

**CALENDAR ITEM
C59**

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06/29/15
PRC 4647.1
A. Franzoia

**GENERAL LEASE – RECREATIONAL
AND PROTECTIVE STRUCTURE USE**

APPLICANT:

Silver Pavilion Home Owners' Association

AREA, LAND TYPE, AND LOCATION:

0.112 acre, more or less, of sovereign land in Corte Madera Creek, adjacent to 679-695 South Eliseo Drive, near Greenbrae, Marin County.

AUTHORIZED USE:

Continued use and maintenance of a four slip floating boat dock, walkway, dock stabilizer, and bank protection.

LEASE TERM:

10 years, beginning June 29, 2015.

CONSIDERATION:

Boat Dock: Annual rent in the amount of \$275, with an annual Consumer Price Index adjustment.

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

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 27, 2000, the Commission authorized issuance of a rent free General Lease - Recreational and Protective Structure Use Lease No. PRC 4647.9 to Silver Pavilion Home Owners' Association, for a period of 10 years, for use and maintenance of a floating boat dock, walkway, and

CALENDAR ITEM NO. **C59** (CONT'D)

bank protection. That lease expired on June 26, 2010. The Applicant is now applying for a new lease.

3. The Applicant's existing dock stabilizer has been in place for many years but was not previously authorized by the Commission. Staff recommends bringing the existing dock stabilizer under lease.
4. The Applicant has agreed to pay \$320 for the unauthorized occupation of sovereign land.
5. 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.

6. 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).

CALENDAR ITEM NO. **C59** (CONT'D)

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 and Protective Structure Use to Silver Pavilion Home Owners' Association beginning June 29, 2015, for a term of 10 years, for a four slip floating boat dock, walkway, dock stabilizer, and bank protection as described in Exhibit A and shown on Exhibit B (for reference purpose only) attached and by this reference made a part hereof; acceptance of payment of \$320 for the unauthorized occupation of sovereign land; annual rent in the amount of \$275 with an annual Consumer Price Index adjustment; 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 interests; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4647.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Corte Madera Canal, lying adjacent to filled and sold BTLC Lot 30, Section 9, T.1N., R.6W., MDM, Marin County, State of California and more particularly described as follows:

All those lands underlying an existing four-slip uncovered floating boat dock, walkway, steel tube stabilizer and concrete deadman adjacent to Parcel No. 1, as shown on that Parcel Map of "SILVER PAVILION CONDOMINIUM" recorded March 17, 1971 in Book 5 of Parcel Maps at Page 77 in Official Records of said County.

TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the NORTH CORTE MADERA CANAL LINE of the left bank of said canal as shown on "Plat of CORTE MADERA ARK SITES", filed June 26, 1942 in Volume 2 of Surveys at Page 99, Marin County Records.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/14/15 by the California State Lands Commission Boundary Unit



