

**STAFF REPORT  
C56**

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S 2

02/27/18  
PRC 4867.1  
D. Simpkin

**AMENDMENT OF LEASE AND  
REVISION OF RENT**

**LESSEE:**

San Pan Bay Homeowners Association

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

Sovereign land in Corte Madera Creek, adjacent to 517-533 Larkspur Plaza Drive, city of Larkspur, Marin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing boat dock, walkway and anchor lines.

**LEASE TERM:**

10 years, beginning March 1, 2013.

**CONSIDERATION:**

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$278 per year to \$322 per year, effective March 1, 2018.

**PROPOSED AMENDMENT:**

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and 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, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

STAFF REPORT NO. **C56** (CONT'D)

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

On December 2, 2013, the Commission authorized a 10-year General Lease – Recreational Use to San Pan Bay Homeowners Association, for an existing walkway, anchor lines, and a floating boat dock ([Item 25, December 2, 2013](#)).

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$278 per year to \$322 per year based on changes to the lease (impact) area for the pier and application of the San Francisco Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease 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 time and at this location. For these reasons, staff recommends finding the proposed actions are 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

STAFF REPORT NO. **C56** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

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

Find that the proposed actions will not substantially interfere with the Public Trust needs and values at this location, at this time and for the foreseeable term of the lease, and is in the best interests of the State.

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 4867.1, a General Lease – Recreational Use, effective March 1, 2018, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 4867.1 from \$278 per year to \$322 per year, effective March 1, 2018.

**EXHIBIT A**

**PRC 4867.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Corte Madera Creek, lying adjacent to that certain parcel of land as shown on "Map of San Pan Bay, A Condominium" filed in Book 15 of Maps at Page 83, Marin County Records, located in said county, State of California and being more particularly described as follows:

BEGINNING at Station 51 of the Mean High Tide Line 1941 (Per Superior Court Case No. 14851), as shown on that certain map titled "Map of State Sovereign Lands in Corte Madera Creek vicinity of Green Brae" on file at the Sacramento office of the California State Lands Commission, (CB-1294); thence from said point of beginning along said Mean High Tide Line 1941, South 57°42'14" East 60.82 feet; thence leaving said line, North 01°00'12" East 56.53 feet; thence North 88°59'48" West 68.00 feet; thence South 01°00'12" West 23.32 feet to a point on said Mean High Tide Line 1941; thence along said Mean High Tide Line 1941, South 83°12'40" East 16.11 feet to the point of beginning.

