

**CALENDAR ITEM
C33**

A 7
S 6

02/20/15
PRC 5347.1
G. Asimakopoulos

**TERMINATION AND ISSUANCE OF A GENERAL
LEASE – RECREATIONAL USE**

LESSEE:

Olympia Mortgage Fund, LLC

APPLICANT:

Igor R. Vaynberg and Dana M. Vaynberg

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 3083 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of two 3-pile wood dolphins and two wood pilings.

LEASE TERM:

10 years, beginning June 26, 2014.

CONSIDERATION:

\$156 per year, with an annual Consumer Price Index adjustment.

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.

2. On June 21, 2013, the Commission authorized a General Lease – Recreational Use with Olympia Mortgage Fund, LLC. That lease will expire on March 1, 2021. On June 26, 2014, the upland was deeded to Igor R. Vaynberg and Dana M. Vaynberg. The Applicant is now applying for a General Lease – Recreational Use. Staff is recommending

CALENDAR ITEM NO. **C33** (CONT'D)

termination of the existing lease because the Lessee was unresponsive to staff's requests for a lease quitclaim deed.

3. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination 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.

4. **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 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.

5. 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:

Lease Termination: Find that the subject lease termination 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. **C33** (CONT'D)

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 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:

1. Authorize termination effective June 25, 2014, of Lease No. PRC 5347.1, a General Lease - Recreational Use, to Olympia Mortgage Fund, LLC.

2. Authorize issuance of a General Lease – Recreational Use to Igor R. Vaynberg and Dana M. Vaynberg beginning June 26, 2014, for a term of 10 years, for the continued use and maintenance of two existing 3-pile wood dolphins and two wood pilings as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$156 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5347.1

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 284, certificate of purchase dated March 12, 1860, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying two existing 3-pile wood dolphins and two wood pilings lying adjacent to that parcel described in Grant Deed, recorded June 26, 2014 in Book 20140626 at Page 1134 in Official Records of said County.

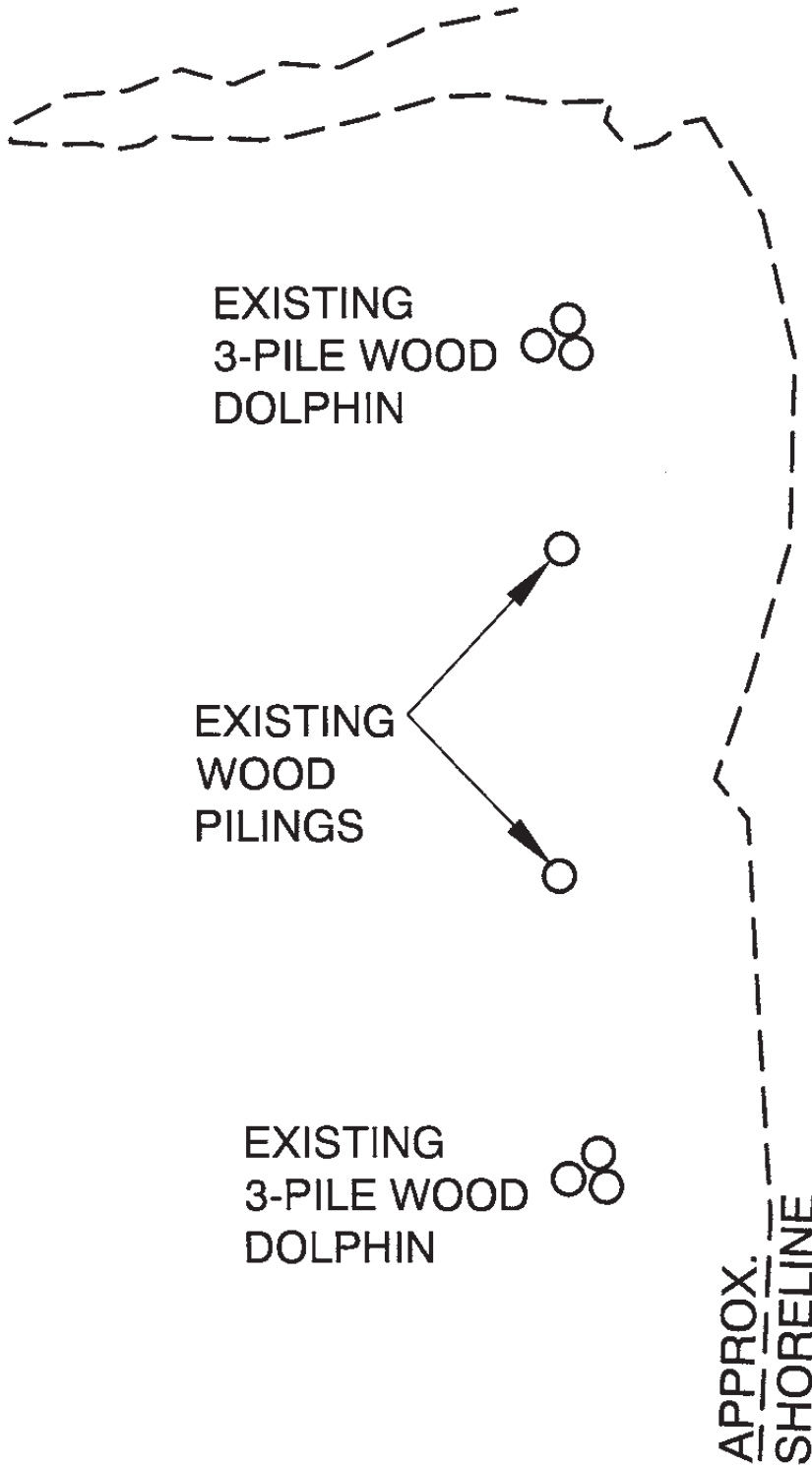
Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/12/15 by the California State Lands Commission Boundary Unit



