

**STAFF REPORT  
C32**

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06/21/18  
PRC 6969.1  
G. Asimakopoulos

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

**APPLICANT:**

Stephen A. Arditti and Melva A. Arditti

**PROPOSED LEASE**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land located in the Sacramento River, adjacent to 3107 Garden Highway, near Sacramento, Sacramento County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing single-berth floating boat dock with boat lift, gangway, two-pile dolphin, a piling, and bank protection previously authorized by the Commission; and the use and maintenance of an existing boat dock cover and a piling not previously authorized by the Commission.

*LEASE TERM:*

10 years, beginning June 21, 2018.

*CONSIDERATION:*

**Covered Single-Berth Floating Boat Dock with Boat Lift, Gangway, Two-Pile Dolphin, and Two Pilings:** \$230 per year, with an annual Consumer Price Index adjustment.

**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 interests.

*SPECIFIC LEASE PROVISIONS:*

1. Liability Insurance in an amount no less than \$1,000,000 per occurrence.
2. Lessee agrees and acknowledges hazards associated with sea-level rise may require additional maintenance or protection strategies regarding the improvements on the Lease Premises

STAFF REPORT NO. **C32** (CONT'D)

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On June 26, 2006, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to Stephen A. Arditti and Melva A. Arditti, for the continued use and maintenance of an existing uncovered single-berth floating boat dock, boat lift, ramp (i.e., gangway), and existing bank protection ([Item C49, June 26, 2006](#)). That lease expired on March 31, 2016.

The prior lease did not expressly authorize the two-pile dolphin or pilings; however, the Site and Location Maps from the staff report in 2006, and prior, depict the two-pile dolphin and one of the pilings. The second piling was not depicted in the 2006 staff report; however, photographs on file with the Commission show the existing pile layout has existed since at least 1995. Sometime in 2015, the Applicant installed a boat dock cover without prior authorization from the Commission. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use, for the continued use and maintenance of the existing facilities.

Staff recommends issuance of a new lease beginning June 21, 2018. Staff also recommends that the Commission accept compensation from the Applicant for the unauthorized occupation of State land in the amount of \$510 for the period beginning April 1, 2016, the day after the prior lease expired, through June 20, 2018.

The adjacent upland parcel is privately owned and developed with a residence. The subject dock and appurtenant facilities are privately owned and maintained, and are for the docking and mooring of boats. These facilities are used for recreational boating and shoreline protection. Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5). The shoreline protection helps preserve the channel for navigational and recreational purposes. The existing floating boat dock and appurtenant facilities have existed at this location for many years and are located directly adjacent to the Applicant's upland property.

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The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years and a non-exclusive use provision. The subject facilities do not significantly alter the land and the lease does not alienate the State's fee simple interest or permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. The bank protection will maintain and improve the integrity of the river channel, which will help protect the Public Trust resource of the river for recreational and navigational purposes by the public.

### **Climate Change Analysis:**

Climate change impacts including sea-level rise, increased wave activity, storm events, and flooding are not limited to the open coast. The existing structures within the lease area are located along the Sacramento River within a tidally-influenced region. The subject facilities are vulnerable to flooding at current sea levels and at a higher risk of flood exposure given future projected scenarios of sea-level rise. The facilities associated with the lease area are a covered single-berth floating boat dock with boat lift, gangway, two-pile dolphin, two pilings, and bank protection.

By 2030, California's coast could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly more than 5 feet by 2100 (National Research Council 2012). This effect could increase the Sacramento River's inundation levels within the lease area. Rising sea levels can lead to increased flooding through regular inundation and larger flooding events when combined with tidal events and storm surges. These climate change and sea-level rise impacts can also affect erosion and sedimentation rates through increased wave action and scour, which in turn can lead to decreased shoreline stability and structure. In addition, as stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise).

Climate change could have a number of impacts for this region. The amount and timing of snowmelt runoff will likely change such that runoff pulses are earlier in the season and stronger precipitation events will

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occur over a shorter period of time because warming temperatures will result in more water falling as rain rather than snow, earlier spring snowmelt, and less snowpack overall. In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. In addition, there will be greater amounts of runoff because less water will be trapped at higher altitudes in snowpack. Conversely, climate-change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. In rivers and tidally influenced waterways, flooding and storm flow will likely increase scour decreasing bank stability and structure.

