MINUTE ITEM
This Calendar Item No. C37 was approved as Minite Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 12/7/95 meeting.

CALENDAR ITEM
C39

A 6

12/07/95
PRC 7235 WP 7235.1
N. Smith

S 3

AMENDMENT OF A GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

City of Petaluma
11 English Street
Petaluma, California 94953-0061

AREA, TYPE LAND AND LOCATION:

A 13.96-acre parcel of sovereign tide and submerged land located adjacent to Petaluma River, City of Petaluma, Sonoma County.

LAND USE:

Amend existing lease to authorize a fuel dock and pump within the existing lease premises for a marina.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Lessee is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code Section: 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. This item amends the lease to authorize a fuel dock and pump for dispensing gasoline that was installed during the summer of 1991 with the fuel tank located on the upland parcel, and the State to annually receive $0.015 per gallon of fuel sold to a maximum of 100,000 gallons and $.02 per gallon thereafter. Lessee has provided staff with a copy of the oil spill prevention plan and CEQA documentation.

2. Staff of the Commission proposes the annual minimum rent be adjusted to $4,240 or a percentage of gross income, whichever is greater, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Section 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.

4. A Negative Declaration was prepared and adopted for this Project by the City of Petaluma. According to the City of Petaluma, the Negative Declaration was circulated through the State Clearinghouse. The State Lands Commission's staff has reviewed such document.

5. A Mitigation Monitoring Plan was adopted by the Regional Water Quality Control Board as the agency having responsibility for monitoring the identified mitigation measures.

6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that the adjustment of annual rental is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA; and State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and 14 Cal. Code Regs. 15378.

APPROVALS OBTAINED:

City of Petaluma and Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

A. Land Description
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION, FOR THE FUEL DOCK, AND A MITIGATION MONITORING PLAN WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PETALUMA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTION 6370, ET SEQ.

3. FIND THAT THE RENTAL ADJUSTMENT IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 25378.

4. AUTHORIZE AMENDMENT OF LEASE PRC 7235, EFFECTIVE JULY 1, 1991, TO INCLUDE A FUEL DOCK AND PUMP, LOCATED WITHIN THE EXISTING LEASE PREMISES, AND ADJUST THE ANNUAL MINIMUM TO $4,240 WITH A PERCENTAGE OF GROSS INCOME PER ANNUM ALONG WITH $0.015 PER

GALLON OF FUEL SOLD TO A MAXIMUM OF 100,000 GALLONS AND $.02 PER GALLON THEREAFTER.

5. ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 7235.1 ARE TO REMAIN IN FULL FORCE AND EFFECT.

EXHIBIT "A"
LAND DESCRIPTION

PRC 7235

PARCEL 1

Being portions of the land described in Grant Deed No. 9789 recorded Feb. 19, 1953 in Book 1189 of Official Records, page 305, Sonoma County, and Grant Deed No. 17660, recorded Jan. 27, 1956, in Book 1410 of Official Records, Page 451, Sonoma County, and being a portion of the Petaluma Rancho in T4N, R7W and T5N, R7W, M.D.B.&M., more particularly described as follows:

