

MINUTE ITEM

This Calendar Item No. 4
was approved as Minute Item
No. 4 by the State Lands
Commission by a vote of 2
to 0 at its 7/12/84
meeting.

MINUTE ITEM

04

07/12/84
WP 6427
Reese

TERMINATION OF EXISTING LEASE PRC 6427.1
DATED NOVEMBER 14, 1983, AND ISSUANCE
OF A GENERAL LEASE - COMMERCIAL USE

Calendar Item C4 was moved to the Regular Agenda. Before consideration of Calendar Item C4 attached, Chief Counsel Robert Hight stated for the record that Acting Chairwoman Elizabeth Rasmussen was sitting in a non-voting capacity, with Commission-Alternate Laura Schlichtmann voting on this item.

Commission-Alternate Allenby moved that the project be approved as presented with the understanding that staff undertake a complete study of the cumulative impacts of future development along the Sacramento River.

Executive Officer Dedrick indicated staff would prepare a cost estimate for presentation at the August Commission meeting.

Mr. Kip Skidmore, representing Riverbank Holding Company, appeared to urge the Commission to approve the project. Mr. Skidmore stated financing for the project would expire on July 21, 1984. Mr. Skidmore also stated that Commission concerns with this particular project were adequately addressed in the EIR, but that he had no objection to the study being proposed by Commission-Alternate Allenby.

Acting Chairwoman Rasmussen expressed the concerns of Chairman Cory for the environmental impacts of development on the Sacramento River. Future development along the river should be prohibited until completion of the study. The Department of Finance would pursue some State funding towards completion of the study.

Upon motion duly made by Commission-Alternate Allenby and seconded by Commission-Alternate Schlichtmann, the resolution in Calendar Item 4 was approved, as amended, with Acting-Chairwoman Rasmussen not voting.

Attachment: Calendar Item 4

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CALENDAR ITEM

A. 10

C 0 4

07/12/84

WP 6427

S. 6

Reese

TERMINATION OF EXISTING LEASE PRC 6427.1,
DATED NOVEMBER 14, 1983, AND ISSUANCE
OF A GENERAL LEASE - COMMERCIAL USE

APPLICANT: Riverbank Holding Company
2705 Sierra View Trail
Carmichael, California 95608

AREA, TYPE LAND AND LOCATION:
A 5.272 acre parcel of tide and submerged land
in the Sacramento River, Sacramento County.

LAND USE: Commercial marina, floating restaurant, harbor
master office, boat sales office, debris
reflector, and all appurtenant facilities
related thereto.

TERMS OF ORIGINAL LEASE:
Initial period: Ten years from July 1, 1982.
Surety bond: \$5,000.
Public liability insurance: Combined single
limit coverage of \$500,000.
Consideration: \$250 per annum; five-year
rent review.

TERMS OF PROPOSED LEASE:
Initial period: Twenty years from August 1,
1984.
Surety bond: \$10,000.
Public liability insurance: Combined single
limit coverage of \$1,000,000.

CALENDAR ITEM NO. 004 (CONT'D)

CONSIDERATION: (a) 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. Five percent of 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.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

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. The original lease that is being terminated, provides for an accommodation dock. The replacement lease provides for a 175 berth marina, floating restaurant, harbor master office, boat sales office, debris deflector, and all related appurtenances thereto.

CALENDAR ITEM NO 04 (CONT'D)

2. Lessor hereby consents to Lessee's subletting of all or any portion of the lease premises for berthing or mooring purposes in conjunction with normal commercial marina subleasing practices for terms of one year or less.
3. An EIR was prepared and adopted for this project by the City of Sacramento, Planning Department. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq., but will not affect those significant lands.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
Reclamation Board, City of Sacramento,
Resources Agency.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. EIR Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SACRAMENTO, PLANNING COMMISSION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

CALENDAR ITEM NO 04 (CONT'D)

