

MINUTE ITEM

This Calendar Item No. ~~C31~~ was approved as Minute Item No. 34 by the California State Lands Commission by a vote of 3 to 0 at its 1-29-99 meeting.

**CALENDAR ITEM
C34**

A 7
S 2

01/29/99
PRC 2829 WP 2829.1
N. Smith

**TERMINATION OF EXISTING LEASE
ISSUANCE OF A NEW GENERAL LEASE - RECREATIONAL
AND RESIDENTIAL USE
AND ENCUMBRANCING OF LEASE**

LESSEE:

Dan D. Marsh
1080 Chestnut Street, #10C
San Francisco, California 94109

AREA, LAND TYPE, AND LOCATION:

987-square feet, more or less, of sovereign lands in Mare Island Strait, Sandy Beach, City of Vallejo, Solano County.

AUTHORIZED USE:

Remove the existing dock and deck and construct a new dock (640 square feet) and deck (347 square feet).

PREVIOUS LEASE TERM(S):

20 years, beginning March 2, 1993.

LEASE TERM:

Thirty-five (35) years, beginning January 15, 1999.

CONSIDERATION:

\$100.00 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease. The dock is rent-free pursuant to Public Resources Code 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Bond:

\$5,000

CALENDAR PAGE	000152
MINUTE PAGE	004933

CALENDAR ITEM NO. C34 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. Lessee is surrendering existing Lease No. PRC 2829.1, effective January 14, 1999, and a new General Lease - Recreational and Residential Use (Lease No. PRC 2829.1) is being issued for a term of 35 years, with a beginning January 15, 1999. A long term lease is required to secure financing for the residence and dock.
3. Lessee has requested approval of an encumbrancing agreement in the amount of \$175,000 in favor of Norwest Mortgage as secured party lender.
4. As to the approval of the new General Lease - Recreational and Residential Use:

On September 11, 1998, the San Francisco Bay Conservation and Development Commission (BCDC) granted Permit # 21-91 under its certified program. (Title 14, California Code of Regulations, section 15251 (h)).

Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b) have been met for the Commission to use the environmental analysis document certified by the BCDC as a Negative Declaration equivalent in order to comply with the requirements of the CEQA.

5. As to the approval of the encumbrancing of lease:

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 because the activity is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

6. This activity involves lands identified as possessing significant environmental

CALENDAR ITEM NO. C34 (CONT'D)

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.

APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

May 6, 1999

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO THE APPROVAL OF THE NEW LEASE:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (SF BCDC PERMIT # 21-91), WAS ADOPTED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) UNDER ITS CERTIFIED PROGRAM (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (h)), AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS WITH BCDC'S DETERMINATION.

AS TO THE ENCUMBRANCING AGREEMENT:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

CALENDAR ITEM NO. C34 (CONT'D)

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.

AUTHORIZATION:

1. AUTHORIZE THE TERMINATION OF EXISTING LEASE PRC 2829.1 EFFECTIVE JANUARY 14, 1999.
2. AUTHORIZE ISSUANCE TO DAN D. MARSH OF A GENERAL LEASE - RECREATIONAL AND RESIDENTIAL USE, BEGINNING JANUARY 15, 1999, FOR A TERM OF 35 YEARS, FOR REMOVAL OF AN EXISTING DECK AND DOCK AND THE CONSTRUCTION OF A NEW DECK AND DOCK ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$100.00, 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 \$5,000.
3. AUTHORIZE EXECUTION OF THE DOCUMENT ENTITLED "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE", IN THE AMOUNT OF \$175,000, ON FILE IN THE OFFICE OF THE COMMISSION, IN FAVOR OF NORWEST MORTGAGE AS SECURED PARTY LENDER.



