

MINUTE ITEM

This Calendar Item No. C6
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 3
to 0 at its 11/29/82
meeting.

Minute item 6, meeting of 11/29/82 rescinded
by minute item 19, meeting of 5/22/86 ijp

CALENDAR ITEM

C 0 6

11/29/82
W 21765
Maricle
PRC 6348

GENERAL PERMIT - INDUSTRIAL USE

APPLICANT: R. Jane Law,
dba R. J. Systems
P. O. Box 60182
Sunnyvale, California 94088
Attention: Mr. Thomas F. Carolan
General Manager

AREA, TYPE LAND AND LOCATION:
A 0.154 acre of tide and submerged land,
located in Alviso Slough, Santa Clara County.

LAND USE: Barge and dock facilities.

TERMS OF PROPOSED PERMIT:
Initial period: Five years from December 1,
1982.
Surety bond: \$1,000.
Public liability insurance: \$100,000 combined
single limit coverage.

CONSIDERATION: \$370 per annum, or five percent of gross
income 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. Adm. Code 2003.

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PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is lessee of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

AB 884:

4/13/83.

OTHER PERTINENT INFORMATION:

1. The applicant runs a small boat repair business at Alviso Slough. In addition, the applicant may wish to sublet temporary moorage to other parties. The lease thus provides that rental to the State shall be five percent of the applicant's gross income, or \$370 per annum, whichever is greater. All subletting would be subject to Commission approval. In the past, Pacific Gas and Electric Company service vessels have moored for short stays at said docks, relative to the maintenance of electrical facilities in nearby salt ponds.
2. The applicant's docks and barge have occupied sovereign lands without permit prior to the commencement date of the proposed lease. Upon learning of the Commission's jurisdiction applicant filed an application and has cooperated with staff. Applicant's petition is to relocate a 20' x 50' barge to lease parcel 2; the docks will remain in lease parcel 1.
 - a. The applicant has assisted the staff in identifying trespassers in Alviso Slough, in debris cleanup of the slough following storm damage, and has offered to remove three, unmarked, derelict hulls from the slough. The hulls are a potential hazard and an actual nuisance. Staff believes these benefits more

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than compensate the State for applicant's prior unpermitted use of sovereign lands.

3. This project is exempt from CEQA because it involves existing facilities.

Authority: 2 Cal. Adm. Code, Div. 3, Section 2905, Class 1.

4. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2905, AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. AUTHORIZE ISSUANCE TO R. JANE LAW, dba R. J. SYSTEMS OF A FIVE-YEAR GENERAL PERMIT - INDUSTRIAL USE, FROM DECEMBER 1, 1982; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$370, OR FIVE PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER; PROVISION OF A \$1,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; REMOVAL AND DISPOSAL OF THREE, UNMARKED, DERELICT HULLS, AS DESCRIBED HEREIN, FOR A BARGE AND THREE DOCKS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

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Two parcels of tide and submerged land in the bed of Alviso Slough at the foot of Bay Street in the city of Alviso, Santa Clara County, California, described as follows:

PARCEL 1

BEGINNING at Station No. 945 as shown on Sheet 2 of 3 sheets of that certain Record of Survey filed in Book 380 of Maps, at page 26, in the Santa Clara County Recorders Office; thence along the ordinary high water mark as described in Exhibit "A" of Boundary Line Agreement No. 155 recorded in Deed Book 011, at page 475, et seq., in said Santa Clara Recorders Office the following nine courses:

- | | | |
|----|--|----------------------------|
| 1. | N 61° 16' 10" S | 20.38 feet; |
| 2. | N 69° 49' 21" W | 32.59 feet; |
| 3. | N 72° 55' 41" W | 24.01 feet; |
| 4. | N 71° 14' 14" W | 23.94 feet; |
| 5. | N 51° 52' 24" W | 20.06 feet; |
| 6. | N 61° 57' 25" W | 16.01 feet; thence leaving |
| | said ordinary high water mark and entering said Alviso | |
| | Slough. | |
| 7. | S 37° 42' 54" W | 20 feet; |
| 8. | S 65° 48' 35" E | 135.93 feet; and |
| 9. | N 37° 42' 54" E | 20 feet to the point of |
| | beginning. | |

PARCEL 2

BEGINNING at Station No. 945 in Parcel 1 above; thence along the ordinary high water mark as described in Exhibit "A" of Boundary Line Agreement No. 165 recorded in Deed Book 418, at page 185, et. seq., in said Santa Clara County Recorders Office the following eleven courses:

- | | | |
|----|-----------------|-------------|
| 1. | N 69° 17' 40" E | 25.79 feet; |
| 2. | N 75° 45' 50" E | 15.63 feet; |

EXHIBIT "A"

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3. N 25° 36' 20" E 17.95 feet;
4. N 84° 01' 34" E 19.01 feet;
5. N 83° 30' 12" E 16.78 feet;
6. S 49° 33' 29" E 15.06 feet;
7. S 05° 32' 14" E 16.59 feet;
8. S 04° 00' 31" W 29.17 feet;
9. S 06° 19' 08" E 18.93 feet;
10. S 22° 12' 47" E 11.93 feet; thence leaving
said ordinary high water mark and crossing tidelands.
11. N 62° 28' 58" W 113.01 feet to the point of
beginning.

