

MINUTE ITEM
This Calendar Item No. C41 was approved as
Minute Item No. 41 by the California State Lands
Commission by a vote of 3 to 2 at its
8/24/06 meeting.

**CALENDAR ITEM
C41**

A 17
S 5

08/24/06
PRC 2832 WP 2832.1
J. McComas

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Scannavino Properties I, a Limited Partnership
5463 Cherokee Rd.
Stockton, California 95215

AREA, LAND TYPE, AND LOCATION:

31.41 acres, more or less, of partially filled tide and submerged lands in the historic bed of the San Joaquin River, adjacent to Hog Island, Rindge Tract, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock and filled tide and submerged lands utilized for recreational purposes and an existing power cable as shown on Exhibit A.

LEASE TERM:

Ten years, beginning January 22, 2007.

CONSIDERATION:

\$4,035 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability Insurance: Combined single limit coverage of no less than \$500,000.

Other:

The lease is conditioned on the rights of the United States of America to place spoil material on the premises, and to perform all other rights previously conveyed by the State of California for the San Joaquin River and Stockton Channel Project.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On January 22, 1962, the Commission issued to Al Scannavino a 15-year General Lease - Recreational Use, with two ten-year renewal options. On October 29, 1979, the Commission issued to Al Scannavino an amendment and renewal of General Lease - Recreational Use to bring said lease into conformance with the existing lease standards of Lessor and to increase the total number of renewal options to three ten-year periods. On December 23, 1986, the Commission issued to Madaline Scannavino, successor in interest to Al Scannavino, the second ten-year renewal option on General Lease - Recreational Use. Ownership of the upland property was subsequently transferred to Scannavino Properties I, a Limited Partnership. On January 22, 1997, the Commission issued to Scannavino Properties I, a Limited Partnership, the third ten-year renewal option on General Lease - Recreational Use. That lease will expire on January 21, 2007. Scannavino Properties I, a Limited Partnership, is now applying for a new General Lease - Recreational Use.
3. Some uncertainty exists as to the State's sovereign interest in the historic bed of the San Joaquin River, which has used by the Applicant for recreational purposes. Therefore, staff has included a provision in the lease which waives the enforcement of Section 4, Paragraph (4)(i) concerning residential use, which may have existed as of August 24, 2006, of the State's sovereign lands until the historic bed of the San Joaquin River at this location is defined and located. Additionally, the proposed lease contains a provision wherein the Applicant may not construct any new improvements which may be used for residential purposes, nor is the Applicant allowed to change, rebuild, or modify, etc., any existing structure which may have existed on August 24, 2006, which may be used for residential purposes.
4. **UNCOVERED FLOATING BOAT DOCK AND FILLED TIDE AND SUBMERGED LANDS UTILIZED FOR RECREATIONAL PURPOSES:** 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

CALENDAR ITEM NO. C41 (CONT'D)

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.

5. **POWER CABLE:** 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

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

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK AND FILLED TIDE AND SUBMERGED LANDS UTILIZED FOR RECREATIONAL PURPOSES: 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. C41 (CONT'D)

