MINUTE ITEM
This Calendar Item No. C03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM
C03

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PRC 8540

08/17/04
W 25292
L. Burks

GENERAL LEASE - COMMERCIAL USE

APPLICANT:
Captain's Table Hotel, a California Limited Liability Company
3961 Park Drive, Suite 20-308
El Dorado Hills, California 95762

AREA, LAND TYPE, AND LOCATION:
Two acres, more or less, of sovereign lands in the Sacramento River, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:
Construction of 1,032 lineal feet of dockage consisting of twenty-nine (29) monthly-rental berths and fourteen (14) transient berths; an 80 foot tour boat dock; three (3) 6 foot by 100 foot hydro-ponic planters (planters designed to protect shaded riverinie aquatic habitat); two (2) access ramps; a 10 foot by 50 foot debris deflector; a fixed pier; a pumpout station; and approximately 1,325 cubic yards of native material and placement of 6,725 cubic yards of imported rock slope protection (riprap) along 550 lineal feet of shoreline.

LEASE TERM:
Twenty (20) years, beginning August 17, 2004.

CONSIDERATION:
A Minimum Annual Rent of $5,130 against five percent (5%) of the Gross Income derived from the rental of boat docks and moorings.

SPECIFIC LEASE PROVISIONS:
Liability insurance with coverage of no less than $1,000,000.

Bond: $20,000

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. On July 17, 1979, the Commission approved a 15-year lease to Harry C. and Harry W. Schilling for a commercial marina. The property has since been deeded to Captain's Table Hotel, a California Limited Liability Company. It is applying for a new lease for construction of a new marina.

3. An EIR and Addendum were prepared and certified for this project by the city of Sacramento, as the CEQA lead agency. The California State Lands Commission staff has reviewed such documents and Mitigation Monitoring Program adopted by the lead agency.

4. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are on file in the Sacramento Office of the California State Lands Commission.

5. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is on file in the Sacramento Office of the California State Lands Commission.

6. The significant impacts which cannot be avoided are:
   A. Cumulative Traffic Impacts to Sutterville Road/I-5 Southbound Ramp Intersection.

   B. Cumulative Air Quality Impacts, which would increase the carbon monoxide (CO) and Particulate Matter, particles larger than 10 microns in diameter (PM10) pollutants resulting from increased vehicle and boat traffic for which there are no currently identified feasible mitigation measures;

   C. Cumulative Biological Impacts of incremental loss of riparian and riverine habitat in combination with other projects, including flood control projects, along the Sacramento River;

D. Cumulative Recreation and River Related Impacts resulting from cumulative boat traffic in Reach 2 which is expected to increase from 279 trips to 353 trips, which is a 26% increase and exceeds the threshold of a 2% increase in trips.

Of these significant impacts, items C and D, would occur and affect resources within the Commission's jurisdiction.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the 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.

APPROVALS OBTAINED:

City of Sacramento; California State Reclamation Board; United States Fish and Wildlife Service/NOAA Fisheries.

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game; California Regional Water Quality Control Board; United States Army Corps of Engineers.

EXHIBITS:

A. Site Plan
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

January 31, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FIND THAT AN EIR AND ADDENDUM WERE PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

3. ADOPT THE MITIGATION MONITORING PROGRAM, ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

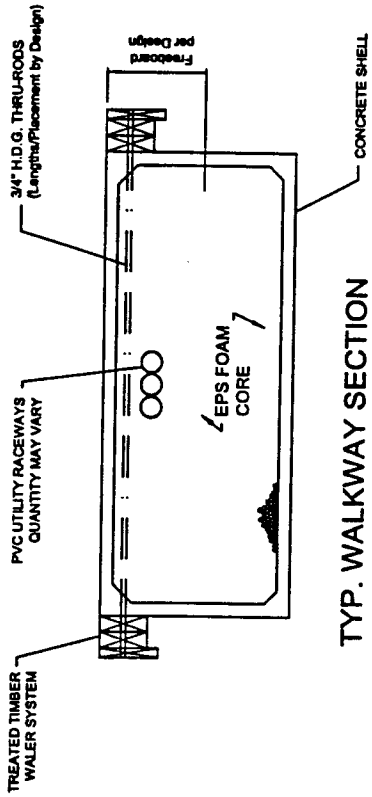
4. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

