

MINUTE ITEM 37  
This Calendar Item No. 37  
was approved as Minute Item  
No. 37 by the State Lands  
Commission by a vote of 3  
to 0 at its 8/10/88  
meeting.

CALENDAR ITEM

A 9  
S 2

37

08/10/88  
W 23761 PRC 7235  
Bancroft

TERMINATION OF LEASE PRC 4048,  
GENERAL PERMIT - PUBLIC AGENCY USE  
ACCEPTANCE OF A QUITCLAIM DEED  
APPROVAL OF A GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT: City of Petaluma  
11 English Street, P.O. Box 61  
Petaluma, California 94953-0061

TERMINATING LEASE PRC 4048

AREA, TYPE LAND AND LOCATION:

A 9.669-acre parcel of tide and submerged land  
located in the Petaluma River in Petaluma,  
Sonoma County.

LAND USE: Boat launching facilities and appurtenances.

PROPOSED LEASE:  
AREA, TYPE LAND

AND LOCATION:

A 13.98-acre parcel of sovereign tide and  
submerged land located in and adjacent to the  
Petaluma River, City of Petaluma, Sonoma County.

LAND USE: Construction and operation of a public marina;  
riprap placement; dredge a maximum of 300,000  
cubic yards of minerals other than oil, gas and  
geothermal. Material disposal to be at City  
disposal site or County landfill site.

TERMS OF PROPOSED LEASE::

Initial period: 30 years beginning July 1,  
1988.

Renewal options: One successive period of ten  
years

CALENDAR ITEM NO. 37 (CONT'D)

Public liability insurance: Combined single  
limit coverage of \$2,000,000.

Royalty: \$0.25 per cubic yard shall be  
paid for any material used  
for any private or commercial  
benefit. No royalty shall be  
charged for material placed  
at the approved disposal or  
landfill sites.

CONSIDERATION: \$250 per annum for three (3) years; \$6,522 per  
annum or seven percent (7%) of gross income for  
two (2) years. State reserving the right to  
fix a different rental on each fifth anniversary  
of the lease.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:  
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:  
Filing fee and processing costs have been  
received.

STATUTORY AND OTHER REFERENCES:  
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.  
B. Cal. Adm. Code: Title 2, Div. 3; Title 14,  
Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:  
1. The marina to be constructed is situated on  
a 13.98-acre site conveyed to the State by  
Compromise Title Settlement approved by  
State Lands Commission May 28, 1987,  
Calendar Item No. 34. Said agreement  
included a provision for the lease of these  
lands back to the City of Petaluma.

CALENDAR ITEM NO. 37 (CONT'D)

The marina will encompass and replace the existing boat ramp and attendant facilities leased to the City of Petaluma under PRC 4048. PRC 4048 will be cancelled by this action and the existing facilities will be removed by the City.

Three hundred thousand (300,000) cubic yards of material will be dredged from the site and disposed of at either a county landfill site or city disposal site or other C.O.E. approved site. A royalty of \$0.25 per cubic yard shall be paid for material sold or used for private or commercial benefit.

Riprap will be placed at the entrance of the marina, around the boat ramp and on interior slopes for erosion control.

One hundred ninety-four (194) berths are planned, all to be located on the leased area. The lease permits a maximum of 220 berths which provides for possible future expansion.

Upland development includes a hotel-office and commercial complex. All proposed marina development will be financed through a loan from the Department of Boating and Waterways. Maintenance dredging, not to exceed a total of 13,000 cubic yards per year of the lease, is allowed.

2. Lessor hereby consents to Lessee's subletting of all or any portion of the lease premises for berthing or mooring purposes in conjunction with normal commercial marina subleasing practices for terms of one year or less.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through

CALENDAR ITEM NO. 37 (CONT'D)

the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

4. An EIR was prepared and adopted for this project by the City of Petaluma. The State Lands Commission's staff has reviewed such document and believe that it complies with the requirements of the CEQA.

