

**CALENDAR ITEM
C07**

A 7
S 6

06/19/14
PRC 6672.1
V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Jeffrey R. Schotsal

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 4471 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating dock, wood dolphin, steel piling, gangway, and bank protection previously authorized by the Commission; and use and maintenance of an existing storage facility on the dock with a toilet, sink, and electrical and water utility outlets not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 19, 2014.

CONSIDERATION:

Floating Dock, Storage Facility with toilet and sink, Wood Dolphin, Steel Piling, Gangway, Electric and Water Utility Outlets: \$353 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

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2. On August 3, 1994, the Commission authorized a General Lease – Recreational and Protective Structure Use to Larry G. Meeks and Dinnie J. Meeks. That lease expired on May 23, 2004. Staff was subsequently unable to get the Lessees to submit a complete lease application for a new lease. On October 12, 2007, the property was transferred to Jeffrey R. Schotsal. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.
3. The previous owner constructed a storage facility on the dock without prior Commission authorization. The storage facility, which contains a sink, toilet, and electrical and water utility outlets, is used to store water-dependent recreational items. Staff recommends including these facilities as authorized improvements under the lease, as these improvements to not interfere with traditional public trust needs.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. 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.

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

CALENDAR ITEM NO. **C07** (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 and Protective Structure Use to Jeffrey R. Schotsal, beginning June 19, 2014, for a term of 10 years, for the continued use and maintenance of an existing floating dock, wood dolphin, steel piling, gangway, and bank protection previously authorized by the Commission; and use and maintenance of an existing storage facility with a toilet, sink, and electrical and water utility outlets 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; consideration for the existing floating dock, wood dolphin, steel piling, gangway, storage facility with toilet and sink, and electric and water utility outlets: \$353 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; 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 interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6672.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 415, patented July 11, 1865, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing floating dock with covered storage facility with toilet and sink, wood dolphin, steel piling, gangway, electric and water utility outlet lying adjacent to that parcel described in Exhibit A of Grant Deed, recorded October 12, 2007 in Book 20071012 at Page 0146 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 04/15/14 by the California State Lands Commission Boundary Unit



