

**CALENDAR ITEM
C50**

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06/29/15
PRC 8790.1
G. Asimakopoulos

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

APPLICANT:

Patrick J. Rooney and Julie E. Rooney, as Trustees of the Rooney 2012 Living Trust Dated September 24, 2012

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 6825 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered single-berth floating boat dock, gangway, three steel pilings, and bank protection previously authorized by the Commission; and a boat lift, jet-ski float, electric utility outlet, not previously authorized by the Commission, and the construction of a proposed gable roof structure.

LEASE TERM:

10 years, beginning March 20, 2015.

CONSIDERATION:

Single-Berth Floating Dock, Boat Lift, Gangway, Three Steel Pilings, Jet-Ski Float, Electric Utility Outlet: \$237 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 interests.

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 August 22, 2008, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to Ronald Thompson. That lease will expire on August 21, 2018. On March 20, 2015, the upland property was transferred to Patrick J. Rooney and Julie E. Rooney, as Trustees of the Rooney 2012 Living Trust Dated September 24, 2012. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use. Staff is recommending termination of the existing lease because the Lessee cannot be located for execution of a lease quitclaim deed.
3. The boat lift, jet-ski float, and electric utility outlet have been on the dock facilities for many years, but were not previously authorized by the Commission. Staff recommends authorizing the existing boat lift, jet-ski float, electric utility outlet, and the construction of a proposed gable roof structure.
4. The bank protection will mutually benefit both the public and the Applicants. 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. **Issuance of Lease for Existing Facilities:** 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. **Issuance of Lease for Construction of Gable Roof:** 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

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exempt under Class 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303.

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

8. 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:

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.

Issuance of Lease for Existing Facilities: 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).

Issuance of Lease for Construction of Gable Roof: 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 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303.

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.

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AUTHORIZATION:

1. Authorize termination effective March 19, 2015, of Lease No. PRC 8790.9, a General Lease – Recreational and Protective Structure Use, to Ronald Thompson.

2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Patrick J. Rooney and Julie E. Rooney, as Trustees of the Rooney 2012 Living Trust Dated September 24, 2012, beginning March 20, 2015, for a term of 10 years, for the continued use and maintenance of an existing single-berth floating boat dock, gangway, three steel pilings, and bank protection previously authorized by the Commission; and a boat lift, jet-ski float, electric utility outlet not previously authorized by the Commission, and construction of a proposed gable roof structure, 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 existing single-berth floating boat dock, gangway, three steel pilings, boat lift, jet-ski float, and electric utility outlet: \$237 per year, 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8790.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 922, patented July 16, 1898, Sacramento County, State of California, more particularly described as follows:

All those lands underlying an existing single-berth floating boat dock with proposed roof structure, boat lift, gangway, jet ski float, three (3) pilings, and electric utility outlet lying adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded March 20, 2015 in Book 20150320 Page 997 in Official Records of said County.

TOGETHER WITH any applicable impact areas(s)

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

EXCEPTING THEREFROM any portion(s) 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 May 22, 2015 by the California State Lands Commission Boundary Unit.





