

**CALENDAR ITEM
C31**

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06/21/13
PRC 7463.1
N. Lavoie

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

James I. Tanimoto and Evelyn K. Tanimoto, Trustees in Trust, under the James I. and Evelyn K. Tanimoto Living Trust, dated August 7, 2000

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number APN 030-0490-038, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, piling, two-pile dolphin, and ramp.

LEASE TERM:

10 years, beginning June 21, 2013.

CONSIDERATION:

\$90 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 in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. The Applicants have an undivided one-seventh (1/7th) interest in an unimproved, intervening strip of land (APN 030-0490-038) situated between their private residential parcel and the Sacramento River. The intervening parcel therefore provides access to the lease premises.

2. On September 19, 2000, the Commission authorized a Recreational Pier Lease to James I. Tanimoto and Evelyn K. Tanimoto. That lease expired on October 28, 2010. The Applicants are now applying for a new General Lease – Recreational Use.

CALENDAR ITEM NO. **C31** (CONT'D)

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease was in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

While the application was submitted to the Commission prior to March 31, 2011, the Applicants do not qualify for a rent-free lease under section 6503.5 of the Public Resources Code as originally enacted because the upland parcel, the intervening strip, is not improved with a single-family dwelling.

4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C31** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to James I. Tanimoto and Evelyn K. Tanimoto, Trustees in Trust, under the James I. and Evelyn K. Tanimoto Living Trust, dated August 7, 2000, beginning June 21, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, piling, two-pile dolphin, and ramp as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$90, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7463.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 154 patented April 29, 1862, County of Sacramento, State of California, more particularly described as follows:

All those lands underlying an existing floating boat dock, ramp, two-pile dolphin, and one piling lying adjacent to that parcel as described in that Grant Deed recorded October 31, 2012, in Book 20121031, Page 0014 of Official Records of said County.

TOGETHER WITH a 10 foot impact area.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared May 20, 2013 by the California State Lands Commission Boundary Unit.





