

MINUTE ITEM
This Calendar Item No. C40 was approved as
Minute Item No. 40 by the California State Lands
Commission by a vote of 3 to 0 at its
8/24/06 meeting.

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C40

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08/24/06

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PRC 8534.1

J. McComas

**TERMINATION OF A GENERAL LEASE – RECREATIONAL USE AND ISSUANCE
OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEE/APPLICANT:

Frank G. Stathos

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Construction, use, and maintenance of a single-story floating boat dock covered
with a flat roof, gangway from the dock to the shore, five pilings, and bank
protection.

LEASE TERM:

Ten years, beginning August 24, 2006.

CONSIDERATION:

Covered 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 that such action to be in
the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On June 7, 2004, the Commission (CSLC) authorized a General Lease -
Recreational Use with Frank G. Stathos (applicant) for the construction,
use, and maintenance of a new covered boat dock, gangway, and pilings;
that lease will expire June 6, 2014. The improvements, as approved, were
never constructed; instead a larger dock structure was built further

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downstream from the approved location. The newly constructed improvements were neither in compliance with the terms of the lease, nor with the permit issued by the U. S. Army Corps of Engineers (Corps). The CSLC staff notified Mr. Stathos that he was not in compliance with the provisions of the lease. In addition, the Corps issued a Cease and Desist Order on November 1, 2004, and Mr. Stathos stopped construction. Since that time, Mr. Stathos has submitted applications to the CSLC and the Corps to bring the project into compliance with both the CSLC's guidelines and the Corps' policies.

3. Staff is recommending termination of the existing lease and issuance of a new lease to Mr. Stathos for the construction, use, and maintenance of a single-story floating boat dock covered with a flat roof, gangway from the dock to the shore, five pilings and bank protection. Applicant qualifies for a rent-free boat dock, gangway, and pilings because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family residence.
4. The proposed lease contains a clause which does not allow the boat dock to be adapted or used for purposes such as, but not limited to, a sun deck, cooking, dining, recreation, entertainment, residence or sleeping area. The Applicant will not be allowed to alter, modify, or adapt the boat dock by constructing a staircase, ladder, gangway or similar device which would allow access to the roof of the boat dock.
5. The bank protection at this location mutually benefits both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
6. **Termination of existing General Lease – Recreational Use:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

7. **Issuance of new General Lease – Recreational Use:** 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

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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.

Issuance of new General Lease – Protective Structure Use: 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 4, Minor Alteration 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.

8. 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.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers, California Regional Water Quality Control Board, and the State Reclamation Board

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING GENERAL LEASE – RECREATIONAL USE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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ISSUANCE OF NEW GENERAL LEASE – RECREATIONAL USE: 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).

ISSUANCE OF NEW GENERAL– PROTECTIVE STRUCTURE USE: 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 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

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 TERMINATION OF GENERAL LEASE – RECREATIONAL USE, LEASE NO. PRC 8534.1, EFFECTIVE AUGUST 24, 2006, ISSUED TO FRANK G. STATHOS APPROVED BY THE COMMISSION ON JUNE 7, 2004.

AUTHORIZE ISSUANCE TO FRANK G. STATHOS OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 24, 2006, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF A SINGLE STORY FLOATING BOAT DOCK WITH A FLAT ROOF, GANGWAY FROM THE DOCK TO THE SHORE, FIVE PILINGS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: COVERED 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 INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

