

MINUTE ITEM  
This Calendar Item No. C30  
was approved as Minute Item  
No. 30 by the State Lands  
Commission by a vote of 3  
0 at its 11-9-93  
meeting.

CALENDAR ITEM

C30

A 7  
S 2

11/09/93  
WP 5782  
N. Smith  
PRC 5782

TERMINATE EXISTING LEASE, PRC 5782,  
AND ENCUMBRANCING AGREEMENT AND ISSUANCE OF A  
GENERAL LEASE-RECREATIONAL AND RESIDENTIAL USE  
AND ENCUMBRANCING OF NEW LEASE

APPLICANT:

David J. and Betty J. Lamoree  
105 Claremont Avenue  
Vallejo, CA 94590

SECURED PARTY-LENDER:

The Vintage Bank  
1500 Soscol Avenue  
Napa, California 94558

AREA, TYPE LAND AND LOCATION:

A 0.08-acre parcel of tide and submerged land in Mare Island  
Straits, Sandy Beach, City of Vallejo, Solano County.

LAND USE:

Existing deck and pier, along with a portion of the  
residence.

BACKGROUND

On April 1, 1868, the State issued patents pursuant to Tideland  
Survey Numbers 10 and 11, Solano County. In ensuing years, 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.

The Office of the Attorney General has advised this Commission,  
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.

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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 do 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 high water line).

**CURRENT PERMIT TERMS:**

Permit period:

Twenty (20) years beginning December 1, 1979.

Public liability insurance:

Combined single limit coverage of \$100,000.

Consideration:

\$301 per annum; five-year rent review.

**PROPOSED LEASE TERMS:**

Lease period:

Forty (40) years beginning November 1, 1993.

Surety bond:

\$5,000.

Public liability insurance:

Combined single limit coverage of \$300,000.

Consideration:

\$630 per annum; five-year rent review; 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. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is owner of upland, a portion of which is to a public trust easement.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs have been received.

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**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:**

N/A

**OTHER PERTINENT INFORMATION:**

1. The Commission approved an Encumbrancing Agreement on December 17, 1992, for Lessee to improve the adjacent lands within the lease premises. The Lessee has completed improvements and is acquiring a thirty (30) year mortgage with The Vintage Bank, and the bank has substantiated that a new forty year lease (thirty years + ten years) is necessary for loan. Also, a new Encumbrancing Agreement consenting to a loan amount up to \$200,000 for the term of lease will be executed.
2. The State reserves the right to reexamine the insurance and bond coverage on each modification date for rent, and make adjustments as may be appropriate to reflect the values at that time.
3. Lessee agrees to the terms and conditions of the proposed lease and encumbrancing agreement, and the existing permit and encumbrancing agreement will terminate effective October 31, 1993.
4. On September 6, 1990, the San Francisco Bay Conservation and Development Commission granted permit #2-90 for this project under its certified regulatory program (14 Cal. Code Regs 15251 (h)).
5. Staff has reviewed the document and determined that the conditions, as specified in 14 Cal. Code Regs 15253 (b), have been met for the Commission to use the environmental analysis document certified by the San Francisco Bay Conservation and Development Commission as a **Negative Declaration** substitute in order to comply with the requirements of CEQA.
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

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS OBTAINED:**

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

**FURTHER APPROVALS REQUIRED:**

State Lands Commission.

**EXHIBITS:**

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

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION PERMIT #2-90), WAS CERTIFIED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS 15251 (h)), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS 15253 (b) HAVE BEEN MET.
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 TERMINATION OF EXISTING LEASE PRC 5782 WITH A BEGINNING DATE OF DECEMBER 1, 1979, AND OF ENCUMBRANCING AGREEMENT DATED DECEMBER 17, 1992.
4. AUTHORIZE ISSUANCE TO DAVID J. AND BETTY J. LAMOREE OF A FORTY-YEAR GENERAL LEASE-RECREATIONAL AND RESIDENTIAL USE BEGINNING NOVEMBER 1, 1993; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$630, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR AN EXISTING DECK, PIER AND RESIDENCE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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5. AUTHORIZE THE AGREEMENT AND CONSENT TO ENCUMBRANCING OF LESSEE'S RIGHT TITLE AND INTEREST IN LEASE PRC 5782 IN FAVOR OF THE VINTAGE BANK FOR THE PURPOSE OF SECURING A LONG TERM LOAN ON THE LEASE PREMISES.
6. AUTHORIZE STAFF TO TAKE ALL STEPS NECESSARY TO EFFECT THESE APPROVALS.

