

MINUTE ITEM

This Calendar Item No. 18
was approved as Minute Item
No. 18 by the State Lands
Commission by a vote of 3
to 0 at its 6/29/82
meeting.

MINUTE ITEM
18

6/29/82
W 22566
Lane

During consideration of Calendar Item 18, attached, Mr. Mathew Hudson, attorney for Mrs. Natalie Miller, adjacent property owner, appeared to express his client's continued opposition to the proposed lease. Mr. Hudson had originally raised Mrs. Miller's concerns at the March 23, 1982 Commission meeting.

After some discussion, and upon motion duly made and carried, the resolution in Calendar Item 18 was approved by a vote of 3-0.

Attachment: Calendar Item 18.

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CALENDAR ITEM

18

6/29/82
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GENERAL LEASE - COMMERCIAL USE

APPLICANT: Leon and Phyllis Lahargoue,
dba Lakeville Marina
5688 Lakeville Highway
Petaluma, California 94952.

AREA, TYPE LAND AND LOCATION:
A 0.5[±] acre parcel of tide and submerged
land located in the Petaluma River at Lakeville,
Sonoma County.

LAND USE: For operation and maintenance of marina
facilities.

TERMS OF PROPOSED LEASE:
Initial period: 15 years from January 1,
1982.
Surety bond: \$2,000.
Public liability insurance: Combined single
limit coverage of \$200,000.

CONSIDERATION: \$663 per annum with the 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.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is lessee of upland.
Filing fee has 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: 10/19/82.

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OTHER PERTINENT INFORMATION:

1. The tide and submerged land covered by the proposed lease contains floating docks, walkways and a launching ramp. A restaurant and bar, which are part of the marina operation, are situated on the uplands. A portion of the proposed lease may extend up to 100 linear feet downriver in front of the adjacent property owned by Mrs. Natalie O'Malley Miller. This extension is located approximately 30 feet waterward of the upland.

Land titles in the immediate area have not been finalized, but based on available information to date, that portion of Mrs. Millers parcel, fronting the river, was originally a tidelands sale and is therefore subject to the public trust easement. Approximately 150 feet separate the docks from the property Mrs. Miller owns in fee not subject to the easement.

Counsel for Mrs. Miller was informed of the proposed lease in a timely manner, pursuant to Cal. Adm Code, Title 2, Div. 3, Chapter 1, Article 2, Section 2000.

The proposed lease, as Calendar Item 16, was scheduled for approval at the March 23, 1982 Commission meeting. At said meeting, Mrs. Miller's Counsel appeared to express her concerns. At that time, the Commission directed staff to undertake a review and attempt to work out a compromise between the parties before presenting the item at a future meeting. On March 30, 1982, staff conducted an on-site inspection and met with all parties with interests in the proposed marina lease to review the problems associated with the marina's facilities. Per Mrs. Miller's Counsel, Mrs. Miller was and continues to be adamantly opposed to the existing lease area for several reasons, including dogs from the dock menacing sheep on

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her property, enticing boaters to stop on her property, loss of water frontage use of her property, and because she is just opposed to the dock. The main concern emphasized involves the dogs and sheep. Staff found that the applicant is willing to cooperate and compromise. At this date she has prepared and will post signs forbidding dogs at the marina. Based on the cooperation of the applicant, the public trust easement, the apparent economic necessity of the dockage as is, and the fact that the dockage affects a relatively small percentage of Mrs. Miller's river frontage, and is not attached to Mrs. Miller's land, and that other than possibly the menacing dog situation, no economical or social hardships appear to affect Mrs. Miller, staff is recommending that the Commission approve this transaction. It is evident also that dogs may enter Mrs. Miller's property at all points along its perimeter. It is reported that the sheep commonly escape through the fencing and come onto the applicant's upland property.

2. Staff believes that it is in the best interest of the State not to charge for back rent, interest and/or penalties in the interest of securing an acceptable lease with the current tenant. This area is subject to a staff effort to bring trespassers under lease.
3. The proposed lease requires that the lessee keep a valid lease or other agreement authorizing the use of the subject marina upland with Mr. Gilardi or subsequent owners of the property.
4. This project is exempt from CEQA because it involves existing facilities, 2 Cal. Adm. Code, Div. 3, Section 2905, Class 1.
5. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and

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is classified in use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.

FURTHER APPROVALS REQUIRED:

United States Corps of Engineers and San Francisco Bay Conservation Development Commission.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2905; AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. AUTHORIZE ISSUANCE TO LEON AND PHYLLIS LAHARGOUE, dba LAKEVILLE MARINA OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1982; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$663, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; BACK RENT, INTEREST AND/OR PENALTIES TO BE WAIVED; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$200,000; FOR OPERATION AND MAINTENANCE OF EXISTING MARINA FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 22566

A parcel of State-owned land in Petaluma Creek at Lakeville, Sonoma County, California, described as follows:

COMMENCING at a point on the southwesterly line of Lakeville Highway which bears S 35° 37' W 47.10 feet from Engineer's Station 194+97 P.O.T. of the survey for said highway; thence along said Lakeville Highway N 22° 30' 30" W 306.54 feet; thence along a tangent curve to the left having a radius of 4960 feet through a central angle of 03° 39' for an arc distance of 315.97 feet; thence N 26° 09' 30" W 552.10 feet to the southeastern line of the tract described in the deed to James Gilardi and Adeline Gilardi, recorded in Book 469, page 78, Official Records of Sonoma County; thence northwesterly along said southwesterly line of Lakeville Highway 150 feet to the POINT OF BEGINNING; thence parallel with and 150 feet northwesterly from the northwesterly line of the tract described in the deed to Frank Bello, et al, recorded in Book 557 of Official Records, page 367, Sonoma County Recorders Office S 35° 37' W 425 feet; thence the following six courses:

1. S 54° 23' E 240 feet;
2. S 35° 37' W 25 feet;
3. N 54° 23' W 502 feet;
4. N 35° 37' E 25 feet;
5. N 80° 37' E 55 feet, and
6. N 35° 37' E 380 feet more or less to a point on

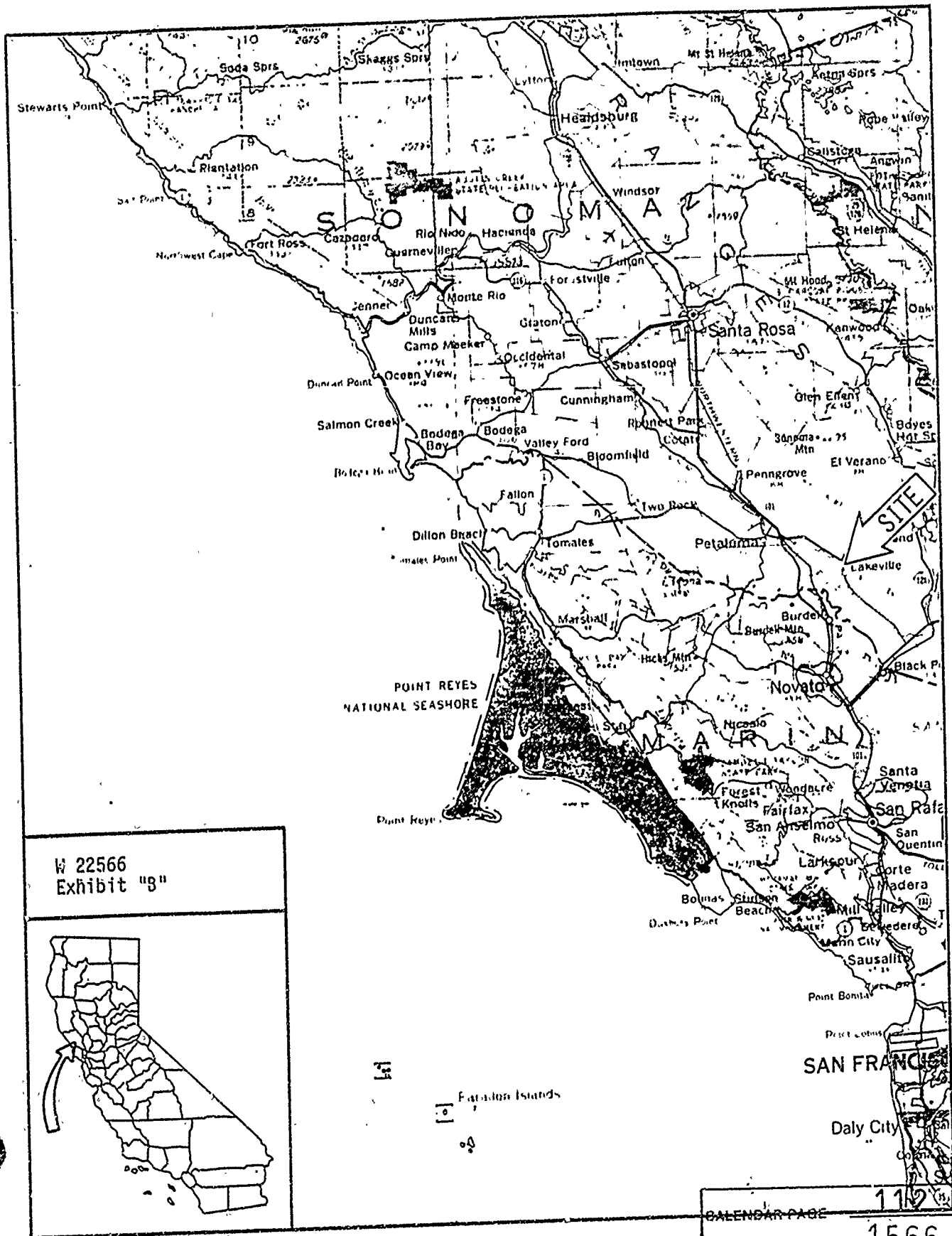
the said southwesterly line of Lakeville Highway; thence southeasterly along said southwesterly line to the point of beginning.

EXCEPTING THEREFROM any lands validly patented as Rancho Petaluma confirmed to M. G. Vallejo on November 19, 1875, or Tideland Survey No. 23, Sonoma County.

END OF DESCRIPTION

PREPARED JUNE 9, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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Exhibit "B"



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