

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
06/28/07 meeting.

CALENDAR ITEM
C29

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06/28/07
PRC 4164.9
C. Hudson

**TERMINATION OF A RECREATIONAL PIER LEASE AND
ISSUANCE OF NEW GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

LESSEES:

Timothy J. Taylor and Catherine P. Taylor, Co-Trustees of the Tim Taylor Family Revocable Trust dated April 29, 1996

APPLICANT:

Natalie A. Brown

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning April 1, 2007.

CONSIDERATION:

Uncovered Floating Boat Dock: 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.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

CALENDAR ITEM NO. C29 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On April 24, 2001, the Commission authorized a Recreational Pier Lease with Timothy J. Taylor and Catherine P. Taylor, Co-Trustees of the Tim Taylor Family Revocable Trust dated April 29, 1996. Subsequently, the property was deeded to Natalie A. Brown. Natalie A. Brown is now applying for a new lease. Applicant qualifies for a rent free lease for the uncovered floating boat dock, two pilings, and gangway because she is natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.
3. The bank protection at this location mutually benefits both the public and the Applicant. The bank of Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

5. **Issuance of New Lease:** 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 15300 and Title 2, California Code of Regulations, section 2905.
6. 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.

CALENDAR ITEM NO. C29 (CONT'D)

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: 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:

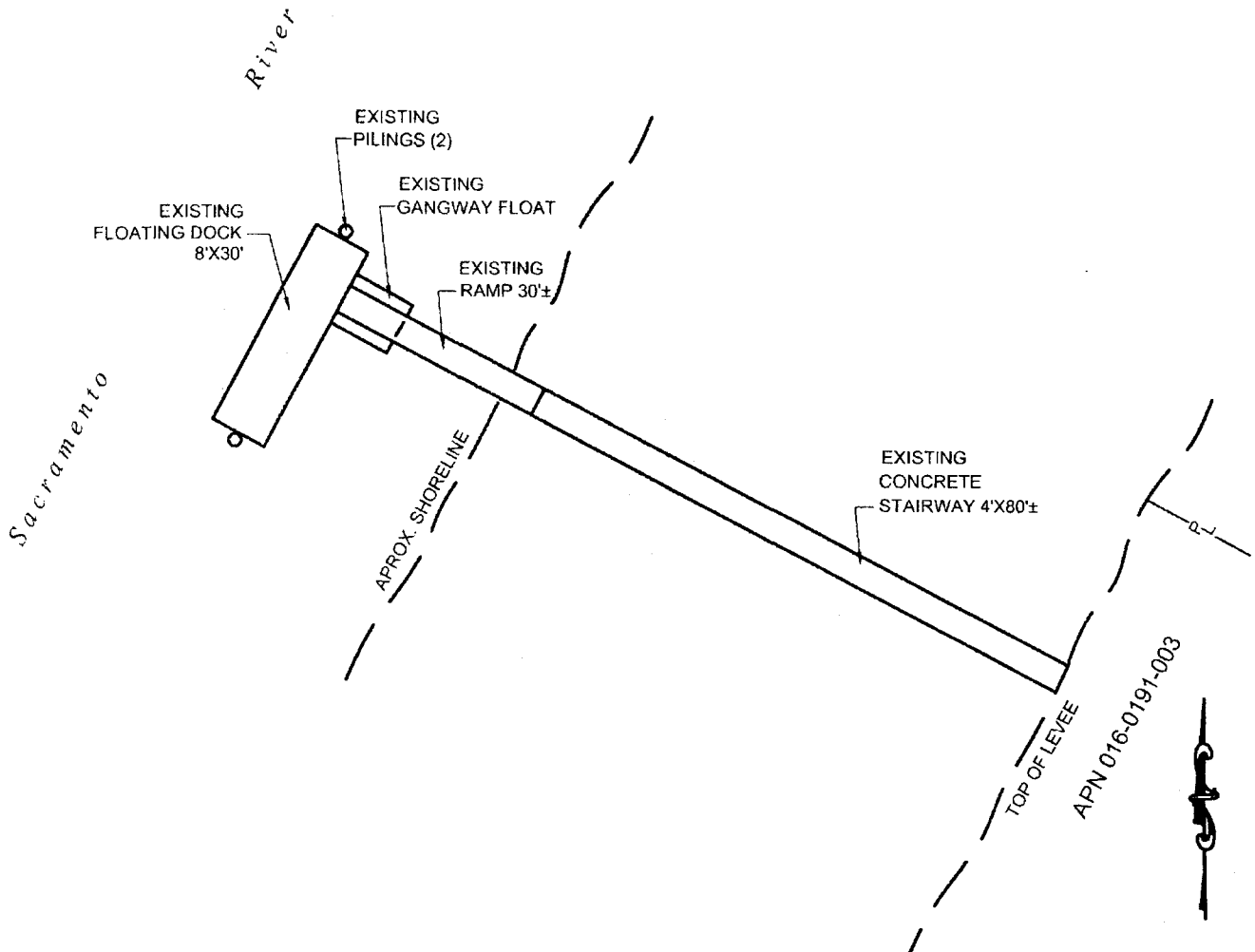
1. AUTHORIZE TERMINATION OF LEASE NO. PRC 4164.9, A RECREATIONAL PIER LEASE, EFFECTIVE MARCH 31, 2007.
2. AUTHORIZE ISSUANCE TO NATALIE A. BROWN OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING APRIL 1, 2007, FOR A TERM OF TEN YEARS, FOR AN UNCOVERED FLOATING BOAT DOCK, TWO PILINGS, GANGWAY, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, TWO PILINGS, AND GANGWAY: NO MONETARY CONSIDERATION PURSUANT TO

