

CALENDAR ITEM
C34

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02/20/15
PRC 5699.1
G. Asimakopoulos

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

Drew Pefferle

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 3843 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock with two uncovered single-berths, gangway, one 3-pile wood dolphin, two 2-pile steel dolphins, two steel pilings, two wood pilings, storage shed, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning March 14, 2014.

CONSIDERATION:

Floating Boat Dock with Two Uncovered Single-Berths, Gangway, One 3-Pile Wood Dolphin, Two 2-Pile Steel Dolphins, Two Steel Pilings, Two Wood Pilings, and Storage Shed: \$945 per year, with an annual Consumer Price Index adjustment.

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 to be in the State's best interests.

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 October 6, 2004, the Commission authorized a Recreational Pier Lease to Susan Dold for an uncovered single-berth floating boat dock and walkway. That lease expired on September 30, 2014. On March 14, 2014, the upland parcel was deeded to Drew Pepperle. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.
3. Between 2007 and 2014, ownership of the upland parcel changed several times. It is not known who replaced the previously authorized structure or when it was replaced. Staff recommends including the existing dock facilities and bank protection as part of the authorized improvements under the lease.
4. The bank protection has existed at the site for many years, but has not been previously authorized by the Commission. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel 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. **C34** (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 Drew Pepperle beginning March 14, 2014, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock with two uncovered single-berths, gangway, one 3-pile wood dolphin, two 2-pile steel dolphins, two steel pilings, two wood pilings, storage shed, and bank protection 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 boat dock with two uncovered single-berths, gangway, one 3-pile wood dolphin, two 2-pile steel dolphins, two steel pilings, two wood pilings, and storage shed: \$945 per year with an annual Consumer Price Index adjustment; 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5699.1

LAND DESCRIPTION

A 100 foot wide strip of tide and submerged land lying in the bed of the Sacramento River, adjacent to that parcel described in Exhibit A of Grant Deed recorded on March 14, 2014, recorded in Book 20140314, Page 0615, Official Records of Sacramento County, State of California, the sidelines of which lie 80 feet westerly, and 20 feet easterly of the following described line:

BEGINNING at a point lying on the south line, or the prolongation thereof, of that parcel described in Exhibit A of Grant Deed recorded on November 15, 2007, recorded in Book 2007115, Page 0318, Official Records of Sacramento County, said point being 245 feet West of the southeasterly corner of said parcel; thence northerly to a point on the north line, or the prolongation thereof, of said parcel, said point lying 250 feet West of the northeasterly corner of said parcel, said point also being the terminus of said strip.

The sidelines of said strip shall be prolonged or shortened so as to terminate at a line perpendicular to the beginning and terminus of said strip.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

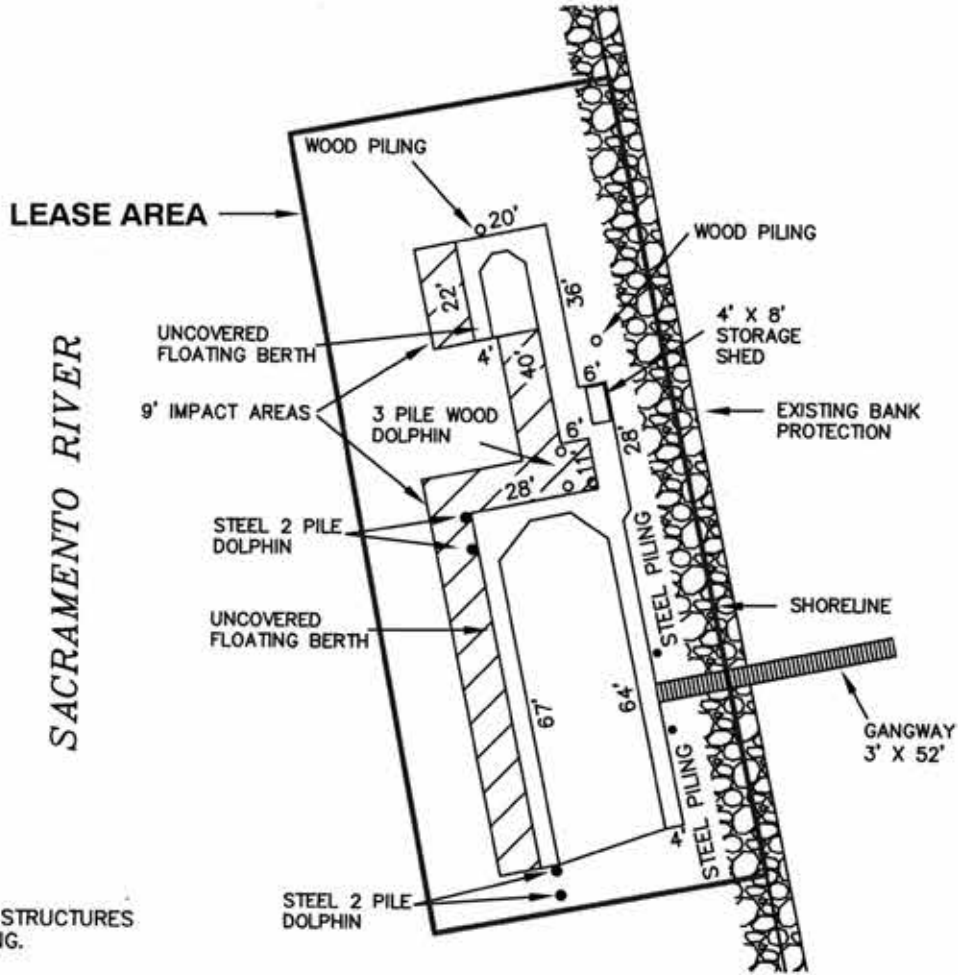
END OF DESCRIPTION

Prepared 1/21/2015 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



APN 225-0110-07

NOTE: ALL STRUCTURES ARE EXISTING.

3843 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5699.1

PEFFERLE

APN 225-0110-007

GENERAL LEASE

RECREATIONAL

AND 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.