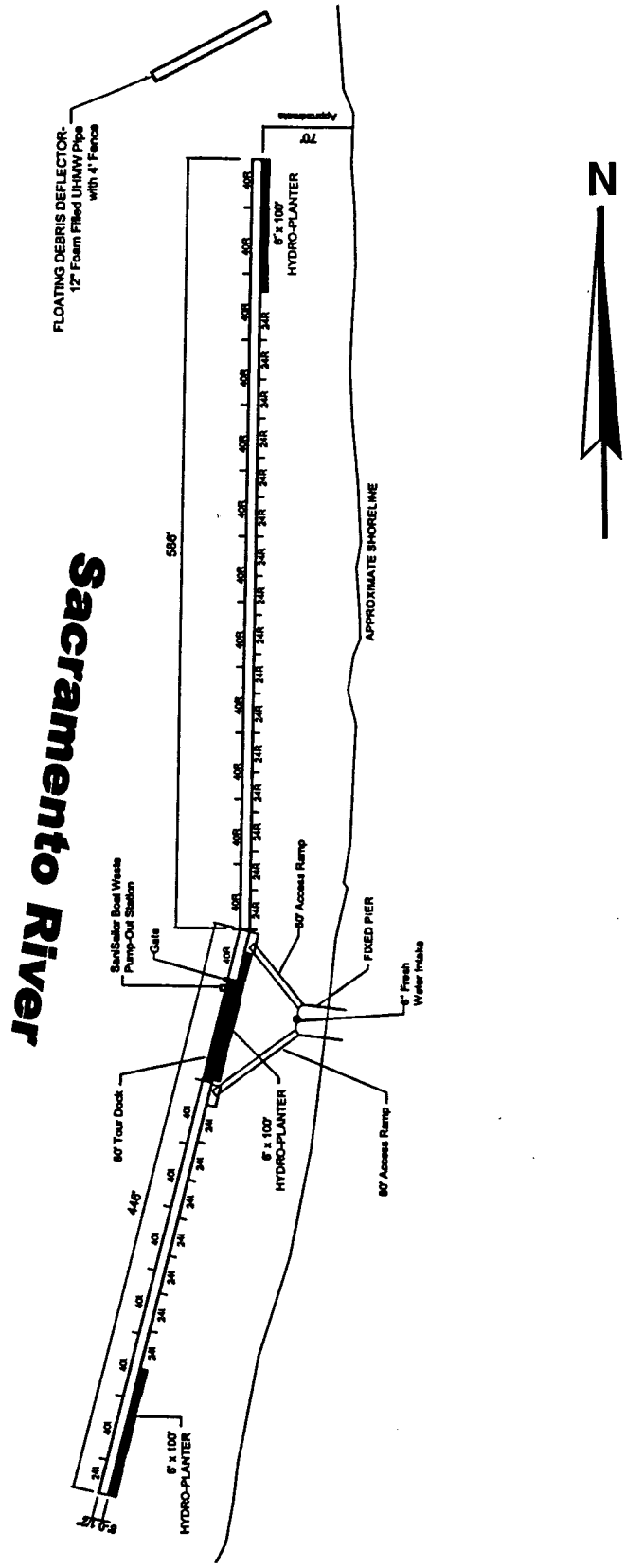
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO CAPTAIN'S TABLE HOTEL, A CALIFORNIA LIMITED LIABILITY COMPANY, OF A GENERAL LEASE - COMMERCIAL USE , BEGINNING AUGUST 17, 2004, FOR A TERM OF TWENTY (20) YEARS, FOR CONSTRUCTION OF A MARINA AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF A MINIMUM ANNUAL RENT OF $5,130 AGAINST FIVE PERCENT (5%) OF GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS; LIABILITY INSURANCE COVERAGE OF NO LESS THAN $1,000,000; SURETY IN THE AMOUNT OF $20,000.



