

MINUTE ITEM

This Calendar Item No. C6
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 2
to 0 at its 5/22/86
meeting.

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CALENDAR ITEM
008

05/22/86
W 320.496 PRC 6978
J. Ludlow

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Lawson Brothers
dba Lawson's Landing
P. O. Box 68
Dillon Beach, California 94929

AREA, TYPE LAND AND LOCATION:
A 15.18-acre parcel of tide and submerged land,
located in Tomales Bay, Marin County.

LAND USE: Replacement of an existing seawall and
operation and maintenance of a commercial
marina.

TERMS OF PROPOSED LEASE:
Initial period: 20 years beginning January 1,
1979.

Surety bond: \$2,000.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

CONSIDERATION: Minimum annual rental of \$1,000 for the period
covering January 1, 1979 through December 31,
1985 and \$1,900 minimum annual rental beginning
January 1, 1986, against five percent of gross
income derived from the State land, one cent
per gallon of fuel sold during the reporting
period to a maximum of 100,000 gallons and one
and one-half cents per gallon thereafter, with
the State reserving the right to fix a
different rental on each fifth anniversary of
the lease.

CALENDAR ITEM NO. C 0.6 (CONT'D)

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee, minimum annual rental, and percentage rental for the period covering January 1, 1979 through December 31, 1985; and minimum annual rental for the period covering January 1, 1986 through December 31, 1986 have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6

AB 884:

06/23/86.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities and Class 2, Replacement or Reconstruction (seawall), 2 Cal. Adm. Code 2905(a)(2), and 2905(b).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

2. Lessor hereby consents to Lessee's subletting of all or any portion of the lease premises for berthing or mooring purposes in conjunction with normal commercial marina subleasing practices for terms of one year or less.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

CALENDAR ITEM NO. C.08 (CONT'D)

4. In light of the fact that the applicant has paid minimum rental and all percentage rental due the State backdating to January 1, 1979, staff feels it would be in the best interest of the State and recommends that all penalty and interest be waived for the period covering January 1, 1979 through April 10, 1986.

APPROVALS OBTAINED:

California Coastal Commission, United States Army Corps of Engineers, and Marin County.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, AND CLASS 2, REPLACEMENT OR RECONSTRUCTION (SEAWALL), 2 CAL. ADM. CODE 2905(a)(2) AND 2905(b).
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. FIND IT IN THE BEST INTEREST OF THE STATE TO WAIVE ALL PENALTY AND INTEREST DUE FOR THE PERIOD COVERING JANUARY 1, 1979 THROUGH APRIL 10, 1986.
4. AUTHORIZE ISSUANCE TO LAWSON BROTHERS DBA LAWSON'S LANDING OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING JANUARY 1, 1979; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,000, FOR THE PERIOD COVERING JANUARY 1, 1979 THROUGH DECEMBER 31, 1985 AND \$1,900 MINIMUM ANNUAL RENTAL BEGINNING JANUARY 1, 1986, AGAINST FIVE PERCENT OF GROSS INCOME DERIVED FROM THE STATE LAND; ONE CENT PER GALLON OF FUEL SOLD DURING THE REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS AND ONE AND ONE-HALF CENTS PER GALLON THEREAFTER, PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR THE OPERATION OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A".

LAND DESCRIPTION

W320.496

A parcel of tide and submerged land in the bed of Tomales Bay, situated southerly of fractional Section 33, T5N, R10W, MDM, County of Marin, California, said parcel more particularly described as follows:

COMMENCING at the northwesterly corner of an existing pier, located 1,500 feet, more or less, easterly of Sand Point as shown on the 7.5 minute Tomales Quadrangle map, 1954 edition; thence westerly on a line perpendicular to the westerly edge of said pier, 500 feet to the POINT OF BEGINNING; thence northeasterly along a line parallel with and 500 feet westerly of the westerly edge of said pier and northerly projection thereof, 220 feet; thence southeasterly at right angles to said parallel line, 2,000 feet, more or less, to a point which is 1,500 feet easterly of, measured at right angles, the northerly projection of the westerly edge of said pier; thence southwesterly on a line 1,500 feet easterly of and parallel with said pier and northerly and southerly projection thereof, 100 feet, thence northwesterly at right angles to said parallel line 550 feet; thence southwesterly on a line 950 feet easterly of and parallel with said pier and northerly and southerly projections thereof, 560 feet; thence northwesterly at right angles to said parallel line 1,450 feet, more or less, to a point from which the point of beginning lies northeasterly, 440 feet measured on a line parallel with and 500 feet westerly of the westerly edge of said pier and southerly prolongation thereof; thence northeasterly 440 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Tomales Bay.