Sacramento River
Flow

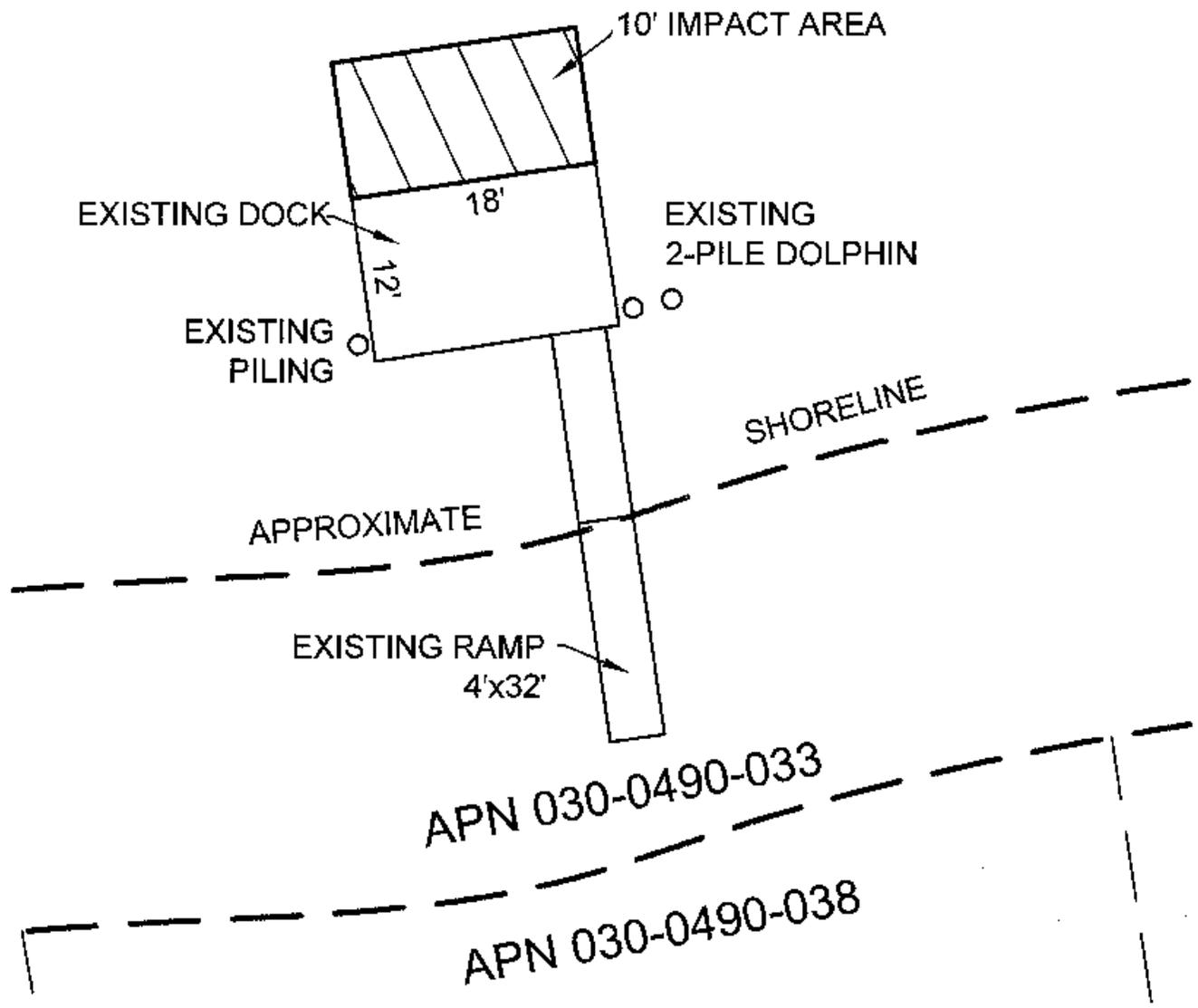


EXHIBIT A

LAND DESCRIPTION PLAT
 PRC 7463.1, TANIMOTO TRUST
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

