

**CALENDAR ITEM  
C06**

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S 2

08/15/14  
PRC 4674.1  
R. Collins

**AMENDMENT OF LEASE AND REVISION OF RENT**

**LESSEES:**

Paul B. Tietjen and Lana T. Tietjen, Trustees of the Paul B. Tietjen and Lana T. Tietjen Declaration of Trust Dated August 6, 2002 and Howard A. Cooper

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

0.11 acre, more or less, of sovereign land in Corte Madera Creek, adjacent to 555 and 575 Larkspur Plaza Drive, city of Larkspur, Marin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing joint-use uncovered floating boat dock, boat lift, ramp, pier, two concrete deadmen, and two anchor cables.

**LEASE TERM:**

10 years, beginning June 7, 2008.

**CONSIDERATION:**

This lease provides that the 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 \$794 per year to \$702 per year because the lease premises has decreased, effective June 6, 2014.

**PROPOSED AMENDMENT:**

Amend the Lease to reduce the lease premises from 4,991 square feet to 4,228 square feet and replace Section 3, Description of Lease Premises, with 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.

**OTHER PERTINENT INFORMATION:**

1. On May 5, 2008, the Commission authorized a General Lease – Recreational Use to Paul B. Tietjen and Lana T. Tietjen, Trustees of the Paul B. Tietjen and Lana T. Tietjen Declaration of Trust Dated August 6,

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2002 and Howard A. Cooper, for a term of 10 years. The Lease will expire on June 6, 2018.

2. At its January 23, 2014 meeting, the Commission adopted amendments to its leasing regulations. As part of these regulations, the Commission modified its practice for the calculation of rent for impact areas surrounding piers and boat docks. Staff followed the new practices for the rent review. Based on the above, staff recommends the rent be reduced.
3. The staff recommends that the Commission find that the subject lease amendment and revision of rent do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject lease amendment and revision of rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**AUTHORIZATION:**

Approve the revision of rent for Lease No. PRC 4674.1 from \$794 per year to \$702 per year, effective June 6, 2014.

Authorize the amendment of Lease No. PRC 4674.1, a General Lease – Recreational Use, effective June 6, 2014, to amend the Lease to reduce the lease premises and replace Section 3, Description of Lease Premises, with Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

**EXHIBIT A**

**PRC 4674.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Corte Madera Creek, lying adjacent to Swamp and Overflowed Land Survey 44, patented September 6, 1872, Marin County, State of California and more particularly described as follows:

All those lands underlying an existing boat dock, pier, ramp, boat lift, two concrete deadmen and two wire cables, lying adjacent to those parcels, as shown on that certain Parcel Map entitled "Parcel Map, Johnsen Land Division", filed December 30, 1970 in Book 5 of Parcel Maps at Page 58, Marin County Records.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said creek as per description in Superior Court Case No. 14851, and shown on "Map of STATE SOVEREIGN LANDS in Corte Madera Creek vicinity of Green Brae" on file at the Sacramento office of the State Lands Commission, (CB-1294).

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 04/24/14 by the California State Lands Commission Boundary Unit





CORTE

MADERA

EXISTING  
BOAT DOCK  
7' X 50'

CREEK

9' IMPACT AREA

EXISTING  
BOAT LIFT

EXISTING  
RAMP 3' X 44'

3/4" Diameter  
Wire Rope

EXISTING  
CONCRETE  
DEADMAN (2)

MEAN HIGH TIDE LINE 1941  
(Per Superior Court Case No. 14851)

EXISTING  
PIER 4' X 42'

