

MINUTE ITEM

This Calendar Item No. C51 was approved as
Minute Item No. 51 by the California State Lands
Commission by a vote of 3 to 0 at its
9-17-01 meeting.

**CALENDAR ITEM
C51**

A 7
S 2

09/17/01
PRC 5962 WP 5962.1
N. Smith

**ISSUANCE OF GENERAL LEASE - RECREATIONAL
AND RESIDENTIAL USE
AND ENCUMBRANCING OF LEASE**

LESSEE:

Nigel Brandstater
P. O. Box 2515
Fairfield, California 94533

AREA, LAND TYPE, AND LOCATION:

1,929 square feet, more or less, of sovereign lands in Mare Island Strait, Sandy
Beach, city of Vallejo, Solano County.

AUTHORIZED USE:

Use and maintenance of existing deck and residence, with remodeling of
residence within existing footprint and replacement or repair of six or seven
pilings.

LEASE TERM:

35 years, beginning July 1, 2001.

CONSIDERATION:

\$365 per year; with the State reserving the right to fix a different rent periodically
during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Bond:

\$5,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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2. The original lease expired November 29, 1999. Staff sent out numerous letters and applications to lessee with no response. Applicant purchased upland property on February 2, 2001, from the estate of previous lessee.
3. Applicant has requested approval of an encumbrancing agreement in the amount of \$350,000 in favor of BWC Mortgage Services.
4. As to the approval of the new General Lease - Recreational and Residential Use:

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 as a categorically exempt project. The project is exempt under Class 2, replacement or reconstruction; Title 2, California Code of Regulations, section 2905(b).

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

5. As to 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 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.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission.

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EXHIBITS:

- A. Land Description
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

July 9, 2001

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO THE APPROVAL OF THE NEW LEASE:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS (2), REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(b).

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.

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 ISSUANCE TO NIGEL BRANDSTATER OF A GENERAL LEASE - RECREATIONAL AND RESIDENTIAL USE, BEGINNING JULY 1, 2001, FOR A TERM OF 35 YEARS, FOR EXISTING DECK AND RESIDENCE, WITH REMODELING OF RESIDENCE WITHIN EXISTING FOOTPRINT AND REPLACEMENT OR REPAIR OF SIX OR SEVEN PILINGS ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND

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BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$365, 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.

2. AUTHORIZE EXECUTION OF THE DOCUMENT ENTITLED "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE", IN THE AMOUNT OF \$350,000; ON FILE IN THE OFFICE OF THE COMMISSION, IN FAVOR OF BWC MORTGAGE SERVICES AS SECURED PARTY LENDER.

Exhibit A
LAND DESCRIPTION

PRC 5962

A Parcel of State owned tide and submerged lands, situated in Solano County, California, said parcel lying immediately beneath the existing facilities within and adjacent to Lot Eight (8), as said Lot Eight is shown on that certain entitled "*Map of Sandy Beach Cabin Sites*", filed for record February 14, 1944, in the Office of the Recorder of the County of Solano, California, in Book 1 of Maps, at Pages 1 and 2,

EXCEPTING THEREFROM all that portion of the above mentioned Lot 8 lying landward of the W.B. Boggs survey Per Superior Court, Case Numbers 16949 and 19259 Solano County.

END OF DESCRIPTION

May, 2001 by CSLC Boundary Staff.

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