The covered single-berth floating boat dock with boat lift, and gangway are adaptable to variable water levels, allowing them to rise and fall with storms and droughts and increasing their resiliency to some climate change impacts, but may require more frequent maintenance to ensure continued function during and after storm seasons and to avoid dislodgement of dock facilities. The dolphin, pilings and bank protection may need to be reinforced to withstand higher levels of flood exposure.

The vegetated bank and trees provide stability and reduce the amount of erosion and scour pressure they may experience during future events because of the underground root system created from the trees and vegetation on the bank; but remains at risk of accelerated deterioration from currents and floods. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change.

**Conclusion:**

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

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2. Staff recommends that the Commission find that this activity is exempt from the requirements of 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.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the issuance of the lease 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).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**AUTHORIZATION:**

1. Authorize acceptance of compensation from the Applicant in the amount of \$510 for the unauthorized occupation of State land for the period beginning April 1, 2016, through June 20, 2018.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to the Applicant, beginning June 21, 2018, for a term of 10 years, for the continued use and maintenance of an existing uncovered single-berth floating boat dock with boat lift, gangway, two-pile dolphin, two pilings, and bank protection previously authorized by the Commission; and the use and maintenance of an existing boat dock cover and piling not previously authorized by the Commission, as described in Exhibit A, Land Description, and as shown on Exhibit B, Site and Location

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Map (for reference purposes only), attached and by this reference made a part hereof; consideration for the covered single-berth floating boat dock with boat lift, gangway, two-pile dolphin, and two pilings: \$230 per year, with an annual Consumer Price Index adjustment; 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 6969.1**

**LAND DESCRIPTION**

One parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 284 patent in Book 4 Page 120, Sacramento County, State of California, more particularly described as follows:

All those lands underlying an existing covered single-berth floating boat dock with boat lift, two pilings, one 2-pile dolphin and one gangway lying adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded July 24, 2000, in Book 20000724 Page 664 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH any land lying immediately beneath any bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

