

**CALENDAR ITEM  
C06**

A 3  
S 4

06/19/14  
PRC 3581.1  
V. Caldwell

**RESCISSION OF APPROVAL**

**APPLICANTS:**

Chally Properties, a General Partnership, William Chally, General Partner; Joseph Pettinato and Tennyne Pettinato, Trustees of the Joseph Pettinato and Tennyne Z. Pettinato Living Trust; Nicolas S. Montana and Zelma E. Montana, Trustees of the Montana Family Revocable Trust established March 18, 1993, restated July 22, 2003; Maria Carmen Sobrepena

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

0.03 acre more or less, of sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 031-0420-021, near the city of Sacramento, Sacramento County.

**CURRENTLY AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock and suspended walkway.

**LEASE TERM:**

10 years, beginning July 21, 2011.

**CONSIDERATION:**

\$257 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in lease.

**SPECIFIC LEASE PROVISIONS:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicants do not have the right to use the upland adjoining the lease premises.
2. On September 1, 2011, the Commission authorized a General Lease – Recreational Use to Chally Properties, a General Partnership, William Chally, General Partner; Joseph Pettinato and Tennyne Pettinato, Trustees

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of the Joseph Pettinato and Tenny Z. Pettinato Living Trust; Nicolas S. Montana and Zelma E. Montana, Trustees of the Montana Family Revocable Trust established March 18, 1993, restated July 22, 2003; and Maria Carmen Sobrepena, an unmarried woman, as her sole and separate property. That lease authorized an existing uncovered floating boat dock and suspended walkway adjacent to an upland parcel owned by the city of Sacramento. At the time of authorization, the Applicants were in the process of obtaining an encroachment permit from the city of Sacramento. The City has decided not to issue the permit at this location because the private dock is not consistent with their General Plan Open Space goals of the Sacramento River Parkway Plan.

3. On July 19, 2012, the Applicants sold the property. Staff is currently working on the removal of the dock facilities with the new owners.
4. The staff recommends that the Commission find that the subject rescission of lease approval 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.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject rescission of lease approval 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.

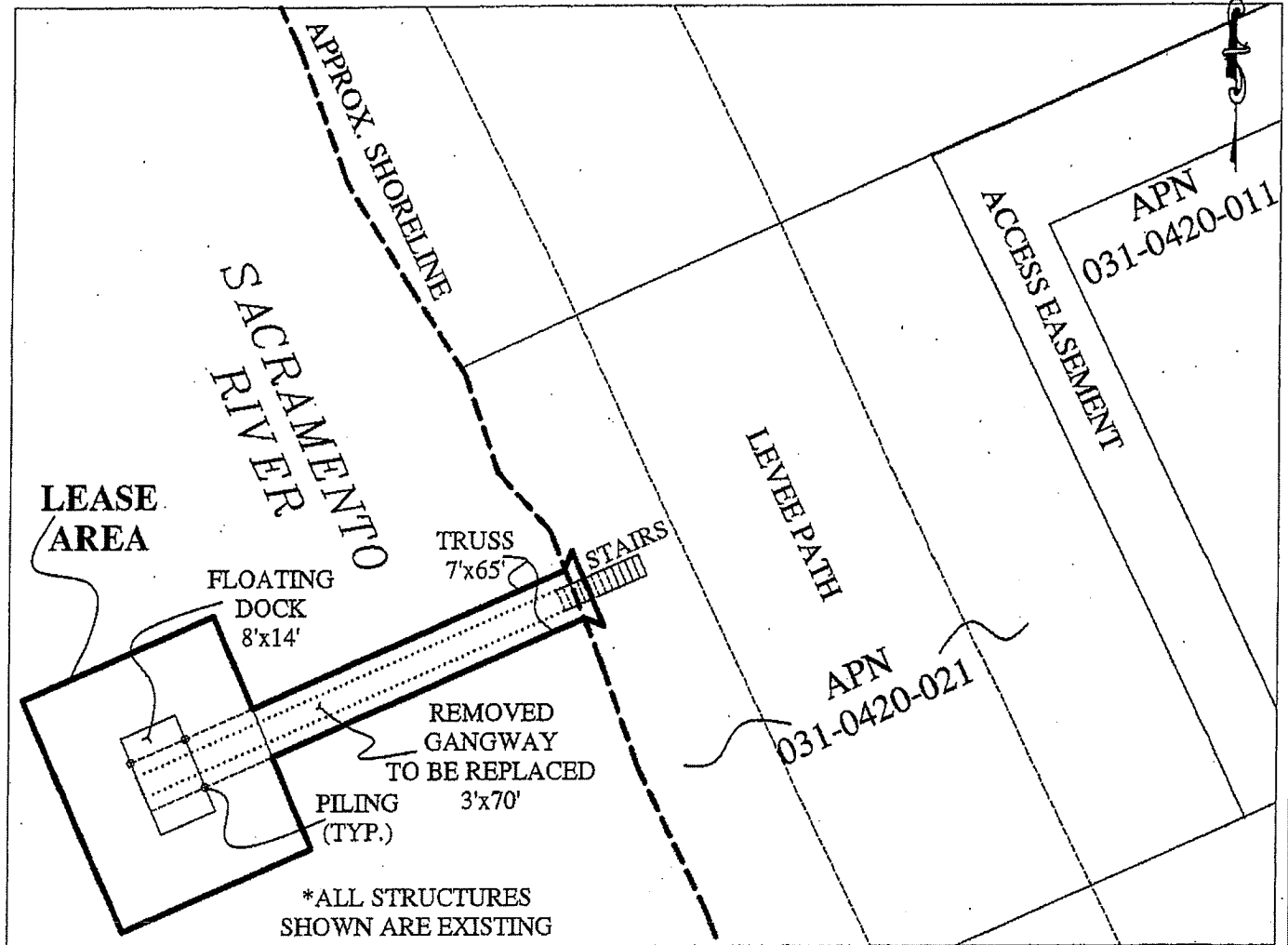
CALENDAR ITEM NO. **C06** (CONT'D)

