

**CALENDAR ITEM
C17**

A 6

09/01/11

S 3

WP 5693.1

C. Hudson

RESCISSION AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Donna Sheehan and Paul A. Reffell

AREA, LAND TYPE, AND LOCATION:

0.02 acre parcel, more or less, of sovereign land in the Petaluma River, adjacent to 5638 Lakeville Highway, near the city of Petaluma, Sonoma County.

AUTHORIZED USE:

Continued use and maintenance of an existing covered berth, six pilings, and walkway as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning July 1, 2009.

CONSIDERATION:

\$61 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 coverage of no less than \$1,000,000.

Bond:

\$5,000.

OTHER PERTINENT INFORMATION:

1. Applicants have the right to use the upland adjoining the lease premises.
2. On June 2, 2003, the Commission authorized the assignment of Lease No. PRC 5693.1, a General Lease - Recreational Use to Donna Sheehan and Paul Reffell, effective July 1, 1999. That lease expired on June 30, 2009.

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3. On April 6, 2011, the Commission authorized the issuance of a General Lease – Recreational Use to Donna Sheehan and Paul A. Reffell (Calendar Item C 23). It was subsequently discovered that the rent had been incorrectly shown on the calendar item. The Commission authorized the annual rent of \$81 and the correct amount should have been \$61. Staff is therefore requesting that the authorization made by the Commission at its April 6, 2011 meeting be rescinded and that a new General Lease – Recreational Use be issued.
4. The Applicants do not qualify for rent-free status because the Applicants do not own the upland property pursuant to Public Resources Code section 6503.5.
5. **Rescind Issuance of a General Lease – Recreational Use:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff determined that this activity is not subject to the provisions of CEQA because it is not a “project” as defined by CEQA and the State CEQA Guidelines.

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

6. **Issuance of a General Lease – Recreational Use:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined 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.

7. 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.

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EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Rescind Issuance of a General Lease – Recreational Use: Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff determined that this activity is not subject to the provisions of CEQA because it is not a “project” as defined by CEQA and the State CEQA Guidelines.

Issuance of a General Lease – Recreational Use: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a 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:

1. Authorize Rescission of Lease No. PRC 5693.1, a General Lease – Recreational Use, approved by the Commission on April 6, 2011.
2. Authorize Issuance of a General Lease – Recreational Use to Donna Sheehan and Paul A. Reffell, beginning July 1, 2009, for a term of 10 years, for the continued use and maintenance of an existing covered berth, six pilings, and a walkway as shown on Exhibit A attached and by this reference made a part hereof, annual rent in the amount of \$61, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; liability insurance with coverage of no less than \$1,000,000; and a surety bond in the amount of \$5,000.