

CALENDAR ITEM  
**C28**

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S 3

09/01/11  
WP 2651.1  
D. Simpkin

**TERMINATION AND ISSUANCE OF A  
NEW GENERAL LEASE – RECREATIONAL USE**

**LESSEE:**

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

**APPLICANTS:**

Randi K. Martin and James A. Bakken

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

Sovereign land in the Petaluma River, adjacent to 116 Harbor Drive, Novato, Marin County.

**AUTHORIZED USE:**

The continued use and maintenance of an existing cabin, shed, walkway, decks, access ramp, and floating dock.

**LEASE TERM:**

10 years, beginning April 25, 2011.

**CONSIDERATION:**

**Cabin and decks:** Annual rent in the amount of \$565, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**Shed, walkway, access ramp, and floating dock:** No monetary consideration pursuant to Public Resources Code section 6503.5.

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**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability in the amount of no less than \$1,000,000.

Other:

1. The lease contains provisions that the existing cabin, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing cabin cost more than 50 percent of the base value of the cabin, then the cabin must be removed from the lease premises.
2. Applicants and Lessor shall execute, and Lessor shall record a memorandum of this lease in the Official Records of Marin County.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland property adjoining the lease premises.
2. The existing cabin, shed and walkway have been under a lease from the Commission since 1960.
3. On August 24, 2006, the Commission authorized a 10-year General Lease – Recreational Use 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. The upland property was deeded to the Applicants on April 25, 2011. Applicants are now applying for a General Lease – Recreational Use for the existing cabin, shed, walkway, deck, access ramp, and floating dock. The existing lease 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 will be terminated.
4. The existing shed, walkway, access ramps, and floating dock qualify for rent-free status as the Applicants are natural persons who own the littoral land improved with a single-family dwelling pursuant to Public Resources Code section 6503.5.
5. The existing cabin and decks do not qualify for rent-free status because they are not used for the mooring of boats. Therefore, that portion of the cabin and decks extending over State fee-owned land in the Petaluma River is subject to annual rent pursuant to Public Resources Code section 6503.5
6. **Termination of Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of

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Regulations, section 15060 (c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a “project” as defined by CEQA Guidelines.

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

7. **Existing Cabin, Shed, Walkway, Decks, Access Ramp, and Floating Dock:** 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 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.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Termination of Lease:** 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.

**Existing Cabin, Shed, Walkway, Decks, Access Ramp, and Floating Dock:** Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a

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categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

