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ORIGINAL

Decision S2 11 046 NOV 4 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HARBOR CARRIERS, INC., )

Complainant, )

vs. )

Case 82-01-02

GOLDEN GATE BRIDGE, HIGHWAY )

AND TRANSPORTATION DISTRICT )

and the BLUE AND GOLD FLEET, )

Defendants )

ORDER MODIFYING DECISION (D.) 82-08-078  
AND DENYING REHEARING

An application for rehearing of D.82-08-078 was filed by Golden Gate Bridge, Highway and Transportation District (District) on September 17, 1982. The Commission has considered every allegation of error in the petition and is of the opinion that good cause has not been shown for granting rehearing, but that D.82-08-078 should be modified to make several minor corrections and to explain in more detail the basis upon which the Commission rejected District's contention that valuation should be based on the site's potential use as a restaurant. Therefore,

IT IS ORDERED that:

1. Decision 82-08-078 is hereby modified by substituting the following discussion as the first full paragraph on page 61 on the decision:

"While a zoning change is not required because a conditional use permit, if issued, would allow a restaurant, the record establishes that it is unlikely that Sausalito would issue a conditional use permit which would allow a restaurant or any equally intensive commercial use. Other considerations also dictate against valuation of the property as a restaurant. The problems relating to condemnation of the property which arose with respect to consideration of alternative sites similarly affect the question of valuation. Witness Gimmy stated that the existing term of the lease is not a limiting factor to the use of the property as a restaurant because the District has the power of condemnation and can acquire additional property rights through this process. However, the previous legal problems described with respect to the exercise of eminent domain rights of this site, including the rebuttable presumption of CCP §1240.680 should also be taken into account. For the foreseeable future the leasehold's highest and best use is its present use, and the site should be valued as such."

2. D.82-08-078 is further modified by changing the first three sentences on page 65 to read as follows:

"There are numerous distinguishing features between the public entity lessors charging such percentage fees and the District. For example, the latter

generally have responsibilities which extend to public health and safety problems. In this instance, Sausalito, not District, is in this position."

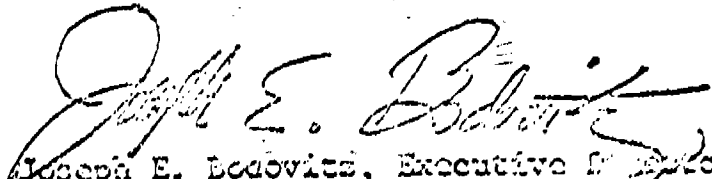
3. Rehearing of D.82-08-078, as modified herein, is denied. This order is effective today.

Dated NOV 4 1982, at San Francisco, California.

JOHN E. BRYSON  
*President*  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
*Commissioners*

Commissioner Priscilla C. Grew,  
being necessarily absent, did  
not participate

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bedovits, Executive Director