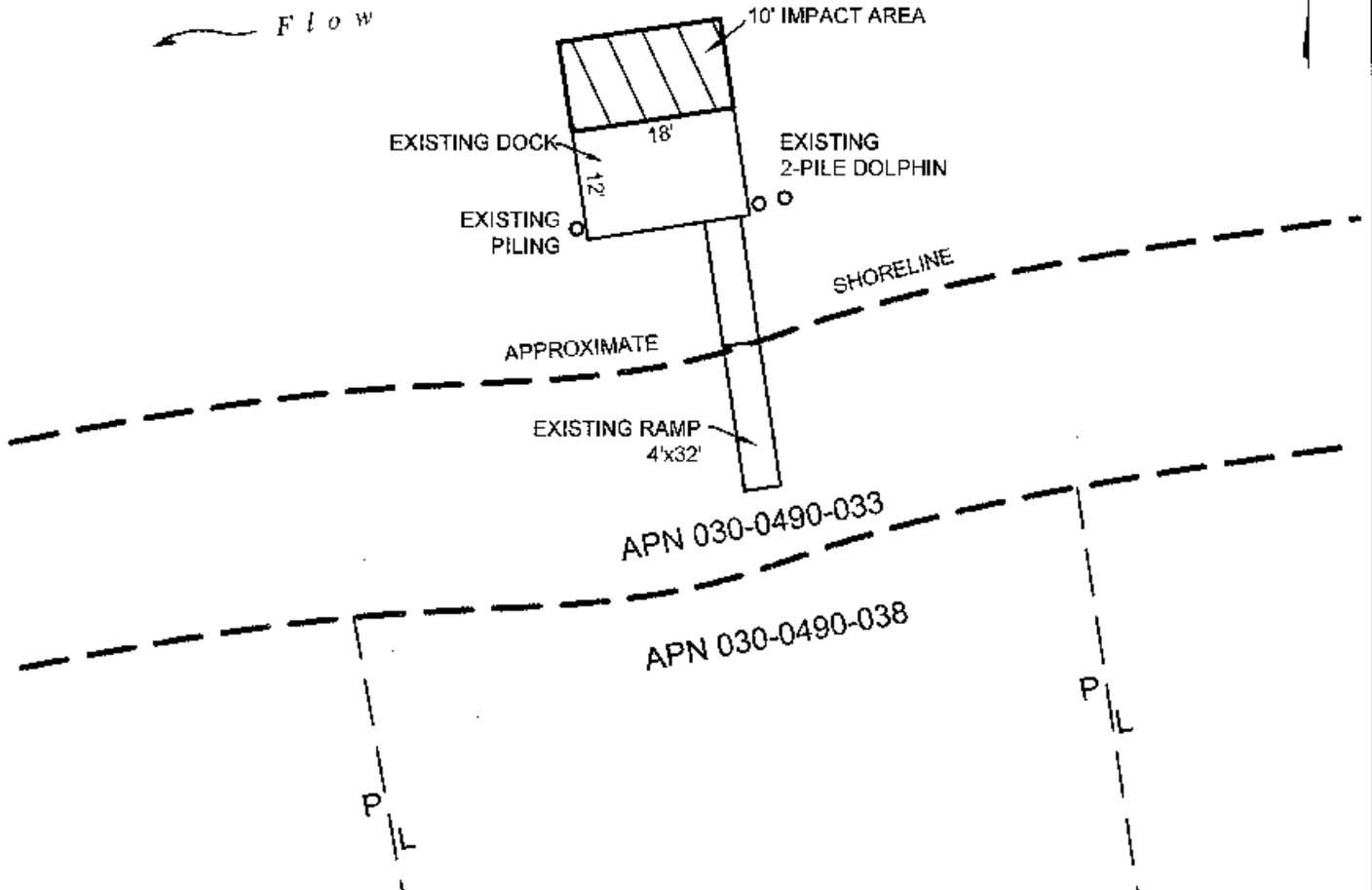


NO SCALE

SITE



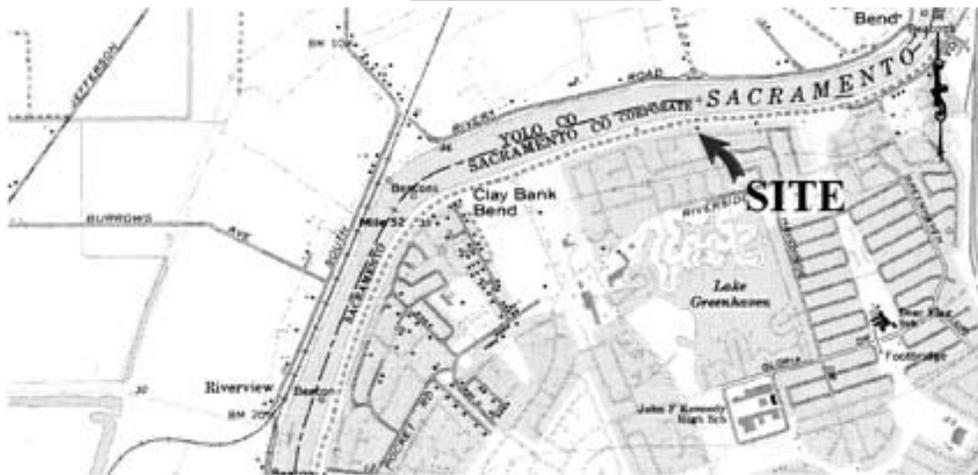
Sacramento River
Flow ←



639 BRICKYARD DRIVE, SACRAMENTO RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7463.1
 TANIMOTO TRUST
 APN 030-0490-038
 GENERAL LEASE -
 RECREATIONAL USE
 SACRAMENTO COUNTY



MJ 05/30/13

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.