

**CALENDAR ITEM
C01**

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02/08/11

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WP 3258.9

V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

John S. Zil

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 7199 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with galvanized cables and stairs, and retention of existing bank protection as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning June 11, 2010.

CONSIDERATION:

Uncovered Floating Boat Dock with Galvanized Cables and Stairs: 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 in the amount of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. The Applicant owns the uplands adjoining the lease premises.
2. On September 19, 2000, the Commission authorized a Recreational Pier Lease to John S. Zil. That lease expired on June 10, 2010. The bank protection has existed at this site for years; however, it was not previously

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authorized by the Commission. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.

3. The Applicant qualifies for rent-free use of the uncovered floating boat dock with galvanized cables and stairs because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. **Uncovered Floating Boat Dock with Galvanized Cables and Stairs:** 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).

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

6. **Existing Bank Protection:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

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

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Uncovered Floating Boat Dock with Galvanized Cables and Stairs:

Find that the activity is exempt from the requirements of 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).

Existing Bank Protection: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

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:

Authorize issuance of a General lease – Recreational and Protective Structure Use to John S. Zil beginning June 11, 2010, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock with galvanized cables and stairs, and retention of existing bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing uncovered floating boat dock with galvanized cables and stairs: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the 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 \$500,000.