

**CALENDAR ITEM
C33**

A 17

09/01/11

WP 4361.1

S 5

C. Hudson

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Fred E. Weibel, Jr. and Judith L. Weibel, as Trustees of the Weibel 1996 Living Trust dated 10/15/96

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Calaveras River, adjacent to 4151 Yacht Harbor Drive, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing boathouse with a boat lift, ramp, walkway, bulkhead, and 28 pilings as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning November 19, 2009.

CONSIDERATION:

Boathouse with a Boat Lift, Ramp, and 28 Pilings: No monetary consideration pursuant to Public Resources Code section 6503.5.

Walkway and Bulkhead: \$196 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:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On April 24, 2001, the Commission authorized a Recreational Pier Lease with Kurt W. Rauzi. That lease expired on November 18, 2009. In 2006, the ownership of the upland parcel was transferred to Fred E. Weibel, Jr. and Judith L. Weibel, as Trustees of the Weibel 1996 Living Trust dated

CALENDAR ITEM NO. C33 (CONT'D)

10/15/96. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. The boathouse with a boat lift, ramp, and pilings are exempt from monetary consideration pursuant to the Public Resources Code section 6503.5. However, the walkway and bulkhead does not qualify to be rent-free because it is not used for the docking and mooring of boats.
4. 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 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.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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).

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.

CALENDAR ITEM NO. **C33** (CONT'D)

AUTHORIZATION:

Authorize Issuance of a General Lease – Recreational and Protective Structure Use to Fred E. Weibel, Jr. and Judith L. Weibel, as Trustees of the Weibel 1996 Living Trust dated 10/15/96, beginning November 19, 2009, for a term of 10 years, for continued use and maintenance of an existing boathouse with a boat lift, ramp, walkway, bulkhead, and 28 pilings as shown on Exhibit A (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration for the existing boathouse with a boat lift, ramp, and 28 pilings: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the existing walkway and bulkhead: annual rent in the amount of \$196 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; and liability insurance with coverage of no less than \$1,000,000.