

**CALENDAR ITEM
C60**

A 10
S 2

02/20/15
PRC 5605.1
J. Sampson

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Eugene John Maffucci, Trustee, Eugene John Maffucci 1998 Revocable Trust.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Tomales Bay, adjacent to 18621 Highway One, near Marshall, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier.

LEASE TERM:

10 years, beginning July 15, 2015.

CONSIDERATION:

\$365 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. On June 20, 2005, the Commission authorized issuance of a 10-year General Lease – Recreational Use to Eugene John Maffucci, Trustee, Eugene John Maffucci 1998 Revocable Trust. That lease will expire July 14, 2015. The Applicant is now applying for a General Lease – Recreational Use.

2. The prior lessee obtained all regulatory permits and built the improvements. However, the adjacent upland parcel is jointly owned. At present, the Lessee holds the majority of ownership in the adjacent upland parcel and holds all possessory interest in the recreational pier. Staff recommends authorizing a lease to the Applicant with the condition that the Applicant may not exclude other littoral owners from access to the pier.

CALENDAR ITEM NO. **C60** (CONT'D)

3. 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.

4. 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).

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 Eugene John Maffucci, Trustee, Eugene John Maffucci 1998 Revocable Trust beginning July 15, 2015, for a term of 10 years, for continued use and maintenance of an existing pier, as described in Exhibit A and shown on

CALENDAR ITEM NO. **C60** (CONT'D)

Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration: \$365 per year, with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5605.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of Tomales Bay, in Marin County, State of California, adjacent to TLS 241, patented February 19, 1947 more particularly described as follows.

All those lands underlying an existing pier, lying adjacent to a parcel described in that Exhibit A of that Gift Deed recorded July 18, 2002 as Document Number 2002-0062462 in Official Records of said County.

EXCEPTING THEREFROM any portion thereof lying landward of the ordinary low water mark of said bay.

