

**CALENDAR ITEM
C27**

A 06

05/24/12
PRC 5411.1
S. Paschall

S 03

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Calido Bay Homeowners Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Corte Madera Creek, adjacent to 505 Larkspur Plaza Drive, city of Larkspur, Marin County.

AUTHORIZED USE:

Use and maintenance of an existing dock, gangway, pier, and wire cables.

LEASE TERM:

10 years, beginning August 31, 2012.

CONSIDERATION:

Dock, Gangway, Pier, and Cables: annual rent in the amount of \$170, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single-limit liability of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 18, 2002, the Commission approved the issuance of Recreational Pier Lease No. PRC 5411.9 to Calido Bay Homeowners Association, for a period of 10 years, for continued use and maintenance of an existing floating dock, gangway, and pier. That lease is set to expire on August 30, 2012. The Applicant is applying for a new lease.

CALENDAR ITEM NO. **C27** (CONT'D)

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The proposed lease does not meet either of the statutory exceptions and is thus subject to rent.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 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; 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.

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. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C27** (CONT'D)

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 Calido Bay Homeowners Association, beginning August 31, 2012, for a term of 10 years, for continued use and maintenance of an existing dock, gangway, pier, and wire cables, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be annual rent in the amount of \$170; combined single-limit liability insurance coverage in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 5411.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Corte Madera Creek, lying adjacent to Swamp and Overflowed Land Survey 44, patented September 6, 1872, Marin County, State of California and more particularly described as follows:

All those lands underlying the existing dock, gangway, pier and wire cables, lying adjacent to the right bank of said creek and being adjacent to Lot 1, as shown on that Map of "CALIDO BAY" a CONDOMINIUM, recorded October 3, 1973 in Volume 15 of Maps at Page 86 in Official Records of said County.

TOGETHER WITH a 10' use area.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said creek as per description in Superior Court Case No. 14851, and shown on "Map of STATE SOVEREIGN LANDS in Corte Madera Creek vicinity of Green Brae" on file at the Sacramento office of the State Lands Commission, (CB-1294).

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 03/21/12 by the California State Lands Commission Boundary Unit





