MINUTE ITEM
This Calendar Item No. C67 was approved as Minute Item No. 67 by the California State Lands Commission by a vote of 3 to Ø at its 4-24-01 meeting.

CALENDAR ITEM
C67

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04/24/01
PRC 5083 WP 5083.1
F. Singer

GENERAL LEASE - RECREATIONAL AND RESIDENTIAL USE

LESSEE:

Lorenze W. Pedersen
136 Harbor Drive
Novato, California 94947

AREA, LAND TYPE, AND LOCATION:

0.091 acres, more or less, of sovereign lands in the Petaluma River, Black Point, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing 22 foot by 43 foot stationary ark, a 366 foot by 6 foot walkway, and a 20 foot by 20 foot floating boat dock and boathouse.

LEASE TERM:

Ten years, beginning January 15, 2001.

CONSIDERATION:

As to the stationary ark, $330 per year with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

As to the walkway, boat dock and boathouse, no monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than $300,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises. On November 5, 1991, the Commission authorized a General Lease - Recreational and Residential Use with Lorenze W. Pedersen. That lease expired on January 14, 2001. The proposed lease area is comprised of .069 acres for the existing walkway, boat dock and boathouse, which is rent-free pursuant to Section 6503.5 of the Public Resources Code. Rent is charged for the .022-acre parcel occupied by the stationary ark. It is staff's position, supported by advice from the staff of the Attorney General, that residential use is not consistent with the Public Trust Doctrine under which the Commission holds State-owned sovereign lands. Residential use is permitted at Black Point only to the extent it now exists, for only so long as the State's lands are not needed for true Public Trust purposes. The proposed lease contains terms and conditions that preclude any new or expanded residential use of lease premises. Lorenze W. Pedersen is now applying for a new General Lease - Recreational and Residential Use.

2. 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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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

3. 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 conditioned, is consistent with its use classification.

EXHIBITS:

A. Land Description
B. Location Map

PERMIT STREAMLINING ACT DEADLINE:
N/A

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:
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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THIS ACTIVITY, AS CONDITIONED, IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
AUTHORIZE ISSUANCE TO LORENZE W. PEDERSEN OF A GENERAL LEASE - RECREATIONAL AND RESIDENTIAL USE, BEGINNING JANUARY 15, 2001, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING STATIONARY ARK, WALKWAY, FLOATING BOAT DOCK AND BOATHOUSE ON THE LAND DESCRIBED AND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AS TO THE STATIONARY ARK, ANNUAL RENT IN THE AMOUNT OF $330, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AS TO THE WALKWAY, FLOATING BOAT DOCK AND BOATHOUSE, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 6503.5; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $300,000.

EXHIBIT A

PRC 5083.1

LAND DESCRIPTION

Two (2) Parcels of tide and submerged land lying in the bed of the Petaluma Creek, in Marin County, California, said parcel being more particularly described as follows:

PARCEL 1 - Pier and Boathouse

Commencing at Station 248, as shown on the map entitled, "Plat of tide and submerged lands, adjacent to right bank of Petaluma Creek, vicinity of Black Point" prepared by California State Lands Commission, dated January 1950; thence S 15° 11' 50" E, 21 feet to the TRUE POINT OF BEGINNING; thence from said point of beginning the following 18 courses:

1.	N 56° E	230 feet;
2.	N 24° W	8 feet;
3.	N 56° E	8 feet;
4.	S 24° E	9 feet;
5.	N 56° E	22 feet;
6.	N 24° W	2 feet;
7.	N 56° E	28 feet;
8.	S 24° E	7 feet;
9.	S 56° W	28 feet;
10.	N 24° W	2 feet;
11.	S 56° W	30 feet;
12.	S 24° W	28 feet;
13.	N 56° E	4 feet;
14.	S 24° E	10 feet;
15.	S 56° W	24 feet;
16.	N 24° E	38 feet;
17.	S 56° W	210 feet;
18.	N 24° W	4 feet to the point of beginning.

PARCEL 2 - ARK

COMMENCING at Station 248 as described on the above said plat; thence N 20° 01' 19" W, 66 feet; thence N 69° 58' 41" E, 14.5 feet to a point on the most westerly corner of a 43 foot by 22 foot rectangular parcel of land lying beneath an existing ark.

