

**CALENDAR ITEM
C08**

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02/21/14

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PRC 6527.1
M.J. Columbus

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Steven F. Gianandrea and Judy L. Baker-Gianandrea, Trustees of the Gianandrea Family Trust Dated October 30, 2007

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to 2039 Cove Court, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing single-berth floating boat dock, four pilings, ramp, and bulkhead previously authorized by the Commission; and the use and maintenance of an existing dock cover, storage box, electrical outlet, and fill not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 21, 2014.

CONSIDERATION:

Single-Berth Floating Boat Dock, Four Pilings, Ramp, Cover Over The Dock, Storage Box, Electrical Outlet and Artificial Fill: \$691 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Bulkhead: 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 in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

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2. On December 9, 2003, the Commission authorized a 10-year General Lease – Protective Structure and Recreational Use to Patricia Bova. That lease expired on November 30, 2013. On January 6, 2011, the upland was deeded to Steven F. Gianandrea and Judy L. Baker-Gianandrea, Trustees of The Gianandrea Family Trust Dated October 30, 2007. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
3. The dock cover, storage box, electrical outlet, and fill have existed for many years but have not been previously authorized by the Commission. Staff recommends bringing the improvements under lease.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the 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.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

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

CALENDAR ITEM NO. **C08** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity 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).

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Steven F. Gianandrea and Judy L. Baker-Gianandrea, Trustees of the Gianandrea Family Trust Dated October 30, 2007, beginning February 21, 2014, for a term of 10 years, for the continued use and maintenance of an existing single-berth floating boat dock, four pilings, ramp, and bulkhead previously authorized by the Commission; and use and maintenance of an existing dock cover, storage box, electrical outlet, and artificial fill not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for single-berth floating boat dock, four pilings, ramp, cover over the dock, storage box, electrical outlet, and artificial fill: \$691 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for the bulkhead: 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 with coverage in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6527.1

LAND DESCRIPTION

A parcel of tide and submerged land, whether filled or unfilled, situate in the bed of the Atherton Cove (formerly the bed of the San Joaquin River), lying adjacent to Swamp and Overflowed Land Survey 444, patented December 19, 1867, County of San Joaquin, State of California and more particularly described as follows:

All those lands underlying an existing covered floating boat dock, ramp, fill area, bulkhead and four (4) pilings lying adjacent to and southwesterly of those lands as described in "Exhibit A" of that Grant Deed, Recorded January 6, 2011 in Document Number 2011-001492 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of the historic San Joaquin River (Atherton Cove).

