

MINUTE ITEM

This Calendar Item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 0 at its 1-24-80
meeting.

MINUTE ITEM

1/80
Cowan
W 22849
PRC 5792

22. GENERAL LEASE - COMMERCIAL USE

During consideration of Calendar Item 22 attached, Mr. Harold Taylor, the applicant, appeared, and voiced his support of the staff's recommendation.

Upon motion duly made and carried, the resolution in Calendar Item 22 was adopted by a vote of 3-0.

Attachment:
Calendar Item 22

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CALENDAR ITEM

22.

1/80
W 21849
Cowan

GENERAL LEASE
COMMERCIAL USE

APPLICANT: Harold C. and Carol G. Taylor
12988 West McDonald Road
Stockton, CA 95206

AREA, TYPE LAND AND LOCATION:
A 2.29 acre parcel of tide and submerged
land in the bed of Whiskey Slough, San
Joaquin County.

LAND USE: New addition to existing commercial marina.

TERMS OF PROPOSED LEASE:

Initial period: 20 years from January 1,
1980.

Renewal options: 1 successive period of
13 years.

Surety bond: \$5000.

Public liability insurance: \$300000/600000.
per occurrence for bodily
injury and \$100,000
for property damage,
or combined single limit
coverage of \$600,000.

CONSIDERATION:

\$225 per annum for the first 2 years of
the lease term and, provided the lessor
elects not to adjust the annual rental
as provided for in Section 2 of the lease,
\$910 per annum thereafter, with the State
reserving the right to fix a different
rental on each fifth anniversary from January 1,
1982.

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BASIS FOR CONSIDERATION:

Minimum rental allowed during first 2 years to offset costs and lack of income during construction of new facilities. Unit rental rate of companion lease applied thereafter.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee and has option to purchase upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. A Negative Declaration was prepared by San Joaquin County Planning Department, pursuant to CEQA and implementing regulations. A Notice of Determination has been received.
2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.
3. Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

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4. The proposed lease is for the expansion of an existing marina facility. The portion under Commission jurisdiction is currently under lease (PRC 4082). The applicant has requested that a separate lease be issued for the new addition in order that expenses and depreciation allowances may easily be kept separate. The applicant also requests that the normal requirement that construction begin in 90 days, be waived so that he might have more flexibility in obtaining construction contracts. The staff recommends that the above requests be honored.

Because no income will be realized from the proposed lease area while the applicant is obtaining the necessary permits, loans, and contracts as well as the actual construction period. The staff recommends that the annual rental be reduced to \$225 for the first 2 years.

Since the different starting dates would cause the applicant's two leases to be "out of phase", it would normally result in 5-year rent review procedures being implemented alternately every 2 and 3 years. The staff believes this would not be cost effective. The staff recommends that the rent review for the 2 leases be made to coincide by executing the first rent review on the proposed lease along with the next 5-year rent review on the existing lease. (PRC 4082)

The above items have been incorporated into the proposed lease which has been signed by the applicant.

CALENDAR ITEM NO. 22. (CONTD)

EXHIBITS: A. Land Description. B. Location Map.
 C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY SAN JOAQUIN COUNTY PLANNING DEPARTMENT, ON NOVEMBER 3, 1978.
2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
5. AUTHORIZE ISSUANCE TO HAROLD C. AND CAROL G. TAYLOR DBA TIKI LAGUN MARINA OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1980, WITH LESSEE'S OPTION TO RENEW FOR 1 PERIOD OF 13 YEARS IN CONSIDERATION OF RENT IN THE AMOUNT OF \$225 per annum for the first two years and \$916 per annum thereafter, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON JANUARY 1, 1982, AND EACH FIFTH ANNIVERSARY OF SAID DATE THEREAFTER; PROVISION OF A \$5000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNT OF 300,000/600,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF \$600,000; FOR CONSTRUCTION AND MAINTENANCE OF A COMMERCIAL MARINA WITH NO SPECIFIED DATE BY WHICH CONSTRUCTION MUST HAVE COMMENCED EXCEPT THAT ALL AUTHORIZED CONSTRUCTION MUST BE COMPLETED BEFORE DECEMBER 31, 1982 ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

W 21849

A parcel of tide and submerged land lying within Whiskey Slough, situated in Section 31, T2N, R5E, MDM, San Joaquin County, California, more particularly described as follows:

COMMENCING at the 1 inch by 2 foot iron pipe set on the west side of the levee crown, as shown on that map recorded in Record of Surveys, Volume 8, San Joaquin County Records, at Page 109; thence S 0° 20' 00" E 15.00 feet; thence S 89° 17' 00" W 21.00 feet, to a point on the east bank of Whiskey Slough and the TRUE POINT OF BEGINNING; thence leaving said east bank the following seven courses:

1. S 89° 33' 00" W 146.09 feet;
2. S 29° 11' 24" W 116.17 feet;
3. S 53° 12' 16" W 254.02 feet;
4. S 44° 48' 22" W 211.36 feet;
5. S 45° 33' 22" E 112.12 feet;
6. S 84° 23' 10" E 32.18 feet;
7. S 55° 44' 17" E 26.06 feet to a point on the easterly bank of Whiskey Slough; thence along said bank the following eight courses:

8. N 36° 22' 27" E 54.90 feet;
9. N 44° 50' 36" E 97.74 feet;
10. N 50° 24' 02" E 96.74 feet;
11. N 56° 23' 15" E 99.77 feet;
12. N 49° 26' 29" E 104.80 feet;
13. N 36° 37' 21" E 103.77 feet;
14. N 13° 41' 45" E 105.63 feet;
15. N 14° 08' 31" W 17.05 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Whiskey Slough.

END OF DESCRIPTION

Prepared

James E. Delaney

Checked

Charles Peters

Reviewed

Ray Mark

Date

7-3-79

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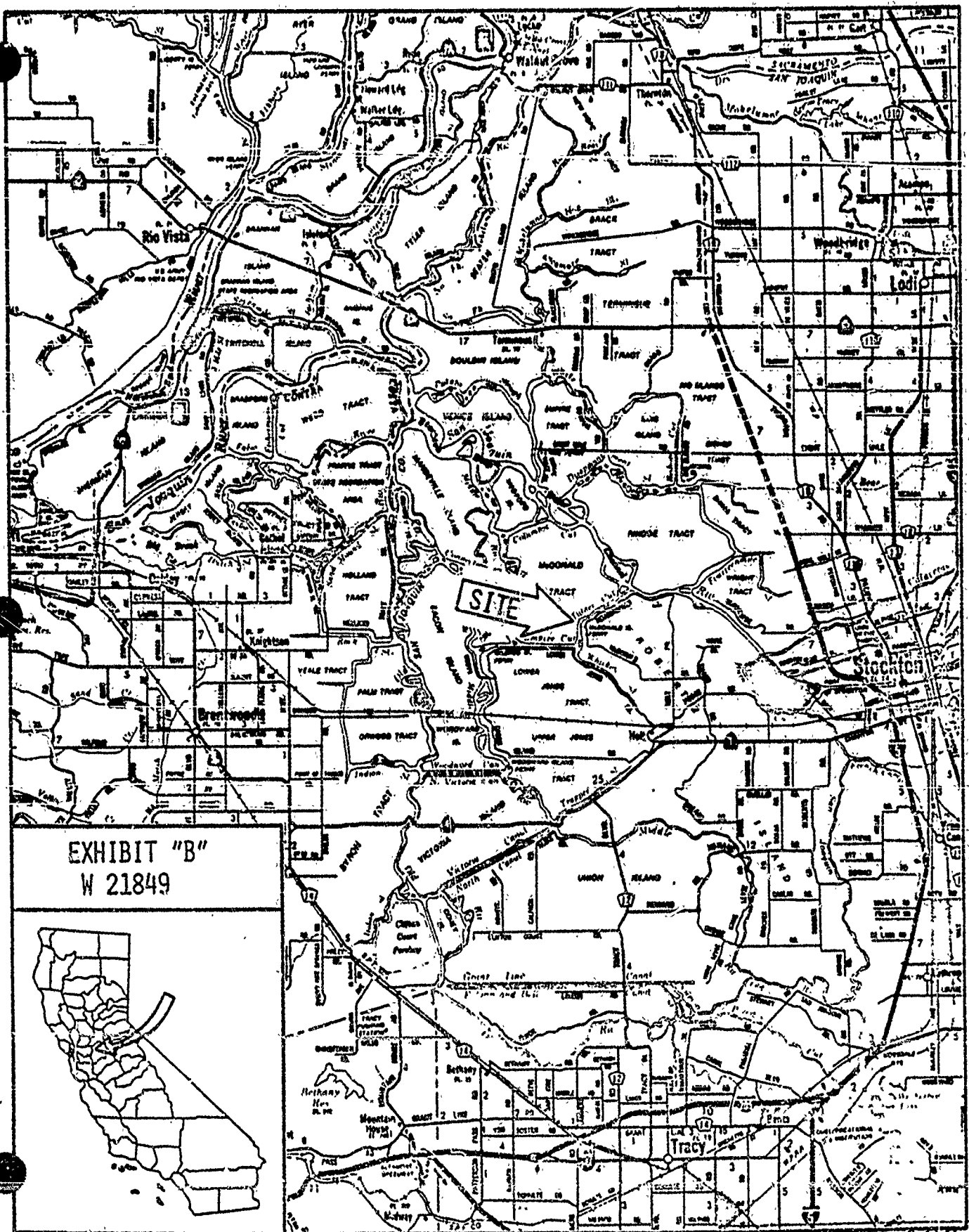