SACRAMENTO RIVER



APN 225-0200-012

EXHIBIT A

Page 2 of 2

TS 01/12/15

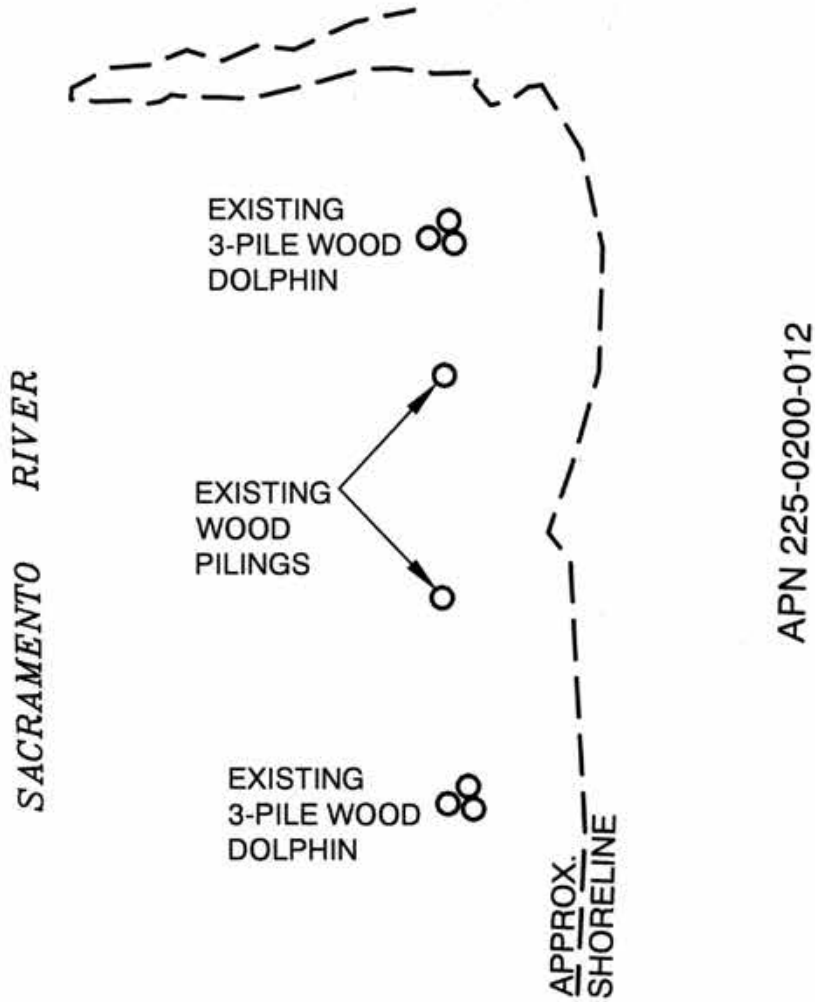
LAND DESCRIPTION PLAT
PRC 5347.1, VAYNBERG
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



3083 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 5347.1
 VAYNBERG
 APN 225-0200-012
 GENERAL LEASE-
 RECREATIONAL 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.