

**CALENDAR ITEM
C70**

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04/23/15
PRC 6797.1
J. Sampson

**ACCEPTANCE OF A QUITCLAIM DEED AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE
STRUCTURE USE**

LESSEE:

Rudy Robles

APPLICANT:

Shangyi Chen

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 7911 Garden Highway, near the city of Sacramento, Sacramento County

AUTHORIZED USE:

Repair, reconfiguration, use and maintenance of an existing floating boat dock, cable anchors, and gangway previously authorized by the Commission, and an unattached piling and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 24, 2014

CONSIDERATION:

Floating boat dock, cable anchors, gangway, and unattached piling: \$192 per year, with an annual Consumer Price Index adjustment.

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 interests.

SPECIFIC LEASE PROVISIONS:

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

CALENDAR ITEM NO. **C70** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 9, 2004, the Commission authorized issuance of a 10-year Recreational Pier Lease to Rudy Robles. That lease expired on February 27, 2015. On February 20, 2014, Rudy Robles submitted a quitclaim deed releasing his interest in Lease No. PRC 6797.9 and deeded the upland interest to a new owner, Shangyi Chen, on February 24, 2014. The new owner is now applying for a General Lease – Recreational and Protective Structure Use.
3. During the previous lease term, the dock fell into disrepair. The Applicant proposes to repair and reconfigure the existing dock, which will result in a smaller docking facility than the previous lease authorized. In addition, the Applicant will replace the cable anchors to better stabilize the dock. Staff recommends authorization of the smaller dock, replacement of the cable anchors, and inclusion of the unattached piling and bank protection not previously authorized by the Commission.
4. The Lessee executed a quitclaim deed releasing his interest in the Lease to the State. Staff recommends acceptance of the quitclaim deed and issuance of a new lease.
5. **Acceptance of Quitclaim:**
The staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

Issuance of New Lease:

The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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

CALENDAR ITEM NO. **C70** (CONT'D)

6. 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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of Quitclaim:

Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease:

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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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:

1. Authorize acceptance of the quitclaim deed from Rudy Robles for Lease No. PRC 6797.1, effective February 23, 2014.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Shangyi Chen beginning February 24, 2014, for a term of 10 years, for repair, reconfiguration, use and maintenance of an existing floating boat dock, cable anchors, and gangway previously authorized by the Commission, and an unattached piling and bank protection not previously authorized by the Commission, as described

CALENDAR ITEM NO. **C70** (CONT'D)

in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration for the floating boat dock, cable anchors, gangway, and unattached piling: \$192 per year, with an annual Consumer Price Index adjustment; consideration for the 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 interests; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6797.1

LAND DESCRIPTION

A parcel of tide and submerged land situate on the right bank of the Sacramento River, lying adjacent to Swamp and Overflow Survey 925, patented September 1, 1869, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing boat dock, gangway, one (1) piling and two cable anchors adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded February 24, 2014 in Book 20140224 Page 514 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the right bank of the Sacramento River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared March 5, 2015 by the California State Lands Commission Boundary Unit.



