

**CALENDAR ITEM
C100**

A 6
S 3

6/23/11
PRC 8724.1
D. Simpkin

**CONSIDER RESCISSION OF APPROVAL OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Fresno Properties II, LLC
625 Second Street, Suite 201
Petaluma, CA 94952

AREA, LAND TYPE, AND LOCATION:

5,936 square feet, more or less, of sovereign land in the Petaluma River, city of Petaluma, Sonoma County.

AUTHORIZED USE:

Construction, use, and maintenance of a ramp, elevated boardwalk, and a two-tiered sheet pile wall for bank stabilization (public use), a gangway and floating dock (private use).

LEASE TERM:

10 years, beginning July 15, 2007.

CONSIDERATION:

\$6,200 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:

Insurance:

Liability insurance of no less than \$1,000,000

Bond:

\$10,000

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

CALENDAR ITEM NO. **C100** (CONT'D)

2. On November 21, 2006, the Commission authorized a General Lease-Recreational Use with Fresno Properties II, LLC. The lease expires July 14, 2017.
3. The Lessee signed the lease in 2006, but Commission staff never executed the lease because they were waiting on the lessee to submit the necessary bond.
4. On March 30, 2011, the Lessee contacted Commission staff to inform them that the proposed project has been terminated and that a lease is no longer necessary. Staff is now recommending the rescission of the Commission authorization.
5. Pursuant to the Commission's delegation of authority and State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

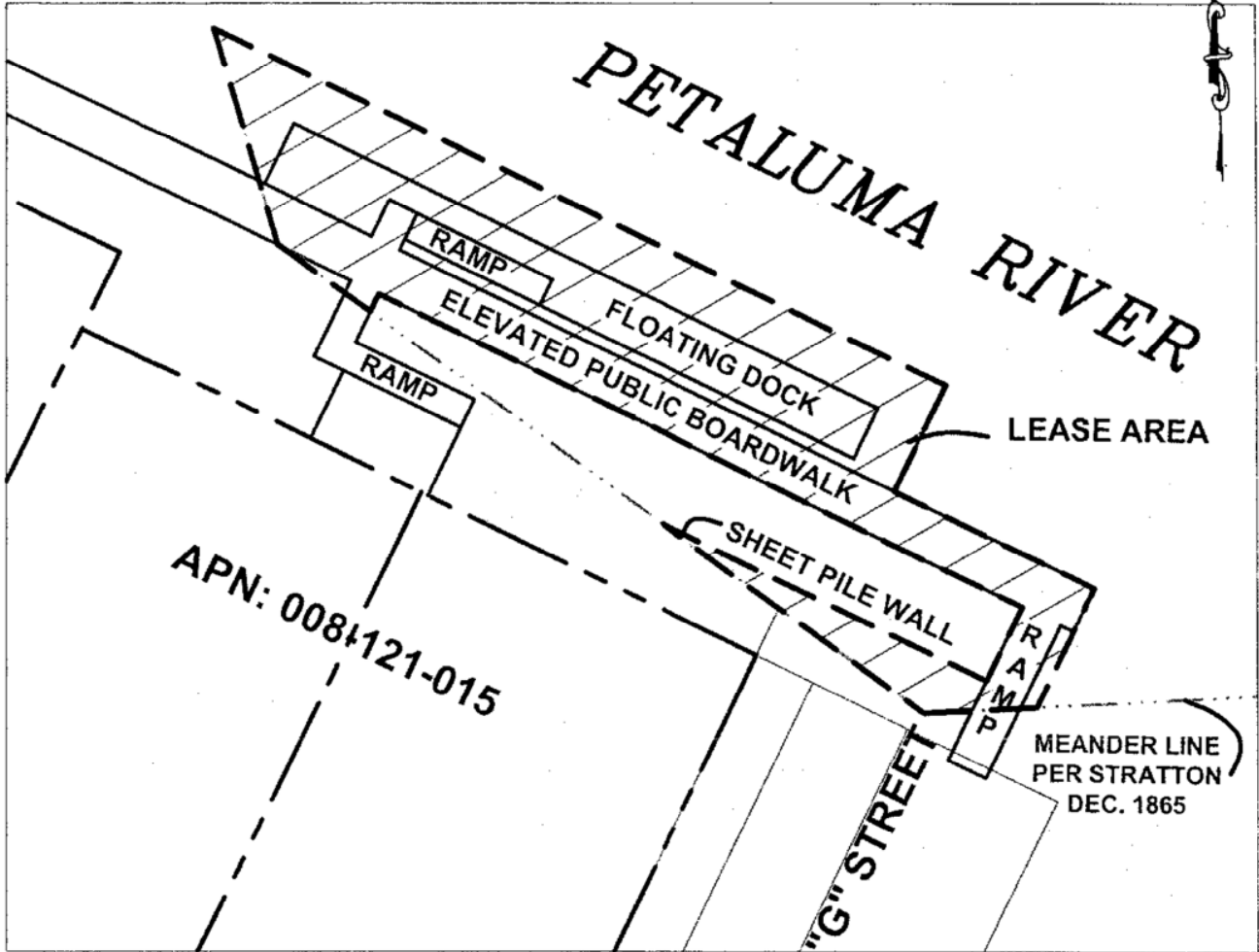
Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

