

**CALENDAR ITEM
C32**

A	6	10/01/02
S	3	PRC 2651.1 N. Quesada

LEASE ASSIGNMENT AND REVISION OF RENT

1) LEASE ASSIGNMENT

LESSEE/ASSIGNOR:

Martin P. Bruton and Barbara J. Bruton
116 Harbor Drive
Novato, CA 94948

ASSIGNEE:

Barbara J. Bruton, Trustee of the Bruton Survivor's Trust, a subtrust of the Martin Patrick Bruton and Barbara Janice Bruton Revocable Living Trust utd 11/28/90
116 Harbor Drive
Novato, CA 94948

AREA, LAND TYPE, AND LOCATION:

0.10 acres, more or less, of tide and submerged lands in the Petaluma River at Black Point, near the city of Novato, Marin County.

AUTHORIZED USE:

Continued use and maintenance of a floating boat dock, walkway, shed, and a cabin.

LEASE TERM:

Ten years, beginning March 1, 1997.

CONSIDERATION:

\$889 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. On May 19, 2000 the property was deeded to Barbara J. Bruton, Trustee of the Martin Patrick Bruton and Barbara Janice Bruton Revocable Living Trust utd 11/28/90. Barbara J. Bruton, Trustee of the Bruton Survivor's Trust, a subtrust of the Martin Patrick Bruton and Barbara Janice Bruton

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Revocable Living Trust utd 11/28/90 is now applying for a lease assignment.

2) REVISION OF RENT

LESSEE:

Barbara J. Bruton, Trustee of the Bruton Survivor's Trust, a subtrust of the Martin Patrick Bruton and Barbara Janice Bruton Revocable Living Trust utd 11/28/90
116 Harbor Drive
Novato, CA 94948

AREA, LAND TYPE, AND LOCATION:

0.10 acres, more or less, of tide and submerged lands in the Petaluma River at Black Point, near the city of Novato, Marin County.

AUTHORIZED USE:

Continued use and maintenance of a floating boat dock, walkway, shed, and a cabin.

LEASE TERM:

Ten years, beginning March 1, 1997.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$889 per year to \$478 per year, effective March 1, 2003.

OTHER PERTINENT INFORMATION:

1. On February 12, 1997 the Commission authorized a General Lease Recreational and Residential Use to Martin P. Bruton and Barbara J. Bruton. Annual rental in the amount of \$889 was charged for all of the authorized facilities, which included a boat dock, walkway, shed and cabin, because the adjoining upland (APN No. 157-041-01) was not improved with a single-family dwelling.

Lessees are the owner of the adjacent parcel (APN No. 157-012-12) and have improved this upland parcel with a single-family dwelling. The two adjacent parcels share one boat dock and walkway. Therefore, Lessees qualify for a "rent-free" floating boat dock and walkway. The shed and

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cabin do not qualify for “rent-free” status pursuant to Public Resources Code section 6503.5.

2. Rent Review & Lease Assignment:

Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it 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, sections 15060(c)(3) and 15378.

EXHIBIT:

- A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RENT REVIEW AND LEASE ASSIGNMENT

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378

AUTHORIZATION:

1. RATIFY THE ASSIGNMENT OF LEASE NO. 2651.1, A GENERAL LEASE – RECREATIONAL AND RESIDENTIAL USE, OF SOVEREIGN LANDS LOCATED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, TO BARBARA J. BRUTON, TRUSTEE OF THE MARTIN PATRICK BRUTON AND BARBARA JANICE BRUTON REVOCABLE LIVING TRUST UTD 11/28/90.
2. AUTHORIZE THE ASSIGNMENT OF LEASE NO. 2651.1, A GENERAL LEASE – RECREATIONAL AND RESIDENTIAL USE, TO BARBARA J. BRUTON, TRUSTEE OF THE BRUTON SURVIVOR’S TRUST, A SUBTRUST OF THE MARTIN PATRICK BRUTON AND BARBARA JANICE BRUTON REVOCABLE LIVING TUST UTD 11/28/90.

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3. APPROVE THE REVISION OF RENT FOR LEASE NO. PRC 2651.1 FROM \$889 PER YEAR TO \$478 PER YEAR, EFFECTIVE MARCH 1, 2003.