

**CALENDAR ITEM  
C36**

A 13  
S 3

10/19/12  
W 26610  
D. Oetzel

**GENERAL LEASE - DREDGING**

**APPLICANT:**

Mr. Bob Alten & Anthony Alioto  
16 & 24 Aqua Vista Homeowners  
24 Aqua Vista  
San Rafael, CA 94901

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

Sovereign land legislatively granted to the City of San Rafael, with minerals reserved to the State, in the San Rafael Canal adjacent to the Aqua Vista Homeowners, Marin County.

**AUTHORIZED USE:**

Maintenance dredge a maximum of 5,000 cubic yards of material over the term of the lease to maintain a navigable depth. Dredged material to be disposed of at SF-10 (San Pablo Bay), and/or other U.S. Army Corps of Engineers' approved disposal sites.

**LEASE TERM:**

10 years, beginning October 19, 2012.

**CONSIDERATION:**

No monetary consideration is due for the lease because there is no commercial benefit from the project and the dredged material may not be sold.

**OTHER PERTINENT INFORMATION:**

1. The purpose of the project is to maintain safe, and navigable berth and access channel depths for recreational and commercial vessels that transit these waters.
  
2. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

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

3. 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:**

None

**FURTHER APPROVALS REQUIRED:**

San Francisco Bay Regional Water Quality Control Board  
U.S. Army Corps of Engineers  
San Francisco Bay Conservation and Development Commission

**EXHIBITS:**

- A. Land Description
- B. Location and Site 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 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

**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 the issuance of a General Lease – Dredging to 16 & 24 Aqua Vista Homeowners, for a term of 10 years, beginning October 19, 2012, to maintenance dredge a maximum of 5,000 cubic yards of material during the lease term in the San Rafael Canal adjacent to the Aqua Vista Homeowners, to maintain a navigable depth. Dredged material will be

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disposed of at the U.S. Army Corps of Engineers' designated disposal site SF-10 (San Pablo Bay), and/or other U.S. Army Corps of Engineers' approved disposal sites. Such permitted activity is contingent upon the Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, State, and local governments. No monetary consideration is due for the lease because there is no commercial benefit from the project and the dredged material may not be sold.

## EXHIBIT A

W 26610

### LAND DESCRIPTION

Two parcels of tide and submerged land lying in the bed of San Rafael Canal, adjacent to BTLC Lot 7, Section 2, Township 1 North, Range 6 West, M.D.M., as shown on that map titled "Map No. 2 of Salt Marsh and Tide Lands Situate in the County of Marin State of California", on file at the California State Lands Commission, County of Marin, State of California, described as follows:

#### PARCEL 1:

COMENCING at Board of Tideland Commissioners San Rafael Canal Station 8 as shown on that map titled "Resurvey of the San Rafael Canal as shown on "Map No. 2 of the Salt Marsh and Tide Lands Situate in the County of Marin" as originally surveyed under the direction of G.F. Allardt in 1870", filed in Book 12, Page 25, Serial No. 17124, Official Surveys of said County on May 14, 1974, thence along the right bank of said canal N 26°38'26" E 277.12 feet; thence leaving said right bank S 63°25'26" W 102.20 feet; thence S 43°37'51" W 53.42 feet; thence S 51°28'56" W 82.27 feet; thence S 65°13'17" W 258.38; thence S 59°25'49" W 203.50 feet to the POINT OF BEGINNING; thence S 65°44'25" W 94.03 feet; thence S 21°05'29" E 59.04 feet; thence N 69°23'56" E 106.10 feet to a point lying distant S 31°42'21" E 66.28 feet from said point of beginning; thence N 31°42'21" W 66.28 feet to the POINT OF BEGINNING.

#### PARCEL 2:

COMENCING at Board of Tideland Commissioners San Rafael Canal Station 8 as shown on that map titled "Resurvey of the San Rafael Canal as shown on "Map No. 2 of the Salt Marsh and Tide Lands Situate in the County of Marin" as originally surveyed under the direction of G.F. Allardt in 1870", filed in Book 12, Page 25, Serial No. 17124, Official Surveys of said County on May 14, 1974, thence along the right bank of said canal N 26°38'26" E 277.12 feet; thence leaving said right bank S 63°25'26" W 102.20 feet; thence S 43°37'51" W 53.42 feet; thence S 51°28'56" W 82.27 feet; thence S 65°13'17" W 258.38; thence S 59°25'49" W 203.50 feet; thence S 65°44'25" W 94.03 feet; thence S 75°25'38" W 104.02 feet to the POINT OF BEGINNING; thence S 81°27'11" W 107.26 feet; thence S 9°58'06" E 61.87 feet; thence N 81°08'18" E 115.49; thence N 17°36'53" W 61.99 feet to the POINT OF BEGINNING.