AUTHORIZATION:

Authorize rescission of Minute Item C39 of the November 21, 2006 Commission meeting, authorizing the issuance of a General Lease-Recreational Use to Fresno Properties II, LLC.

NO SCALE

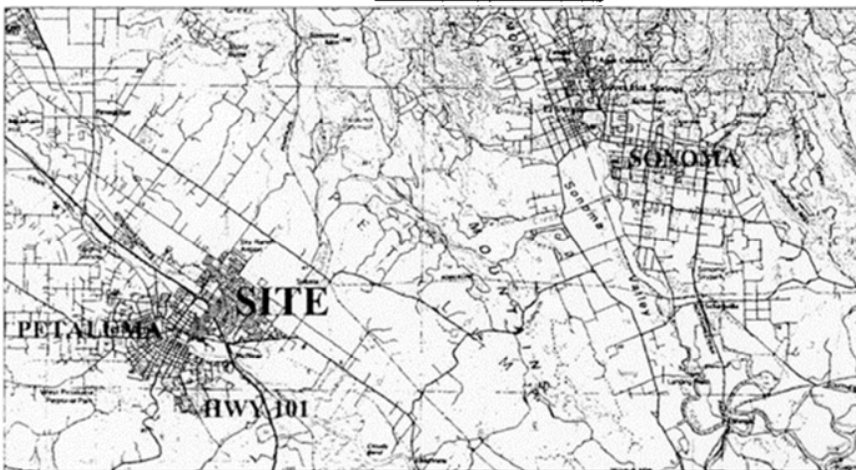
SITE



RIVER LOFTS AT PETALUMA, 419 FIRST STREET

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 8724.1
 APN:008-121-014 & 015
 GENERAL LEASE
 RECREATIONAL USE
 PETALUMA RIVER
 SONOMA 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.

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Petaluma River, situated in Sonoma County, California, said parcel being more particularly described as follows:

Beginning at a point on the right bank of the Petaluma River, from which the centerline intersection of G Street and First Street, as shown on that certain Record of Survey Map filed February 14, 2005, in Book 672 of Maps at Page 45, Official Records, Sonoma County, bears S 25° 58' 00" W 243.00 feet; thence N 86° 57' 19" E 22.26 feet; thence N 25° 58' 00" E 26.35 feet; thence N 64° 02' 00" W 43.91 feet; thence N 25° 58' 00" E 23.32 feet; thence N 64° 02' 00" W 161.41 feet; thence S 16° 27' 14" E 44.55 feet; thence S 53° 59' 58" E 22.68 feet, thence N 25° 58' 00" E 3.86 feet; thence S 64° 02' 00" E 141.74 feet; thence S 25° 58' 00" W 16.33 feet; thence N 64° 02' 00" W 71.28 feet; thence S 53° 59' 58" E 63.98 feet, more or less to the point of beginning.

EXCEPTING THEREFROM any land lying landward of the Ordinary High Water Mark of the Petaluma River.

END OF DESCRIPTION

Prepared 08-01-2006 by the Boundary Unit of the California State Lands Commission.

