

**CALENDAR ITEM
C05**

A 8, 15
S 2, 5

06/01/09
WP 5800.9
V. Caldwell

RECREATIONAL PIER LEASE

APPLICANT:

Daryl E. Bucciarelli

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Georgiana Slough, adjacent to 17191 Terminous Island Road, in Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with an attached uncovered single-berth floating boat dock, three pilings, gangway, and two electrical outlets; retention of an existing hydro lift, personal watercraft lift, and storage shed; and the placement of a cover over the single-berth floating boat dock as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 1, 2009.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with combined coverage of no less than \$500,000.

Other:

No permanent deck-related improvements will be constructed or placed on the open dock area, including, but not limited to, wet bars, barbecues, grills, hot tubs, refrigerators, sinks, or sun shades. No permanent enclosure will be constructed or permitted on the open dock area.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On October 29, 1990, the Commission authorized a Recreational Pier Lease to Betty Wingfield (Lessee) for a boat dock, covered berth, and gangway. On August 24, 1992, staff received a U.S. Army Corps of

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Engineers (Corps) permit authorizing the addition of a ten foot by 16 foot connector dock in order to relocate a covered berth to the connector dock. The covered berth had been previously unauthorized by the Corps. The Lessee never completed the application process to amend the lease and it is staff's understanding that the improvements was constructed sometime thereafter without Commission approval. That lease expired on October 28, 2000.

3. On December 21, 2000, ownership of the property transferred to John P. Dito and Karen E. Dito. Staff made several attempts to bring the new upland owners under lease, but were unsuccessful. The owners did perform maintenance on the dock, but the extent of the work performed is unclear.
4. On November 22, 2006, the upland property was transferred to Daryl E. Bucciarelli (Applicant), who is now applying for a new Recreational Pier Lease. The Applicant placed the hydro lift and personal watercraft lift on the dock without prior Commission approval and is now requesting approval for the lifts and authorization for placement of a single-berth slip cover. The single-berth slip cover will be constructed off site and the steel frame for the cover will be placed over the single berth area. The roof will be constructed with powder coated sheet metal and cannot be used as a sundeck. The storage shed is used for storing boating, recreational and fishing equipment only.
5. The Commission has authorized the State Reclamation Board to place and maintain bank protection at this location under Lease No. PRC 7203.9.
6. The Applicant qualifies for Recreational Pier Lease because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
7. **Uncovered Floating Boat Dock with an Attached Uncovered Single-Berth Floating Boat Dock, Three Pilings, Two Electrical Outlets, and Gangway:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

8. **Storage Shed:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303(c).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

9. **Hydro Lift, Personal Watercraft Lift, and Proposed Cover Over The Single-Berth Floating Boat Dock:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

10. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers

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EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK WITH AN ATTACHED UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, THREE PILINGS, TWO ELECTRICAL OUTLETS, AND GANGWAY: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

STORAGE SHED: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303(c).

HYDRO LIFT, PERSONAL WATERCRAFT LIFT, AND PROPOSED COVER OVER THE SINGLE-BERTH FLOATING BOAT DOCK: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A RECREATIONAL PIER LEASE TO DARYL E. BUCCIARELLI, BEGINNING JUNE 1, 2009, FOR A TERM OF TEN YEARS FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK WITH AN ATTACHED UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, THREE PILINGS, GANGWAY, AND TWO ELECTRICAL OUTLETS; RETENTION OF AN EXISTING HYDRO LIFT, PERSONAL WATERCRAFT LIFT, AND

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STORAGE SHED; AND THE PLACEMENT OF A COVER OVER THE SINGLE-BERTH FLOATING BOAT DOCK AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.