

**CALENDAR ITEM  
C01**

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02/05/07  
WP 7076.9  
V. Caldwell

**RECREATIONAL PIER LEASE**

**APPLICANTS:**

Timothy F. O'Brien and Phyllis H. O'Brien, Trustees of the Timothy F. and Phyllis H. O'Brien Revocable Trust, established September 28, 2001

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the Sacramento River, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered single-berth floating boat dock, gangway, and two pilings as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning May 28, 2007.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in the amount of no less than \$300,000.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On May 12, 1997, the Commission authorized a ten-year Recreational Pier Lease to Tim and Phyllis O'Brien. That lease will expire on May 27, 2007. Subsequently, the upland property was placed in a Trust. Timothy F. O'Brien and Phyllis H. O'Brien, Trustees of the Timothy F. and Phyllis H. O'Brien Revocable Trust, established September 28, 2001 are now applying for a new Recreational Pier Lease. The Applicants qualify for a rent free Recreational Pier Lease because they are natural persons who

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have improved the littoral land with, and use the upland for, a single-family dwelling.

3. 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.

4. 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 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:**

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).

**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 OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING MAY 28, 2007, TO TIMOTHY F. O'BRIEN AND PHYLLIS H. O'BRIEN, TRUSTEES OF THE TIMOTHY F. AND PHYLLIS

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H. O'BRIEN REVOCABLE TRUST, ESTABLISHED SEPTEMBER 28, 2001 FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, GANGWAY, AND TWO PILINGS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.