

**CALENDAR ITEM
C36**

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S 5

10/16/15
PRC 6934.1
W. Hall

**GENERAL LEASE – RECREATIONAL AND PROTECTIVE
STRUCTURE USE**

APPLICANT:

Bruce Benninger and Alyce Benninger, as Trustees of the Bruce Benninger Revocable Living Trust.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to 2047 Cove Court, city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing single berth floating dock, two jet ski lifts, ramp, and bank protection.

LEASE TERM:

10 years, beginning January 23, 2016.

CONSIDERATION:

Single Berth Floating Boat Dock, Two Jet Ski Lifts, and Ramp: \$148 per year, with an annual Consumer Price Index adjustment.

Bank Protection: 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 interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On January 23, 2006, the Commission authorized a General Lease - Recreational and Protective Structure Use to the Applicant. That lease

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expires on January 22, 2016. The Applicant is now applying for a General Lease - Recreational and Protective Structure Use.

3. 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.

4. 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

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 Bruce Benninger and Alyce Benninger, as Trustees of the Bruce Benninger Revocable Living Trust beginning January 23, 2016, for a term of 10 years, for the continued use and maintenance of an

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existing single berth floating dock, two jet ski lifts, ramp, and bank protection, 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 the single berth floating boat dock, two jet ski lifts, and ramp: \$148 per year, with an annual Consumer Price Index adjustment; consideration for the bank protection: 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6934.1

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 uncovered floating boat dock, ramp and two (2) jet ski lifts lying adjacent to and southwesterly of those lands as described in "Exhibit A" of that Grant Deed, Recorded September 30, 1996 in Document Number 96099521 in Official Records of said County.

TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said deed.

ALSO TOGETHER WITH any applicable impact area(s) lying adjacent to said deed.

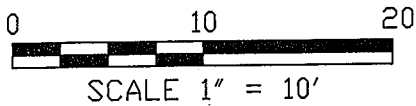
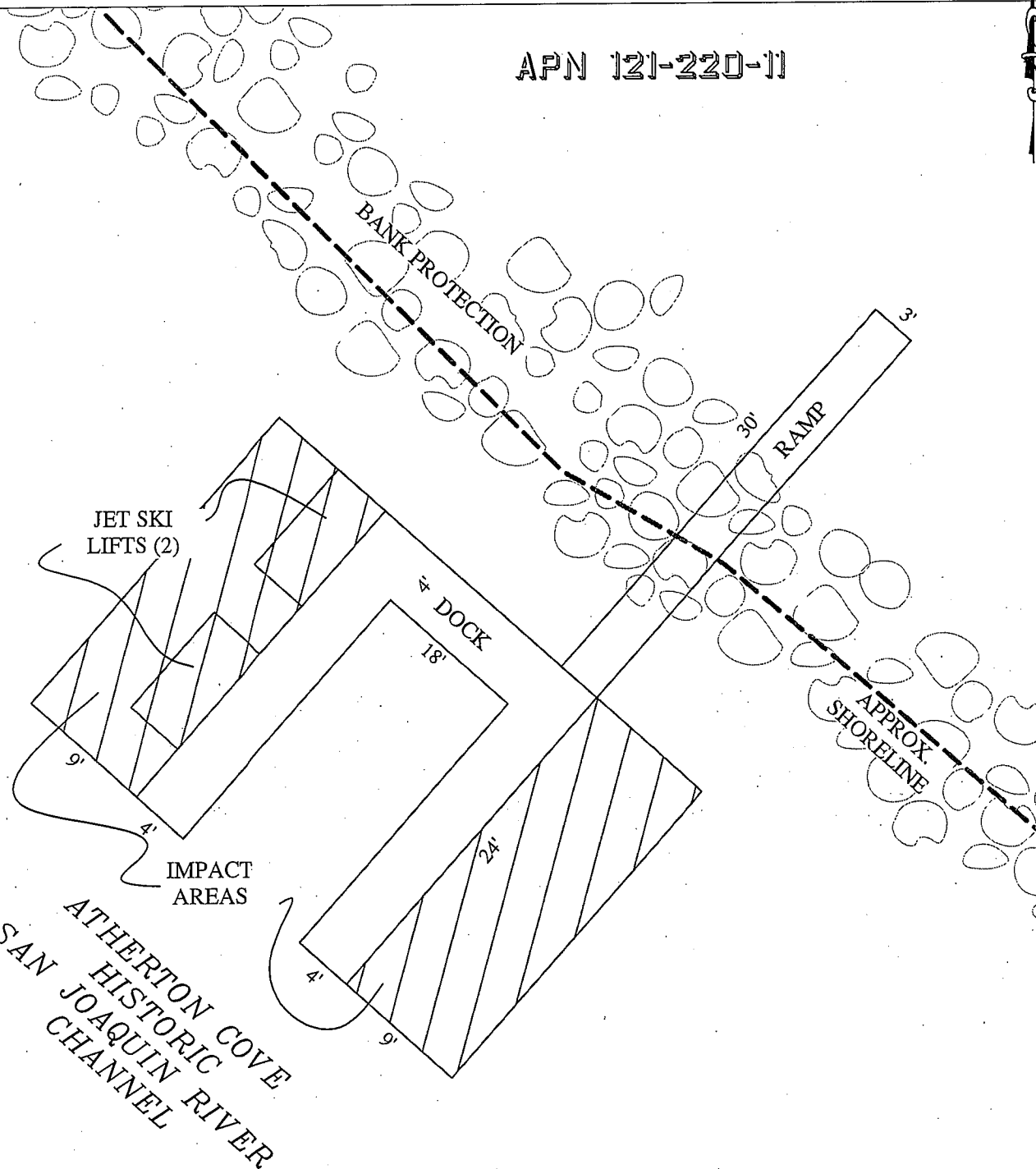
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of the historic San Joaquin River (Atherton Cove).

