CALENDAR ITEM

C15

A 6 12/03/08

WP 3679.1

S 3 M. Clark

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Lynn C. White

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Petaluma River, adjacent to 37 Havenwood Road, city of Novato, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat shed, ramp, two pilings, an uncovered floating boat dock, and the retention of an existing storage shed as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 13, 2008.

CONSIDERATION:

Storage Shed and Boat Shed: $57 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Pier, Ramp, Two Pilings, and an Uncovered Floating Boat Dock: No monetary consideration pursuant to Public Recourses Code Section 6503.5

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

2. On December 16, 1998, the Commission authorized a Recreational Pier Lease to Gerald W. Kresky. That lease expired July 31, 2008. On August 13, 2008, the upland was deeded to Lynn C. White, who is now applying for a new General Lease – Recreational Use.

3. The Applicant qualifies for rent free use of the pier, ramp, two pilings, and uncovered floating boat dock because the Applicant is a natural person who owns the littoral land that is improved with a single family dwelling pursuant to Public Resource Code 6503.5. The boat shed and storage shed do not qualify for rent-free status because they were not constructed for the docking and mooring of boats.

4. **Pier, Boat Shed, Ramp, Two Pilings, and an Uncovered Floating Boat Dock:** 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.

5. **Storage Shed:** 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 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

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

6. 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 proposed, is consistent with its use classification.

EXHIBIT:

A**.** Site and Location Map

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER, BOAT SHED, RAMP, TWO PILINGS AND AN UNCOVERED FLOATING BOAT DOCK: 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).

STORAGE SHED: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

SIGNIFICANT LANDS INVENTORY FINDING:

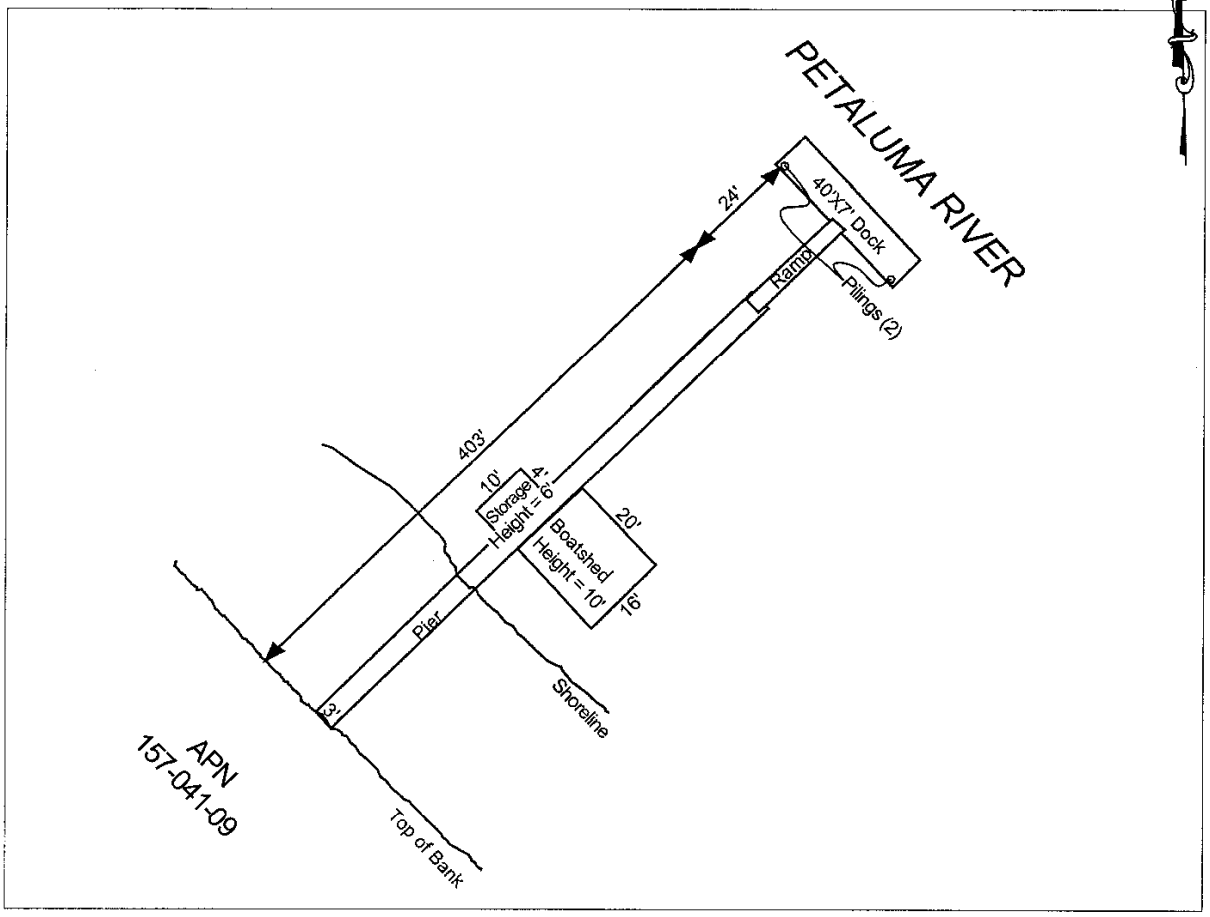
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO LYNN C. WHITE, BEGINNING AUGUST 13, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BOAT SHED, RAMP, TWO PILINGS, AN UNCOVERED FLOATING BOAT DOCK AND THE RETENTION OF AN EXISTING STORAGE SHED AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $57 FOR THE STORAGE SHED AND BOAT SHED, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 6503.5 FOR THE PIER, RAMP, TWO PILINGS, AND UNCOVERED FLOATING BOAT DOCK; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

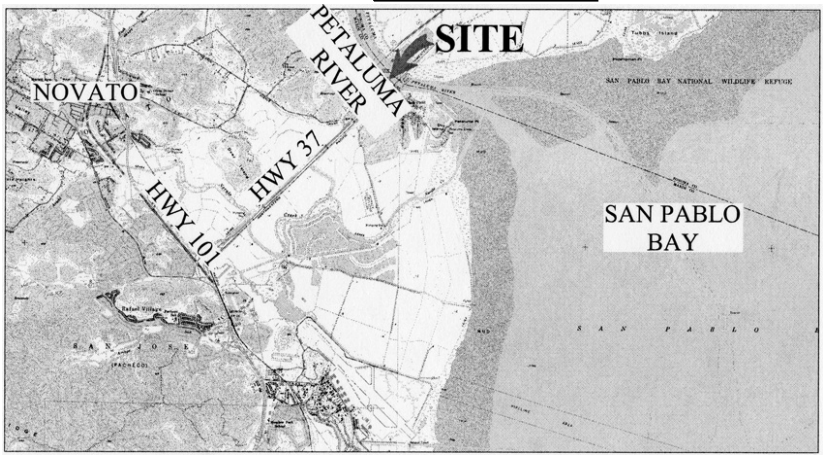
SITE



37 Havenwood Road, Novato

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

WP 3679.1
WHITE
APN 157-041-09
GENERAL LEASE
RECREATIONAL USE
MARIN COUNTY

MJF 10/9/08