CORTE MADERA CREEK

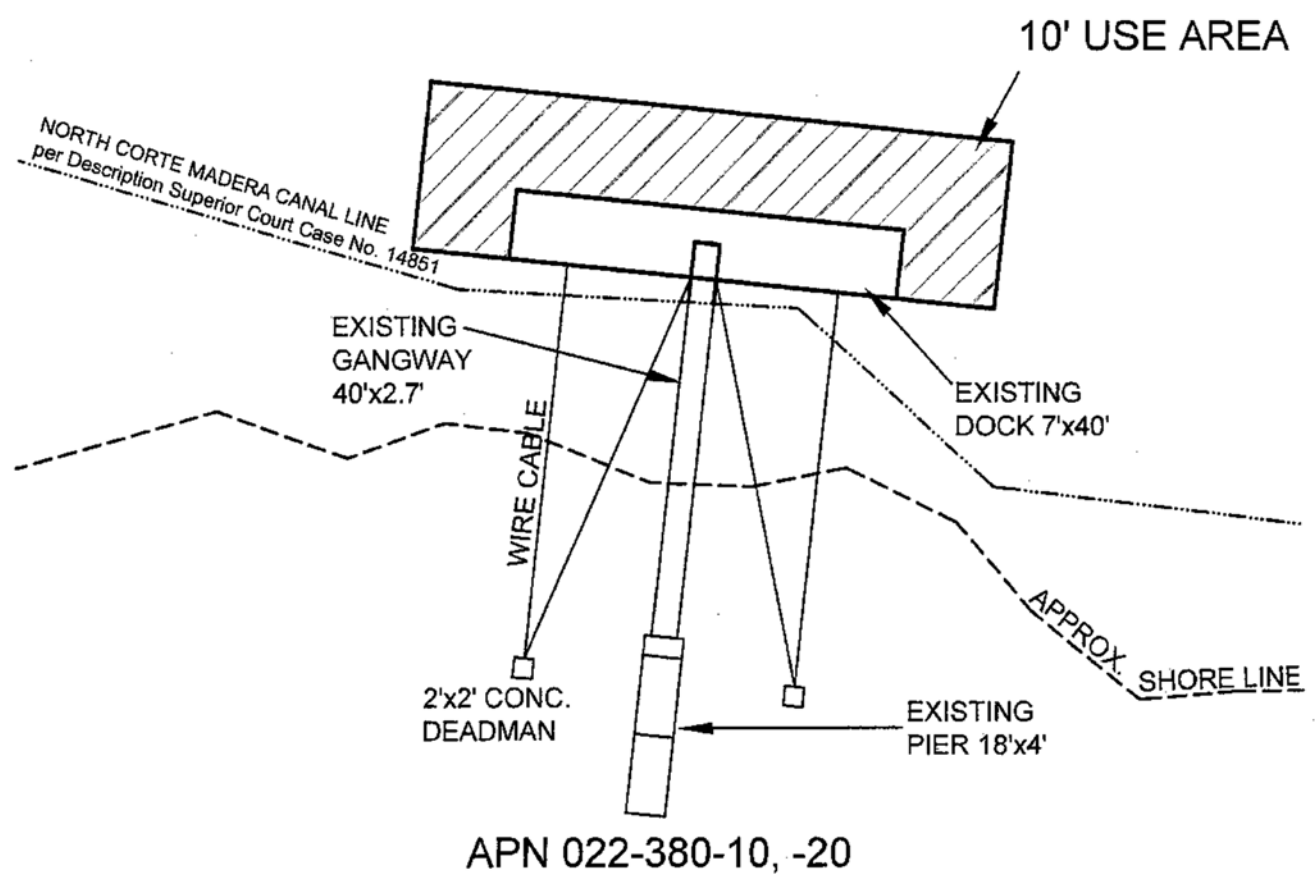


EXHIBIT A

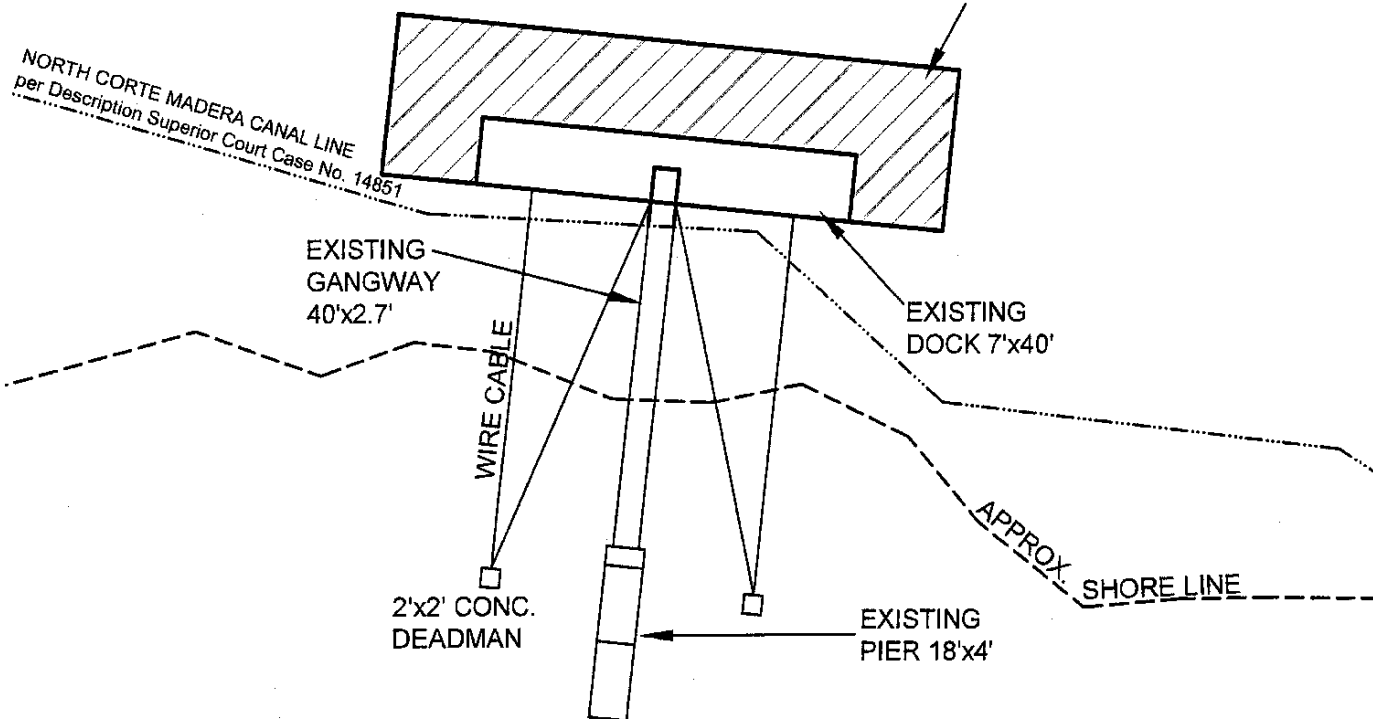


NO SCALE

SITE

CORTE MADERA CREEK

10' USE AREA



APN 022-380-10, -20

505 LARKSPUR PLAZA DRIVE, CITY OF LARKSPUR

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5411.1
 CALIDO BAY HOA
 APN 022-380-10, -20
 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.

TS 03/22/12