

MINUTE ITEM

This Calendar Item No. CO4
was approved as Minute Item
No. 4 by the State Lands
Commission by a vote of 2
to 0 at its 11-5-91
meeting.

CALENDAR ITEM

A 9
S 2, 3

004

11/05/91
PRC 5083
N. Smith

GENERAL PERMIT - RECREATIONAL AND RESIDENTIAL USE

LESSEE:

Lorenze W. Pedersen
136 Harbor Drive
Novato, California 94947

AREA, TYPE LAND AND LOCATION:

A 0.091-acre parcel of tide and submerged land in the
Petaluma River, Marin County.

LAND USE:

Use and maintenance of an existing walkway, boat dock,
boathouse, and stationary ark.

TERMS OF ORIGINAL PERMIT:

Initial period:

Ten (10) years beginning January 15, 1981.

Public liability insurance:

Combined single limit coverage of \$100,000.

Consideration:

\$30 per annum; five-year rent review.

TERMS OF PROPOSED PERMIT:

Initial period:

Ten (10) years beginning January 15, 1991, without
right to renewal or extension.

Surety bond:

\$2,000.

Public liability insurance:

Combined single limit coverage of \$300,000.

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CONSIDERATION:

\$330 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. The proposed lease premises is comprised of .069 acre for the existing walkway, boat dock, and boathouse are rent-free pursuant to Section 6503.5 of the P.R.C. and .022 acre for the stationary ark that rental is charged for.
2. The original permit expired January 14, 1991 with no provisions for renewal; permittee desires to continue use of existing facilities.
3. 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 under which the Commission holds State-owned sovereign lands, and should be 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 which preclude any new or expanded residential use of the lease premises.
4. 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

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

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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, 2 Cal. Code Regs. 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Diagram of Authorized Improvements

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE, WITH RESTRICTIONS, TO LORENZE W. PEDERSEN OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL AND RESIDENTIAL USE, BEGINNING JANUARY 15, 1991; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$330, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR AN EXISTING WALKWAY, BOAT DOCK, BOATHOUSE, AND STATIONARY ARK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

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.

