

MINUTE ITEM

10/27/77  
Scott

11. AUTHORIZATION TO REJECT APPLICATION, CITY OF STOCKTON -  
W 21520.

Calendar Item 11 was taken off the calendar prior to the Commission meeting and was not put back on. However, Chairman Kenneth Cory asked why it had been pulled. Mr. James F. Trout, Manager, Land Operations, explained that the purpose of the item was to ask the Commission to make a policy decision concerning two applications to lease the same piece of property. A private applicant filed an application first and the City of Stockton filed its application second. However, the City's application took precedence pursuant to provisions of the Public Resources Code. Since that time, the applicant had indicated his intention to withdraw his application. Mr. Trout explained that as such, it only leaves the Division with the City's application. However, he stated they will have to develop their proposal further so the Commission can comply with the California Environmental Quality Act.

Mr. Jack Laven, Administrative Assistant to the City Manager, City of Stockton, appeared. He stated he was present to defend the City's position on the item. However even though the item was pulled he submitted two letters for the record which are on file in the office of the State Lands Commission:

Letter dated 10/26/77 from Assemblyman Carmen Perino to the State Lands Commission concerning the City of Stockton's application for a long term lease of Ten Mile Slough.

Letter dated 10/26/77 from Assemblyman Norman S. Waters, to the State Lands Commission, concerning City of Stockton's application for a long term lease of Ten Mile Slough.

The above letters were in support of the Commission granting to the City a lease for the subject area.

Mr. Laven also stated that the City Council had passed a resolution authorizing their staff to handle this matter as expeditiously as possible.

Attachment:  
Calendar Item 11 (2 pages)

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CALENDAR ITEM

II.

10/77  
W 21520  
Scott

AUTHORIZATION TO REJECT APPLICATION,  
CITY OF STOCKTON

BACKGROUND:

On June 27, 1977 the State Lands Division received an application from Mr. John Haflich covering a portion of Ten Mile Slough adjacent to the Buckley Cove development of the City of Stockton. The Buckley Cove development is in an area of Ten Mile Slough adjacent to those lands granted to the City of Stockton by Chapter 1700 Statutes of 1965; San Joaquin County.

During the processing of Mr. Haflich's application staff was contacted by the City of Stockton with a request that the same area of Ten Mile Slough be leased to the City for possible future expansion of the marina facilities located in the City's grant. Subsequent to the initial contact by the City, an application was received from the City on August 19, 1977. The application indicated that the area would be used for the possible expansion of marina facilities similar to those existing in Buckley Cove, however, no plans or construction time table was available. The City of Stockton operates the Buckley Cove area under the grant by leasing the area to private parties. The State Lands Commission receives no income from the grant area now and will not receive any income in the near future.

Section 6223 of the Public Resources Code provides that applications for the lease of State land shall be given priority of time of filing. The Section further states that applications filed by governmental agencies shall have priority over all other applications. Thus, the Commission must consider the City of Stockton application first.

CURRENT SITUATION:

The State Lands Division has received two

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applications for the same area of Ten Mile Slough. Mr. John Haflich's application was received first with preliminary plans, environmental data and a proposal to begin construction of a marina and boat repair facility. The second and later application from the City of Stockton contains no definite plans or time table for construction. Staff has reviewed both applications and recommends that the application on behalf of the City of Stockton be rejected. Use of the leased area would in all likelihood be the same under either application. Mr. Haflich's development would be constructed in the near future and provide the same benefits to the public as those which might at some future date be constructed by the City of Stockton. The City of Stockton also has other suitable area within its grant which currently lies undeveloped. Additionally Mr. Haflich's development would provide income to the State through rental paid to the State Lands Commission.

EXHIBIT:

A. Location Map:

THEREFORE IT IS RECOMMENDED THAT THE COMMISSION REJECT THE APPLICATION OF THE CITY OF STOCKTON FOR LEASE OF A PORTION OF TEN MILE SLOUGH, SAN JOAQUIN COUNTY.