

**CALENDAR ITEM
C15**

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08/15/14

PRC 6185.1

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N. Lavoie

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

APPLICANT:

Betty Vranesh, Trustee Of The Betty Vranesh Revocable Trust, Dated November 14, 2002

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2221 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of bank protection previously authorized by the Commission, and use and maintenance of an existing uncovered floating boat dock, ramp, piling, and steel cable not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 15, 2014.

CONSIDERATION:

Uncovered Floating Boat Dock, Ramp, Piling and Steel Cable: \$157 per year, with an annual Consumer Price Index adjustment.

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 in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

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2. On October 30, 2007, the Commission authorized a 10-year General Lease – Protective Structure Use with Betty Vranesh, Trustee of the Betty Vranesh Revocable Trust, dated November 14, 2002, for the continued use and maintenance of existing bank protection. That lease expires May 31, 2017.
3. In 2012, staff became aware of the uncovered floating boat dock, ramp, piling, and steel cable that were constructed at this location without prior Commission authorization. The Applicant is now applying for termination of the General Lease – Protective Structure Use and issuance of a General Lease – Recreational and Protective Structure Use. The improvements are not inconsistent with the Public Trust Doctrine, and staff recommends authorizing the existing improvements.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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

6. **New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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

New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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 section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective August 14, 2014, of Lease No. PRC 6185.9, a General Lease – Protective Structure Use, issued to Betty Vranesh, Trustee Of The Betty Vranesh Revocable Trust, Dated November 14, 2002.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Betty Vranesh, Trustee Of The Betty Vranesh Revocable Trust, Dated November 14, 2002, beginning August 15, 2014, for a term of 10 years, for the continued use and maintenance of bank protection previously authorized by the Commission, and use and maintenance of an existing uncovered floating boat dock, ramp, piling, and steel cable not previously authorized by the Commission as described in Exhibit A and shown

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on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the existing uncovered floating boat dock, ramp, piling, and steel cable: annual rent in the amount of \$157, with an annual Consumer Price Index adjustment; consideration for the 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; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6185.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow 828, patented April 5, 1869, County of Sacramento, State of California, and more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing uncovered floating boat dock, ramp, cable and one (1) piling lying adjacent to that parcel as described in that Quitclaim Deed recorded July 25, 2006 in Book 20060725, Page 1753 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared July 15, 2014 by the California State Lands Commission Boundary Unit.



