

MINUTE ITEM

This Calendar Item No. C55
was approved as Minute Item
No. 55 by the State Lands
Commission by a vote of 3
to 0 at its 3/8/94

CALENDAR ITEM

C55

03/08/94
WP 2148
N. Smith
PRC 2148

S 3

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Pullman Building Company
926 Bransten Road
San Carlos, CA 94070

AREA, TYPE LAND AND LOCATION:

A 3.42± acre parcel of tide and submerged land in Paradise
Cay, in the Town of Tiburon, Marin County.

LAND USE:

Existing breakwaters, the north breakwater will include
construction of a 1.3-acre public park with pathways,
seating, trash containers, two overlook areas, an irrigated
grass area and native vegetation; portions of five boat
berths; extension of the north breakwater an additional 45
feet (3 feet wide and ten to twelve batter piles); and
installation of fifteen 12 inch concrete piles around the
tip of the south breakwater; and maintenance dredging.

PROPOSED LEASE TERMS:

Lease period:

Twenty (20) years beginning April 7, 1993.

Surety bond:

\$10,000.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Consideration:

\$5,650 per annum until construction is completed not
later than August 20, 1999; then rent will be \$9,400
with CPI adjustment, with the State reserving the right
to fix a different rental on each fifth anniversary of
the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

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PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

02/19/94

OTHER PERTINENT INFORMATION:

1. In June 1991, after review of a San Francisco Bay Conservation and Development Commission (BCDC) application, staff of the Commission determined lease PRC 2148 would need to be amended to include two very small existing breakwater areas located on sovereign lands. Lessee, Pullman Building Company, applied in December 1991 to amend their lease. During the BCDC permitting process, and in order to provide public access, Pullman was required to construct a public park on the large breakwater. The construction of the park required an amendment of their application with the Commission to include this additional use and construction. After much negotiating between staff and Pullman, a lease has been prepared that is acceptable to all parties.
2. The marina (see Exhibit "A-1") portion of this project is located on lands not under the jurisdiction of the Commission, therefore the five berths (a portion thereof) located on sovereign lands, out of a 307 berth marina do not justify a lease based on a percentage of gross rent because of the limited income from those berths.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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.

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4. On August 26, 1992, the BCDC granted permit 6-91 for this project under its certified regulatory program (14 Cal. Code Regs 15251 (h)).
5. Staff has reviewed the document and determined that the conditions, as specified in Section 15253 of the State CEQA Guidelines have been met for the Commission to use the environmental analysis document certified by the BCDC as a Negative Declaration substitute in order to comply with the requirements of the CEQA.

APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission

FURTHER APPROVALS REQUIRED:

State Lands Commission

EXHIBITS:

- A. Land Description
- A-1. Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION 6-91), WAS CERTIFIED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE REGS 15251 (h)), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS. 15253(b) HAVE BEEN MET.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO PULLMAN BUILDING COMPANY OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING APRIL 7, 1993; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$5,650 UNTIL CONSTRUCTION IS COMPLETED NOT LATER THAN AUGUST 20, 1999; THEN RENT IS TO BE \$9,400 PER ANNUM WITH CPI ADJUSTMENT, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR EXISTING BREAKWATERS, THE LARGER BREAKWATER WILL INCLUDE

CALENDAR ITEM NO. C55 (CONT'D)

CONSTRUCTION OF A 1.3-ACRE PUBLIC PARK WITH PATHWAYS, SEATING, TRASH CONTAINERS, TWO OVERLOOK AREAS, AN IRRIGATED GRASS AREA AND NATIVE VEGETATION; A PORTION OF FIVE BOAT BERTHS; EXTENSION OF THE NORTH BREAKWATER AN ADDITIONAL 45 FEET LONG (3 FEET WIDE AND TEN TO TWELVE BATTER PILES); AND INSTALLATION OF FIFTEEN 12 INCH CONCRETE PILES AROUND THE TIP OF THE SOUTH BREAKWATER AND MAINTENANCE DREDGING; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

WP 2148

LAND DESCRIPTION

Three parcels of land in the State-owned bed of the San Francisco Bay, Marin County, California, more particularly described as follows:

PARCEL 1

BEGINNING at the northeast corner of Lot 120, Paradise Cove Subdivision, recorded in Volume 5, page 77 of Maps, records of said county; said corner also being on the line of nine feet of water at the lowest stage of the tide as shown on "Map No. 2 of Salt Marsh and Tidelands situate in the County of Marin, State of California, 1870" filed in Can "S", Marin County Recorder's Office; thence leaving the easterly line of said subdivision N 70° 00' E, 253.50 feet; thence S 36° 00' E, 445.30 feet; thence S 70° 00' W, 53.85 feet; thence S 36° 00' E, 140.92 feet; thence S 54° 00' W, 197.58 feet to the easterly line of Lot 44 of said Paradise Cove Subdivision, said point hereafter known as Point "A"; thence along said easterly line of said subdivision N 36° 00' W, 604.49 feet and N 27° 15' W, 37.20 feet to the point of beginning.

PARCEL 2

BEGINNING at Point "A" in the abovementioned Parcel 1, thence along the southerly line of said Parcel 1, N 54° 00' E, 50.00 feet; thence leaving said line S 15° 20' 25" W, 64.03 feet to a point on the easterly line of Paradise Cay Map No. 3, filed in Volume 14 of Maps at page 49, Marin County Records, thence along said easterly line N 36° 00' 00" W, 40.00 feet to the point of beginning.

