

**CALENDAR ITEM
C08**

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09/20/13
PRC 7728.9
R. Boggiano

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Olympia of Vallejo, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in White Slough, adjacent to Assessor's Parcel Number 0051-250-220, near the city of Vallejo, Solano County.

AUTHORIZED USE:

Continued use and maintenance of an existing tidewall and bank protection.

LEASE TERM:

10 years, beginning November 9, 2013.

CONSIDERATION:

Public use and benefit, 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 an amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises. The upland is improved with a mobile home park.
2. On August 17, 2004, the Commission authorized a 10-year General Lease – Protective Structure Use to Olympia of Vallejo, LLC. That lease will expire on November 8, 2013. The Applicant is now applying for a new General Lease – Protective Structure Use.
3. The bank protection and tidewall will mutually benefit both the public and the Applicant. The bank of White Slough will have additional protection from wave action provided at no cost to the public.

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4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all 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 section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use to Olympia of Vallejo, LLC, beginning November 9, 2013, for a term of 10 years, for the continued use and maintenance of the existing tidewall and bank protection as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part

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hereof; consideration being the public use and benefit, 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; and liability insurance in the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7728.9

LAND DESCRIPTION

A strip of tide and submerged land 30 feet wide lying in the bed of the White Slough, situate in the City of Vallejo, County of Solano, State of California, the northerly line of which is described as follows:

BEGINNING at a point that bears North $41^{\circ} 25' 00''$ East 76.72 feet from the southeasterly end of that certain course, recited as South $41^{\circ} 25'$ West 1195.24 feet as described in that Grant Deed, recorded November 27, 1997 in Document No. 1997-00077291 in Official Records of said County; thence along the following six courses:

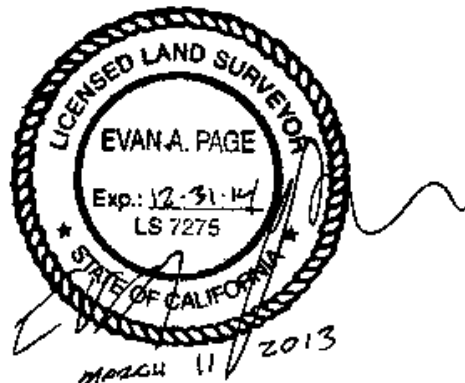
1. South $51^{\circ} 11' 16''$ East 28.03 feet;
2. South $77^{\circ} 40' 54''$ East 61.45 feet;
3. South $68^{\circ} 29' 32''$ East 99.42 feet;
4. South $76^{\circ} 00' 15''$ East 45.27 feet;
5. South $70^{\circ} 45' 13''$ East 47.21 feet;
6. South $77^{\circ} 54' 15''$ East 123.60 feet to the terminus of said description.

The sidelines of said strip to be lengthened or shortened as to begin at the southeasterly right of way of Sears Point Road and to terminate at a line perpendicular to the terminus of said northerly line.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said slough.

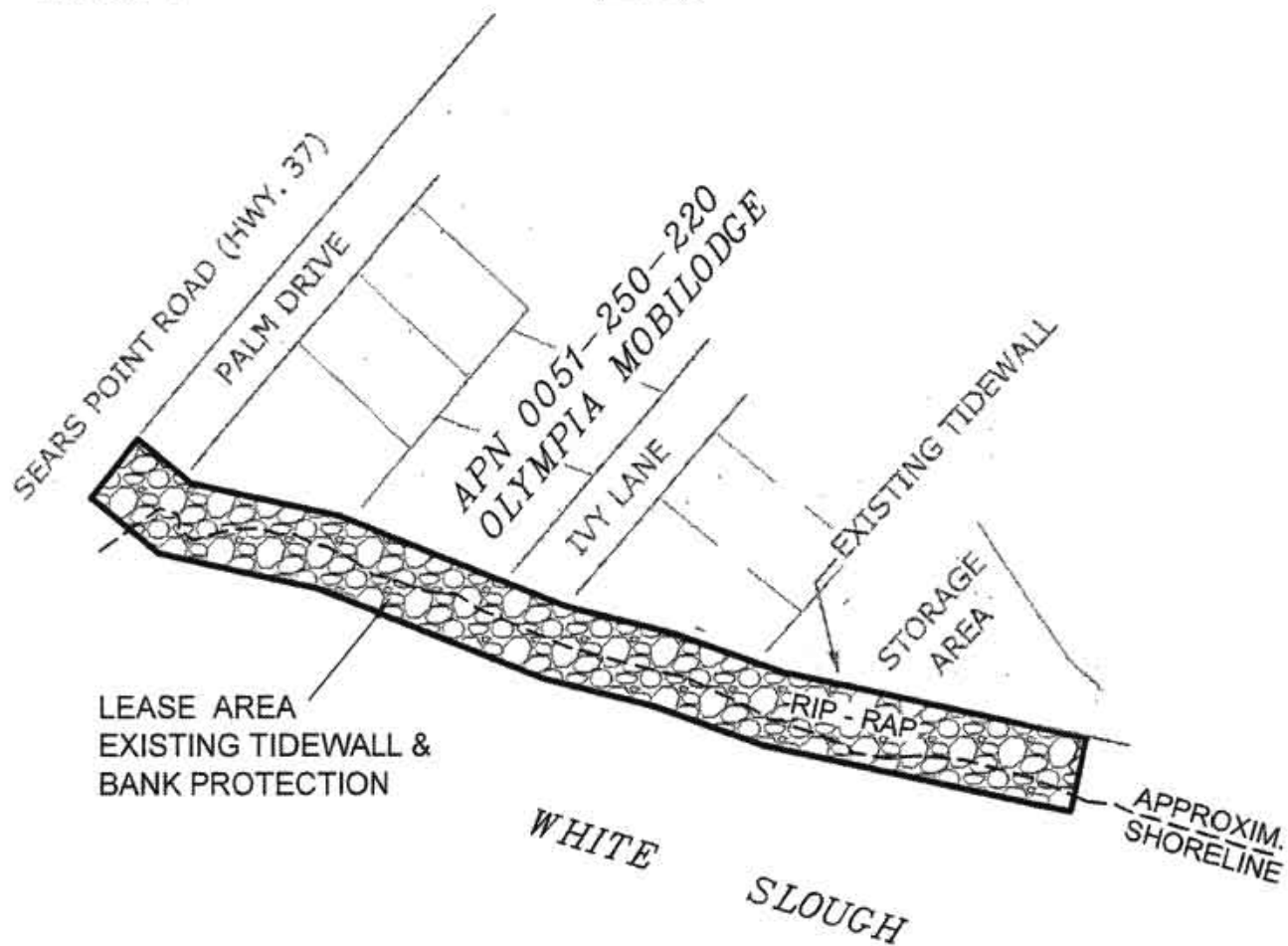
END OF DESCRIPTION

Prepared 02/26/2013 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



LEASE AREA
EXISTING TIDEWALL &
BANK PROTECTION

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 7728.9

OLYMPIA OF VALLEJO, LLC

APN 0051-250-220

GENERAL LEASE -
PROTECTIVE STRUCTURE
USE
SOLANO COUNTY



SITE

TS 02/26/13