

**CALENDAR ITEM
C32**

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08/11/09
WP 4523.9
J. Smith

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Pine Creek Owners Association, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Corte Madera Creek, adjacent to 755 – 775 South Eliseo Drive, city of Greenbrae, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing gangway, ramp and floating dock; replacement of a concrete boat dock anchor with four wood pilings; and the retention of existing bank protection.

LEASE TERM:

Ten years, beginning September 29, 2008.

CONSIDERATION:

Gangway, Ramp and Floating Dock: No monetary consideration pursuant to Public Resources Code section 6503.5.

Bank Protection: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISION:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease to the Pine Creek Owners Association (Association) for a walkway, ramp and floating dock with a concrete anchor. In 2004, the Association replaced the structures with a new gangway, ramp and floating dock,

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removing the concrete anchor and installing four new wood pilings. The Recreational Pier Lease with the Association expired on September 28, 2008. The bank protection has existed at the site for years, but was not previously authorized by the Commission. The Association has submitted an application for a new General Lease - Recreational and Protective Structure Use.

3. The Applicant qualifies for rent-free use of the gangway, ramp and floating dock because the Applicant is an Association that consists of natural persons who own the littoral land that is improved with single-family dwellings pursuant to Public Resources Code section 6503.5.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of Corte Madera Creek will have the additional protection from wave action provided at no cost to the public.
5. **Gangway, Ramp and Floating Dock:**
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 the 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.
6. **Replacement of Concrete Boat Anchor With Four Wood Pilings:**
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 the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 14, California Code of Regulations, section 15302.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.
7. **Retention of Existing Bank Protection:**
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

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the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

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

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers; San Francisco Bay Conservation and Development Commission; and the City of Larkspur

EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

GANGWAY, RAMP AND FLOATING DOCK: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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).

REPLACEMENT OF CONCRETE BOAT ANCHOR WITH FOUR WOOD PILINGS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15302.

RETENTION OF EXISTING BANK PROTECTION: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, AS A CATEGORICALLY EXEMPT PROJECT, CLASS

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4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE TO THE PINE CREEK OWNERS ASSOCIATION, INC., BEGINNING SEPTEMBER 29, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A GANGWAY, RAMP AND FLOATING DOCK; REPLACEMENT OF A CONCRETE BOAT DOCK ANCHOR WITH FOUR WOOD PILINGS; AND THE RETENTION OF EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE EXISTING WALKWAY, RAMP AND FLOATING DOCK: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION: THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.