

EXHIBIT B

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STATE OF CALIFORNIA
SAN FRANCISCO BAY
CONSERVATION & DEVELOPMENT COMMISSION
375 Beale Street, Suite 510
San Francisco, CA 94105
Attn: Michael Ng

STATE OF CALIFORNIA
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GALILEE HARBOR SETTLEMENT AGREEMENT THIRD AMENDMENT

PARTIES

The PARTIES to this GALILEE HARBOR SETTLEMENT AGREEMENT THIRD AMENDMENT (“THIRD AMENDMENT”) are the State of California, acting by and through the San Francisco Bay Conservation and Development Commission (“Commission”), and the Galilee Harbor Community Association (“GHCA”), a California nonprofit mutual benefit corporation, individually and as the authorized representative of its members as of the effective date of this THIRD AMENDMENT.

RECITALS

A. In June of 1996, the Commission and GHCA concluded an agreement to compromise and settle claims made by the PARTIES concerning the use of four parcels of property and portions of four City of Sausalito (“City”) streets leased by the City to GHCA, comprising some 6.8 acres of land, located in and along the shore of Richardson Bay in the City (the “AGREEMENT”). The AGREEMENT authorized a project known as the Galilee Maritime Service Harbor Project (“Project”), to include various public access and open space improvements,

marsh restoration, remediation of site contamination, mooring for a total of 38 vessels, no more than four of which shall be houseboats and the remainder of which may be live-aboards, subject to specified conditions and restrictions, a marine services building, and various other project elements. The AGREEMENT also provided for dismissal of the action filed by the Commission against GHCA and its members entitled *State of California ex rel. San Francisco Bay Conservation and Development Commission vs. Galilee Harbor Community Association*, Marin County Superior Court No. 149568.

B. Effective September 3, 1998, the Commission approved a GALILEE HARBOR SETTLEMENT AGREEMENT FIRST AMENDMENT (“FIRST AMENDMENT”) providing for changes to the AGREEMENT affecting project fill, dredging, and certain structures. On July 10, 1998, October 8, 1998, and November 10, 1998, the Commission’s Executive Director approved minor modifications to the AGREEMENT, in accordance with the procedures set forth in paragraph IV.G of the AGREEMENT.

C. Effective January 19, 2017, the Commission approved a GALILEE HARBOR SETTLEMENT AGREEMENT SECOND AMENDMENT (“SECOND AMENDMENT”) providing for certain changes to the AGREEMENT, including: (1) approval of certain modifications to the Project requested by GHCA; (2) termination of a surety bond relating to potential need for removing fill; and (3) authorization of an extension of the 20-year term for residential use of the Galilee Harbor Marina based on findings required in the AGREEMENT.

D. As part of the approved Project elements, Sections I.A(8) and I.B(13) of the AGREEMENT authorized and required GHCA to install and maintain a public small boat launching float, gangway, and access deck for public access and use. Specifically, as amended by the FIRST AMENDMENT, Section I.A(8) of the AGREEMENT authorized GHCA to install in the Bay “a 461 square foot portion of a total 629 square foot public small boat launching float, gangway and access deck;” and Section I.B(13) of the AGREEMENT authorized GHCA to install within the 100-foot shoreline band “an approximately 168 square foot portion of a, 629 square foot, public small boat launching float gangway, and access ramp.” GHCA installed the small public boat launching float, gangway, and access ramp between 2001 and 2003, as part of Phase I of the Project, and is presently in compliance with the requirements of Sections I.A(8) and I.B(13) of the AGREEMENT, as amended.

E. On January 31, 2020, GHCA submitted a request to the Commission to amend the AGREEMENT in response to “exigent and dangerous conditions that have developed” in connection with misuse and overuse of the small public boat launching float. According to GHCA, the small public boat launching float is no longer serving, and cannot presently serve, its intended purpose of allowing members of the public to efficiently access the Bay from land for recreational public access purposes because “the launching float has been inundated by the anchorage community in Richardson Bay”; this intense and unintended misuse and overuse of the launching float reportedly has resulted in adverse impacts to recreation, public access, the marine environment, and public safety. GHCA submitted evidence in support of its amendment request demonstrating that It has attempted to address the impacts resulting from the misuse and overuse of the small public boat launching float through various means, all of which were

determined to be ineffective and/or unachievable. Therefore, GHCA requested that Commission agree to amend the AGREEMENT to temporarily suspend application of the Sections I.A(8) and I.B(13) Project elements, and thereby authorize the temporary removal of the small public boat launching float, gangway, and access ramp for a period of two years. GHCA further requested that after that two-year period, the Commission staff be authorized either to terminate the suspension of application of Sections I.A(8) and I.B(13), and require reinstallation of the small public boat launching float, gangway, and access ramp, or to extend the suspension of application of Sections I.A(8) and I.B(13) for an additional period of time, depending on the evidence available at that time as to whether the conditions resulting in the misuse and overuse of the small public boat launching float have been addressed.

