

**CALENDAR ITEM
C17**

A 6
S 3

10/27/11
WP 4495.1
D. Simpkin

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Louis J. Geissberger, Trustee of The Geissberger Family Trust of 1989 dated June 5, 1989

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Corte Madera Creek, adjacent to 1341 South Eliseo Drive, Greenbrae, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock and access ramp.

LEASE TERM:

10 years, beginning June 1, 2010.

CONSIDERATION:

Annual rent in the amount of \$398, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

2. On April 20, 2000, the Commission authorized the issuance of a General Lease – Recreational Use, Lease No. PRC 4495.1, to Louis J. Geissberger and Norma R. Geissberger, for a term of 10 years, effective June 1, 2000. The lease expired on May 31, 2010. The Applicant is now applying for a new General Lease – Recreational Use for the existing uncovered floating boat dock and access ramp.

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3. The existing uncovered floating boat dock and access ramp do not qualify for rent-free status as the adjoining upland is not improved with a single-family dwelling pursuant to Public Resource Code Section 6503.5.
4. 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 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. 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.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

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 General Lease – Recreational Use to Louis J. Geissberger, Trustee of the Geissberger Family Trust of 1989 dated June

CALENDAR ITEM NO. **C17** (CONT'D)

5, 1989, beginning June 1, 2010, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock and access ramp as shown on Exhibit A attached (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; consideration in amount of \$398 per year, with the State reserving the right to fix a different rent periodically during the term as provided in the lease; combined single-limit liability insurance coverage in the amount of \$1,000,000.

NO SCALE

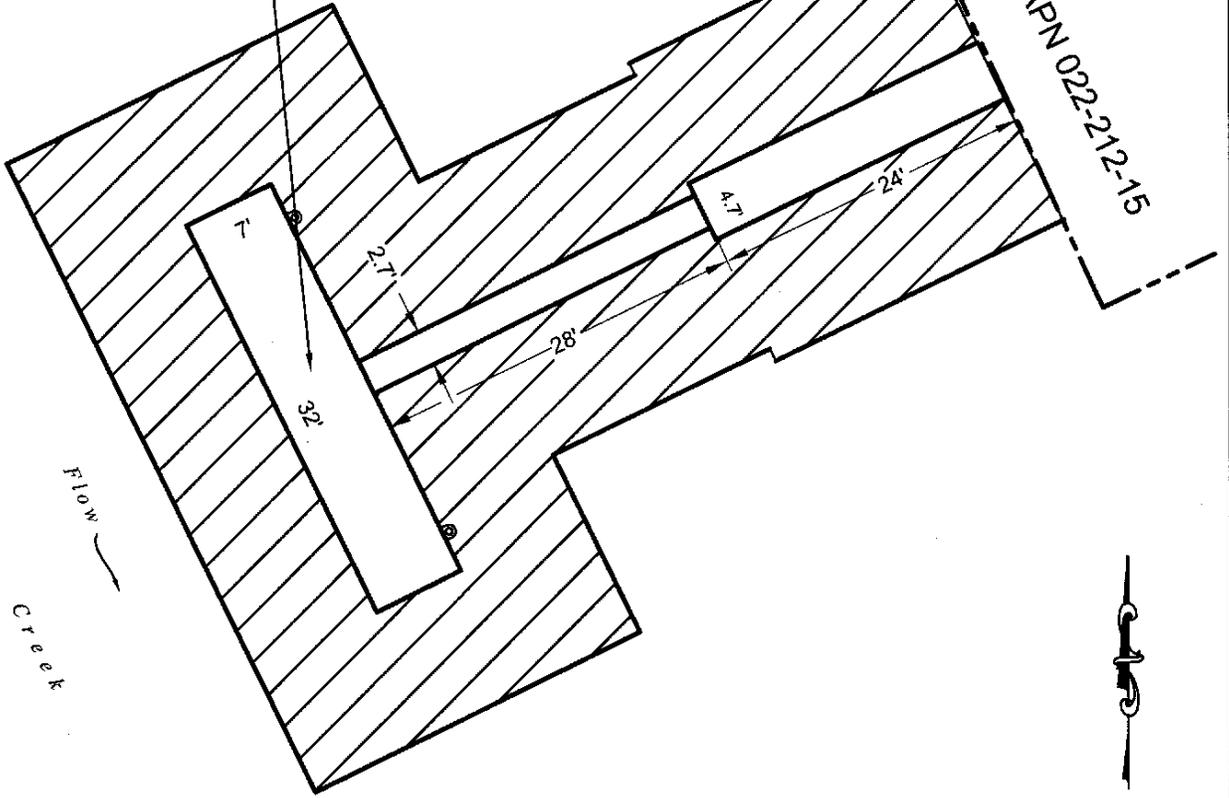
SITE

Site 1 : Parcel 1
Area : 2401.91 Sq.Ft.
: 0.06 Ac.

CORTE MADERA
CANAL LINE
AD 111

APN 022-212-15

Corte Madera
Creek
Flow



1341 SOUTH ELISEO DRIVE, GREENBRAE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC4495.1
GEISSBERGER FAMILY TRUST
OF 1989
APN 022-212-15
GENERAL LEASE-
RECREATIONAL USE
MARIN COUNTY



MJJ 08/11

EXHIBIT "B"

PRC 4495.1

LAND DESCRIPTION

A strip of submerged land of varying widths in the bed of Corte Madera Canal, County of Marin, State of California. The initial portion of said strip is 4 feet in width, the centerline of which is more particularly described as follows:

COMMENCING at the most northerly angle point in the northwesterly line of Lot 121 of "Bon Air Subdivision No. 6", as recorded in Book 12 of Maps, page 60 in the Office of the County Recorder of said County; thence S 50° 15' 40" E 45 feet along the boundary line of said Lot 121 to the TRUE POINT OF BEGINNING; thence S 39° 44' 20" W 158.60 feet to the southwesterly line of said Lot 121, at which point the succeeding width becomes 3 feet; thence continuing S 39° 44' 20" W 26 feet, at which point the succeeding width becomes 52 feet; thence continuing S 39° 44' 20" W 17 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of Corte Madera Canal Line as set forth in the Marin County Superior Court Case No. 14851.

END OF DESCRIPTION

PREPARED OCTOBER 17, 1989 BY BIU 1.