MINUTE ITEM
This Calendar Item No. C34 was approved as Minute Item No. 34 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM
C34

A 7 | PRC 7728 | 08/17/04
S 2 | | WP 7728.9
J. McComas

GENERAL LEASE - PROTECTIVE STRUCTURE USE

LESSEE:
Olympia of Vallejo, LLC

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in White Slough, city of Vallejo, Solano County.

AUTHORIZED USE:
Continued use and maintenance of the existing tidewall and bank protection.

LEASE TERM:
Ten years, beginning November 9, 2003.

CONSIDERATION:
The public health and safety; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:
Liability insurance in the amount of no less than $500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has a right to use the uplands adjoining the lease premises.

2. On November 9, 1993, the Commission authorized a General Permit – Protective Structure Use to Susan Syar. The uplands were subsequently deeded to Olympia of Vallejo, LLC. Olympia of Vallejo, LLC is now applying for a General Lease – Protective Structure Use.

3. The original General Permit – Protective Structure Use authorized an existing tidewall. The new General Lease – Protective Structure Use will also include the existing bank protection.

4. The tidewall and bank protection at this location protect the bank of the slough from wave and wind action at no cost to the public.

5. Existing Tidewall:
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 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.

6. Existing Bank Protection:
Pursuant to the Commissions' delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff had determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria

of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

EXHIBIT:

A. Site Plan / Location Plan

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXISTING TIDEWALL:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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).

EXISTING BANK PROTECTION:

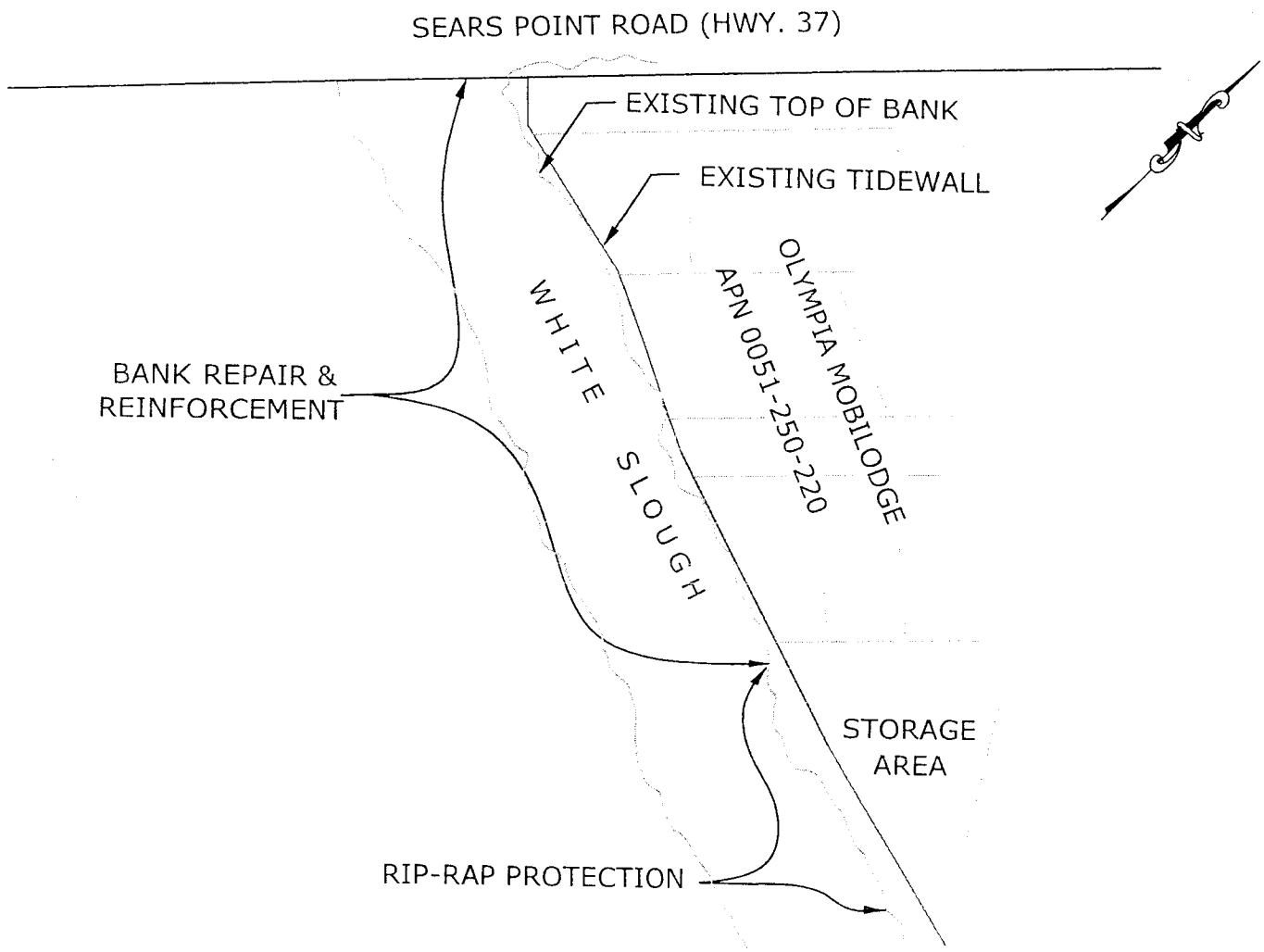
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO OLYMPIA OF VALLEJO, LLC, A GENERAL LEASE – PROTECTIVE STRUCTURE USE, BEGINNING NOVEMBER 9, 2003, FOR A TERM OF TEN YEARS, FOR THE EXISTING TIDEWALL AND BANK PROTECTION ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAT $500,000.

