

**CALENDAR ITEM
C33**

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S 3

08/11/09
W 26326
J. Smith

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

805 South Eliseo Drive Homeowners Association
c/o Ann Eller
Ventures in Real Estate
P.O. Box 523
Woodacre, CA 94973

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Corte Madera Creek, adjacent to 805 South Eliseo Drive, Larkspur, Marin County.

AUTHORIZED USE:

Retention of existing bank protection consisting of a geoweb erosion control system and wooden retaining wall (Phase I); and, if necessary, the construction of additional bank protection involving the installation of approximately 1,000 square feet of rock and the planting of native vegetation (Phase II).

LEASE TERM:

Ten years, beginning August 11, 2009.

CONSIDERATION:

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 PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. The Applicant, a homeowner's association consisting of five condominium units, has submitted an application requesting that the Commission

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authorize a bank stabilization project adjacent to Corte Madera Creek, at 805 S. Eliseo Drive, Larkspur, Marin County. In November 2005 and January 2006, the Applicant installed an approximate 653-foot geoweb erosion control system and a two foot high, 12-foot long wooden retaining wall, in response to rising creek conditions (Phase I). This Phase I work was constructed without benefit of any permits or approvals. The city of Larkspur subsequently approved a building permit for Phase I

According to the Applicant's engineer, the geoweb system, along with the growth of natural vegetation, has stalled the erosion of the bank. The Applicant is also requesting authorization to construct a second phase of bank stabilization, if necessary, which may involve the installation of approximately 1,000 square feet of small rock and the planting of additional native vegetation. The small rock will allow time for the natural vegetation to become established and over time, the rock will subside.

3. The bank protection will mutually benefit both the public and the applicant. The bank of Corte Madera Creek will have additional protection from wave action provided at no cost to the public.
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 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.

5. 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:

City of Larkspur (Phase I only)

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers, California Regional Water Quality Control Board; San Francisco Bay Conservation and Development Commission, California Department of Fish and Game, and the city of Larkspur (Phase II)

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EXHIBIT:

- A. Location and Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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 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 - PROTECTIVE STRUCTURE USE TO 805 SOUTH ELISEO DRIVE HOMEOWNERS ASSOCIATION BEGINNING AUGUST 11, 2009, FOR A TERM OF TEN YEARS, FOR RETENTION OF EXISTING PHASE I BANK PROTECTION CONSISTING OF THE INSTALLATION OF A GEOWEB EROSION CONTROL SYSTEM AND WOODEN RETAINING WALL, AND, IF NECESSARY, CONSTRUCTION OF PHASE II BANK PROTECTION INVOLVING THE INSTALLATION OF APPROXIMATELY 1,000 SQUARE FEET OF SMALL ROCK AND THE PLANTING OF NATIVE VEGETATION; AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS 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.