COMMENCING at the easterly terminus of the curve with an arc length of 785.9 feet, as described in that Deed to Northwestern Pacific Railroad Company, a corporation, recorded Oct. 24, 1916 in Book 345 of Deeds, page 266, Sonoma County, said point lying on the southerly line of the Northwestern Pacific Railway right-of-way, said point of commencement being indicated as Point "C" on that Record of Survey Recorded in Book 185 at page 15 of Maps, Sonoma County; thence southeasterly on a tangent to said curve and along the southerly line of the Northwestern Pacific Railway right-of-way S 76°59'12" E 785.10 feet to a point of intersection with the westerly line of Parcel 2 of that certain real property situate in the County of Sonoma, State of California, described in the Patent from the State of California, to the City of Petaluma, a Municipal Corporation, dated Mar. 2, 1970, and recorded April 6, 1970, in Book 2453, of Official Records, Pages 771-773 Sonoma County and the POINT OF BEGINNING of the herein described parcel; thence leaving said southerly right-of-way along said westerly line S 10°09'03" W 560.70; feet thence S 09°07'21" E 127.39 feet; thence S 61°06'16" E 248.49 feet; thence S 07°18'10" W 130.65 feet; thence S 54°52'52" W 142.34 feet; thence S 67°44'27" W 100.44 feet; thence S 50°53'43" W 406.86 feet to the most easterly point described in that Deed recorded Oct. 5 1965, in Book 2160, of Official Records Page 562, Sonoma County; thence along the northeasterly line of said deed, N 42°34'57" W 369.13 feet to the most westerly point described in that Quitclaim Deed recorded May 31, 1968 in Book 2333, of Official Records Page 819, Sonoma County; thence along the northwesterly line of said Quitclaim deed, N 30°57'48" E 554.14 feet; thence leaving said northwesterly line, S 41°04'00" E 121.55 feet; thence S 03°56'00" W 143.43 feet; thence S 86°04'00" E 77.00 feet; thence N 26°12'53" E 123.30 feet; thence N 15°42'15" E 93.94 feet; thence N 05°09'40" E 140.00 feet; thence N 10°16'45" E 278.00 feet; thence N 14°34'00" E 196.00 feet to a point on the above mentioned southerly right-of-way thence along said right-of-way S 76°59'12" E 30.00 feet to the Point of Beginning.

LAND DESCRIPTION

PARCEL 2

Being portions of the land described in Grant Deed No. 9789 recorded Feb. 19, 1953 in Book 1189 of Official Records, page 305, Sonoma County, and Grant Deed No. 17660, recorded Jan. 27, 1956, in Book 1410 of Official Records, Page 451, Sonoma County, and being a portion of the Petaluma Rancho in T4N, R7W, and T5N, R7W, M.D.B.&M., more particularly described as follows:

COMMENCING at the easterly terminus of that curve with an arc length of 785.9 feet, as described in that Deed to Northwestern Pacfic Railroad Company, a corporation, recorded Oct. 24, 1916 in Book 345 of Deeds, Page 266, Sonoma County, said point lying on the southerly line of the Northwestern Pacific Railway right-of-way, said point of commencement being indicated as Point "C" on that Record of Survey recorded in Book 185 at Page 15 of Maps, Sonoma County; thence along said curve to the left with a radius of 352.20 feet, said curve also being described in that Indenture recorded Oct. 24, 1916 in Book 345 of Official Records, page 266, Sonoma County, through a central angle of 71°24'08", an arc length of 438.91 to the TRUE POINT OF BEGINNING of the herein described parcel; thence leaving said curve S 41°04'00" E 362.99 feet; thence N 48°56'00" E 203.43 feet; S 41°04'00" E 221.00 feet; thence S 03°56'00" W 33.00 feet; thence S 48°56'00" W 83.50 feet; thence S 41°04'00" E 292.00 feet; thence N 48°56'00" E 91.00 feet; thence S 86°04'00" E 28.50 feet; thence S 41°04'00" E 24.45 feet; to a point on the northwesterly line described in that Quitclaim Deed recorded May 31, 1968, in Book 2333 of Official Records, Page 819, Sonoma County; thence along said northwesterly line S 30°57'48" W 554.14 feet to a point on the northeasterly line of the Deed recorded Oct. 5, 1965 in Book 2160 of Official Records, Page 562, Sonoma County; thence along said northeasterly line S 42°34'57" W 45.98 feet; thence along a curve to the right with a radius of 145.00 feet through a central angle of 17°56'47" for an arc length of 45.42 feet; thence N 24°38'10" W 696.54 feet; thence along a curve to the left with a radius of 255.00 feet through a central angle of 8°16'47" for an arc length of 36.85; thence N 32°54'57" W 214.09 feet; thence along a curve to the right with a radius of 145.00 feet through a central angle of 08°16'47" for an arc length of 20.95 feet; thence N 24°38'10" W 67.50 feet to a point on the above mentioned curve with a radius of 352.20 feet; thence along said curve in a northeasterly direction from a tangent which bears N 21°46'00" E, through a central angle of 09°50'40" for an arc length of 60.51 feet to the Point of Beginning.

