

MINUTE ITEM

15

08/28/86  
PRC 6427  
Maricle

APPROVAL OF AMENDMENT TO LEASE -  
RIVERBANK HOLDING COMPANY

Calendar Item 15, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 15.

CALENDAR PAGE  
MINUTE PAGE

1085

CALENDAR ITEM

15

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08/28/86

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WP 6427

Maricle

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

CALENDAR ITEM NO. 15 (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:

N/A.

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), 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, 14 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

CALENDAR ITEM NO. 15 (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 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. The use by Riverbank, of lands permitted to The Virgin Sturgeon, Inc. is covered under the Companion Calendar Item.
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.

APPROVALS OBTAINED:

United States Army Corps of Engineers.

CALENDAR ITEM NO. 15 (CONT'D)

FURTHER APPROVALS REQUIRED:  
None.

EXHIBITS:           A. Land Description.  
                    B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE AN AMENDMENT OF LEASE PRC 6427 TO PROVIDE A) FOR THE DELETION OF THE CURRENT LAND DESCRIPTION CONTAINED IN SAID LEASE, IN EXCHANGE FOR THE DESCRIPTION OF THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AND B) THAT ALL OUTSIDE MOORAGE AT THE PERMITTED FACILITIES SHALL CEASE IF THERE IS A RESUMPTION OF COMMERCIAL BARGE TRAFFIC AT SUCH LOCATION, AS DETERMINED BY THE UNITED STATES ARMY CORPS OF ENGINEERS.

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, 291.84 feet; thence N 70° 04' 56" W, 638.52 feet; thence N 76° 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.

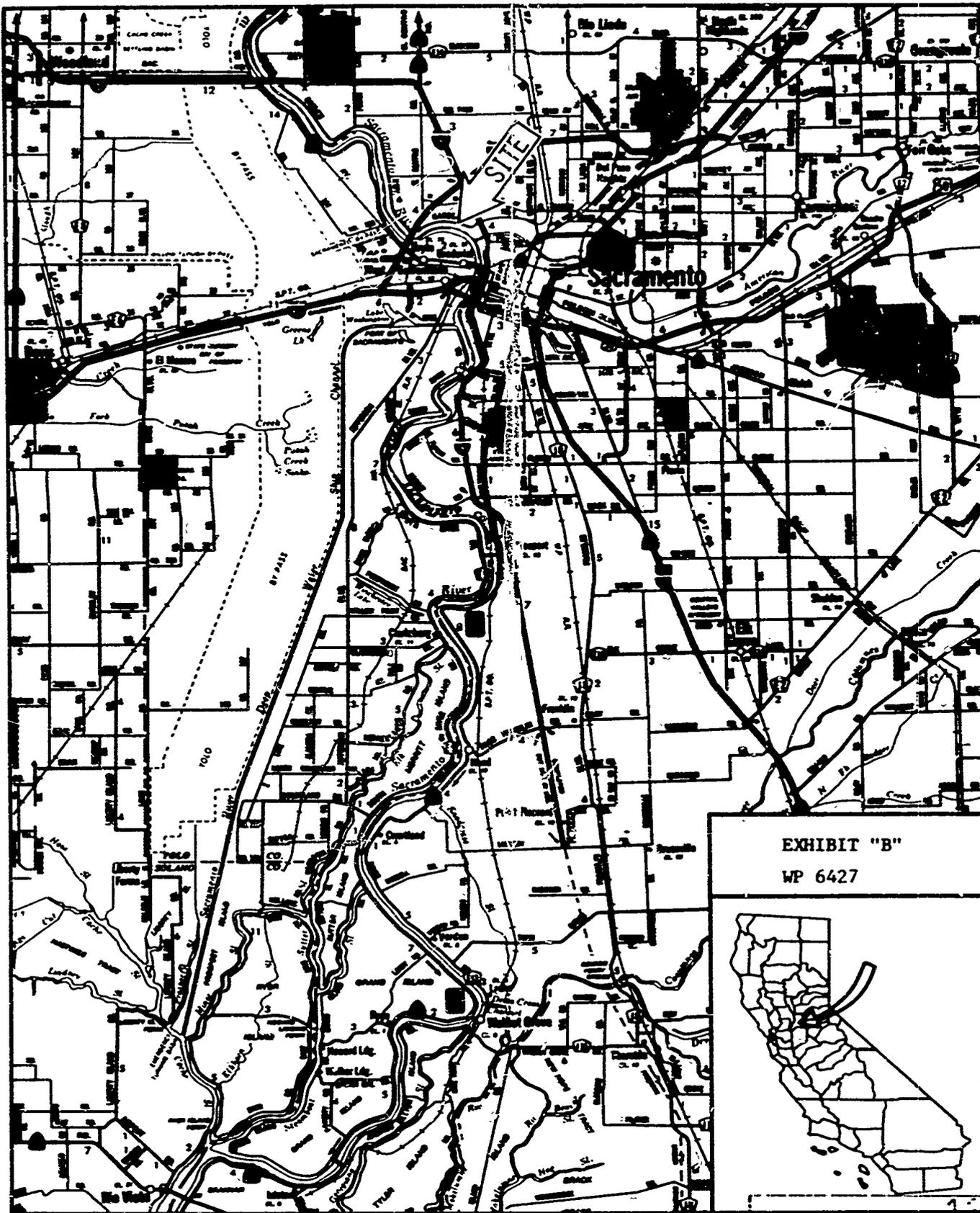


EXHIBIT "B"  
 WP 6427

