

CALENDAR ITEM

C23

A 8, 15

12/14/06

PRC 4767

WP 4767.9

S 5, 14

V. Massey

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Elizabeth June Rabin, Barbara Mendonca and Sanford Goldstein, Trustees, or any Successor Trustee(s) thereto, of Trust "B" under Trust Agreement dated January 13, 1983, as amended

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, at Long Island, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, walkway, ramp, 12 pilings, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 27, 1999.

CONSIDERATION:

Uncovered floating boat dock, walkway, ramp and 12 pilings: 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 \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On March 23, 1989, the Commission authorized a Recreational Pier Lease to Henry Rabin and Betty June Rabin. That lease expired on

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June 26, 1999. Subsequently, the property was placed in a trust. Elizabeth June Rabin, Barbara Mendonca and Sanford Goldstein, Trustees, or any Successor Trustee(s) thereto, of Trust "B" under Trust Agreement dated January 13, 1983, as amended, are now applying for a new General Lease - Recreational and Protective Structure Use. The bank protection has existed at the site for years, but was not under lease. The proposed lease now includes the bank protection. The Applicants qualify for a rent free uncovered floating boat dock, walkway, ramp, and 12 pilings because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.

4. **Uncovered Floating Boat Dock, Walkway, Ramp, and 12 Pilings:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the 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).

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

5. **Bank Protection:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

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

6. 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

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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:

UNCOVERED FLOATING BOAT DOCK, WALKWAY, RAMP, AND 12 PILINGS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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).

BANK PROTECTION: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

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:

AUTHORIZE ISSUANCE TO ELIZABETH JUNE RABIN, BARBARA MENDONCA AND SANFORD GOLDSTEIN, TRUSTEES, OR ANY SUCCESSOR TRUSTEE (S) THERETO, OF TRUST "B" UNDER TRUST AGREEMENT DATED JANUARY 13, 1983, AS AMENDED OF A GENERAL LEASE- RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING JUNE 27, 1999, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, WALKWAY, RAMP, AND 12

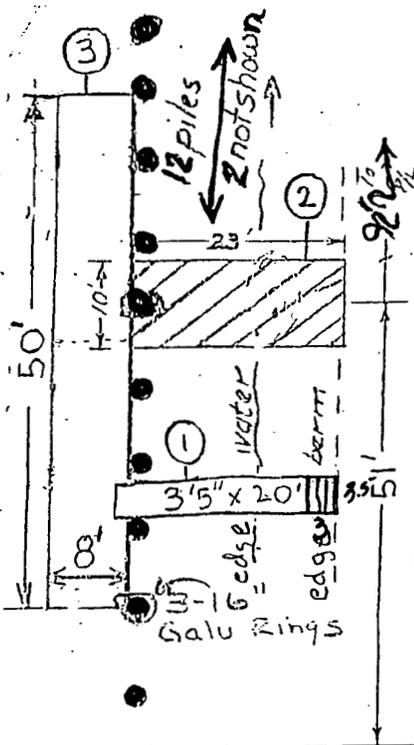
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PILINGS, AND THE USE AND MAINTENANCE OF THE BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK, WALKWAY, RAMP, AND 12 PILINGS; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC 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 RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

SITE MAP

DRAWING REVISION
10-12-2006

ANEL RABIN



- ① 3'5" x 20' WALKWAY SHOWN
- ② 2" x 12" Wood deck w/ 3' railing all around. 12" wood piles. (dimensions incorrect)
Structure extends 23' into waterway.
- ③ Fiberglass Floating dock - 8' x 50' Piles and deck in place since early 1960s
P/L

3'5" x 20' WALKWAY NOT SHOWN.
3'5" x 3 platform

LOCATION MAP

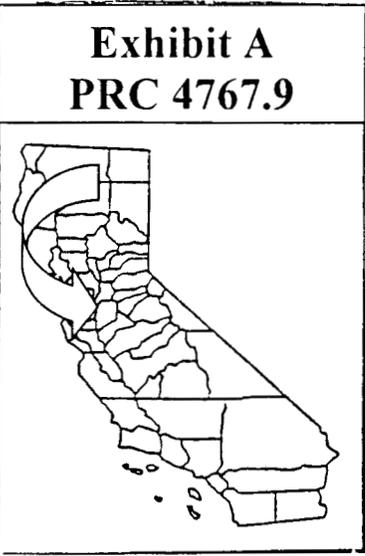
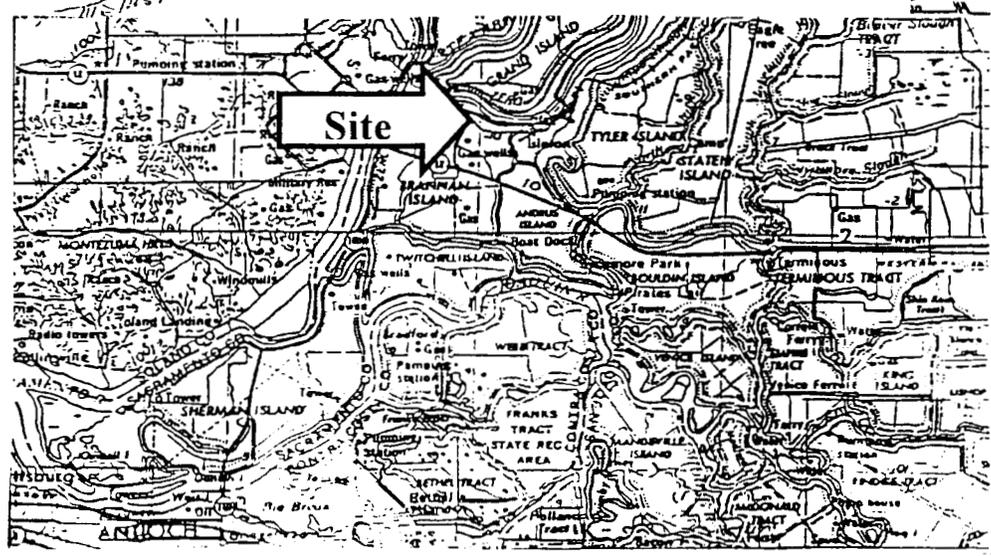


Exhibit A
PRC 4767.9

This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

Exhibit A
PRC 4767.9