

**CALENDAR ITEM
C18**

A 2, 5
S 4, 6

10/22/09
WP 8785.9
V. Caldwell

**TERMINATION OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE
STRUCTURE USE AND ISSUANCE OF A NEW GENERAL LEASE -
RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEE:

Riverview Properties, LLC

APPLICANT:

W. Glen Boyd

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 7027 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Construction, use, and maintenance of a covered single-berth floating boat dock, gangway, strong arm, utility conduit, and existing bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning October 22, 2009.

CONSIDERATION:

Covered Single-Berth Floating Boat Dock, Gangway, Strong Arm and Utility Conduit: No monetary consideration pursuant to Public Resources Code section 6503.5.

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 with combined coverage of no less than \$1,000,000.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On June 24, 2008, the Commission authorized a General Lease – Recreational and Protective Structure Use to Riverview Properties, LLC, for the construction of a covered single-berth floating boat dock, gangway, strong arm, and utility conduit. That lease will expire on June 23, 2018. On August 15, 2008, the ownership of the upland transferred to W. Glen Boyd. The dock facilities were not constructed by the previous owner, so the Applicant is now applying for a new General Lease – Recreational and Protective Structure Use to construct the dock facilities
3. The Applicant proposes to construct a covered floating boat dock in the Sacramento River. The proposed dock will be a “pier-less” design (i.e., without pilings) and will be covered with a pitched roof and include a utility conduit containing electrical service for safety lighting and a water line for use of a hose attached to the gangway. The gangway is dual hinged with an engineered support strong arm anchored to a deadman located on the berm. In-water work must be completed between August 1 and October 31 and will consist of floating the dock into the waterway in place.
4. Applicant qualifies for the rent free use of the covered single-berth floating boat dock, gangway, strong arm, and utility conduit because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling pursuant to Public Resources Code Section 6503.5.
5. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
6. **Termination of Lease:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15060) (c)(3), the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a “project” as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15060 (c)(3) and 15378.
7. **Covered Single-Berth Floating Boat Dock, Gangway, Strong Arm and Utility Conduit:** 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

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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.

8. **Bank Protection:** 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 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 2905 (d)(2).

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

9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service, National Marine Fisheries Service, California Regional Water Quality Control Board, California Department of Fish and Game

APPROVALS REQUIRED:

Central Valley Flood Protection Board and Sacramento County

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060

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(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

COVERED SINGLE-BERTH FLOATING BOAT DOCK, GANGWAY, STRONG ARM, AND UTILITY CONDUIT: 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).

BANK PROTECTION: 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 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE TERMINATION, EFFECTIVE OCTOBER 21, 2009, OF LEASE NO. PRC 8785.1, A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, ISSUED TO RIVERVIEW PROPERTIES, LLC.
2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO W. GLEN BOYD, BEGINNING OCTOBER 22, 2009, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF A COVERED SINGLE-BERTH FLOATING BOAT DOCK, GANGWAY, STRONG ARM, UTILITY CONDUIT, AND EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE COVERED FLOATING BOAT DOCK, GANGWAY, STRONG ARM, AND UTILITY CONDUIT: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5;

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CONSIDERATION FOR THE EXISTING BANK PROTECTION:
THE PUBLIC USE AND BENEFIT; WITH THE STATE
RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY
RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN
THE STATE'S BEST INTEREST; AND LIABILITY INSURANCE IN
THE AMOUNT OF NO LESS THAN \$1,000,000.