

MINUTE ITEM

14

07/12/84  
W 20807  
PRC 5436  
Gordon

RESCISSION OF PRIOR AUTHORIZATION AND  
APPROVAL OF GENERAL LEASE -  
COMMERCIAL USE

During consideration of Calendar Item 14 attached, Mr. E. R. Williams, representing himself and George Shore, appeared before the Commission to state his concerns that the Commission grant the lease to Mr. Shore as authorized by its January 1983 action. Lance Kiley, Chief of Land Management, stated that it is the Commission's usual policy to have the permission of the upland owner before issuing a lease on tide and submerged lands. As the current upland owner declines permission, and with several other factors involved, staff is recommending approval of the Calendar Item as presented.

Executive Officer Dedrick recommended that the Commission pull the item so that staff could consult with the applicant in hopes of reaching agreement to satisfy all parties concerned.

The Commissioners had no objection, and the item was pulled.

Attachment: Calendar Item 14.

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RESCISSION OF PRIOR AUTHORIZATION AND  
APPROVAL OF GENERAL LEASE -  
COMMERCIAL USE

APPLICANT: Bankers Land Company  
P. O. Box 1458  
McFarland, California 93250

AREA, TYPE LAND AND LOCATION:  
A 0.071-acre parcel of tide and submerged lands  
located in Turner Cut adjacent to McDonald  
Tract, San Joaquin County.

LAND USE: Reconstruction and maintenance of an existing  
marina utilized for commercial purposes.

TERMS OF PROPOSED LEASE:  
Initial period: 15 years from August 1, 1983.

Surety bond: \$5,000.

Public liability insurance: Combined single  
limit coverage of \$600,000  
per occurrence for bodily  
injury and property damage.

Special: 1. The lease consents to  
lessee's subletting the lease  
premises for berthing or  
mooring purposes for terms of  
one year or less.

CONSIDERATION: \$250 per annum; with the State reserving the  
right to fix a different rental on each fifth  
anniversary of the lease.

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BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 11/6/84.

OTHER PERTINENT INFORMATION:

1. The Commission authorized issuance of a ten-year General Lease - Commercial Use for the subject facility at its January 26, 1978, meeting (Minute Item 13). Staff was initially unable to issue the lease because of the proposed lessee's failure to provide a surety bond and public liability insurance. The structure and littoral upland have subsequently gone through a series of separate changes in ownership without the Commission's prior approval of any of the transactions. Staff recommends that the Commission's January 26, 1978 authorization be rescinded and that the current upland owner's application to lease the facility be approved. Annual consideration of \$225 totalling \$1,350 for the use of the subject land has been received for the term of August 1, 1977 through July 31, 1983.
2. Pursuant to the Commission's delegation of authority under the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, an existing facility

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with an addition of less than 50 percent of the existing floor area ((14 Cal. Adm. Code 15301(e)(1)).

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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:

United States Army Corps of Engineers,  
California Department of Fish and Game,  
California Central Valley Regional Water  
Quality Control Board, California Reclamation  
Board, and the County of San Joaquin.

EXHIBITS:

- A. Land Description.  
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, AN EXISTING FACILITY WITH AN ADDITION OF LESS THAN 50 PERCENT OF THE EXISTING FLOOR AREA, 14 CAL. ADM. CODE 15301(e)(1).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370 ET SEQ.
3. RESCIND ITS ACTION OF JANUARY 25, 1978 (MINUTE ITEM 13), WHICH AUTHORIZED ISSUANCE OF A LEASE FOR A FLOATING MARINA REPAIR FACILITY.
4. AUTHORIZE ISSUANCE TO BANKERS LAND COMPANY OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM AUGUST 1, 1983; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$250, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON

EACH FIFTH ANNIUERSARY OF THE LEASE, WITH PROVISION OF A \$5,000 SURETY BOND, AND WITH PROVISION OF COMBINED SINGLE LIMIT PUBLIC LIABILITY INSURANCE COVERAGE IN THE AMOUNT OF \$600,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE; FOR RECONSTRUCTION AND MAINTENANCE OF AN EXISTING MARINA UTILIZED FOR COMMERCIAL PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION:

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A parcel of tide and submerged land lying in Turner Cut, San Joaquin County, California, said parcel being immediately beneath a boat shed and floating dock, TOGETHER WITH a necessary use area extending no more than 10 feet from the extremities of said boat shed and dock, said boat shed and dock being adjacent to and easterly of that land described in the Grant Deed recorded July 16, 1974, in Book 3892 page 665, Official Records of San Joaquin County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Turner Cut.