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 7/28/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

APN 121-220-11



*ALL STRUCTURES SHOWN ARE EXISTING

EXHIBIT A

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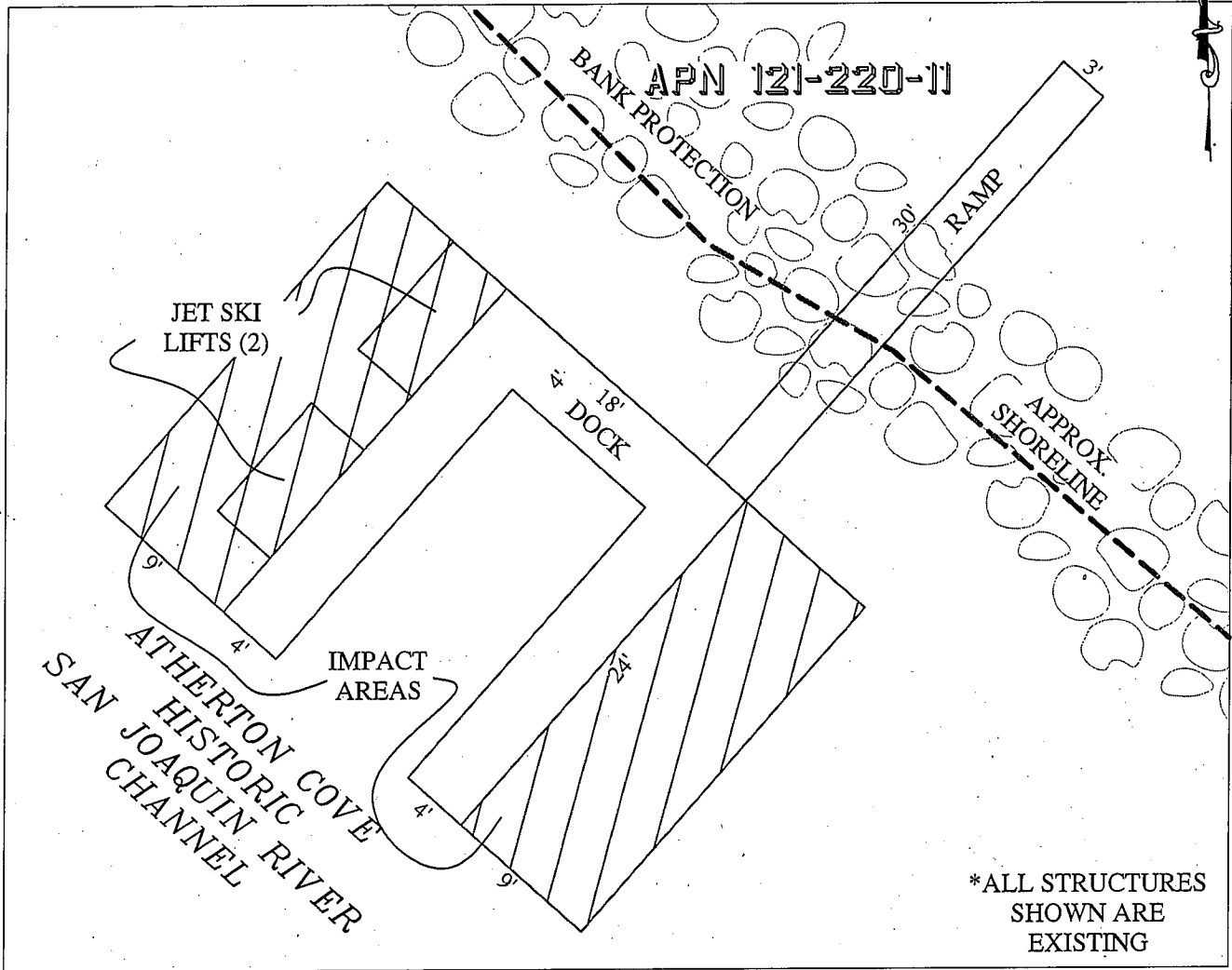
LAND DESCRIPTION PLAT
 PRC 6934.1, BENNINGER TRUST
