

**MINUTE ITEM**  
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  
09-13-07 meeting.

**CALENDAR ITEM  
C38**

A 17  
S 5

PRC 7147

09/13/07  
WP 7147.1  
C. Hudson

**TERMINATION OF A RECREATIONAL PIER LEASE AND  
ISSUANCE OF A NEW GENERAL LEASE – RECREATIONAL USE**

**LESSEE:**

David G. Gifford

**APPLICANT:**

David G. Gifford, Trustee of the David G. Gifford 2006 Revocable Trust, dated  
December 4, 2006

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the San Joaquin River at Atherton Cove, near the city of  
Stockton, San Joaquin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock with  
two berths, two ramps, a covered boathouse, and a deck as shown in Exhibit A.

**LEASE TERM:**

Ten years, beginning September 13, 2007.

**CONSIDERATION:**

Uncovered floating boat dock with two berths, two ramps, and a covered  
boathouse: No monetary consideration pursuant to Public Resources Code  
section 6503.5.

Deck: \$50 per year; with the State reserving the right to fix a different rent  
periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

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

CALENDAR ITEM NO. C38 (CONT'D)

2. No permanent deck-related improvements are to be constructed or placed on the deck, including, but not limited to, wet bars, barbecues, grill, hot tubs, refrigerators, sinks, or sun shades.

No permanent roof or other enclosure is to be constructed or permitted above the deck.

Any use of the improvements that could be construed as a residential use (e.g. enclosed patio, bathroom, sunroom, office, studio or apartment) is prohibited.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a ten-year Recreational Pier Lease to David G. Gifford. That lease will expire on January 20, 2008. The upland property has since been conveyed to the David G. Gifford 2006 Revocable Trust, dated December 4, 2006. The Applicant is now applying for a new General Lease - Recreational Use.
3. The deck has existed at the site for years, and was previously authorized by the Commission. The proposed lease contains conditions that the deck, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing deck cost more than 50 percent of the base value of the deck, then the deck must be removed from the lease premises.
4. The Applicant qualifies for the rent free use of the uncovered floating boat dock with two berths, two ramps and covered boathouse because the Applicant is a natural person who owns the littoral land that is improved with a single family dwelling pursuant to Public Resources Code 6503.5. The deck does not qualify for rent-free status because it is a facility not constructed for the docking and mooring of boats.
5. **Termination of Existing Lease:** 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.

CALENDAR ITEM NO. C38 (CONT'D)

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

6. **Issuance of New Lease:** 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.

7. 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:**

**TERMINATION OF EXISTING LEASE:** 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.

**ISSUANCE OF A NEW LEASE:** 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).

CALENDAR ITEM NO. C38 (CONT'D)

**SIGNIFICANT LANDS INVENTORY FINDING:**

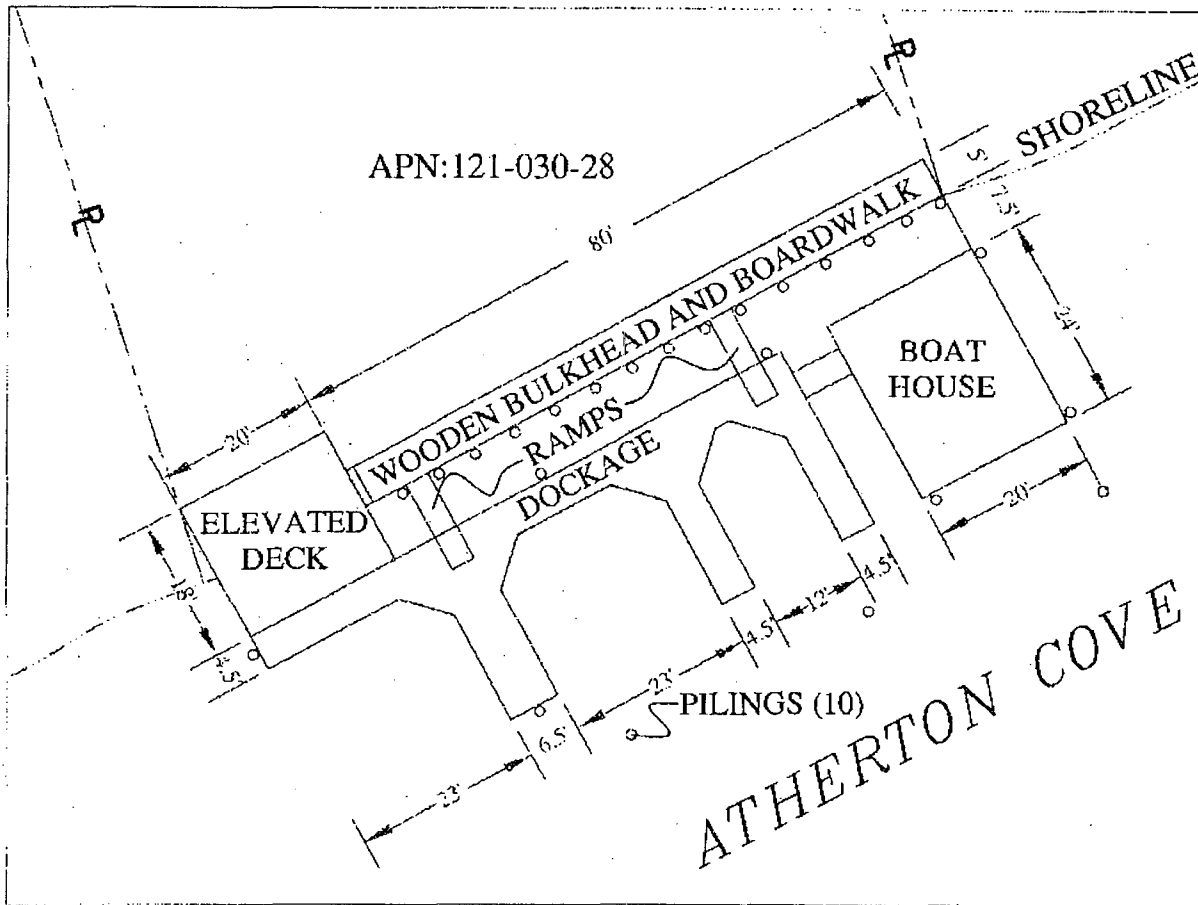
FIND THAT THESE ACTIVITIES ARE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

1. AUTHORIZE TERMINATION, EFFECTIVE SEPTEMBER 12, 2007, OF LEASE NO. PRC 7147.9, A RECREATIONAL PIER LEASE.
  
2. AUTHORIZE ISSUANCE TO DAVID G. GIFFORD, TRUSTEE OF THE DAVID G. GIFFORD 2006 REVOCABLE TRUST, DATED DECEMBER 4, 2006, OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING SEPTEMBER 13, 2007, FOR AN EXISTING UNCOVERED FLOATING BOAT DOCK WITH TWO BERTHS, TWO RAMPS, COVERED BOATHOUSE AND A DECK AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK WITH TWO BERTHS, TWO RAMPS, AND COVERED BOATHOUSE: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE DECK: ANNUAL RENT IN THE AMOUNT OF \$50, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

NO SCALE

### SITE



2308 Virginia Lane, Atherton Cove

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit A

PRC 7147.1

GIFFORD

APN: 121-030-28

GENERAL LEASE

RECREATIONAL USE

SAN JOAQUIN COUNTY



RIE 8/8307

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.

000135

CALENDAR PAGE

002300

MINUTE PAGE