NO SCALE

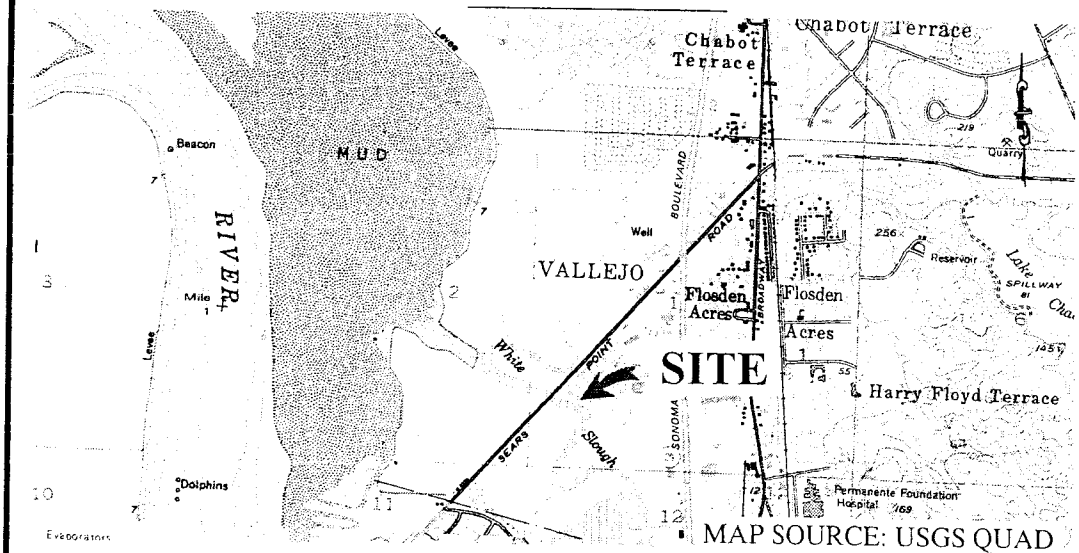
SITE



1101 ENTERPRISE ST., WHITE SLOUGH, VALLEJO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

OLYMPIA OF VALLEJO, LLC
APN 0051-250-220
WP 7728.9
GENERAL LEASE
PROTECTIVE STRUCTURE
SOLANO COUNTY

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

MJJ 07/04