

**STAFF REPORT  
C40**

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10/19/17  
PRC 7129.1  
A. Franzoia

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

**APPLICANT:**

Marin Rowing Association

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Corte Madera Creek, adjacent to 50 Drakes Landing Road, Greenbrae, Marin County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing pier, ramp, and one boat dock previously authorized by the Commission and use and maintenance of two 3-pile dolphins, a second boat dock, and bank protection not previously authorized by the Commission.

*LEASE TERM:*

10 years, beginning September 1, 2017.

*CONSIDERATION:*

**Pier, Ramp, Boat Docks, and Dolphins:** \$796 per year, with an annual Consumer Price Index adjustment.

**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.

*SPECIFIC LEASE PROVISIONS:*

1. Liability insurance with coverage no less than \$1,000,000 per occurrence.
2. Lessee agrees and acknowledges hazards associated with sea-level rise may require additional maintenance or protection strategies regarding the improvements on the Lease Premises.

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**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On October 15, 1985, the Applicant entered a lease with the City of Larkspur (City), for City-owned upland, to construct a recreational building, boat storage yard, docks, and landscaping in consideration for the Applicant maintaining the facilities, providing public access to boat launching facilities, and participating in ongoing City-sponsored recreational programs and local high school programs.

On October 21, 1987, the Commission authorized a General Permit – Recreational Use for the installation and maintenance of a dock, ramp, and float to Applicant ([Item C04, October 21, 1987](#)).

On May 10, 2007, the Commission authorized a General Lease – Recreational Use for the existing pier, ramp, and dock to Applicant ([Item C49, May 10, 2007](#)). The lease expired on August 31, 2017. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use for the continued use and maintenance of the existing pier, ramp, and dock previously authorized by the Commission and use and maintenance of two 3-pile dolphins, a second boat dock, and bank protection not previously authorized by the Commission.

The existing pier, dolphins, ramp, docks, and bank protection are maintained and used for docking, launching, and mooring of oared crew boats, coaching boats, and sailboats. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, §6503.5).

The dock and appurtenant facilities have existed since 1988 at this location. The second dock and pilings were constructed in 1988; the riprap was installed to protect bank erosion in 2002 or earlier. The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, the lessee may be required to remove all improvements from State land. The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of

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the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

### **Climate Change:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The subject facilities are located on Corte Madera Creek, a tidally influenced site vulnerable to flooding at current sea levels that will be at higher risk of flood exposure given projected scenarios of sea-level rise.

The lease premises are in an area that is designated as a Special Flood Hazard Zone by the Federal Emergency Management Agency, and the risk of flood exposure for the lease premises is likely to increase with time. The region could see up to 1 foot of sea-level rise (from year 2000 levels) by 2030, 2 feet by 2050, and possibly more than 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to more frequent flood inundation in low lying areas and larger tidal events. In addition, as stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. In rivers and tidally influenced waterways, flooding and storm flow will likely increase scour, decreasing bank stability and structure.

The combination of these projected conditions could increase the likelihood of damage to structures within the lease premises during the term of the lease. The adjustable ramp and two floating boat docks are adaptable to variable water levels, but may require more frequent maintenance to avoid dislodgement and ensure continued function during and after storm seasons. The fixed pier, two 3-pile dolphins, and bank protection may need reinforcement to withstand higher levels of flood exposure. Regular maintenance, as required by the lease, will reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to effects of climate change, including sea-level rise.

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**Conclusion:**

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, or for the foreseeable term of the proposed lease, is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. The Applicant has the right to use the upland.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
3. 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.

4. 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is 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

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exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially interfere with the public's right to navigation and fishing or with the Public Trust needs and values, at this location, at this time, or for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**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 Applicant beginning September 1, 2017, for a term of 10 years, for an existing pier, ramp, and boat dock previously authorized by the Commission and two 3-pile dolphins, a second boat dock, and bank protection not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; rent for the pier, ramp, boat docks, and dolphins in the amount of \$796 per year, 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; and liability insurance in an amount no less than \$1,000,000.

## **EXHIBIT A**

**PRC 7129.1**

### **LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Corte Madera Canal in the unincorporated area of Greenbrae, lying adjacent to filled and sold BTLC Lot 6 1/2, Section 15, T.1N., R.6W., MDM, Marin County, State of California and more particularly described as follows:

BEGINNING at a point on the North Corte Madera Canal Line which bears N 39° 09' 30" E 301.73 feet from the Sta. 111 shown on "Map of STATE SOVEREIGN LANDS in Corte Madera Creek vicinity of Wood Island" sheet 3 of 9, on file at the Sacramento Office of the State Lands Commission (CB-1292), thence continue along said canal line N 39° 09' 30" E 249.02 feet; thence leaving said line the following three (3) courses:

1. S 51° 43' 44" E 107.26 feet;
2. S 39° 09' 30" W 249.02 feet;
3. N 51° 43' 44" W 107.26 feet to the POINT OF BEGINNING.

