

MINUTE ITEM

6

11/19/87
W 23002
Maricle

GENERAL LEASE - COMMERCIAL USE

Recent environmental concerns have been raised by the staff and by the San Francisco Bay Conservation and Development Commission. Staff believes that the project should therefore be denied, without prejudice, and to notify the Applicant of his right to re-apply.

Attached: Calendar Item C06.

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GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Robert W. Gross and
Yolanda B. Gross
906 Elizabeth Street
P.O. Box 55
Alviso, California 95002

AREA, TYPE LAND AND LOCATION:
A 0.117 acre, tide and submerged land, Alviso
Slough, Santa Clara County.

LAND USE: Small marina facility.

TERMS OF PROPOSED LEASE:
Initial period: 25 years beginning
November 19, 1987.

Surety bond: \$2,500.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

CONSIDERATION: \$1,953 per annum; with the State reserving the
right to fix a different rental on each
fifth anniversary of the lease.

APPLICANT STATUS:
Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

CALENDAR ITEM NO. C 06 (CONT'D)

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.

AB 884:

12/16/87.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 2, Replacement or Reconstruction, 2 Cal. Adm. Code 2905(b).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

2. Issuance of a lease at the subject location will clean up a long history of unauthorized moorage for this part of Alvisc Slough. None of the occasional boat owners have cooperated with the Applicant, or with the staff, in securing a permit for long-term stays at the site. An issued lease will provide for legitimate use of the State's property by a capable Lessee, in keeping with the Commission's policies on waterway activities.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

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

EXHIBITS:

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

CALENDAR ITEM NO. 006 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION, 2 CAL. ADM. CODE 2905(b).
2. AUTHORIZE ISSUANCE TO ROBERT W. GROSS AND YOLANDA B. GROSS OF A 25-YEAR GENERAL LEASE - COMMERCIAL USE, BEGINNING NOVEMBER 19, 1987; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,953, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,500 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR COMMERCIAL MARINA FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 23002

A parcel of tide and submerged land in Alviso Slough, Santa Clara County, California, said parcel lying immediately beneath a dock and ramp extending approximately 150 feet along and 20 feet into said Alviso Slough and being adjacent to and waterward of the land described in EXHIBIT "A" of the Judgment in Condemnation, No. 566604, Superior Court of California, County of Santa Clara, TOGETHER WITH a necessary use area extending 10 feet from the extremities of said dock and ramp.

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

END OF DESCRIPTION

PREPARED JUNE 23, 1987 BY BOUNDARY SERVICES UNIT, M. L. SHAFER,
SUPERVISOR.

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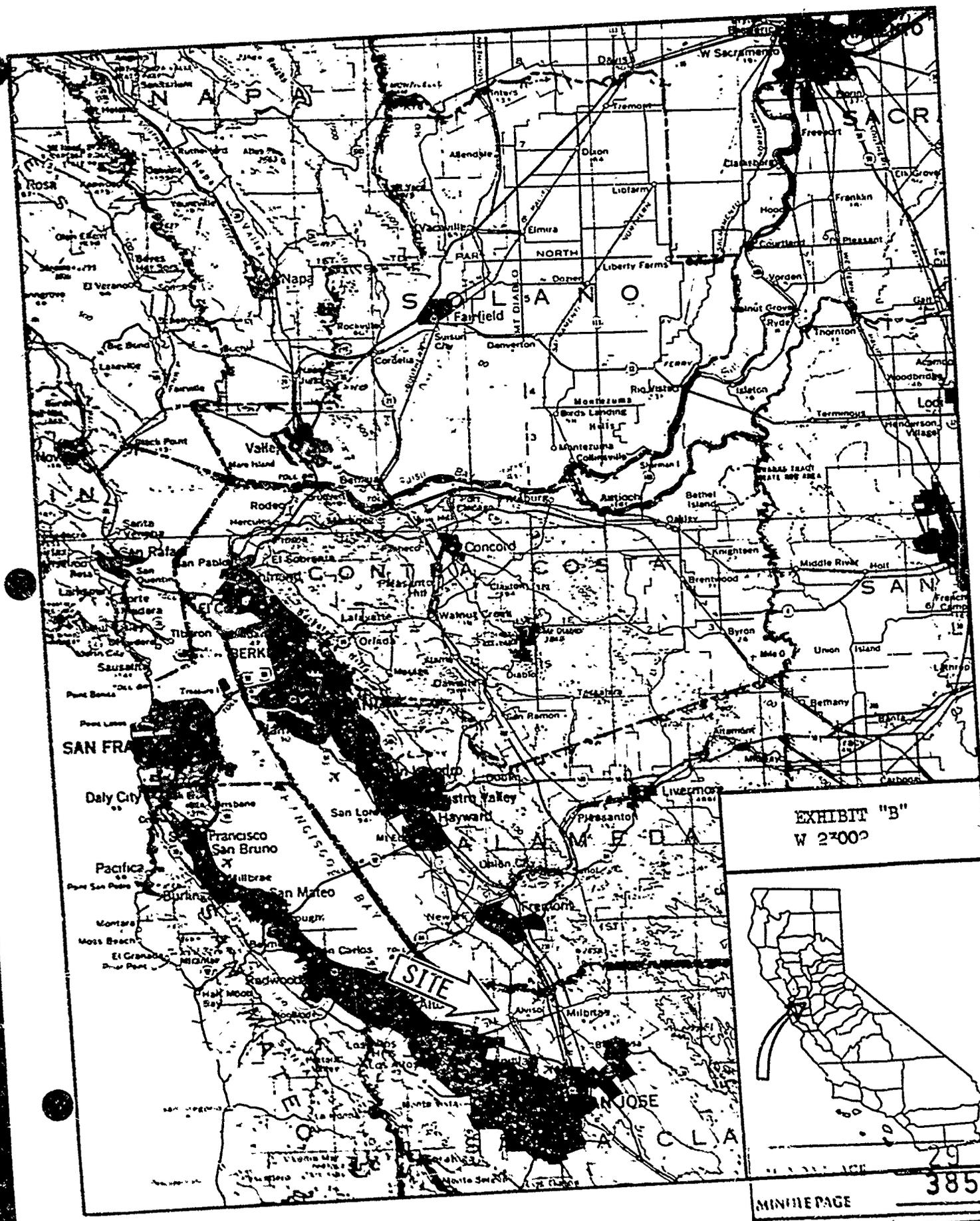


EXHIBIT "B"
W 27000