Not to scale

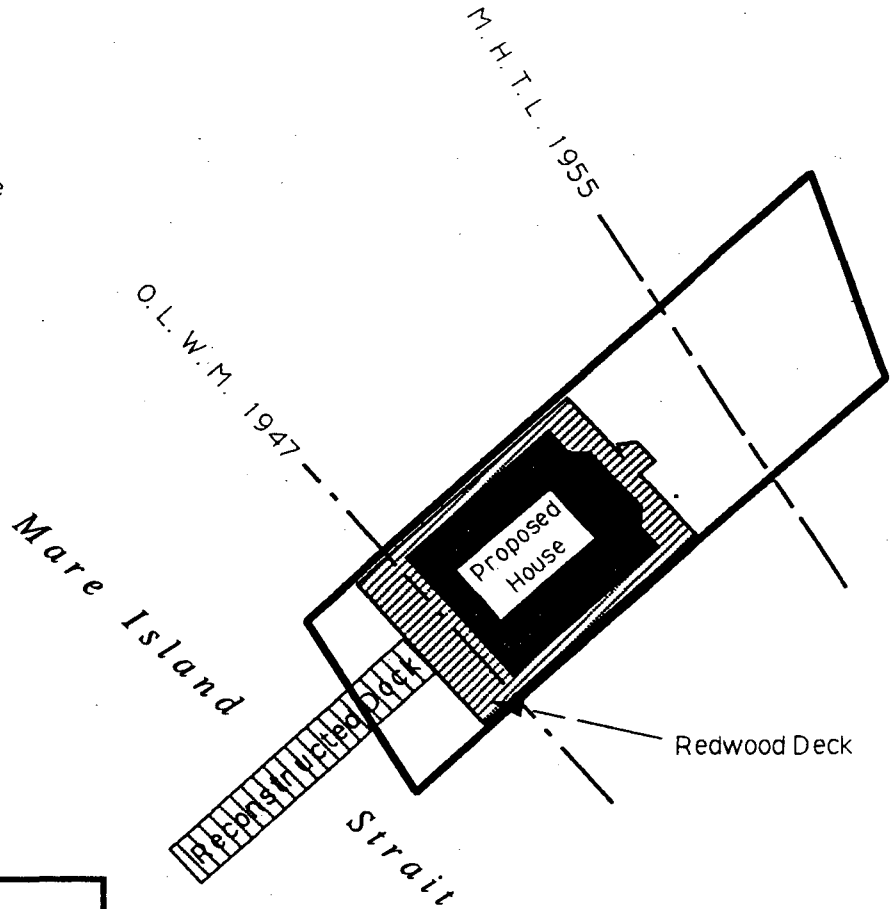


EXHIBIT A
 Site Map
 WP 2829
 Mare Island Strait
 SOLANO COUNTY

#2 Sandy Beach Road
 Vallejo, CA



NOTE:
 THIS EXHIBIT IS NOT A SURVEY, NOR
 DOES ANY LINE APPEARING HEREON
 REPRESENT A BOUNDARY LINE.

CALENDAR PAGE **000156**
 MINUTE PAGE **004937**

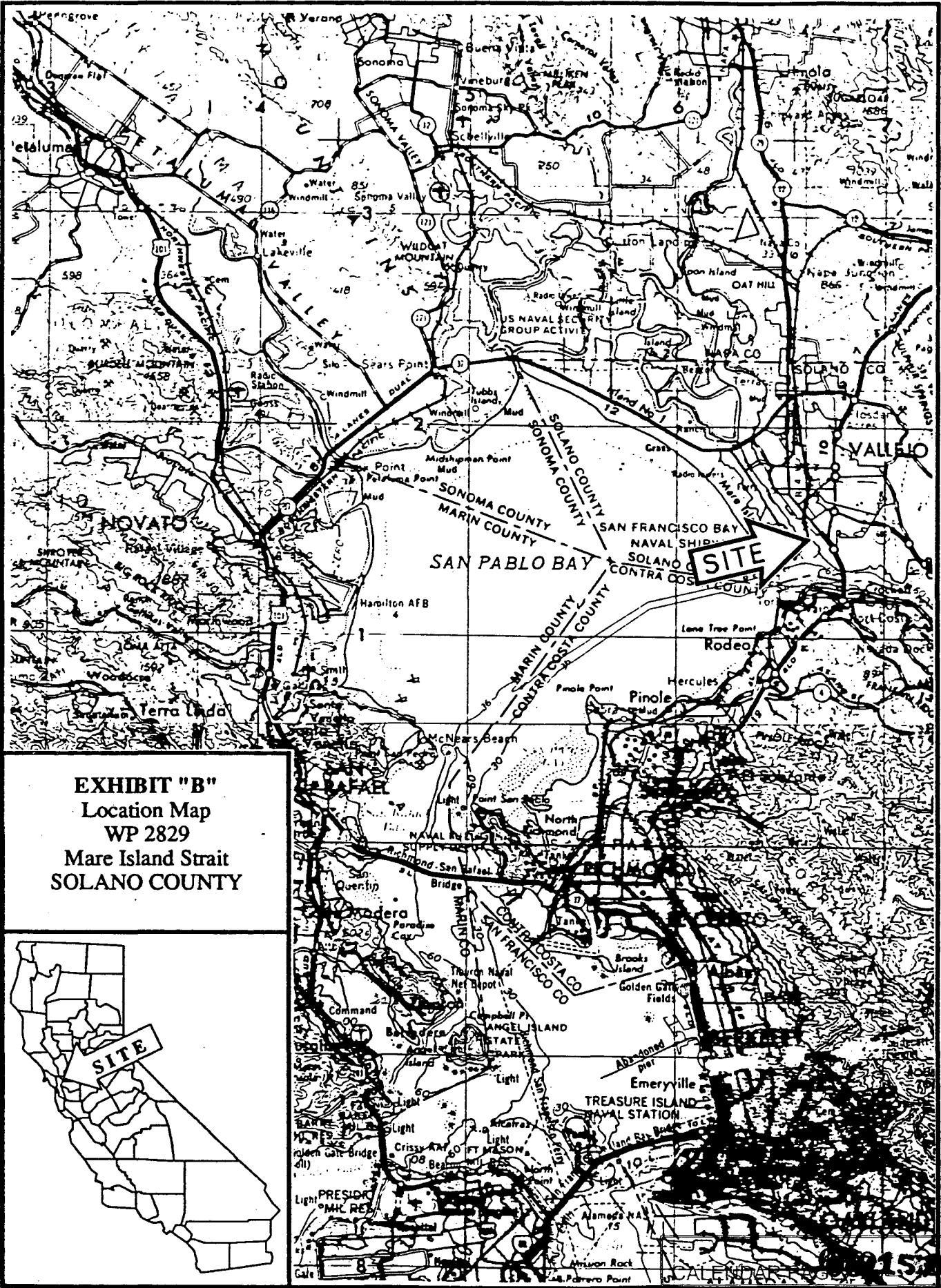


EXHIBIT "B"
Location Map
WP 2829
Mare Island Strait
SOLANO COUNTY

