

**CALENDAR ITEM  
C27**

A 6  
S 3

09/01/11  
W26492  
D. Simpkin

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Tiberio P. Lizza

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Raccoon Strait, adjacent to 2032 Paradise Drive, near Tiburon, Marin County.

**AUTHORIZED USE:**

The use and maintenance of an existing pier.

**LEASE TERM:**

10 years, beginning September 1, 2011.

**CONSIDERATION:**

Annual rent in the amount of \$77, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in the amount of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland property adjoining the lease premises.
2. The Applicant does not qualify for rent-free status because the Applicant's upland property is a multi-family residence.
3. 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).

CALENDAR ITEM NO. **C27** (CONT'D)

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, 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.. Site and Location Map
- B. Land Description

**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 section 6370, et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to Tiberio P. Lizza, for a term of 10 years, beginning September 1, 2011, for the use and maintenance of an existing pier 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 for the pier: annual rent in the amount of \$77; liability insurance in the amount of no less than \$1,000,000.



**EXHIBIT B**

**W 26492**

**LAND DESCRIPTION**

A parcel of submerged land situate in the bed of the Raccoon Straits, being adjacent to BTLC Lot 16, Section 6, Township 1 South, Range 5 West, Mount Diablo Meridian, as shown on that certain map dated 1870 and entitled "Map No. 1 of Salt Marsh and Tide Lands situate in the County of Marin" on file at the California State Lands Commission Sacramento Office, located in Marin County, State of California, and being more particularly described as follows:

COMMENCING at the most westerly corner of Parcel 1 of that certain map filed April 12, 1977 in Book 13 of Parcel Maps at Page 83, Official Records of said county; thence along the southerly line of said parcel, South 66°15'00" East 153.85 feet more or less to the intersection of said line with the Line of 9 Foot Depth at the Lowest Tide as shown on said map dated 1870, said intersection being the POINT OF BEGINNING; thence leaving said southerly line and along said Line of 9 Foot Depth, North 33°00'00" East 39.50 feet; thence leaving said line, South 43°29'01" East 33.43 feet; thence South 33°00'00" West 26.39 feet; thence North 66°15'00" West 32.93 feet to the POINT OF BEGINNING.

**END OF DESCRIPTION**

Prepared 07/26/2011 by the California State Lands Commission Boundary Unit.