APPROVALS OBTAINED:

United States Army Corps of Engineers, Regional Water Quality Control Board, Department of Fish and Game, and Department of Boating and Waterways.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Site Map.
- D. Findings.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A FINAL EIR WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PETALUMA AS CEQA LEAD AGENCY, AND THAT IT HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
2. ADOPT THE FINDINGS AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ITS GUIDELINES WHICH WERE ADOPTED BY THE CITY OF PETALUMA AND HEREBY INCORPORATED BY REFERENCE AND ATTACHED AS EXHIBIT "D".
3. FIND THAT THE PROJECT, AS PROPOSED, WILL HAVE A SIGNIFICANT EFFECT UPON THE ENVIRONMENT, BUT THAT THE SIGNIFICANT IMPACTS ON THE ENVIRONMENT HAVE BEEN REDUCED TO THE MAXIMUM EXTENT FEASIBLE BY THE MITIGATION MEASURES ADOPTED BY THE CITY OF PETALUMA.
4. FIND THAT THE ACTIVITY IS CONSISTANT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

CALENDAR ITEM NO. 37 (CONT'D)

5. AUTHORIZE ISSUANCE TO CITY OF PETALUMA OF A 30-YEAR GENERAL LEASE - PUBLIC AGENCY USE BEGINNING JULY 1, 1988; WITH LESSEE'S OPTION TO RENEW FOR ONE SUCCESSIVE PERIOD OF TEN YEARS; IN CONSIDERATION OF RENT IN THE AMOUNT OF \$250 PER ANNUM FOR THE FIRST THREE YEARS; \$6,522 PER ANNUM, OR SEVEN PERCENT (7%) OF GROSS INCOME, WHICHEVER IS GREATER, FOR THE NEXT TWO YEARS, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$2,000,000; FOR CONSTRUCTION AND OPERATION OF A PUBLIC MARINA INCLUDING RIPRAP PLACEMENT; DREDGE A MAXIMUM VOLUME OF 300,000 CUBIC YARDS OF MATERIAL (TO BE DISPOSED OF AT CITY DISPOSAL OR COUNTY LANDFILL SITE), TOGETHER WITH PERIODIC MAINTENANCE DREDGING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"  
LAND DESCRIPTION

W 23761

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.

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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 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 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  $71^{\circ}24'08''$ , an arc length of 438.91 to the TRUE POINT OF BEGINNING of the herein described parcel; thence leaving said curve S  $41^{\circ}04'00''$  E 362.99 feet; thence N  $48^{\circ}56'00''$  E 203.43 feet; S  $41^{\circ}04'00''$  E 221.00 feet; thence S  $03^{\circ}56'00''$  W 33.00 feet; thence S  $48^{\circ}56'00''$  W 83.50 feet; thence S  $41^{\circ}04'00''$  E 292.00 feet; thence N  $48^{\circ}56'00''$  E 91.00 feet; thence S  $86^{\circ}04'00''$  E 28.50 feet; thence S  $41^{\circ}04'00''$  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  $30^{\circ}57'48''$  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  $42^{\circ}34'57''$  W 45.98 feet; thence along a curve to the right with a radius of 145.00 feet through a central angle of  $17^{\circ}56'47''$  for an arc length of 45.42 feet; thence N  $24^{\circ}38'10''$  W 696.54 feet; thence along a curve to the left with a radius of 255.00 feet through a central angle of  $8^{\circ}16'47''$  for an arc length of 36.85; thence N  $32^{\circ}54'57''$  W 214.09 feet; thence along a curve to the right with a radius of 145.00 feet through a central angle of  $08^{\circ}16'47''$  for an arc length of 20.95 feet; thence N  $24^{\circ}38'10''$  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  $21^{\circ}46'00''$  E, through a central angle of  $09^{\circ}50'40''$  for an arc length of 60.51 feet to the Point of Beginning.