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PARCEL 3

COMMENCING at said northeast corner of Lot 120 as mentioned in Parcel 1; thence along the northerly line of said Parcel 1, N 70° 00' E, 156.50 feet to the POINT OF BEGINNING; thence leaving said line N 43° 30' E, 110.00 feet; thence S 69° 51' 57" E, 39.16 feet; thence S 5° 00' W, 56.00 feet to a point on the easterly line of said Parcel 1; thence along said line N 36° 00' W, 28.00 feet; thence S 70° 00' 00" W, 97.00 feet to the point of beginning.

END OF DESCRIPTION

REVISED MARCH, 1993 BY SFB&CC.

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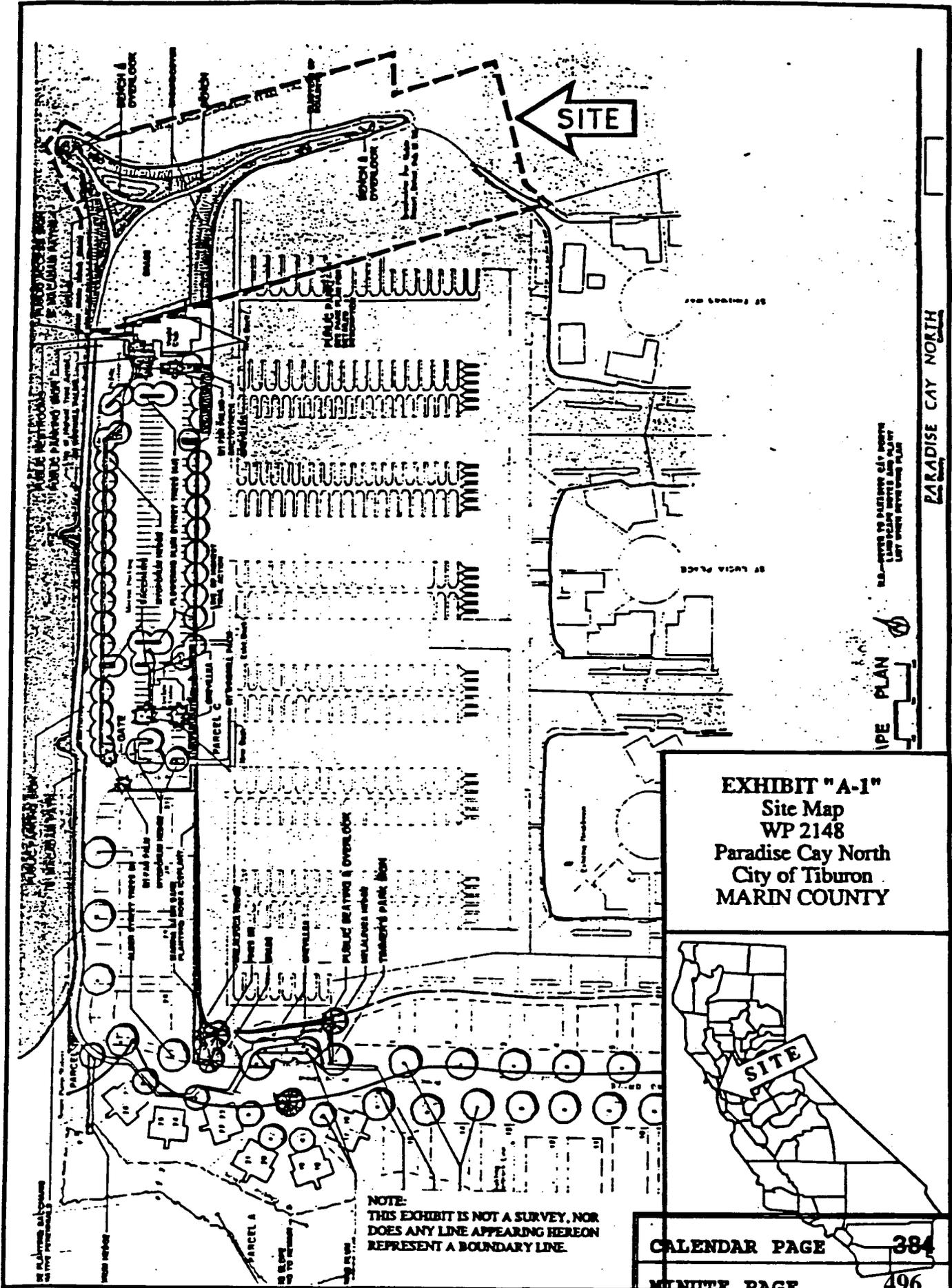


EXHIBIT "A-1"
 Site Map
 WP 2148
 Paradise Cay North
 City of Tiburon
 MARIN COUNTY



NOTE:
 THIS EXHIBIT IS NOT A SURVEY, NOR
 DOES ANY LINE APPEARING HEREON
 REPRESENT A BOUNDARY LINE.

PARADISE CAY NORTH

NO-RECORD TO BEARING OF A PROPERTY
 LUBRICATING OILS AND ALKYL
 LUBRICATING OILS AND ALKYL

TYPE PLAN