

MINUTE ITEM

This Calendar Item No. C14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
to 0 at its 6-27-79
meeting.

CALENDAR ITEM

C14.

GENERAL PERMIT -
RECREATIONAL USE

PRC 5685

6/79
W 1124.246
Gordon

APPLICANT:

Lake Forest Unit No. 3
Property Owners Association
c/o Anne Callaway
1108 West 8th Street
Davis, California 95616

AREA, TYPE LAND AND LOCATION:

A 0.044 acre parcel, a 0.020 acre parcel
and nineteen 0.029 acre circular parcels,
each 40 feet in diameter aggregating 0.551
acre, all totaling 0.615 acre of submerged
lands in Lake Tahoe south of Cedar Flat,
Placer County.

LAND USE:

Maintenance of 1 existing pier, 1 existing
swim float and 19 existing mooring buoys,
respectively, for noncommercial multiple-use
recreational swimming and boating.

TERMS OF PROPOSED PERMIT:

Initial period: 15 years from December 21,
1976.

Public liability insurance: \$900,000 per
occurrence for bodily
injury and \$100,000 for
property damage, or combined
single limit coverage
of \$1,000,000.

Special:

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

2. The permit is conditioned
on the County of Placer's
authorization and consent
of any of the subject
facilities found to be
on or adjacent to County
lands.

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3. The permit is entered into by all parties without prejudice to their respective claims of boundary.

MONETARY CONSIDERATION:

Pier: \$40 from December 21, 1976 through December 20, 1977; and \$31 from December 21, 1977 through September 28, 1978; Buoys: \$570 from December 21, 1976 through December 20, 1977; and \$440 from December 21, 1977 through September 28, 1978; Swim Platform: \$30 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

OTHER CONSIDERATION:

Pier/Buoys: Effective September 29, 1978, the public benefit pursuant to P.R.C. 6503.5.

BASIS FOR CONSIDERATION:

2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES 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. Applicant is a nonprofit homeowners corporation incorporated to cultivate social activities among its members. The consideration set forth herein is based on the current general permit fee scheduled as approved by the Commission and made effective March 1, 1977. In the interest of settling the amount of rents due prior to March 1, 1977, and bringing long term existing facilities under permit, staff has negotiated, and recommends approval of settlement of rents from December 21, 1976 to present using the current fee schedule.

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2. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B, 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 P.R.C. 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

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

4. The Commission at its meeting on November 27, 1978 suspended all leasing for new construction at Lake Tahoe, except for mooring buoys in designated areas. This action was taken pending completion of an EIR which addresses the cumulative impact of continued construction of piers in Lake Tahoe. The facilities herein are for the continued use of existing piers and buoys in the lake, and therefore are not subject to the Commission's suspension of leasing activities for new construction.

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 Placer. 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.

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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 LAKE FOREST UNIT NO. 3 PROPERTY OWNERS ASSOCIATION OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE FROM DECEMBER 21, 1976 IN CONSIDERATION OF RENT IN THE AMOUNT OF \$40 FROM DECEMBER 21, 1976 THROUGH DECEMBER 20, 1977; AND \$31 FROM DECEMBER 21, 1977 THROUGH SEPTEMBER 28, 1978 FOR A PIER; \$570 FROM DECEMBER 21, 1976 THROUGH DECEMBER 20, 1977; AND \$440 FROM DECEMBER 21, 1977 THROUGH SEPTEMBER 28, 1978 FOR BUOYS; \$30 PER ANNUM FOR A SWIM PLATFORM; AND THE PUBLIC BENEFIT PURSUANT TO P.R.C. 6503.5, FOR THE PIER AND BUOYS, EFFECTIVE SEPTEMBER 29, 1978, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$900,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000 FOR MAINTENANCE OF 1 EXISTING PIER, 1 EXISTING SWIM FLOAT AND 19 EXISTING MOORING BUOYS UTILIZED FOR NON-COMMERCIAL MULTIPLE-USE RECREATIONAL SWIMMING AND BOATING ON LAND DESCRIBED ON EXHIBIT "A" ATTACHED BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

W 1124.246

Twenty-one parcels of land in the bed of Lake Tahoe, Placer County, California, said parcels more particularly described as follows:

PARCEL 1 - Pier

A parcel of land immediately beneath a pier, TOGETHER WITH a necessary use area extending no more than 10 feet from said pier, said pier being adjacent to that certain parcel known as "LAKE FOREST PARK" described in deed recorded August 5, 1959 in Volume 805, pages 316 and 317.

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

PARCEL 2 - Swim Platform

A parcel of land immediately beneath a swim platform, TOGETHER WITH a necessary use area extending no more than 10 feet from said platform, said platform being adjacent to the parcel described in the above mentioned deed.

PARCELS 3 through 21 - Buoys

Nineteen (19) circular parcels of land each 40 feet in diameter for buoy purposes located adjacent to the parcel of land described in the above-mentioned deed.

END OF DESCRIPTION

Prepared Robert C. Jensen Checked Frank T. [unclear]
Reviewed John K. Jensen Date 9-13-77

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