MINUTE ITEM
This Calendar Item No. C25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
to 0 at its 4-28-93
meeting.

CALENDAR ITEM

C25

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04/28/93
WP 2829
N. Smith
PRC 2829

APPROVAL OF A GENERAL PERMIT - RECREATIONAL AND RESIDENTIAL USE

APPLICANT:
Dan D. Marsh
420 Moonraker Drive
Vallejo, California 94590

AREA, TYPE LAND AND LOCATION:
A 987-square-foot parcel of tide and submerged land in Mare Island Straits, Sandy Beach, City of Vallejo, Solano County.

LAND USE:
Residential deck (347 square feet) and recreational dock (640 square feet).

BACKGROUND:
On April 1, 1868, the State issued Tideland Survey numbers 10 and 11, Solano County. In ensuring years, without boundaries being exactly known, the patented area was subdivided into numerous small lots which were developed with homes built upon pilings. Staff has found that many of the porches, decks, and small portions of some residences encroached below the adjudicated low water line, onto sovereign lands.

Upon advice from the staff of the Attorney General, that residential use is not consistent with the Public Trust under which the Commission holds State-owned sovereign lands, and should be permitted at Sandy Beach only to the extent it now exists, for only so long as the State's lands are not needed for true Public Trust purposes.

Dan Marsh has applied to the Commission for a lease of State-owned lands for reconstruction of the existing improvements located at #2 Sandy Beach Road. The proposed reconstruction includes patented tidelands, subject to the

State's Public Trust easement, upon which the new residence and a portion of deck are located, and the area waterward of the adjudicated low water line which is occupied by the remainder of the reconstructed deck and dock (area has been reduced by 987 square feet). Rental is charged only upon the deck area waterward of the adjudicated low water line, approximately 347 square feet; the dock is rent-free pursuant to the Public Resources Code 6503.5.

The proposed lease contains specific provisions prohibiting expansion of the existing structures, and requires the removal of residential structures from the State's lands under specific circumstances. Because the structures to be authorized below the adjudicated low water line does not appear to constitute a nuisance, staff recommends issuance of the proposed lease subject to the conditions contained therein, including, but not limited to, the specific provisions for uses within the Public Trust Easement (those lands located between the adjudicated low water line and the adjudicated high water line).

CURRENT PERMIT TERMS:

Permit period:
Twenty (20) years beginning March 1, 1980.

Public liability insurance:
Combined single limit coverage of $100,000.

Consideration:
$421.20 per annum; five-year rent review.

PROPOSED PERMIT TERMS:

Permit period:
Twenty (20) years beginning March 2, 1993.

Surety bond:
$5,000.

Public liability insurance:
Combined single limit coverage of $400,000.

Consideration:
$111.00 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the permit. The dock is rent-free pursuant to P.R.C. 6503.5.

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

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:
07/18/93

OTHER PERTINENT INFORMATION:
1. Lessee's current permit is for 1,433 square feet of dock and deck located on fee owned sovereign lands. The new proposed deck and dock will reduce the area to 987 square feet, thus a net reduction of 446 square feet, with the new structure being within the existing footprint.

2. The proposed house will be located entirely landward of the ordinary low water mark.

3. Since the lessee is reducing the use of sovereign lands the annual rent has been decreased.

4. Lessee agrees to the terms and conditions of the proposed permit, and the existing permit will terminate effective March 1, 1993.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction, 2905(b), 14 Cal. Code Regs. 15302.

   Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

Solano County, BCDC, State Lands Commission.

