

**CALENDAR ITEM
C30**

A 17, 26

01/26/12

S 5

WP 6075.1
R. Boggiano

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Michael L. Gurev, Trustee of the Maxwell M. Freeman Qualified Personal Residence Trust Dated October 20, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Atherton Cove (original bed of the San Joaquin River), adjacent to 2300 Virginia Lane, in the city of Stockton, San Joaquin County

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, gangway, four pilings, and three electrical conduits.

LEASE TERM:

10 years, beginning January 26, 2012.

CONSIDERATION:

\$410 per year, with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On October 30, 2001, the Commission authorized a Recreational Pier Lease with Maxwell M. Freeman. That lease expired on October 29, 2011. On October 20, 2003, the ownership transferred to Michael L. Gurev, Trustee of the Maxwell M. Freeman Qualified Personal Residence Trust Dated October 20, 2003. The Applicant is now applying for a new General Lease – Recreational Use.

CALENDAR ITEM NO. **C30** (CONT'D)

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The Applicant does not qualify for an exception and the lease is subject to rent.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of 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.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not effect 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

CALENDAR ITEM NO. **C30** (CONT'D)

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 Use to Michael L. Gurev, Trustee of the Maxwell M. Freeman Qualified Personal Residence Trust Dated October 20, 2003 beginning January 26, 2012, for a term of 10 years, for an existing floating boat dock, gangway, four pilings, and three electrical conduits as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$410, with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 6075.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in Atherton Cove within the original bed of the San Joaquin River, lying adjacent to Swamp and Overflow Survey 443, patented December 19, 1867, in the County of San Joaquin, State of California, and more particularly described as follows:

All those lands underlying an existing floating dock, ramp, gangway and landing, adjacent to Parcel "A" as described in that Grant Deed recorded July 21, 1981 as Document Number 81046927 in Official Records of said County.

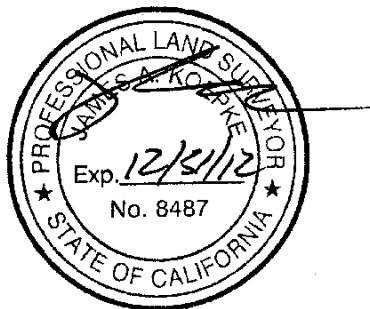
TOGETHER WITH a ten foot use area.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the right bank of the San Joaquin River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared November 28, 2011 by the California State Lands Commission Boundary Unit.



