces in the R-1 zone. Loc: Adjacent to the Sacramento River, W side of Riverside Blvd., 400+ feet S of 35th Avenue. APN: 029-021-22.

The City of Sacramento Planning Department has reviewed the proposed project and determined that the project will not have a significant affect on the environment. This conclusion is based on information contained in the attached Initial Study.

The following mitigation measures have been included in the project to avoid potentially significant effects:

1. The applicant shall submit a study prepared by a qualified engineer that substantiates that the proposed fill will not increase the flood level, for the City Engineer's approval, prior to issuance of building permits.
2. The applicant shall submit a report indicating details of erosion protection, to the satisfaction of the State Reclamation Board and City Engineer prior to issuance of building permits.
3. Location of the bicycle trail shall be approved by the Director of Community Services, prior to issuance of building permits.
4. The applicant shall submit a tree plot plan indicating all trees and major shrubs on site and indicate those to be a) retained; b) trimmed or modified, c) removed. The applicant shall also submit grading and fill plans for the subject project for staff approval, to insure grading and fill will not adversely affect trees and major shrubs, prior to issuance of building permits.

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An Environmental Impact Report is not required pursuant to the Environmental Quality Act of 1970 (Division 13 of the Public Resources Code of the State of California).

This environmental review process and Negative Declaration filing is pursuant to Division 6, Title 14, Chapter 3, Article 7, Section 15083 of the California Administrative Code and pursuant to the Sacramento Local Environmental Regulations (Resolution 78-172) adopted by the City of Sacramento and pursuant to Sacramento City Code, Chapter 63.

A copy of this document may be reviewed/obtained at the Sacramento City Planning Department, 725 "J" Street, Sacramento, CA 95814.

Marty Van Duyn  
Environmental Coordinator of the  
City of Sacramento, California,  
a municipal corporation

By C. Cortina

RECEIVED  
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Rev. 3/80

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