

MINUTE ITEM

This Calendar Item No. Cl.
was approved as Minute Item
No. 1 by the State Lands
Commission by a vote of 3
to 0 at its 9.26.77
meeting.

CALENDAR ITEM

Cl.

9/79
WP 2619
Reese

GENERAL PERMIT
RECREATIONAL AND RESIDENTIAL USE
(ALFRED W. AND JOAN WASTLHUBER)

PRC 2619

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 which was extended as new sites were developed. The developments were modest in the beginning, with rambling porches and decks replacing 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 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 terms of the leases expired, the Commission declined to extend them because of sanitation problems associated with sewage. 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.

Alfred W. and Joan Wastlhuber have applied to the Commission for a lease of whatever State-owned lands may be covered by the improvements located at Number 6 Sandy Beach Road.

The proposed lease 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 low water line. The recommended term is 20 years.

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As the proposed lease involves a relatively minor long standing 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.

AREA, TYPE LAND AND LOCATION:

Patented tidelands and State-owned submerged land lying beneath existing facilities at 6 Sandy Beach Road, Vallejo, Solano County (subject to public trust).

LAND USE:

For the maintenance of a walkway, porch, dock and appurtenances.

TERMS OF PROPOSED PERMIT:

Initial period: 20 years from October 1, 1979.

Public liability insurance: combined single limit insurance in the amount of \$100,000.

CONSIDERATION: \$30 per annum for the area waterward of the surveyed low water line, with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

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2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISION OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE ISSUANCE TO ALFRED W. AND JOAN WASTLHUBER OF A 20-YEAR GENERAL PERMIT - RECREATIONAL, RESIDENTIAL USE FROM OCTOBER 1, 1979; IN CONSIDERATION OF THE ANNUAL RENTAL IN THE AMOUNT OF \$30 FOR THE AREA WATERWARD OF THE SURVEYED LOW WATER LINE, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT, PROVISION OF PUBLIC LIABILITY INSURANCE COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR MAINTENANCE OF A WALKWAY, PORCH AND APPURTENANCES ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

The tide and submerged land lying beneath the existing facilities located at 6 Sandy Beach Road, Vallejo, CA 94590, as set forth in written application, dated May 20, 1975 on file with the State Lands Commission.

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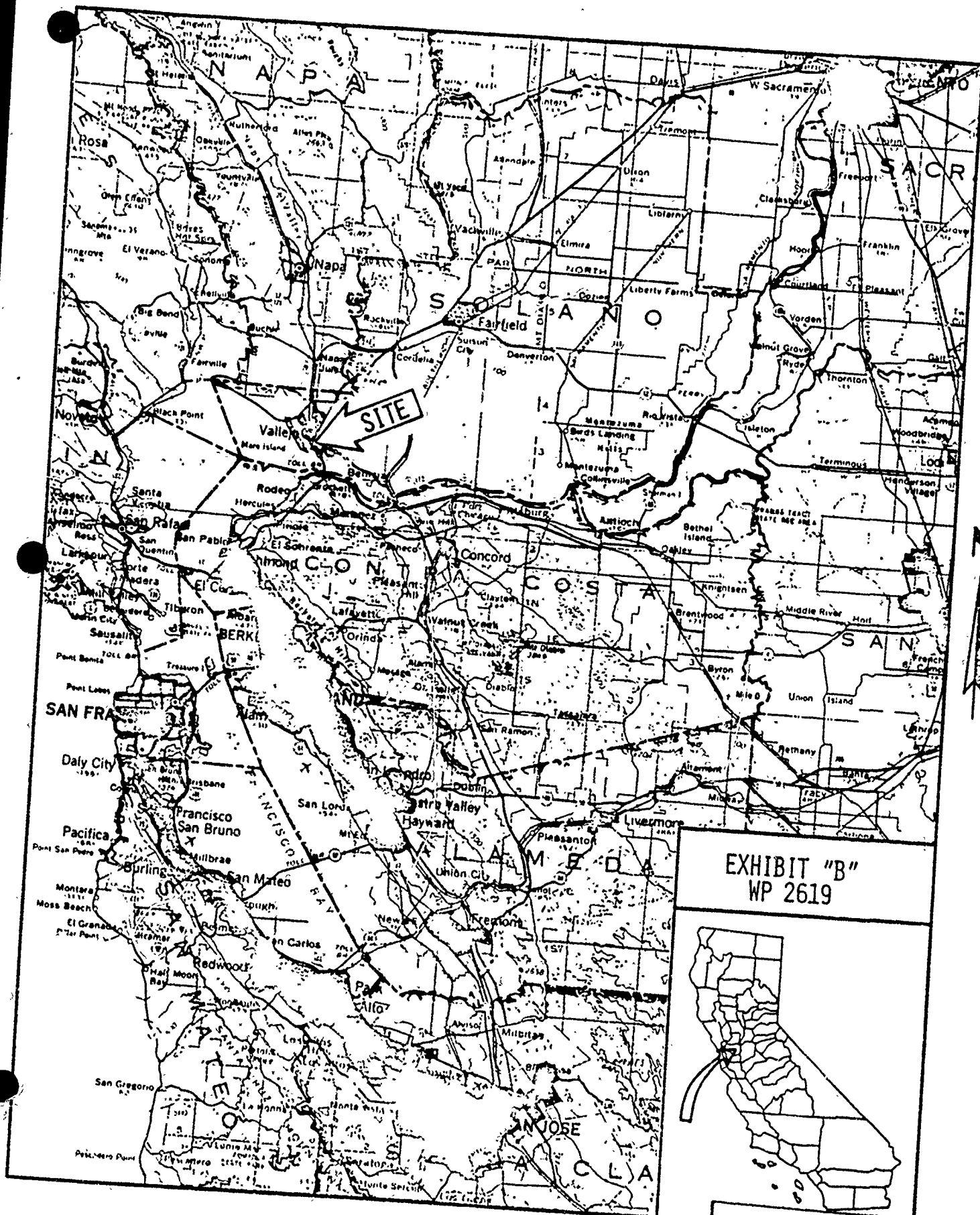


EXHIBIT "B"
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