END OF DESCRIPTION

REVIEWED DECEMBER 21, 1983, BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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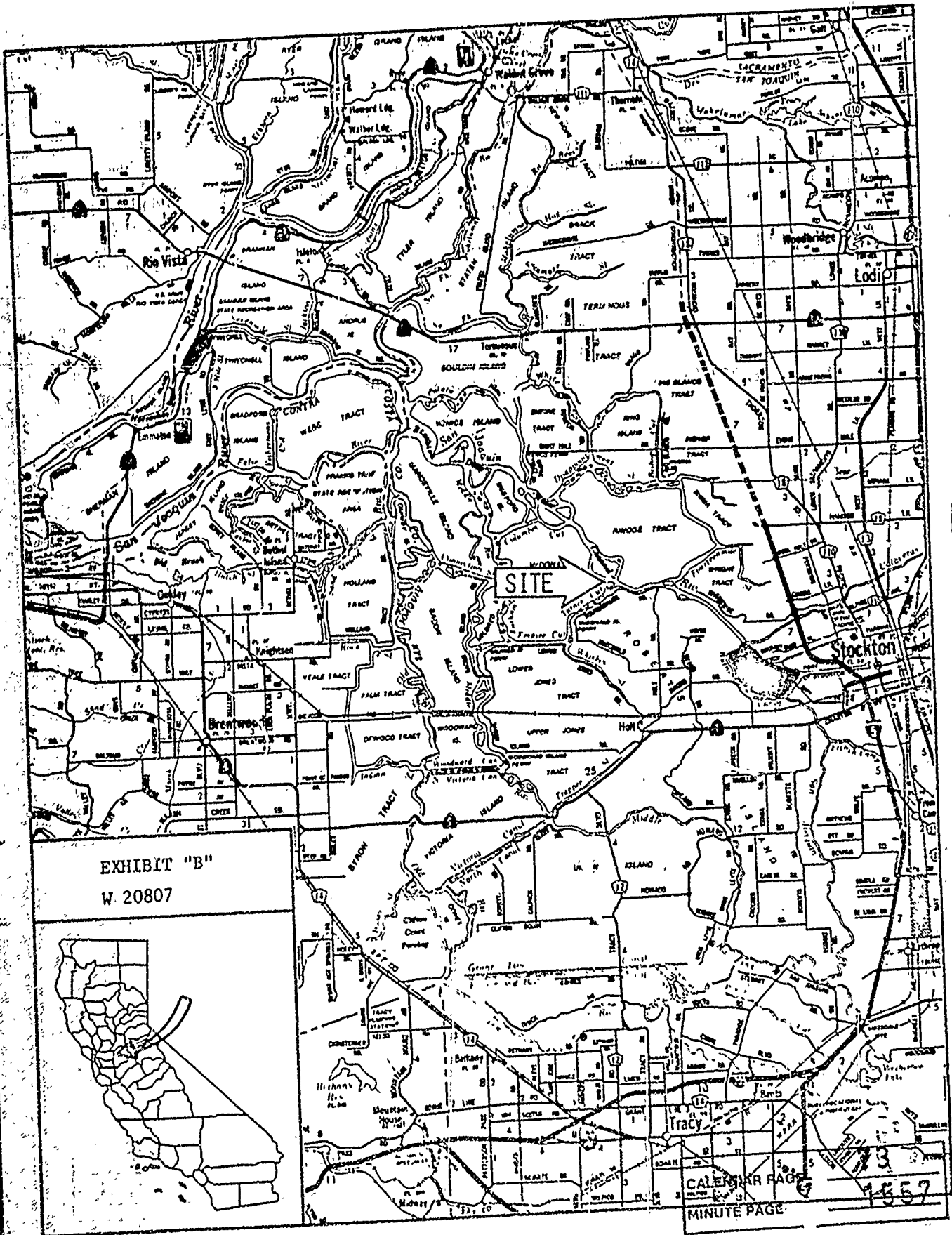


EXHIBIT "B"  
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