

**CALENDAR ITEM  
C07**

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S 5

02/08/11  
WP 4405.1  
V. Caldwell

**GENERAL LEASE – COMMERCIAL USE**

**APPLICANT:**

Thomas Weborg as Sole Trustee of the Stanley F. Rodriguez Revocable Trust,  
dba Stan's Yolo Marina

**AREA, LAND TYPE, AND LOCATION:**

.67 acre parcel, more or less, of sovereign land in the Sacramento River,  
adjacent to 31070 South River Road, near the city of Clarksburg, Yolo County.

**AUTHORIZED USE:**

Operation, use, and maintenance of an existing commercial marina, known as  
Stan's Yolo Marina, consisting of two uncovered floating side-tie boat docks,  
electrical and water hookups, dolphins, pilings, gangway, launch ramp with dock,  
moveable debris diverter, four 5-mile speed buoys, eight liveaboard vessels, and  
one security vessel.

**LEASE TERM:**

15 years, beginning February 8, 2011

**CONSIDERATION:**

\$3,000 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 of no less than \$2,000,000

Bond:

\$15,000

Other:

This lease contains provisions that the Lessee must implement the  
Commission's "Best Management Practices for Marina Owners/Operators"  
and encourage implementation of the Commission's "Best Management  
Practices for Berth Holders / Boaters" including additional Best Management  
Practices (BMPs) the Commission subsequently deems appropriate for either

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of the above categories. The Lessee shall provide the Commission, on the first anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

This lease also contains a provision for the attrition of eight current liveaboard tenants within two years of the effective date of the lease.

**OTHER PERTINENT INFORMATION:**

1. The Applicant owns the upland adjoining the lease premises.
2. On January 29, 1970, the Commission authorized a Commercial Lease to Mal E. Struthers for a term of five years and five months beginning September 1, 1968. The lease expired January 31, 1974. On May 9, 1972, title to the property was transferred to Freeport Marina Inc., controlled by Stanley F. Rodriguez.
3. On June 27, 1974, Stanley F. Rodriguez submitted an application to renew the original lease but the application process was never completed. Between 1980 and 1987, Mr. Rodriguez obtained permits from the U.S. Army Corps of Engineers (USACE) for a rebuild and expansion of the marina and installation of sewer and water lines. During that period and up to 1992 staff attempted to bring the facilities under lease numerous times, with no success.
4. On April 30, 1992, Mr. Rodriguez submitted back rent in the amount of \$11,058.68; however, staff was unable to bring him under lease at that time. Upon the death of Mr. Rodriguez in 1993, the property was transferred to Phyllis Roberts, as Successor Trustee of the Stanley F. Rodriguez Revocable Trust. Again staff tried to work with Ms. Roberts to submit an application. On April 10, 2007, Ms. Roberts submitted an application, but she was later incapacitated. In 2009, the current trustee was appointed and began working with staff to complete the lease process.
5. Staff has negotiated back rent in the amount of \$15,000 for the period of February 2006 to February 2011, payable in eight quarterly payments of \$1,875 each beginning on February 8, 2011, and ending November 8, 2012.
6. The Applicant has requested Commission approval of one navigable vessel to be used as a residence for the purpose of providing 24-hour marina security and management responsibilities. The docks and boats at the marina are vulnerable to vandalism, theft, property destruction,

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accidents, fire, and other problems that may require immediate action. Staff is recommending that one vessel be authorized to be used for security purposes, subject to the approval by the Commission. The security vessel will be required to leave the marina waters at least once for a minimum of six hours in each 90-day period and submit an annual log to the staff of the Commission.

7. The marina includes eight liveaboard vessels, and the Applicant has submitted a two-year attrition plan for the removal of the residential use for these long time residents. The lease includes a provision requiring the Applicant to provide quarterly progress reports to staff to monitor compliance with the attrition provision.
8. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined 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.

9. 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.

**EXHIBIT:**

- 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).

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**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:**

1. Accept the payment of back rent in the amount of \$15,000, paid in eight quarterly installments of \$1,875 each, beginning February 8, 2011 and ending on November 8, 2012, together with any penalty and interest that accrue as a result of late payments during the installment period, as full payment of back rent.
  
2. Authorize issuance of a General Lease – Commercial Use to Thomas Weborg as Sole Trustee of the Stanley F. Rodriguez Revocable Trust, dba Stan's Yolo Marina beginning February 8, 2011, for a term of 15 years, for the operation, use, and maintenance of an existing commercial marina as shown on Exhibit A attached (for reference purposes only) and as described on Exhibit B and by this reference made a part hereof; annual rent in the amount of \$3,000, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in the amount of no less than \$2,000,000; and a surety bond in the amount of \$15,000.