

**CALENDAR ITEM
C25**

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12/02/13
PRC 4867.1
K. Foster

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

San Pan Bay Homeowners' Association
1150 McClelland Drive
Novato, CA 94945

AREA, LAND TYPE, AND LOCATION:

0.038 acre, more or less, of sovereign land in Corte Madera Creek adjacent to 517-533 Larkspur Plaza Drive, city of Larkspur, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing walkway, anchor lines, and a floating boat dock.

LEASE TERM:

10 years, beginning March 1, 2013.

CONSIDERATION:

\$278 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in the amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

2. On August 19, 2003, the Commission authorized the issuance of Lease No. PRC 4867.9, a Recreational Pier Lease, to the San Pan Bay Homeowners' Association. That lease expired on February 28, 2013. The Applicant is now applying for a new General Lease – Recreational Use.

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3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 the San Pan Bay Homeowners' Association beginning March 1, 2013, for a term of 10 years, for the continued use and maintenance of an existing walkway, anchor lines, and a floating boat dock as described in Exhibit A attached and by this reference made a part hereof, and as shown on Exhibit B (for

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reference purposes only); rent in the amount of \$278 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4867.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Corte Madera Creek, lying adjacent to that certain parcel of land as shown on "Map of San Pan Bay, A Condominium" filed in Book 15 of Maps at Page 83, Marin County Records, located in said county, State of California and being more particularly described as follows:

BEGINNING at Station 51 of the Mean High Tide Line 1941 (Per Superior Court Case No. 14851), as shown on that certain map titled "Map of State Sovereign Lands in Corte Madera Creek vicinity of Green Brae" on file at the Sacramento office of the California State Lands Commission, (CB-1294); thence from said point of beginning along said Mean High Tide Line 1941, South 57°42'14" East 60.82 feet; thence leaving said line, North 01°00'12" East 57.53 feet; thence North 88°59'48" West 68.00 feet; thence South 01°00'12" West 24.32 feet to a point on said Mean High Tide Line 1941; thence along said Mean High Tide Line 1941, South 83°12'40" East 16.11 feet to the point of beginning.

END OF DESCRIPTION

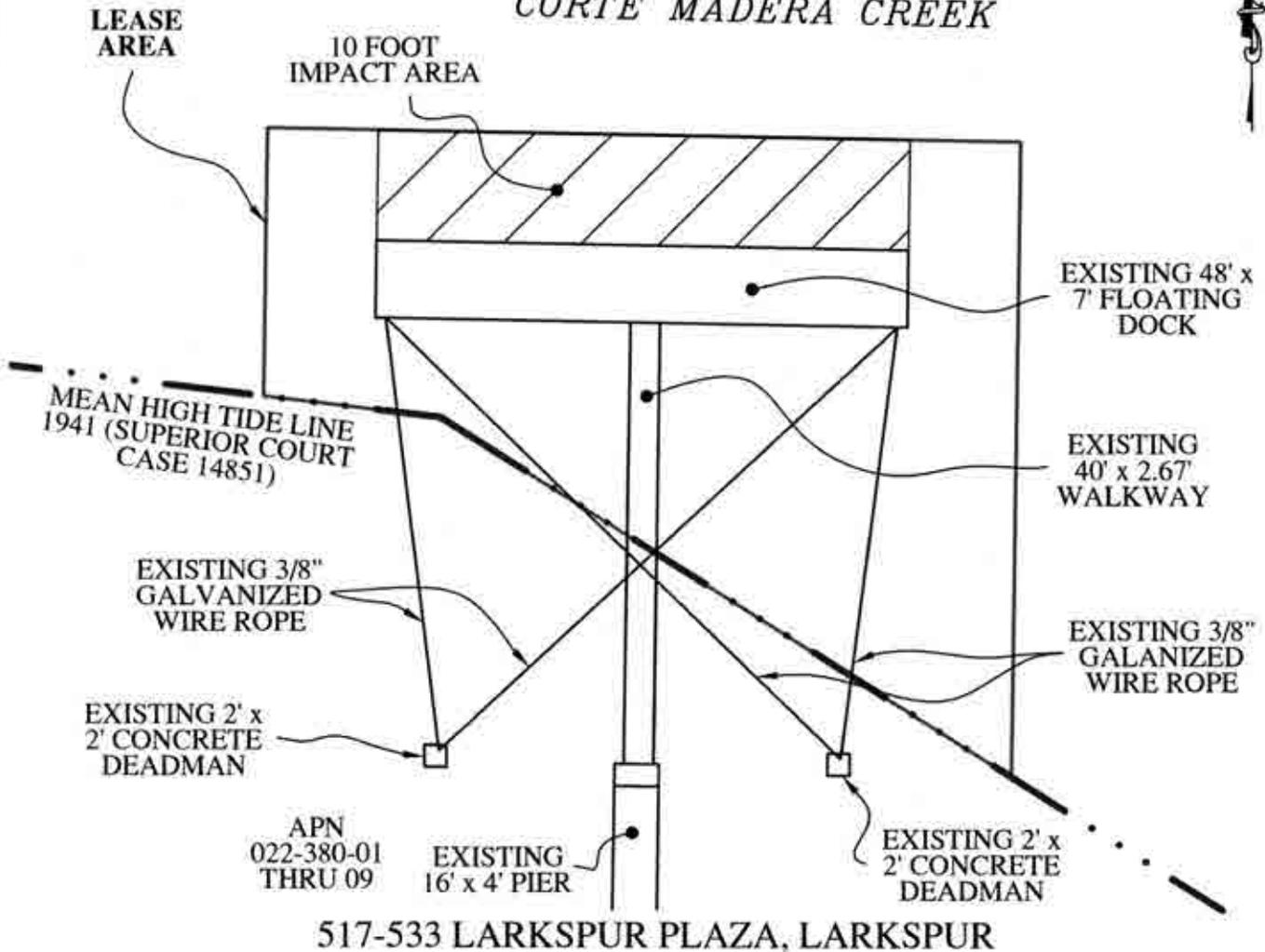
Prepared 10/21/2013 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

CORTE MADERA CREEK



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4867.1
 SAN PAN BAY
 HOMEOWNERS ASSN
 APN 022-380-01 THRU 09
 GENERAL LEASE -
 RECREATIONAL USE
 MARIN COUNTY



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.