

**MINUTE ITEM**

This Calendar Item No. C39 was approved as  
Minute Item No. 39 by the California State Lands  
Commission by a vote of 3 to 0 at its  
11-21-06 meeting.

**CALENDAR ITEM**

**C39**

A 6

11/21/06

PRC 8724

W 26138

S 3

N. Smith

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANT:**

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

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

5,936 square feet, more or less, of sovereign lands 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:**

Ten 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: Combined single limit coverage of \$1,000,000.

Bond:

\$10,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. The upland project involves the rehabilitation of an existing metal  
warehouse-type building to allow for residential and commercial uses.

CALENDAR ITEM NO. C39 (CONT'D)

The project must include a river trail/boardwalk, and provide bank stabilization where erosion exists around the northeast corner of the warehouse in order to comply with the adopted Petaluma River Access and Enhancement Plan, and the Central Petaluma Specific Plan.

3. An EIR was prepared and certified for the Central Petaluma Specific Plan by the city of Petaluma. This project was included and addressed in that EIR. The California State Lands Commission staff has reviewed such document and the Mitigation Monitoring Program adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento Office of the California State Lands Commission.

A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento Office of the California State Lands Commission.

All of the significant impacts identified in the Final EIR for the Central Petaluma Specific Plan were mitigated to a level of less-than-significant with the exception of impacts related to transportation/circulation and air quality (long-term regional emissions). None of these impacts are associated with the proposed General Lease – Recreational Use application.

Technical reports submitted by the Applicant for this specific project included an historical evaluation, cultural resources study, biological resources evaluation, traffic study, and phase 1 hazard assessment. The studies found no significant resources that would be affected by the project.

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.

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**APPROVALS REQUIRED:**

US Army Corps of Engineers, Department of Fish and Game, and San Francisco Bay Regional Water Quality Control Board.

**EXHIBITS:**

- A. Site Map
- B. Legal Description

**PERMIT STREAMLINING ACT DEADLINE:**

December 6, 2006

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF PETALUMA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

