

**CALENDAR ITEM
C12**

A 10
S 2

12/02/13
W 26570
R. Collins

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

23240 Highway 1, LLC

AREA, LAND TYPE, AND LOCATION:

4,092.78 square feet, more or less, of sovereign land in Tomales Bay, adjacent to 23115 and 23240 Highway 1, near Marshall, Marin County.

AUTHORIZED USE:

Use and maintenance of an existing pier, boat slip, boathouse, and deck.

LEASE TERM:

10 years, beginning December 2, 2013.

CONSIDERATION:

Annual rent in the amount of \$729, 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.

Other:

The lease contains a provision requiring the Lease Premises to remain open to the public whenever the restaurant/bar on the upland property is open for business and that no structures or improvements shall be erected and no personal property placed so as to obstruct or prevent public access.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland parcels adjoining the lease premises.
2. The pier and restaurant at Nick's Cove have been in existence since before 1933. Between 1999 and 2007, the pier and restaurant underwent

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a major renovation and the boat slip and boathouse were added. The pier, boat slip, boathouse, and deck have not previously been authorized by the Commission.

3. The restaurant at Nick's Cove is located adjacent to the lease premises, but no restaurant operations occur on the lease premises. Access to the lease premises is through the upland restaurant facility. During the hours of operation of the restaurant, the pier, boat slip, boathouse, and deck remain open and available to the general public
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.

APPROVALS OBTAINED:

County of Marin, Conditional Use Permit and Coastal Development Permit

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. **C12** (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 23240 Highway 1, LLC beginning December 2, 2013, for a term of 10 years, for use and maintenance of an existing pier, boat slip, boathouse, and deck, as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be \$729 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; liability insurance in the amount of no less than \$1,000,000 per occurrence; and require the Lease Premises to remain open to the public whenever the restaurant/bar on the upland property is open for business and that no structures or improvements shall be erected and no personal property placed so as to obstruct or prevent public access.

EXHIBIT A

W26570

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Tomales Bay lying adjacent to Tideland Survey 157, patented July 12, 1875 and Tideland Location 223, patented November 8, 1901, County of Marin, State of California, and more particularly described as follows:

All those lands underlying and existing pier, boathouse, and boatslip lying adjacent to those parcels as described in that Grant Deed recorded August 5, 2011 as Document Number 2011-0038704, in Official Records of said County.

EXCEPTING THEREFROM and portion lying landward of the Ordinal Low Water Mark of Tomales Bay.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 17, 2013 by the California State Lands Commission Boundary unit.