END OF DESCRIPTION

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

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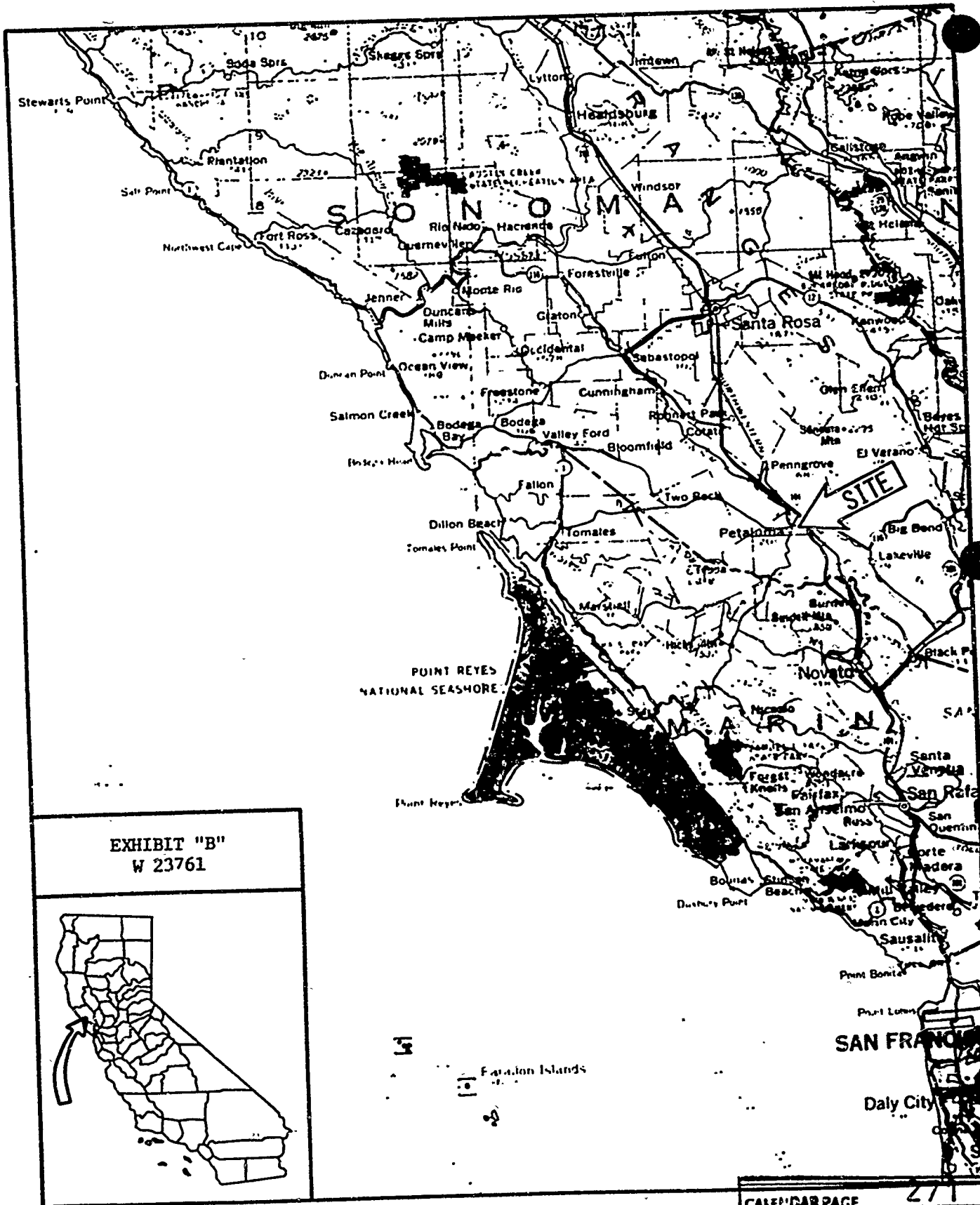