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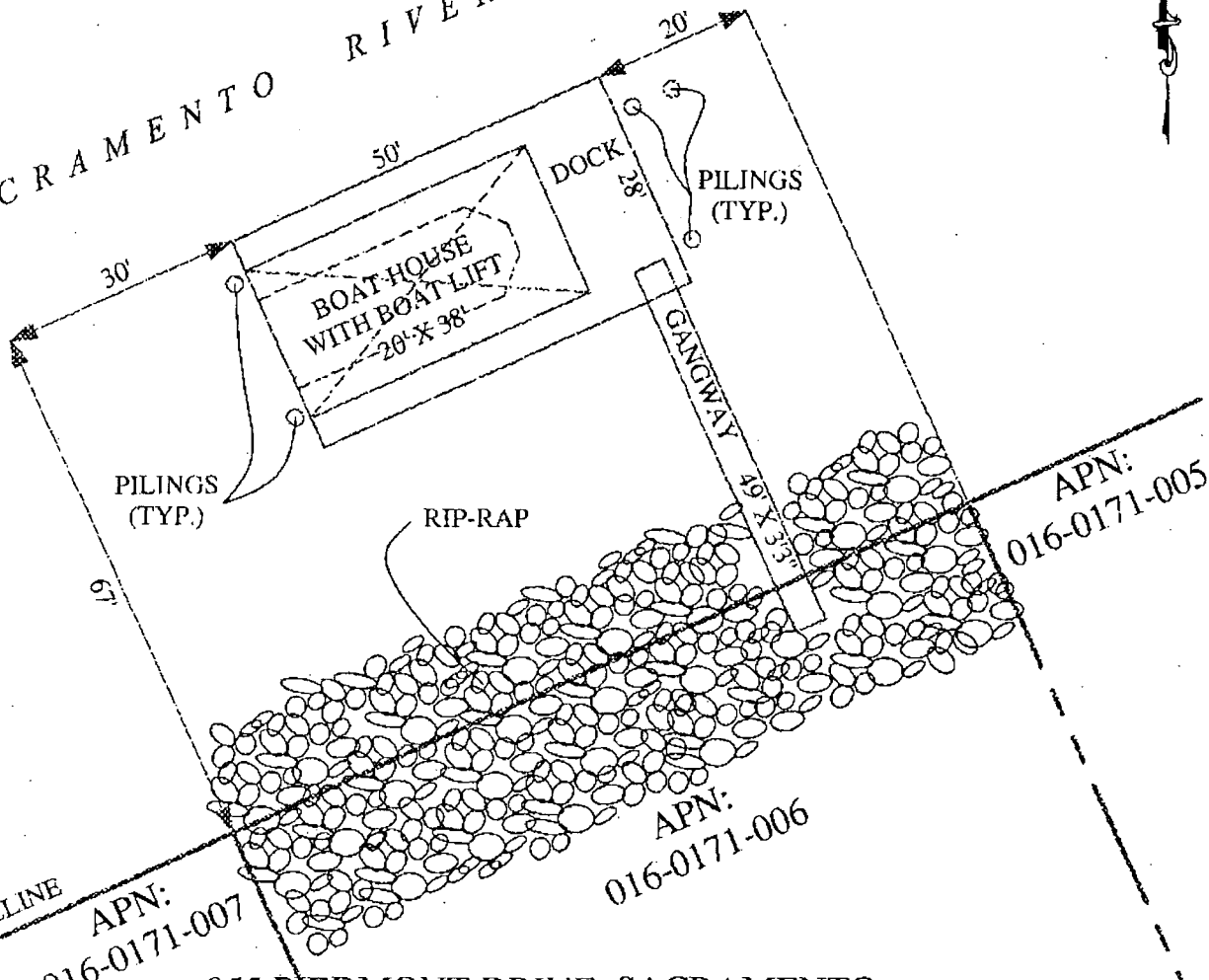
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NO SCALE

SITE

SACRAMENTO RIVER



SHORELINE

APN:
016-0171-007

APN:
016-0171-006

APN:
016-0171-005

955 PIEDMONT DRIVE, SACRAMENTO

NO SCALE

LOCATION

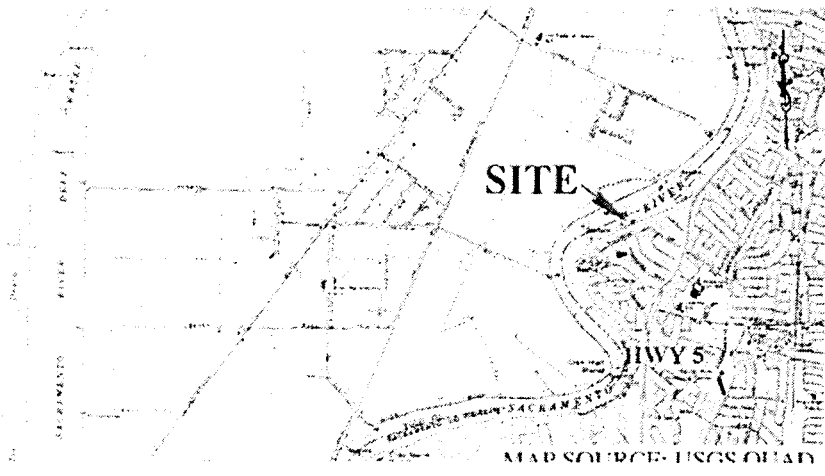


Exhibit A

PRC 8534
 FRANK G. STATHOS
 APN: 016-171-006
 GENERAL LEASE
 RECREATIONAL AND
 PROTECTIVE STRUCTURE USE
 SACRAMENTO CO.



SITE

MJP 07/06

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee of 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.

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