

CALENDAR ITEM

C56

MINUTE ITEM
This Calendar Item No. C56
was approved as Minute Item
No. 56 by the State Lands
Commission by a vote of 3
to 0 at its 3/8/94
meeting

A 7
S 2

03/08/94
WP 6003
N. Smith
PRC 6003

TERMINATE EXISTING LEASE, PRC 6003,
AND APPROVAL OF A GENERAL LEASE-RECREATIONAL
AND RESIDENTIAL USE

LESSEE:

James Benbow Bullock
12 Sandy Beach Road
Vallejo, California 94590

AREA, TYPE LAND AND LOCATION:

A 0.02-acre parcel of tide and submerged land located in
Mare Island Strait, City of Vallejo, Solano County.

LAND USE:

Existing recreational dock and residential deck and a very
small portion of residence.

BACKGROUND:

On April 1, 1868, the State issued patents pursuant to Tideland
Survey Numbers 10 and 11, Solano County. In ensuing years, the
patented area was subdivided into numerous small lots which were
developed with homes built upon pilings. Staff has found that
many of the porches, decks, and small portions of some residences
encroached below the adjudicated low water line, onto sovereign
lands.

The Office of the Attorney General has advised this Commission,
that residential use is not consistent with the Public Trust
under which the Commission holds State-owned sovereign lands and
should be permitted at Sandy Beach only to the extent it now
exists, for only so long as the State's lands are not needed for
true Public Trust purposes.

The proposed lease contains specific provisions prohibiting
expansion of the existing structures, requires the removal of
residential structures from the State's lands under specific
circumstances, also provides for subleasing lease premises for
residential use. Because the structures to be authorized below
the adjudicated low water line do not appear to constitute a

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nuisance, staff recommends issuance of the proposed lease subject to the conditions contained therein, including, but not limited to, the specific provisions for uses within the Public Trust Easement (those lands located between the adjudicated low water line and the high water line).

TERMS OF ORIGINAL PERMIT:

Permit period:

Twenty (20) years beginning March 6, 1981.

Public liability insurance:

Combined single limit coverage of \$100,000.

Consideration:

\$290 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

PROPOSED LEASE TERMS:

Lease period:

Nineteen (19) years beginning March 6, 1994.

Surety bond:

\$5,000.

Public liability insurance:

Combined single limit coverage of \$500,000.

Consideration:

\$270 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

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STATUTORY AND OTHER REFERENCES:

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

AB 884:
N/A

OTHER PERTINENT INFORMATION:

1. The Commission approved Assignment of permit PRC 6003 to Mr. Bullock on June 30, 1992. The purpose of requesting a new lease is to re-finance the residence at 12 Sandy Beach Road, as stated by Lessee, "none of the funds will be used on Sandy Beach property".
2. The State reserves the right to reexamine the insurance and bond coverage on each modification date for rent, and make adjustments as may be appropriate to reflect the values at that time.
3. Lessee agrees to the terms and conditions of the proposed lease and the existing permit will terminate effective March 5, 1994.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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, 2905 (a) (2), 14 Cal. Code Regs.

Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

5. 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 project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

N/A.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

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EXHIBITS:

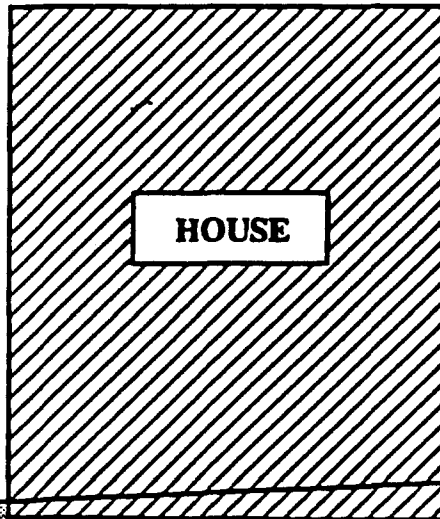
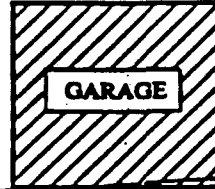
- A. Site Map
- B. Location Map
- C. Land Description

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, 2905 (a) (2), 14 CAL. CODE REGS.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE TERMINATION OF PERMIT PRC 6003, EFFECTIVE MARCH 5, 1994.
4. AUTHORIZE ISSUANCE TO JAMES BENBOW BULLOCK OF A 19-YEAR GENERAL LEASE - RECREATIONAL AND RESIDENTIAL USE AND SUBLEASING FOR RESIDENTIAL USE BEGINNING MARCH 6, 1994; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$270, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR EXISTING RESIDENTIAL DECK AND PORTION OF RESIDENCE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.



