

Staff Report 60

APPLICANT:

Silver Pavilion Home Owners Association

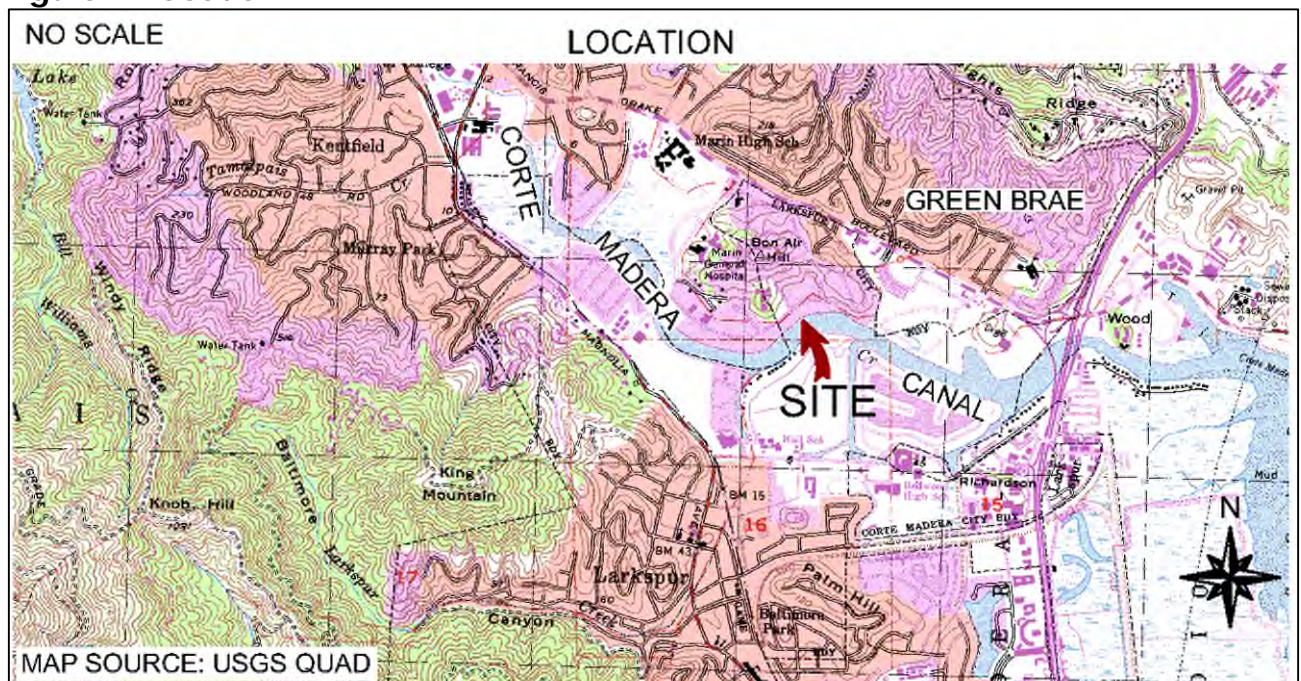
PROPOSED ACTION:

Issuance of a General Lease - Recreational and Protective Structure Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign Land in Corte Madera Creek, adjacent to 677-695 South Eliseo Drive, near Greenbrae, Marin County (as shown in Figure 1).