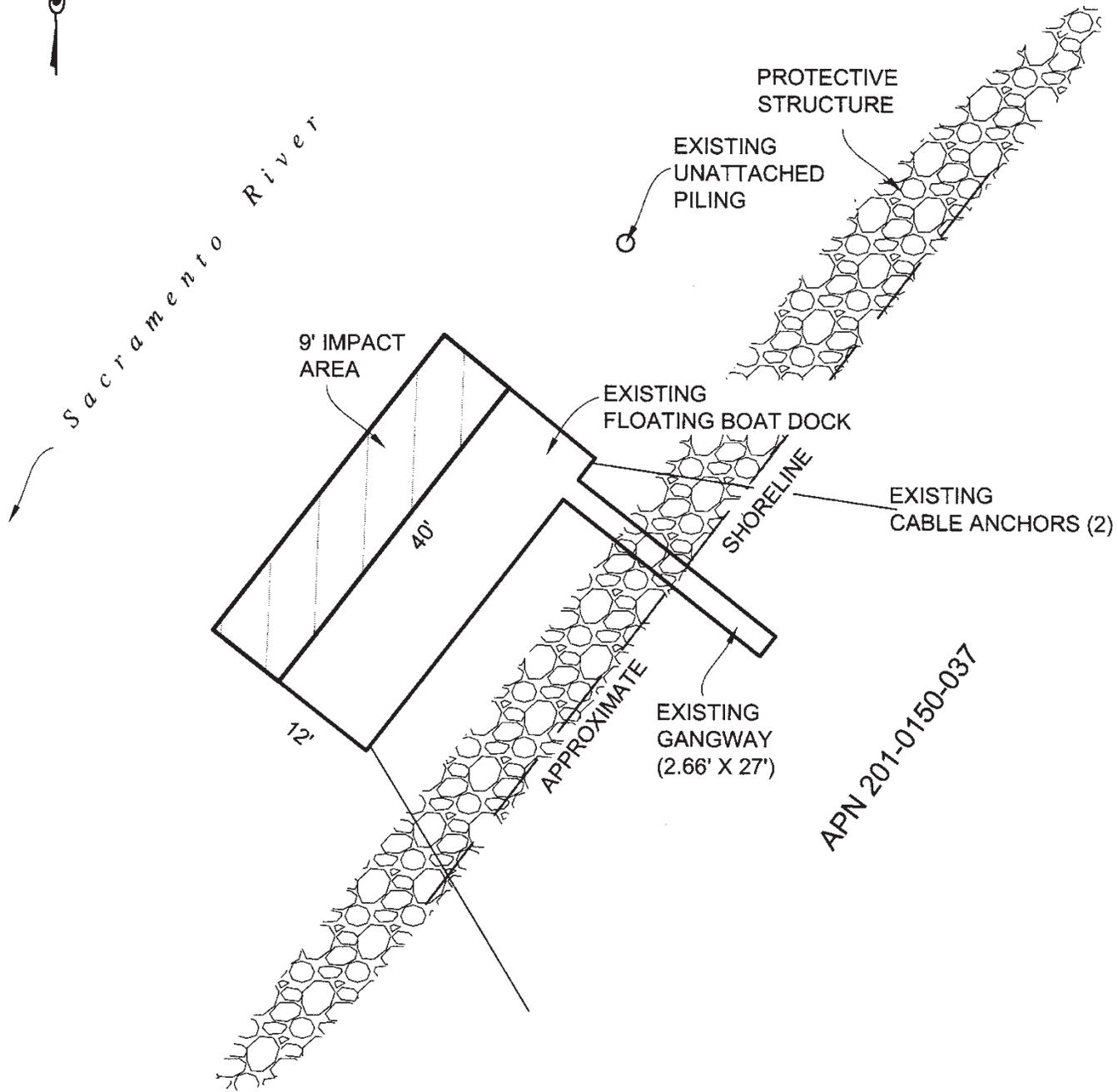
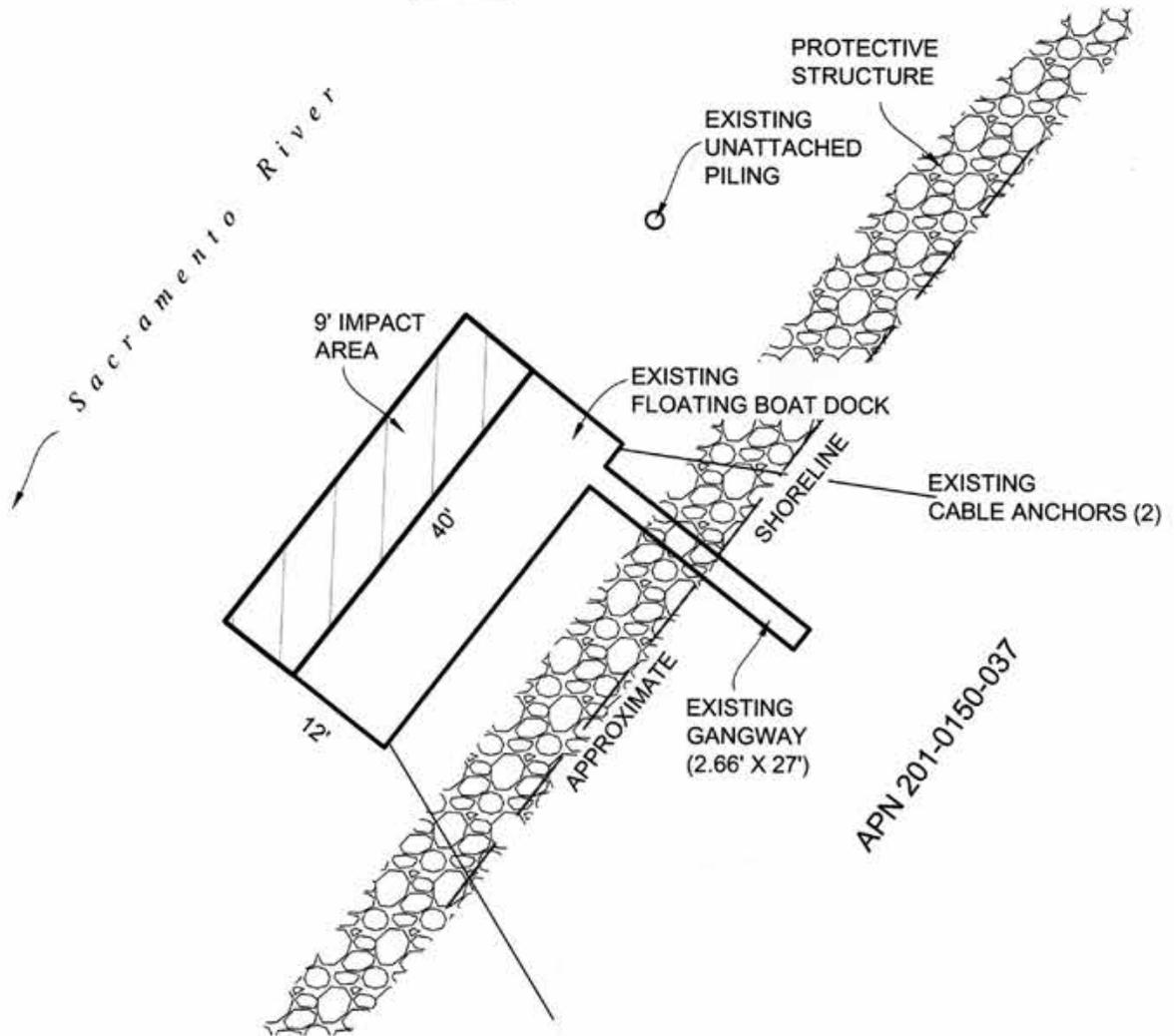


EXHIBIT A



NO SCALE

SITE



7911 GARDEN HWY., NEAR SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6797.1
 CHEN
 APN 201-0150-037
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO COUNTY



MJJ 3/04/2015

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.