

**CALENDAR ITEM  
C03**

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12/05/12  
PRC 5650.1  
R. Boggiano

**REVISION OF RENT**

**LESSEE:**

Port Sonoma Associates, LLC

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

Sovereign land located in the Petaluma River, adjacent to Assessor's Parcel Number 068-140-026, near Blackpoint, Marin and Sonoma Counties.

**AUTHORIZED USE:**

Continued use and maintenance of an existing 2.5-inch diameter waterline and public access easement.

**LEASE TERM:**

49 years, beginning April 1, 1979

**CONSIDERATION:**

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends rent be revised from \$3,542 per year, to \$5,304 per year, effective April 1, 2013.

**OTHER PERTINENT INFORMATION:**

1. On April 26, 1979, the Commission authorized a General Lease – Right of Way Use to Shellmaker, Inc. for the construction, use, and maintenance of a 2.5-inch diameter waterline to supply potable water. On April 26, 1989, the Commission authorized an Assignment to Granite Construction Company and an amendment authorizing a public access easement for walking, sitting, viewing, fishing, and other related purposes on filled land, as required by the San Francisco Bay Conservation and Development Commission Permit 7-78, Amendment 8, dated March 3, 1988.
  
2. On June 11, 1990, the Commission authorized an Assignment to Port Sonoma – Marin and an amendment to reflect the court-determined

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boundary between State-owned lands in the bed of the Petaluma River and the privately-owned uplands on the north easterly bank of the river.

3. On May 3, 1995, the Commission authorized an Assignment to Desert Aggregates, Inc. and on February 8, 2000, another Assignment was authorized to Sonoma Associates, LLC.
4. The waterline is located beneath the bed of the river and ties into a system of pipes on the Lessee's property. The waterline supplies potable water from the North Marin County Water District to the Port Sonoma Marina, which is located outside the Commission's leasing jurisdiction.
5. The public access easement consists of 1.34 acres of filled sovereign land serving as a breakwater for the Marina and as a public access walkway for recreational purposes. The lease area is improved with benches and trash receptacles and is non-revenue generating.
6. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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