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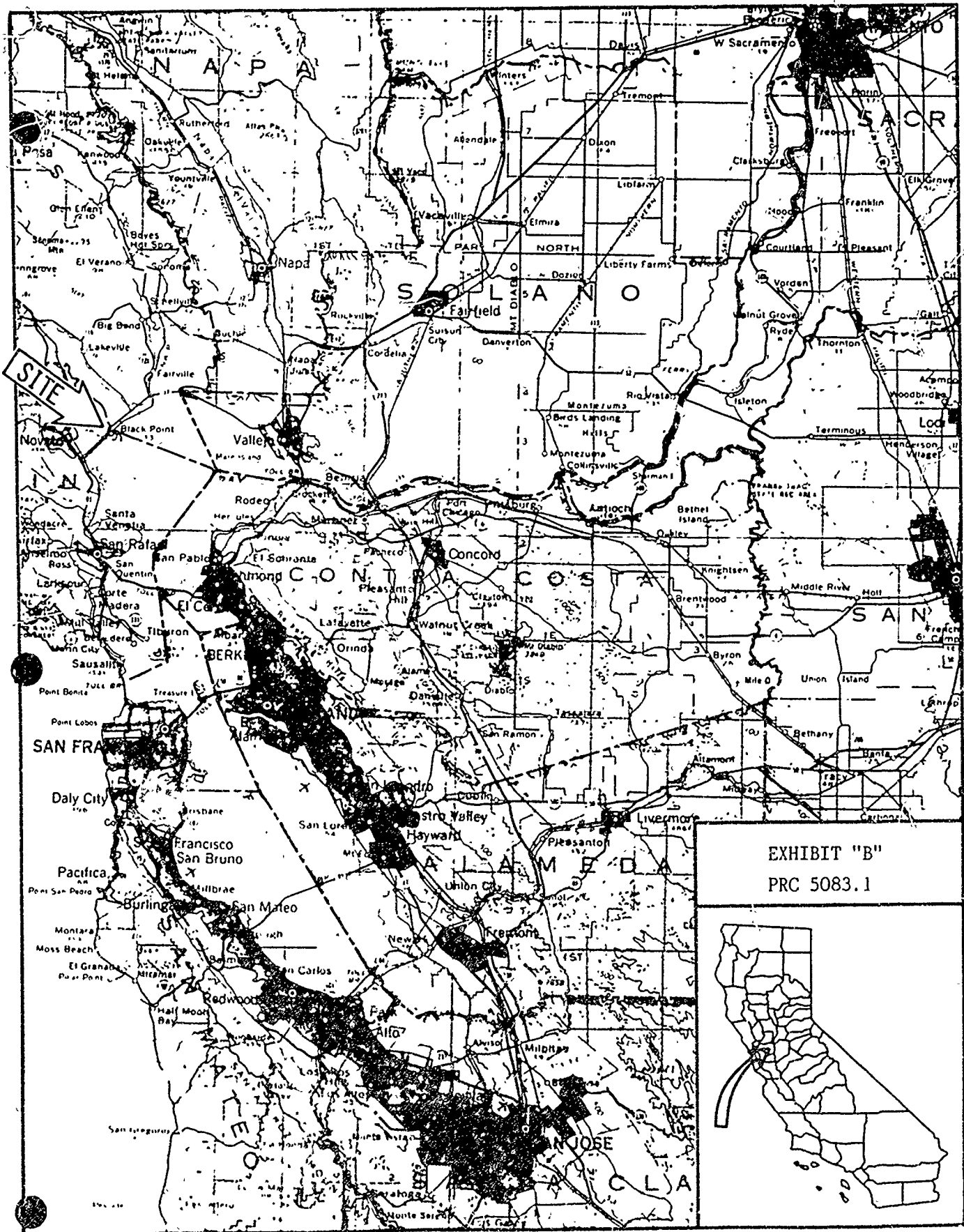
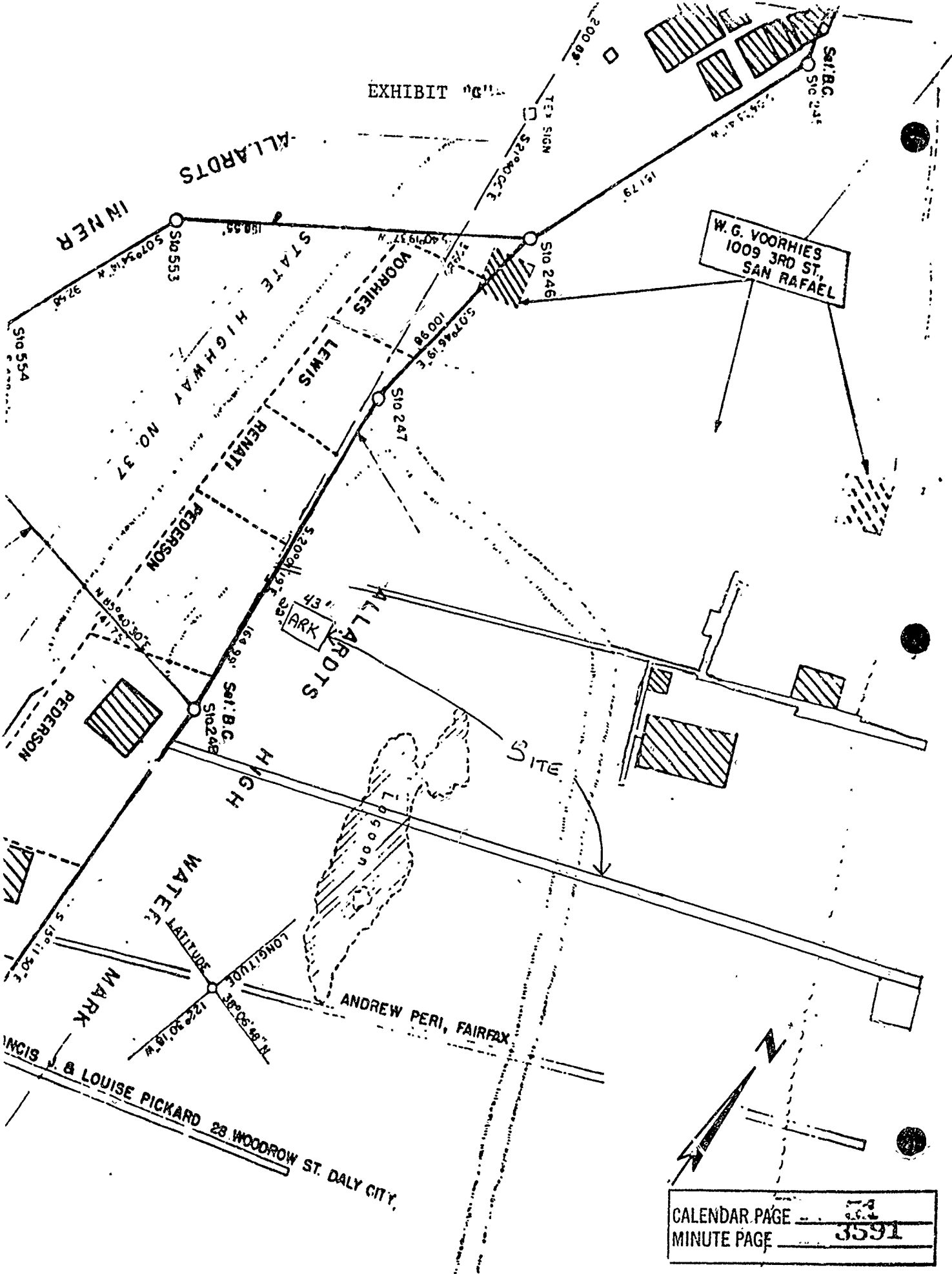


EXHIBIT "B"
 PRC 5083.1

EXHIBIT 'C'



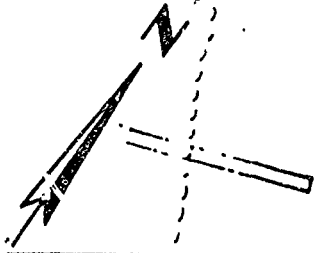
W.G. VOORHIES
 1009 3RD ST,
 SAN RAFAEL

43' ARK

SITE

ANDREW PERI, FAIRFAX

VINCIS & LOUISE PICKARD 28 WOODROW ST. DALY CITY



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