EXHIBIT "B"  
W 23761





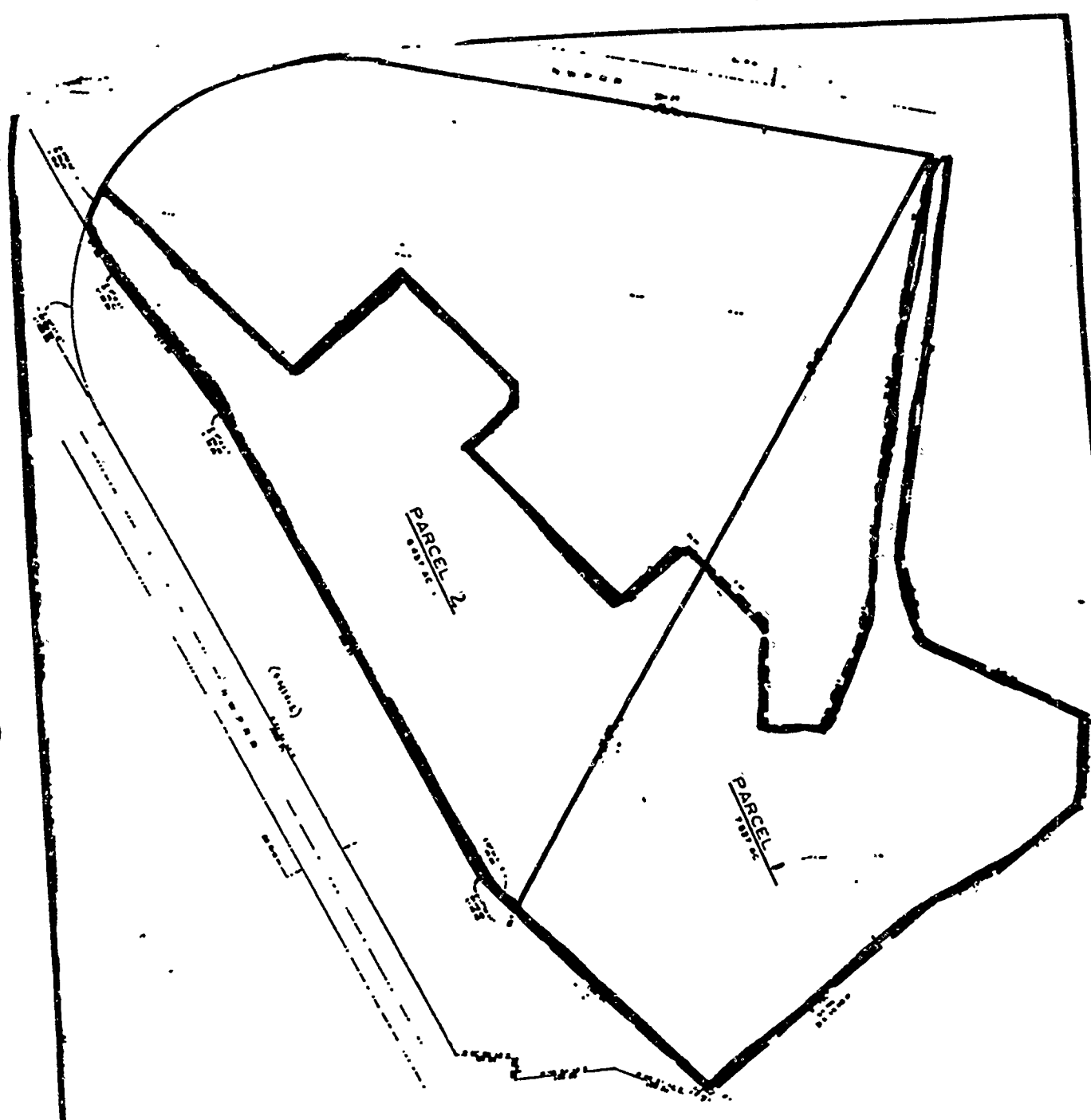


EXHIBIT "C"  
W 23761

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EXHIBIT "D"

Resolution No. 86-294 N.C.S.  
of the City of Petaluma, California

CERTIFYING, APPROVING AND ADOPTING THE FINAL  
ENVIRONMENTAL IMPACT REPORT FOR THE  
PETALUMA MARINA AND OFFICE PARK PROJECT  
AND ASSOCIATED IMPROVEMENTS

ATTEST  
CITY CLERK OF PETALUMA  
BY  
NOV 19 1986  
THE ORIGINAL IS A  
TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

WHEREAS, the California Environmental Quality Act of 1970, as amended, provides that all local agencies shall prepare, or cause to be prepared by contract, and certify the adoption of an Environmental Impact Report prepared in the manner therein provided on any project intended to be carried out or approved, which may have a significant effect on the environment; and,

WHEREAS, the Draft Environmental Impact Report for the Sonoma Highlands residential project was published on August 15, 1986; and,

