

**STAFF REPORT  
C49**

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10/19/17  
PRC 5459.1  
J. Toy

**AMENDMENT OF LEASE AND  
REVISION OF RENT**

**LESSEE:**

Nara Gardens Homeowners Association

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Corte Madera Creek, adjacent to Nara Gardens Homeowners Association on S. Eliseo Drive, city of Greenbrae, Marin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing floating dock, gangway, ramp, and two anchor arms.

**LEASE TERM:**

10 years, beginning October 31, 2012.

**CONSIDERATION:**

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$289 per year to \$327 per year, effective October 31, 2017.

**PROPOSED AMENDMENT:**

Amend the lease to add the attached Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

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

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

On August 14, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Nara Gardens Homeowners Association, for an

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existing floating dock, gangway, ramp and two anchor arms ([Item C39, August 14, 2012](#)). That lease will expire on October 30, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$289 per year to \$327 per year based on changes to the lease (impact) area for the dock and application of the current San Francisco Bay Area Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease (impact) area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time or for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

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

Find that the proposed amendment and revision or rent of Lease No. PRC 5459.1 will not substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, and is in the best interests of the State.

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**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 5459.1, a General Lease – Recreational Use, effective October 31, 2017, to add the attached Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 5459.1 from \$289 per year to \$327 per year, effective October 31, 2017.

## EXHIBIT A

PRC 5459.1

### LAND DESCRIPTION

A parcel of tide and submerged land 87 feet wide lying in the bed of the Corte Madera Creek, adjacent to Lot 312 and Lot 313, Bon Air Subdivision No. Eight, Marin County, State of California and being 43.5 feet on each side of the following described centerline:

BEGINNING at the intersection of the common property line of said Lot 312 and Lot 313, as shown on that certain map entitled "Map of BON AIR SUBDIVISION NO. EIGHT", filed July 9, 1969 in Book 14 of Maps at Page 56, Marin County Records, with the North Corte Madera Canal Line as set per description in Superior Court Case No. 14851, and shown on "Map of STATE SOVEREIGN LANDS in Corte Madera Creek vicinity of Green Brae", sheet 5 of 9, on file with the State Lands Division, (CB-1294); thence South  $37^{\circ} 08' 50''$  East 61.50 feet and the end of the herein described centerline.

This description is based upon California Coordinate System, Zone 2.