EXHIBITS:

A. Site Map
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION, 14 CAL. CODE REGS. 15302.

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

3. AUTHORIZE ISSUANCE TO DAN D. MARSH OF A 20-YEAR GENERAL PERMIT - RECREATIONAL AND RESIDENTIAL USE BEGINNING MARCH 2, 1993; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $111.00, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF A $5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $400,000; FOR RESIDENTIAL DECK AND RECREATIONAL DOCK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

4. AUTHORIZE TERMINATION OF EXISTING PERMIT PRC 2829 WITH A BEGINNING DATE OF MARCH 1, 1980.

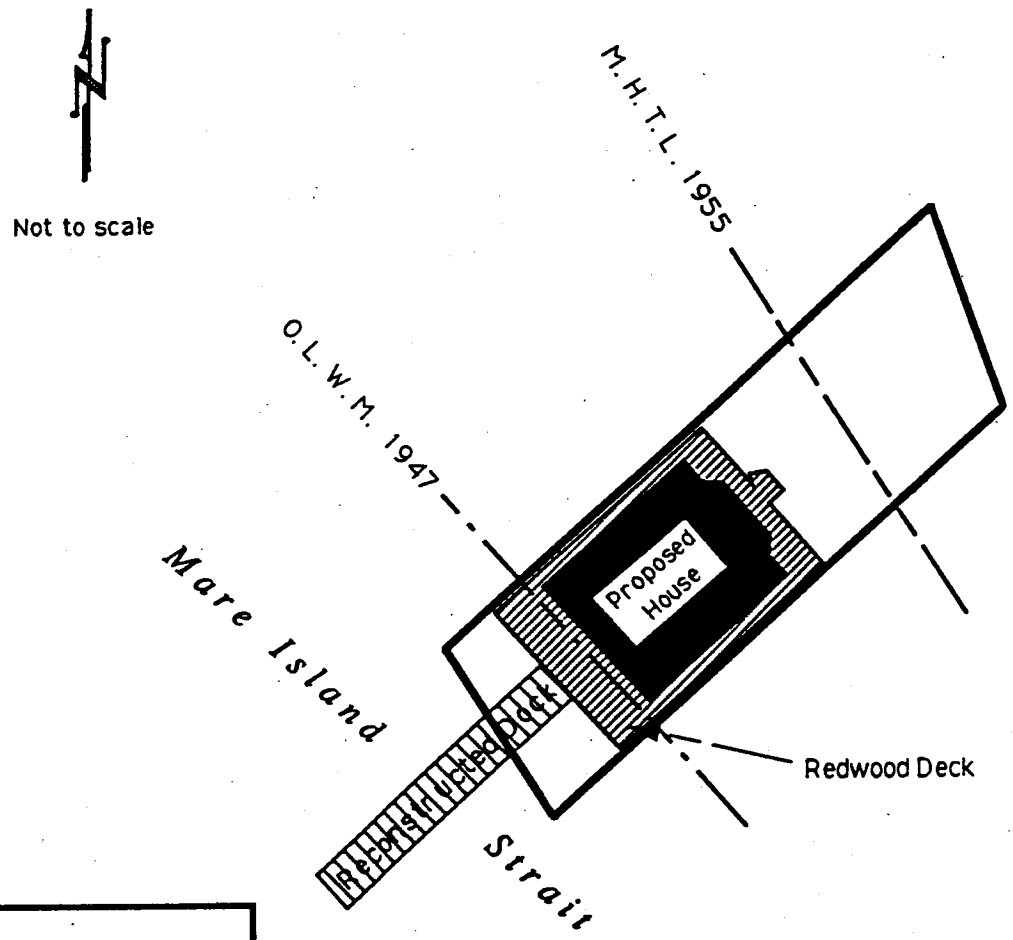

EXHIBIT "A"
Site Map
WP 2829
Mare Island Strait
SOLANO COUNTY

#2 Sandy Beach Road
Vallejo, CA

NOTE:
THIS EXHIBIT IS NOT A SURVEY, NOR DOES ANY LINE APPEARING HEREON REPRESENT A BOUNDARY LINE.