POWER CABLE: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

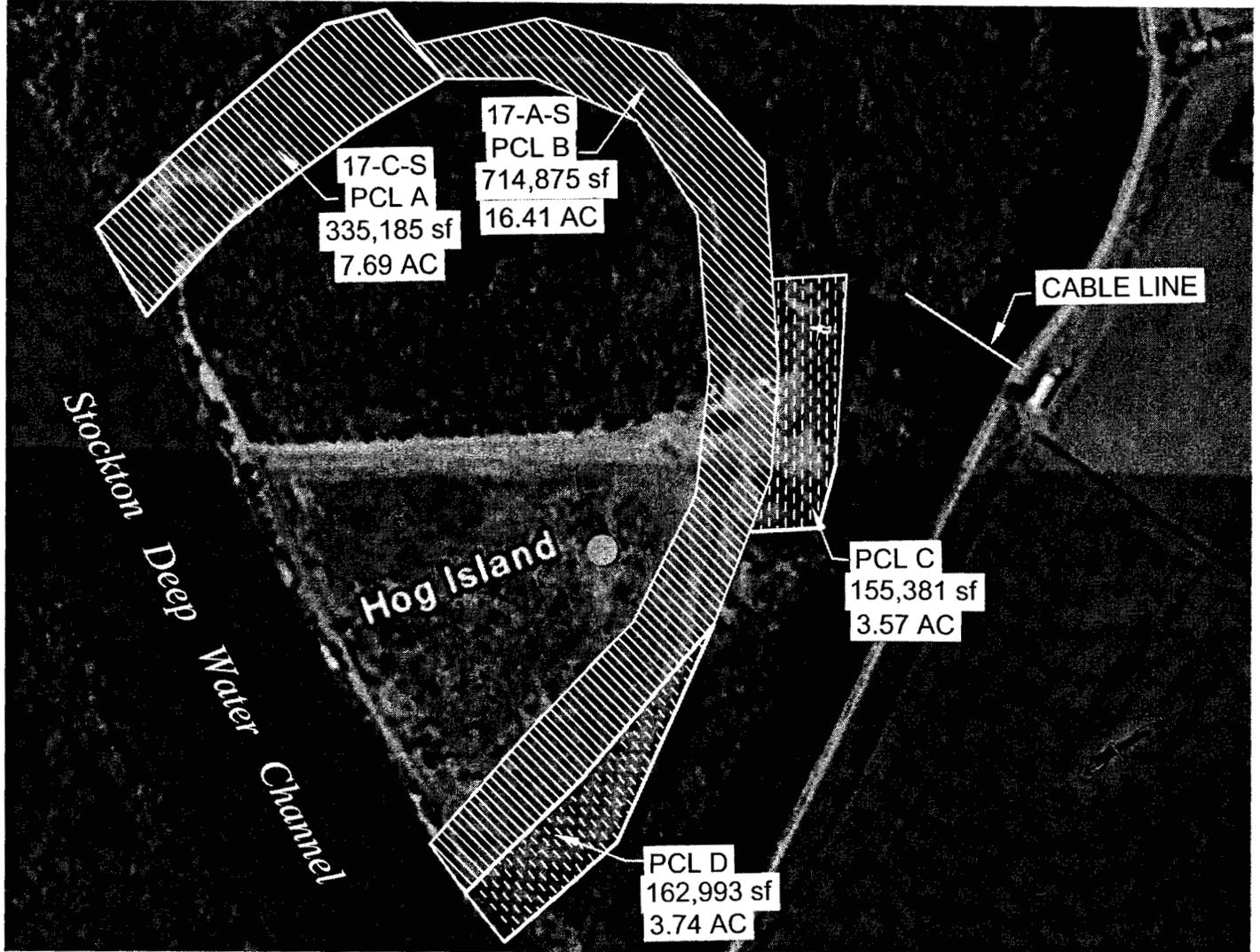
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO SCANNAVINO PROPERTIES I, A LIMITED PARTNERSHIP, OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING JANUARY 22, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK AND FILLED TIDE AND SUBMERGED LANDS UTILIZED FOR RECREATIONAL PURPOSES AND AN EXISTING POWER CABLE AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$4,035; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.

NO SCALE

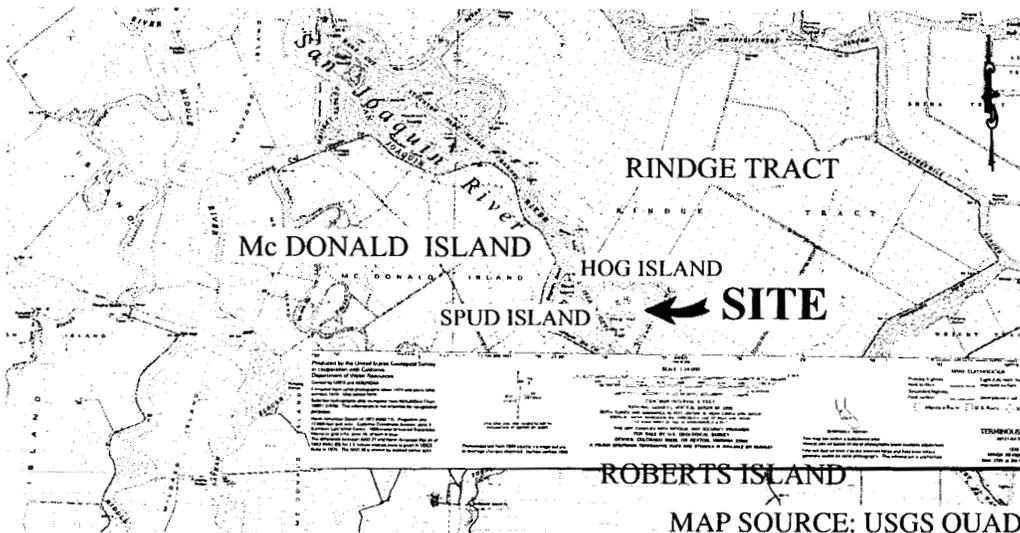
SITE



HISTORIC BED OF THE SAN JOAQUIN RIVER ADJACENT TO HOG ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 2832.1
 SCANNAVINO PROPERTIES I
 APN 071-070-01
 GENERAL LEASE
 RECREATIONAL USE
 SAN JOAQUIN CO.



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.