3. AUTHORIZE TERMINATION OF ORIGINAL LEASE PRC 6427.1, DATED NOVEMBER 14, 1983, AND APPROVE ISSUANCE TO RIVERBANK HOLDING COMPANY OF A 20-YEAR GENERAL LEASE -- COMMERCIAL USE FROM AUGUST 1, 1984, WITH LESSEE'S OPTION TO RENEW FOR ONE SUCCESSIVE PERIOD OF TEN YEARS; IN CONSIDERATION OF 6 PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS; 3 PERCENT OF THE GROSS INCOME DERIVED FROM THE OPERATION OF RESTAURANT AND BAR; 25 PERCENT OF GROSS INCOME DERIVED FROM THE OPERATION OF COIN OPERATED VENDING AND ELECTRONIC GAME MACHINES; 5 PERCENT OF THE GROSS INCOME DERIVED FROM BOAT SALES (YACHT BROKERAGE); 10 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; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE 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 MARINA, FLOATING RESTAURANT, HARBOR MASTER OFFICE, BOAT SALES OFFICE, DEBRIS DEFLECTOR, AND ALL APPURTENANT FACILITIES RELATED THERETO ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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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 224.03 feet to a point in the Sacramento River; thence S 24° 06' 06" W 184.60 feet; thence N 65° 53' 04" W 248.40 feet; thence N 70° 12' 54" W 641.38 feet; thence N 75° 35' 59" W 640.07 feet; thence N 11° 05' 11" E 210 feet to a point on the north line of said recorded parcel; thence S 78° 54' 49" E 1515.00 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 JUNE 8, 1984 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

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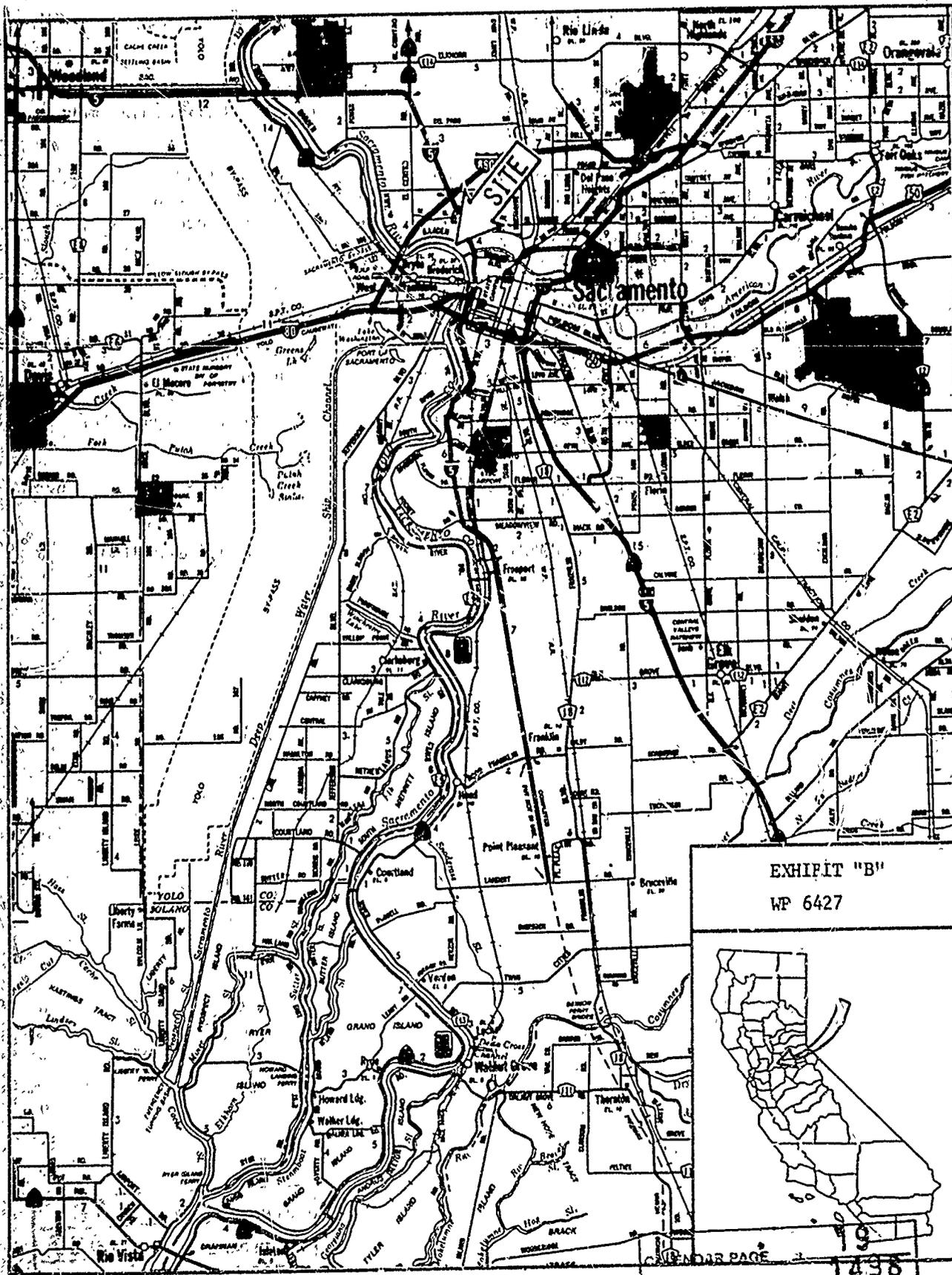


