

**CALENDAR ITEM  
C26**

A 5  
S 6

12/05/12  
PRC 8124.1  
N. Lavoie

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

**APPLICANTS:**

Robert E. Sulzen and Dora L. Sulzen, Trustees of the Sulzen Family Trust, Dated November 14, 1991

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Sacramento River, adjacent to 2575 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock with landing, ramp, two pilings, one two-piling dolphin, and bank protection.

**LEASE TERM:**

10 years, beginning December 5, 2012.

**CONSIDERATION:**

**Uncovered floating boat dock with landing, ramp, two pilings, and one two-piling dolphin:** \$499 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**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 coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On December 3, 1999, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to Robert E. Sulzen

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and Dora L. Sulzen, Trustees of the Sulzen Family Living Trust. That lease expired on November 14, 2009. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective 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 November 2, 2011, the Applicants do not qualify for an exception and the lease is subject to rent.

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 little 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

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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

**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 Robert E. Sulzen and Dora L. Sulzen, Trustees of the Sulzen Family Trust, Dated November 14, 1991, beginning December 5, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock with landing, ramp, two pilings, one two-piling dolphin, and bank protection 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 uncovered floating boat dock with landing, ramp, two pilings, and one two-piling dolphin: annual rent in the amount of \$499 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; 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 interest; liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 8124.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land, situate in the bed of the Sacramento River lying adjacent to Swamp and Overflowed Land Survey 206, patented August 2, 1869, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, ramp, landing, two (2) pilings and one two-pile dolphin lying adjacent to and southwesterly of those lands as described in "Exhibit A" of that Grant Deed recorded February 19, 2003 in Book 20030219, Page 0492 in Official Records of said County.

TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said deed.

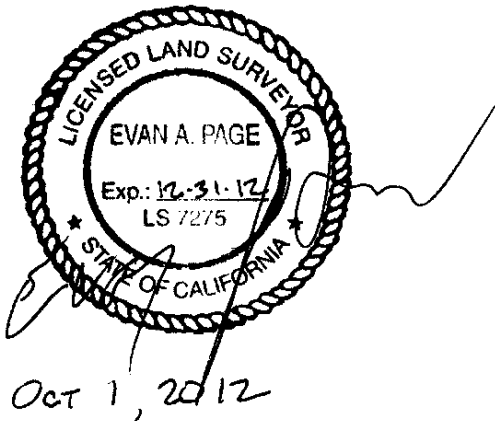
ALSO TOGETHER WITH a 10 foot impact area.

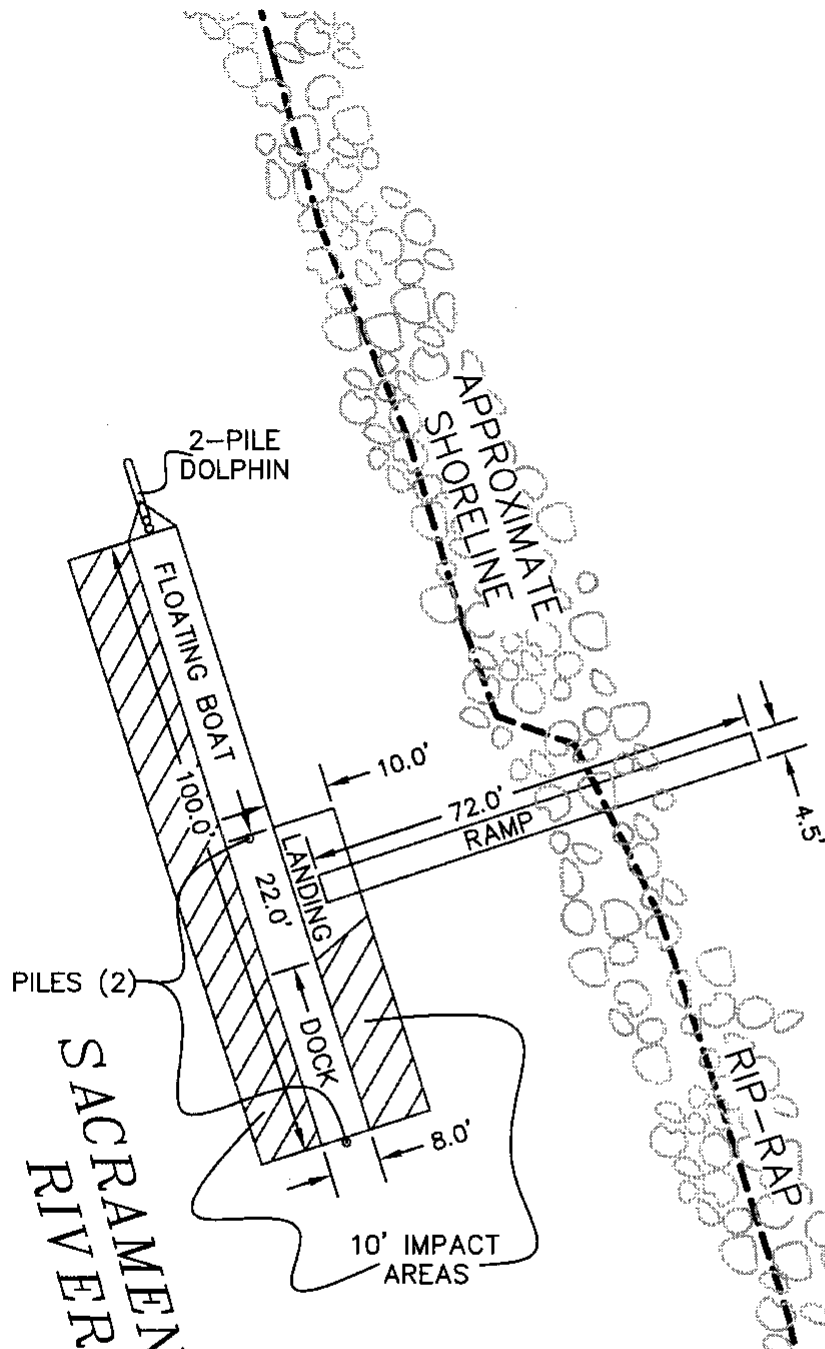
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