**EXHIBIT:**

- A. Site Location and Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

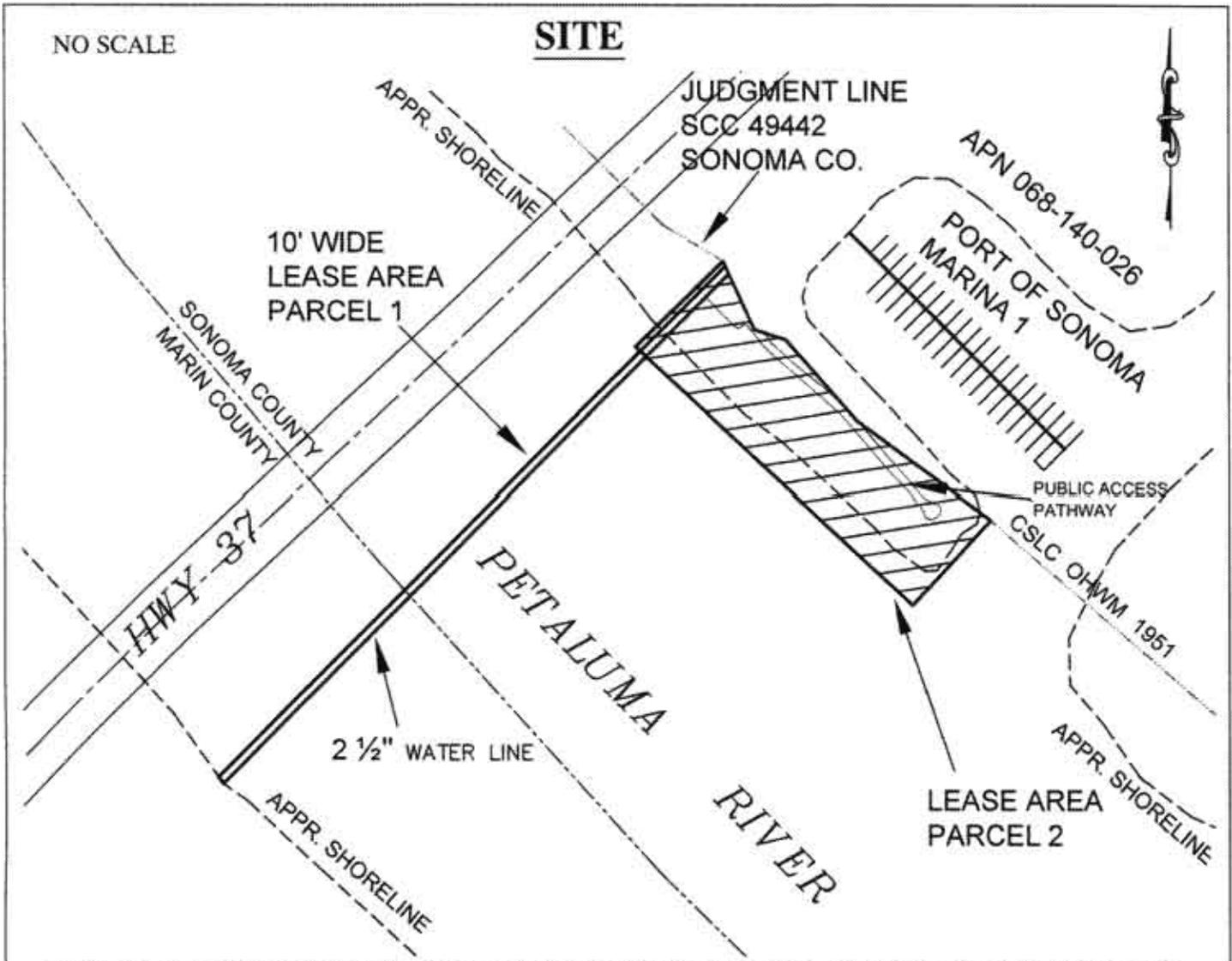
**CEQA FINDING:**

Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

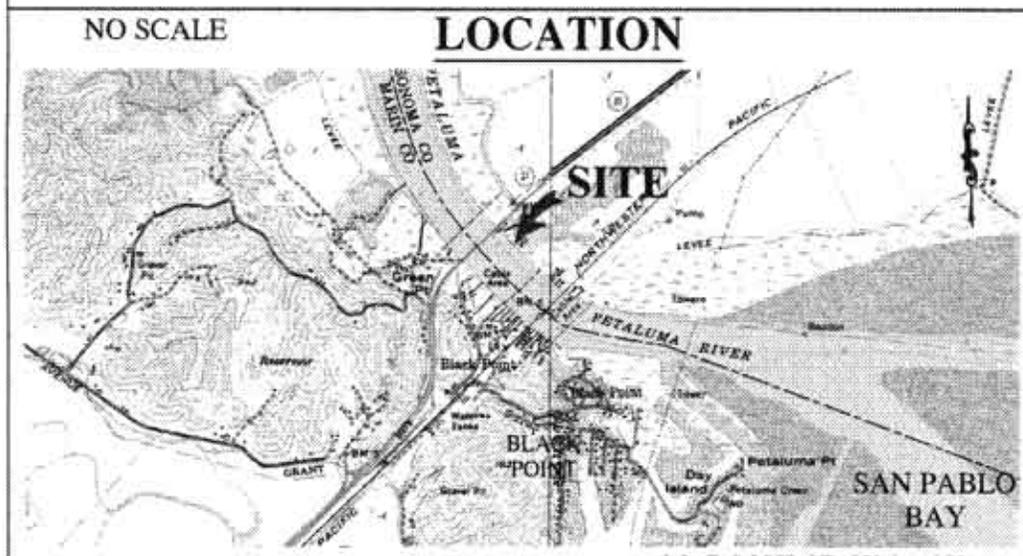
CALENDAR ITEM NO. **C03** (CONT'D)

**AUTHORIZATION:**

Approve the revision of rent for Lease No. PRC 5650.1 from \$3,542 per year to \$5,304 per year, effective April 1, 2013.



NEAR BLACK POINT, TWO MILES EAST OF NOVATO, SOUTH OF HIGHWAY 37



MAP SOURCE: USGS QUAD

**Exhibit A**

PRC 5650.1  
 PORT SONOMA LLC  
 APN 068-140-026  
 GENERAL LEASE-  
 RIGHT OF WAY  
 SONOMA & MARIN COUNTIES



TS 02/01/12

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.