EXHIBIT "B"
 WP 6427



EXHIBIT "C"

E.I.R. SUMMARY
SCH No. 820-20458

A. INTRODUCTION

This Environmental Impact Report (EIR) has been prepared to assess environmental impacts of the 5.2 acre Riverbank Holding Company project within the South Natomas community of Sacramento. The proposed project is a multiple-use plan to include residential, commercial, office and marina uses within the floodway of the Sacramento River.

The City of Sacramento prepared an Initial Study (see Appendix a-1) for the project which determined that the project could have significant environmental impacts in the following areas:

- Land Use
- Hydrology and Water Quality
- Erosion and Sedimentation
- Geology and Soils
- Transportation and Circulation
- Biology
- Noise
- Light and Glare
- Cumulative Impacts

The City required the preparation of an EIR based on the findings of potentially significant effects and the public concern for the potential environmental effects of the project. The EIR describes the likely environmental consequences if the proposed project is approved.

The EIR evaluates the impacts of the proposed project and compares these impacts with the impacts of two possible alternatives. The no project alternative assumes residential development according to the South Natomas Community Plan, and the zoning conformance alternative assumes a reduced intensity development in conformance with the existing zoning.

A summary of the identified significant adverse impacts, recommended mitigation measures, and the CEQA-required impact sections is included in Section C of the report.

This EIR was prepared at the time the South Natomas Business Parks proposals were being considered by the Planning Commission and City Council. The cumulative impacts of the Natomas Eastside project and the Gateway Center project have been discussed in general terms based on the Draft and Final EIR's of these projects prepared in August and November 1981.

Planning Approvals Required

The City would have to take several actions in order to approve the proposed project. The South Natomas Community Plan would have to be amended in order to allow construction of multi-family units and non water-related use (office) on the site. The General Plan open space designation would also need to be changed. Finally, the City would have to grant a special permit allowing the proposed uses in the Flood (F) zone.

B. PROJECT DESCRIPTION

Location of Proposed Project

The proposed Riverbank Holding Company project is located in the South Natomas area in the northwest part of the City of Sacramento. The project location is illustrated on Exhibit B-1.

The 5.2 acre project site is located on the north bank of the Sacramento River, one mile west of the intersection of Interstate 5 and Garden Highway and includes about 1800 linear feet of river frontage. The property is situated on a terrace between the existing levee and the river. Garden Highway, which is along the top of the levee, borders the northern property line and serves as the primary access. A small restaurant/bar (Crawdads) is located on the eastern edge of the site. The Village Marina with about 30 berths and a small office/restaurant/retail sales building is located east of the property. A small marina presently with about nine houseboats and six live-aboard boats is located on the western end of the property. The western boundary is adjacent to a McClellan Air Force Base loading facility.

