

**CALENDAR ITEM  
C25**

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S 03

09/01/11  
WP 5095.9  
S. Paschall

**RECREATIONAL PIER LEASE**

**APPLICANT:**

Nicholas Edward Whitney, Trustee under The Deborah Tolman Whitney Grantor Retained Income Trust and Trust to Preserve Inverness Property for Benefit of Whitney Family, dated July 3, 1991, and accepted August 23, 1991.

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

Sovereign land located in Tomales Bay, adjacent to 98 Camino Del Mar, city of Inverness, Marin County.

**AUTHORIZED USE:**

Continued use and maintenance of a pier, landing pad, ladder, 2 pilings, and floating boat dock.

**LEASE TERM:**

10 years, beginning January 26, 2011.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in the amount of no less than \$500,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
  
2. On April 24, 2001, the Commission authorized issuance of a Recreational Pier Lease to Nicholas Edward Whitney, Trustee under the Trust to Preserve Property for the Benefit of Whitney Family, dated July 3, 1991, for a 10-year term beginning on January 26, 2001. This lease expired on January 25, 2011. The applicant is now applying for a new lease. The Applicant qualifies for a Recreational Pier Lease because the Applicant is

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a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.

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).

Authority: Public Resources Code section 21048 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.

**EXHIBIT:**

Exhibit A. 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 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 10-year Recreational Pier Lease to Nicholas Edward Whitney, Trustee of The Deborah Tolman Whitney Grantor Retained Income Trust and Trust to Preserve Inverness Property for Benefit of Whitney Family, dated July 3, 1991, and accepted August 23,

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1991, beginning January 26, 2011, for continued use and maintenance of a pier, landing pad, ladder, 2 pilings, and floating boat dock, as shown on Exhibit A attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; liability insurance in the amount of no less than \$500,000.