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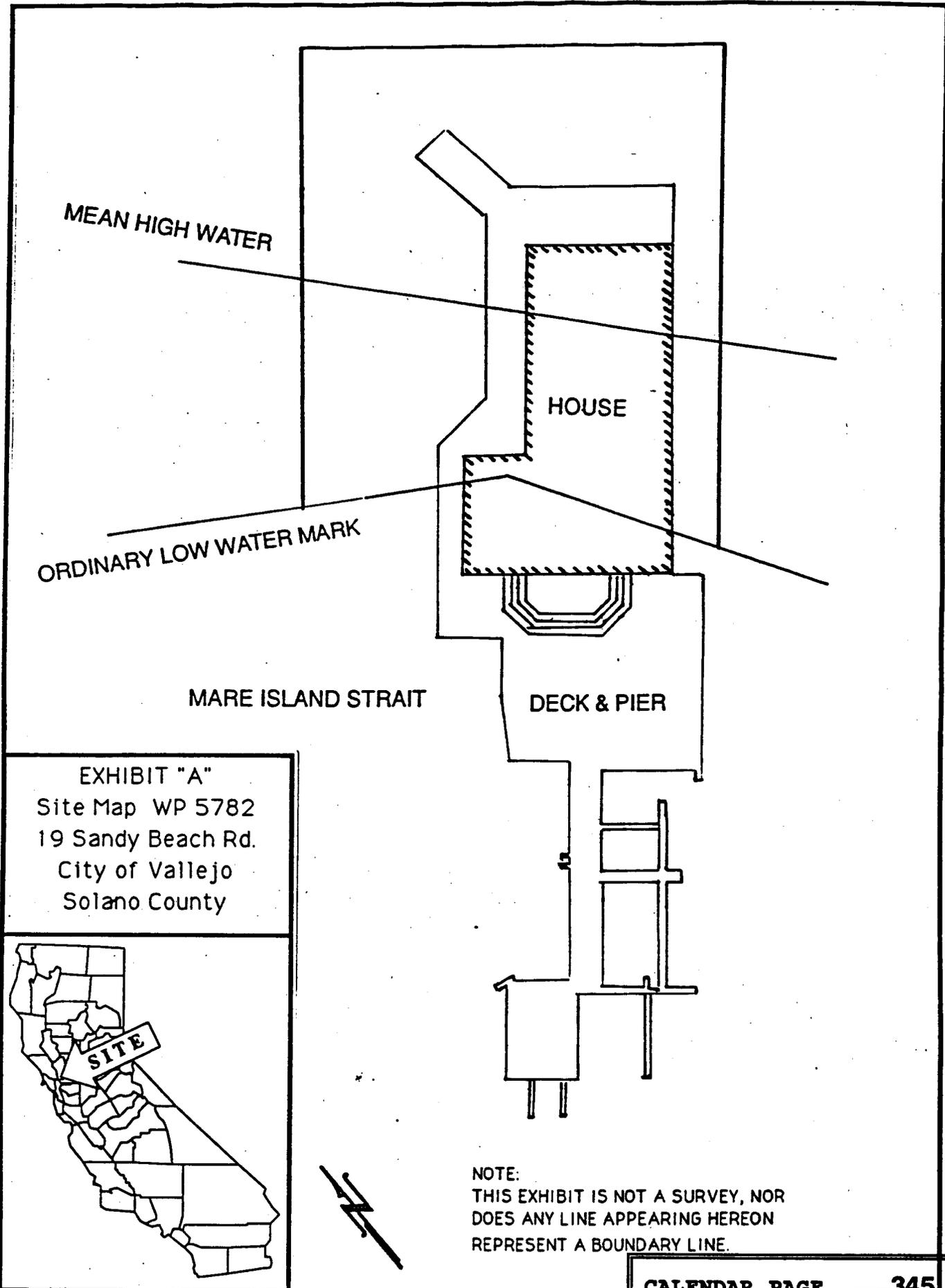


EXHIBIT "A"  
Site Map WP 5782  
19 Sandy Beach Rd.  
City of Vallejo  
Solano County