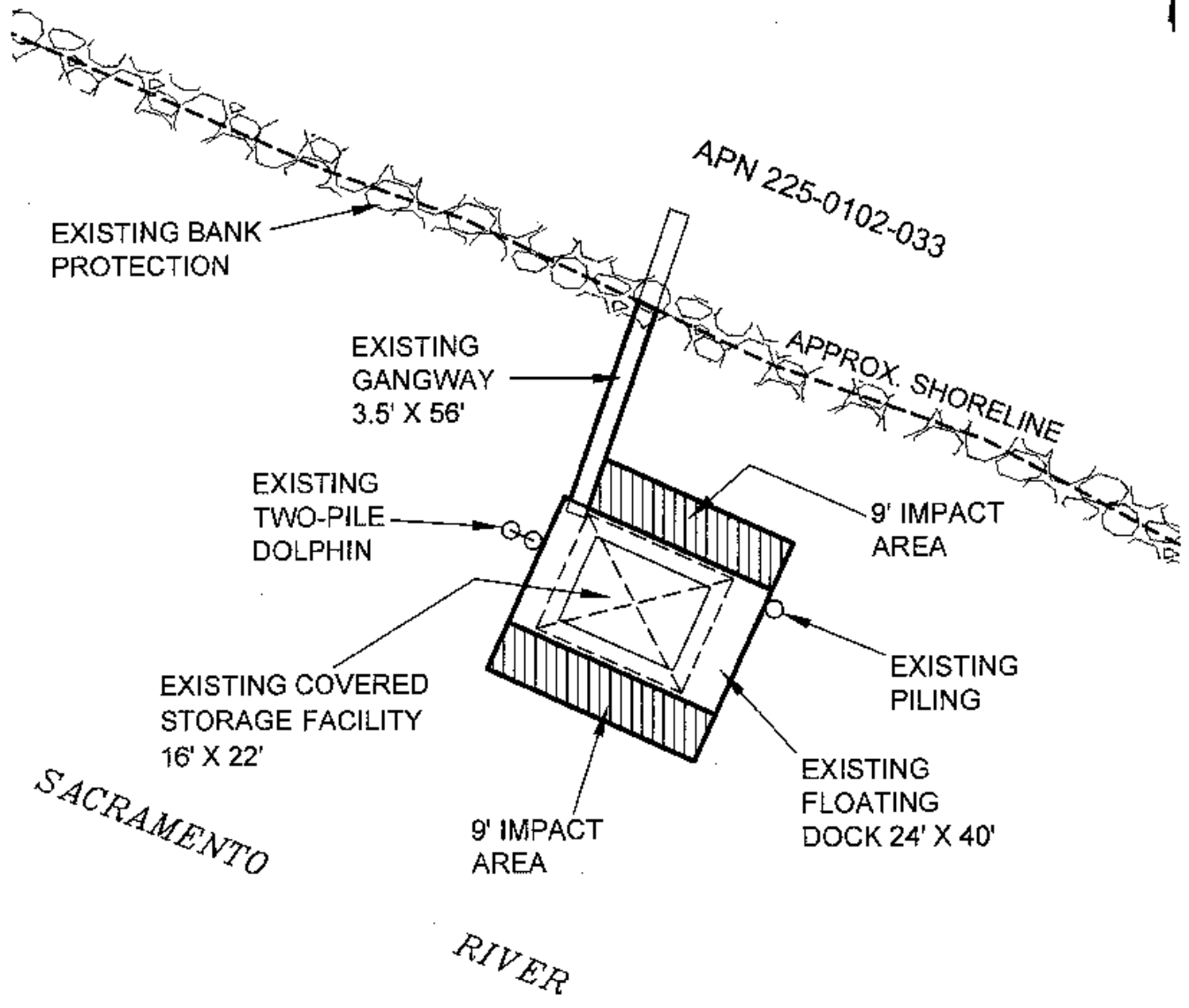


EXHIBIT A

LAND DESCRIPTION PLAT
PRC 6672.1, SCHOTSAL
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



SITE

NO SCALE



APN 225-0102-033

EXISTING BANK PROTECTION

EXISTING GANGWAY
3.5' X 56'

APPROX. SHORELINE

EXISTING TWO-PILE DOLPHIN

9' IMPACT AREA

EXISTING COVERED STORAGE FACILITY
16' X 22'

EXISTING PILING

9' IMPACT AREA

EXISTING FLOATING DOCK
24' X 40'

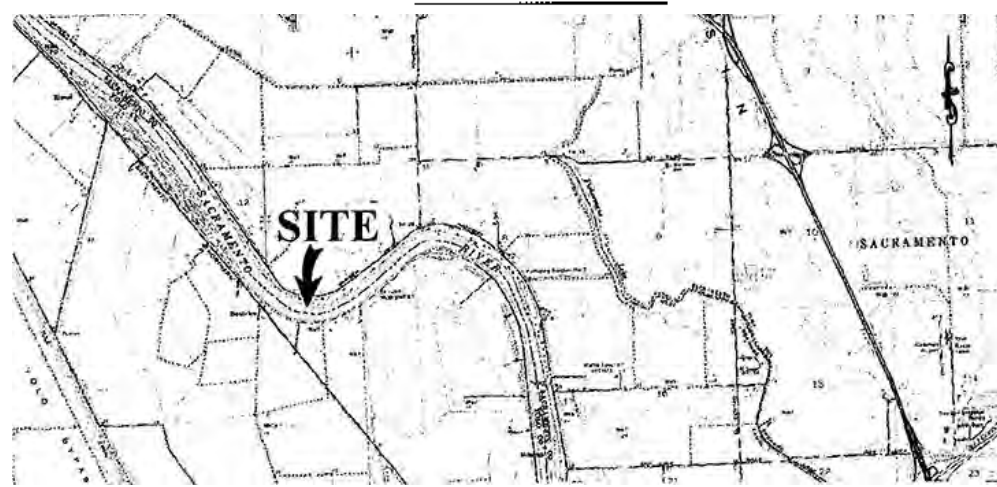
SACRAMENTO

RIVER

4471 GARDEN HIGHWAY, SACRAMENTO

LOCATION

NO SCALE



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6672.1
SCHOTSAL
APN 225-0102-033
GENERAL LEASE-
RECREATIONAL &
PROTECTIVE STRUCTURE USE
SACRAMENTO COUNTY



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.

TS 04/15/14