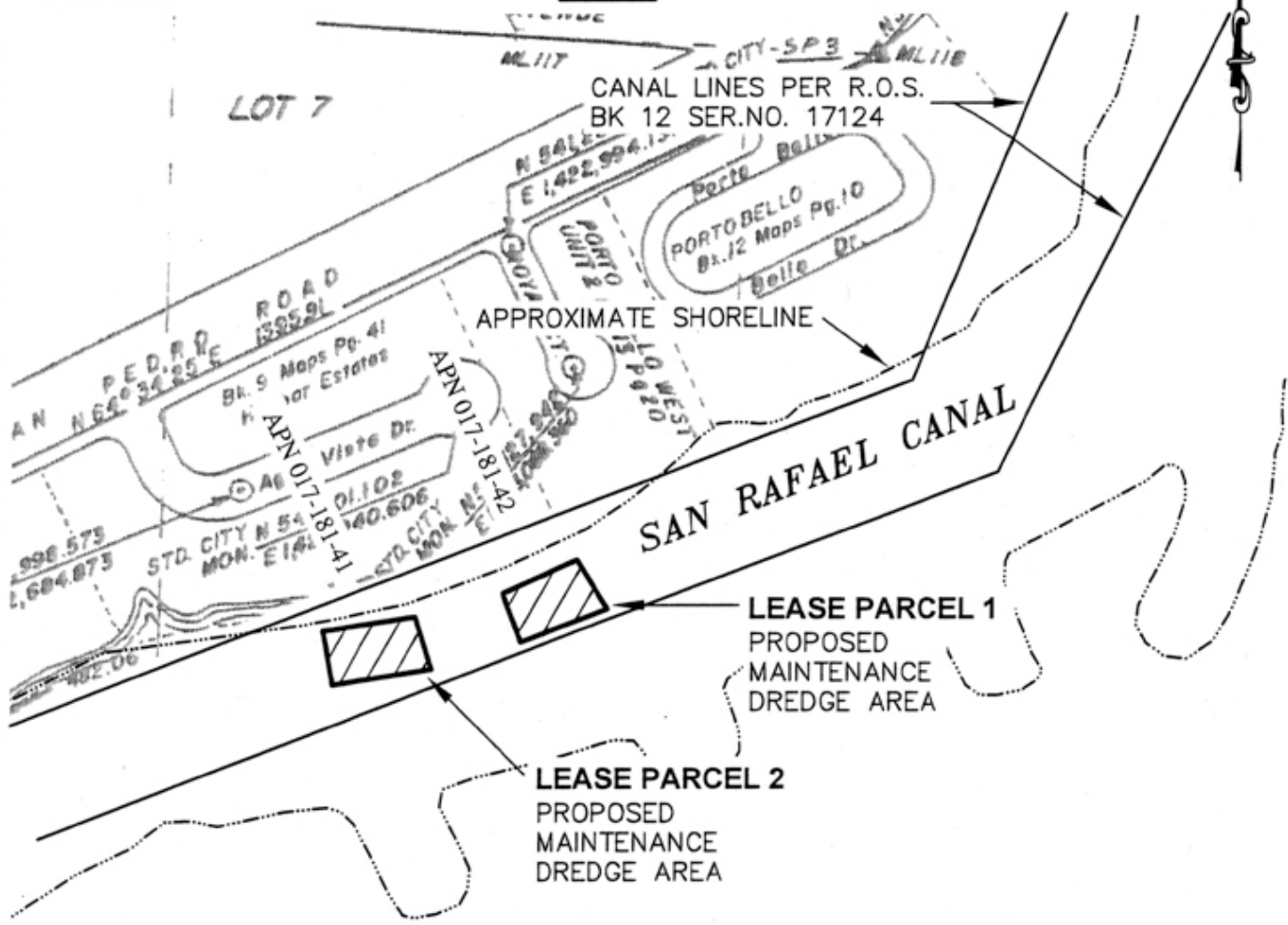
END OF DESCRIPTION

Prepared 9/19/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

### SITE



SAN RAFAEL CANAL, CITY OF SAN RAFAEL

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

W 26610  
AQUA VISTA  
HOMEOWNERS  
GENERAL LEASE -  
DREDGING  
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.