EXCEPTING THEREFROM any portion of land lying landward of the ordinary high water mark on the right bank of Petaluma Creek.

END OF DESCRIPTION

REVIEWED SEPTEMBER 13, 1990 BY LLB.

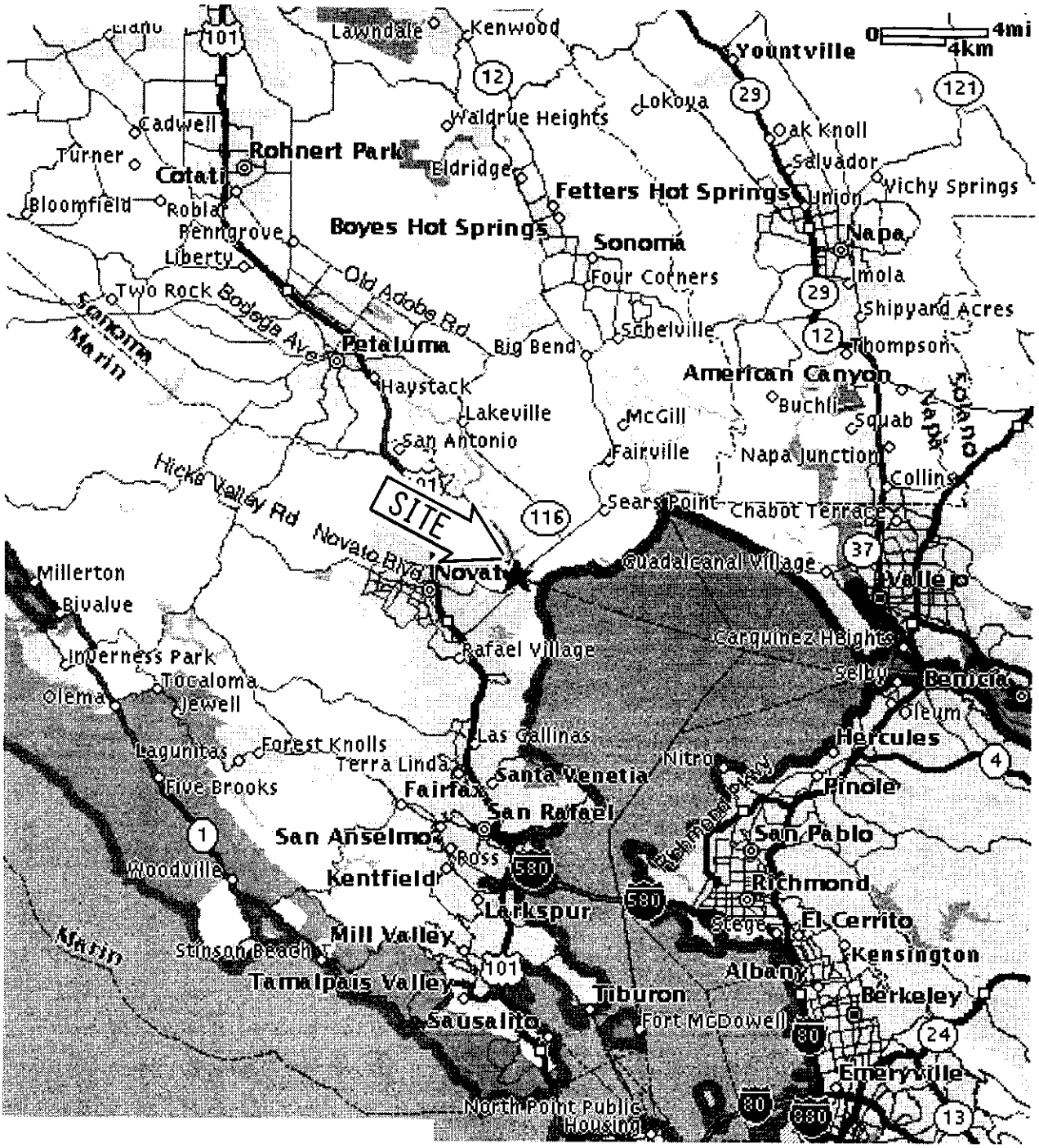

Exhibit B

Location Map

Lorenze W. Pedersen - PRC 5083.1

Recreational Pier Lease
136 Harbor Drive
Novato, California 94947