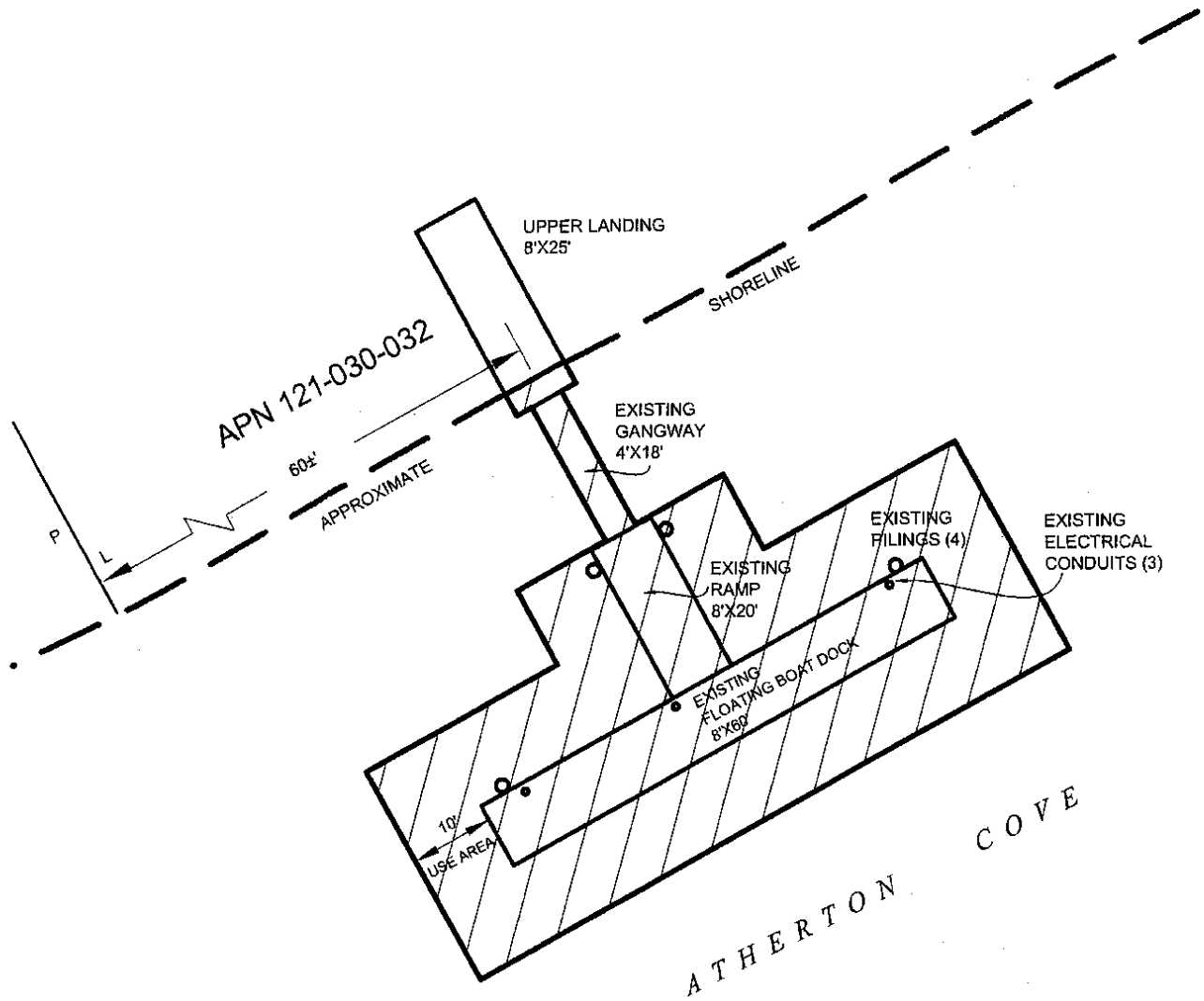


EXHIBIT A

Page 2 of 2

MJJ 11/28/11

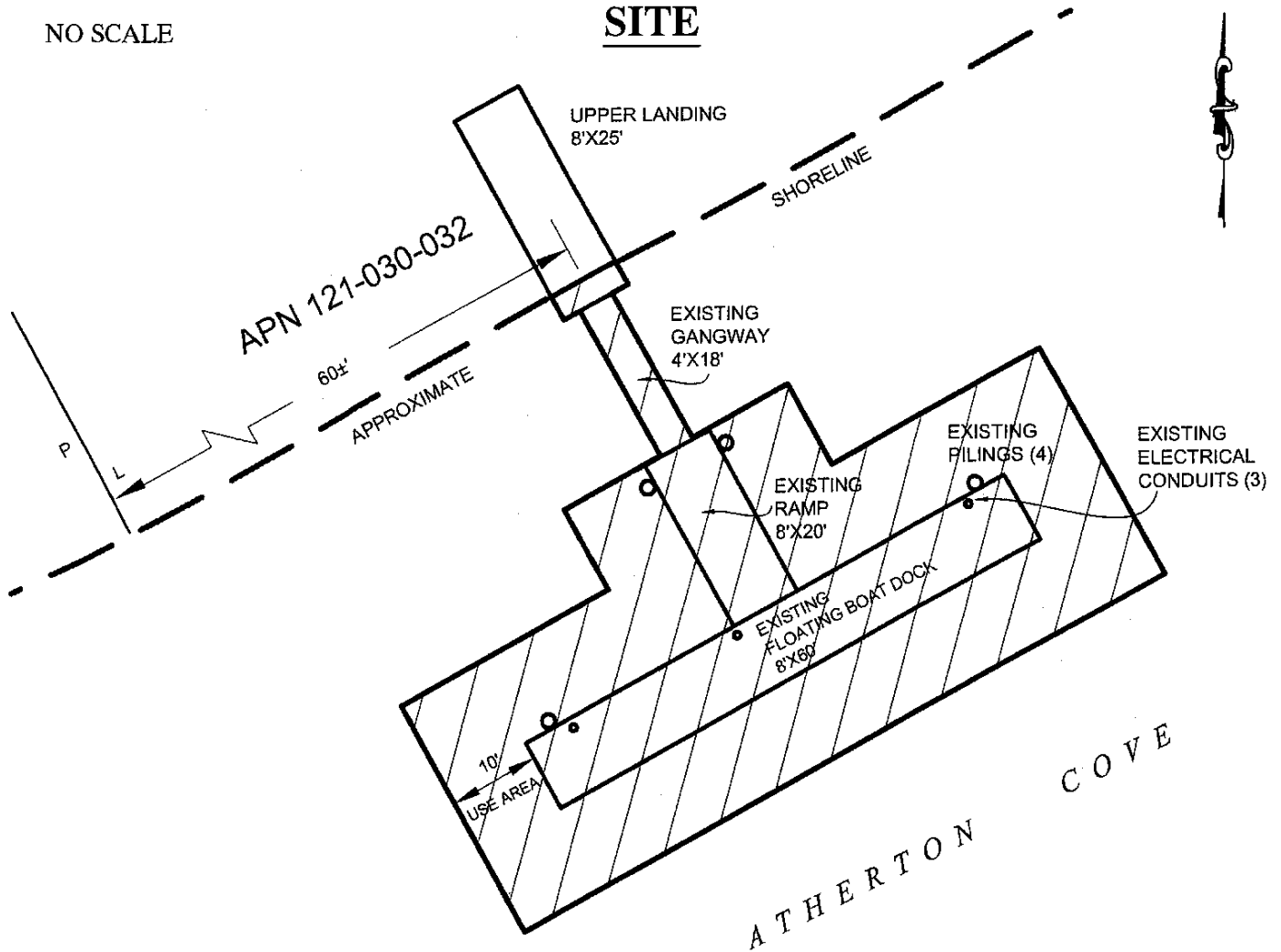
LAND DESCRIPTION PLAT
 PRC 6075.1, GUREV
 SAN JOAQUIN COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

