

MINUTE ITEM

This Calendar Item No. 02  
was approved as Minute Item  
No. 9 by the State Lands  
Commission by a vote of 3  
to 0 at its 6-24-76  
meeting.

CALENDAR ITEM

C2.

6/76

W 8709

USE PERMIT

GDG  
PRC 5120

APPLICANTS:

Leila H. Hardy; Charles Hardy; Martha H. Davis;  
Alton Davis; Martha H. Kunder; Clay Kunder;  
Charlotte H. Johnson; Cyrus A. Johnson;  
Donald J. Stevick; Elizabeth M. Stevick;  
Sheilagh S. Ross; James T. Ross; Stephen M.  
Stevick and Susan B. Stevick  
c/o Cyrus A. Johnson, Esq.  
Diepenbrock, Wulff, Plant & Hannegan  
455 Capitol Mall, Suite 800  
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:

An 0.074-acre parcel of submerged land in McKinney  
Bay, Lake Tahoe, near Homewood, Placer County.

LAND USE:

1 existing pier for recreational boating.

TERMS OF PROPOSED PERMIT:

Initial period: 10 years from May 1, 1970.

Surety bond: \$3,000.

Special: 1. It is an express condition sub-  
sequent of this lease that if any structure  
hereby authorized is found to be in noncon-  
formance with the Tahoe Regional Planning  
Agency's Shorezone Ordinance and if any alter-  
ations, repairs, or removal required pursuant  
to said Ordinance is not accomplished within  
the designated time period, then this lease is  
automatically terminated, effective upon notice  
by the State, and the site shall be cleared  
pursuant to the terms thereof.

2. It is an express condition of this lease  
that if any structure or appurtenances hereby  
authorized are found to be situated upon or  
adjacent to land of the County of Placer, or any  
other entity, without their consent and approval,  
then this permit is automatically terminated,  
effective upon notice by the State, and the site  
shall be cleared pursuant to the terms herein.

3. As a supplement to Paragraph 6 of Section 5,  
Permittee hereby agrees that when the State's  
boundaries are established, the State has the  
right to revise the rate and amount of the  
annual rental in addition to the rights stated  
in Paragraph 2 of Section 5 hereof; together  
with the right to approve existing improvements  
and fills in place.

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CALENDAR ITEM NO. C2. (CONTD)

CONSIDERATION: \$75 per annum prorated through June 29, 1975,  
and \$100 per annum thereafter.

BASIS FOR CONSIDERATION:

\$75 fixed annual rental through June 29, 1975,  
and \$100 fixed annual rental thereafter, for  
this type of permit.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicants are the owners of the upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3,  
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. Because of various changes in title to the littoral land and the Commission's requirements of policy and procedure, the staff has been unable to place this application on an agenda of the Commission prior to the expiration of the qualified 5-year term of a Use Permit. All rental for the first 7 years of this agreement has been paid. Therefore, the Commission is requested to approve a 10-year term for this agreement.
2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) 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.
3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 5560.1, and is classified in a significant use category, Class B: Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

CALENDAR ITEM NO. C2. (CONTD)

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO LEILA H. HARDY; CHARLES HARDY; MARTHA H. DAVIS; ALTON DAVIS; MARTHA H. KUNDER; CLAY KUNDER; CHARLOTTE H. JOHNSON; CYRUS A. JOHNSON; DONALD J. STEVICK; ELIZABETH M. STEVICK; SHEILAGH S. ROSS; JAMES T. ROSS; STEPHEN M. STEVICK AND SUSAN B. STEVICK, OF A 10-YEAR USE PERMIT FROM MAY 1, 1970; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$75 THROUGH JUNE 29, 1975, AND \$100 THEREAFTER; WITH PROVISION OF A \$5,000 SURETY BOND; FOR 1 EXISTING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8709

A parcel of submerged land in the bed of Lake Tahoe, Placer County, California, adjacent to fractional Section 1, T14N, R16E, N2E; said parcel is immediately beneath and extends ten (10) feet on all sides from an existing pier and is adjacent to the following described two (2) adjoining parcels of land:

PARCEL 1

That parcel as described in deed dated April 19, 1951, and recorded as Document No. 370 on May 26, 1951, in Volume 580, page 54 of the Official Records of Placer County, California.

PARCEL 2

That parcel as described in Grant Deed dated May 31, 1973, and recorded on June 21, 1973, in Volume 1500, page 250 of the Official Records of Placer County, California.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Lake Tahoe.

END OF DESCRIPTION

Prepared

Amos K. Lawrence

Checked

R. J. Blake

Reviewed

W. H. J. [unclear]

Date

4/2/75