

This Calendar Item No. C38 was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 3 to 0 at its 4-26-05 meeting.

**CALENDAR ITEM
C38**

A 05,09

04/26/05

S 06

PRC 5581

WP 5581.9

J. McComas

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

APPLICANT:

Aaron Zeff

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of a floating boat dock, gangway, pilings, and bank protection.

LEASE TERM:

Ten years, beginning April 01, 2005.

CONSIDERATION:

Floating boat dock, gangway, and pilings - 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 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. Applicant owns the uplands adjoining the lease premises.
2. On October 29, 1979, the Commission authorized a General Permit - Protective Structure (PRC No. 5737.9) for bank protection, with Hubert K. Griesbach. That lease has expired. On December 12, 1990, the

CALENDAR ITEM NO. C38 (CONT'D)

Commission authorized a Recreational Pier Permit (PRC No. 5581.9) for a boat dock, with David King and Wanda A. King. That lease has expired. The upland property was subsequently deeded to Aaron Zeff. No changes have been made to the facilities since constructed in 1979. Aaron Zeff is now applying for a new General Lease - Protective Structure and Recreational Use. Applicant qualifies for rent-free boat dock, gangway, and pilings because the applicant is a natural person who has improved the land with, and uses the upland for, a single-family dwelling.

3. The bank protection at this location mutually benefits both the public and the applicant. The public levee will have the additional protection from the wave action provided at no cost to the public.
4. 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.

5. 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.

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. C38 (CONT'D)

CEQA FINDING:

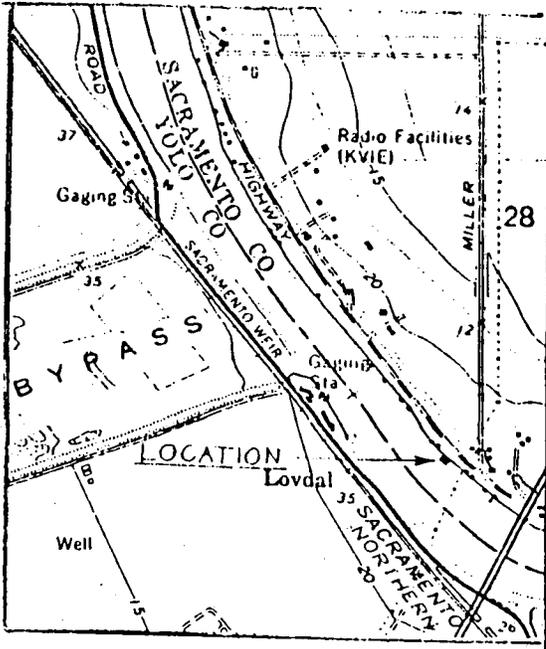
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

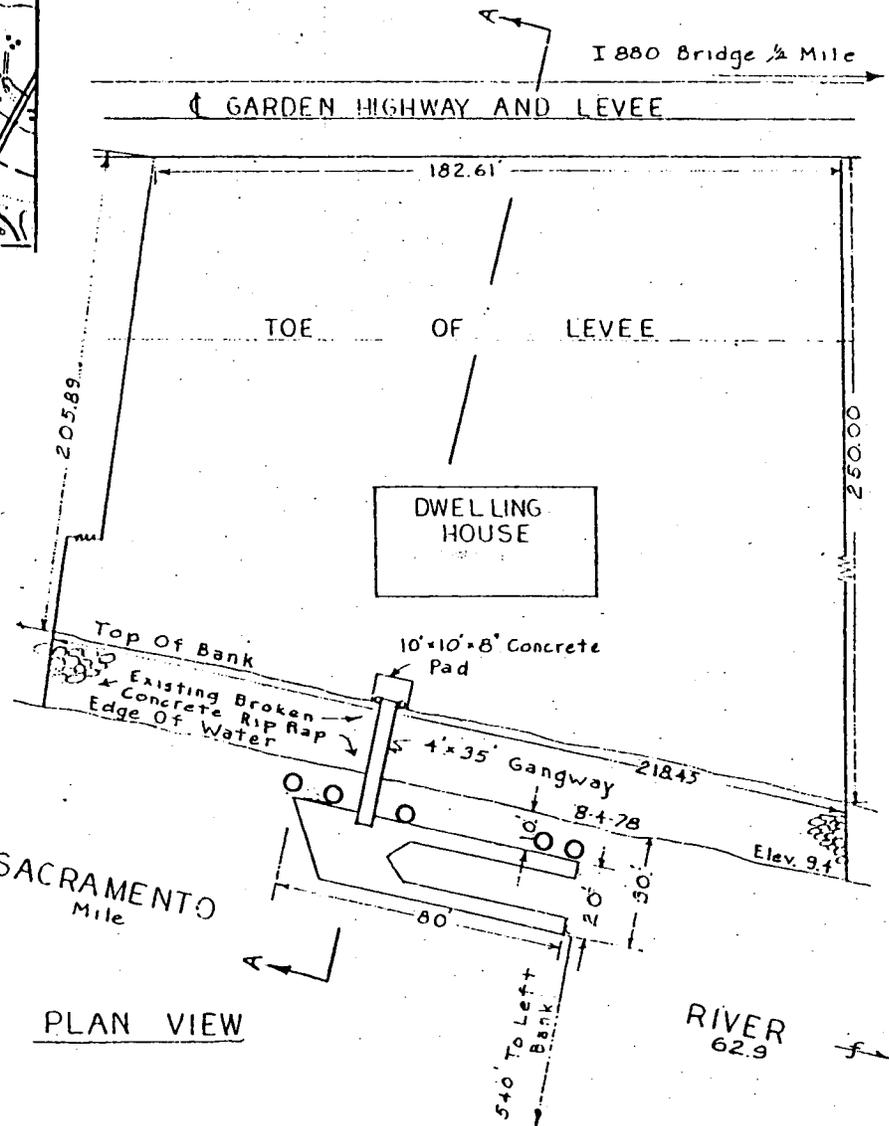
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO AARON ZEFF OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING APRIL 1, 2005, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A FLOATING BOAT DOCK, GANGWAY, PILINGS, AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION - FLOATING BOAT DOCK, GANGWAY AND PILINGS: 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; LIABILITY INSUANCE: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.



VICINITY MAP
 Scale 1"=2000'
 From USGS Map
 West Sacramento



AARON ZEFF
 GENERAL LEASE-
 PROTECTIVE STRUCTURE
 AND RECREATIONAL USE
 2251 GARDEN HIGHWAY
 SACRAMENTO COUNTY

This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

Exhibit A
WP 5581.1