

**CALENDAR ITEM  
C08**

A 9  
S 6

01/26/12  
WP 4638.9  
V. Caldwell

**RECREATIONAL PIER LEASE**

**APPLICANT:**

Selso Vargas, Jr.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Sacramento River, adjacent to 905 Piedmont Drive, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing single-berth covered boat house and three pilings previously authorized by the Commission; and use and maintenance of an existing removable ramp not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning June 24, 2011.

**CONSIDERATION:**

No monetary consideration for the term of the lease pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On April 24, 2001, the Commission authorized a Recreational Pier Lease to Selso Vargas, Jr. That lease expired on June 23, 2011. The Applicant is now applying for a new Recreational Pier Lease.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the

CALENDAR ITEM NO. **C08** (CONT'D)

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 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.

This is a unique situation in that the Applicant and the Commission staff had an agreement in principle, a lease was signed and executed by the applicant on October 5, 2011, before the Governor signed Chapter 585, Statutes of 2011 into law on October 8, 2011. Because the Commission postponed the last meeting in 2011, the lease was not approved prior to the law taking effect on January 1, 2012. Staff recommends a rent free lease for this 10-year term for because the Applicant agreed to and signed the lease provided him by Commission staff prior to the enactment of Chapter 585 and the Applicant was not at fault in the delay.

- 4. The Applicant has also agreed to provide a public benefit by allowing reasonable public access along and across the river bank or levee on the Applicants property, should the State or city of Sacramento obtain necessary rights or permission from other adjacent property owners along the Sacramento River as part of the public trail alignment area under the city of Sacramento River Parkway Plan. The Applicants upland property is in proximity to Chicory Bend, which was obtained by the Commission for public access to and along the river and is a part of a future access trail alignment along the river.
- 5. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of 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).

CALENDAR ITEM NO. **C08** (CONT'D)

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

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:**

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 Recreational Pier Lease to Selso Vargas, Jr., beginning June 24, 2011, for a term of 10 years, for the continued use and maintenance of an existing single-berth covered boat house and three pilings previously authorized by the Commission; and use and maintenance of a removable ramp not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; no monetary consideration for the term of the lease; and liability insurance in the amount of no less than \$500,000.

**EXHIBIT A**

**PRC 4638.9**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to the Rancho New Helvetia, as shown on the Official Rancho Plat, approved August 9th, 1873, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing covered boat house and appurtenant structures adjacent to that parcel as described in "Exhibit A" of that Grant Deed recorded March 26, 1996 as document number 199603260770 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said river.

TOGETHER WITH a ten (10) foot use area.

