

MINUTE ITEM

This Calendar Item No. C9
was approved as Minute Item
No. 8 by the State Lands
Commission by a vote of 4
to 0 at its 4-27-78
meeting.

CALENDAR ITEM

C9.

4/78
W 8900
Vaughn
PRC 2651

AMENDMENT OF GENERAL PERMIT
RECREATIONAL USE

APPLICANT: Robert W. and Elena Nicola; Albert Nicola
465 Santa Clara Avenue
Alameda, California 94501

AREA, TYPE LAND AND LOCATION:
A 4,440 square foot (.102 acres) of tide
and submerged land in Petaluma River,
Blackpoint, Marin County.

LAND USE: Existing cabin, walkway, shed and 1 float.

TERMS OF ORIGINAL PERMIT:

Initial period: 10 years from March 1,
1977.

Public liability insurance: Combined single
limit coverage of \$100,000.

Consideration: \$110 per annum.

CONSIDERATION UNDER THIS AMENDMENT:

\$90 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

\$90 fixed rental for this type of permit.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. Applicant originally had 2 floats;
1 of which was removed resulting in
a reduction of permit area from 5,252
square feet to 4,440 square feet, which
reduces the rent from \$110 per annum
to \$90 per annum. Because of the above,
staff is recommending that this permit
be amended.

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CALENDAR ITEM NO. 09. (CONTD)

2. Applicant does not qualify for a Recreational Pier Permit pursuant to PRC 6503 in that the upland is unimproved.
3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B, which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
4. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE THE AMENDMENT OF PRC 2651.1 TO ROBERT W. AND ELENA NICOLA; ALBERT NICOLA TO DELETE THE PRESENT LEGAL DESCRIPTION IN ITS ENTIRETY AND SUBSTITUTE EXHIBIT "A" THEREFOR, ATTACHED AND BY REFERENCE MADE A PART HEREOF, AND REDUCE THE ANNUAL RENT TO \$90 PER ANNUM, ALL OTHER TERMS AND CONDITIONS TO REMAIN THE SAME.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8900

A parcel of land in the bed of the Petaluma River, situated near Black Point, Marin County, California, said parcel being immediately beneath a cabin, shed, walkways, float and associated use areas, said structure and use area being adjacent to and northeasterly of that land described in the deed recorded July 1, 1971 in Book 2478, page 212, Official Records of Marin County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Petaluma River.

END OF DESCRIPTION

Prepared *M. L. Shaf* Checked *W. J. ...*
Reviewed *A. St. ...* Date *2/3/77*
8/6

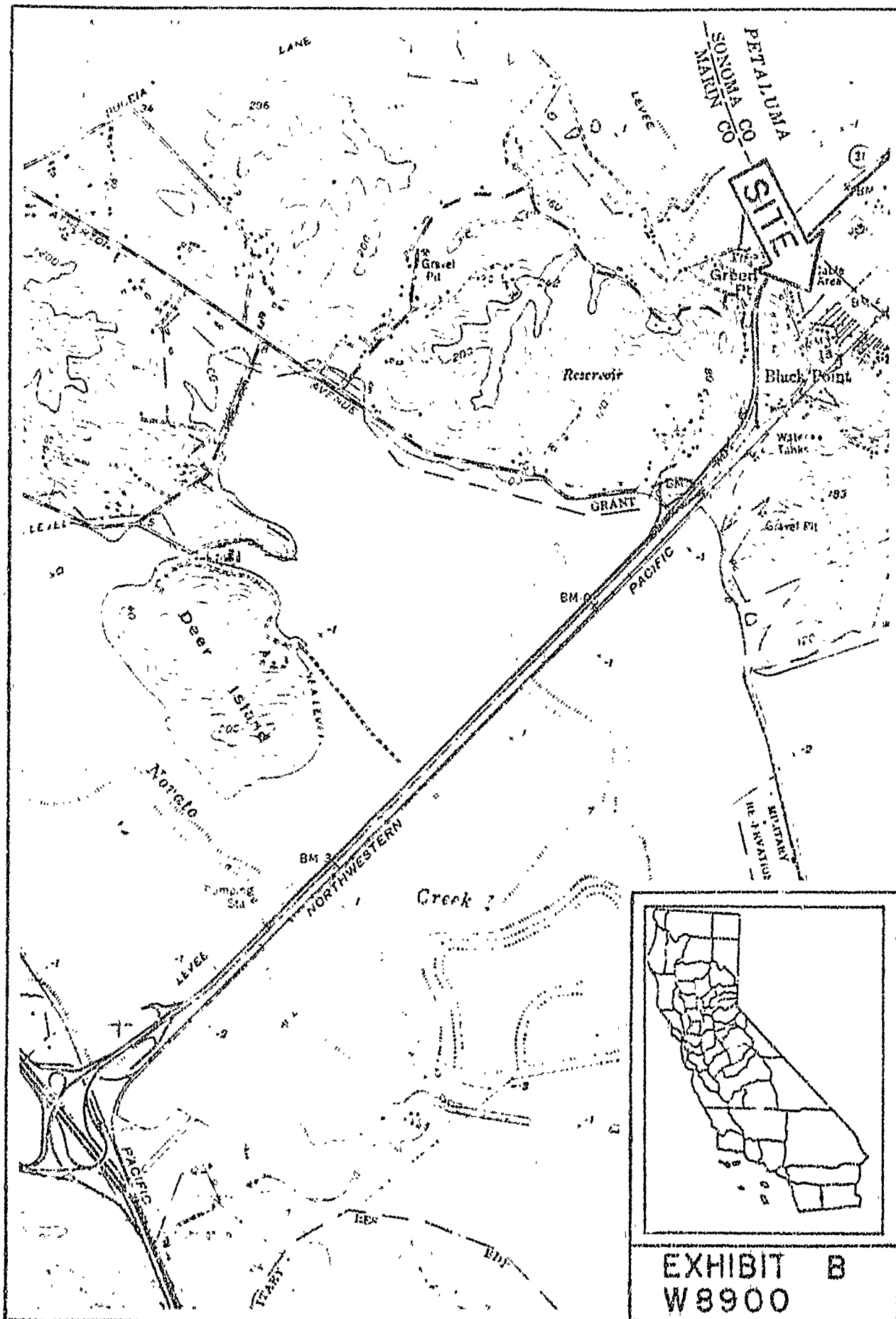


EXHIBIT B
W8900