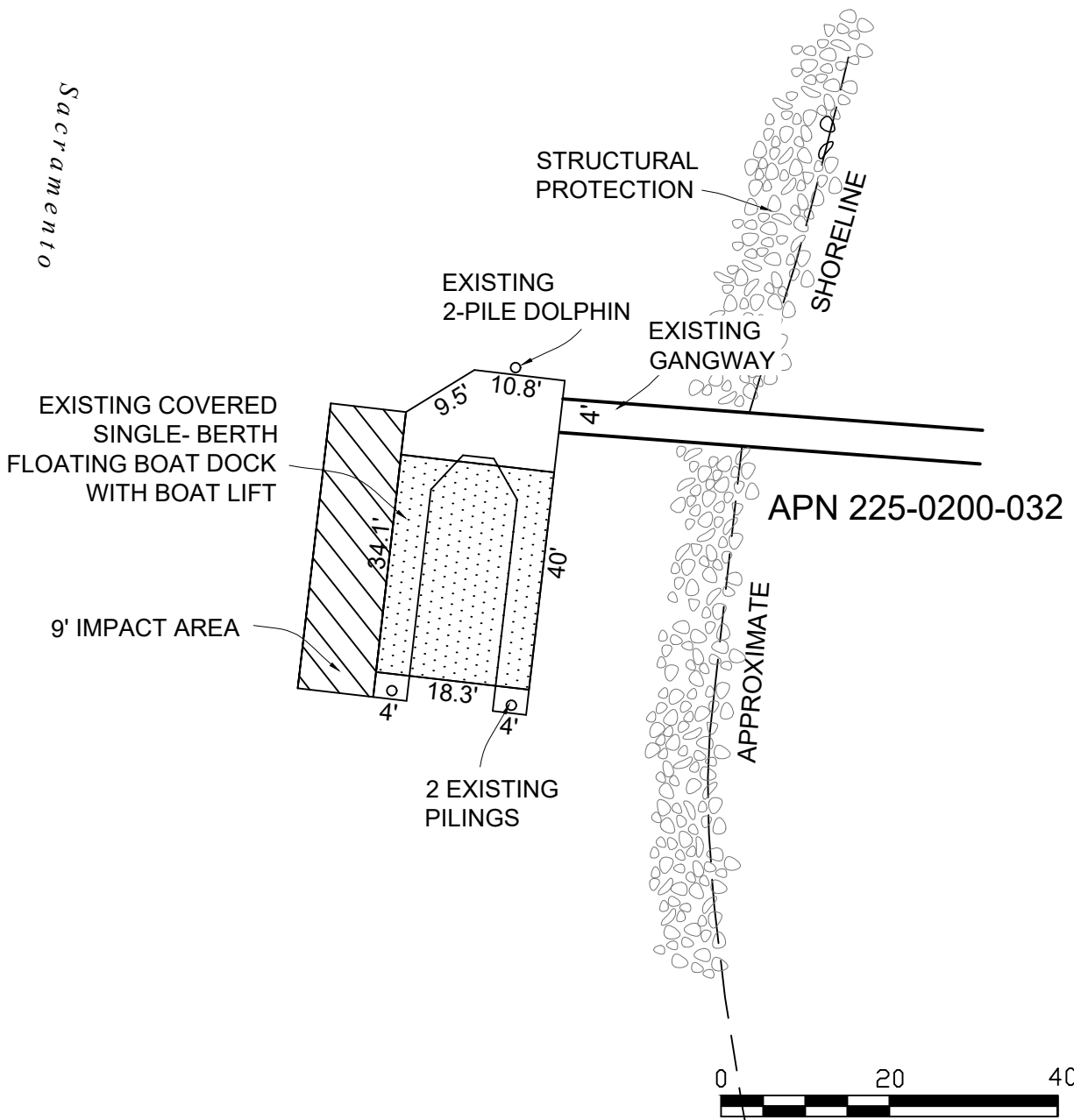
Prepared April 26, 2018 by the California State Lands Commission Boundary Unit.