WHEREAS, the Planning Commission after noticed public hearing held on October 14, 1986, recommended that the Environmental Impact Report be forwarded to the City Council for final certification together with comments made at the public hearing or submitted beforehand in writing, and responses thereto:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Petaluma that the documents comprising the Final Environmental Impact Report, and written comments received thereon and the responses thereto, together with a list of persons, organizations and public agencies commenting and comments received thereon and the responses thereto, are hereby determined to constitute the Final Environmental Impact Report for the Petaluma Marina and Office Park project; and,

BE IT FURTHER RESOLVED THAT, the City Council of the City of Petaluma does hereby certify and approve said Final Environmental Impact Report and in connection with this approval makes the following findings pursuant to State and Local Guidelines:

1. The Final Environmental Impact Report for the Petaluma Marina and Office Park project adequately evaluates the project's impact upon the environment and has been completed in accordance with the California Environmental Quality Act and in accordance with the Guidelines for Implementation of said Act prescribed by the State of California Secretary of Resources and with the Local Guidelines implementing the California Environmental Quality Act adopted by the Council of the City of Petaluma;

2. The City Council has reviewed and considered the information in said Final Environmental Impact Report; and that qualified consultants have prepared the Final Environmental Impact Report; and the City Council has reviewed the environmental documents applicable to the recommended project prior to approving the Petaluma Marina/Office project;

3. The Final Environmental Impact Report adequately describes possible alternatives to the proposed project, as well as all significant irreversible environmental changes which would be involved in the proposed action should it be implemented;

4. The Final Environmental Impact Report adequately describes the cumulative and long-term effects of the proposed project which might adversely affect the state of the environment;

5. The Final Environmental Impact Report adequately addresses the growth inducing impacts of the proposed project.

6. The Final Environmental Impact Report for the project includes a thorough review of potentially significant adverse environmental effects and proposes mitigation measures to lessen or eliminate said effects. Said effects, the requisite findings and explanation of the rationale for each finding, pursuant to Section 15091 of the California Environmental Quality Act Guidelines as amended, and the mitigation measures required of the project to substantially lessen or eliminate said effects shall be further reviewed, discussed, and/or adopted at such time as the project receives development approvals. Said review shall be based on the information contained in the Final Environmental Impact Report and on information gathered at appropriate public hearings.

reso.marina

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a (Regular) (Adjourned) (~~Special~~) meeting on the 27th day of October, 19 86, by the following vote:

Approved by

City Attorney

AYES: SOBEL, WOOLSEY, CAVANAGH, BALSHAW, VICE MAYOR TENCER, MAYOR MATTEI

NOES:

ABSENT: DAVIS

ATTEST:

City Clerk

Mayor

Council File 1203-07  
Res No. 86-294 N.C.S.

CA 10-85

CALIF. BAR PAGE	<u>274</u>
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**EFFECTIVE DATE  
OF ORDINANCE**  
MAR 1 1988

RECEIVED  
JUL 27 1988  
PLANNING DEPT.

ORDINANCE NO. 1713 N.C.S.

Introduced by Councilman

Seconded by Councilman

John Balshaw

Michael Davis

AN ORDINANCE AMENDING ZONING ORDINANCE NO.  
1072 N.C.S. AS AMENDED, BY RECLASSIFYING AND REZONING  
27.42 ACRES LOCATED AT THE SOUTHERN TERMINUS OF  
BAYWOOD DRIVE FROM M-L/FP-C TO PCD/FP-C  
- AP NO's 005-060-06, 24, 27 and 28 -

BE IT ORDAINED by the Council of the City of Petaluma as follows:

Section 1. The City Council finds that the Planning Commission filed with the City council on January 19, 1988, its report as set forth in its minutes of January 12, 1988 (Item No. 3,351), recommending the adoption of an amendment to Zoning Ordinance No. 1072 N.C.S., as amended, by reclassifying and rezoning certain lands being more particularly described as Sonoma County Assessor's Parcel Numbers 005-060-24, 27 and 28 from Light Industrial (M-L) and Flood Plain Combining (FP-C) zones to Planned Community District (PCD) and Flood Plain Combining - all areas currently zoned FP-C remaining as such - for purposes of a marina/office/commercial retail/hotel project.

