

MINUTE ITEM
This Calendar Item No. C28 was approved as
Minute Item No. 28 by the California State Lands
Commission by a vote of 3 to 0 at its
10-06-04 meeting.

**CALENDAR ITEM
C28**

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10/06/04

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PRC 8305.9

J. McComas

**TERMINATION OF GENERAL LEASE - INDUSTRIAL USE, ACCEPTANCE OF
QUITCLAIM AND AUTHORIZE A GENERAL LEASE - PUBLIC AGENCY USE**

APPLICANT:

City of Stockton
Department of Municipal Utilities
2500 Navy Drive
Stockton, CA 95206

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Pixley Slough, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of a storm water outfall consisting of five (5)
36-inch diameter steel discharge lines and one (1) 12-inch diameter steel
discharge line and bank protection.

NEW LEASE TERM:

20 years years, beginning June 14, 2001.

CONSIDERATION:

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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On April 24, 2001, the Commission authorized issuance of Lease No.
PRC 8305.1, a General Lease - Industrial Use to A. G. Spanos
Construction, Inc. for the construction, use and maintenance of a storm
water outfall and bank protection.

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3. Upon completion of construction of the pump station and storm drain system, the upland property, including the storm drain system was to be conveyed to the city of Stockton pursuant to an agreement between A. G. Spanos Construction, Inc. and the city of Stockton related to the Spanos Park West Project.
4. A. G. Spanos Construction, Inc. offered for dedication to the public Lot 21, for a pump station, as shown on the map entitled "Spanos Park West, Unit No. 1" recorded in the office of the Recorder on June 14, 2001, in Book 36 of Maps and Plats at page 22, San Joaquin County. Said offer was accepted on behalf of the public by the city of Stockton on said map. The city of Stockton is now applying for a new General Lease – Public Agency Use.
5. Lease No. PRC 8305.1 is being terminated and reissued as Lease No. PRC 8305.9 in order to reflect a change in ownership of the improvements and the uplands from private ownership to public agency ownership.
6. The Regional Water Quality Control Board has issued a permit for these facilities. There have been no violations.
7. **Termination of Existing Lease** - Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060 (c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

8. **Issuance of New Lease** - Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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9. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the findings of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

EXHIBIT:

- A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE - FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE - FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

CALENDAR ITEM NO. C28 (CONT'D)

AUTHORIZATION:

1. AUTHORIZE THE TERMINATION OF GENERAL LEASE – INDUSTRIAL USE NO. PRC 8305.1 ISSUED TO A.G. SPANOS CONSTRUCTION, INC. AND ACCEPT QUITCLAIM AND EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECT THE TERMINATION, EFFECTIVE JUNE 13, 2001.

2. AUTHORIZE ISSUANCE TO CITY OF STOCKTON A GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING JUNE 14, 2001, FOR A TERM OF TWENTY YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A STORM WATER OUTFALL AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF 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.

