

**CALENDAR ITEM
C40**

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04/06/11
WP 4899.1
D. Simpkin

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Teachers Beach Association
c/o David Wing
3701 Longridge Avenue
Sherman Oaks, CA 91423

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Tomales Bay, adjacent to APN 112-011-14 & 112-011-15, city of Inverness, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat hoist, float, boatshed, deck, and groin; and the retention, use, and maintenance of an existing retaining wall, stairs, access road, grass area, ramp, and three pilings as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning July 15, 2008.

CONSIDERATION:

Annual rent in the amount of \$1,064, 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:

Combined single-limit liability insurance coverage in the amount of no less than \$1,000,000.

Bond: \$10,000

OTHER PERTINENT INFORMATION:

1. Applicant is a non-profit, mutual benefit corporation.
2. On December 16, 1998, the Commission authorized the issuance of General Lease – Recreational Use, Lease No. PRC 4899.1, to Teachers Beach Association, for a 10-year term, effective July 15, 1998. The lease expired July 14, 2008. The applicant is now applying for a new General Lease – Recreational Use for the existing pier, boat hoist, float, boatshed,

CALENDAR ITEM NO. C40 (CONT'D)

deck, and groin and the retention of the existing retaining wall, stairs, access road, the grass area adjacent to the access road, stem, ramp, and three pilings. Staff is recommending that the existing retaining wall, stairs, and access road, the grass area adjacent to the access road, ramp, and three pilings be included in the lease.

3. The existing pier, ramp, float, boat hoist, and pilings qualify for rent-free status as the Applicant is an Association that consists of natural persons who own the littoral land that is improved with single family dwellings pursuant to Public Resources Code section 6503.5. However, three of the adjacent lots do not qualify for rent-free status as they are not owned by natural persons and two of the three lots are not improved with a single-family dwelling. Rent will be charged pro rata for the existing pier, ramp, float, boat hoist, and pilings.
4. The existing access road, grass area adjacent to the access road, retaining wall, groin, deck, boatshed, and stairs do not qualify for rent-free status because they are not used for the mooring or docking of boats. Therefore, the area occupied by the access road, retaining wall, groin, deck, boatshed, and stairs is subject to annual rent pursuant to Title 2, California Code of Regulations, sections 2002 (b)(3) and 2003 (a)(4).
5. 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.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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. Location and Site Map
- B. Land Description

CALENDAR ITEM NO. **C40** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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 sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Recreational Use to Teachers Beach Association, beginning July 15, 2008, for a term of 10 years, for the continued use and maintenance of an existing pier, boat hoist, float, boatshed, deck, and groin, and retention, use, and maintenance of an existing retaining wall, stairs, access road, grass area, ramp, and three pilings 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: annual rent in the amount of \$1,064 with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; combined single-limit liability insurance coverage in the amount of no less than \$1,000,000; and surety bond in the amount of \$10,000.