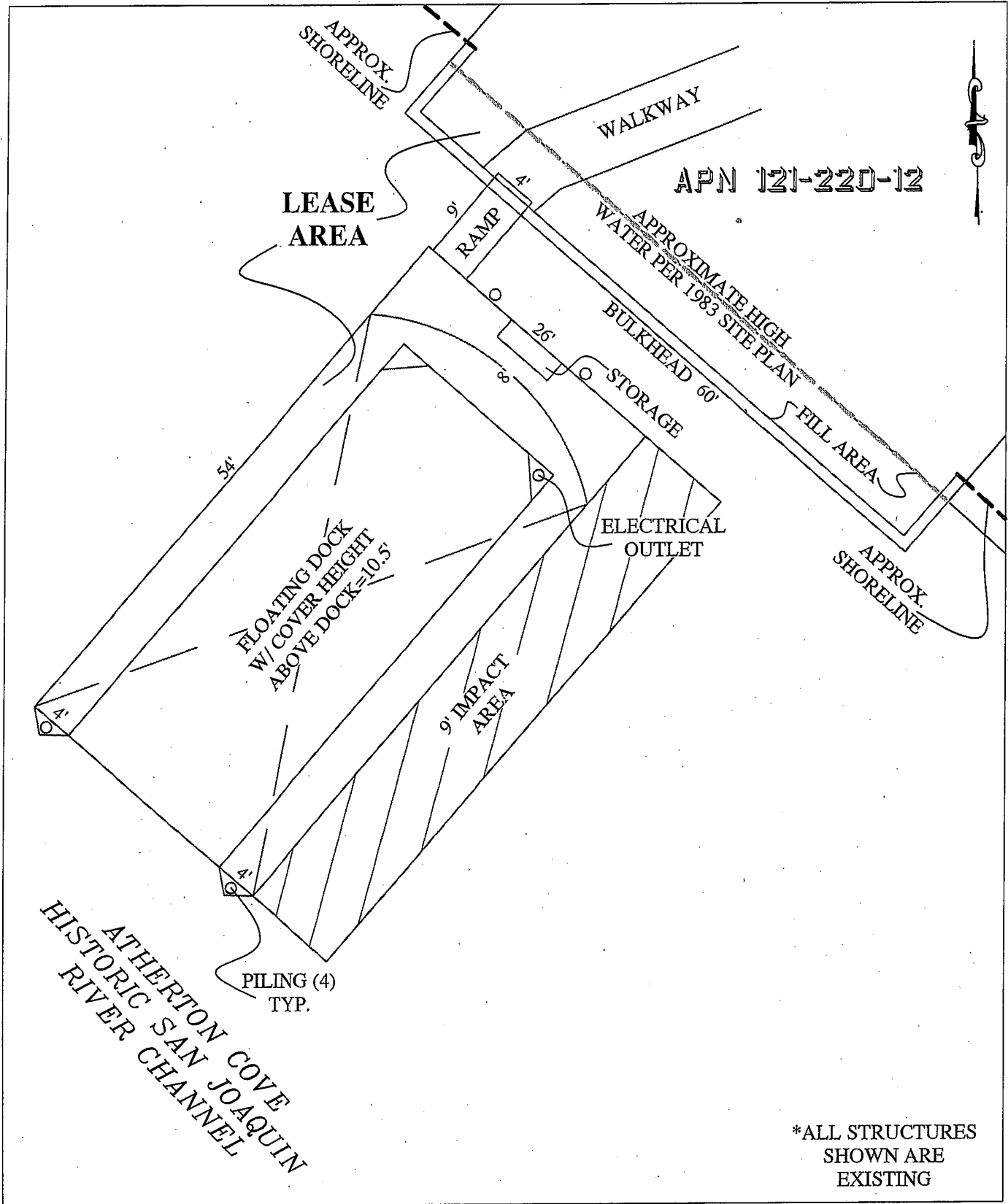
Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 1/30/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE



*ALL STRUCTURES SHOWN ARE EXISTING

EXHIBIT A

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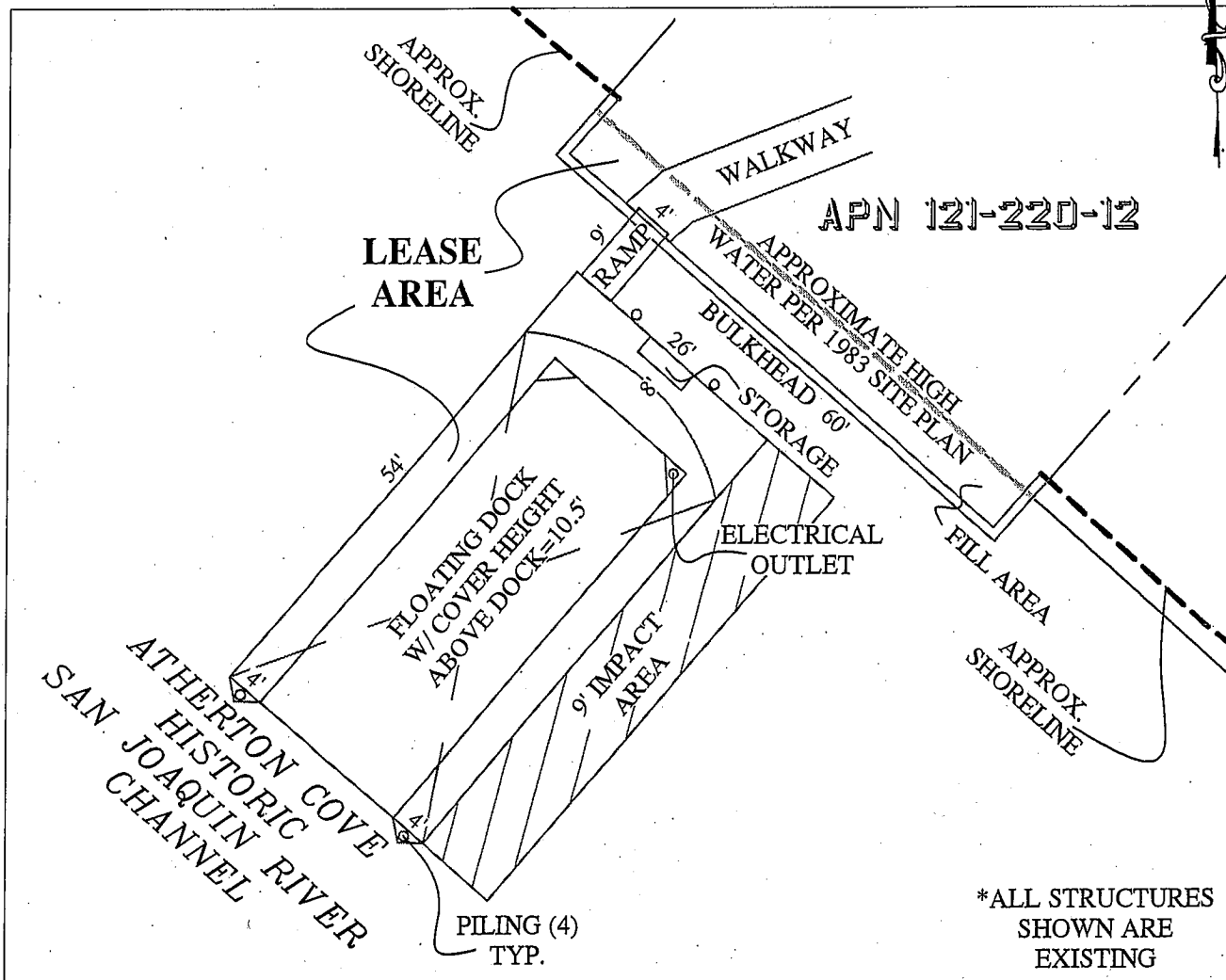
PRC 6527.1
 GIANANDREA
 Stockton, San Joaquin County

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

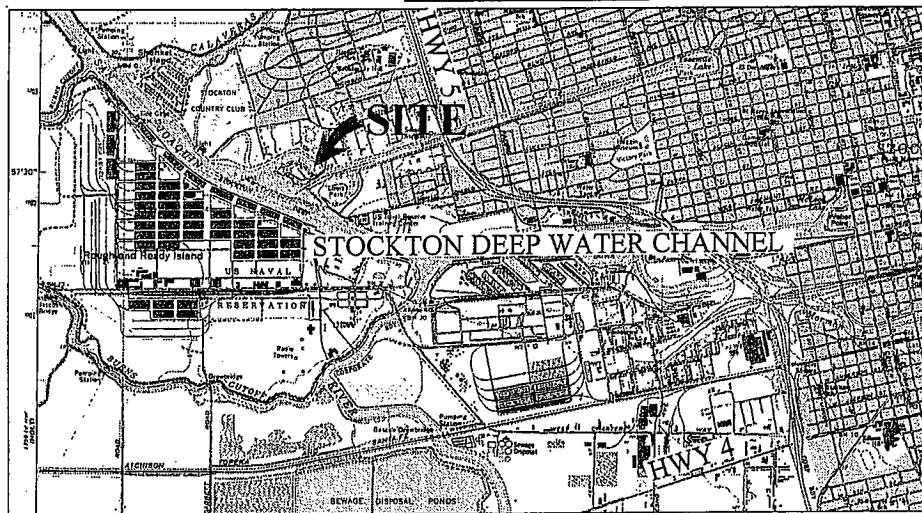


*ALL STRUCTURES SHOWN ARE EXISTING

2039 Cove Court, Stockton

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6527.1
 GIANADREA
 APN 121-220-12
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SAN JOAQUIN COUNTY



MJF 1/30/14

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.