APN 022-250-33

APN 022-250-32

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### EXHIBIT A

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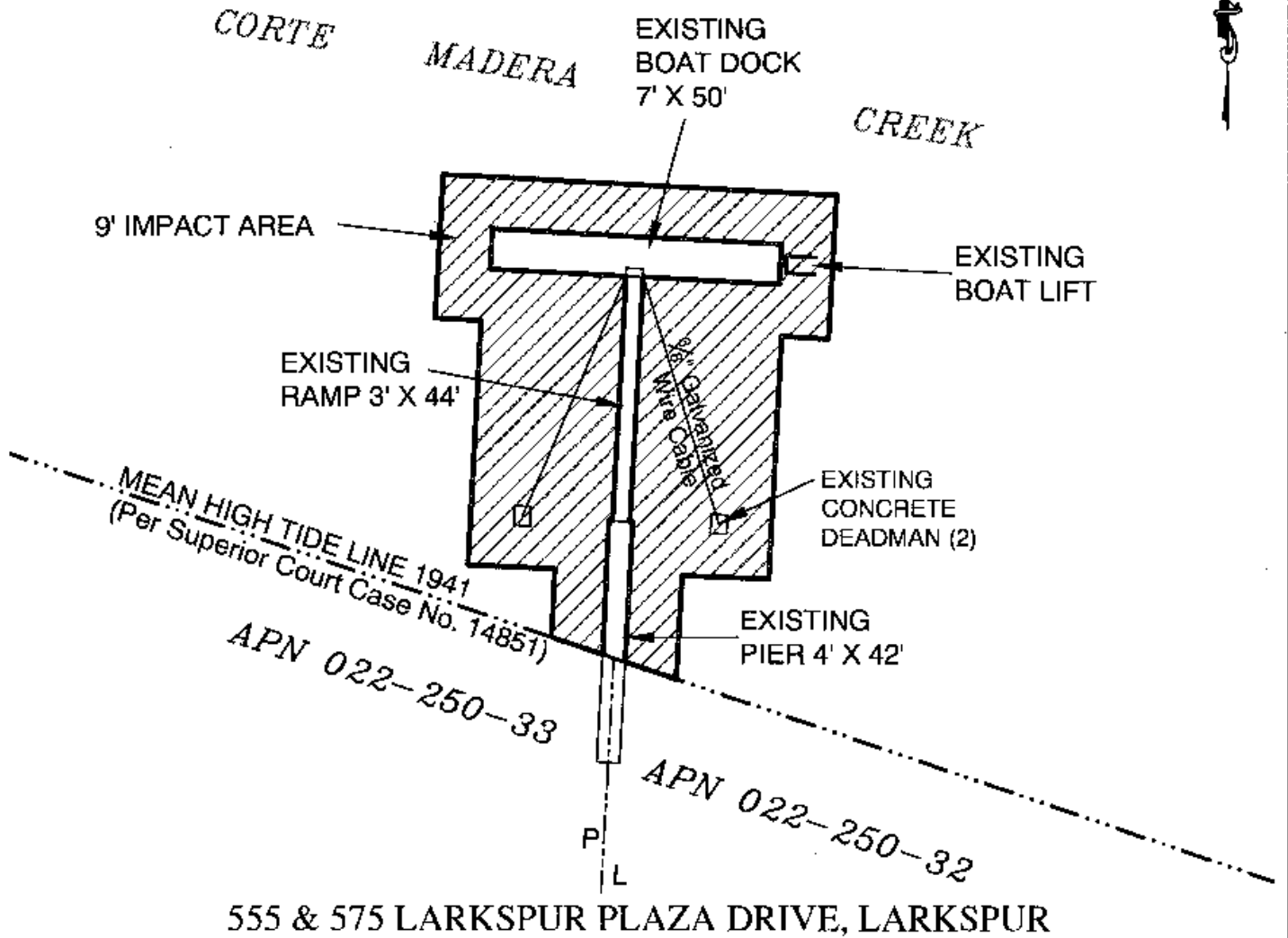
LAND DESCRIPTION PLAT  
PRC 4674.1, TIETJEN TRUST & COOPER  
MARIN COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE



NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 4674.1  
 TIETJEN TRUST & COOPER  
 APNs 022-250-32 & 33  
 GENERAL LEASE -  
 RECREATIONAL USE  
 MARIN COUNTY



1'S 04/24/14

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.