

**CALENDAR ITEM
C41**

A 06
S 03

10/19/12
PRC 6978.1
S. Paschall

REVISION OF RENT

LESSEE:

Lawson's Landing, Inc.

AREA, LAND TYPE, AND LOCATION:

15.18 acres, more or less, of ungranted sovereign land located in Tomales Bay, adjacent to 137 Marine View Drive, CDP Dillon Beach, Marin County.

AUTHORIZED USE:

Use and maintenance of existing commercial marina with 35 moorings, pier, boat launch, and seawall.

LEASE TERM:

25 years, beginning January 1, 1999.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that the minimum annual rent against a percentage of gross income generated on the Lease Premises be revised from a minimum annual rent of \$2,755 per year to \$8,325 per year, effective January 1, 2013.

The minimum annual rent is paid against the following percentages of gross income: 5% of gross income derived from moorings, 10% of gross income from all other sources of income derived in the Lease Premises, and 1.5 cents per gallon of fuel sold up to 100,000 gallons and 2 cents per gallon thereafter, per year, whichever is greater.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single-limit liability insurance of no less than \$1,000,000

Surety:

\$3,000

CALENDAR ITEM NO. **C41** (CONT'D)

OTHER PERTINENT INFORMATION:

1. On December 16, 1998, the Commission authorized issuance of a General Lease – Commercial Use to Lawson’s Landing, Inc.
2. On June 28, 2007, the Commission authorized the revision of the minimum annual rent from \$2,625 to \$2,755 per year, effective January 1, 2008.
3. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBIT:

- A. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revision of minimum annual rent for Lease No. PRC 6978.1 from \$2,755 per year to \$8,325 per year, effective January 1, 2013.

EXHIBIT A

LAND DESCRIPTION

PRC 6978.1

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 southwestery 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 southwestery 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.