

# Staff Report 28

## LESSEE:

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City of Novato

## PROPOSED ACTION:

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Rent Review

## AREA, LAND TYPE, AND LOCATION:

1.12 acres of State sovereign land in Novato Creek, city of Novato, Marin County.

## AUTHORIZED USE:

The use and maintenance of a bridge, utility crossings attached to the bridge, and related drainage facilities.

## TERM:

49 years, beginning February 28, 1991.

## 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 that rent be revised from \$450 per year to \$1011 per year, effective February 28, 2022.

## OTHER PERTINENT INFORMATION:

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1. Approval or denial of the revision of rent is a discretionary action by the Commission. Each time the Commission approves or rejects a revision of rent, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Lands as authorized by law. Upon expiration or prior termination of the lease, the Lessee has no right to a new lease or to renewal of any previous lease.

2. On March 6, 1991, the Commission authorized a General Lease – Public Agency Use to the City of Novato ([Item 13, March 6, 1991](#)) for the construction of the Roland Way bridge, attached utilities, and drainage facilities, effective February 28, 1991. The bridge provides public road access to business parks and includes the following utilities attached to the bridge: two 2-inch-diameter cable conduits; eight 4-inch-diameter telecommunication conduits; one 14-inch - diameter water pipeline; one 8-inch-diameter conduit with a 4-inch diameter natural gas pipeline; two 6-inch diameter electrical conduits; and one 16-inch diameter recycled water pipeline. On September 1, 2011, the Commission approved ([Item 02, September 1, 2011](#)) an increase in the annual rent from \$300 to \$330, effective February 28, 2012. On June 28, 2016, the Commission authorized an amendment of lease for the installation of a 16-inch diameter recycled water pipeline and approved ([Item 31, June 28, 2016](#)) an increase in the annual rent from \$330 to \$450, effective February 28, 2017. The lease will expire on February 27, 2040.
3. This action is consistent with the “Meeting Evolving Public Trust Needs” Strategic Focus Area of the Commission’s 2021-2025 Strategic Plan.
4. Approving the revision of rent is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

## EXHIBIT:

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A. Site and Location Map

## RECOMMENDED ACTION:

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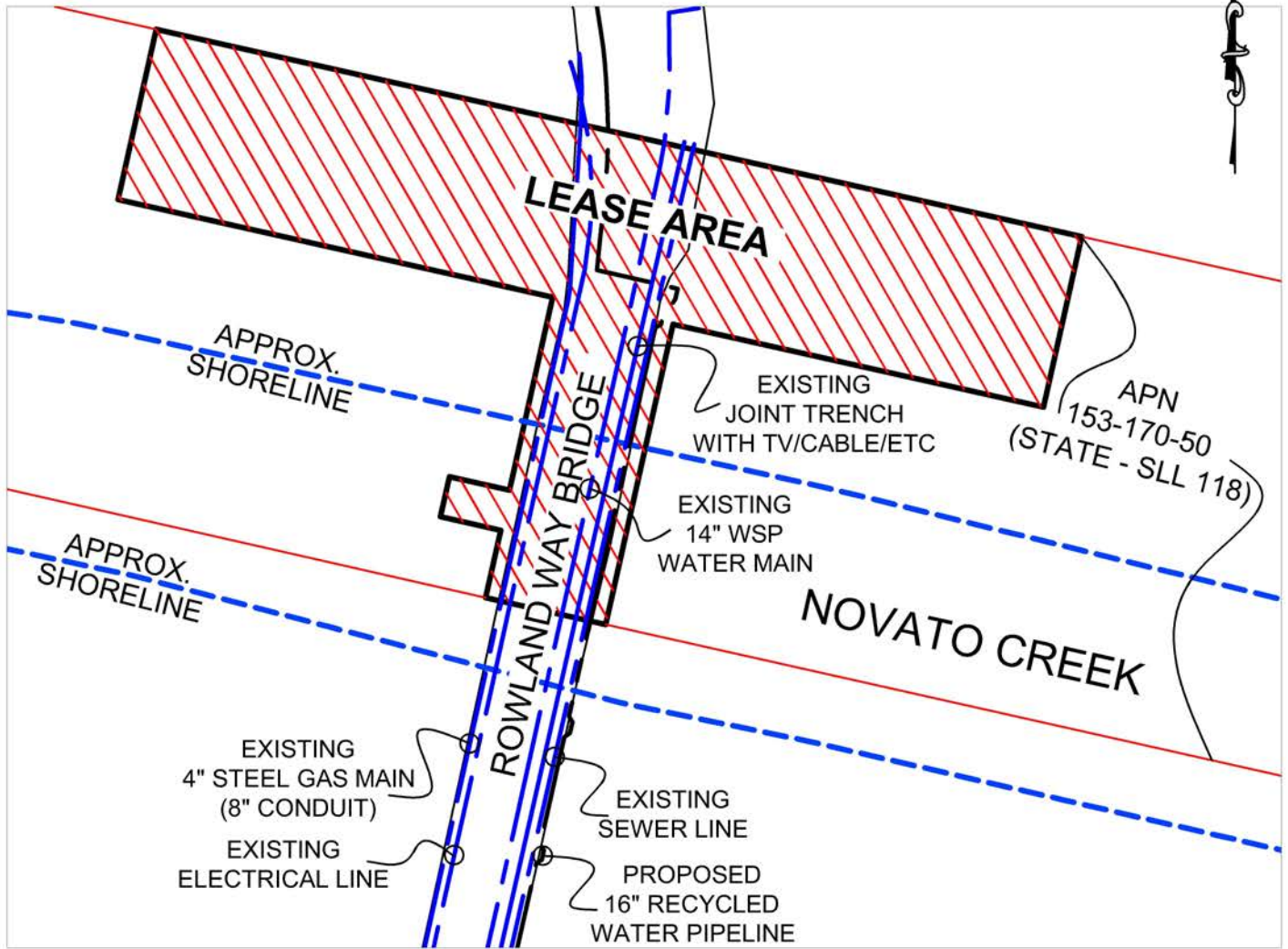
It is recommended that the Commission:

### AUTHORIZATION:

Approve the revision of rent for Lease PRC 7220 from \$450 per year to \$1011 per year, effective February 28, 2022.

NO SCALE

### SITE



Novato Creek, Rowland Way, Novato

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit A

PRC 7220  
 CITY OF NOVATO  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 MARIN COUNTY



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.