

MINUTE ITEM
This Calendar Item No. 32
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
to 0 at its 2/6/89
meeting

CALENDAR ITEM

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DENIAL OF APPLICATION

Current Law requires State agencies to compile lists of criteria specifying the detailed application information required of applicants for development projects. Accordingly, the State Lands Commission adopted its application criteria through Calendar Item 2 at its April 12, 1978 meeting.

The subject application is incomplete, and the area requested has been let to a public agency for purposes not compatible with said application.

Therefore, the following application is submitted for denial due to preemption of the subject request by virtue of a permit for the self-same area, to the City of Sacramento, permit PRC 7234, authorized by the Commission under Minute Item 36, on August 10, 1988.

APPLICANT: Mr. John O'Leary, Jr.
P.O. Box 206
West Sacramento, California 95605

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Code Regs. 15270.

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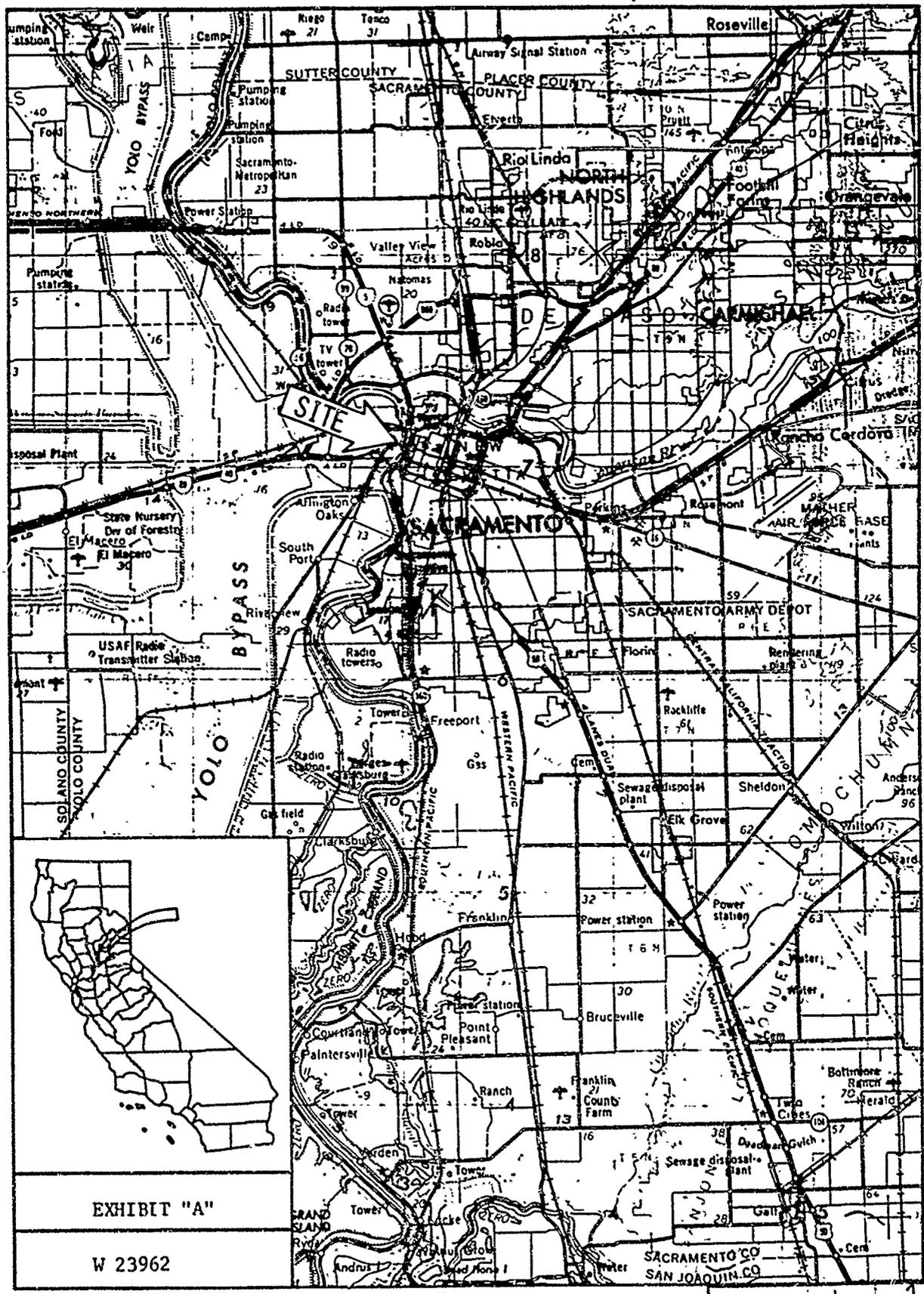
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2. Section 6223 of the P.R.C. provides that applications for purchase, or lease of State lands, shall be given the priority of time of filing; except that applications filed by any county, city, or officer of the State shall have priority over all other applications regardless of time of filing.
3. Permit No. PRC 7234, issued to the City of Sacramento under the aforementioned authorization, covers all the tide and submerged land in the Sacramento River between the Tower Bridge and the Pioneer (I-5) Bridge in Sacramento County. The staff believes that the application presented by Mr. John O'Leary, for a private barge moorage site, is not consistent with the uses and rights allowed under the provisions of permit PRC 7234.
4. The Corps of Engineers, by letter dated March 10, 1988, notified the Applicant that his application to the Department of the Army would not be processed. The staff assumes that the Federal decision will not be changed.

EXHIBIT: 4. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080(b)(5) AND 14 CAL. CODE REGS. 15270, PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.
2. DENY THE APPLICATION OF MR. JOHN O'LEARY, JR. FOR A LEASE FOR THE MOORAGE OF A BARGE AT EXISTING DOLPHINS IN THE SACRAMENTO RIVER, AT THE FOOT OF "O" STREET, CITY OF SACRAMENTO IN SACRAMENTO COUNTY.
3. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY SAID APPLICATION.



SITE



EXHIBIT "A"

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