

This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 2 to 0 at its 06/07/04 meeting.

CALENDAR ITEM

C25

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06/07/04

S 6

PRC 6670.9

T. Lipscomb

GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE

APPLICANTS:

David Gross and Felicia Gross
4229 Garden Highway
Sacramento, CA 95834

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Sacramento River, adjacent to Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of a floating boat dock, walkway, rip-rap bank protection and addition of a boat lift.

LEASE TERM:

Ten years, beginning June 1, 2004.

CONSIDERATION:

Floating boat dock, boat lift and walkway - No monetary consideration pursuant to 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 rental if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance: Combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On November 15, 1994, the Commission authorized a General Lease - Protective Structure and Recreational Use with Walter S. and Sharon J.

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Martin. That lease expired May 23, 2004. The upland property was subsequently transferred to David Gross and Felicia Gross. David and Felicia Gross have applied for a new Lease. Applicants qualify for a rent free pier lease because the applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

3. Bank protection at this location provides additional protection to the public levee from wave action at no cost to the public.

FLOATING BOAT DOCK, WALKWAY, AND BANK PROTECTION:

1. 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.

2. 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.

BOAT LIFT:

1. 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.

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2. 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.

EXHIBITS:

- A. Site Plan
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FLOATING BOAT DOCK, WALKWAY, AND 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

BOAT LIFT - 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).

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.

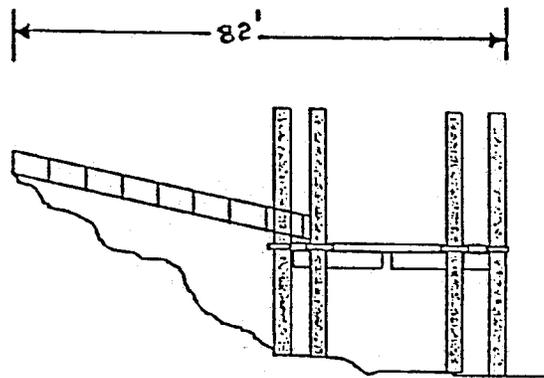
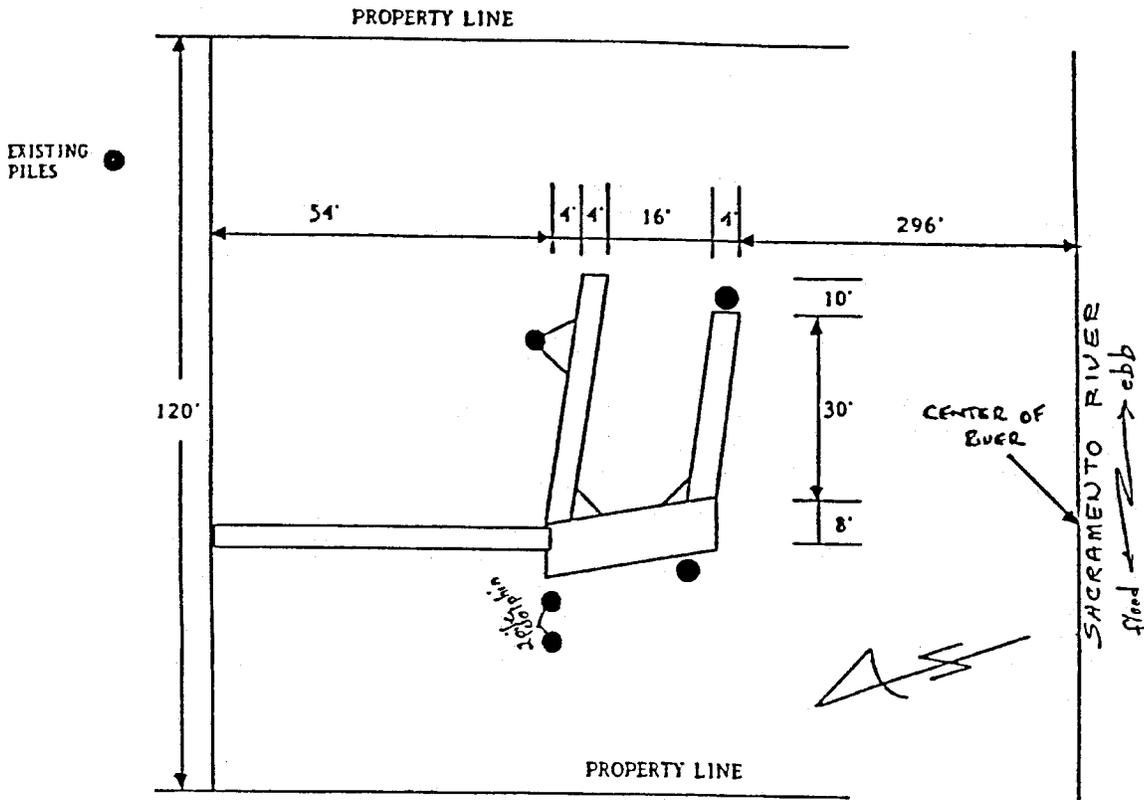
AUTHORIZATION:

AUTHORIZE ISSUANCE TO DAVID GROSS AND FELICIA GROSS OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND

CALENDAR ITEM NO. C25 (CONT'D)

RECREATIONAL USE, BEGINNING JUNE 1, 2004, FOR A TERM OF TEN YEARS, FOR A FLOATING BOAT DOCK, WALKWAY, BOAT LIFT, AND RIP-RAP BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FLOATING BOAT DOCK, BOAT LIFT, AND WALKWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 6503.5; BANK PROTECTION: THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.