*Sacramento*

*River*



# EXHIBIT A

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LAND DESCRIPTION PLAT  
 PRC 6969.1, ARDITTI  
 SACRAMENTO COUNTY

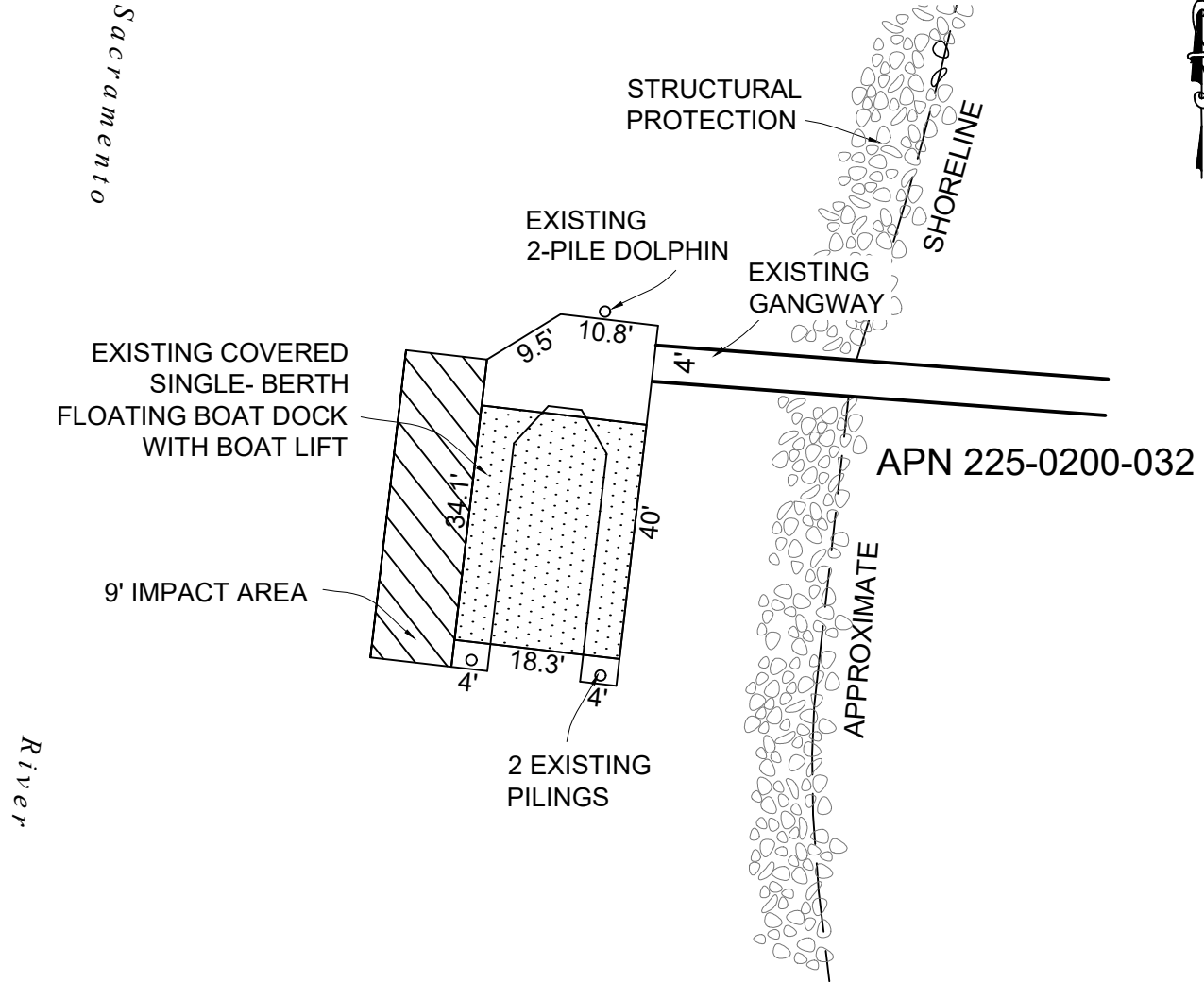
CALIFORNIA STATE  
 LANDS COMMISSION





NO SCALE

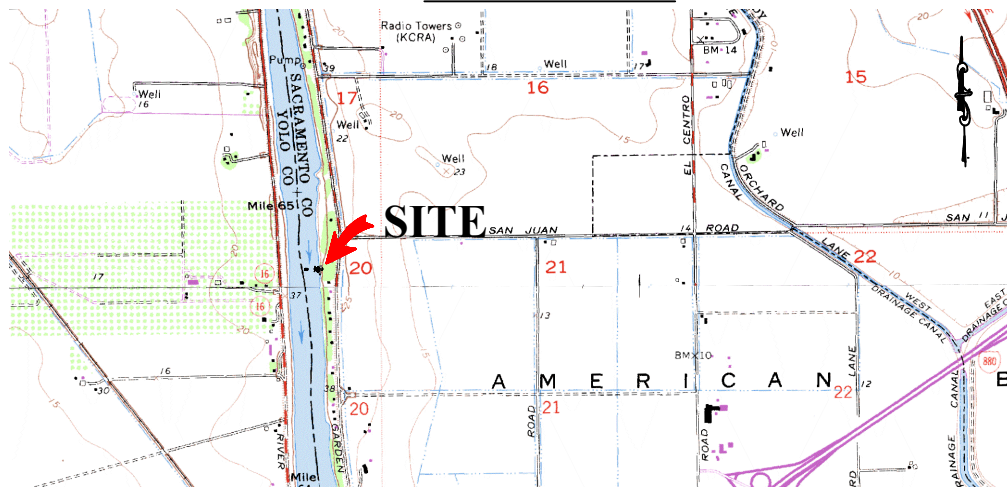
# SITE



3107 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 6969.1  
 ARDITI  
 APN 225-0200-032  
 GENERAL LEASE -  
 RECREATIONAL &  
 PROTECTIVE STRUCTURE USE  
 SACRAMENTO COUNTY



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.

MJF 6/05/18