Description of the Proposed Project

Project Characteristics

The Riverbank Holding Company project is a multiple-use proposal which includes development of a marina, restaurants, office space, retail shops and condominiums. See Exhibits B-2 through B-8. The project will be developed in three phases. See Exhibit B-7. The initial phase will include a marina with 175 berths and harbor master office, restaurant with 150 seats, a deli, bait and tackle shop, convenience store, restaurant with 90 seats, and 6000 square feet of office space. The second phase includes a 60-seat floating restaurant, a boat sales facility and berthing for 15 houseboats. The final phase will include the construction of 18 condominiums with private boat dockages for each unit. The applicant proposes to provide a total of 403 parking spaces. Exhibit B-3 summarizes the proposed uses, with the associated square footage and proposed parking.

Planning Considerations

The project site is designated in the 1974 Sacramento City General Plan as a major recreation or open space area and the 1978 South Natomas Community Plan (SNCP) identifies this area as being in the Sacramento Riverfront District. The Riverfront District is "intended to provide for single-family detached residential dwellings on lots of one acre or larger and for water oriented commercial activity." Therefore the office and condominium elements of the proposal are inconsistent with the Community Plan. The project will be subject to the approval of a Special Permit as well as a Community Plan Amendment to delete the restriction allowing only detached single-family dwellings on a minimum lot size of one acre and to allow non-water-oriented activities within the Riverfront District.

C. SUMMARY OF FINDINGS

CEQA-Required Impact Conclusions

The following table presents a summary of the significant adverse impacts and recommended mitigation measures for the proposed project. For detailed discussions, please refer to the appropriate sections of text following this chapter. All of the recommended mitigation measures should be required to effectively reduce the impacts to a level of insignificance. Those impacts which are unavoidable and which cannot be totally mitigated to this level are so indicated.

Summary of Significant Adverse Impacts and Recommended Mitigation Measures

<u>Adverse Impacts of Proposed Project</u>	<u>Recommended Mitigation Measures</u>
<p><u>Land Use</u></p> <ul style="list-style-type: none"> • Inconsistent with South Natomas Community Plan • Inconsistent with General Plan open space designation • Inconsistent with F zoning 	<ul style="list-style-type: none"> • Project density should be reduced <ul style="list-style-type: none"> - eliminate office building - eliminate one of three proposed restaurants - eliminate houseboats - decrease number of marina berths • General Plan should be amended • Special permit should be granted by the City
<p><u>Geology and Soils</u></p> <ul style="list-style-type: none"> • High potential for slope instability due to grading and steepness of levee banks • Unknown potential for liquefaction 	<ul style="list-style-type: none"> • Preconstruction design studies should be completed to evaluate the effects of possible shortening of seepage paths through the levee and of changed slope inclinations • Extensive field tests with borings should be performed to determine liquefaction potential of the site soils

Adverse Impacts of Proposed Project

Recommended Mitigation Measures

- High potential for earthquake damage to buildings located near levee slopes

- Uniform Building Code (UBC) measures should be required to assure structural earthquake resistance.

Hydrology

- High potential for damage to structures erected within the 100 year flood zone

- Design and construction should follow the Standards for Encroachment used by the Reclamation Board or demonstrate that no unnecessary flood hazard exists.

- Hazardous conditions in the at-grade parking area during times of high water

- An evacuation plan should be prepared which gives instructions to all patrons and condominium occupants what to do if the parking lot is underwater or if their vehicle cannot be moved

- Debris trapped beneath the boardwalk and against the support piers during periods of high water

- The support piers should be spaced to minimize the trapping of debris during periods of high water. Larger debris diverters may be necessary to provide protection during high water volumes.

