

MINUTE ITEM
This Calendar Item No. C29 was approved as
Minute Item No. 29 by the California State Lands
Commission by a vote of 3 to 0 at its
05/10/07 meeting.

CALENDAR ITEM

C29

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05/10/07

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PRC 5381

WP 5381.1

V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Lawrence H. Cassidy

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to the Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, covered floating boat house, sun deck, ramp, debris deflector, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 27, 2007.

CONSIDERATION:

Uncovered floating boat dock, covered boat house, debris deflector, and ramp:
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.

Sun deck: \$122 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with combined coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

CALENDAR ITEM NO. C29 (CONT'D)

2. On August 25, 1977 the Commission authorized a ten-year Recreational Pier Lease to Stanley J. Gale and Ruth L. Gale which included; a floating boat dock, covered boathouse with a deck and railing, ramp, and pilings.
3. On December 16, 1998, the Commission authorized a ten-year Recreational Pier Lease to Lawrence H. Cassidy (Applicant). The existing lease will expire August 26, 2007. The Applicant is 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.
4. Since the sun deck is existing and has been previously approved by the commissioner, staff is recommending that a lease be issued to the Applicant. However, the proposed lease contains conditions that the existing sun deck, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing sun deck cost more than 50% of the base value of the sun deck, then the sun deck must be removed from the lease premises.
5. The bank protection at this location mutually benefits both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
6. The Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. The sun deck does not qualify for rent-free status because it is a structure not used for the docking or mooring of boats. The existing uncovered floating boat dock, covered floating boat house, ramp, and debris deflector are exempt from payment of rent pursuant to Public Resources Code 6503.5.
7. **Uncovered Floating Boat Dock, Covered Floating Boat House, Ramp, and Debris Deflector:** 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).

CALENDAR ITEM NO. C29 (CONT'D)

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

8. **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.
9. **Deck:** 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 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

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

10. 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:

UNCOVERED FLOATING BOAT DOCK, COVERED FLOATING BOAT HOUSE, RAMP AND DEBRIS DEFLECTOR: 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).

CALENDAR ITEM NO. C29 (CONT'D)

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.

SUN DECK: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, 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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