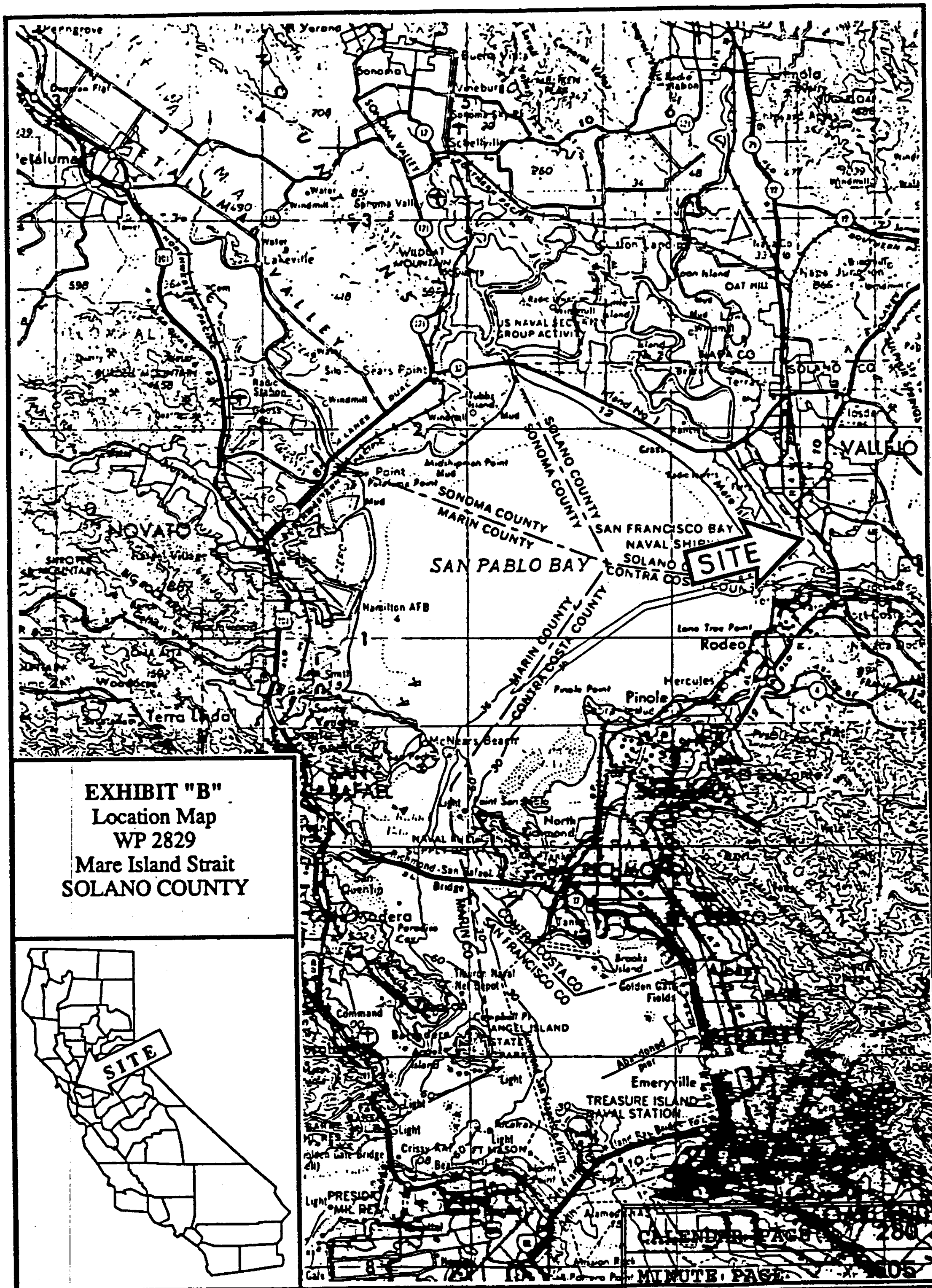

EXHIBIT "B"
Location Map
WP 2829
Mare Island Strait
SOLANO COUNTY

BL 1/93