Water Quality

- Degraded water quality in the Sacramento River during construction due to grading and pile driving

- An erosion and sediment control plan should be developed for the site. Mitigation is not feasible for construction impacts due to the resuspension of sediments produced by pile driving

- High potential for spills of toxic materials and wastes near marina

- Signs should be erected which prohibit activities which increase the likelihood of toxic spills or which degrade water quality. Parking areas should be cleaned regularly. Dockside pump-out facilities should be designed into the marina.

Adverse Impacts of Proposed Project

Recommended Mitigation Measures

Erosion and Sedimentation

- High potential for erosion along the river bank due to waves from boats
 - Maximum erosion potential during times of high water
- Speed limits of five miles per hour within 200 feet of marinas or docks should be enforced; proposed erosion control structures would effectively reduce erosion potential.
 - All excavating work should be completed during periods of low water to prevent excessive erosion and sediment discharge

Biology

- Removal of about 26 mature cottonwood trees with possible adverse impacts on preserved oak and cottonwood trees; alteration of an existing riparian habitat
 - High potential for reduced populations of aquatic animal species due to degraded water quality and intensive uses
- Unavoidable adverse impact: Partial mitigation would include replanting of oaks, willows and cottonwoods along river bank. Specific tree preservation techniques should be implemented, including:
 - placing a temporary fence around preserved trees during construction activities
 - prohibiting grading, trenching, cutting, filling or placing of pavement within the tree dripline
 - prohibiting roadways and building foundations within the tree dripline
 - An effective waste disposal system should be developed to encourage the proper placement of waste materials and prevent contamination of the Sacramento River

Transportation

- Too many driveways are proposed on a short section of Garden Highway
 - Left turns into the project by westbound traffic on Garden Highway could create traffic hazards
- Reduce the number of driveways from 7 to 5 and make site plan changes to allow better circulation
 - Space driveways at least 150 feet apart and provide a left turn lane for each driveway

C-3

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Adverse Impacts of Proposed Project

- As a result of cumulative traffic in the South Natomas area signals will be needed at the Garden Highway/I-5 on-off ramps and Garden Highway near the site may need to be widened to four lanes
- No provision for bicycle paths

Air Quality

- Project traffic will contribute to overall increases in regional air pollution due to build-out of the South Natomas area

Public Services and Utilities

- Police. Minor impacts of project design which may limit police protection
- Fire. High potential for insufficient fire protection due to limited access
- Sewer. High potential for sewage spill within the Sacramento River

Cultural Resources

- Low potential for cultural materials present on the site

Recommended Mitigation Measures

- The project developers should contribute to the cost of signalization and should be required to pave its half-section of the Garden Highway to its ultimate planned width
- A bikeway should be designed into the project which would have minimal conflicts with vehicular access
- Recommended traffic improvements would reduce auto emissions by increasing average vehicle speeds and reducing congestion
- Specific standards for lighting, fuel storage, parking, marina facilities and size of rip rap should be designed into the project as recommended by the Police Department
- Fire sprinklers should be installed in all buildings and wet house lines should be installed on marina docks in accordance with federal guidelines
- Floating and on-shore storage tanks should be investigated to temporarily store sewage from the live-aboard boats and floating restaurant
- Professional archaeologist should be consulted if buried cultural materials are discovered

Adverse Impacts of Proposed Project

Recommended Mitigation Measures

Aesthetics

- Entire shoreline would be developed; site's natural character totally altered
- Residences would not be screened from other uses
- Most of existing tree cover would be removed

- Amount of shoreline development should be reduced; eliminate floating restaurant, reduce number of houseboats and marina berths
- Buffer zone should be provided between residential and commercial clusters
- Existing tree cover should be preserved to the greatest extent feasible

Energy

- The proposed development would require energy for space heating and cooling, hot water, lighting, transportation, etc.

- A series of energy conservation recommendations should be followed
- Bicycle path should be provided on the site
- South Natomas Community Bicycle Circulation Plan should be implemented