

**CALENDAR ITEM
C61**

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10/14/14
PRC 7461.1
S. Kreutzburg

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE - RECREATIONAL USE**

LESSEES:

David E. Phillips and Shirley D. Phillips

APPLICANTS:

Emilio Becerra-Lopez and Adriana Marquez-Becerra

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Calaveras River, adjacent to 2975 Calariva Drive, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, boathouse, gangway, and four pilings.

LEASE TERM:

10 years, beginning December 3, 2013.

CONSIDERATION:

\$188 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

2. On January 26, 2012, the Commission authorized a General Lease - Recreational Use to David E. Phillips and Shirley D. Phillips. That lease will expire on January 25, 2022. On December 3, 2013, the ownership of the upland parcel was deeded to Emilio Becerra-Lopez and Adriana Marquez-Becerra. The Applicants are now applying for a General Lease – Recreational Use. Staff is recommending termination of the existing lease

CALENDAR ITEM NO. **C61** (CONT'D)

because the Lessees cannot be located for execution of a lease quitclaim deed.

3. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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

4. **Issuance of Lease:** The staff recommends that the Commission find 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 which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C61** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: 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).

AUTHORIZATION:

1. Authorize termination effective December 2, 2013, of Lease No. 7461.1, a General Lease – Recreational Use to David E. Phillips and Shirley D. Phillips.
2. Authorize issuance of a General Lease - Recreational Use to Emilio Becerra-Lopez and Adriana Marquez-Becerra, beginning December 3, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, boathouse, gangway, and four pilings, 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 \$188 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7461.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Calaveras River, lying adjacent to Swamp and Overflowed Land Survey 924 patented April 19, 1876, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, boathouse, gangway and pilings lying adjacent to the left bank of said river and being adjacent to and northeasterly of that parcel as described in "Exhibit A" of that Grant Deed, recorded December 3rd, 2013 in Document Number 2013-148643 in Official Records of said County.

TOGETHER WITH any applicable impact areas.

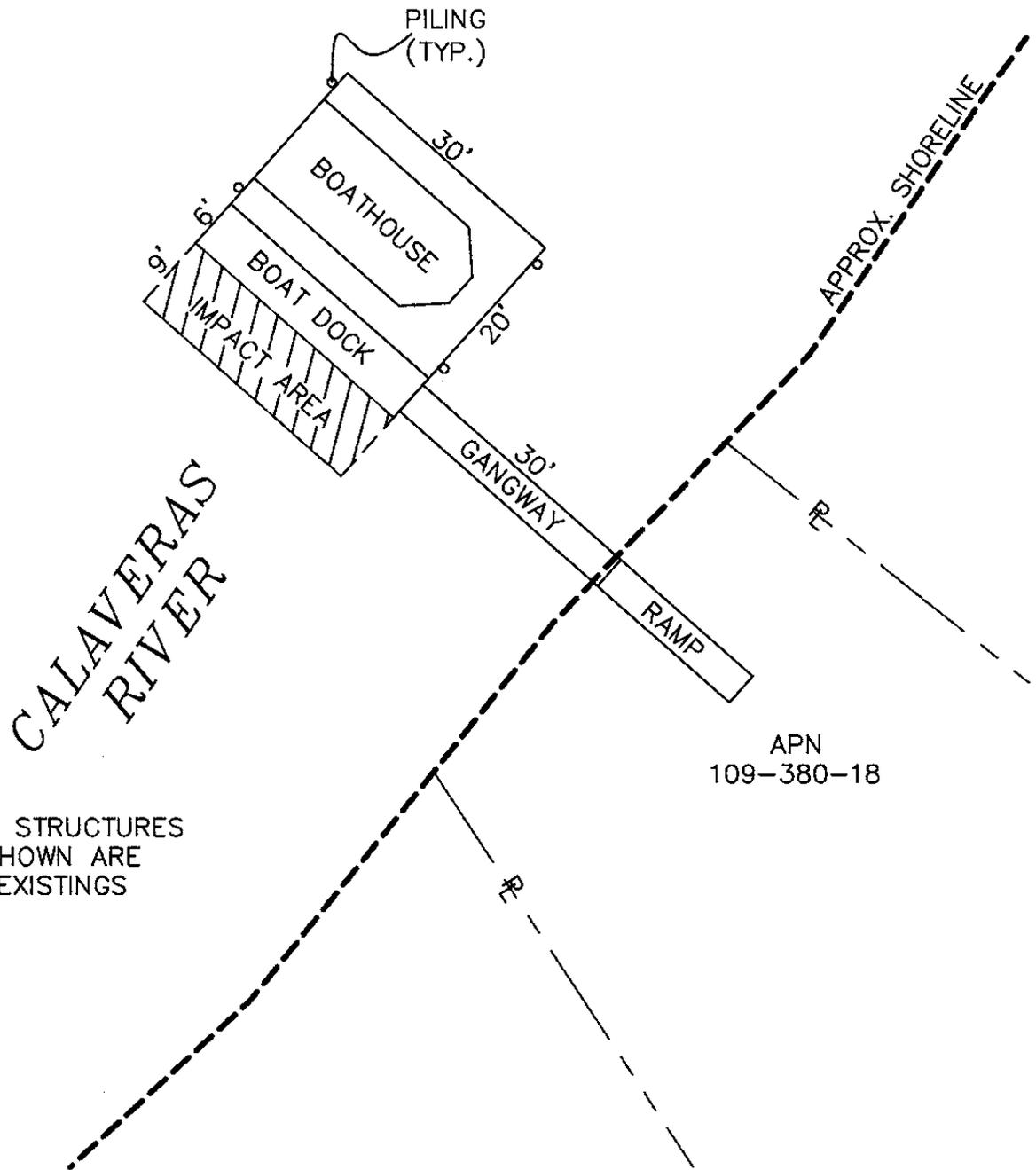
EXCEPTING THEREFROM any portion lying landward of the low water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 7/02/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