END OF DESCRIPTION

PREPARED APRIL 22, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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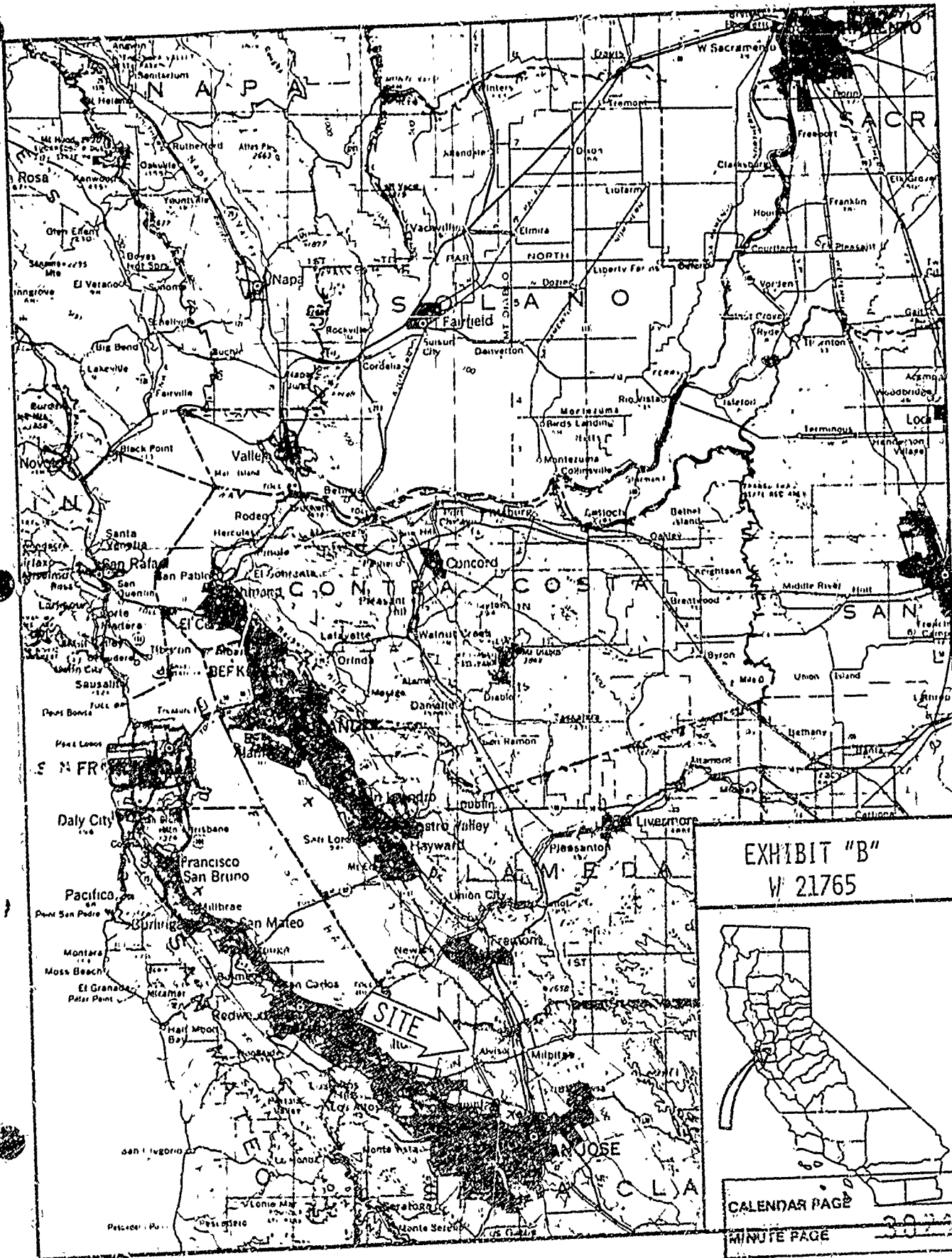


EXHIBIT "B"
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