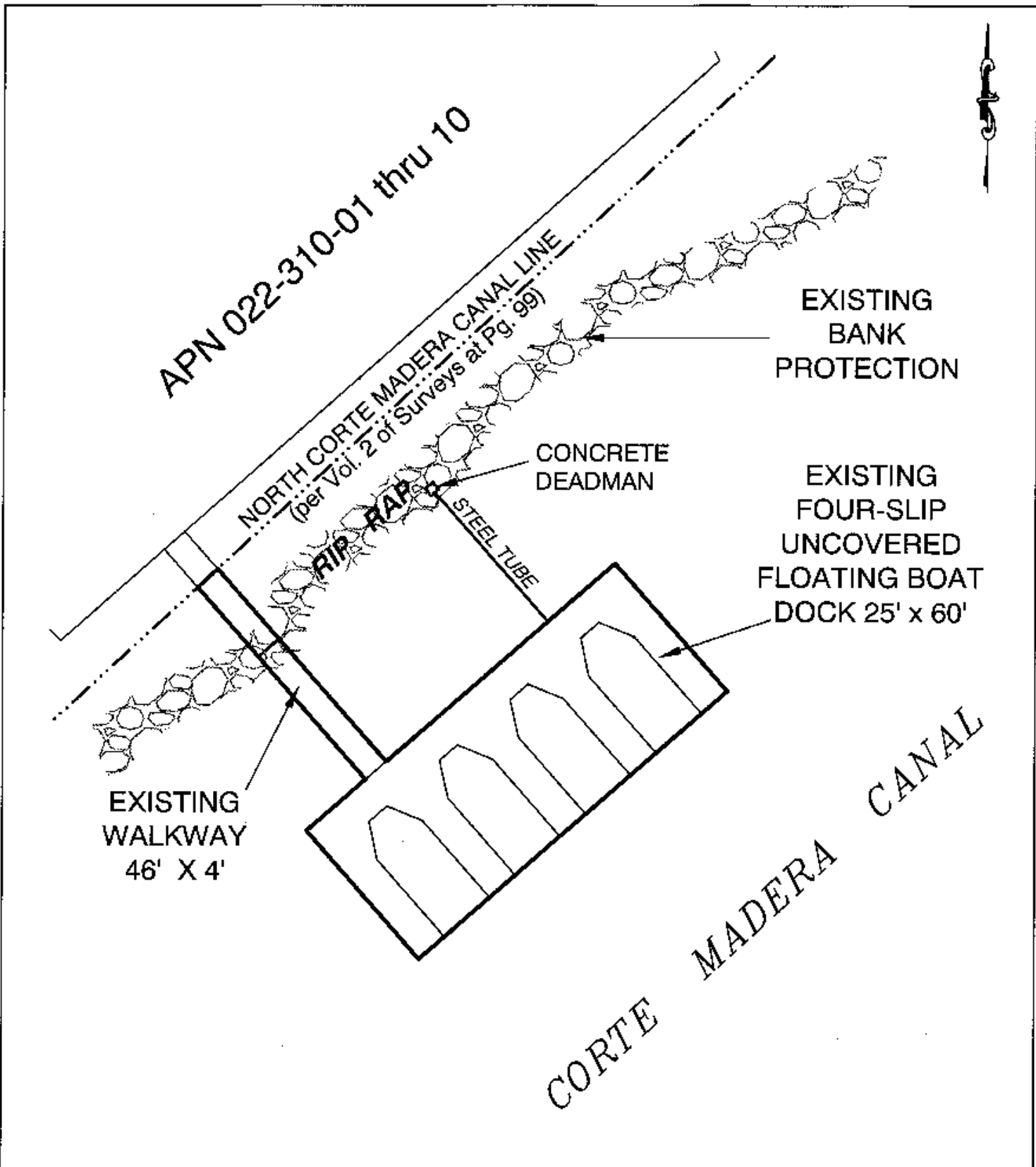


EXHIBIT A

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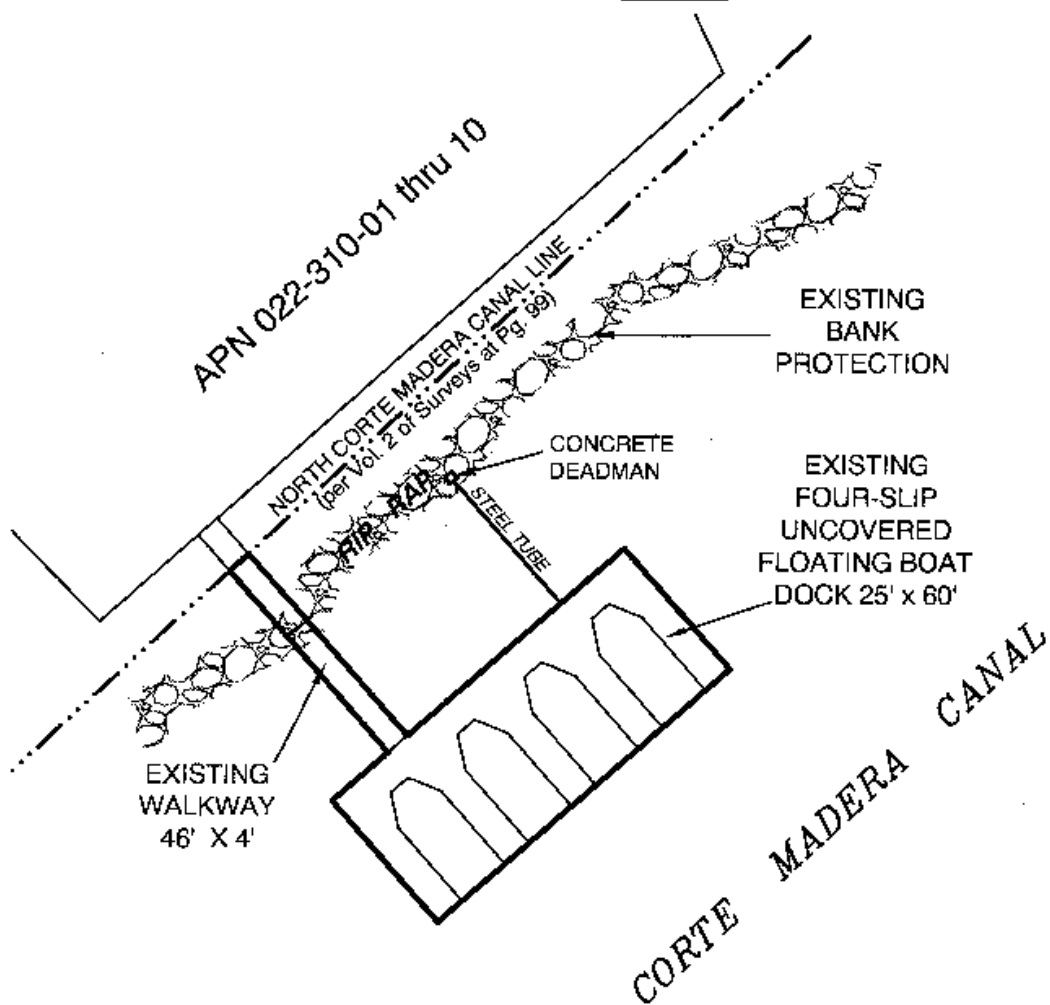
LAND DESCRIPTION PLAT
 PRC 4647.1, SILVER PAVILION HOA
 MARIN COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



679-695 SOUTH ELISEO DRIVE, GREENBRAE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4647.1
 SILVER PAVILION HOA
 APNs 022-310-01 thru 10
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 MARIN COUNTY



SITE

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.