

**CALENDAR ITEM
C19**

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S 3

08/15/14
PRC 4527.1
J. Sampson

**GENERAL LEASE – RECREATIONAL
AND PROTECTIVE STRUCTURE USE**

APPLICANT:

Laurie Ann Davis

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 411 2nd Street, city of Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, gangway, landing, and five two-pile dolphins previously authorized by the Commission, and use and maintenance of an existing patio, bulkhead, walkway, deck, parking lot fill, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 15, 2014.

CONSIDERATION:

Patio, bulkhead, walkway, deck, and parking lot fill: \$418 per year, with an annual Consumer Price Index adjustment.

Floating boat dock, gangway, landing, and five two-pile dolphins: 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:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. The proposed lease contains a provision that the existing patio, bulkhead, walkway, deck and parking lot fill, as shown on the attached Exhibit B, cannot

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be expanded, and if repairs to any portion of the existing patio, bulkhead, walkway, deck and parking lot fill cost more than 50% of the base value of these improvements, then the patio, bulkhead, walkway, deck and parking lot fill must be removed from the lease premises.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On February 5, 2001, the Commission authorized a Recreational Pier Lease for an existing floating boat dock, gangway, and walkway to Laurie Ann Davis-Feveriere. That lease expired October 21, 2010. In 2007, the upland was deeded to Laurie Ann Davis. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.
3. Upon review of the application and after conducting a site visit, staff determined that the existing bulkhead, deck, walkway, patio, parking lot fill, and bank protection extend below the ordinary high water mark and are located on State land in the Sacramento River. These improvements have been in place for many years. Staff recommends bringing these improvements under lease.
4. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - a) A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - b) A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently-enacted changes to section 6503.5 of the Public Resources Code for the term of this lease. Therefore, the floating boat dock, gangway,

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- landing and five dolphins qualify for rent-free status. However, the bulkhead, deck, walkway, patio, and parking lot fill are subject to full rent.
5. 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.
 6. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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 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:

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.

CALENDAR ITEM NO. **C19** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Laurie Ann Davis beginning August 15, 2014, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, gangway, landing, and five two-pile dolphins previously authorized by the Commission, and use and maintenance of an existing patio, bulkhead, walkway, deck, parking lot fill, and bank protection not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the patio, bulkhead, walkway, deck, and parking lot fill: \$418, with an annual Consumer Price Index adjustment; consideration for the floating boat dock, landing, gangway, and five two-pile dolphins: 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 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 4527.1

LAND DESCRIPTION

A parcel of tide and submerged land, whether filled or unfilled, situate in the bed of the Sacramento River lying adjacent to Swamp and Overflowed Land Survey 651, patented August 11, 1874, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, ramp, landing, patio, walkway, deck, fill and bulkhead lying adjacent to and northerly of those lands as described in "Exhibit A" of that Grant Deed, recorded March 6, 2007 in Book 20070306, Page 0361 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said deed.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 7/16/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



SACRAMENTO RIVER

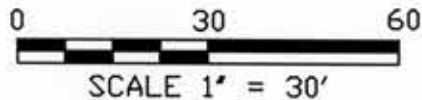
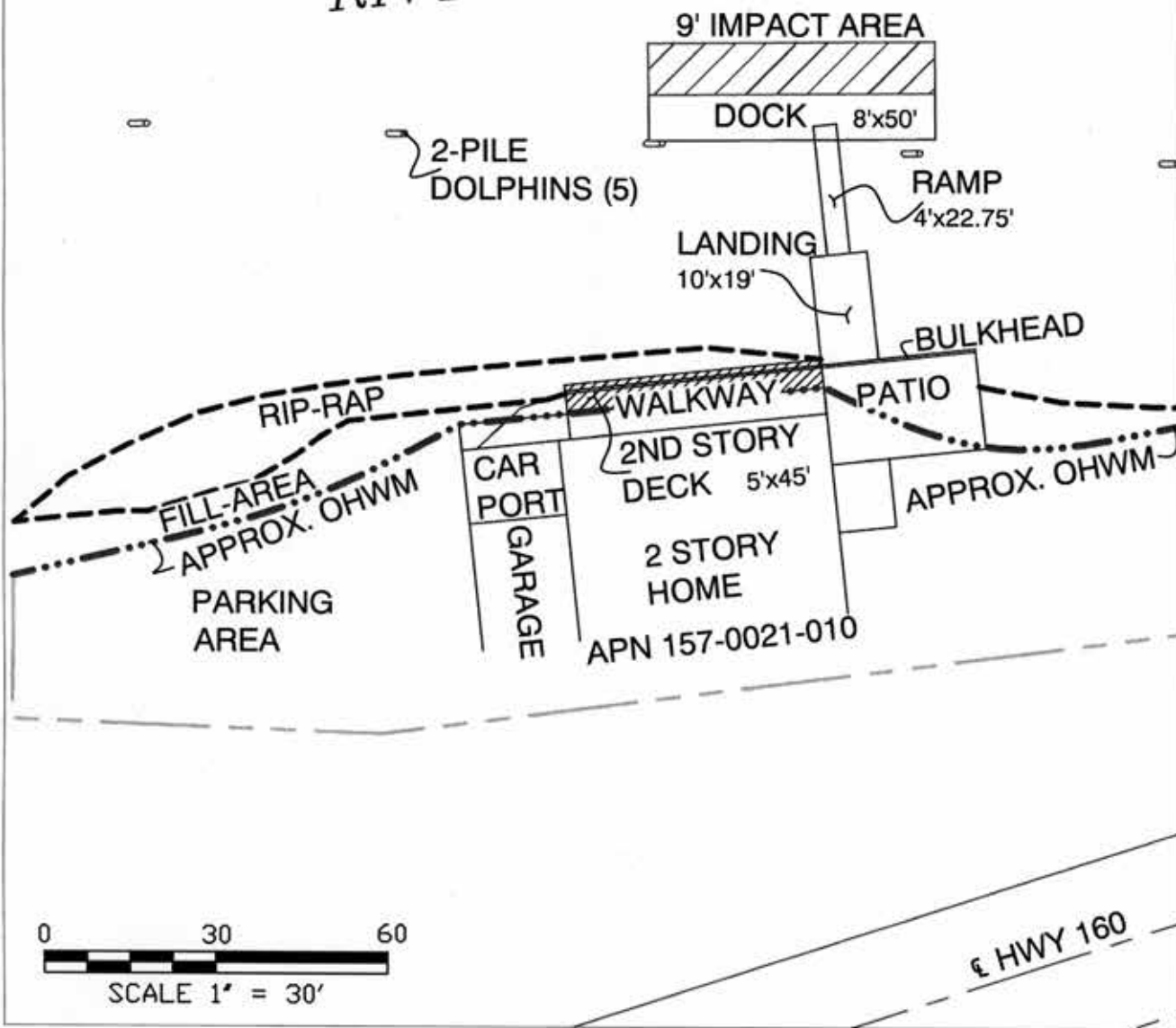