TYP. WALKWAY SECTION

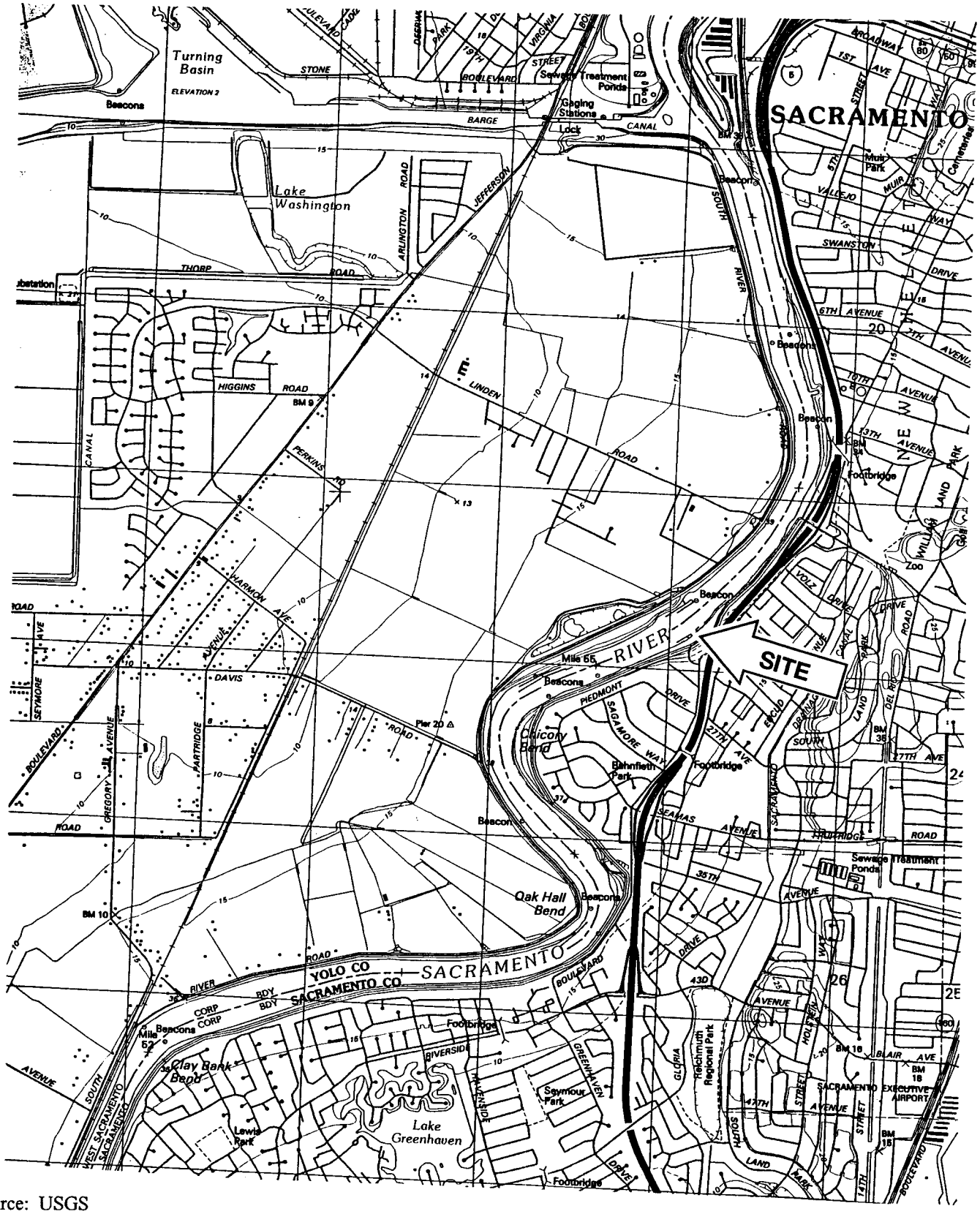


SLIP MIX

Length	Type	Marker	Quantity
24'	Transient	24t	8
24'	Rental	24R	16
40'	Transient	40t	6
40'	Rental	40R	13

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or other property.

Exhibit A
W 25292



Source: USGS

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Exhibit B
W 25292

LMB 7/21/04