

MINUTE ITEM

This Calendar Item No. 8
was approved as Minute Item
No. 8 by the State Lands
Commission by a vote of 3
to 0 at its 7-17-79
meeting.

MINUTE ITEM

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8. DENIAL OF APPLICATIONS (AB 884)

During consideration of Calendar Item 8 attached, Mr. James F. Trout, Assistant Executive Officer, requested that the following applicants be removed from the list of those being denied permits. The reason for their removal is that they have granted staff a 90-day extension of time in processing their applications:

William H. and Jana L. Jackson
Fathom 8
J. E. Jonsson
Timothy C. Pierce
Paul D. and Rose Ann Kase

Mr. Louis E. Orantes appeared in opposition to his application being denied. Mr. Orantes contended that he had submitted his processing fees and the staff had not sent him his lease. Mr. Trout explained that the staff was under the time constraints mandated by AB 884 and had to deny Mr. Orantes' application or it would be automatically approved. However, Mr. Orantes' application would be reinstated and no more money would be required from him.

Mr. R. C. Hight, Chief Counsel, suggested that in lieu of denying the application, that Mr. Orantes could agree to a 90-day extension. Mr. Orantes consented to the extension, and his name was thereby removed from the list of applications being denied.

Upon motion duly made and carried, the recommendation as presented in Calendar Item 8 attached was approved by a vote of 3-0 with the following applicants being denied applications:

William R. Wilcoxson
William F. Dondero, et al.
City of Stockton

Attachment: Calendar Item 8.

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DENIAL OF APPLICATIONS
(AB 884)

Chapter 1200, Statutes of 1977 (AB 884) required State agencies to compile lists of criteria specifying the detailed application information required from applicants for development projects. Accordingly, the State Lands Commission adopted its application criteria through Calendar Item No. 12 at its April 27, 1978 meeting.

Under AB 884 once an application has been accepted as complete, the Commission must act on the application within specified time periods. Failure to act within the time allowed, either by approving or denying the project, results in automatic approval of the project (by operation of law).

Subsequent to the adoption of the application lists and criteria, staff reviewed all existing applications for permit and within required time limits determined many to be complete. For various reasons, as outlined on Exhibit "A", certain of those applications will not be processed to permit approval and are submitted herein for denial by the Commission.

EXHIBIT: A. List of applications to be denied.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DENY, WITHOUT PREJUDICE TO APPLICANTS' RIGHT TO REAPPLY FOR THE SAME PROJECT, THOSE APPLICATIONS LISTED ON THE ATTACHED EXHIBIT "A", IN COMPLIANCE WITH WITH THE STANDARDS FOR DENIAL SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 1099.
2. AUTHORIZE STAFF TO ADVISE EACH APPLICANT OF THE COMMISSION'S ACTION TO DENY AND OF THE APPLICANTS' RIGHT TO REAPPLY FOR A PERMIT.

A. 8, 5, 52, 7, 3, 26

S. 4, 3, 27, 1, 13

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EXHIBIT "A"

APPLICANTS TO BE DENIED

<u>WORK ORDER</u>	<u>APPLICANT</u>	<u>TYPE OF FACILITY</u>
W 21213	William R. Wilcoxson	Existing floating docks and launching ramp
	Applicant refuses to accept proposed lease terms and continues to occupy existing facilities.	
W 320.660	William H. and Jana L. Jackson	Existing floating docks, diving board, ramp and ski jump
	Applicant refuses to accept Commission's lease terms; will not respond to staff inquiries.	
W 21237	Fathom 8	Salvage permit
	Applicant refuses to respond to staff inquiries relative to lease provisions; appears unable to complete project development. No salvage activity.	
WP 4266	J. E. Jonsson	Existing pier
	Applicant refuses Commission Lease terms - may agree to 90-day extension to settle transaction.	
N 144	William F. Dondero, et al.	Existing marina facilities and moor buoys
	Applicant refuses to accept Commission lease terms. Commission authorized litigation and ejectment is proceeding. Attorney General staff handling.	
W 21644	City of Stockton	Proposed expansion of existing marina facilities
	Upland interest in quiet title action. Private property interest contesting City claim. Awaiting outcome of litigation.	
W 21319	Timothy C. Pierce	Existing buoy
	Applicant's facility located within area under lease to upland Homeowner's Association. Application void.	
W 21393	Paul D. and Rose Ann Kase	Existing pier and buoy
	Applicant unresponsive to Commission lease requirements. May agree to 90-day extension.	

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WP 3378

Louis E. Orantes

Recreational floating boat dock,
breakwater, boat hoist, walkway,
etc.

Letters that application was complete inadvertently sent to applicant.
Staff processing was held up pending engineering review and legal determination
of leasing interest in area of Sandy Beach.

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