EXHIBIT "B"
W 21849



EXHIBIT "C"

NEGATIVE DECLARATION

DATE: _____

RESPONSIBLE AGENCY (Lead Agency): San Joaquin County Planning Dept.
Address: 1810 E. Hazelton Avenue
Stockton, CA 95205

CONTACT PERSON: Harry Riddle Area Code: 209
Phone: 944-2203
City: Stockton

PROJECT TITLE: _____

As the result of an initial study, it is concluded that with the mitigation measures noted in the initial study added to the project:

A. The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustain levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

B. The project will not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

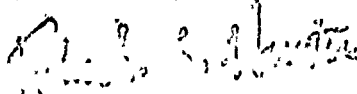
C. The project will not have possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

D. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

As a result thereof the preparation of an Environmental Impact Report pursuant to the Environmental Quality Act of 1970 is not required.

An initial study is attached.

SIGNED BY:



ROBERT S. HUNTER
Environmental Review Officer

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3. PLANING-10 (5/77)

PRELIMINARY ENVIRONMENTAL ASSESSMENT
FOR PROJECT AFFECTING WATERWAYS

OWNER

NAME: Harold C. Taylor
 ADDRESS: 12988 W. McDonald Rd. Stockton, Ca. 95206
 PHONE: 463-4430

LESSEE/APPLICANT

NAME: Harold C. Taylor
 ADDRESS: 12988 W. McDonald Rd. Stockton, Ca. 95206
 PHONE: 463-4430

PROPERTY LOCATION (including waterways) _____

First 700 ft. North of McDonald Island Ferry on Turner Cut

PROPERTY ADDRESS: Neugebauer Rd.

GENERAL PLAN DESIGNATION: AGRICULTURE / RECREATION

ZONING: EA-40

WILLIAMSON ACT: PRESERVE _____ CONTRACT _____

(If under contract) Is proposal consistent with the contract
 agreement: YES _____ NO _____

I PROPERTY DESCRIPTION:

1. Property Size: Approximately four & nine tenths acres.
2. Area affected by project: ditch wall' low earthing.
Land side will continue present use as cropping.
3. Type of soil: Silt and loam

PROPERTY USE:

4. Existing Use: (If agriculture, what crops?) _____

Camping and picnicking

5. Existing Structures: (Give dimensions) Indicate

structures to be removed: "Existing" Recreation
room 18x55, Work shop 20x30, Storage shed 12x18,
Mobile Home 10x50

II PROJECT DESCRIPTION:

1. Proposed Use (Agriculture, Recreation, Residential,
Commercial, Industrial, Other) _____

Boat storage, camping and picnicking

2. All proposed new structures or structure modifications
(size, materials, purpose): Floating berths--Wood;

Styrofoam and aluminum. Mobile home--Office
and living.

3. Uses on surrounding parcels: (If agriculture what crops?)

Rotating crops on one side and one marina on each
end of water side.

4. Method of water supply:

a. Existing Supply X Capacity or Need 400 Gal per day

b. Proposed Supply _____ Capacity or Need _____

5. Method of Sewage Disposal:

- a. Existing Method Septic Capacity or Need 1,200 Gal.
- b. Proposed Method _____ Capacity or Need 1,200 Gal.

6. Method of solid waste disposal (List types of waste

that may occur due to the project): Septic and leach lines "existing". 2,000 gallon holding tank "existing" to be used as boat pump out, removed from tank by a Septic Company.