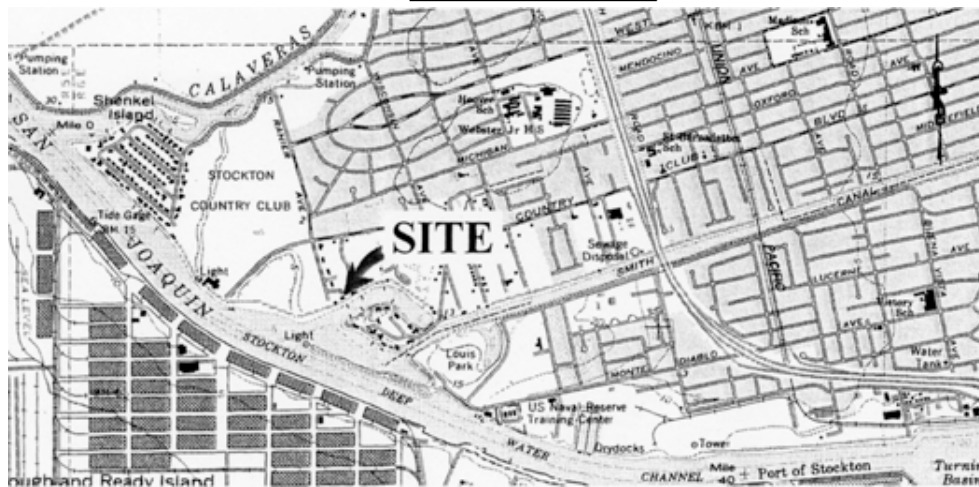


*ALL STRUCTURES ARE EXISTING

2300 VIRGINIA LANE, ATHERTON COVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 6075.1
 GUREV
 APN 121-030-032
 GENERAL LEASE -
 RECREATIONAL USE
 SAN JOAQUIN COUNTY



MJJ 10/11