Site Plan



This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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 other property.

Exhibit A PRC 6670.9
 APN: 225-0090-045
 SACRAMENTO COUNTY

TKL 04/26/2004

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Location Map

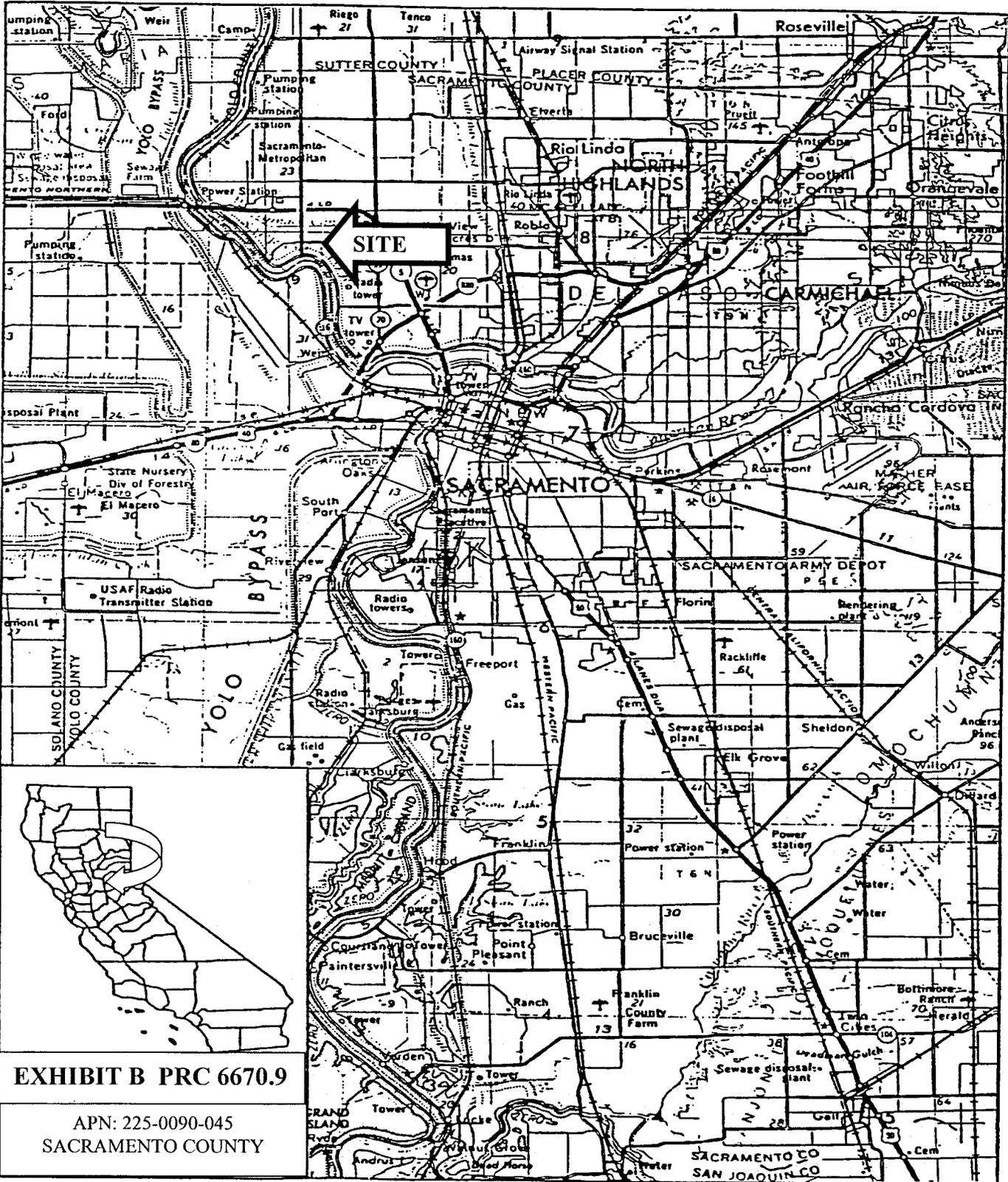


EXHIBIT B PRC 6670.9

APN: 225-0090-045
SACRAMENTO COUNTY

EXHIBIT CONSTRUCTED FROM USGS QUAD

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