

MINUTE ITEM
This Calendar Item No. C3
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 3
to 0 at its 1/22/87
meeting.

CALENDAR ITEM
C03

A 9
S 3

01/22/87
WP 5298-PRC 5298
Pos

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Raymond U. Fertitta, et ux.
75 Arguello Circle
San Rafael, California 94901

AREA, TYPE LAND AND LOCATION:
A 0.056-acre parcel of tide and submerged land,
located in the bed of the Petaluma River, near
Black Point, Marin County.

LAND USE: Existing residential and recreational
improvements.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning March 1,
1987.

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

CONSIDERATION: \$281 per annum; with the State reserving the
right to fix a different rental on each
fifth anniversary of the permit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

(ADDED 01/15/87)

-1-

CALENDAR PAGE	10
MINUTE PAGE	23

CALENDAR ITEM NO. C 03 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 04/14/87.

OTHER PERTINENT INFORMATION:

1. The proposed Permit is a replacement of an existing Recreational Permit that is terminating, covering existing improvements; those improvements include a cabin, cabana, walkway and float in the Petaluma River, Marin County. Several similar properties are currently under Commission Permit in the immediate area.
2. In response to the existing residential improvement within the Lease area, staff has included within the Permit document, provisions that call for removal of the residential improvements in the event they are destroyed or otherwise rendered uninhabitable, and further that any replacement or reconstructed residential improvements be situated on the Lessee's privately owned uplands.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

(ADDED 01/15/87)

-2-

CALENDAR PAGE	11
MINUTE PAGE	24

CALENDAR ITEM NO. C 03 (CONT'D)

APPROVALS OBTAINED:

None required.

FURTHER APPROVALS REQUIRED:

None required.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. AUTHORIZE ISSUANCE TO RAYMOND V. FERTITTA, ET UX. OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING MARCH 1, 1987; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$281, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR CONTINUED USE AND MAINTENANCE OF A CABIN, CABANA, WALKWAY AND FLOAT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(ADDED 01/15/87)

-3-

CALENDAR PAGE	12
MINUTE PAGE	25

EXHIBIT "A"

LAND DESCRIPTION

WP 5298

A parcel of land in the bed of Petaluma River, Marin County, California, said parcel being immediately beneath two (2) walkways, a house, a cabana, and a float, TOGETHER WITH the necessary areas of use, said structures being adjacent to that land described in the Grant Deed recorded September 21, 1972 in Book 2611, page 620, Official Records of Marin County.

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

END OF DESCRIPTION

REVIEWED DECEMBER 17, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

(ADDED 01/15/87)

CALENDAR PAGE	13
MINUTE PAGE	26

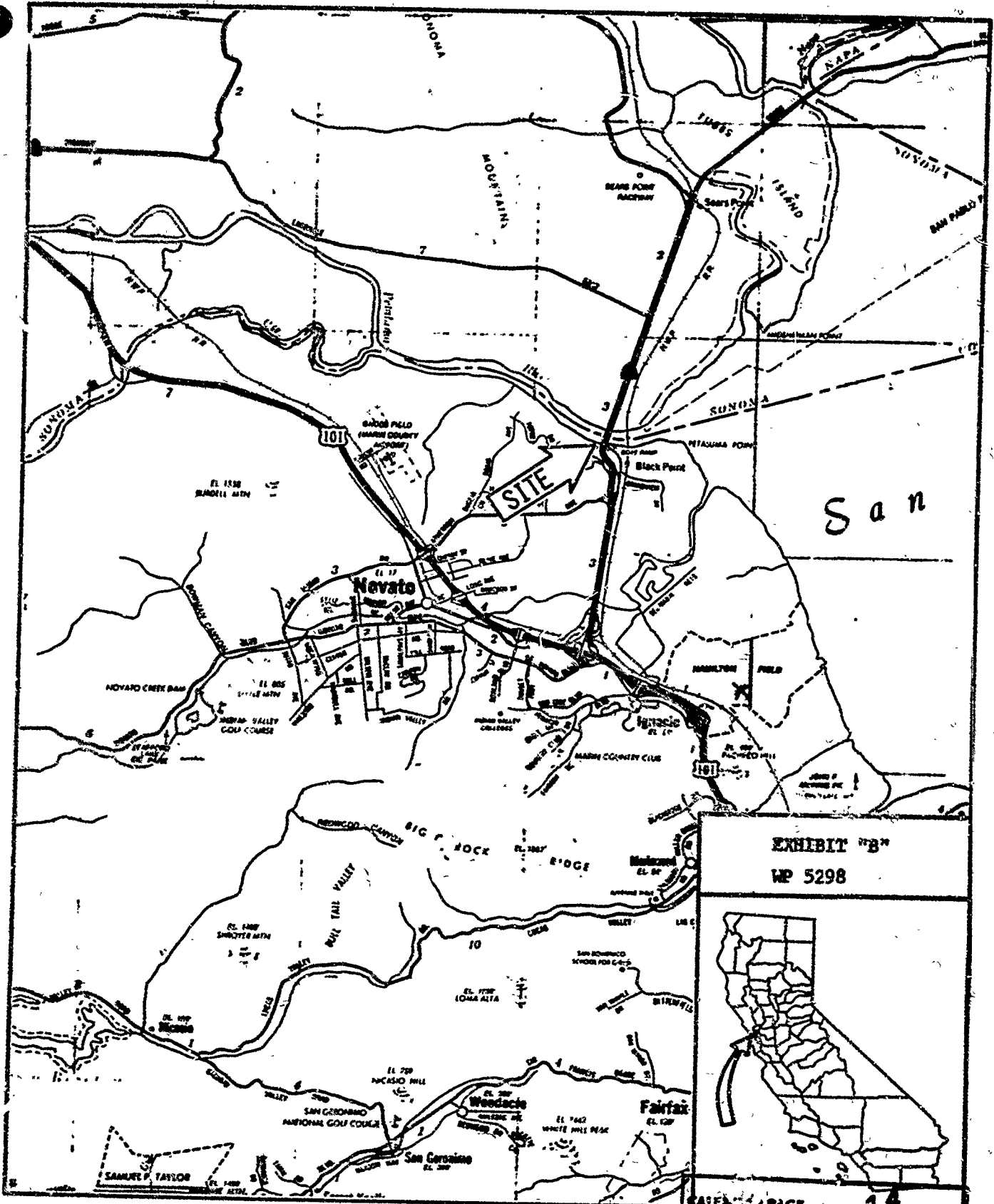


EXHIBIT "B"
 WP 5298



SCALE 1" = 1 MILE
 MINUTE PAGE 27