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CALENDAR ITEM

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Scott
PRC 5436

0 RRS 1126.178

C13.

GENERAL LEASE
COMMERCIAL USE

APPLICANT: George Shore
c/o Stockton Mail Boat
Stockton, California 95209

AREA, TYPE LAND AND LOCATION: A 0.175 acre parcel of tide and submerged land in Turner Cut adjacent to McDonald Tract, San Joaquin County.

LAND USE: Continued operation and maintenance of an existing marine repair facility consisting of floating docks, walkways and a repair shop.

TERMS OF PROPOSED LEASE: Initial period: 10 years from August 1, 1977.

Renewal options: 2 successive periods of 10 years each.

Surety bond: \$1,000.

Public liability insurance: Combined single limit coverage of \$300,000.

CONSIDERATION: \$225 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION: \$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES: Applicant is lessee of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.
B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 & 11.

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OTHER PERTINENT INFORMATION:

1. These facilities had existed for some time prior to August 1974 when the staff became aware of them through the United States Army Corps of Engineer's public notice system. The Corp's notice was issued for the existing facilities and a proposed new floating dock. The new dock was never constructed.
2. No back rent has been requested. It is not a staff practice to recommend back rent from new owners of facilities which had never been under lease. These facilities were purchased by the proposed lessee in February, 1977. The new owner has signed proposed lease documents and paid the first year's rental.
3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B, which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
4. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

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2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO GEORGE SHORE OF A 10-YEAR GENERAL LEASE - COMMERCIAL USE FROM AUGUST 1, 1977, WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$1,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE, COMBINED SINGLE LIMIT COVERAGE OF \$300,000 AND WAIVER OF BACK RENT, FOR THE CONTINUED OPERATION AND MAINTENANCE OF AN EXISTING FLOATING MARINE REPAIR FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF,

Attachment: Exhibit "A"

EXHIBIT "A"

W 20807

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

Prepared

Fred T. Carey

Checked

R. A. Hoff

Reviewed

H. J. Runnecke

Date

5/16/77

RJB