

MINUTE ITEM
This Calendar Item No. C1
was approved as Minute Item
No. 1 by the State Lands
Commission by a vote of 3
to 0 at its 10/23/86
meeting.

CALENDAR ITEM
C01

A 4

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10/23/86
W 23873 PRC 7012
Lane

GENERAL PERMIT - RECREATIONAL USE

On April 1, 1868, the State issued Tideland Survey Numbers 10 and 11, Solano County. In ensuing years, without boundaries being exactly known, the patented area was subdivided into numerous small lots, which were developed as homesites built upon pilings. Access to the homesites is by a boardwalk that was extended as new sites were developed. The developments were modest in the beginning, with rambling porches and decks in lieu of normal yards.

The boundaries of the Tideland Surveys were litigated in November of 1945, without the State being a party to the suit. The State Lands Commission surveyed the private judgement line completing the survey in July 1955 (W.O. 1942-C).

It was found that many of the porches and decks extended beyond the adjudicated low water line, and in some cases, slivers or corners of the houses encroached beyond the line. During the latter 1950's, all the encroachments were put under lease by the Commission.

In the late 1960's, when the initial leases expired, the Commission declined to extend them because of sanitation problems associated with sewage disposal. The residents formed an association and put in a sewer trunk line, individual connections, and a lift pump to deliver the sewage into the Vallejo system. The houses and appurtenances have increased greatly in value and are being sold by present owners. Title companies and finance institutions have advised the owners that they must secure a new lease from the State Lands Commission to have acceptable title.

Elaine Mein has applied to the Commission for a lease of whatever State-owned lands may be covered by improvements located at No. 16 Sandy Beach Road. The proposed lease

(REVISED 10/22/86)

-1-

CALENDAR PAGE	01
MINUTE PAGE	2435

CALENDAR ITEM NO. 001 (CONT'D)

includes the patented tidelands, subject to the public trust and the area waterward of the adjudicated low water line. Rental is charged only upon the area waterward of the adjudicated low water line. The recommended term is 20 years.

As the proposed lease involves a relatively minor encroachment and will not change or expand upon presently existing conditions, and does not appear to constitute a nuisance, staff recommends issuance of the permit as appropriate in light of these limited circumstances.

APPLICANT: Elaine Mein
2555 Divisadero Street
San Francisco, California 94115

AREA, TYPE LAND AND LOCATION:
Patented tidelands and State-owned submerged land lying beneath existing facilities at No. 16 Sandy Beach Road, Vallejo, Solano County (Subject to Public Trust).

LAND USE: Maintenance of existing recreational structures.

TERMS OF PROPOSED PERMIT:
Initial period: 20 years beginning November 1, 1986.

Public liability insurance: Combined single limit coverage of \$200,000.

CONSIDERATION: \$50 per annum for the area waterward of the adjudicated low water line with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

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

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

CALENDAR ITEM NO. 001 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 04/24/86.

OTHER PERTINENT INFORMATION:

- 1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

- 2. 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 structure is consistent with its use classification.

EXHIBITS: A. Land Description.
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. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
- 2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

3. AUTHORIZE ISSUANCE TO ELAINE MEIN OF A 20-YEAR GENERAL PERMIT - RECREATIONAL USE FROM NOVEMBER 1, 1986; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$50 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF COMBINED SINGLE LIMIT COVERAGE OF \$200,000; FOR MAINTENANCE OF EXISTING RECREATIONAL STRUCTURES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

CALENDAR PAGE	04
FILE NO.	2438

EXHIBIT "A"

LAND DESCRIPTION

W 23873

The tide and submerged land lying beneath the existing facilities located at No. 16 Sandy Beach Road, Vallejo, California, 94590, as set forth in the written application dated September 18, 1986 on file with the State Lands Commission.