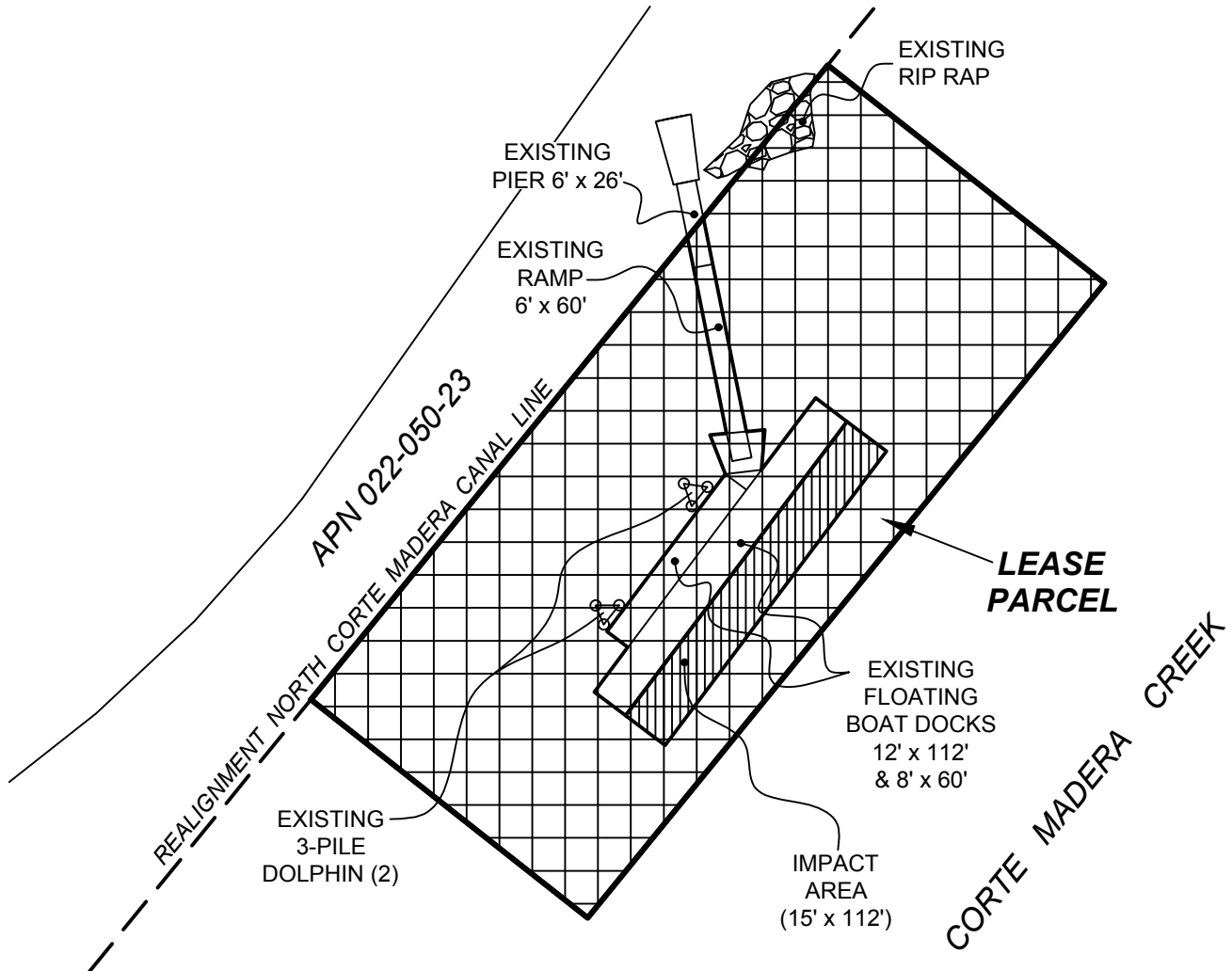
### **END OF DESCRIPTION**

Prepared 02/17/16 by the California State Lands Commission Boundary Unit



NO SCALE

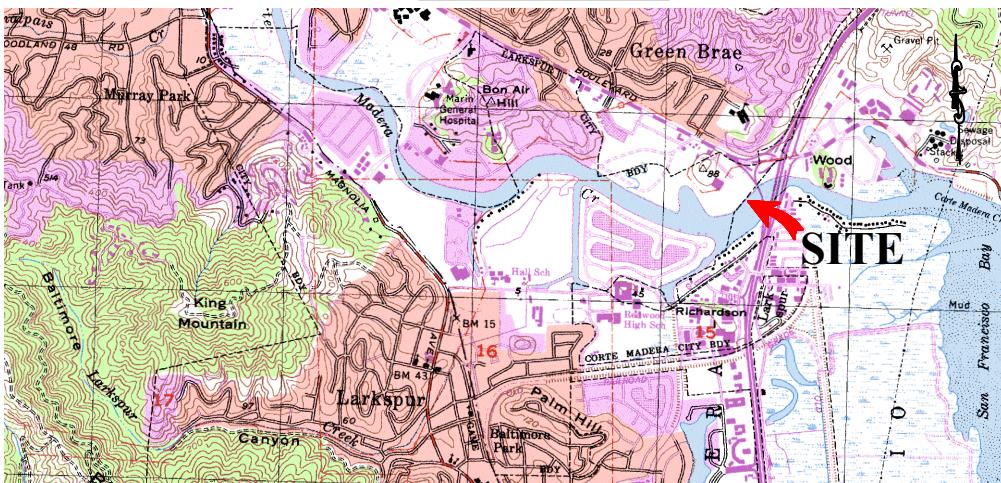
## SITE



50 DRAKES LANDING ROAD, GRENBRAE

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

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.

## **Exhibit B**

PRC 7129.1  
MARIN ROWING ASSOCIATION  
APN 022-050-23  
GENERAL LEASE -  
RECREATIONAL &  
PROTECTIVE STRUCTURE USE  
MARIN COUNTY



TS 02/18/16