EXHIBIT A

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M. FOSSUM 7/02/14

LAND DESCRIPTION PLAT
PRC 4527.1, DAVIS
SACRAMENTO COUNTY

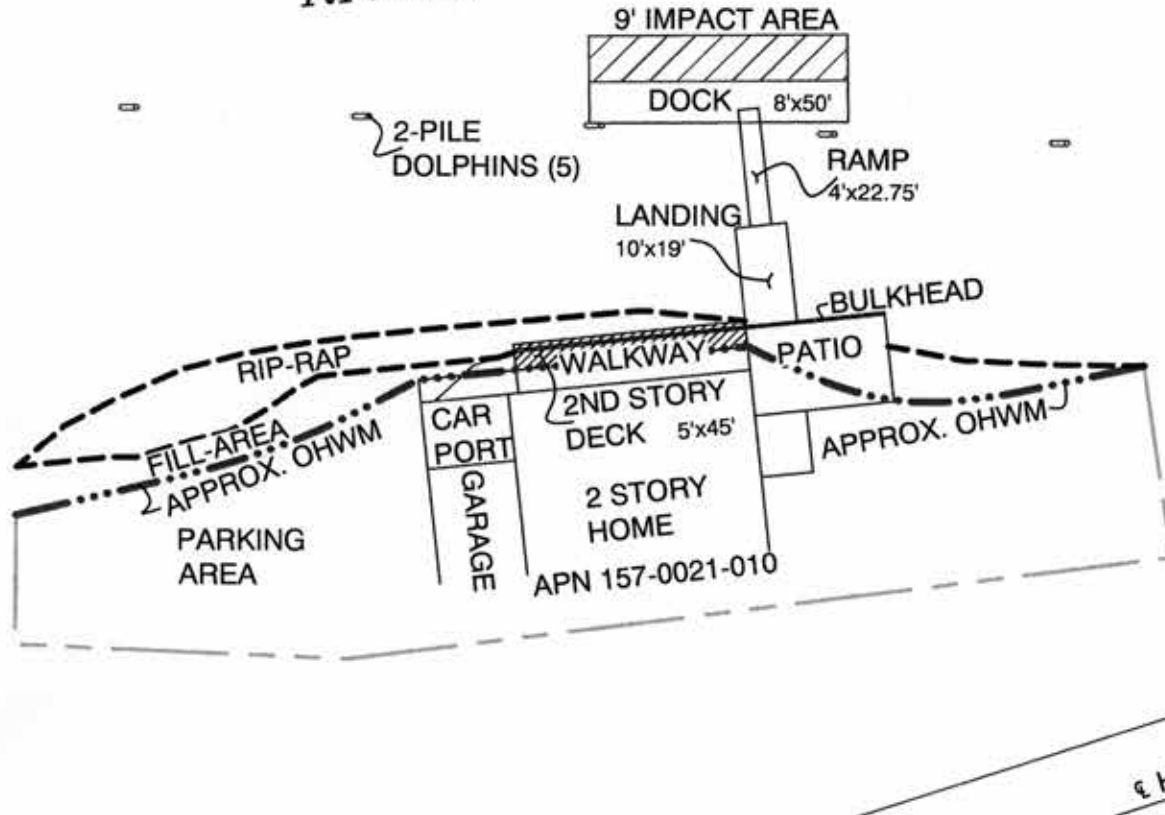
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

SACRAMENTO RIVER



411 2nd St. - Isleton

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4527.1
DAVIS
APN 157-0021-010
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.