

**CALENDAR ITEM
C22**

A 6

06/28/10

S 5, 9

WP 5377.9

V. Caldwell

**TERMINATION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

LESSEE:

Robert Vellanoweth

APPLICANT:

Michael R. Ochoa

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 3071 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered single-berth floating boat dock with cables, three-pile dolphin, piling, ramp with concrete pad, and bank protection, and the retention of four existing pilings as shown on Exhibit A.

LEASE TERM:

Ten years, beginning April 29, 2009.

CONSIDERATION:

Uncovered single-berth floating boat dock with cables, three-pile dolphin, pilings, and ramp with concrete pad: No monetary consideration pursuant to Public Resources Code section 6503.5.

Bank Protection: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with combined coverage of no less than \$1,000,000.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On February 5, 2007, the Commission authorized a General Lease – Recreational and Protective Structure Use to Robert Vellanoweth for an uncovered single-berth floating boat dock, dolphin, piling, ramp, and bank protection. The lease expires on October 23, 2015. On April 29, 2009, the upland property was transferred to Michael R. Ochoa. Four existing three-foot high pilings have been present at this site for years and were not previously authorized by the Commission. The Applicant has now applied for a new General Lease – Recreational and Protective Structure Use.
3. The Applicant qualifies for rent-free use of the uncovered single-berth floating boat dock with cables, pilings, dolphin and ramp with concrete pad because the Applicant is a natural person who owns the littoral land that is improved with a single family dwelling pursuant to Public Resources Code section 6503.5.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. **Termination of Lease:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

6. **Uncovered Single-Berth Floating Boat Dock with Cables, Dolphin, Piling, Ramp with Concrete Pad, and Bank Protection:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, Title 2, California Code of Regulations, section 2905 (a)(2).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. **Retention of Four Pilings:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures, Title 14, California Code of Regulations, section 15303(e).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

8. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Lease: Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

Uncovered Single-Berth Floating Boat Dock with Cables, Dolphin, Piling, Ramp with Concrete Pad, and Bank Protection: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities, Title 2, California Code of Regulations, section 2905 (a)(2).

Retention of Four Pilings: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 3,

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New Construction of Small Structures, Title 14, California Code of Regulations, section 15303(e).

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.

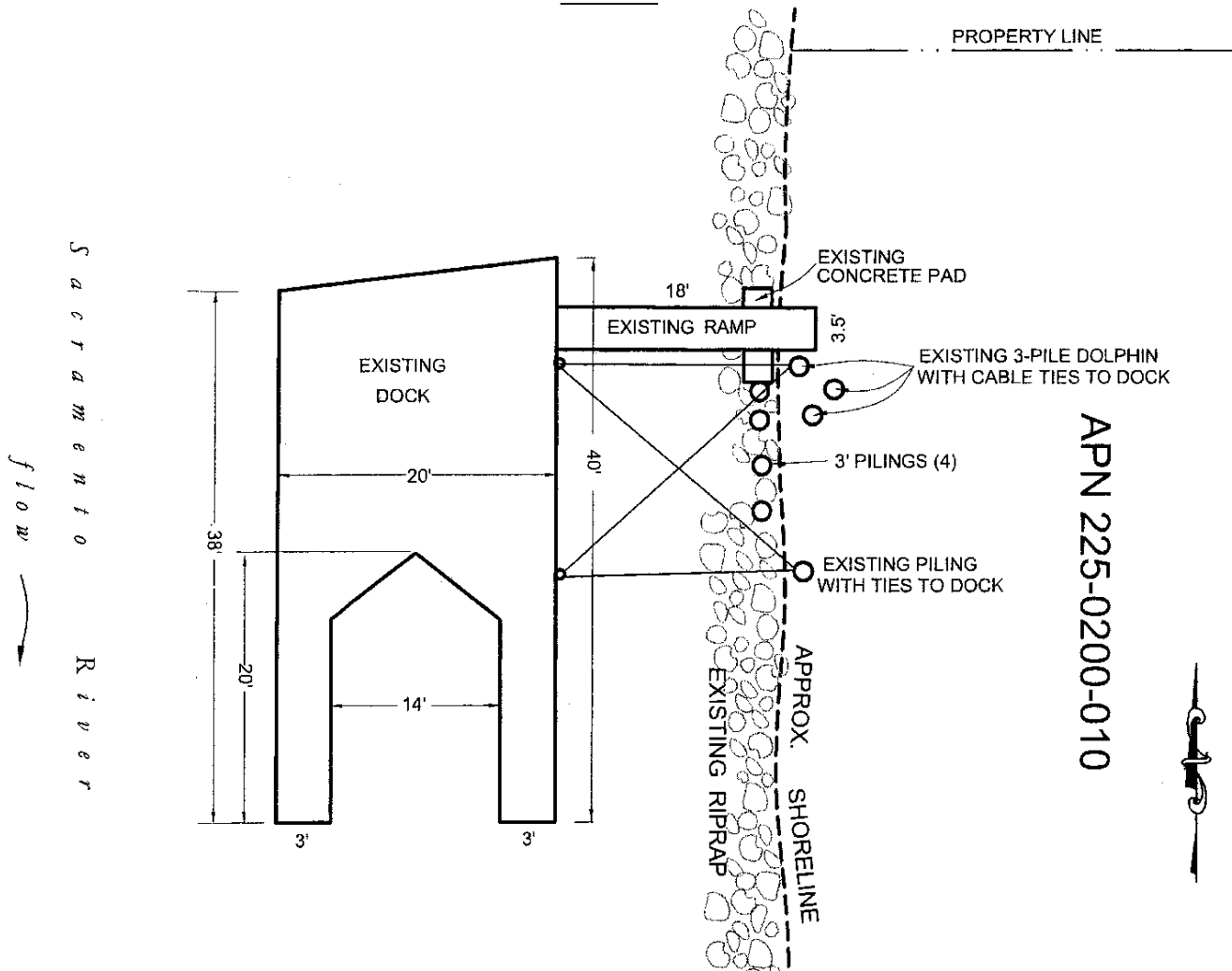
AUTHORIZATION:

1. Authorize the termination of General Lease – Recreational and Protective Structure Use, Lease No. PRC 5377.9, effective April 28, 2009.

2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Michael R. Ochoa, beginning April 29, 2009, for a term of ten years, for the continued use and maintenance of an existing uncovered single-berth floating boat dock with cables, three-pile dolphin, piling, ramp with concrete pad, and bank protection; and the retention of four existing pilings as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing uncovered single-berth floating boat dock with cables, three-pile dolphin, pilings and ramp with concrete pad: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the bank protection: the public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance in the amount of no less than \$1,000,000.

NO SCALE

SITE



3071 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION

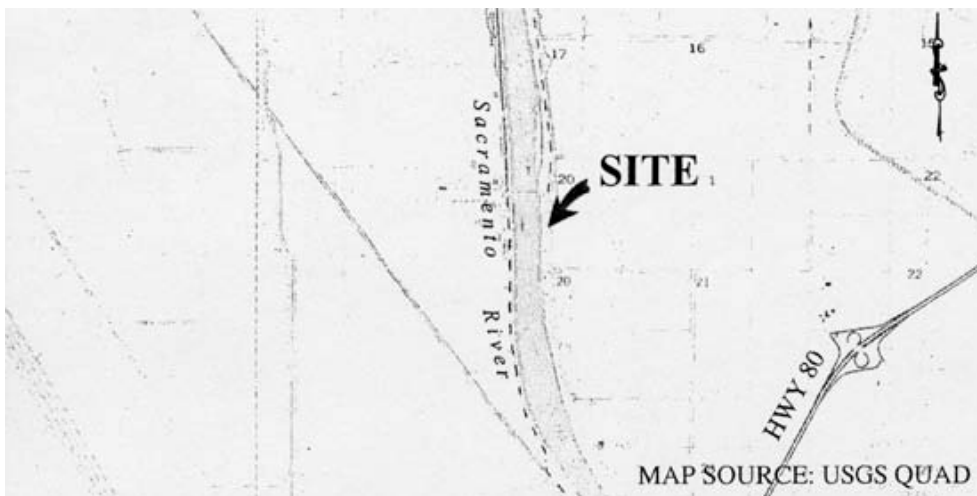


Exhibit A

PRC 5377.9
 OCHOA
 APN 225-0200-010
 GENERAL LEASE
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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 any other property.