

**CALENDAR ITEM
C60**

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S 6

06/29/15
PRC 5126.9
W. Hall

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Denice A. DeRicco Revocable Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 4075 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing covered floating dock, boat lift, dolphin, two pilings, waterline, utility conduit, and gangway.

LEASE TERM:

10 years, beginning June 23, 2011.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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 March 5, 1981, the Commission authorized a Recreational Pier Lease to Mrs. Rosemary Harrison for a floating dock. That lease expired on May 26, 1991.
3. In 1991 staff became aware the structures had been removed from the river without authorization from the Commission, and the lease file was closed. Between 1991 and 2011, ownership of the upland parcel changed several times. The existing structures were placed at this location during this time frame without the Commission's knowledge or authorization. On February 28, 2011, staff became aware of the new structures in the river, and notified the applicant of the unauthorized structures with an application for lease. The applicant submitted an application for a lease

CALENDAR ITEM NO. **C60** (CONT'D)

on March 18, 2011. Staff recommends including the existing dock facilities as part of the authorized improvements under the lease.

4. On October 8, 2011, Chapter 585, Statutes of 2011, became law. The law became effective on January 1, 2012. This new law repeals section 6503.5 of the 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.

Because the application was submitted to the Commission on March 18, 2011, the lease meets the statutory requirements for an exception to the enacted changes to section 6503.5 of the Public Resources Code for the term of this lease.

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.

CALENDAR ITEM NO. **C60** (CONT'D)

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 General Lease – Recreational Use to Denice A. DeRicco Revocable Trust beginning June 23, 2011, for a term of 10 years, for the continued use and maintenance of an existing covered floating dock, boat lift, dolphin, two pilings, waterline, utility conduit, and gangway, 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 pursuant to Public Resources Code section 6503.5; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5126.9

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 193, patented July 11, 1865, Sacramento County, State of California, more particularly described as follows:

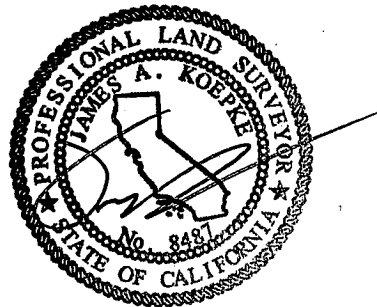
All those lands underlying an existing covered floating boat dock, boat lift, gangway, dolphin, utility conduit, water line and two (2) pilings lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded July 31, 2006 in Book 20060731 Page 814 in Official Records of said County.

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared May 6, 2015 by the California State Lands Commission Boundary Unit.



