

MINUTE ITEM

This Calendar Item No. C53 was approved as Minute Item No. 53 by the California State Lands Commission by a vote of 2 to 0 at its 12-08-05 meeting.

**CALENDAR ITEM
C53**

A 6
S 3

12/08/05
PRC 5083.1
N. Quesada

CONTINUATION OF RENT

LESSEE:

Lorenze W. Pedersen

AREA, LAND TYPE, AND LOCATION:

0.091 acres, more or less, of sovereign lands in the Petaluma River, city of Novato, Marin County.

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning January 15, 2001.

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 rent be continued at \$330 per year, effective January 15, 2006.

OTHER PERTINENT INFORMATION:

1. Lessee owns the two uplands adjoining the lease premises, located in the Petaluma River, near Black Point, Marin County.
2. On April 24, 2001, the Commission authorized a General Lease – Recreational and Residential Use to Lorenze W. Pedersen for the continued use and maintenance of a walkway, stationary ark, boat dock, and boathouse. The existing walkway, boat dock and boathouse are located on parcel APN 157-012-13 which is developed with a single-family residence. The walkway, boat dock, and boathouse are rent-free pursuant to Section 6503.5 of the Public Resources Code.

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3. The stationary ark is located on the second adjoining property also known as APN 157-012-19 owned by Lorenze Pedersen. This parcel is not developed with a single family-residence. The rent charged is for the stationary ark which is used as a residence. Residential use is not consistent with the Public Trust Doctrine under which Commission holds State owned sovereign lands. Residential use has been permitted at Black Point only to the extent it now exists, for only so long as the State's lands are not needed for public trust purposes. The lease terms in PRC 5083.1 contain restrictions regarding residential structures. There have been no changes to the existing facilities.

EXHIBIT:

- A. Location Map

RECOMMENDED ACTION:

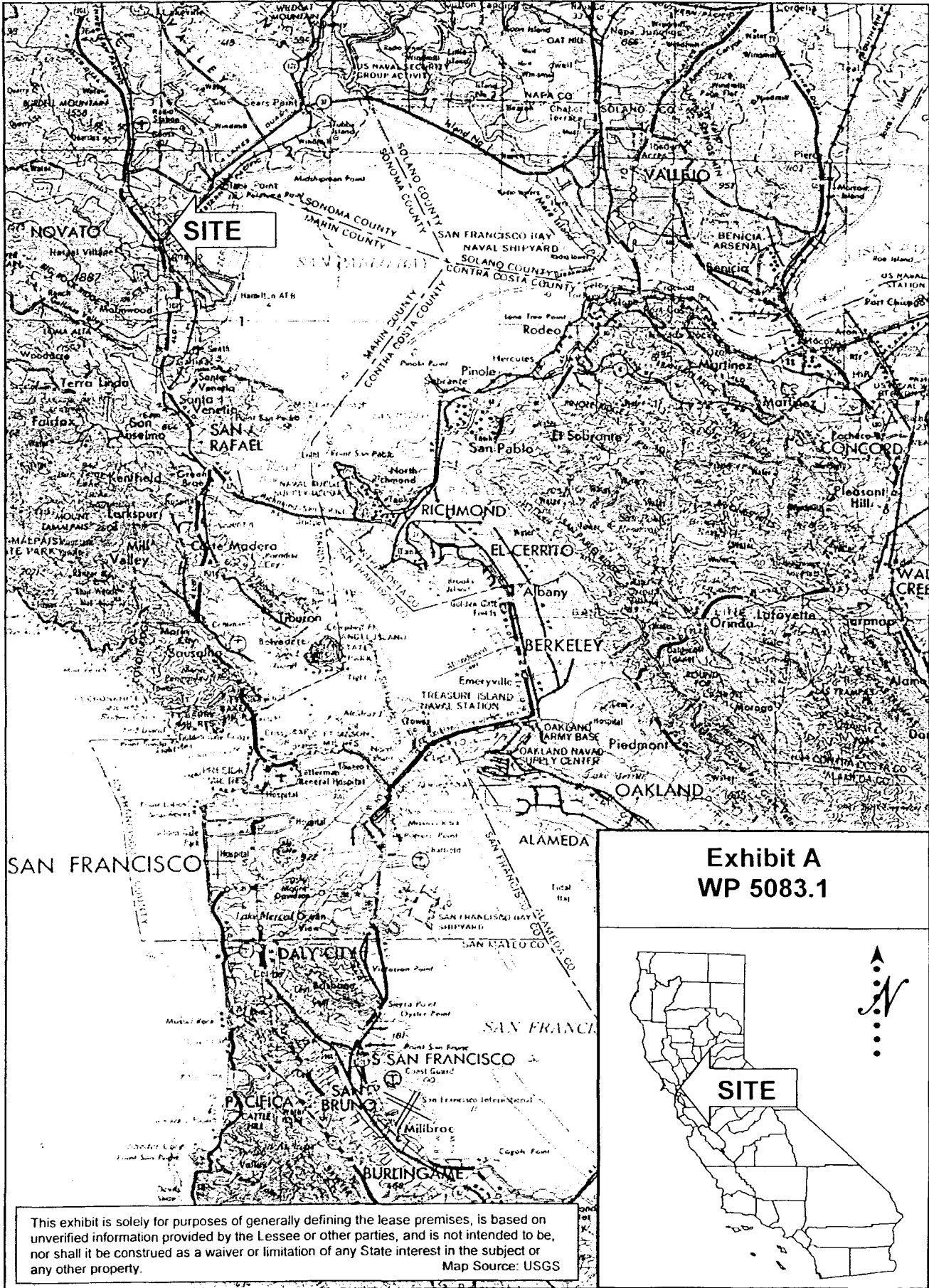
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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:

APPROVE THE CONTINUATION OF RENT FOR LEASE NO. PRC 5083.1 OF \$330 PER YEAR, EFFECTIVE JANUARY 15, 2006.



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applying for a new lease. Applicant qualifies for a rent-free lease pursuant to Public Resources Code section 6503.5 because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.

2. The existing bank protection at this location mutually benefits both the public and the Applicant. The public levee will have additional protection from wave action provided at no cost to the public.
3. **Existing U-Shaped Boat Dock, and Gangway:**
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.

4. **Existing Bank Protection:**
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 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(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 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.

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EXHIBIT:

- A. Site Map and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. **EXISTING U-SHAPED BOAT DOCK AND GANGWAY:** 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).

2. **EXISTING BANK PROTECTION:** 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 4, MINOR ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d) (2).

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

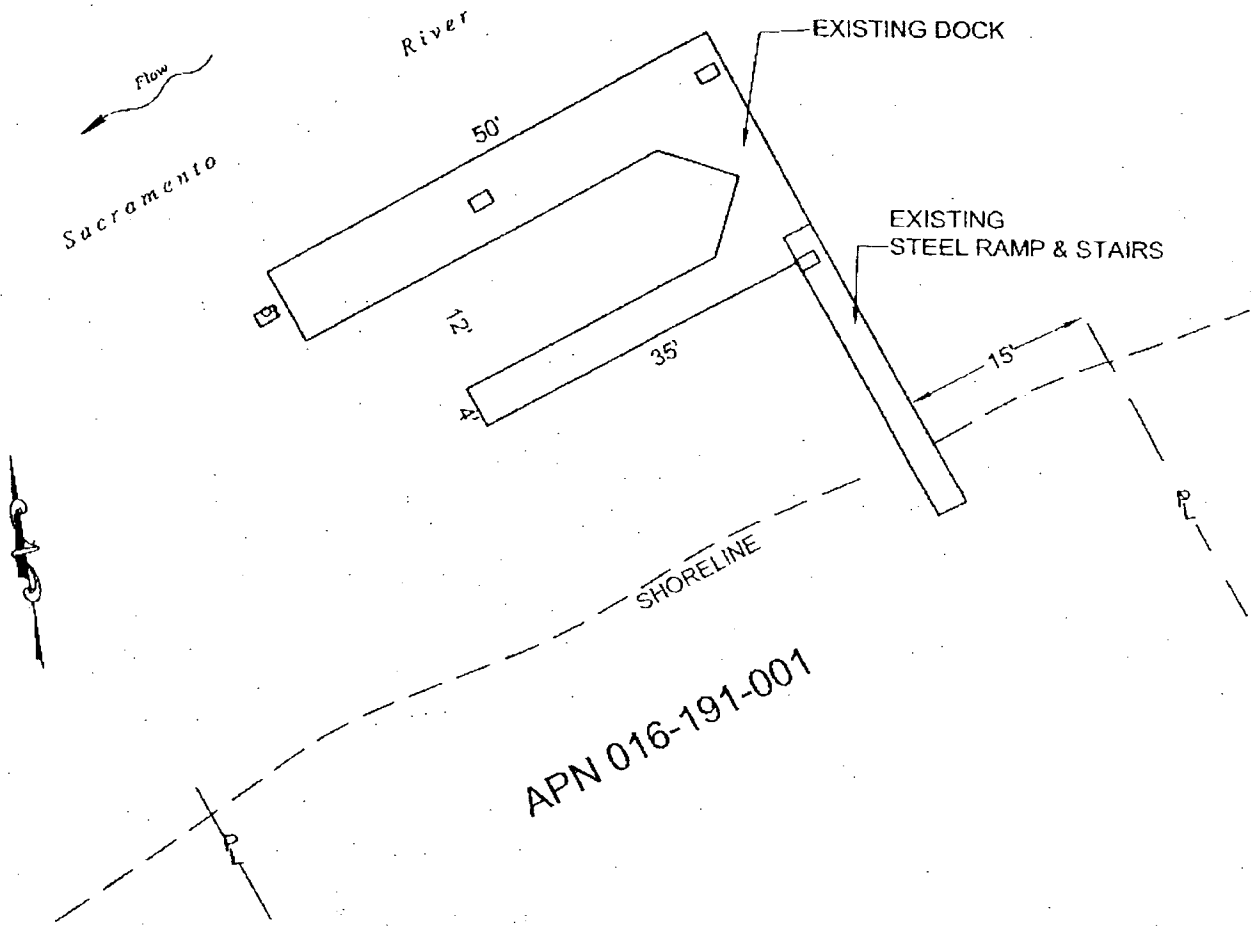
AUTHORIZE ISSUANCE TO JANEY K. JOHN, TRUSTEE FOR THE JANEY K. JOHN TRUST DATED NOVEMBER 6, 2000 OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING OCTOBER 24, 2005, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED U-SHAPED BOAT DOCK, GANGWAY, AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION FOR THE U-SHAPED BOAT DOCK AND GANGWAY PURSUANT TO PUBLIC RESOURCES

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CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION BEING THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.

NO SCALE

SITE



949 PIEDMONT DRIVE, SACRAMENTO RIVER

NO SCALE

LOCATION

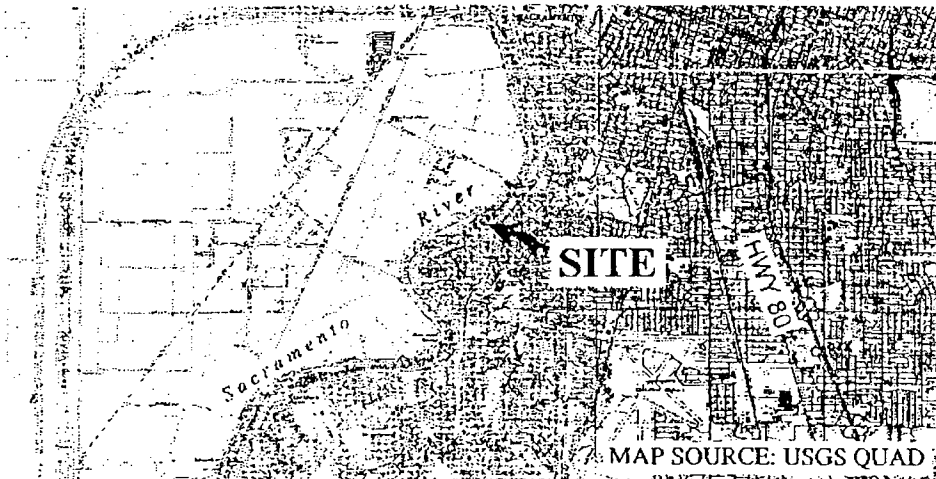


Exhibit A
 WP 6901.9
 JANEY K. JOHNS
 APN 016-191-001
 GENERAL LEASE
 RECREATIONAL USE
 SACRAMENTO COUNTY



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.

MJT 10/05

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