Sacramento River

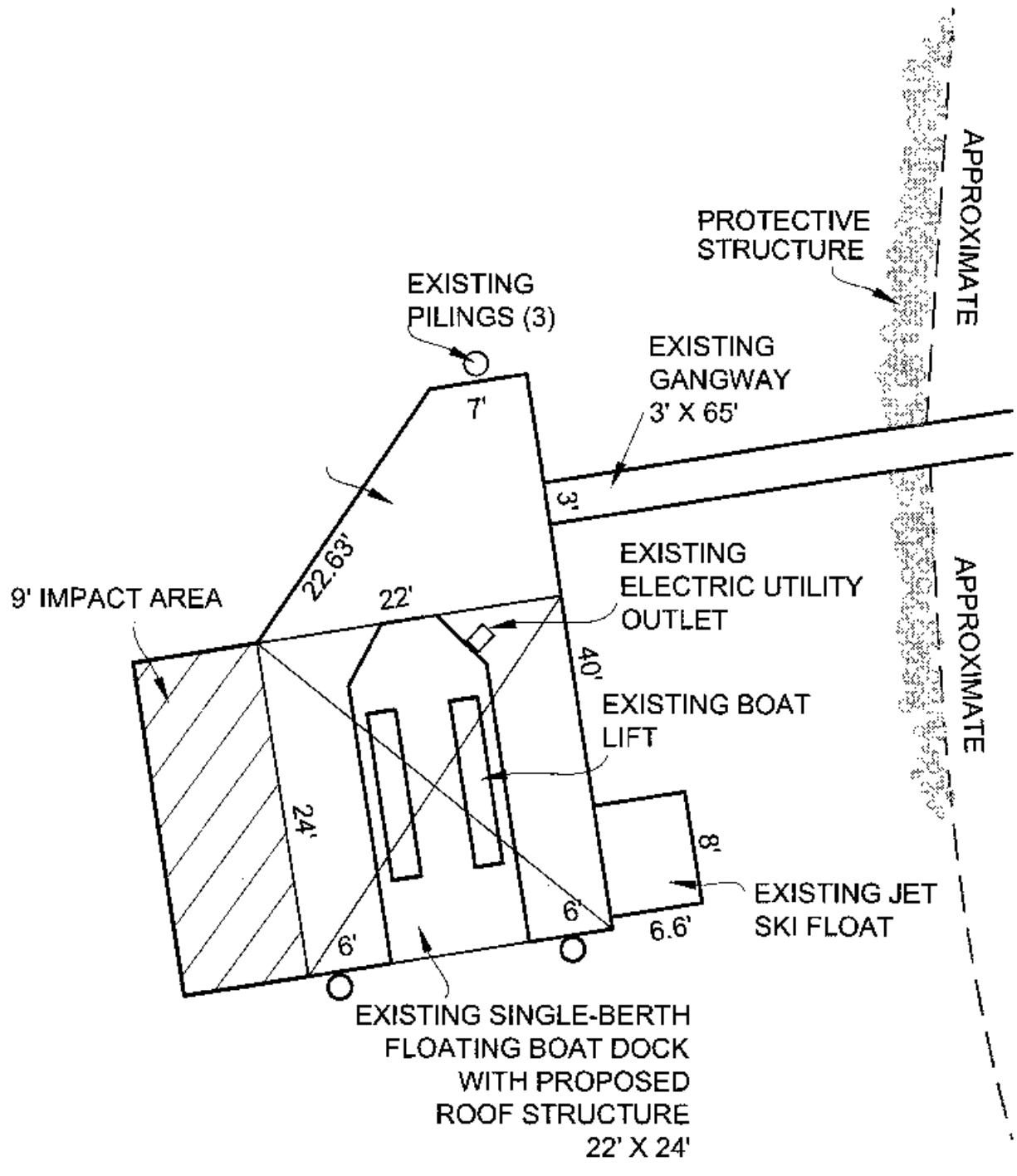


EXHIBIT A

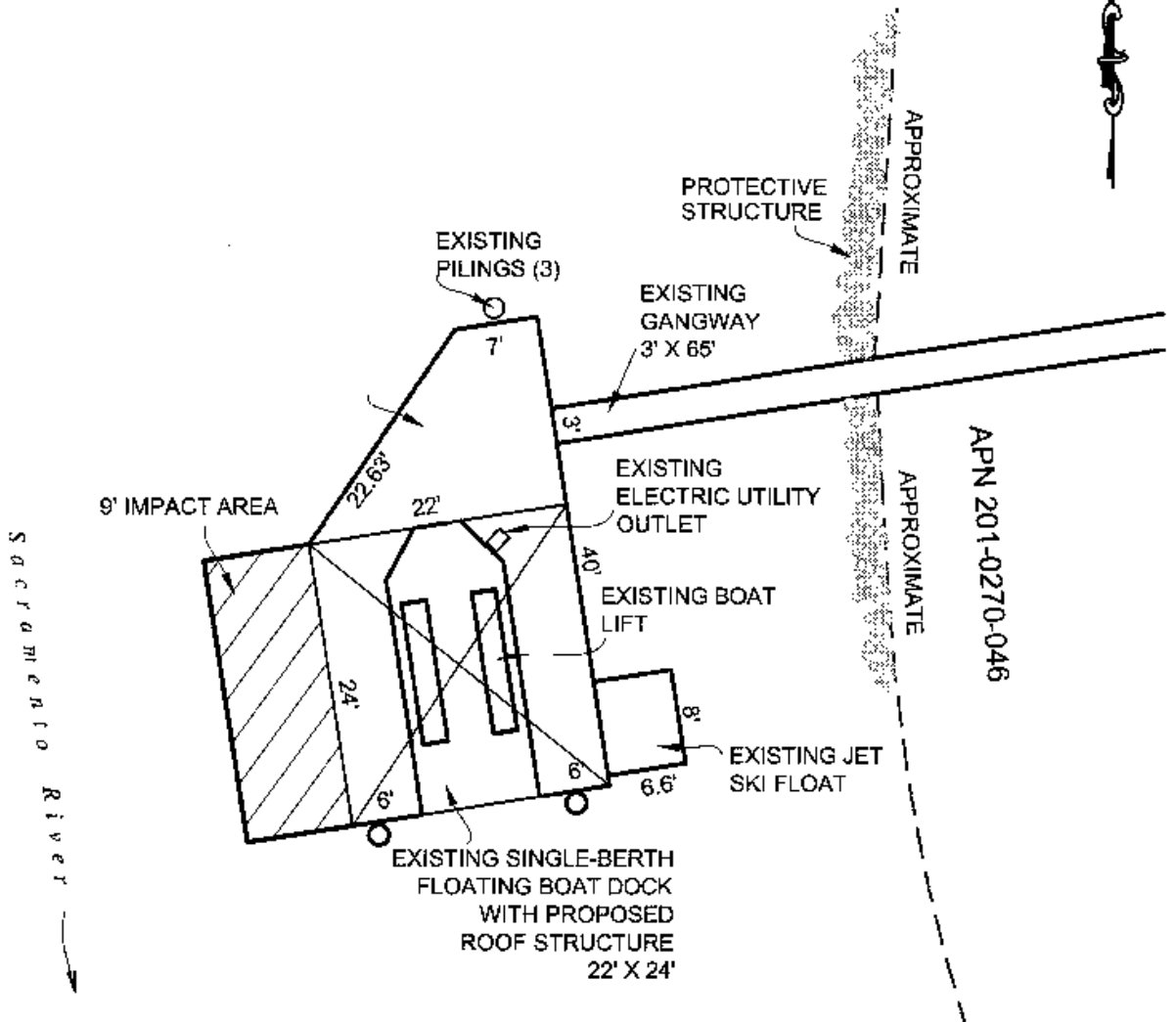
LAND DESCRIPTION PLAT
 PRC 8790.1, ROONEY 2012 LIVING TRUST
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



6825 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8790.1
 ROONEY 2012 LIVING TRUST
 APN 201-0270-046
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO COUNTY



MJJ 5/21/15

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.