

CALENDAR ITEM  
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12/19/85

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CALENDAR ITEM

25

12/19/85  
WP 6004 PRC 6004  
J. Ludlow

ACCEPTANCE AND APPROVAL OF LEASE QUITCLAIM DEED  
AND TERMINATION OF LEASE PRC 6004; APPROVAL OF  
GENERAL PERMIT - RECREATIONAL AND RESIDENTIAL USE

APPLICANTS: William L. and Robert A. Ehlert  
4115 Santa Rosa Avenue  
Santa Rosa, California 95407

AREA, TYPE LAND AND LOCATION:  
A 0.079-acre parcel of tide and submerged land  
in Petaluma Creek near Black Point, Marin  
County.

LAND USE: Use and maintenance of existing structures

TERMS OF PROPOSED PERMIT:  
Initial period: 20 years beginning  
February 2, 1985.

Surety bond: \$2,000.

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

CONSIDERATION: \$280 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.

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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: N/A.

OTHER PERTINENT INFORMATION:

- 1. 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 Facility, 2 Cal. Adm. Code 2905(a)(2).

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

- 2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6300, et seq. but will not affect those significant lands.
- 3. The subject property was leased to Jerry Levy for a 20-year term beginning February 2, 1981, under Lease PRC 6004. The upland property has been quitclaimed by Mr. Levy to the new applicants, Messrs. William L. and Robert A. Ehlert. Mr. Jerry Levy has also quitclaimed his interest in the leasehold back to the State of California.
- 4. The previous owner was under permit with the Commission for facilities consisting of sheds, boathouse, boardwalk, pier, and a portion of a residential structure. The new permit will authorize all existing facilities, excepting the boathouse, which has been removed.

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5. The permit does not allow for any additional residential use nor does it allow for reconstruction of the residential portion, if damaged to the extent that it can no longer be utilized as a residence.

APPROVALS REQUIRED:

Marin County - Tidelands Permit.

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 FACILITY, 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. TERMINATE LEASE PRC 6004 ISSUED TO JERRY LEVY AND ACCEPT AND APPROVE A QUITCLAIM DEED FROM JERRY LEVY TRANSFERRING HIS INTEREST IN THE LEASEHOLD BACK TO THE STATE OF CALIFORNIA, EFFECTIVE FEBRUARY 2, 1985.
4. AUTHORIZE ISSUANCE TO WILLIAM L. AND ROBERT A. EHLERT OF A 20-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING FEBRUARY 2, 1985; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$280 PER ANNUM, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR THE USE AND MAINTENANCE OF EXISTING STRUCTURES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

PRC 6004.1

A parcel of California State tide and submerged land along the right bank of the Petaluma River at Black Point, Marin County, California, said parcel lying immediately beneath and within 10 feet of the extremities of an existing house, deck, and pier, said structures lying adjacent to and north-erly of that land described in the grant deed to Jerry Levy, recorded April 25, 1980 in Book 3706, Page 377, Official Records of Marin County.

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

END OF DESCRIPTION

PREPARED JUNE 17, 1985 BY BOUNDARY SERVICES UNIT, M.L. SHAFER, SUPERVISOR.

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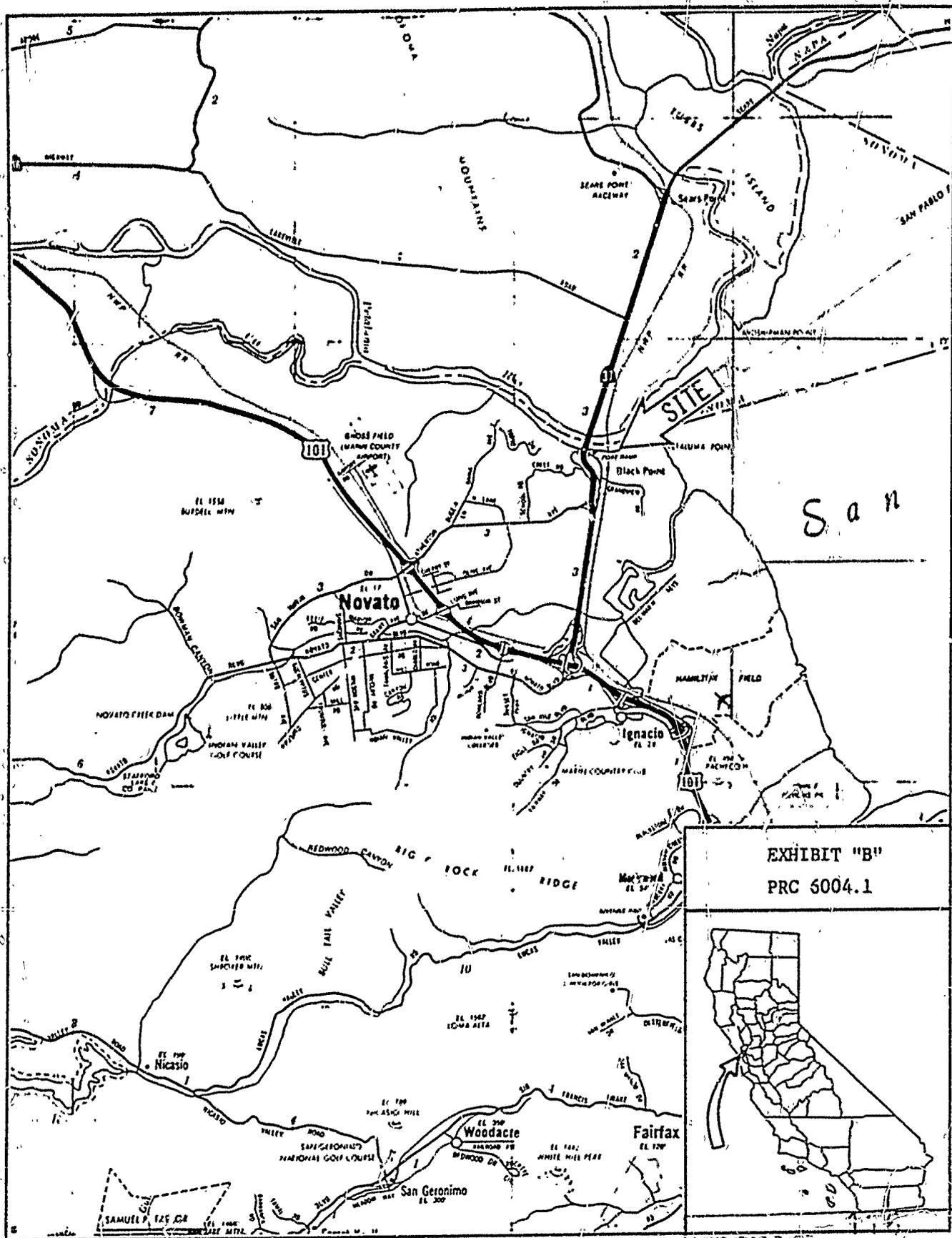


EXHIBIT "B"  
 PRC 6004.1



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