

**CALENDAR ITEM
C31**

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02/05/07
W26162
N. Smith

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Gregory Evan Daniel and Wendy Jean Daniel

AREA, LAND TYPE, AND LOCATION:

0.06 acres, more or less, of sovereign lands in Goodyear Slough, near the town of Benicia, Solano County.

AUTHORIZED USE:

The use and maintenance of an existing walkway, ramp and two docks.

LEASE TERM:

Ten years, beginning February 15, 2007.

CONSIDERATION:

\$275 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of \$500,000.

Bond:

\$4,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises
2. The existing improvements were constructed in 1976 and are used for access to the upland property. In 2002, the Applicants acquired the upland property and have applied for a new General Lease - Recreational Use for the existing improvements which were not previously authorized by the Commission.

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3. The Applicants do not qualify for a Recreational Pier Lease because the upland property is not improved with a single-family dwelling.
4. 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c) (1).

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

EXHIBITS:

- A. Site Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c) (1).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

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AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL USE, BEGINNING FEBRUARY 15, 2007, TO GREGORY EVAN DANIEL AND WENDY JEAN DANIEL FOR A TERM OF TEN YEARS, FOR THE USE AND MAINTENANCE OF AN EXISTING WALKWAY, RAMP AND TWO DOCKS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$275, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; SURETY IN THE AMOUNT OF \$4,000.