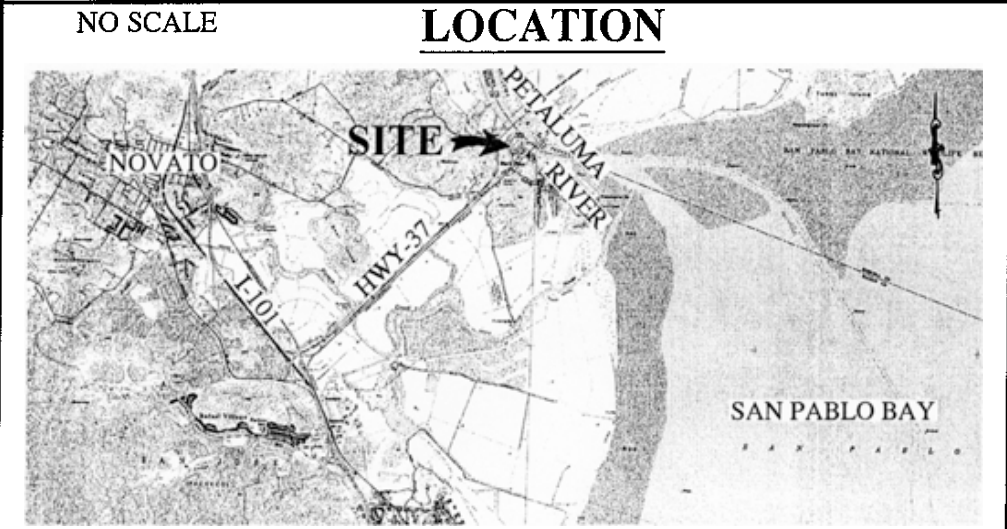
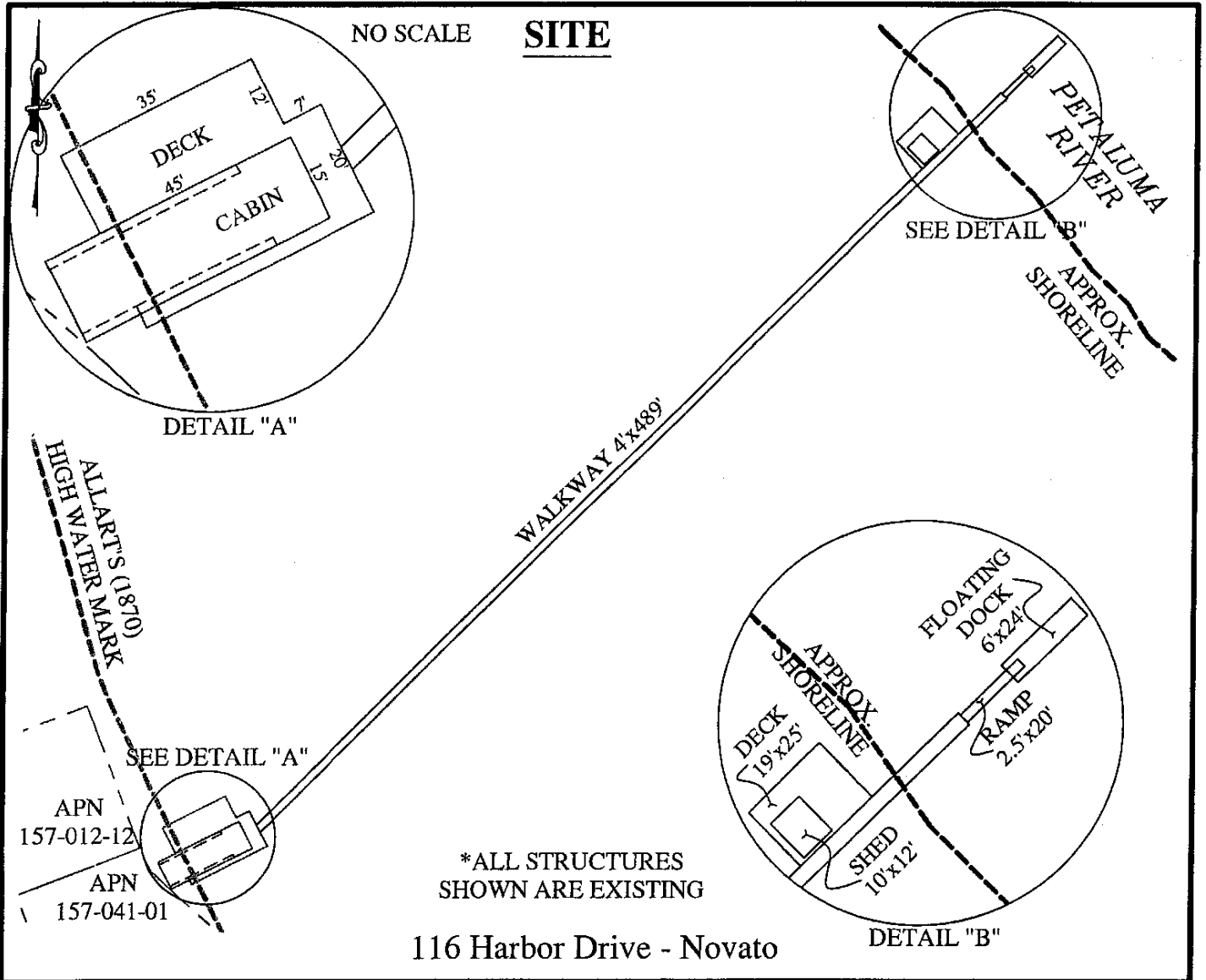
**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

**AUTHORIZATION:**

Authorize termination of Lease No. PRC 2651.1, a General Lease – Recreational Use, effective April 24, 2011, issued 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.

Authorize issuance of a 10-year General Lease – Recreational Use to Randi K. Martin and James A. Bakken, beginning April 25, 2011, for the continued use and maintenance of an existing cabin, shed, walkway, decks, access ramp, and floating dock, as shown on Exhibit A attached (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration for the shed, walkway, access ramp, and floating dock: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the cabin and deck: annual rent in the amount of \$565, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in the amount of no less than \$1,000,000.



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**  
 WP 2651.1  
 MARTIN & BAKKEN  
 APN 157-041-01, -012-12  
 GENERAL LEASE -  
 RECREATIONAL USE  
 MARIN COUNTY



MJF 7/08/11

EXHIBIT B

PRC 2651.1

A parcel of land in the bed of the Petaluma River, situated near Black Point, Marin County, California, said parcel being immediately beneath a cabin, shed, walkways, float and associated use areas, said structure and use area being adjacent to and northeasterly of that land described in the deed recorded July 1, 1971 in Book 2478, page 212, Official Records of Marin County.

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

END OF DESCRIPTION

Prepared *M. L. Shahn* Checked *H. J. [unclear]*  
Reviewed *A. D. [unclear]* Date *2/3/77*  
*XJB*