

**CALENDAR ITEM
C01**

A 6
S 3

10/27/11
PRC 3756.1
M. Andersen

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Julie Fountain, Trustee of the William Walter Duffin Living Trust dated 8/28/98.

AREA, LAND TYPE, AND LOCATION:

0.04 acres, more or less, of sovereign land in the Petaluma River at Black Point, adjacent to 172 Beattie Avenue, city of Novato, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, walkway, storage platform, side deck and a portion of the residence as shown on Exhibit A.

LEASE TERM:

10 years, beginning November 18, 2010.

CONSIDERATION:

Pier, Walkway, Storage Platform, Side Deck, and a Portion of the Residence: \$354 per year, with the State reserving the right to fix a different rental periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000.

Other: The lease contains provisions that the existing side deck and the portion of the existing residence extending on to State-owned land, as shown on the attached Exhibit A, cannot be expanded, and if repairs to the existing side deck and portion of the residence cost more than 50 percent of their base value, then the side deck and portion of residence within the lease premises must be removed.

CALENDAR ITEM NO. **C01** (CONT'D)

OTHER PERTINENT INFORMATION:

1. The Applicant owns the uplands adjoining the lease premises. A portion of the Applicant's uplands is located waterward of the Allardt's high water mark of 1870 and was patented by the Commission as Sovereign Land Location 21 free of the Public Trust pursuant to Chapter 1834, Statutes of 1953, with minerals reserved to the State.
2. On August 21, 1996, the Commission authorized a General Lease – Recreational and Residential Use to William W. Duffin, beginning November 18, 1995, for a 15 year term. That lease authorized an existing walkway, pier, and a portion of the residence and expired on November 17, 2010. The upland property has since been transferred to the William Walter Duffin Living Trust dated 8/28/98. The Applicant has now applied for a new General Lease – Recreational Use.
3. The Applicant does not qualify for the rent-free use of the existing pier, walkway, storage platform, side deck, and portion of the residence extending onto State-owned sovereign land because the upland is improved with a number of residences and is classified as a multi-family dwelling by the County of Marin.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15061), the staff has determined that this activity is exempt from the requirements of 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. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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

CALENDAR ITEM NO. **C01** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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:

