

MINUTE ITEM

This Calendar Item No. CA
was discussed at the Public Item
No. H Public Lands
Commission Meeting
to O at its 3/24/83
meeting.

CALENDAR ITEM
C 0 4

3/24/83
WP 3889 PRC 3889
Lane

TERMINATION OF EXISTING LEASE AND
APPROVAL OF A GENERAL LEASE - COMMERCIAL USE

APPLICANT: Wayne A. Anderson,
dba Whispering Bay Marina
950 Marina Circle
Suisun City, California 94585

AREA, TYPE LAND AND LOCATION:
A 2.451-acre parcel of tide and submerged
land, located in Suisun Slough, Suisun
City, Solano County.

LAND USE: Operation and maintenance of a commercial
marina.

TERMS OF PROPOSED LEASE:
Initial period: 30 years from January 1,
1983.

Surety bond: \$5,000.

Public liability insurance:
\$500,000 combined single
limit coverage.

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CALENDAR ITEM NO. 04 (CONT'D)

CONSIDERATION: \$1,000 per annum against five percent of the gross income derived from the rental of boat docks and mooring; one percent of the gross income derived from sources exclusive of dock rentals, mooring and fuel sales; one cent per gallon of fuel sold during the reporting period to a maximum of 100,000 gallons and one and one-half cents per gallon thereafter, whichever is greater; \$333 for occupation of State land September 1, 1982, through December 31, 1982, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

OTHER PERTINENT INFORMATION:
1. On August 20, 1981, the Commission approved a lease to Robert Griffin, dba Suisun Pacific Marina, after negotiated settlement in lieu of litigation, to operate a commercial marina on the subject land with a beginning date of March 1, 1981. On September 15, 1981, the upland and marina was purchased by the applicant, Wayne A. Anderson, who renamed the marina Whispering Bay Marina. The annual rental was paid through February 23, 1982. The intent of issuing the proposed lease is to replace the terminating lease in kind, not to expand or revise the terms.

CALENDAR ITEM NO. 04 (CONTD)

Staff recommends that the Commission approve waiver of payment for occupation of State land for the period March 1, 1982, through August 31, 1982, inclusive, and charge the applicant \$333.33, a prororation of the annual minimum rent, for occupation of the proposed lease area September 1, 1982, through December 31, 1982. Due to silting in the lease area and Suisun Slough Channel, the marina was inoperable as an economic enterprise until anticipated dredging was done. Suisun City contracted with the United States Army Corps of Engineers to dredge the channel. However, because of deferred maintenance of the marina use area, at low tide it is unuseable. The applicant proposes to dredge the tide and submerged land within the lease area in the near future.

2. This project is exempt from CEQA because it is an existing facility in an acceptable state of repair, and involves maintenance dredging. Authority: Title 2, Div. 3, Cal. Adm. Section 2905, Class 1, and Title 14, Div. 6, Cal. Adm. Code, Section 15104(g).
3. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in a use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
Bay Conservation and Development Commission.

FURTHER APPROVALS REQUIRED:

State Department of Fish and Game.

AB 884:

N/A.

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CALENDAR ITEM NO. C U 4 (CONT'D)

- EXHIBITS: A. Land Description.
 B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100, ET. SEQ., AND 2 CAL. ADM. CODE 2905; AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. APPROVE WAIVER OF RENTAL FOR OCCUPATION OF STATE-OWNED LANDS FROM MARCH 1, 1982, THROUGH AUGUST 31, 1983, AND ACCEPTANCE OF \$333.33 FOR OCCUPATION OF STATE-OWNED LAND FROM SEPTEMBER 1, 1982, THROUGH DECEMBER 31, 1982.
3. AUTHORIZE TERMINATION OF LEASE NO. PKC 3889.1, EFFECTIVE DECEMBER 31, 1982, AND APPROVE ISSUANCE TO WAYNE A. ANDERSON, DBA WHISPERING BAY MARINA OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1983; IN CONSIDERATION OF \$1,000 PER ANNUM AGAINST FIVE PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORING; ONE PERCENT OF THE GROSS INCOME DERIVED FROM SOURCES EXCLUSIVE OF DOCK RENTALS, MOORING AND FUEL SALES; ONE CENT PER GALLON OF FUEL SOLD DURING THE REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS; ONE AND ONE-HALF CENTS PER GALLON THEREAFTER, WHICHEVER IS GREATER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF \$500,000, FOR COMBINED SINGLE LIMIT COVERAGE; MAINTENANCE DREDGING OF COMMERCIAL MARINA AND BY THE LAND DESCRIBED ON EXHIBIT "A" AND BY THE PRESENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 3889

Seven parcels of State-owned tide and submerged land in Suisun Slough, near Suisun City, Solano County, California, said parcels lying immediately beneath seven existing boat docks, together with necessary use areas extending 10.00 feet from the extremities of said docks, said docks situated within a strip of land 276.00 feet in width, immediately adjacent to and southerly of the following described line:

BEGINNING at the most southerly corner of Lot 1 as shown on the map entitled, "Marina Village Unit No. 3," filed November 7, 1963, in Book 21 of Maps at page 17, Office of County Recorder, Solano County, thence along the southerly line of Lot 1 the following four courses:

1. N 40° 37' E 462.00 feet;
2. N 08° 07' E 198.00 feet;
3. N 62° 07' E 264.00 feet;
4. S 70° 23' E 196.00 feet; thence leaving said southerly lot line, S 27° 53' E 160 feet to the end of the herein described line.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Suisun Slough.

END OF DESCRIPTION

REVIEWED MAY 1, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR

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