

MINUTE ITEM

PRC 5676

19  
to 0 at its 6-3-79 meeting

CALENDAR ITEM

C19.

5/79  
W 1124.243  
Gordon

GENERAL PERMIT  
RECREATIONAL USE

APPLICANT: Rubicon Tahoe Owners, Inc.,  
c/o William Isham  
Wells Fargo Bank  
500 Capitol Mall  
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:  
A 0.793 acre parcel and a 0.110 acre parcel,  
comprising an aggregate area of 0.903  
acre, all on submerged lands in Rubicon  
Bay, Lake Tahoe, El Dorado County.

LAND USE: Maintenance of 2 existing piers with 2  
contiguous swim areas utilized for multiple-use  
recreational boating and swimming, respectively.

TERMS OF PROPOSED PERMIT:

Initial period: 15 years from April 23,  
1969.

Public liability insurance: Combined single  
limit coverage of \$500,000  
per occurrence for bodily  
injury and property damage.

Special: 1. The permit is conditioned  
on permittee's conformance  
with the Tahoe Regional  
Planning Agency's Shorezone  
Ordinance.

2. Permittee covenants  
to utilize swim lines  
on the permit premises  
for only 2 months during  
any year of the term  
of the permit, beginning  
July 1st and ending  
August 31st each year.  
Said lines shall be removed  
from said premises during  
the remaining 10 months  
of the year.

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CONSIDERATION: Swim Area/Facilities: \$145 per annum from April 23, 1969 through April 22, 1975; \$170 from April 23, 1975 through April 22, 1976; \$181.50 from April 23, 1976 through April 23, 1977; \$63.50 per annum from April 23, 1977 through April 22, 1979 and \$127 per annum thereafter. Piers: The public use and benefit, pursuant to P.R.C. 6503.5, with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:  
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of upland.  
Filing fee has been received.

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. The subject facilities are utilized by members of Rubicon Tahoe Owners Inc., a non-profit corporation formed to promote cooperation among and the general interest of its members.
2. The consideration set forth herein is based on the Commission's regulations in effect during the term of use of the subject lands. In the interest of settling the amount of historic rents due and bring long term existing facilities under permit, staff has negotiated and recommends approval of a 50% settlement of rents payable from April 23, 1969 through April 22, 1979.
3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts

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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.

4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes 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.

APPROVALS REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and the County of El Dorado. The proposed permit is conditioned on the approval of all agencies having jurisdiction.

EXHIBITS:           A. Land 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 PROVISIONS OF P.R.C 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE ISSUANCE TO RUBICON TAHOE OWNERS, INC. OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE FROM APRIL 23, 1969; IN CONSIDERATION OF \$145 PER ANNUM FROM APRIL 23, 1969 THROUGH APRIL 22, 1975; \$170 FROM APRIL 23, 1975 THROUGH APRIL 22, 1976; \$181.50 FROM APRIL 23, 1976 THROUGH APRIL 22, 1977; \$63.50 PER ANNUM FROM APRIL 23, 1977 THROUGH APRIL 22, 1979 AND \$127 PER ANNUM THEREAFTER FOR SWIM AREAS AND SWIM FACILITIES; AND PURSUANT TO

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P.R.C. 6503.5, THE PUBLIC USE AND BENEFIT FOR 2 PIERS, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE, COMBINED SINGLE LIMIT COVERAGE OF \$500,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE; FOR THE MAINTENANCE OF 2 EXISTING PIERS WITH 2 CONTIGUOUS AREAS UTILIZED FOR MULTIPLE-USE RECREATIONAL BOATING AND SWIMMING, RESPECTIVELY, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 1124.243 .

Two parcels of land in the bed of Lake Tahoe, El Dorado County, California, situated in fractional Sections 32 and 33, T14N, R17E, MDM, said parcels more particularly described as follows:

Parcel 1

All that land immediately beneath an existing pier lying adjacent to Lot 11, Block G as shown on the Map of Rubicon Properties, filed in Book A of Maps, page 52, El Dorado County Records, TOGETHER WITH a necessary use area extending no more than 10 feet from said pier, ALSO TOGETHER WITH all that land lying 2.5 feet on each side of a swimline 90 feet in length situated northerly of said pier, ALSO TOGETHER WITH all that land bounded on the northwest by the southeasterly edge of the above mentioned pier, bounded on the northeast by a swimline 153 feet in length extending from said pier to the pier of Hoyt S. Pardee, said pier lying northeasterly of Lot 13, Block G, Rubicon Properties; bounded on the southeast by the northwesterly edge of said pier of Hoyt S. Pardee; bounded on the southwest by the ordinary high water mark of Lake Tahoe, including that land lying 2.5 feet northeasterly and parallel with said 153 feet swimline.