**AUTHORIZATION:**

Authorize rescission of the Commission's approval of Lease No. PRC 3581.1, a General Lease – Recreational Use, at the September 1, 2011 meeting, issued to Chally Properties, a General Partnership, William Chally, General Partner; Joseph Pettinato and Tennyette Pettinato, Trustees of the Joseph Pettinato and Tennyette Z. Pettinato Living Trust; Nicolas S. Montana and Zelma E. Montana, Trustees of the Montana Family Revocable Trust established March 18, 1993, restated July 22, 2003; Maria Carmen Sobrepena.

NO SCALE

# SITE

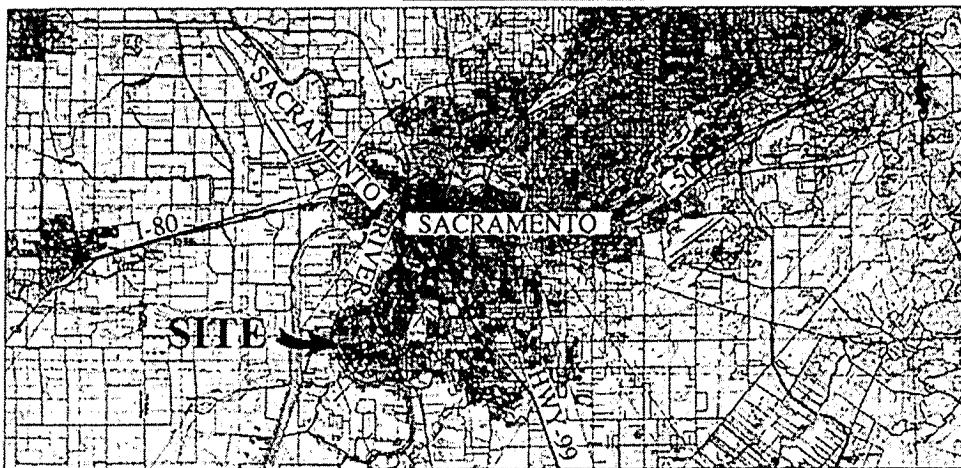


\*ALL STRUCTURES SHOWN ARE EXISTING

203 River Acres Dr., Sacramento

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit A

WP 3581.1  
 CHALLY PROPERTIES  
 APN 031-0420-011,021  
 GENERAL LEASE -  
 RECREATIONAL USE  
 SACRAMENTO COUNTY



MJF 7/06/11

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.

**EXHIBIT B**

**PRC 3581**

**LAND DESCRIPTION**

A 14 foot wide strip of tide and submerged land in the bed of the Sacramento River, City of Sacramento, State of California, adjacent to S & O Survey 165, patented November 17, 1874, lying 7 feet on each side of the following described centerline:

COMMENCING at ¾" Iron Pipe, in the centerline of River Acres Drive, as shown on the map entitled "Plat of Walnut Acres Estates", filed October 19, 1978, in Book 126 of Maps, Map No. 1, Sacramento County Records; thence S 65°48'22" W 22 feet to the most easterly corner of Lot 11 as shown on said map; thence southwesterly along the southeast line of said lot S 65°48'22" W, 135.41 feet to the most easterly corner of Lot A as shown on said map; thence southwesterly along the southeast line of said lot S 65°48'22" W 74 feet more or less to a point on the left (east) bank of said river; thence leaving said lot line and along said bank 64 feet more or less to the center of a concrete stairway and attached dock structures lying adjacent to Lot A, also being the POINT OF BEGINNING; thence along the centerline of said dock structures S 66°25'36" W, 80 feet.

Sidelines of said strip shall be lengthened or shortened so as to terminate at the ordinary high water mark of said river and a line 70 feet waterward of and parallel to the ordinary high water mark of said river.

TOGETHER WITH a 10' use area around said dock structures.

**END OF DESCRIPTION**

PREPARED 8/1/11 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