CALENDAR ITEM NO. C29 (CONT'D)

PUBLIC RESOURCES CODE SECTION 6503.5; AND 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 INTEREST; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

NO SCALE

SITE



937 PIEDMONT DR. SACRAMENTO

NO SCALE

LOCATION

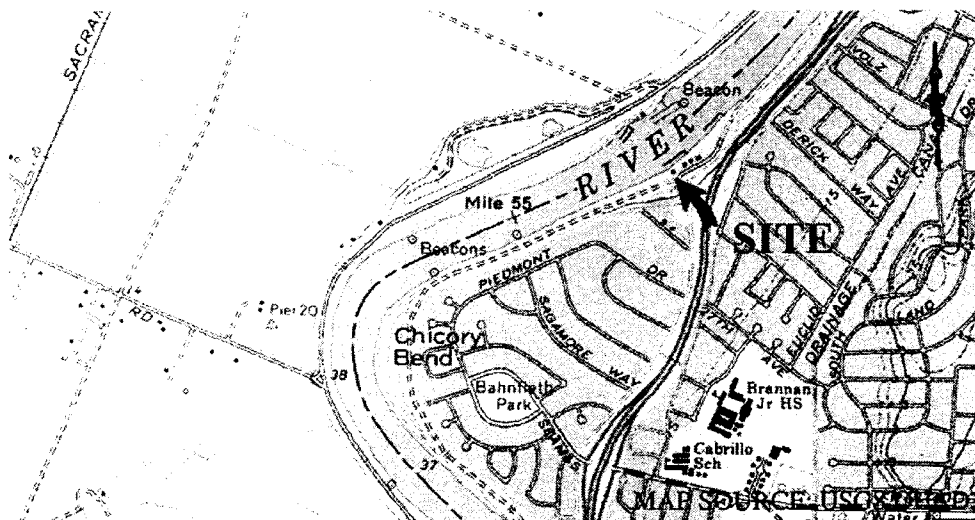


Exhibit A
 PRC 4164.9
 BROWN
 APN 016-0191-003
 GENERAL LEASE
 RECREATIONAL & PROTECTION
 STRUCTURE USE
 SACRAMENTO CO.



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.