

**MINUTE ITEM**

This Calendar Item No. C36 was approved as Minute Item No. 36 by the California State Lands Commission by a vote of 3 to 0 at its 8/24/06 meeting.

**CALENDAR ITEM**

**C36**

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8/24/06

PRC 2651

WP 2651.1

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J. McComas

**GENERAL LEASE -  
RECREATIONAL AND RESIDENTIAL USE**

**APPLICANT:**

Barbara J. Bruton, Trustee of the Bruton Survivor's Trust, a subtrust of the Martin Patrick Bruton and Barbara Janice Bruton Revocable Living Trust utd 11/28/90

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the Petaluma River, at Black Point, near Novato, Marin County.

**AUTHORIZED USE:**

Continued use and maintenance of an uncovered floating boat dock, walkway, shed, float, and a cabin as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning March 1, 2007.

**CONSIDERATION:**

\$478 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance: Combined single limit coverage of no less than \$500,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On February 12, 1997, the Commission authorized a General Lease - Recreational and Residential Use with Martin P. and Barbara J. Bruton. On October 1, 2002, the Commission authorized a lease assignment to Barbara J. Bruton, Trustee of the Bruton Survivor's Trust, a subtrust of the Martin Patrick Bruton and Barbara Janice Bruton Revocable Living Trust utd 11/28/90. That lease will expire on February 28, 2007. Applicant is

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now applying for a new General Lease - Recreational and Residential Use. Pursuant to Public Resources Code section 6503.5, Applicant's existing shed and cabin do not qualify for rent-free status because they are used for residential use and not for the docking and mooring of boats. The existing uncovered floating boat dock, walkway, and float do qualify for rent-free status.

3. 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. 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 Map and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

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).

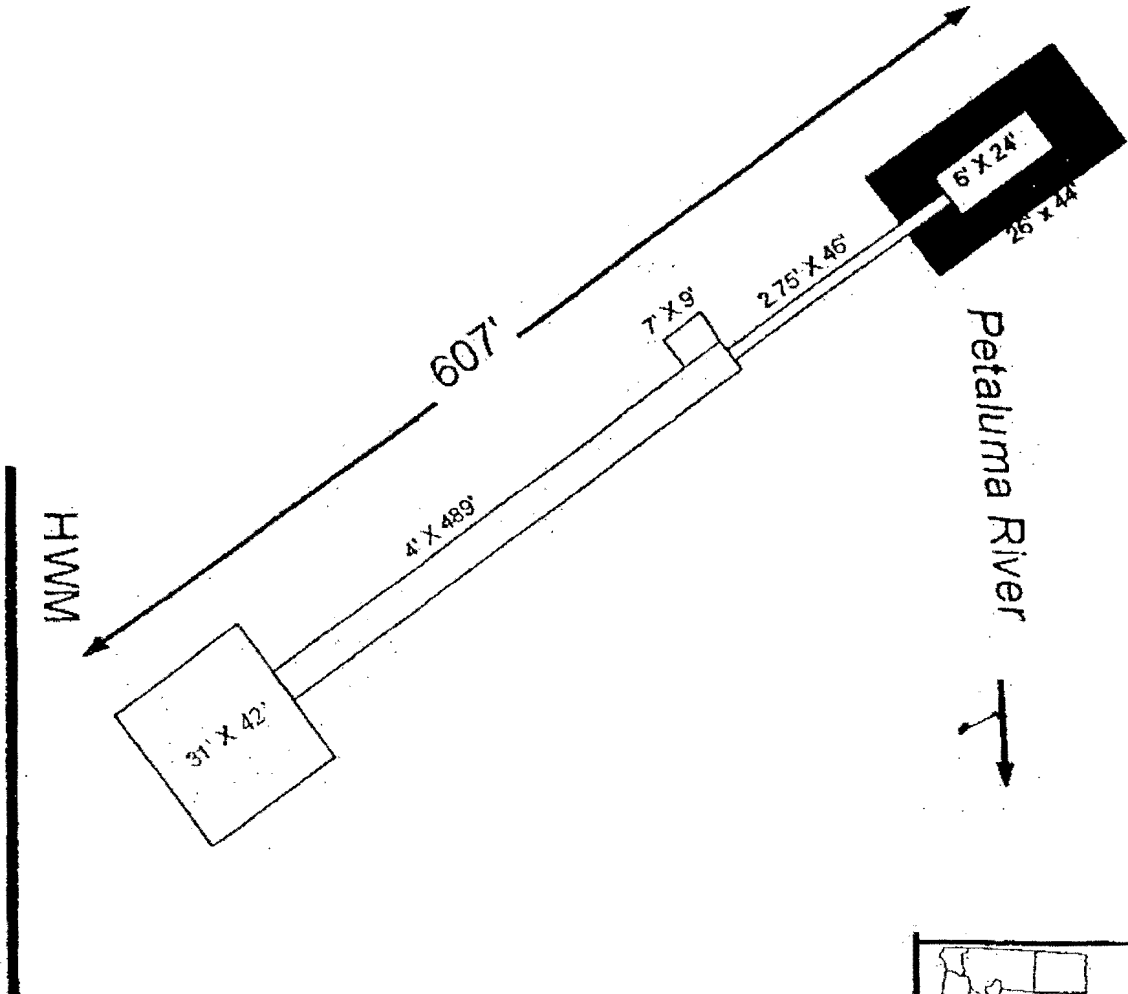
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**SIGNIFICANT LANDS INVENTORY FINDING:**

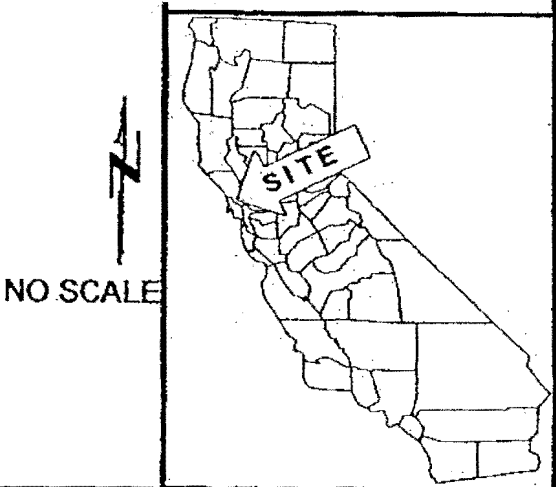
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO BARBARA J. BRUTON, TRUSTEE OF THE BRUTON SURVIVOR'S TRUST, A SUBTRUST OF THE MARTIN PATRICK BRUTON AND BARBARA JANICE BRUTON REVOCABLE LIVING TRUST UTD 11/28/90, OF A GENERAL LEASE - RECREATIONAL AND RESIDENTIAL USE, BEGINNING MARCH 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK, WALKWAY, SHED, FLOAT, AND CABIN AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$478, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH A COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.



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 GL - Recreational &  
 Residential Use  
 Petaluma River  
 MARIN COUNTY



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

**Exhibit A**  
**WP 2651.1**