

MINUTE ITEM

This Calendar Item No. C5
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 10-29-79 CALENDAR ITEM
meeting. C5.

10/79
W 20429
Anderson
PRC 4900

RECISION OF PRIOR AUTHORIZATION FOR
NON-COMMERCIAL LEASE AND AUTHORIZATION FOR
ISSUANCE OF GENERAL - RECREATIONAL USE

APPLICANT: Albert C. and Marjorie Stoltze
655 South Eliseo Drive
Greenbrae, California 94904

AREA, TYPE LAND AND LOCATION:
A 0.066 acre (2,880 square feet) parcel
of tide and submerged land in Corte Madera
Creek, Marin County.

LAND USE: Maintenance of an existing pier, ramp and
floating dock.

BACKGROUND: At its meeting of October 24, 1974 the
Commission authorized the issuance to Albert C.
Stoltze of a 20-year Non-Commercial Lease
beginning November 1, 1973 for the construction,
operation and maintenance of a pier, ramp
and floating dock on a parcel of tide and
submerged land in Corte Madera Creek, Marin
County. The lease documents were not executed
by the State Lands Commission due to lack
of receipt of a surety bond. Applicant
was reluctant to provide a surety bond
due to the excessive cost which he could
not afford.

CURRENT SITUATION:
Mr. Stoltze has been eligible for a General
Permit - Recreational Use for the pier,
ramp and floating dock since March 1, 1977.

A completed application form and a properly
executed permit for a General Permit -
Recreational Use have been received by
State Lands Commission from Mr. and Mrs.
Albert Stoltze to replace the Non-Commercial
Lease for the pier, ramp and floating dock
in Corte Madera Creek, Marin County.

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TERMS OF PROPOSED REPLACEMENT PERMIT:

Initial period: 10 years from October 1, 1979.

Public liability insurance: Combined single limit coverage of \$100,000.

CONSIDERATION: \$50 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

\$50 fixed rental for this type of permit.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee and first year's rental have been received.

STATUTORY AND OTHER REFERENCE:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class C, which authorizes Multiple Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

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CALENDAR ITEM NO. C5. (CONTD)

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. RESIND MINUTE ITEM NO. 7, APPROVED AT THE STATE LANDS COMMISSION MEETING OF APRIL 24, 1974.
2. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
3. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
4. AUTHORIZE ISSUANCE TO ALBERT C. AND MARJORIE STOLTZE OF A 10-YEAR GENERAL PERMIT - RECREATIONAL USE FROM OCTOBER 1, 1979; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$50, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF \$100,000 FOR COMBINED SINGLE LIMIT COVERAGE; FOR THE MAINTENANCE OF AN EXISTING PIER, RAMP AND FLOATING DOCK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

A parcel of tide and submerged land lying in the bed of Corte Madera Creek, adjacent to Lot 71, Bon Air Subdivision No. 5, County of Marin, State of California, being more particularly described as follows:

BEGINNING at the southeasterly corner of the above-mentioned Lot 71; thence S $06^{\circ} 00' 40''$ W, at right angles to the Northerly canal line, as shown on the map entitled "Map No. 2 Salt Marsh and Tide Lands, situated in Marin County", dated 1870, 72.00 feet; thence N $83^{\circ} 59' 20''$ W 40.00 feet; thence N $06^{\circ} 00' 40''$ E 72.00 feet; thence S $83^{\circ} 59' 20''$ E 40.00 feet to the point of beginning.