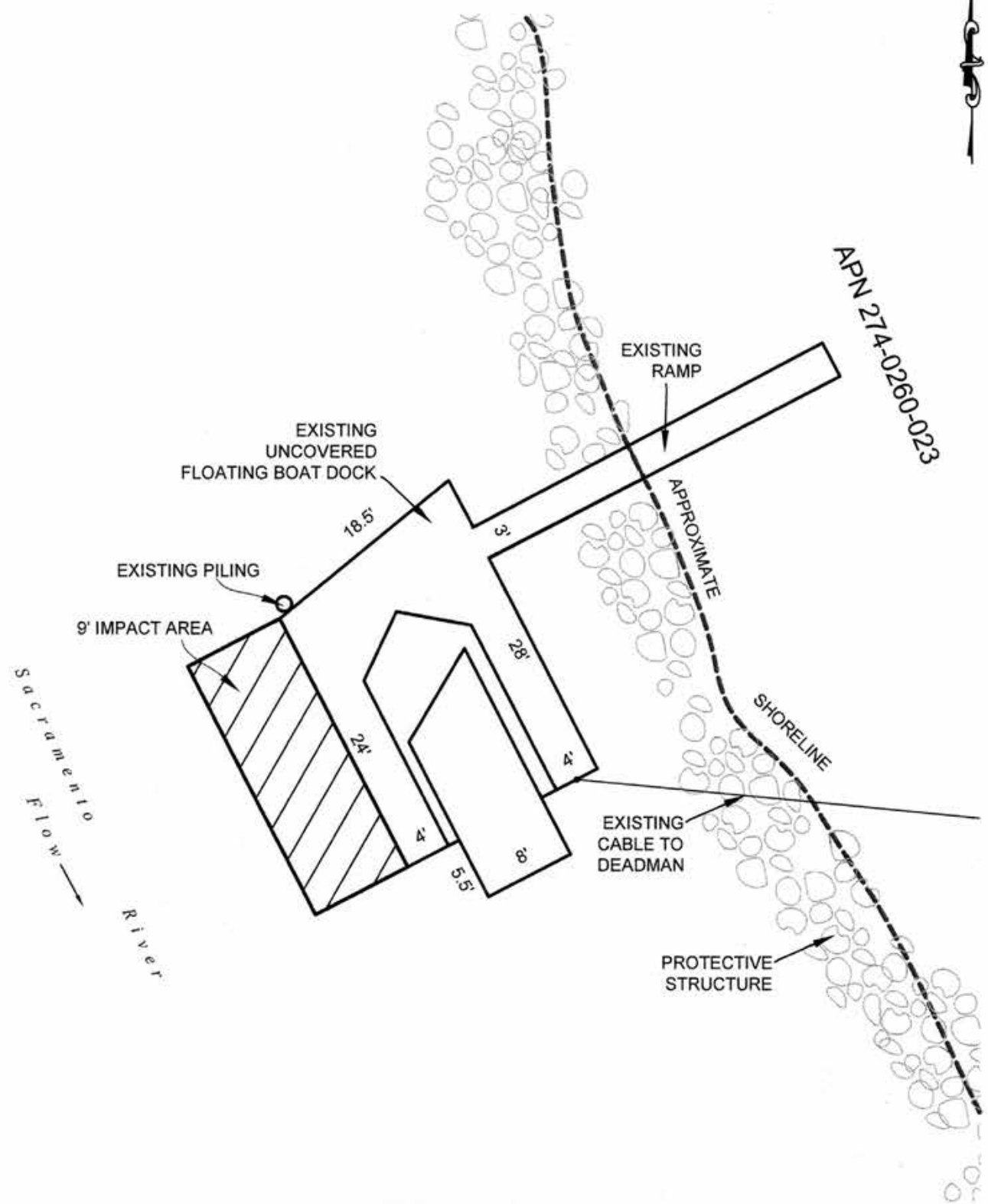


EXHIBIT A

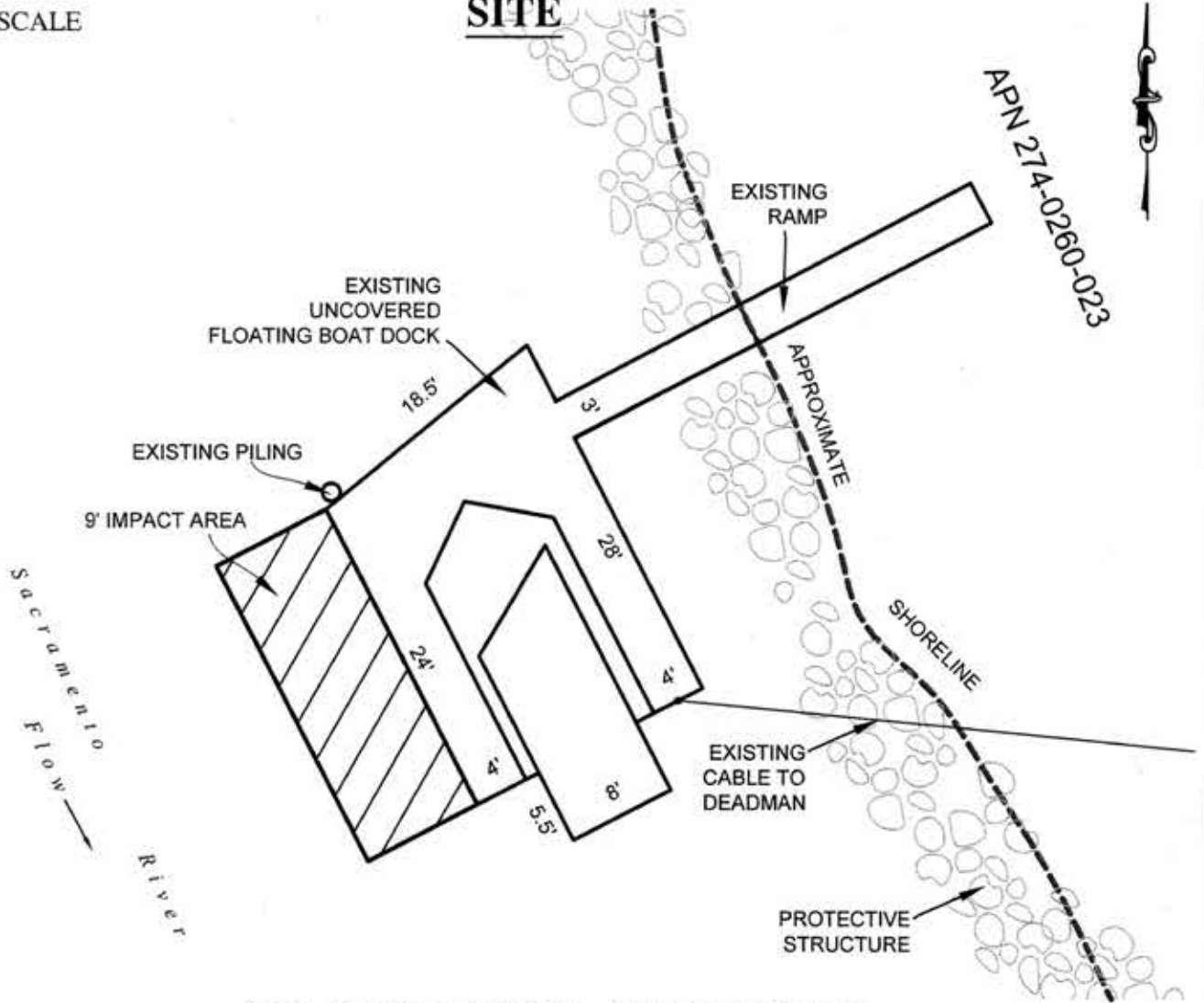
LAND DESCRIPTION PLAT
 PRC 6185.1, VRANESH TRUST
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

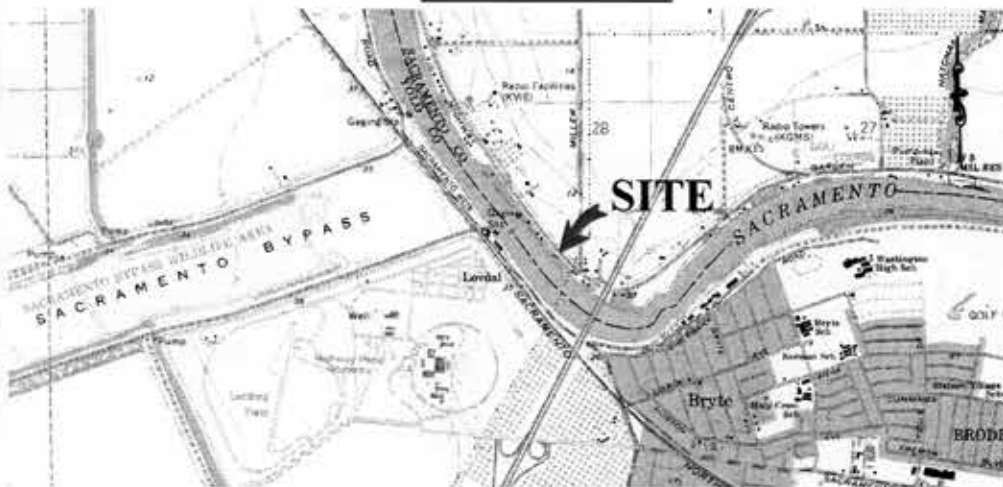
SITE



2221 GARDEN HWY., SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6185.1
 VRANESH TRUST
 APN 274-0260-023
 GENERAL LEASE -
 RECREATIONAL USE
 SACRAMENTO COUNTY



MJJ 7/15/14

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.