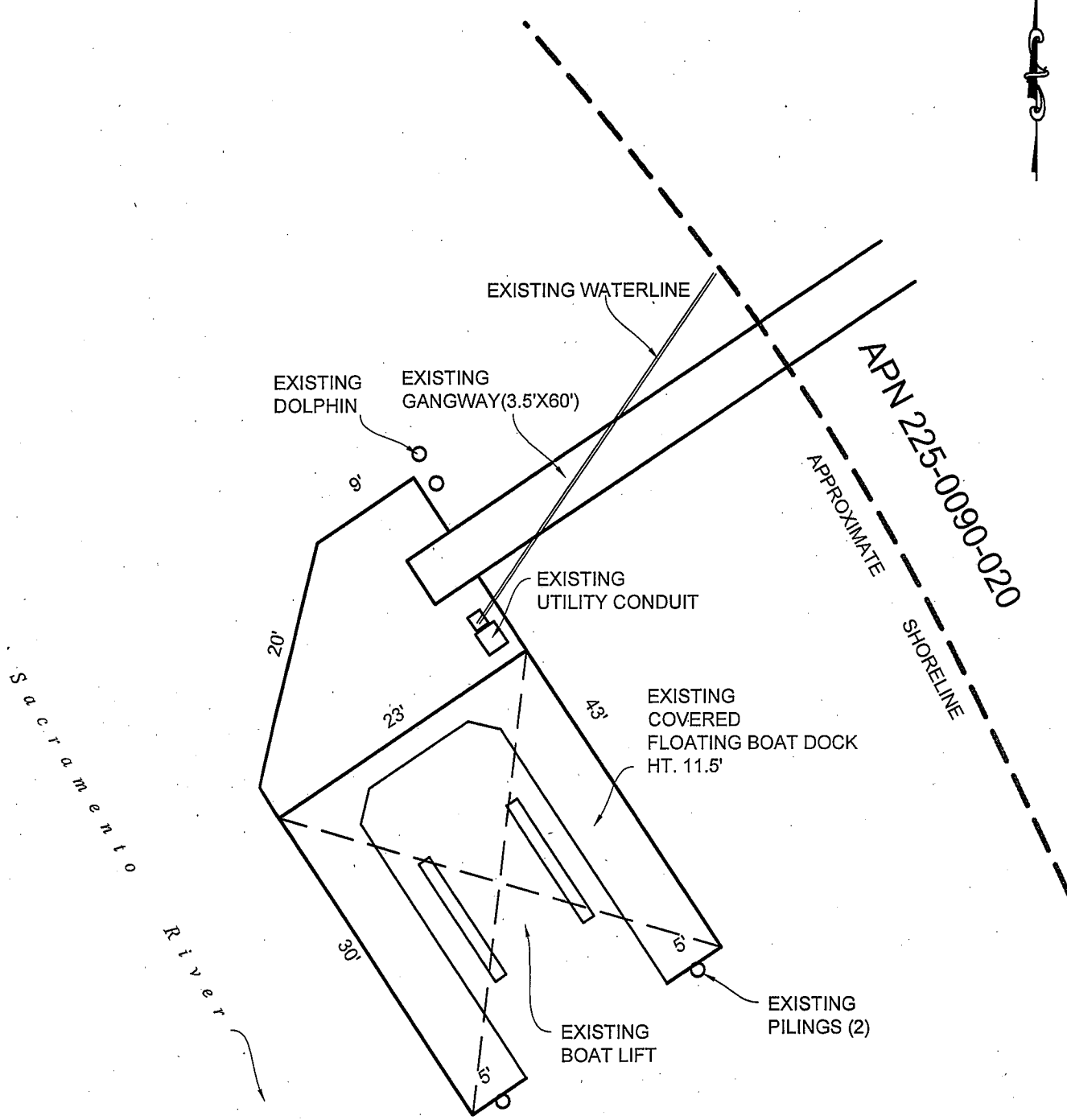


EXHIBIT A

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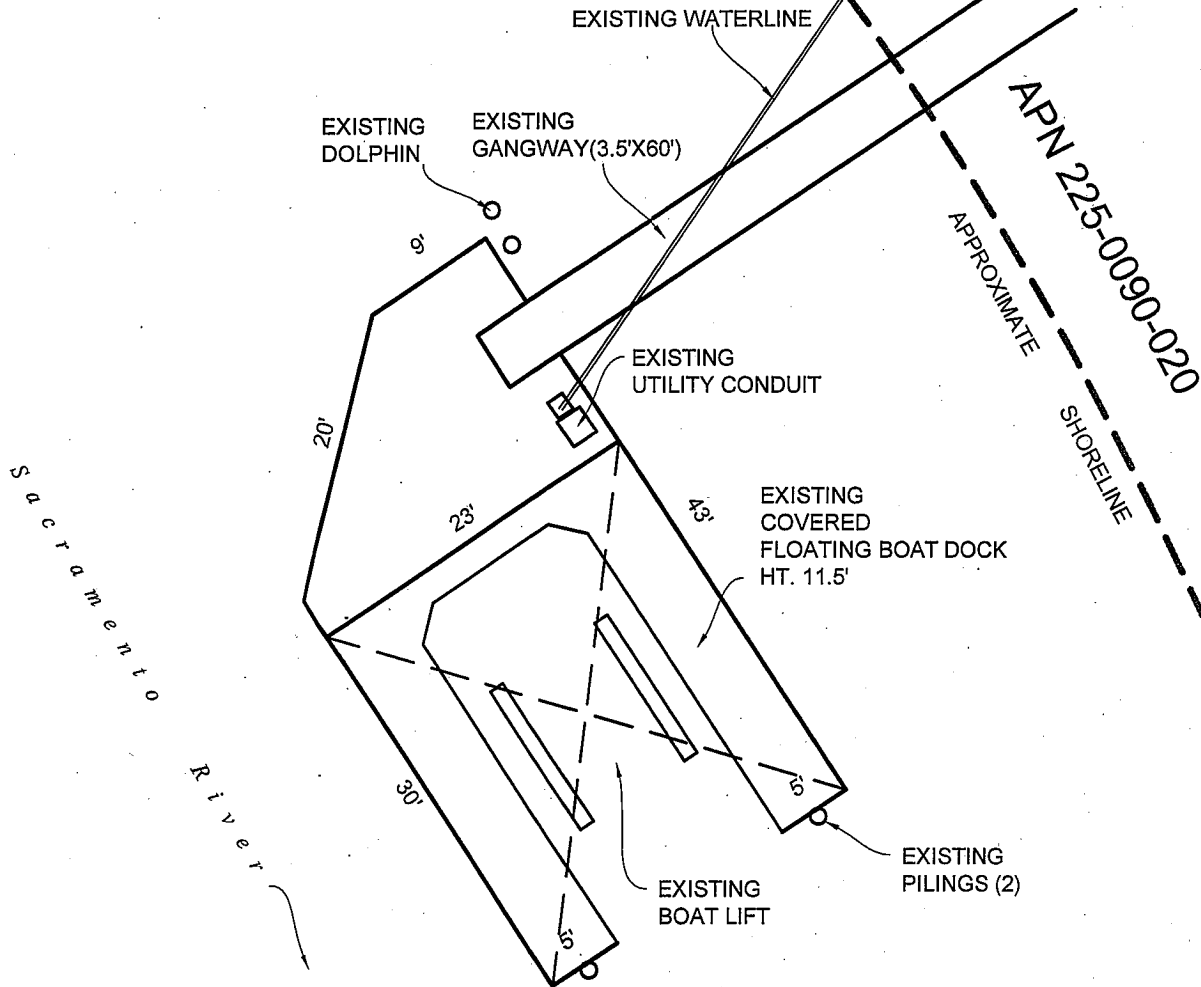
LAND DESCRIPTION PLAT
 PRC 5126.1, DERICCO
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

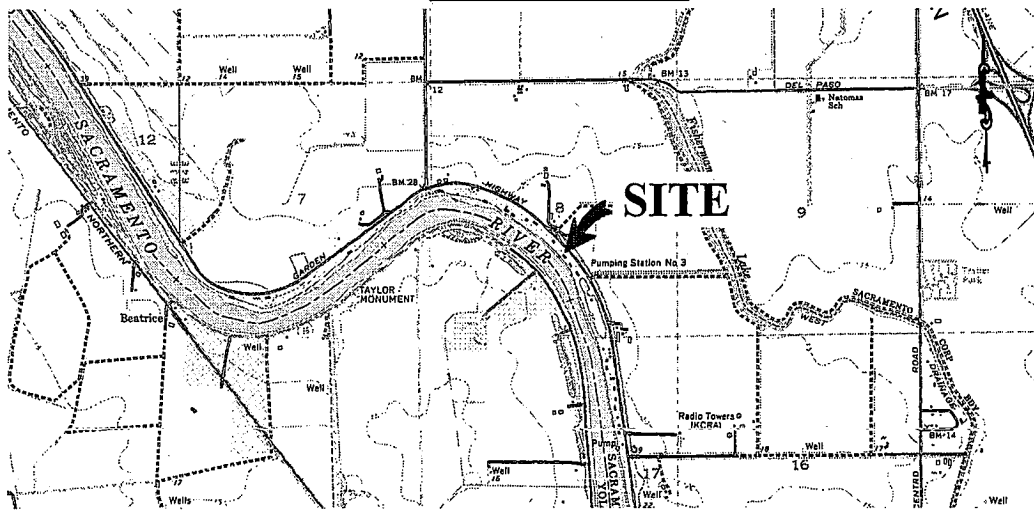
SITE



4075 GARDEN HIGHWAY, SACRAMENTO RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5126.9

DERICCO

APN 225-0090-020

GENERAL LEASE -
RECREATIONAL USE
SACRAMENTO COUNTY



SITE

MIJ 04/30/15

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.