END OF DESCRIPTION

PREPARED OCTOBER 1, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

DATE	05
TIME	2439

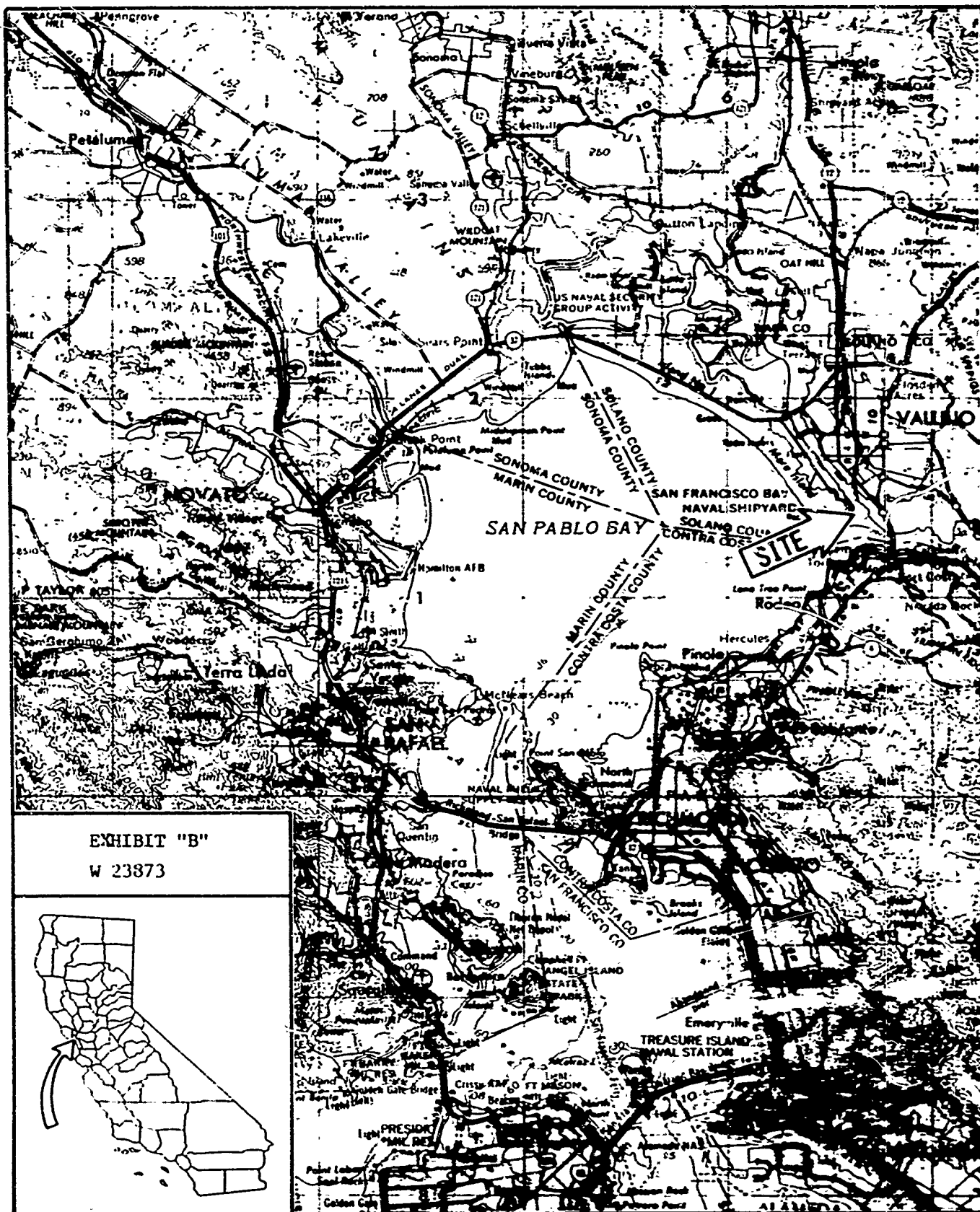


EXHIBIT "B"
W 23873



CALENDAR PAGE
MINUTE PAGE

06
2440