*ALL STRUCTURES SHOWN ARE EXISTINGS

EXHIBIT A

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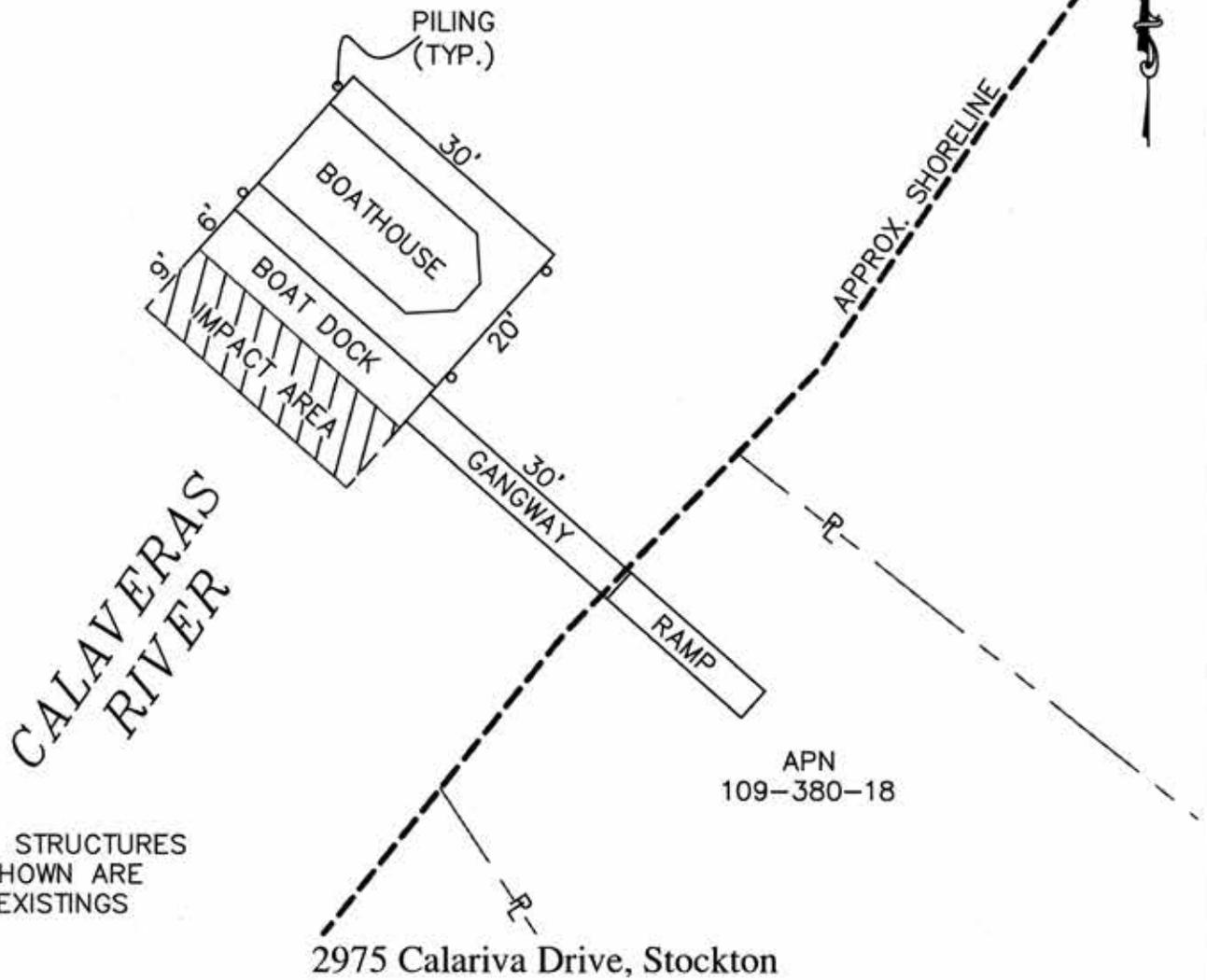
LAND DESCRIPTION PLAT
 PRC 7461.1 - LOPEZ
 SAN JOAQUIN COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

