

MINUTE ITEM

This Calendar Item 25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 2
to 0 at its 3/28/79
meeting.

MINUTE ITEM

3/79
W 21480
Atkins

25. RESCISSION OF PERMIT PRC 5605.1 AND ISSUANCE OF GENERAL LEASE - COMMERCIAL LEASE.

During consideration of Calendar Item 25 attached, the Commission was concerned that in issuing this permit to the applicant the use could be expanded to accommodate a number of commercial vessels which should not be allowed until the County of Marin has adopted its master plan. However, Mr. James F. Trout, Assistant Executive Officer, pointed out that if the use did expand, the applicant would have to return to the Commission for its approval. Acting Chairman Carl J. D'Agostino asked how the staff monitors these leases. Mr. Trout explained that the Commission has a staff of land agents assigned on a geographic basis who are responsible for monitoring their respective leases.

Upon motion duly made and carried, the resolution as presented in Calendar Item 25 was adopted by a vote of 2-0.

CALENDAR ITEM

25.

3/79
W-20480
Atkins

RESCISSION OF PERMIT PRC 5605.1 AND
ISSUANCE OF GENERAL LEASE - COMMERCIAL USE

APPLICANT: Eugene and Ada Maffucci
8 Latona Street
San Francisco, California 94124

AREA, TYPE LAND AND LOCATION:
A 0.074 acre parcel of tide and submerged
land in the bed of Tomales Bay, Marin County.

LAND USE: An existing private wharf to berth the
applicants' commercial fishing boat.

TERMS OF ORIGINAL LEASE:

Initial period: 25 years from July 15,
1978.

Public liability insurance: Combined single
limit coverage of \$300,000.

Surety bond: \$2,000.

Consideration: \$225 per annum, with
the State reserving the
right to fix a different
rental on each fifth
anniversary of the lease.

TERMS OF PROPOSED LEASE:

Initial period: 25 years from July 15,
1978.

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

CONSIDERATION: \$225 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

\$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

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CALENDAR ITEM NO. 25. (CONTD)

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

1. Subsequent to the State Lands Commission approval of the existing lease at the December 20, 1978 meeting, Minute Item No. 1, the applicant had informed the staff that he was experiencing difficulty in obtaining the \$2,000 surety bond and the \$300,000 of insurance. Upon further investigation the staff has found the lease area to be of only nominal commercial use. The staff recommends the approval of the proposed lease, as outlined, in that it reflects the intended use of the subject lease area and will release the applicant of the difficulty of obtaining the bond or the \$300,000 of insurance. The applicant has obtained the \$100,000 of insurance.
2. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), 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. We also have no evidence that this structure hinders navigation.
3. This project is situated on State land identified as possessing environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

CALENDAR ITEM NO. 25. (CONTD)

4. A Coastal Zone Permit was approved December 1, 1977.
5. This project has been approved by the Tomales Bay Study Group which is composed of staff of the State Lands Commission, Marin County and North Central Regional Coastal Commission.

APPROVALS OBTAINED:

Department of Fish and Game, United States Army Corps of Engineers, Coastal Commission, Regional Water Quality Control Board, United States Fish and Wildlife Department, Marin County and United States Coast Guard.

EXHIBITS: A. Legal 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 PROVISION OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5 OF TITLE 2, OF THE CAL. ADM. CODE.
3. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
4. RESCIND ITS PRIOR ACTION OF DECEMBER 20, 1978 ON THIS LEASE.
5. AUTHORIZE ISSUANCE TO EUGENE AND ADA MAFFUCCI OF A 25-YEAR GENERAL LEASE - COMMERCIAL USE FROM JULY 15, 1978; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR AN EXISTING PRIVATE WHARF TO BERTH THE APPLICANTS' COMMERCIAL FISHING BOAT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 21480

A parcel of tide and submerged land in the bed of Tomales Bay, Marin County, California, said parcel being immediately beneath a wharf, TOGETHER WITH a necessary use area extending no more than 10 feet from said wharf, said wharf being adjacent to that land described in that Individual Joint Tenancy Deed, recorded April 23, 1969, in Book 2291, page 44, Official Records of Marin County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Tomales Bay.

SUBJECT TO those interests-in-land, if any, which may have passed by virtue of Tideland Survey No. 233, Marin County, patented February 19, 1947, to James W. Cochrane.

END OF DESCRIPTION

Prepared

M. L. S. [Signature]

Checked

D. Schumann [Signature]

Reviewed

[Signature]

Date

March 15, 1979