 SAN JOAQUIN COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



2047 Cove Court, Stockton

NO SCALE

LOCATION

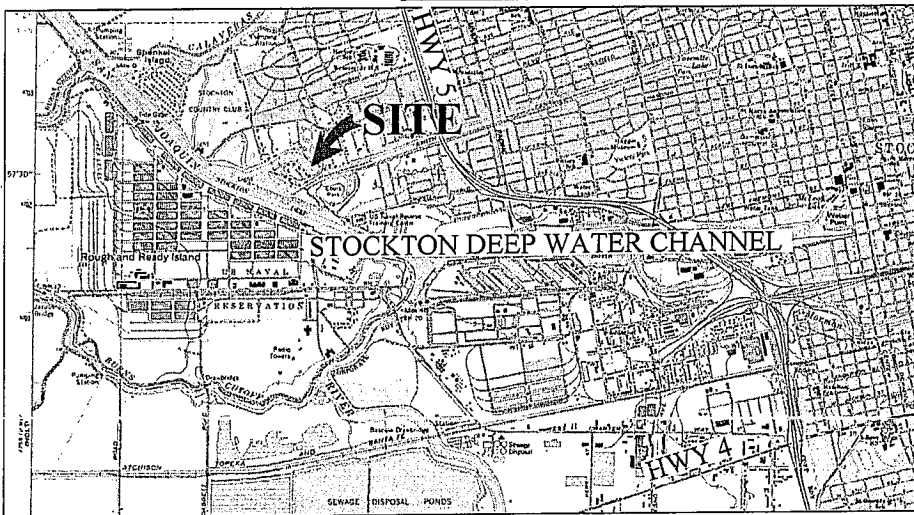


Exhibit B

PRC 6934.1
 BENNINGER TRUST
 APN 121-220-11
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SAN JOAQUIN COUNTY



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.