**END OF DESCRIPTION**

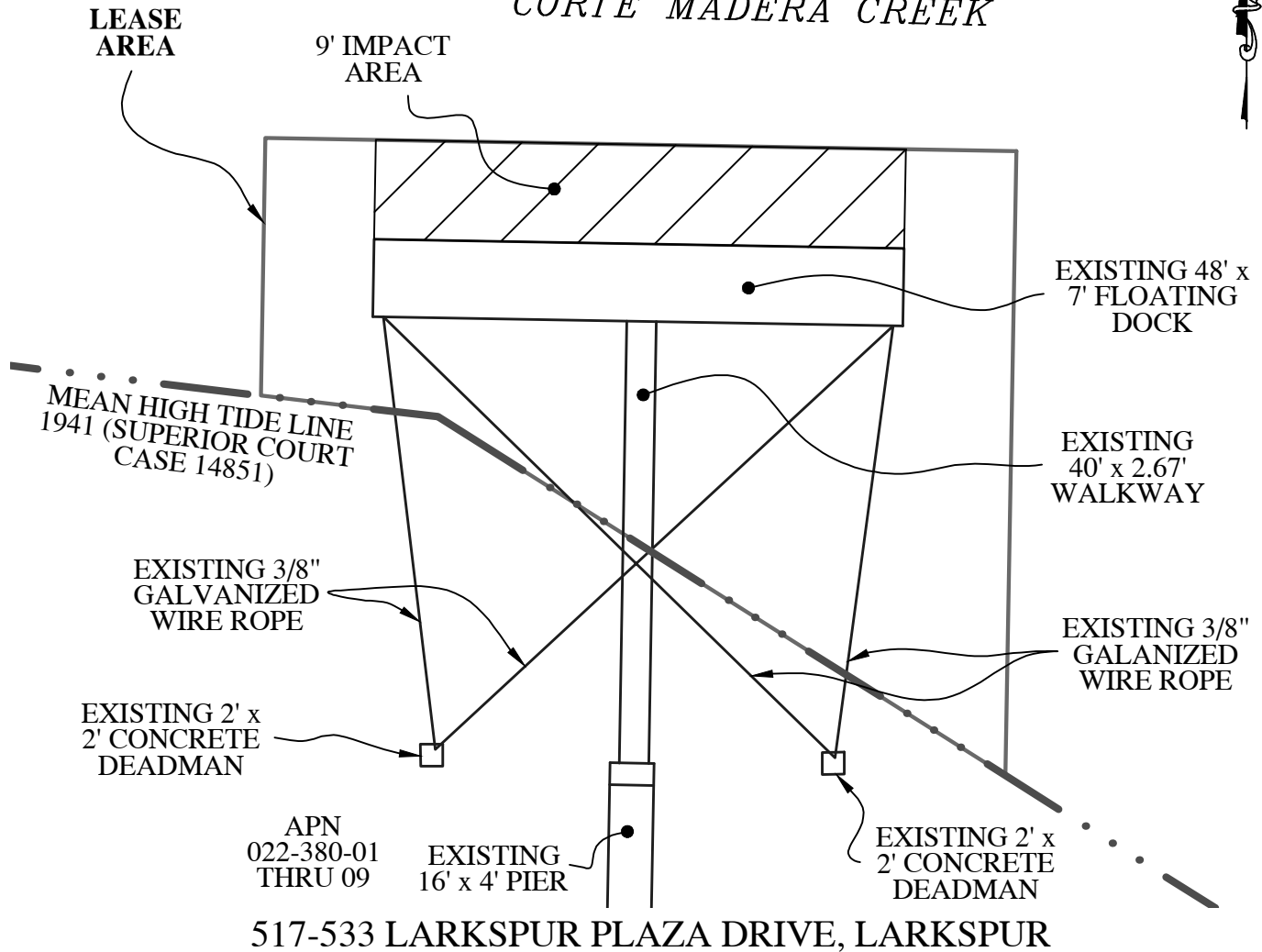
Prepared 1/11/2018 by the California State Lands Commission Boundary Unit



NO SCALE

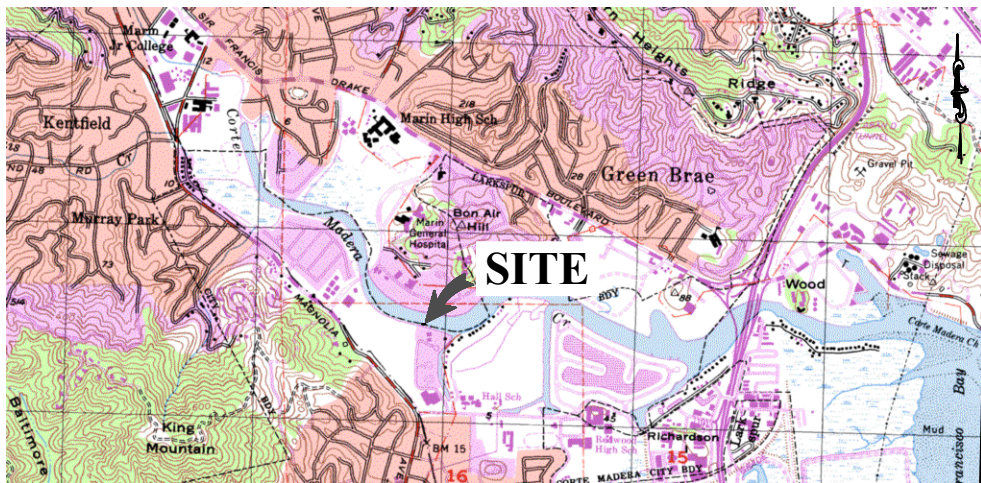
# SITE

## CORTE MADERA CREEK



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 4867.1  
 SAN PAN BAY  
 HOMEOWNERS ASSN  
 APN 022-380-01 THRU 09  
 GENERAL LEASE -  
 RECREATIONAL USE  
 MARIN COUNTY



JWP 1/11/18