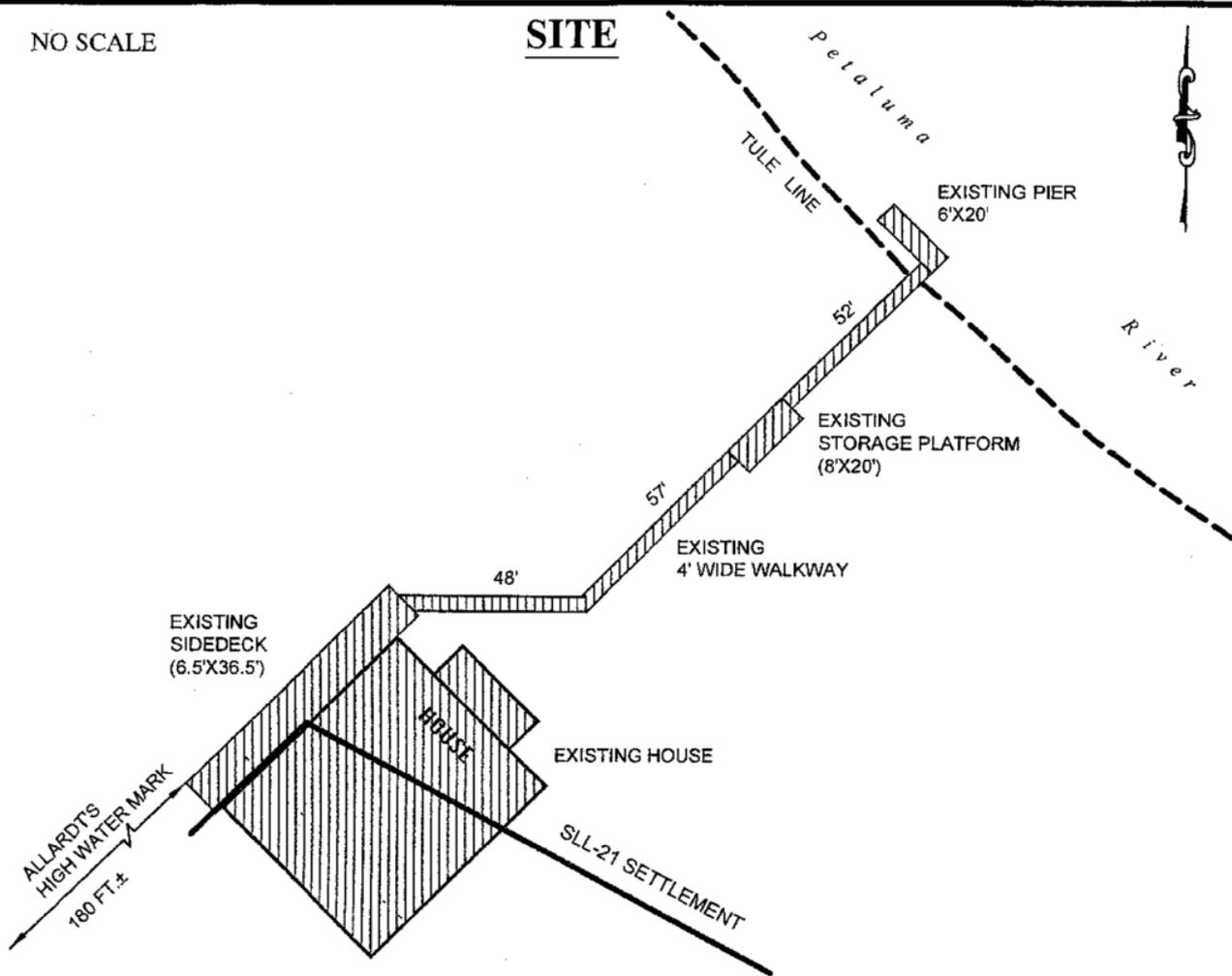
Find that the activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to, Julie Fountain Trustee of the William Walter Duffin Living Trust dated 8/28/98, beginning November 18, 2010, for a term of 10 years, for the continued use and maintenance of an existing pier, walkway, storage platform, side deck, and a portion of the residence as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$354, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance with coverage of no less than \$1,000,000.

NO SCALE

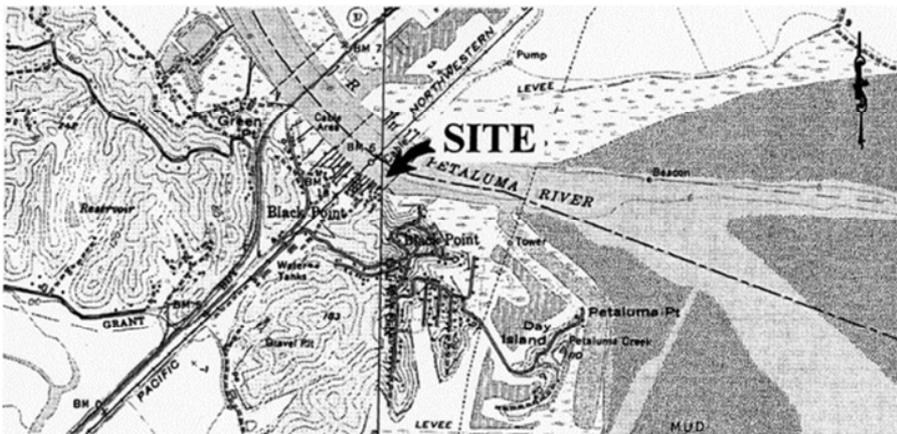
SITE



172 BEATTIE AVE., PETALUMA RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 3756.1
 DUFFIN TRUST
 APN 157-061-01
 GENERAL LEASE-
 RECREATIONAL USE
 MARIN COUNTY



MJJ 08/11

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.