Section 2. The City Council further finds that said Planning Commission held public hearings on said proposed amendment to Zoning Ordinance No. 1072 N.C.S., as amended, culminating on January 12, 1988 after giving notice of said hearings in the manner, for the period and in the form required by said Ordinance No. 1072 N.C.S., as amended. Minutes of the public hearings as well as all written information considered by the Planning Commission have been received and reviewed by the Council.

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Section 3. Pursuant to the provisions of Zoning Ordinance No. 1072 N.C.S., as amended, State and local environmental review procedures, and based upon the evidence it has received, the City Council hereby makes the following findings:

- A. The proposed rezoning and development described by its PCD program is in substantial harmony with the General Plan of the City of Petaluma, and is coordinated with existing and planned development of the surrounding areas and, further, the public interest, convenience and general welfare will be furthered by the proposed amendment.
- B. The streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby. Incorporation of conditional uses in the PCD program allow incremental review of some uses most likely to create too much traffic.
- C. Development of the P-C District will be initiated within a reasonable time.
- D. Development will be appropriate in area, location, and overall planning to the purpose intended; and that the development will be in harmony with or improve upon the character of the surrounding areas.
- E. The development will be appropriate in area, location and overall planning to the purpose intended; that the design and development standards are such as to create an environment of sustained desirability and stability.
- F. The City is committed to implement measures to mitigate potential significant adverse effects of this development through the design, construction, and on-going management of the marina facilities.
- G. A downstream erosion monitoring and levee repair program that may minimize property damage from project-related increases in shoreline erosion (i.e., due to increased boat traffic) shall be considered by the

City after completion of the marina upon evidence that a significant increase in erosion has, in fact, occurred.

Section 4. The City Council also finds that the requirements of the California Environmental Quality Act Guidelines' Section 15091 are satisfied because changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the potentially significant environmental effects identified in the EIR and further identified in the following sub-findings:

- A. Traffic. The City Council hereby finds that potentially significant impacts to traffic circulation will be substantially lessened by all of the following measures which have been incorporated into the project as Condition Nos. 1,3,4.
- B. Flood/Drainage. The City Council hereby finds that potentially significant impacts to the site's water runoff and corresponding affects to areawide flooding due to installation of impervious surfaces and fill have been substantially lessened by Condition No. 5.
- C. Archaeological. The City Council hereby finds that the possibility of discovering and damaging subsurface prehistoric and/or historic archaeological materials within the project boundaries will be avoided by the halting of construction as required in Condition No. 13.
- D. Water Quality/Sedimentation. The City Council hereby finds that the possible adverse effects to water quality due to sedimentation or pollution caused by this project will be lessened to a level of insignificance by the requirements of Condition No. 19, 20 and 21.
- E. Wetland Habitat. The City Council hereby finds that potentially significant adverse impacts to wetland habitat areas will be

mitigated through designs already incorporated in the project design and requirements of Condition No. 2,12,16,17,19 and 21.

Section 5. The City Council finds that the requirements of California Environmental Quality Act have been satisfied by Resolution No. 86-294 N.C.S. and hereby incorporates by reference the Environmental Impact Report prepared for the project site.

Section 6. Pursuant to the provisions of Zoning Ordinance No. 1072 N.C.S., as amended, and based upon the evidence it has received and in accordance with the findings made, the City Council hereby adopts amendment to said Zoning Ordinance No. 1072 N.C.S. so as to reclassify and rezone said property hereinbefore referred to in accordance with the recommendation of the Planning Commission.

Section 7. The City Clerk is hereby directed to post this ordinance for the period and in the manner required by the City Charter.

INTRODUCED and ordered posted this 19th day of January, 1988.

ADOPTED this 1st day of Feb., 1988 by the following vote:

AYES: Sobel, Balshaw, Cavanagh, Davis, Tencer, Vice Mayor Woolsey, Mayor Hilligoss

NOES: 0

ABSENT: 0

Attest:

M. Patricia Hilligoss  
Mayor

Paulette Lyon  
City Clerk

Approved:

[Signature]  
City Attorney