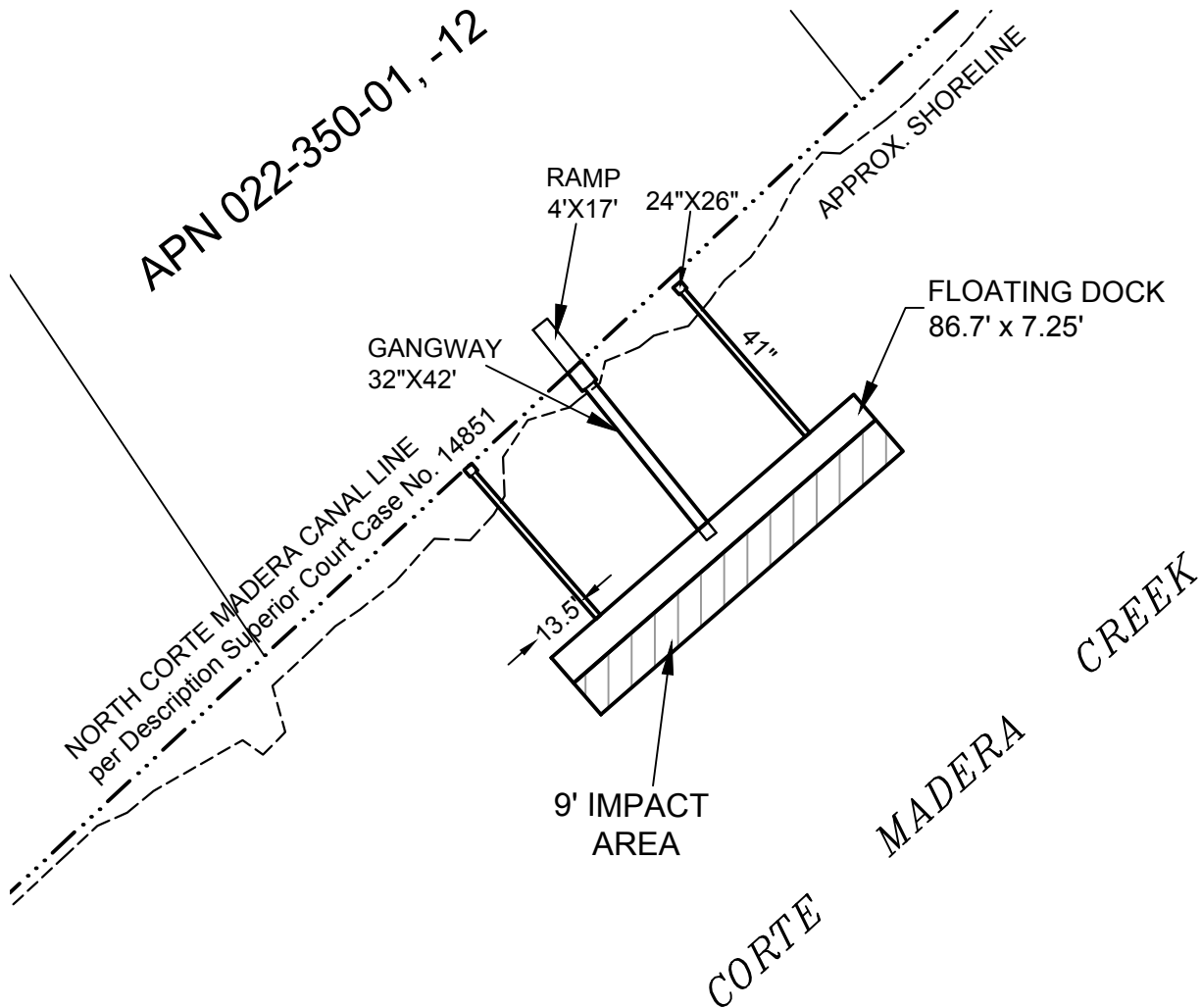
### END OF DESCRIPTION

Revised by the California State Lands Commission Boundary Unit June 1, 2012.  
Original description prepared by Leroy F. Weed February 8, 1974 as found in PRC 5459 file.



NO SCALE

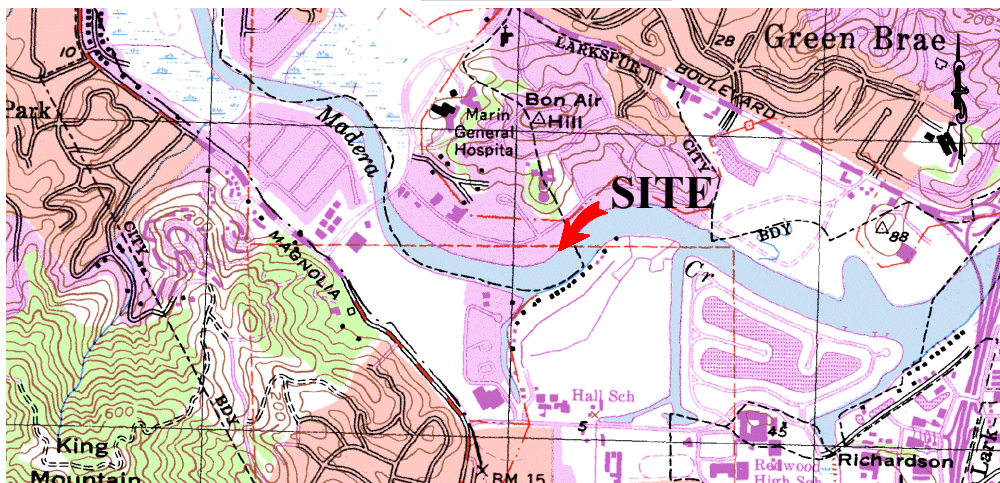
## SITE



NARA GARDENS HOA ON S. ELISEO DRIVE, GREENBRAE

NO SCALE

## LOCATION



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 5459.1  
NARA GARDENS HOA  
APN 022-350-01,-12  
GENERAL LEASE-  
RECREATIONAL USE  
MARIN COUNTY



TS 09/06/17