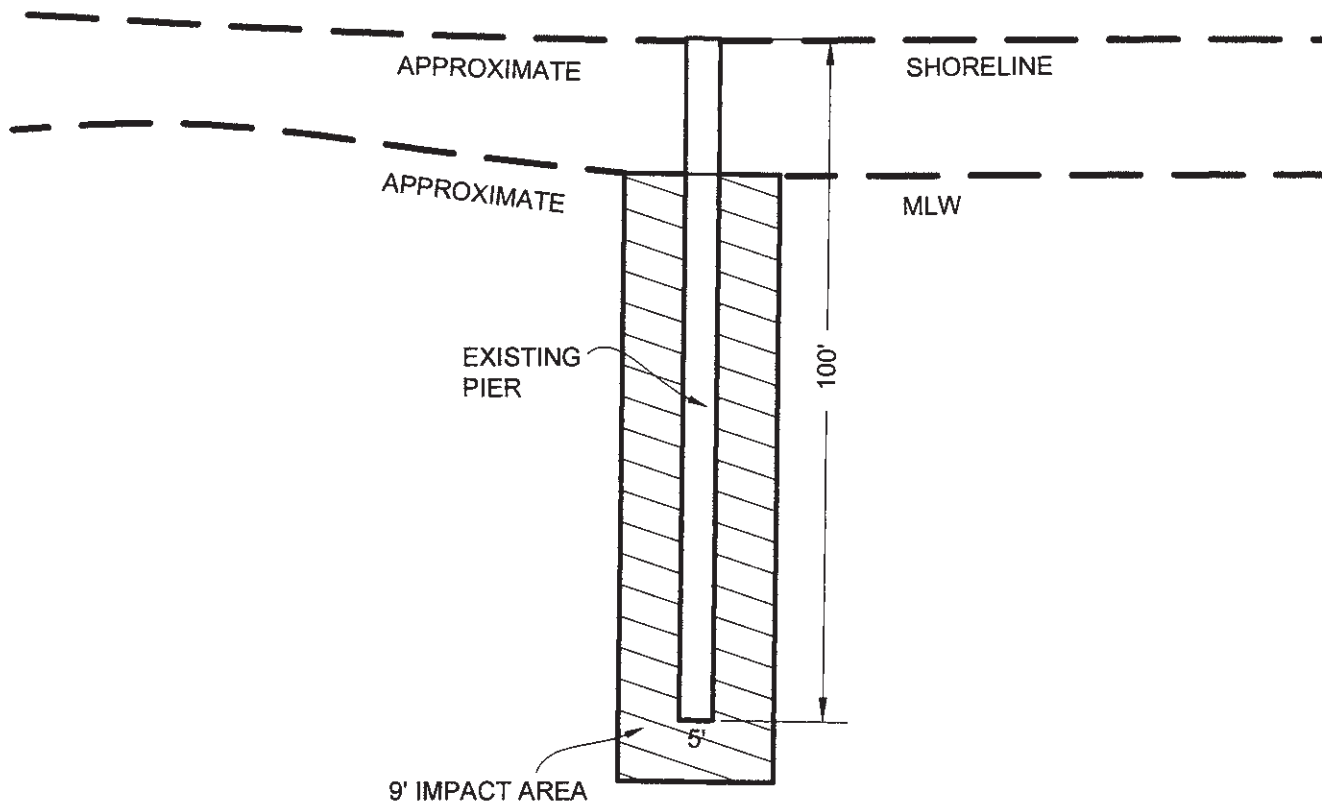
END OF DESCRIPTION

Prepared 01/05/2015 by the California State Lands Commission Boundary Unit





APN 106-301-02



T O M A L E S B A Y

EXHIBIT A

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LAND DESCRIPTION PLAT
PRC5605.1, MAFFUCCI TRUST
MARIN COUNTY

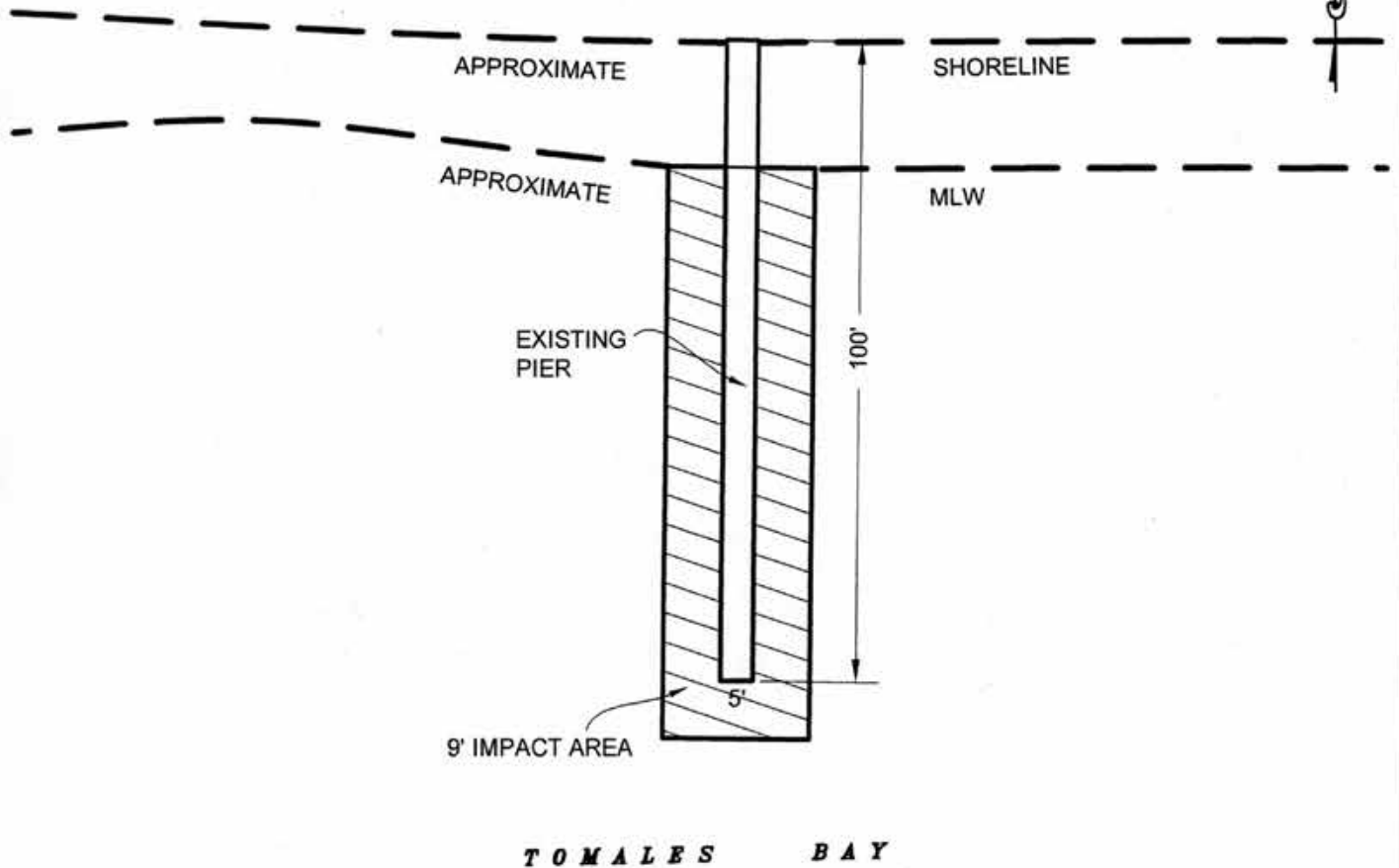
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

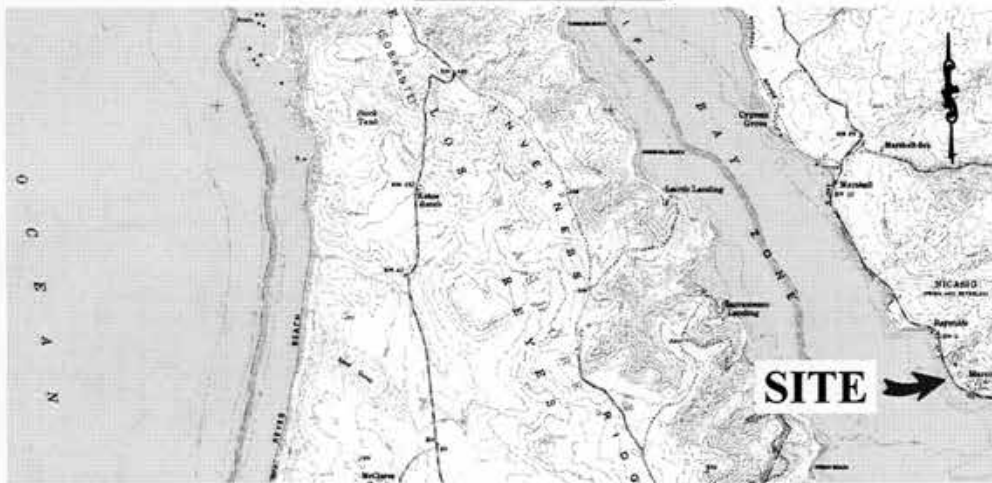
APN 106-301-02



18621 HIGHWAY 1, NEAR MARSHALL

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5605.1
 MAFFUCCI TRUST
 APN 106-301-02
 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.

MJJ 01/05/2015