

**CALENDAR ITEM  
C22**

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S 3

08/11/09  
WP 5470.1  
C. Hudson

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANTS:**

Jean Vilicich, in trust, as Trustee of the John Vilicich and Jean Vilicich Revocable Inter Vivos Trust dated December 1, 2004; Francis A. Vilicich and Gwendolyn M. Vilicich; and Edward A. Vilicich and Bernadette C. Vilicich, Trustees of the E & B Vilicich Family Trust

**AREA, LAND TYPE, AND LOCATION:**

Sovereign Lands located in Tomales Bay, adjacent to 19145 State Route 1, near the town of Marshall, Marin County

**AUTHORIZED USE:**

Continued use and maintenance of an existing walkway, three wood pilings, and pier as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning April 1, 2008.

**CONSIDERATION:**

\$861 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability coverage of no less than \$1,000,000.

Other:

The lease contains a provision that the authorized improvements are to be open to the public.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On June 19, 1998, the Commission authorized a General Lease – Recreational Use with John E. Vilicich, Jeanne Vilicich, Francis A. Vilicich,

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and Gwendolyn M. Vilicich. That lease expired on March 31, 2008. The littoral land has since been deeded to Jean Vilicich, in trust, as Trustees of the John Vilicich and Jean Vilicich Revocable Inter Vivos Trust dated December 1, 2004; Francis A. Vilicich and Gwendolyn M. Vilicich; and Edward A. Vilicich; and Bernadette C. Vilicich, Trustees of the E & B Vilicich Family Trust. The Applicants are now applying for a new General Lease – Recreational Use. The previously authorized ramp has since been removed.

3. The Applicants do not qualify for rent free status because the littoral land is not improved with a single family dwelling pursuant to Public Resources Code section 6503.3.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO JEAN VILICICH, IN TRUST, AS TRUSTEE OF THE JOHN VILICICH AND JEAN VILICICH REVOCABLE INTER VIVOS TRUST DATED DECEMBER 1, 2004; FRANCIS A. VILICICH AND GWENDOLYN M. VILICICH; AND EDWARD A. VILICICH AND BERNADETTE C. VILICICH, TRUSTEES OF THE E & B VILICICH FAMILY TRUST, BEGINNING APRIL 1, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING WALKWAY, THREE WOOD PILINGS, AND PIER AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND AS DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$861 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.