Parcel 2

All that land lying immediately beneath existing pier and existing swim float TOGETHER WITH a necessary use area extending no more than 10 feet from said pier and swim float ALSO TOGETHER WITH all that land lying 2.5 feet on each side of a swimline 50 feet in length, situated easterly of Lot 12, Block A as shown on the above described map of Rubicon Properties.

EXCEPTING THEREFROM any portion of Parcels 1 and 2 lying landward of the ordinary high water mark of Lake Tahoe.

END OF DESCRIPTION

Prepared

Fred T. Carey

Checked

M. J. Shap

Reviewed

A. H. Funnell

Date

4/26/77

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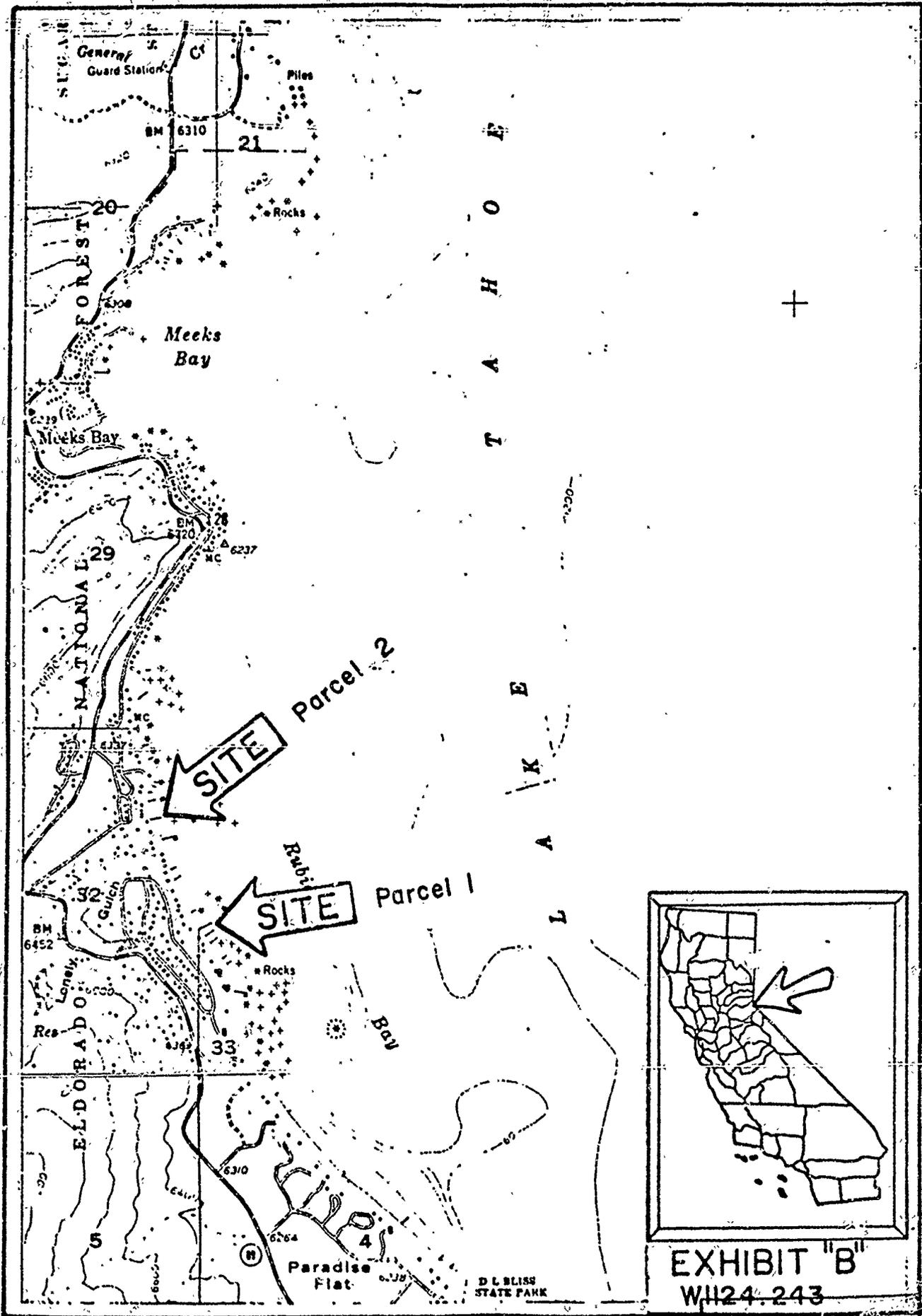


EXHIBIT "B"

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D L BLISS  
STATE PARK