

**CALENDAR ITEM
C07**

A 10
S 2

04/23/14
W 26724
K. Foster

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Shallow Beach Association, Inc.
3045 Pacific Avenue
San Francisco, CA 94188

LAND TYPE AND LOCATION:

Sovereign land in Tomales Bay, adjacent to 470-520 Pierce Point Road, near the unincorporated town of Inverness, Marin County.

AUTHORIZED USE:

Use and maintenance of an existing fixed pier with boat hoist/crane, stairway, catwalk, gangway, two floating boat docks, and 10 pilings.

LEASE TERM:

10 years, beginning April 23, 2014.

CONSIDERATION:

\$628 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 insurance in an amount no less than \$1,000,000 per occurrence.

Bond: Surety Bond or other security in the amount of \$5,000.

OTHER PERTINENT INFORMATION:

1. Applicant is an incorporated Association of residential property owners along Shallow Beach and has the right to use the upland adjoining the lease premises.

CALENDAR ITEM NO. **C07** (CONT'D)

2. On October 7, 2013, the Applicant submitted an application requesting the use of State land for an existing fixed pier and boat dock facility not previously under lease in Tomales Bay.
3. On February 25, 2014, Commission staff conducted a survey to determine the location of the ambulatory low water mark in the vicinity of the pier, as the ordinary low water mark represents the boundary between the private upland property and State-owned fee land pursuant to Tideland Survey 172, dated January 1871.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. 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. Land Description
- B. Site And Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C07** (CONT'D)

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 issuance of a General Lease - Recreational Use to the Shallow Beach Association, Inc. beginning April 23, 2014, for a term of 10 years, for the use and maintenance of a fixed pier with boat hoist/crane, stairway, catwalk, two floating boat docks, and 10 pilings as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$628 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in an amount no less than \$1,000,000 per occurrence; surety bond or other security in the amount of \$5,000.

EXHIBIT A

W 26724

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Tomales Bay, City of Iverness, Marin County, State of California described as follows:

BEGINNING at the point having CCS 83 Zone 3 coordinates of Northing (y) = 2240773.17 feet, Easting (x) = 5876417.86 feet which bears North 86° 04' 14" East 7432.32 feet from the Continuous Global Positioning System (CGPS) Station P193 having CCS 83 Zone 3 coordinates of Northing (y) = 2240263.85 feet, Easting (x) = 5869003.01 feet; thence from said point of beginning along the following nine (9) courses:

- 1) North 73° 50' 11" East 54.24 feet;
- 2) South 15° 30' 01" East 36.99 feet
- 3) North 71° 35' 11" East 113.27 feet;
- 4) South 19° 02' 31" East 62.64 feet
- 5) South 70° 56' 38" West 50.52 feet;
- 6) South 74° 40' 13" West 57.41 feet;
- 7) North 14° 07' 25" West 22.43 feet;
- 8) South 75° 52' 35" West 81.17 feet
- 9) North 02° 00' 14" West 73.75 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the low water mark of said Tomales Bay.

The Basis of Bearing for this Survey is the California Coordinate System, Zone 3 NAD 83 (Epoch 2011.00) as determined locally by a line between Continuous Global Positioning System (CGPS) Stations P193 and P194 being North 50° 34' 38" East as derived from geodetic values published by the California Spatial Reference Center (CSRC).

END OF DESCRIPTION

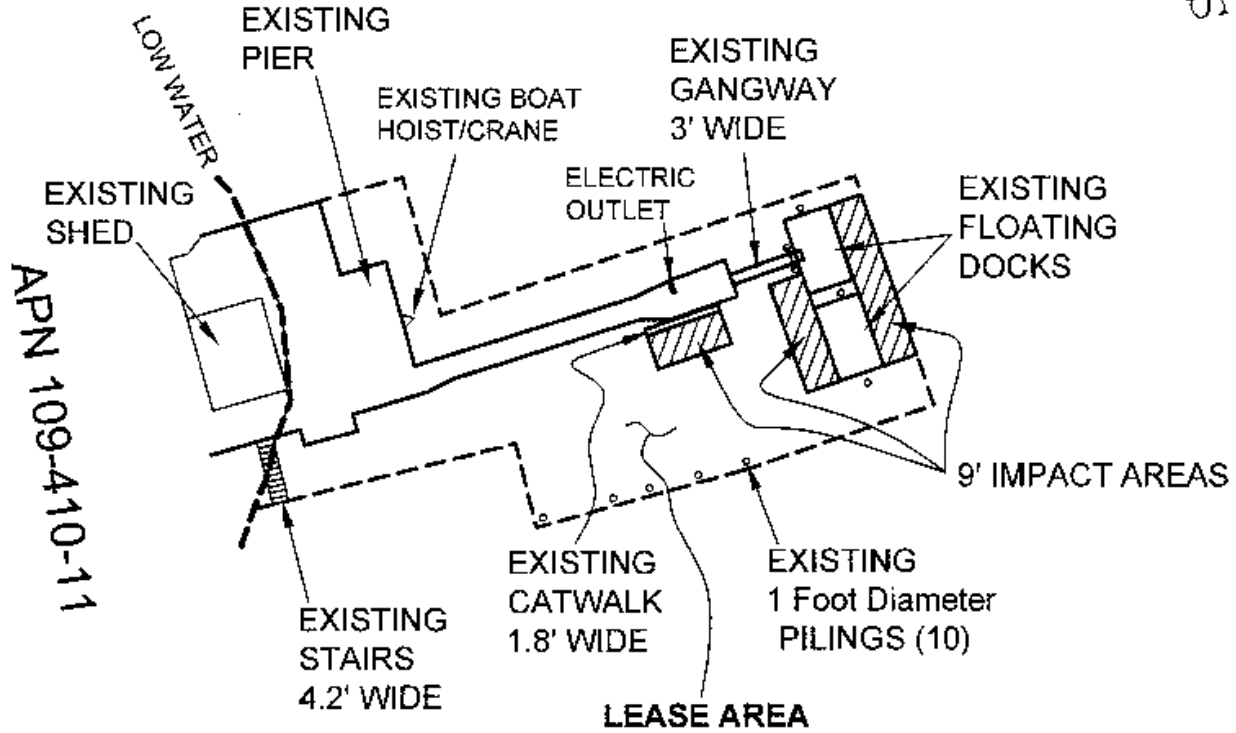
Prepared 03/03/14 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

TOMALES BAY



470-520 PIERCE POINT ROAD, INVERNESS, TOMALES BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26724
 SHALLOW BEACH
 ASSOCIATION
 APN 109-410-11
 GENERAL LEASE-
 RECREATIONAL 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.