Accompanying plat is hereby made a part of this description

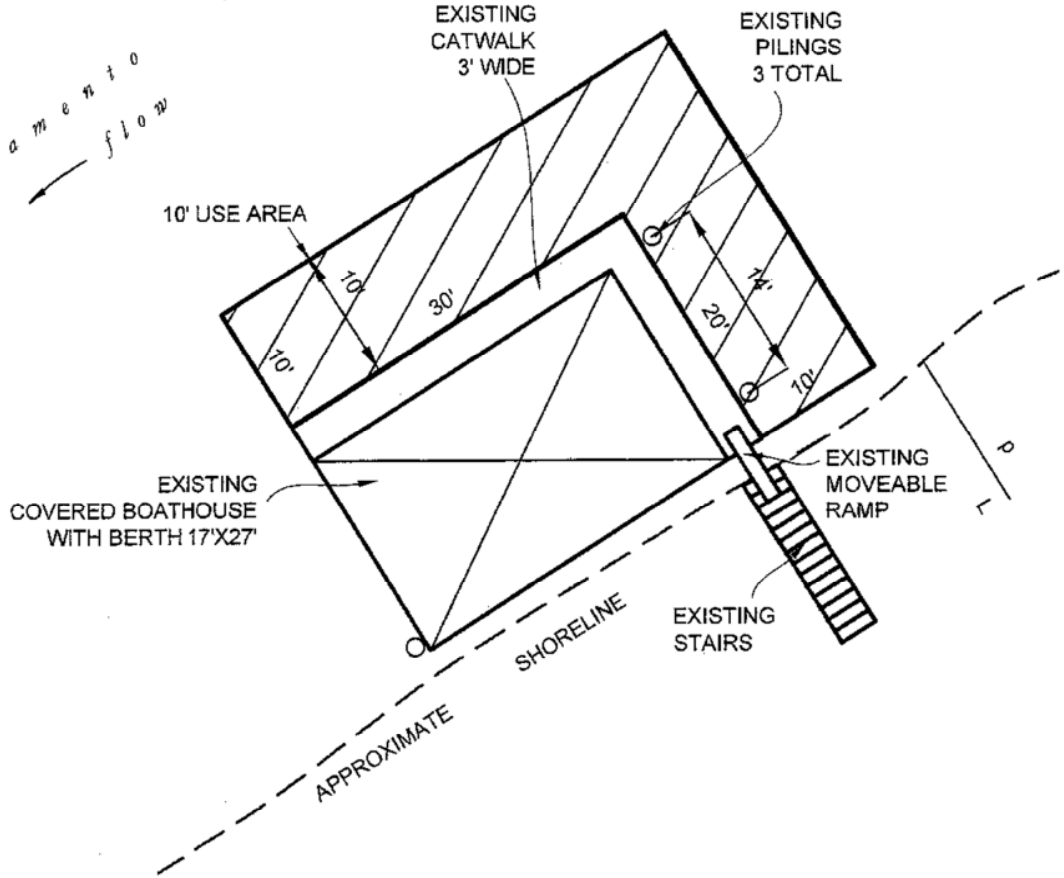
**END OF DESCRIPTION**

PREPARED BY 1/5/12 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





Sacramento River  
flow



### EXHIBIT A

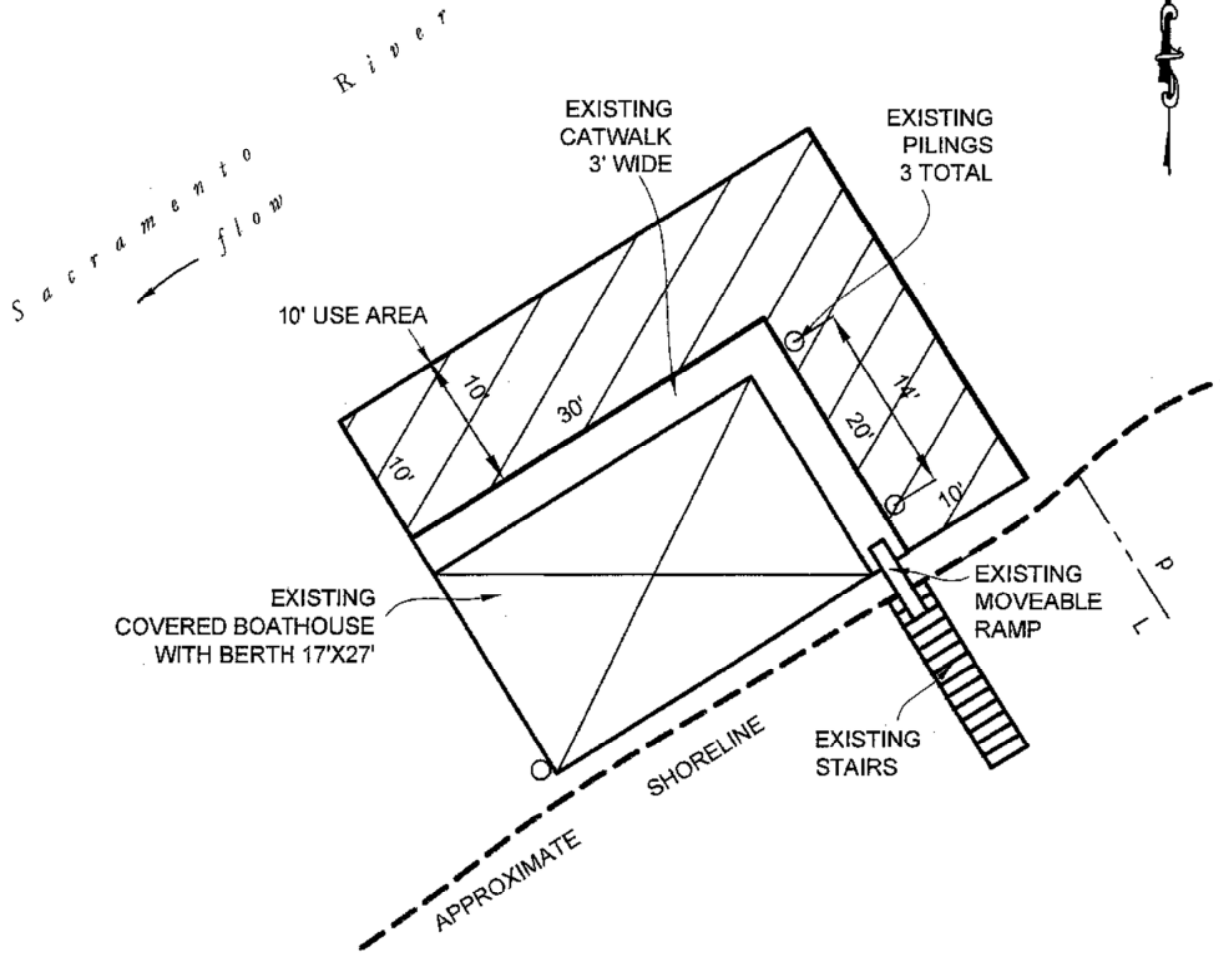
LAND DESCRIPTION PLAT  
PRC 4638.9, VARGAS  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

### SITE



905 PIEDMONT DRIVE, SACRAMENTO RIVER

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 4638.9  
 VARGAS  
 APN 016-0201-005  
 RECREATIONAL PIER LEASE  
 SACRAMENTO COUNTY



MJJ 01/05/12

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.