

**CALENDAR ITEM
C11**

A 8
S 4

04/09/09
WP 6382.1
V. Caldwell

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Jeanne C. Taylor, as Trustee of the Jeanne C. Taylor Revocable Trust established July 9, 2008

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 11779 State Highway 160, near the town of Courtland, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, two dolphins, two wood pilings, gangway, and deck as shown on Exhibit A.

LEASE TERM:

Ten years, beginning April 9, 2009.

CONSIDERATION:

\$339 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:

Insurance:

Liability insurance with combined coverage of no less than \$1,000,000.

Other:

Lease includes provisions for reconstruction and removal activities and required timelines.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On September 3, 1999, the Commission authorized a General Lease - Recreational Use to Jeanne C. Bird (Taylor) for an uncovered boat dock, gangway, and a storage cabin located on the upland extending over State

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lands in the Sacramento River. That lease expired on November 30, 2007.

3. In May 2007, Ms. Taylor submitted an application for a new lease. During a September 2007 site inspection, staff confirmed that a floating residence was moored to the dock and the storage cabin had been modified to a residential use. On December 3, 2007, the Commission denied the lease application and authorized a holdover tenancy agreement with Ms. Taylor in order to give her more time to comply with the terms of her lease by removing the residential uses which were inconsistent with the Public Trust and the Commission's standard lease covenants. At that time, Ms. Taylor was working toward determining if she wanted to maintain a commercial or recreational use of the facilities. The holdover agreement required an application to be submitted with a plan for the facilities.
4. On September 23, 2008, Ms. Taylor submitted a lease application as required under the holdover agreement. After several months of negotiation, staff offered her two lease options, a commercial use or a recreational use. Ms. Taylor has now agreed to a final configuration of the facilities to a private recreational use. At this time, Ms. Taylor has completed the requirements of the holdover agreement, removed the floating home and pulled back the upland residence/cabin so that only a portion of an outdoor deck continues to encroach onto State lands. In addition, Ms. Taylor has agreed to reduce the existing 6.5-foot by 123-foot dock by approximately 60 feet in length, which brings the dock to a more conforming private recreational use size. She has also agreed to remove two remaining steel pilings in the River. The lease application includes a workplan to complete the removal of the dock and two steel pilings which is anticipated to be completed by October 31, 2009, barring any unforeseen permitting delays.
5. Ms. Taylor does not qualify for a rent-free Recreational Pier Lease because the littoral property has not been improved with a single-family dwelling.
6. 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).

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

7. 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.

APPROVALS REQUIRED:

Removal of Two Steel Pilings and Modification of Dock:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, the Central Valley Flood Protection Board, and Sacramento County

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 GENERAL LEASE - RECREATIONAL USE TO JEANNE C. TAYLOR, AS TRUSTEE OF THE JEANNE C. TAYLOR REVOCABLE TRUST ESTABLISHED JULY 9, 2008, BEGINNING APRIL 9, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, TWO DOLPHINS, TWO WOOD PILINGS, GANGWAY, AND DECK, AS SHOWN ON EXHIBIT A

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ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF;
ANNUAL RENT IN THE AMOUNT OF \$339, WITH THE STATE
RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY
DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND
LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN
\$1,000,000.