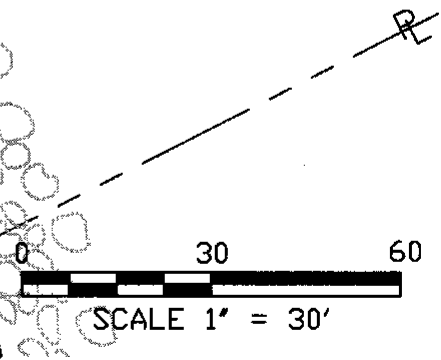
PREPARED 9/27/12 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





APN  
274-0250-030

\*ALL STRUCTURES  
SHOWN ARE EXISTING



### EXHIBIT A

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LAND DESCRIPTION PLAT  
PRC 8124.1, SULZEN FAMILY LIVING  
TRUST - SACRAMENTO COUNTY

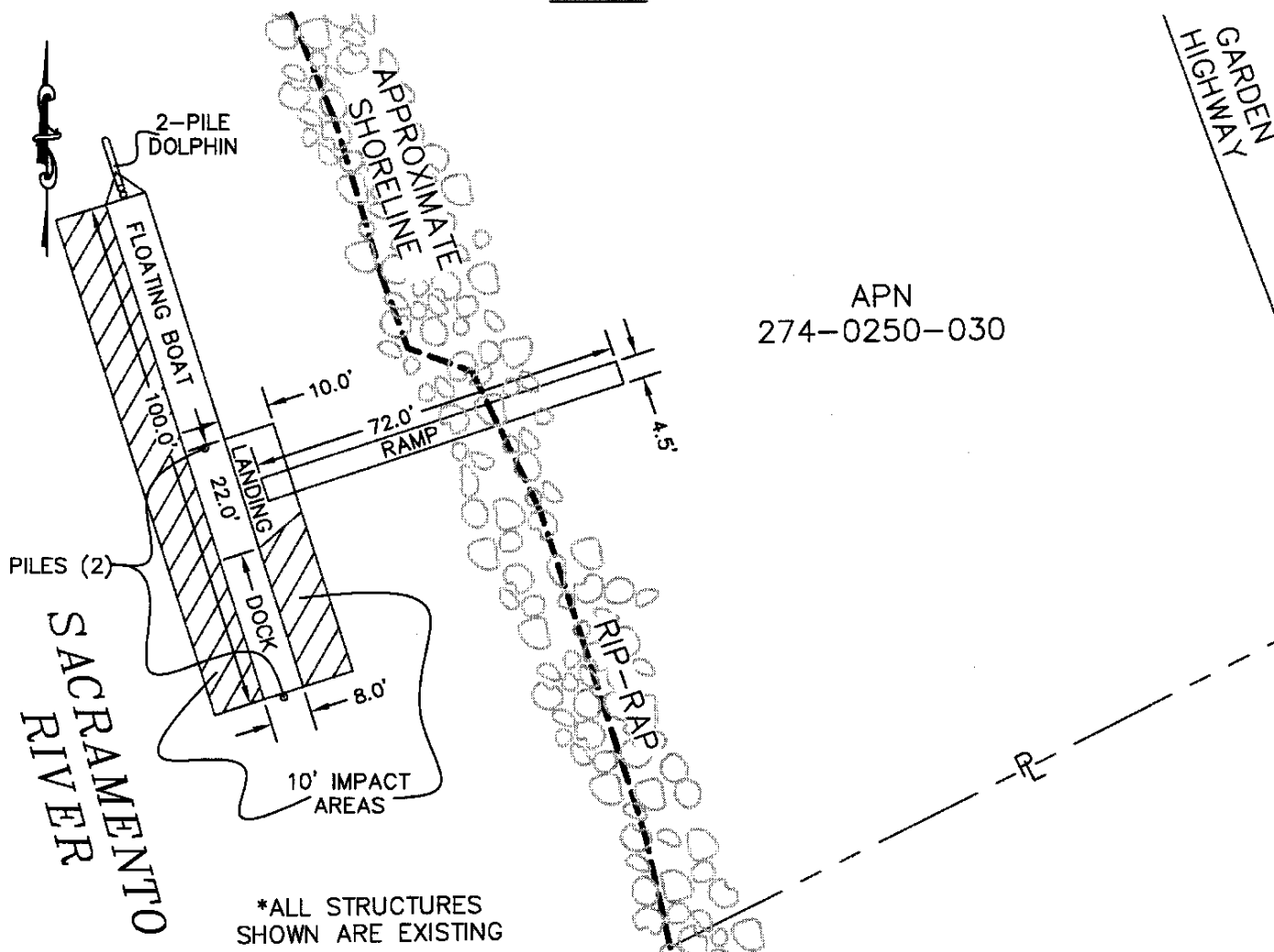
CALIFORNIA STATE  
LANDS COMMISSION





NO SCALE

# SITE



2575 Garden Highway, Sacramento

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

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.

# **Exhibit B**

PRC 8124.1  
 SULZEN FAMILY LIVING TRUST  
 APN 274-0250-030  
 GENERAL LEASE -  
 RECREATIONAL & PROTECTIVE  
 STRUCTURE USE  
 SACRAMENTO COUNTY



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