

MINUTE ITEM

This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 11/27/78
meeting.

CALENDAR ITEM

C13.

GENERAL LEASE
COMMERCIAL USE

11/78
W 20322
Atkins
PRC 5595

APPLICANT: The Pullman Building Company
926 Bransten Road
San Carlos, California 94070

AREA, TYPE LAND AND LOCATION:
A 3.314 acre parcel of tide and submerged
land in the bed of San Francisco Bay, Marin
County.

LAND USE: The operation and maintenance of a yacht
harbor.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from April 7, 1958.

Renewal options: 3 successive periods
of 10 years each.

Surety bond: \$2,000.

Consideration: \$486.34.

Land use: A yacht harbor.

TERMS OF PROPOSED RENEWAL:

Initial period: 10 years from April 7, 1973.

Renewal options: 2 successive periods
of 10 years each.

Surety bond: \$2,000.

Public liability insurance: Combined single
limit coverage of \$500,000.

Consideration: \$486.34 per annum for
the period from April 7,
1973 to April 6, 1978,
\$1,470 per annum there-
after with the State
reserving the right to
fix a different rental

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on each fifth anniversary of the lease, and/or to review the rental at such time that the leased area is utilized for any purpose other than harbor entrance or breakwater. Lessee covenants that no new structures, including fill for breakwaters shall be added without prior written approval of the State. This prior written approval by the State shall be given only after compliance with CEQA has been achieved. The first 5 years rent is on the rates in effect at the time the lease was first issued. The \$1,470 per annum is based on a use area of 3.314 acres, and 8% of the appraised value. The lessee shall pay the State \$0.15 per cubic yard for any dredged material taken from the leased area and not placed on State land.

Land use: Yacht harbor. The State reserves the right to review the lease rental at such time that any portion of the leased area is used for any use other than a harbor entrance or the placement and maintenance of breakwaters.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 & 2.
- B. Cal. Adm. Code: Title 2, Div. 3.

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OTHER PERTINENT INFORMATION:

1. The lessee requested that the original lease be renewed upon its expiration in 1973. Staff priorities at that time delayed reappraising the State land, negotiating renewal and amendment of the lease and fulfilling environmental requirements. During the interim the lessee has continued to pay the previous annual rent of \$486.34.
2. 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.
3. 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.

4. The proposed lease authorizes the lessee to perform maintenance dredging. The lessee has agreed to pay \$0.15 per cubic yard for any materials dredged from the lease area which are not placed on State land.

APPROVALS OBTAINED:

BCDC, Marin County.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers and
California Regional Water Control Board.

EXHIBITS:

A. Land Description. B. Location Map.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. 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.
2. FIND THAT GRANTING OF THE RENEWAL-AMENDMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE ISSUANCE TO PULLMAN BUILDING COMPANY OF A 10-YEAR RENEWAL-AMENDMENT FROM APRIL 7, 1973, WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$486.34 FOR THE FIRST 5 YEARS OF THE RENEWAL PERIOD, AND \$1,470 THEREAFTER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND/OR TO REVIEW THE RENTAL AT SUCH TIME THAT THE LEASED AREA IS UTILIZED FOR ANY PURPOSE OTHER THAN HARBOR ENTRANCE OR BREAKWATER; THE LESSEE SHALL ALSO PAY THE STATE \$0.15 PER CUBIC YARD FOR ANY DREDGED MATERIAL TAKEN FROM THE LEASED AREA AND NOT PLACED ON STATE LAND; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR THE OPERATION AND MAINTENANCE OF A YACHT HARBOR ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 20322

A parcel of land in the state-owned bed of San Francisco Bay, Marin County, California described as follows:

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 upon "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; 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.

END OF DESCRIPTION

Prepared *San* Checked *Frank T. Cane*
Reviewed *H. D. Summich* Date *2/23/78 SA*
SDB