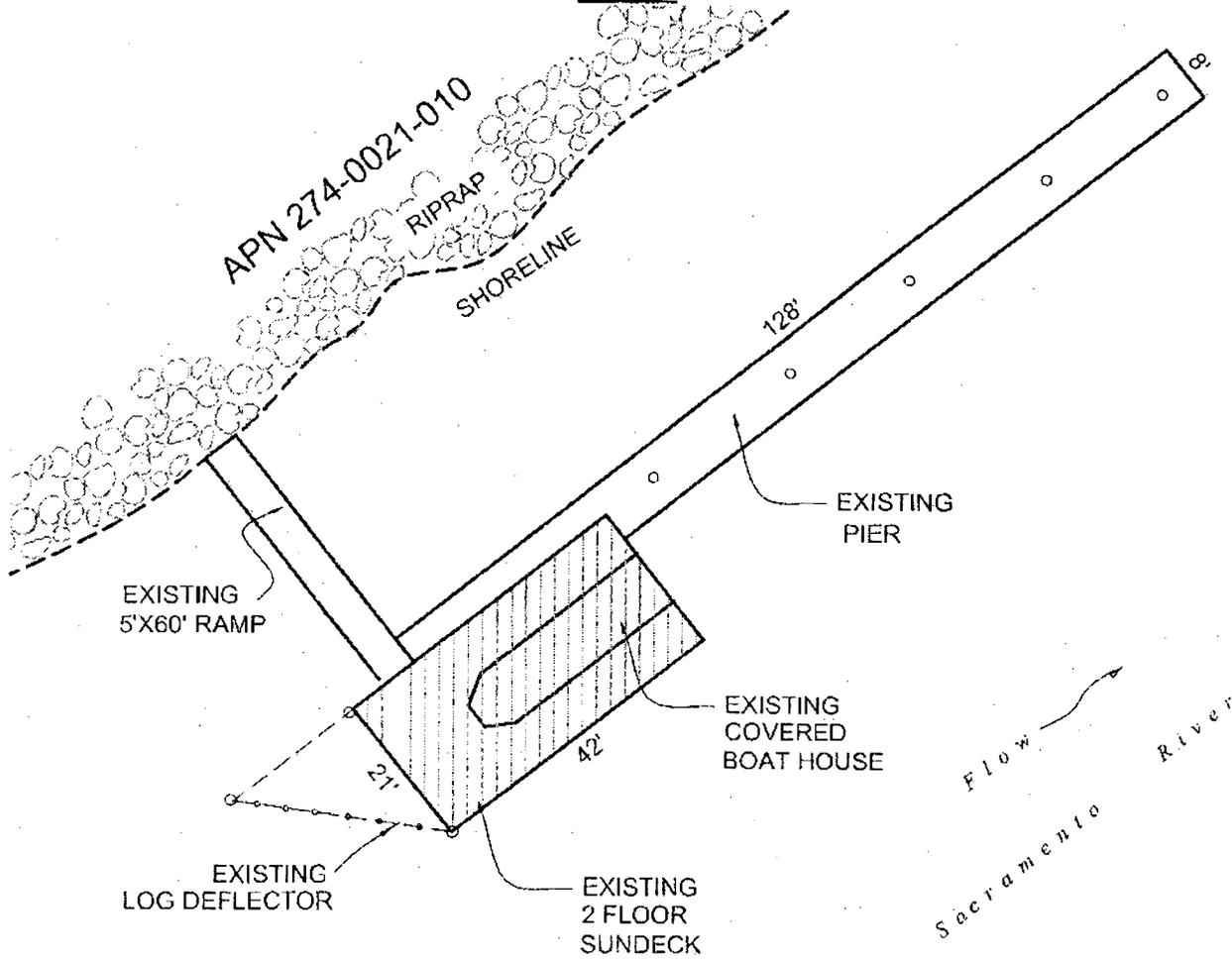
1. AUTHORIZE ISSUANCE TO LAWRENCE H. CASSIDY OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 27, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, COVERED FLOATING BOAT HOUSE, SUNDECK, RAMP, DEBRIS DEFLECTOR, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, COVERED FLOATING BOAT HOUSE, RAMP, AND DEBRIS DEFLECTOR: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; FOR THE 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; AND FOR THE SUN DECK ANNUAL RENT IN THE AMOUNT OF \$122, WITH THE STATE RESERVING THE RIGHT TO FIX A

CALENDAR ITEM NO. C29 (CONT'D)

DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM,
AS PROVIDED IN THE LEASE. LIABILITY INSURANCE IN THE
AMOUNT OF NO LESS THAN \$500,000.

NO SCALE

SITE



1963 GARDEN HWY., SACRAMENTO CA

NO SCALE

LOCATION

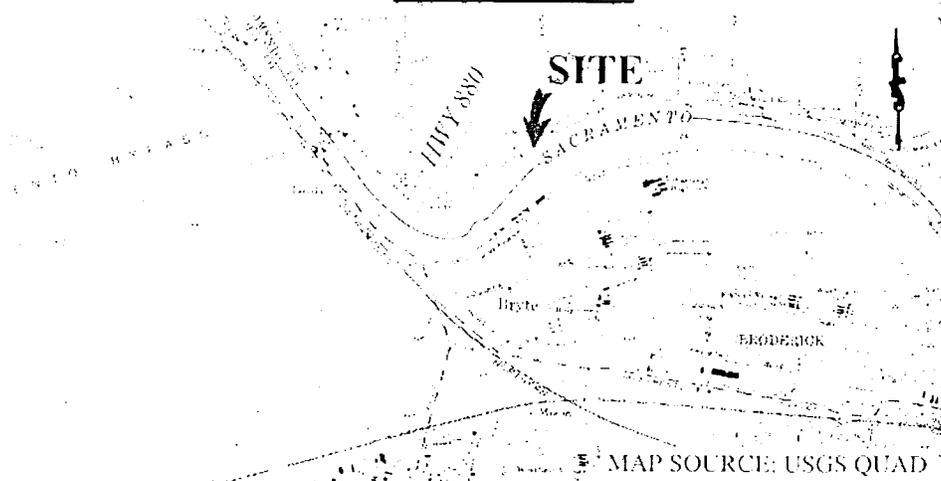


Exhibit A

PRC 5381
 CASSIDY
 APN 274-0021-010
 GENERAL LEASE
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SACRAMENTO COUNTY



MU 01/07

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.