

**CALENDAR ITEM
C13**

A	9	10/29/10
S	6	WP 5818.9 M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

William B. Groza and Billyann Groza, co-trustees of the Survivor's Trust created under the William B. and Vivian Shaw Groza Family Trust dated April 8, 1993

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 7454 Pocket Road, City of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with landing, ramp, and four pilings and the retention of an existing electrical conduit, lamp, and bank protection as shown on Exhibit A.

LEASE TERM:

10 years, beginning April 24, 2010.

CONSIDERATION:

Uncovered Floating Boat Dock with Landing, Ramp, Four Pilings, Electrical Conduit, and Lamp: 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 coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On September 19, 2000, the Commission authorized a Recreational Pier Lease to William B. Groza and Vivian Shaw Groza as Trustees of the

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William B. Groza and Vivian Shaw Groza Family Trust, dated April 8, 1993. That lease expired April 23, 2010. The upland has since been transferred to William B. Groza and Billyann Groza, co-trustees of the Survivor's Trust created under the William B. and Vivian Shaw Groza Family Trust dated April 8, 1993. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. The Applicants qualify for the rent-free use of an existing uncovered floating boat dock with landing, ramp, four pilings, electrical conduit, and lamp because they are natural persons who own 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. While the bank protection, electrical conduit, and lamp are existing, they were not recognized under a prior lease, and therefore cannot qualify for the Class 1, Existing Facilities exemption under CEQAS. The bank protection is exempt under Class 4, Minor Alterations to Land, and the electrical conduit and lamp are exempt under Class 3, New Construction of Small Structures.
6. **Uncovered Floating Boat Dock with Landing, Ramp, and Four Pilings:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of 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 of section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. **Electrical Conduit and Lamp:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

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

8. **Bank Protection:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has 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.

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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Uncovered Floating Boat Dock with Landing, Ramp, and Four Pilings: 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).

Electrical Conduit and Lamp: 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 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

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.

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SIGNIFICANT LANDS INVENTORY FINDING:

Find that the 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 William B. Groza and Billyann Groza, co-trustees of the Survivor's Trust created under the William B. and Vivian Shaw Groza Family Trust dated April 8, 1993, beginning April 24, 2010, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock with landing, ramp, and four pilings and the retention of an existing electrical conduit, lamp, and bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the uncovered floating boat dock with landing, ramp, four pilings, electrical conduit, and lamp: 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 rent 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.

NO SCALE

SITE

APN 031-0860-032

EXISTING PILINGS (4)

EXISTING RAMP (3'X42')

EXISTING ELECTRICAL CONDUIT & LIGHT FIXTURE

EXISTING FLOATING BOAT DOCK

Sacramento River
Flow

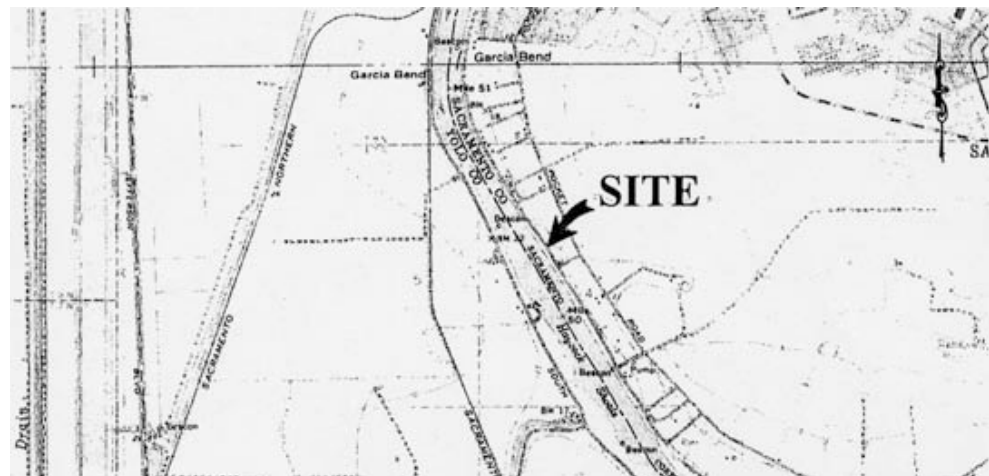
APPROXIMATE EXISTING PROTECTIVE STRUCTURE

SHORELINE STRUCTURE

7454 POCKET ROAD, SACRAMENTO RIVER

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 A

WP 5818.9
GROZA TRUST
APN 031-0860-032
GENERAL LEASE
RECREATIONAL &
PROTECTIVE STRUCTURE USE
SACRAMENTO COUNTY



SITE

MJJ 08/10