END OF DESCRIPTION

PREPARED BIU 1, M.L. SHAFER, SUPERVISOR.

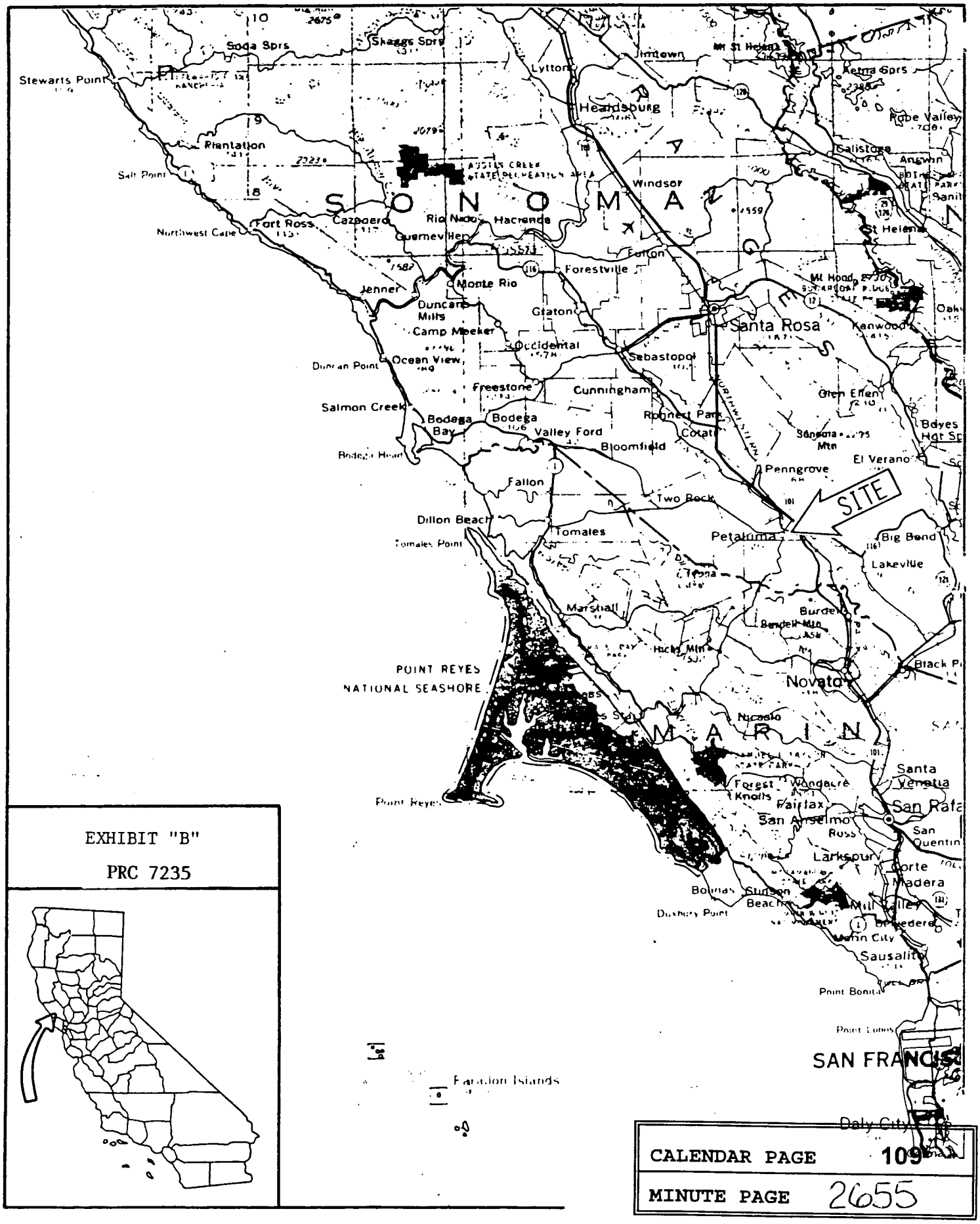

EXHIBIT "B"

PRC 7235

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