END OF DESCRIPTION

PREPARED NOVEMBER 18, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

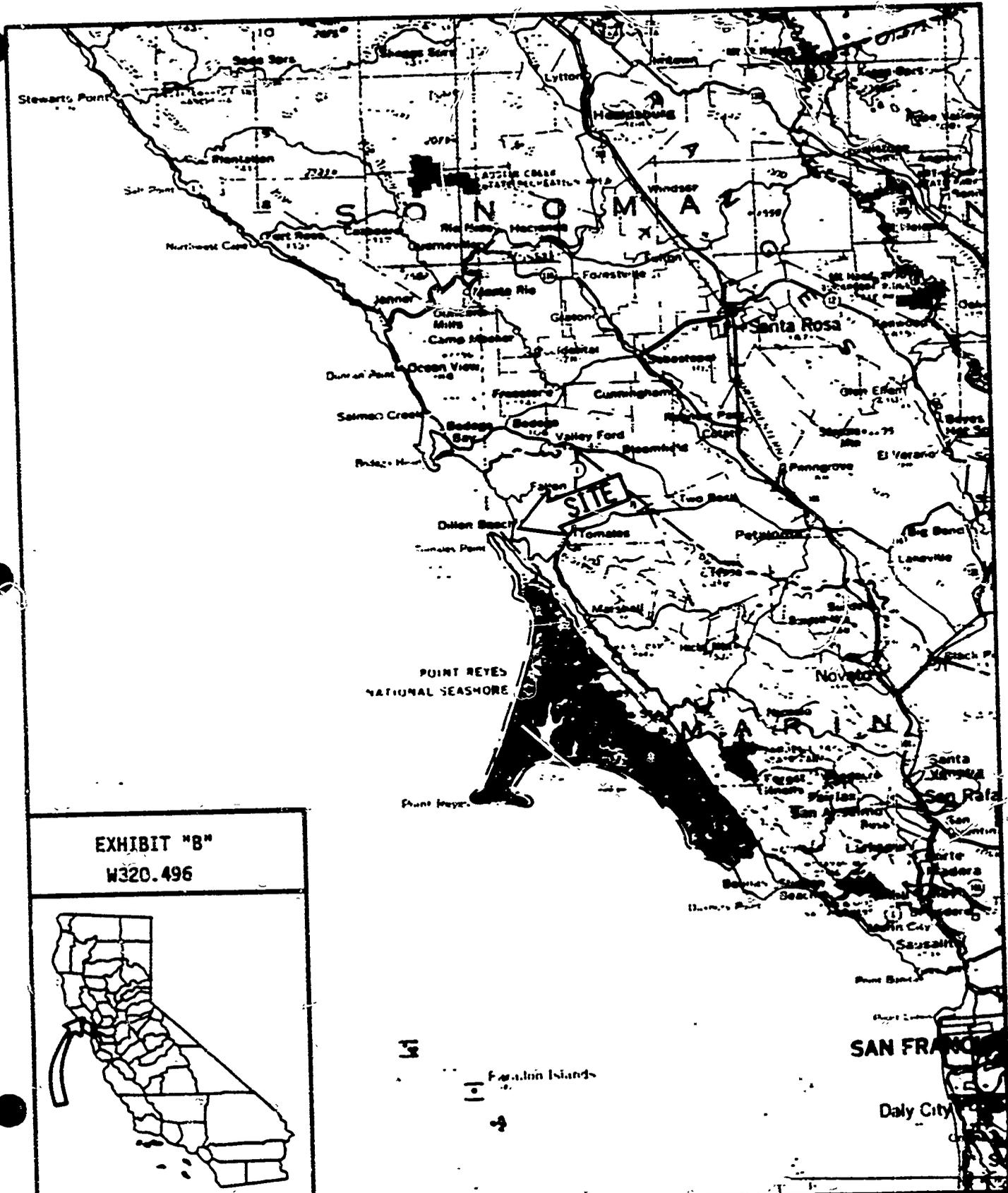


EXHIBIT "B"

W320.496