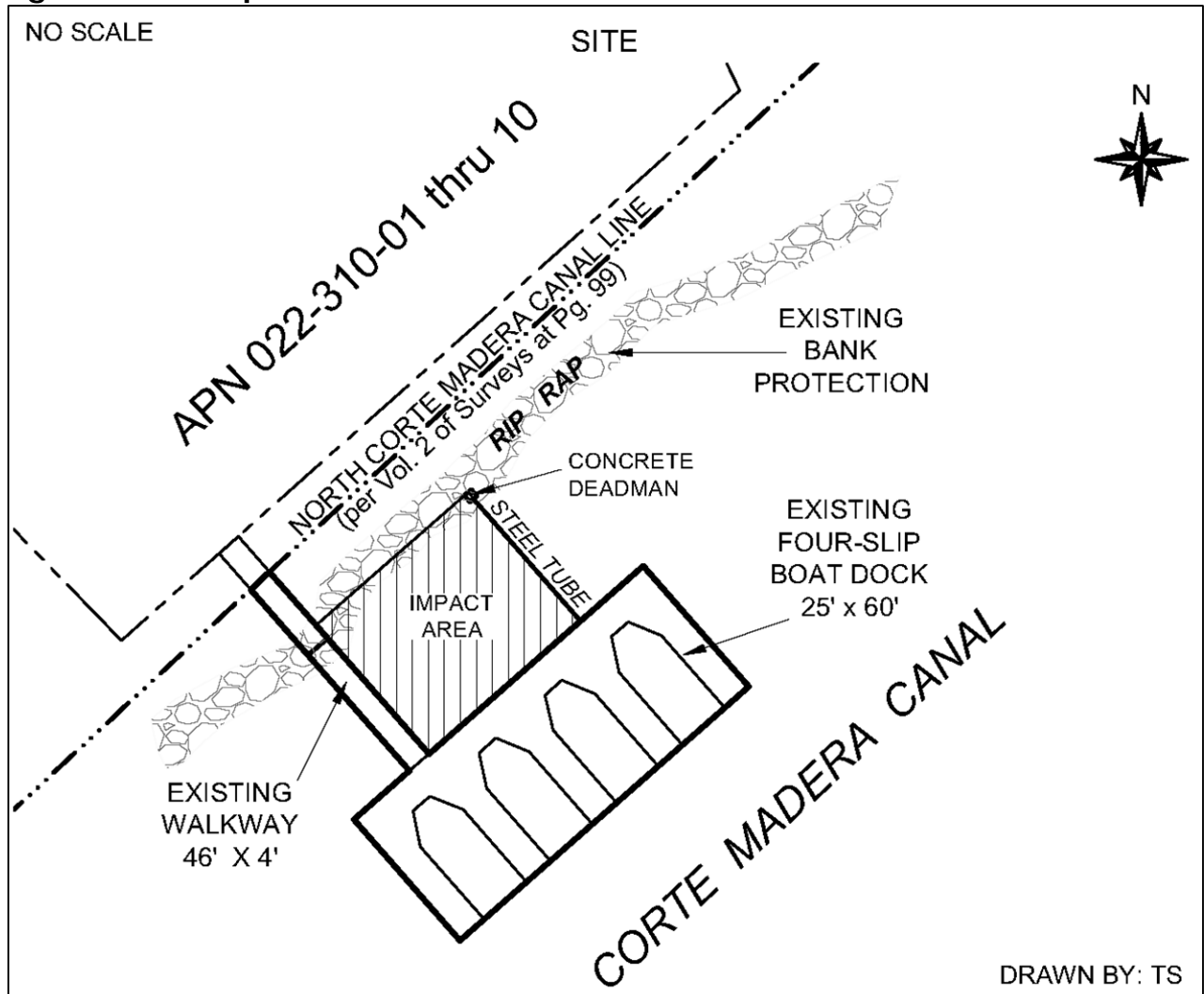
Figure 1. Location



AUTHORIZED USE:

Use of a boat dock, appurtenant facilities, and bank protection (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

10 years, beginning June 29, 2025.

CONSIDERATION:

\$733 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- The land described in Exhibit A of the Lease is subject to the Public Trust and is presently available to members of the public for recreational, waterborne commerce, navigation, fisheries, open space, or other recognized Public Trust uses and that Lessee's authorized activities and use of the Lease Premises shall not interfere with or limit the Public Trust rights of the public.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, section 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On June 29, 2015, the Commission authorized issuance of a General Lease – Recreational and Protective Structure Use to Silver Pavilion Home Owners' Association, for the use and maintenance of a boat dock, appurtenant facilities, and bank protection ([Item 59, June 29, 2015](#)). The lease expired on June 28, 2025.

The Applicant is now applying for a General Lease – Recreational and Protective Structure Use for the use of an existing boat dock, appurtenant facilities, and bank protection.

The Applicant owns the uplands adjoining the lease premises. The subject improvements are privately owned and maintained and facilitate recreational boating. 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 land. (Pub. Resources Code, § 6503.5.)

The bank protection protects the upland property and maintains and improves the navigability of the river, which helps protect Public Trust resources for recreational and navigational use by the public. The facilities are located directly adjacent to the upland property and occupy a relatively small area of the waterway.

