

MINUTE ITEM

This Calendar Item No. C10
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 2
to 0 at its 111
meeting.

CALENDAR ITEM

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11/29/84
WP 5274 PRC 5274
J. Ludlow

CONVERSION OF GENERAL PERMIT - RECREATIONAL
USE TO GENERAL LEASE - COMMERCIAL USE

APPLICANT: Virginia Ord and Jean Boewe
691 South Eliseo Drive
Greenbrae, California 94904

AREA, TYPE LAND AND LOCATION:
A 0.089-acre parcel of tide and submerged land
in the Petaluma River, Marin County.

LAND USE: Maintenance of an existing cabin, walkway and
floating dock.

TERMS OF ORIGINAL PERMIT:
Initial period: Ten years beginning March 1,
1977.

Public liability insurance: Combined single
limit coverage of \$100,000.

Consideration: \$30.00 per annum; five-year
rent review.

TERMS OF PROPOSED LEASE:

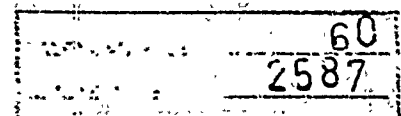
Initial period: Ten years beginning March 1,
1983.

Public liability insurance: Combined single
limit coverage of \$100,000.

CONSIDERATION: \$250 per annum; with the State reserving the
right to fix a different rental on each fifth
anniversary of the Lease.

BASIS FOR CONSIDERATION:

Minimum rental for this type of lease pursuant
to 2 Cal. Adm. Code 2003.



CALENDAR ITEM NO. C 10 (CONT'D)

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and annual rental covering the period of March 1, 1983 through February 28, 1985 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:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.
3. During the process of a rent review of the original permit, it was discovered that the cabin, (a portion of which occupies State-owned land) was a permanent rental and not occupied by the permittee. Mrs. Boewe was advised by staff that due to the fact that the cabin was income producing, she did not qualify for a General Permit (Recreational Use).

CALENDAR ITEM NO. C 1.0 (CONT'D)

4. A condition of the proposed Lease requires that should the portion of the existing structure currently used for residential purposes be damaged to the extent that it can no longer be utilized as a residence or if such structure is declared unsafe or unfit for habitation by a public entity with the authority to make and enforce such declaration, then such structure shall be removed from the Lease area at the sole cost and expense of Lessee and shall not be replaced or reconstructed.

EXHIBITS: A. Land Description.
 B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PRC 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO VIRGINIA ORD AND JEAN BOEWE OF A 10-YEAR GENERAL LEASE - COMMERCIAL USE, BEGINNING MARCH 1, 1983; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$250. WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE.

EXHIBIT "A"

LAND DESCRIPTION

WP 5274

A parcel of tide and submerged land in the bed of the Petaluma River, Marin County, California, said parcel being immediately beneath a cabin, walkway, and float, TOGETHER WITH a necessary use area extending no more than 10 feet from said structures, said structures being adjacent to and northerly of that land described as "Parcel Two" in the Quitclaim Deed recorded in Book 3027, page 600, Official Records, Marin County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Petaluma River.

END OF DESCRIPTION

REVIEWED SEPTEMBER 11, 1984 BY BOUNDARY AND TITLE UNIT.

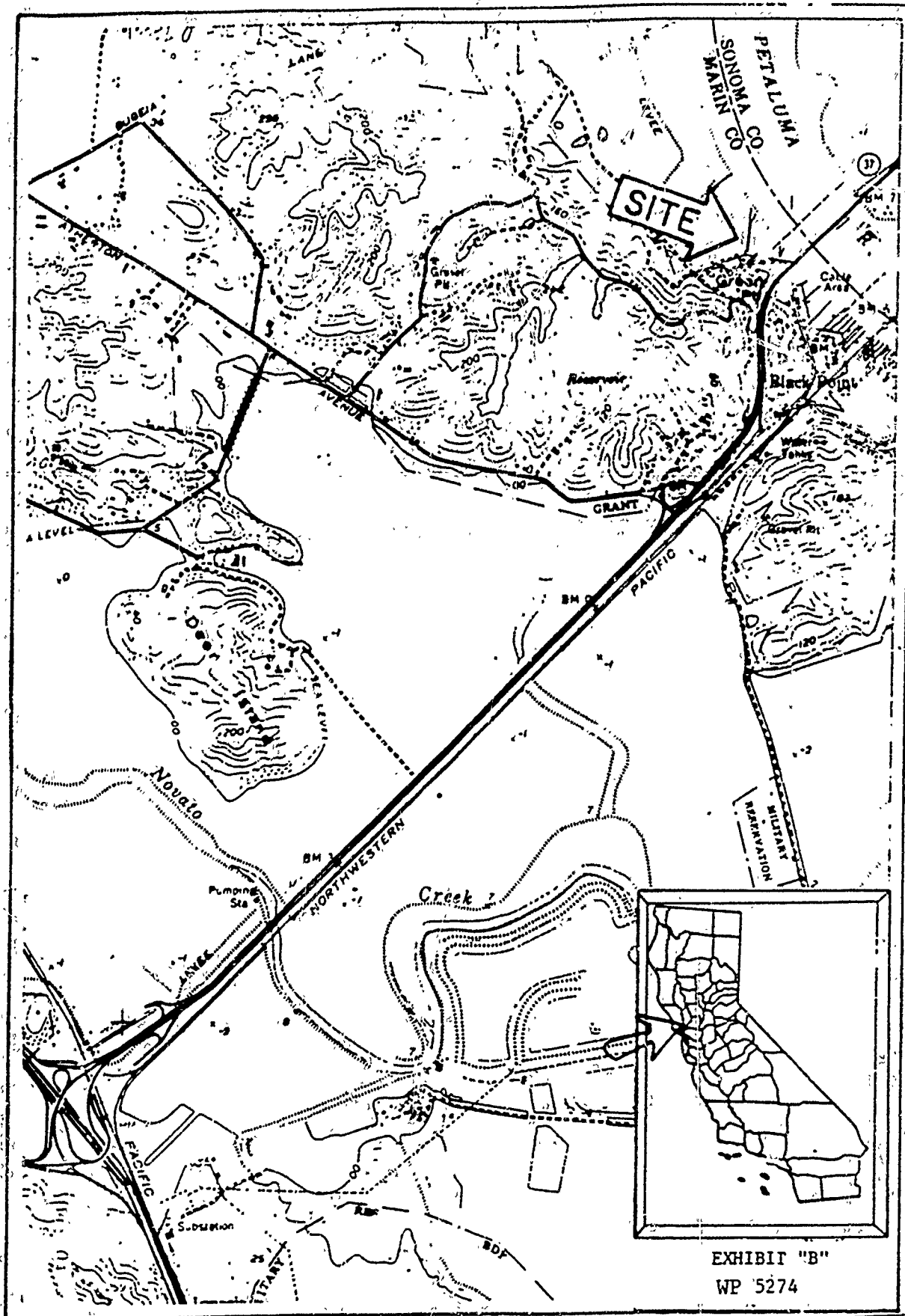


EXHIBIT "B"
WP 5274

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