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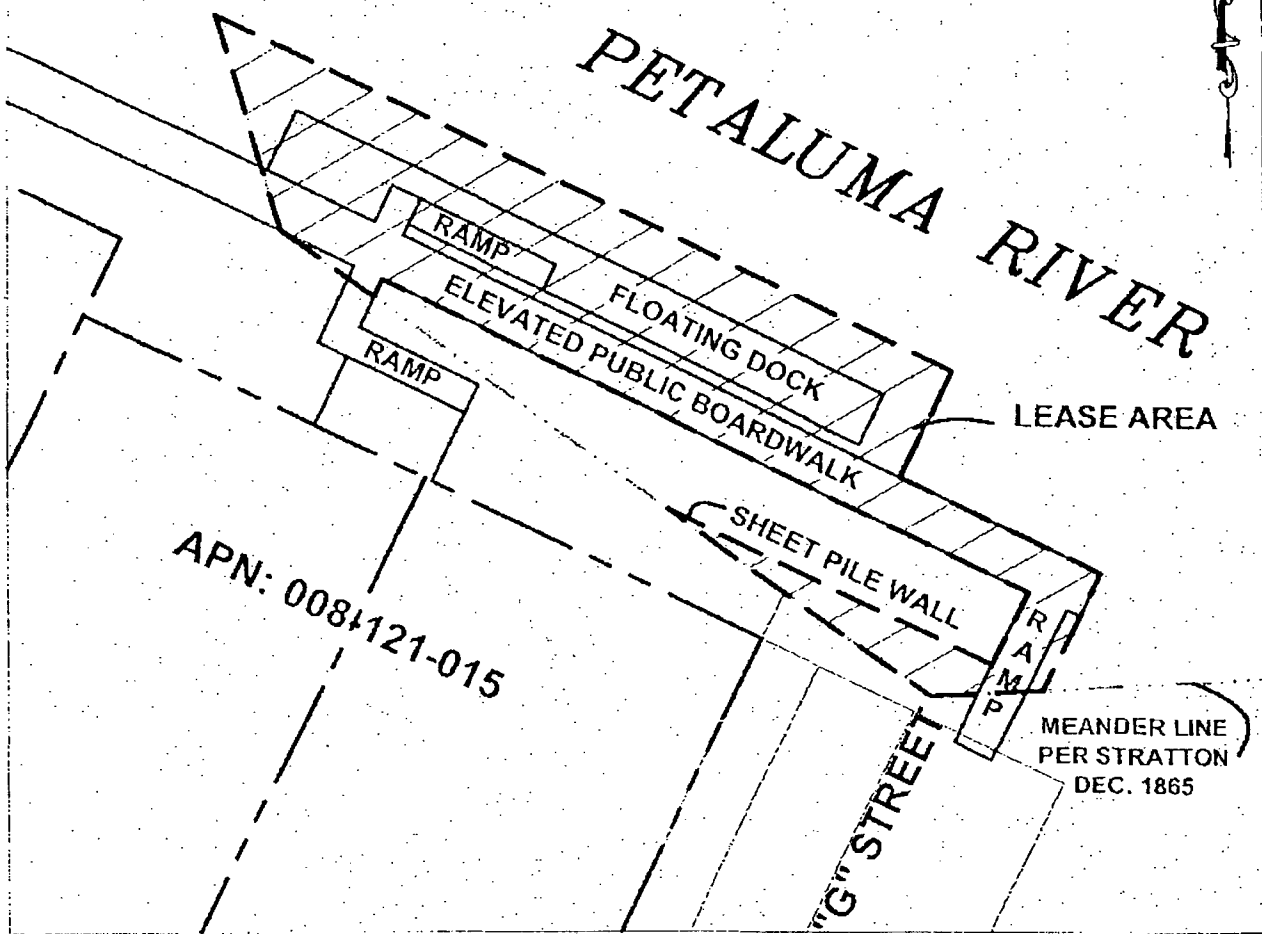
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,  
ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO FRESNO PROPERTIES II, LLC OF A  
GENERAL LEASE - RECREATIONAL USE, BEGINNING JULY 15, 2007,  
FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND  
MAINTENANCE OF A RAMP, ELEVATED BOARDWALK, AND A TWO-  
TIERED SHEET PILE WALL FOR BANK STABILIZATION (PUBLIC USE),  
AND A GANGWAY AND FLOATING DOCK (PRIVATE USE) AS SHOWN  
ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART  
HEREOF; ANNUAL RENT IN THE AMOUNT OF \$6,200, WITH THE  
STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT  
PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE  
LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT  
COVERAGE OF \$1,000,000; SURETY IN THE AMOUNT OF \$10,000.

NO SCALE

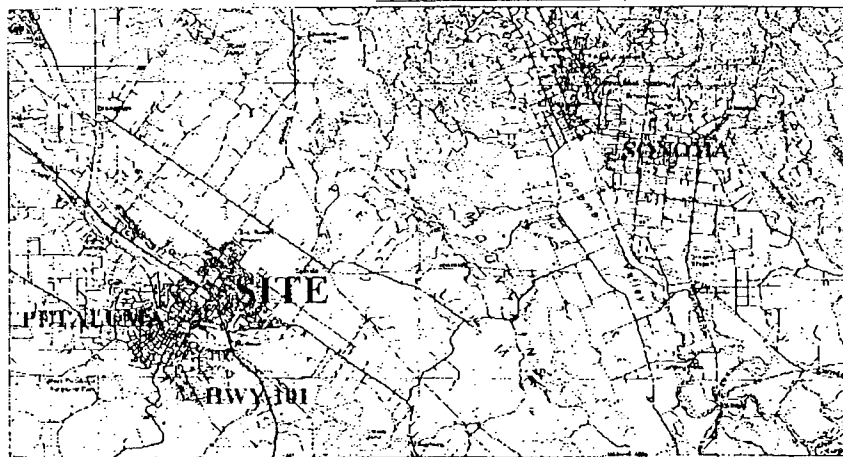
### SITE



RIVER LOFTS AT PETALUMA, 419 FIRST STREET

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

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.

### Exhibit A

W 26138

APN:008-121-014 & 015  
GENERAL LEASE  
RECREATIONAL USE  
PETALUMA RIVER  
SONOMA COUNTY



MJT 6/14/06

000179

CALENDAR PAGE

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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.