F. On March 19, 2020, the Commission held a public hearing to consider GHCA's request to amend the AGREEMENT to temporarily suspend application of Sections I.A(8) and I.B(13) of the AGREEMENT, and thereby authorize the temporary removal of the small public boat launching float, gangway, and access deck.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the following terms and conditions, the PARTIES agree as follows:

I. TEMPORARY SUSPENSION OF THE PROJECT ELEMENTS REQUIRED BY SECTIONS I.A(8) AND I.B(13) OF THE AGREEMENT

Based on the evidence and arguments submitted by GHCA, and the public comments provided at the public hearing held by the Commission on March 19, 2020, the Commission agrees to GHCA's request to amend the AGREEMENT to temporarily suspend the application of the Project elements authorized and required by Sections I.A(8) and I.B(13) of the AGREEMENT,

subject to the terms and conditions of this THIRD AMENDMENT. Amendments to the AGREEMENT to implement this temporary suspension, and to review the appropriateness of any potential further extension and the termination of this temporary suspension, are set forth below in Section II, Amendments.

II. AMENDMENTS

To implement the Temporary Suspension of the Project elements authorized and required by Sections I.A(8) and I.B(13) of the AGREEMENT, as described above in Section II of this THIRD AMENDMENT, the Commission and GHCA agree to the following amendments to the AGREEMENT. New text is shown in yellow highlighting.

A. At page 5, Section I.A (Project Elements/In the Bay), paragraph 8, and at page 6, Section I.B (Project Elements/Public Access Improvements Within the 100-Foot Shoreline Band), paragraph 13, are amended, by the addition to each paragraph of footnote “*”, to read as follows:

8. Install a 461 square foot portion of a total 629 square foot public small boat launching float, gangway and access deck;*

13. Install an approximately 168 square portion of a, total 629 square foot public small boat launching float gangway, and access ramp.*

* The application of the Sections I.A(8) and I.B(13) Project elements are hereby suspended, and GHCA may remove the public small boat launching float, gangway, and access ramp, from March 19, 2020 until March 19, 2022, or until the suspension of these Project elements expires or is terminated by or on behalf of the Commission. If GHCA believes an extension of the suspension of these Project elements beyond

March 19, 2022 is necessary or appropriate, GHCA shall submit a request for such an extension to the Executive Director by no later than February 1, 2022. Upon submission of such a request, the Executive Director shall determine, by no later than March 19, 2022, whether to terminate the suspension, and require reinstallation of the small public boat launching float, gangway, and access ramp, or to extend the suspension of application of the Sections I.A(8) and I.B(13) Project elements for an additional period not to exceed two-years, or to no later than March 19, 2024. In making this determination, the Executive Director shall consult with GHCA and any other interested parties and shall consider: (1) the evidence available at that time as to whether the conditions that resulted in the prior misuse and overuse of the small public boat launching float for non-recreational public access use have been resolved and; (2) whether potential future misuse or overuse of the small public boat launching float for non-recreational public access use may be addressed by appropriate reasonable rules and restrictions approved by the Executive Director in accordance with Section III.B(7) of the AGREEMENT; and (3) the public benefits of public recreational use of the small public boat launching float to allow members of the public to efficiently access the Bay from land. If the Executive Director grants an extension of the suspension of the project elements described in Sections I.A(8) and I.B(13) for an additional period not to exceed two-years, or to no later than March 19, 2024, and GHCA believes that a further extension of the suspension of these Project elements beyond the granted extension is necessary or appropriate, GHCA shall submit a request for such an extension to the Executive Director within 45 day of the expiration of such extension, or by no later than

February 1, 2024, and the Executive Director shall calendar the request for a further extension for consideration by the Commission at its next available regularly scheduled meeting. GHCA shall reinstall the small public boat launching float, gangway, and access ramp, by April 15, 2022 or no later than 30 days after expiration or termination of any extension of the suspension of the Sections I.A(8) and I.B(13) Project elements granted by the Executive Director or the Commission.

III. GENERAL PROVISIONS

A. **Effective Date and Binding Effect.** This THIRD AMENDMENT and the foregoing amendments to the AGREEMENT shall become effective on the date that the Commission approves this THIRD AMENDMENT, provided that the Executive Director and an authorized representative of GHCA shall each duly and properly execute this THIRD AMENDMENT within fourteen (14) days of its approval by the Commission.

THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

Dated: _____

LAWRENCE J. GOLDZBAND
Executive Director

THE GALILEE HARBOR COMMUNITY ASSOCIATION

Dated: _____

RAYLENE GORUM
Vice President