7. List types of equipment or machinery used for the project:

- a. Construction: Pile driver
- b. Operation: Water purification system.

8. List any hazardous or dangerous types of material that may be used, processed or stored at the project site: (Especially hazardous material) 14,800 Gal. under ground gas tank.

9. List any type of noise or vibration that will be generated by the project:

- a. Construction: Two or three days of pile driving.
- b. Operation: None

10. Will the project require any change in existing topography: Yes _____ No X If yes, specify.

- a. Grading:
- b. Fill:
- c. Dredging:
- d. Excavation:
- e. Paving:

f. Describe method of control for erosion or runoff:

Planting 5 Ft. Wide Walk 8 Ft. from Levee stops wave action.

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11. Will any trees or vegetation be removed: Yes No
If yes, how much area is to be cleared? 40 Ft
15 years of operating proof. We increased plant life.
12. Will any vegetation be removed or covered at the
waterway edge? Yes No 40 Ft. same as above
13. Is there to be any landscaping at the site:
Yes No If yes, provide a description:
Many trees---Lawn---Shrubs

14. Will the project involve any modification or construc-
tion of a levee? Yes No If yes, describe
what vegetation may be removed or covered _____

- a. Will rip-rap or other materials be placed
on the levee Yes No
If yes,
i. Where will rip-rap be placed?
ii. At what height above the high water
line will the rip-rap end?
iii. Will any vegetation remain?
- b. What is the existing levee profile?
Black berries
Steep drop from county road-down to water.

- c. What is the proposed levee profile?
No change

- d. Is there a road on top of the levee?
Yes No _____ If yes is it county
maintained? Yes surfaced? Yes

III WATERWAYS INFORMATION:

1. What is the name of the waterways? Turner Cut

2. What is the width of the waterway? Approx. 270 Ft.

3. What is the depth of the waterway at average seasonal
maximum flow? 20 Ft.
4. Will there be any erosion caused by the project that
may increase sedimentation in the waterway?
Yes _____ No
5. Will there be any alteration of the streambed?
Yes _____ No If any dredging is to be per-
formed, provide a cubic foot estimate of the amount
of spoils, method of dredge and location of spoils
deposit: _____

6. Will any side slopes or levees be affected structurally?
Yes _____ No
7. Will stream flow be affected (ponding included)
Yes _____ No

8. Are there any structures proposed for the water side of the levee? Yes X No _____ If yes, what will be their uses? Floating barges, discharge of sewage from boats to land holding tank and dispensing of gas.

How far into the waterway will each structure protrude? Approximately 125 Ft.

Will the project involve any lines passing over, through or under the waterways? Yes X No _____ If yes, describe the type of line, size and location of passage Approx. 2" Elect.--3" Sewer--2" Water--1" Propane. None of the development restricts water passage.

9. Are any structures or portions of the property subject to a 100 year flood? Yes _____ No X If yes, what is the potential for flood damage on the property and/or downstream from the property: _____

10. Will any sewage, chemicals or other material be able to contaminate the waterway? Yes _____ No X

11. Will the project obstruct waterways for existing transportational or recreational use? Yes _____ No X

12. Will the project cause a need for increased boater traffic regulation such as speed limitations? Yes _____ No X

13. Will there be any increased use of specific waterways as a result of the project? Yes X No _____

If yes, where? Turner Cut, however if these boats berth in Contra Costa County they will be taxed there and still use this water way.

IV GENERAL INFORMATION:

1. Will there be any change in existing scenic character of the area? Yes _____ No X
2. Will additional auto or trailer parking result from the proposal? Yes CAAS No _____
3. Will there be any change to existing recreational opportunities such as fishing? Yes _____ No increased

V APPLICATION TO OTHER AGENCIES:

For projects affecting waterways state and federal agencies may require review or permit. Have any applications or contacts been made with state or federal agencies?

Agencies	Type of permit or review
<u>Army Corp of Engineers</u>	<u>Floating Structure</u>
<u>State Lands</u>	_____
<u>Resources Agency of Calif.</u>	_____
_____	_____
_____	_____

VI ADDITIONAL COMMENTS OR SPECIFIC QUESTIONS:

The new development will follow the same family type operation as we have maintained for over fifteen years. Our operation brings in outside dollars into San Joaquin County in the form of tax revenue and supporting numerous Merchants.

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