END OF DESCRIPTION

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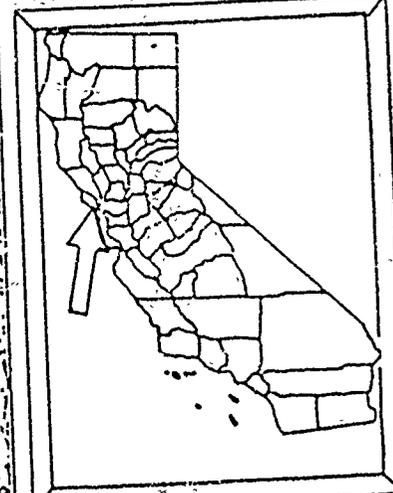
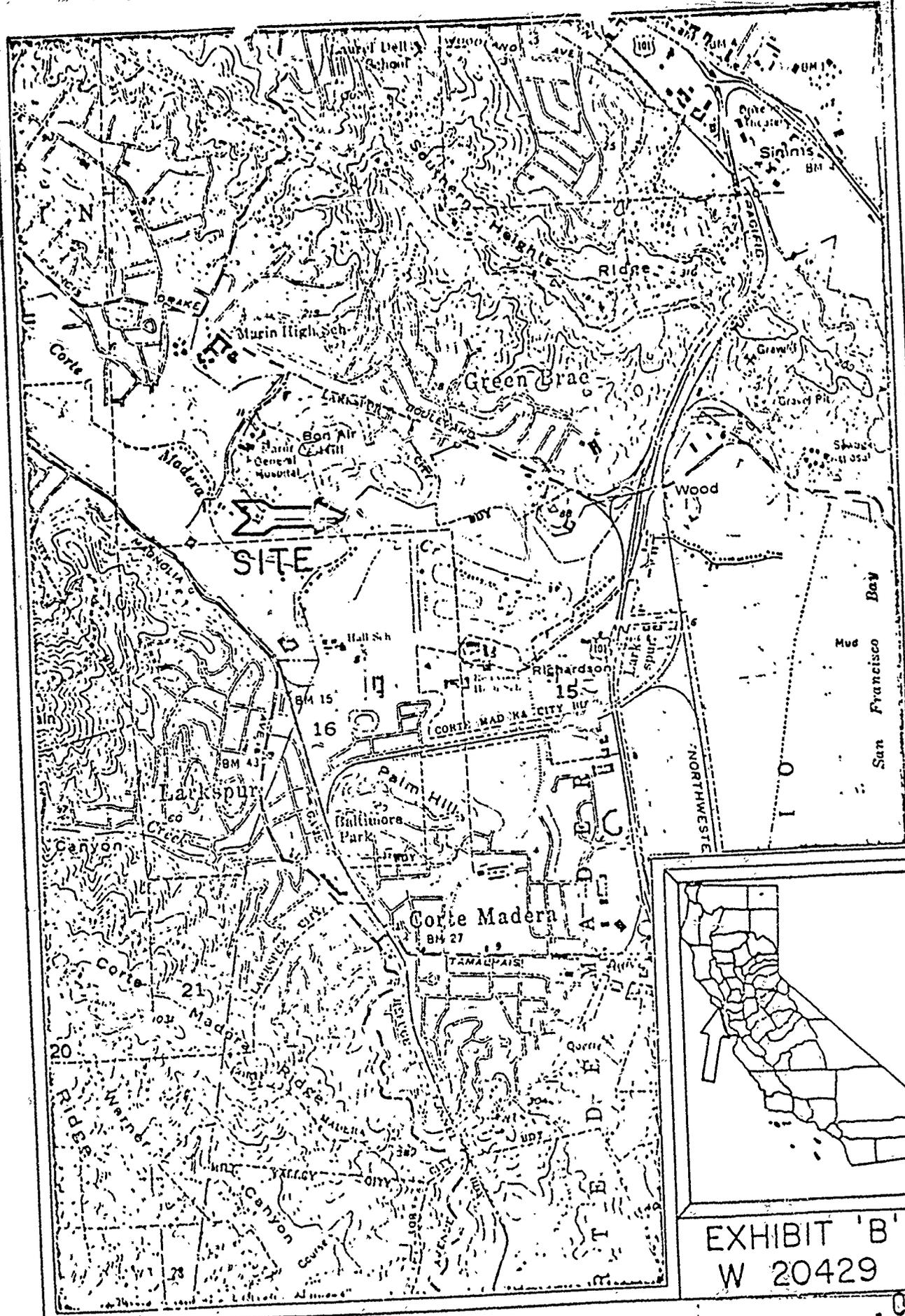


EXHIBIT 'B'
W 20429

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