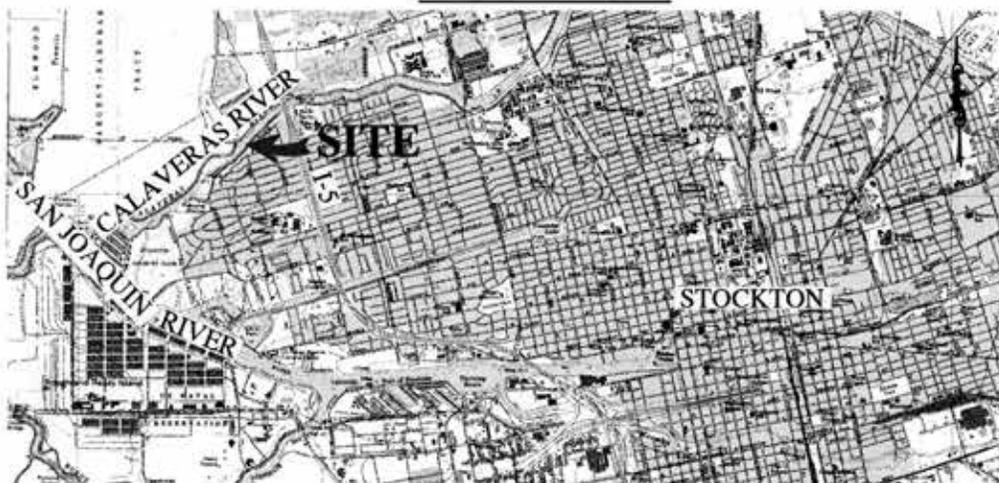
SITE



*ALL STRUCTURES SHOWN ARE EXISTINGS

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 7461.1

LOPEZ

APN 109-380-18

GENERAL LEASE -
RECREATIONAL USE
SAN JOAQUIN COUNTY



MJF 7/11/14