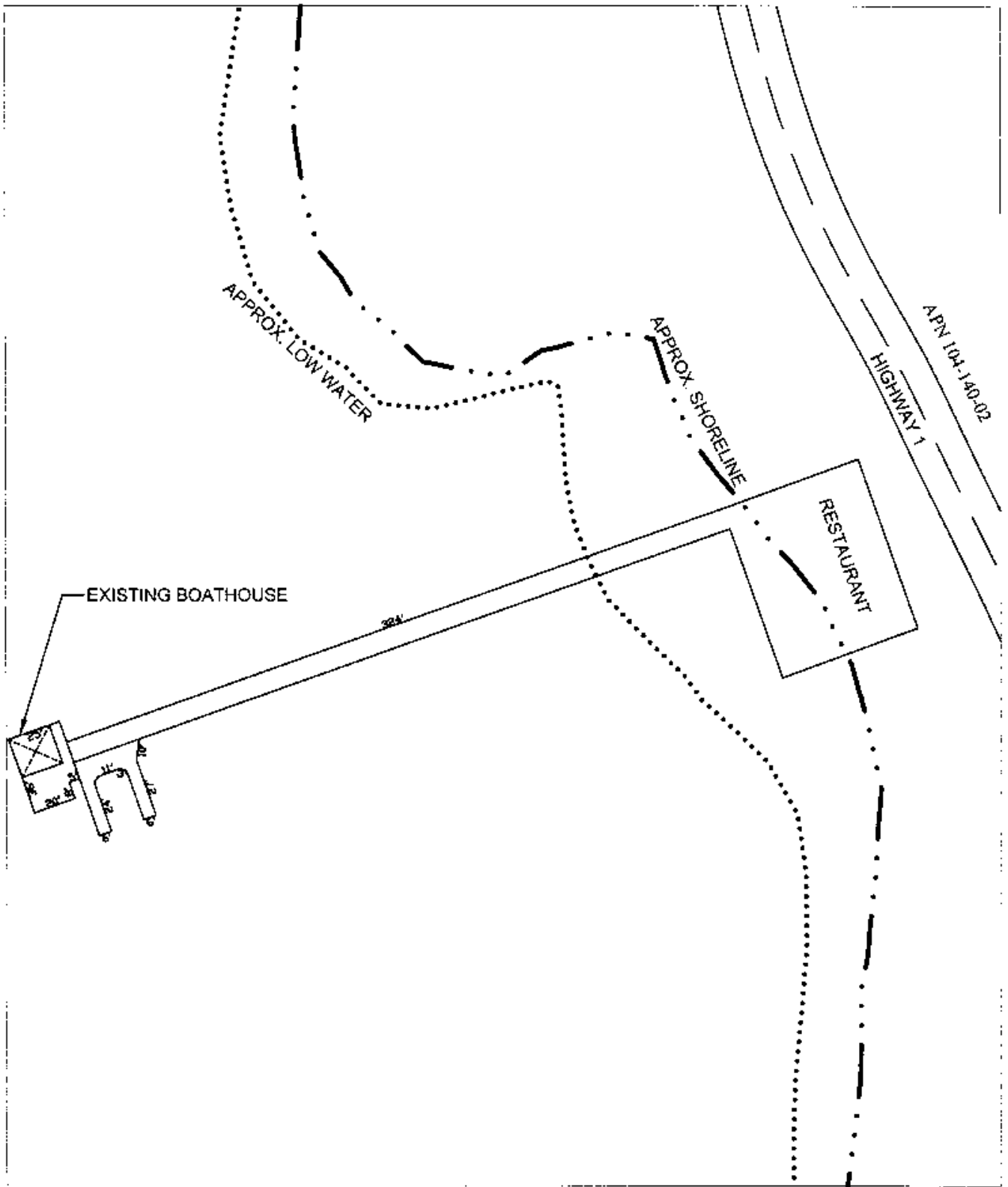


EXHIBIT A

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Date 6/17/13

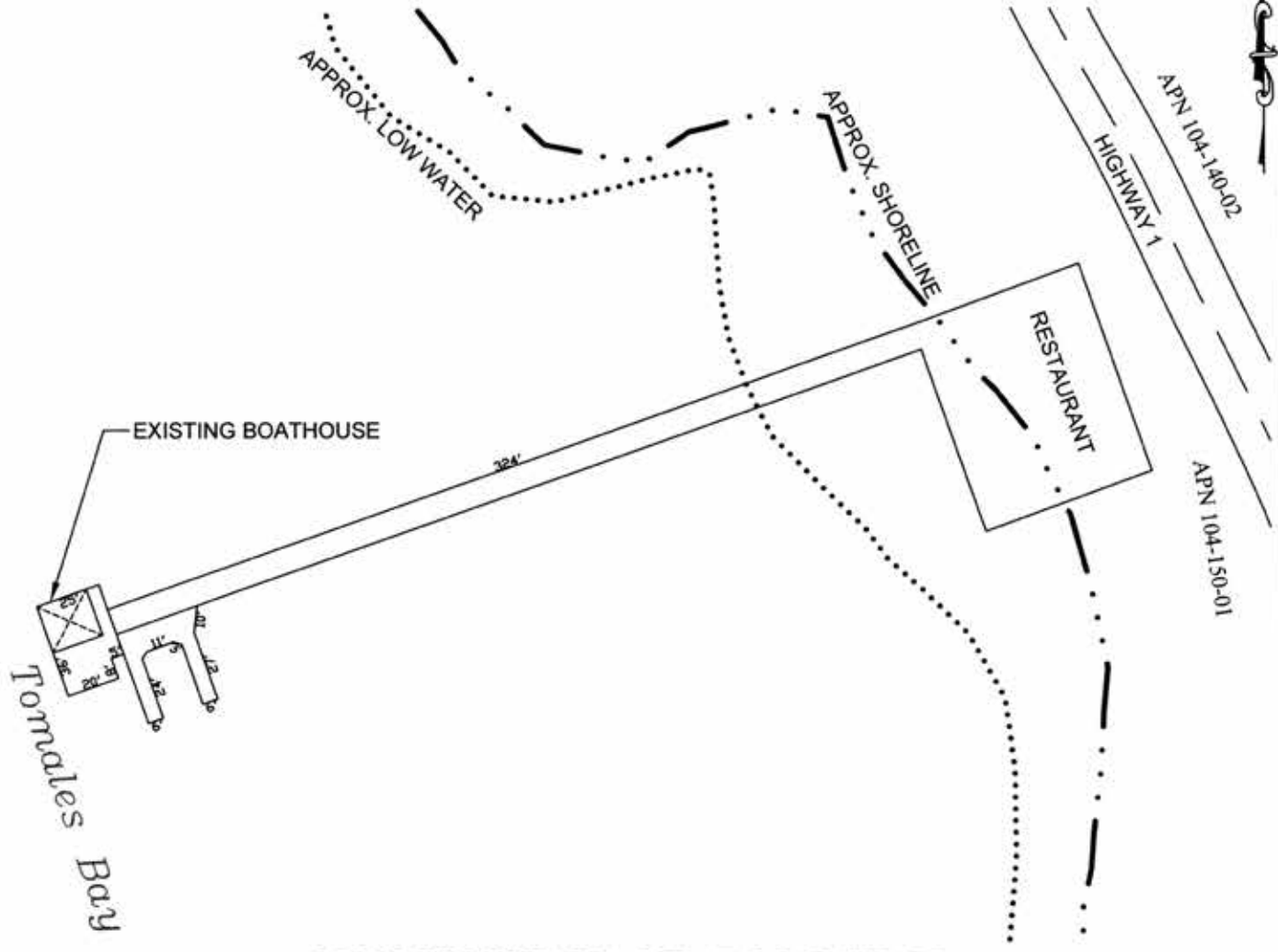
Land Description Plat
W26570, 23240 Hwy 1 LLC
Tomales Bay, Marin County

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



23240 HIGHWAY 1, NEAR MARSHALL

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W26570

23240 HIGHWAY 1 LLC
 APN 104-140-02, 104-150-01
 GENERAL LEASE -
 RECREATIONAL USE
 MARIN COUNTY



JAK 02/14/13

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.