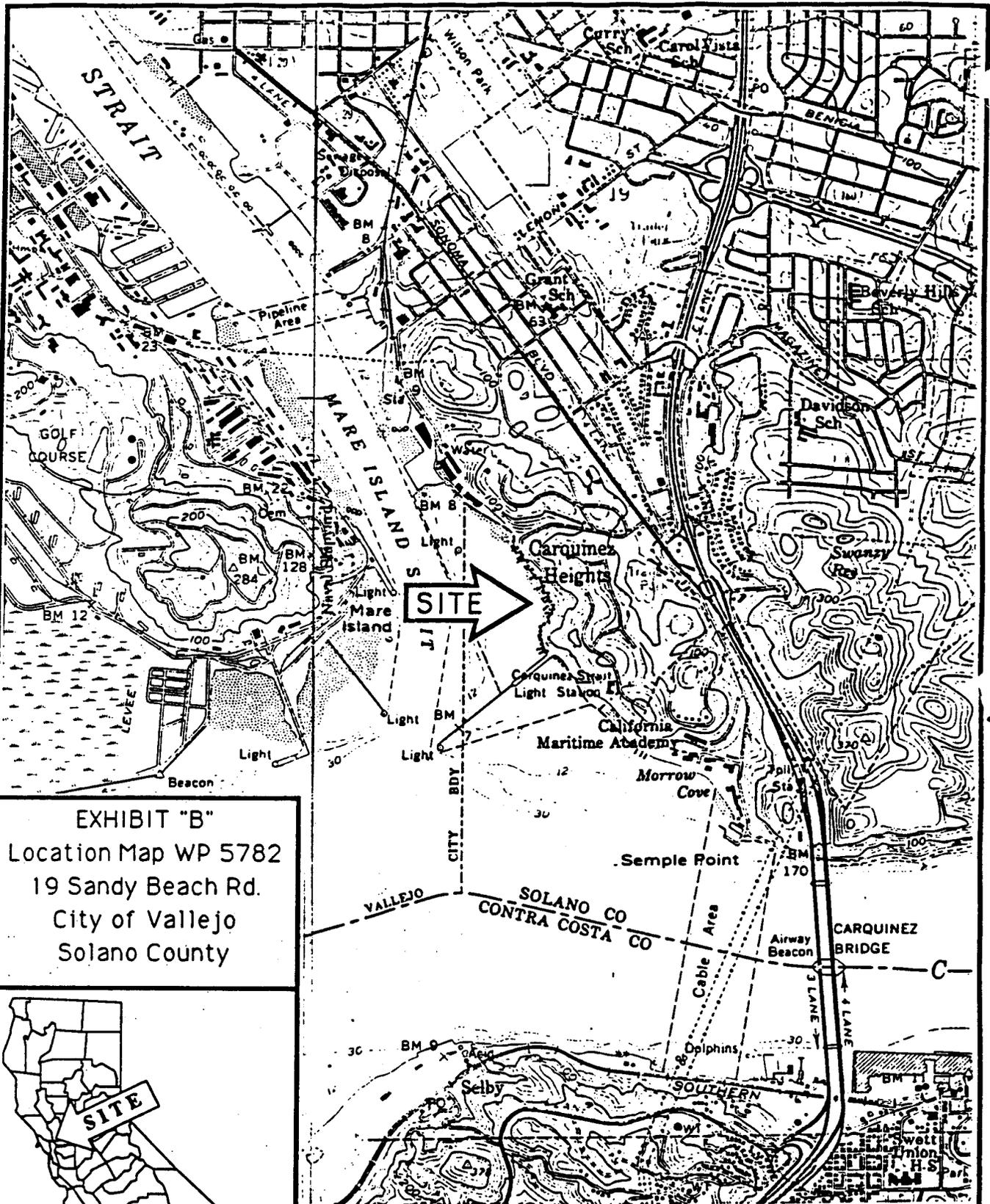


EXHIBIT "B"  
 Location Map WP 5782  
 19 Sandy Beach Rd.  
 City of Vallejo  
 Solano County



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

**EXHIBIT "C"**

**WP 5782**

**LAND DESCRIPTION**

A parcel of tide and submerged land lying immediately beneath the building and deck on and adjacent to Lot 24 as shown on the James and Waters map of Sandy Beach Cabin Sites, recorded February 14, 1944 in Book 1 of Maps, Pages 1 and 2, in the County Records Office of Solano County, California.

EXCEPTING THEREFROM any portion lying landward of the mean high water line on the W.B. Boggs Survey, per Solano County Superior Court Case Numbers 16949 and 19259.

**END OF DESCRIPTION**

**PREPARED SEPTEMBER, 1993 BY SFBCC**

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