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, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination of the lease, the lessee may be

required to remove all improvements from State land and restore the lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of 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:

INTRODUCTION:

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the [State of California Sea Level Rise Guidance](https://opc.ca.gov/wp-content/uploads/2024/05/California-Sea-Level-Rise-Guidance-2024-508.pdf) (Ocean Protection Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave runup, storm surges, flooding, and erosion. <https://opc.ca.gov/wp-content/uploads/2024/05/California-Sea-Level-Rise-Guidance-2024-508.pdf> Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. These impacts may affect the existing floating boat dock, walkway, dock stabilizer, and bank protection located on Corte Madera Creek. Corte Madera Creek is a tidally influenced site consisting of low-elevation reclaimed floodplains adjacent to a salt marsh that occasionally floods during king tides and storms.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate during the last century. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. To apply a precautionary approach, Commission staff evaluated the "intermediate-high" and "high" scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. The San

Francisco tide gauge was used for the projected sea level rise scenario for the lease area, as listed in Table 1.

Table 1. Projected Sea Level Rise for San Francisco

| Year | Intermediate-High (feet) | High (feet) |
|------|--------------------------|-------------|
| 2040 | 0.7 | 0.8 |
| 2060 | 1.0 | 1.3 |
| 2080 | 2.2 | 2.9 |
| 2100 | 4.8 | 6.5 |

Source: Table 6, State of California Sea-Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to evaluate risks to the lease premises and structures from sea level rise. At 1.6 feet of sea level rise, the lease premises will become regularly flooded and subjected to stronger and more frequent wave impacts and erosion, potentially damaging any structures or improvements on the lease premises. Based on sea level rise projections in Table 1, this could occur between 2050 and 2070. However, episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, increase the vulnerability of the lease premises and could expose it to flooding, wave runup and overtopping, and erosion much sooner.

As a result, the riprap may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain its function. Once waves start regularly colliding with the riprap, the reflected wave energy can erode the sediment below and surrounding the revetment, leading to structural instabilities. Reliance on riprap is typically not a long-term or sustainable protection strategy because the riprap will provide diminishing protection as it becomes destabilized and rising sea levels exceed the conditions for which the riprap was originally designed.

While the riprap may protect the upland property, that protection comes at the expense of the salt marsh in front of the riprap by covering and eliminating the intertidal area where it is placed and altering the natural coastal processes. As sea levels rise, the riprap will further accelerate the erosion and narrowing of the salt marsh by preventing it from migrating inland. The loss of intertidal areas harms critical habitats and ecosystem services, degrades the scenic quality of California's

iconic coast, and impairs public coastal access and recreational uses. The riprap can block public access to the shoreline in front of and adjacent to the riprap, exacerbating the existing inequities in coastal access that affect many disadvantaged and tribal communities ([Reineman et al., 2017](#)).

In addition, the boat dock, walkway, and dock stabilizer may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain its function. Stronger coastal erosion can wash away the soil and sediment supporting the boat dock, walkway, and dock stabilizer, causing structural instabilities. The increased saltwater exposure from higher sea levels and rising groundwater can accelerate the corrosion of metal components and the deterioration of concrete foundations. Additionally, the boat dock, walkway, and dock stabilizer may experience increased damage from waves breaking closer and stronger to shore.

RECOMMENDATIONS:

Alternative strategies should be explored to protect the upland property and preserve the beach, including nature-based strategies (also referred to as ‘natural shoreline infrastructure’), accommodation strategies, and relocating vulnerable structures further inland. These approaches can be more effective long-term because they interfere less with dynamic coastal processes, which will help to maintain the width of the beach, preserve public access and natural resources, and protect the upland property by buffering coastal hazards. Coordinating with adjacent properties and local governments to develop a regional approach could further enhance the effectiveness of these strategies.

Please refer to Section Four of the Commission’s report [Shoreline Adaptation and the Public Trust: Protecting California’s Public Trust Resources from Sea Level Rise](#) for more information about various shoreline adaptation strategies and their advantages and disadvantages for mitigating coastal hazards and protecting Public Trust resources. Any future construction or activities on State land would require a separate authorization from the Commission.

Regular maintenance, as referenced in the terms of the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Lessee acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to the effects of climate change, including sea level rise and rising groundwater levels.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with the Public Trust needs at this location, at this time, and for the term of the lease; and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may be required to remove the improvements, and restore the premises to their original condition. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
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 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

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 14, section 15301.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

1. Find that the continuing use of the existing boat dock and appurtenant facilities does not substantially interfere with Public Trust needs and values at this location and is consistent with the common law Public Trust Doctrine.
2. Find that the continuing use of the existing bank protection, for a limited duration, does not substantially interfere with the Public Trust Doctrine uses.
3. Find that issuing the proposed lease is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to the Applicant beginning June 29, 2025, for a term of 10 years, for the use of a boat dock, appurtenant facilities, and bank protection; annual rent in the amount of \$733, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.