MEAN HIGH WATER



ORDINARY LOW WATER

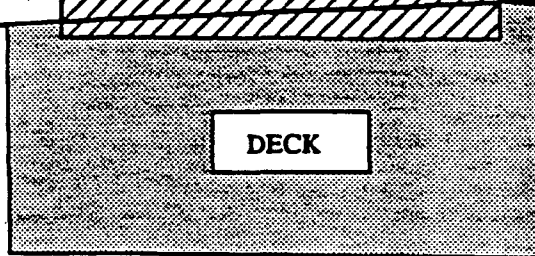


EXHIBIT "A"
Site Map WP 6003
12 Sandy Beach Road
City of Vallejo
Solano County



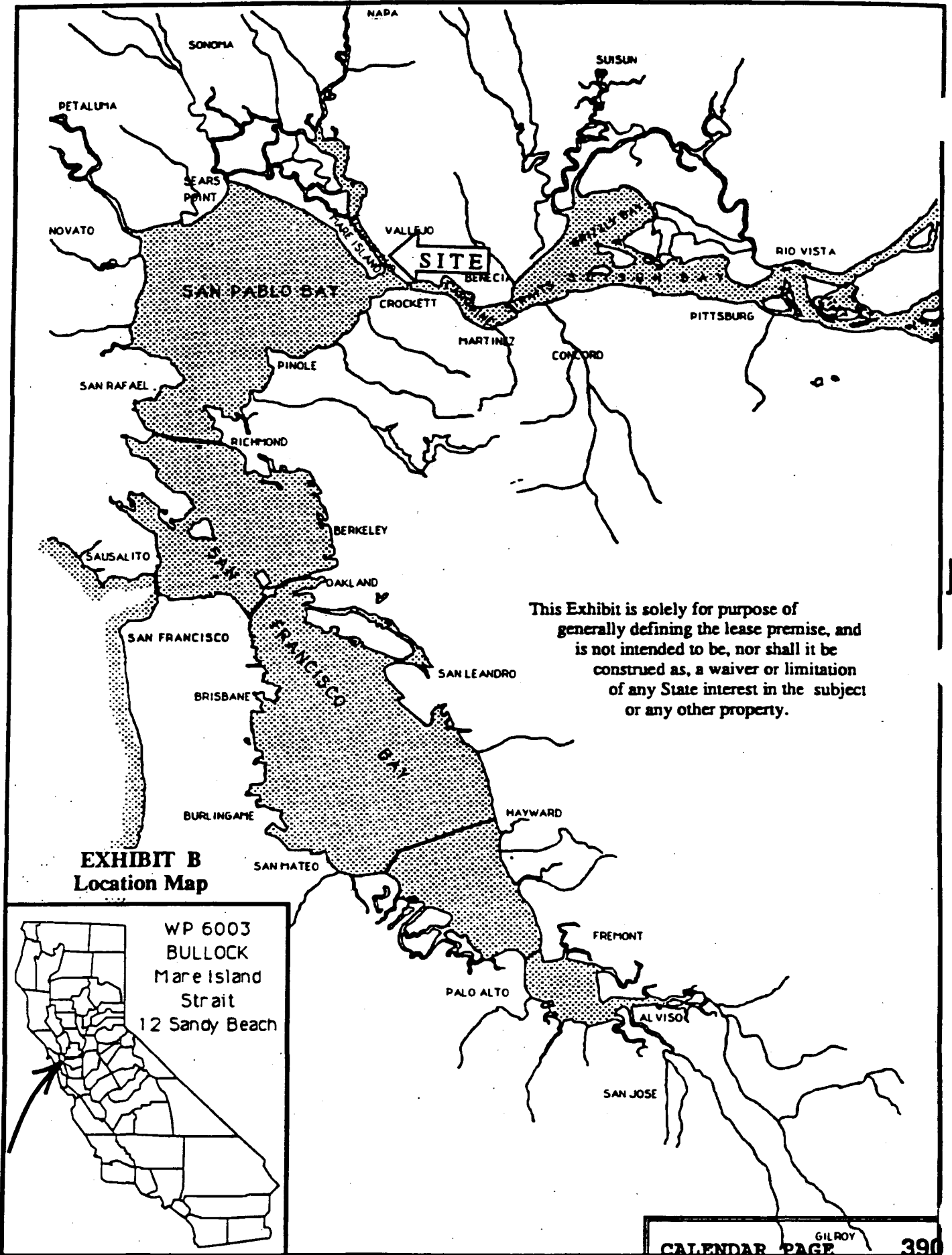
MARE ISLAND STRAIT

NOTE:
THIS EXHIBIT IS SOLELY FOR PURPOSE
OF GENERALLY DEFINING THE LEASE
PREMISE, AND IS NOT INTENDED TO BE,
NOR SHALL IT BE CONSTRUED AS, A
WAIVER OR LIMITATION OF ANY STATE
INTEREST IN THE SUBJECT OF ANY
OTHER PROPERTY.

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This Exhibit is solely for purpose of generally defining the lease premise, 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
Location Map

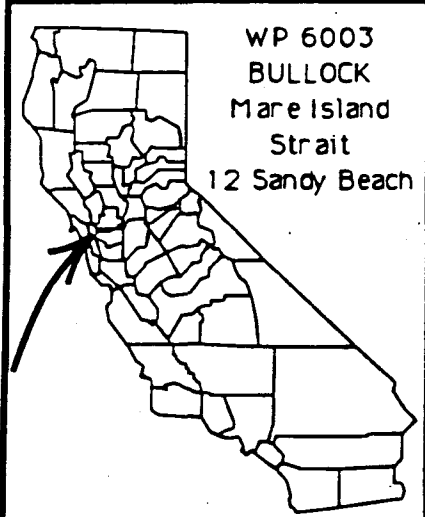


EXHIBIT "C"

WP 6003

LAND DESCRIPTION

A parcel of tide and submerged land lying immediately beneath the building and deck on and adjacent to Lot 18 as shown on the James and Waters map of Sandy Beach Cabin Sites, recorded February 14, 1944 in Book 1 of Maps, Pages 1 and 2, in the County Records Office of Solano County, California.

EXCEPTING THEREFROM any portion lying landward of the mean high water line on the W.B. Boggs Survey, per Solano County Superior Court Case Numbers 16949 and 19259.

END OF DESCRIPTION

PREPARED JANUARY, 1994 BY SFBCC

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