MINUTE ITEM

This Calendar Item No. 3
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 3
to 0 at its 3/5/81
meeting.

MINUTE ITEM

2/26/81
WP 3775
Sekelsky
Hadly
PRC 3775

3. Recreational Pier Permit

During consideration of Calendar Item C3 attached, William F. Northrop, Executive Officer of the Commission, commended Steve Sekelsky for his work on this project.

Upon motion duly made and carried, the resolution as presented in Calendar Item C3 was approved by a vote of 3-0.

Attachment: Calendar Item C3.

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CALENDAR ITEM

2/81
WP 3775
Sekelsky
Hadly

C03

RECREATIONAL PIER PERMIT

APPLICANTS: (Multiple Association) Water's Edge Condominium Association and Sugar Pine Lakeside Association, Tahoe Cedar's Homeowners Association.
P. O. Box 88
Tahoma, California 95733

TERMS: Initial period: 10 years.

Renewal options: None.

Filing fee: $25.

Processing fee: $45.

CONSIDERATION: None (Section 6503, P.R.C.).

PREREQUISITE TERMS:
Applicants are littoral [illegible], as defined in Section 6503.5, P.R.C.

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 individual project is situated on State land identified as possessing significant environmental values (pursuant to P.R.C. 6370.1) and are classified in use category, Class B, which authorizes Limited Use. Staff review indicates that there will be no significant effect on identified environmental values.

2. Lake Tahoe Application: The Commission, at its meeting on November 27, 1978, suspended all leasing for new construction

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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. Each of the applications 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.

3. Permits covering structures in Lake Tahoe will include a condition subsequent that if any structure authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance, and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then the permit will be automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof.

4. The multiple-association concept is a product of months of staff negotiations involving circumstances not specifully addressed in PRC 6503.5 which authorizes issuance of rent-free Recreational Pier Permits to nonprofit corporations and associations which meet specific criteria. The Code, however, does not address situations in which more than one Corporation or Association has use rights to the same littoral parcel. The multiple-interest situation surfaced in May of 1980 when Water's Edge Condominium Association (a permittee of the State Lands Commission) removed 20± buoys not belonging to them, from Lake Tahoe waters adjacent to their littoral upland. The removal of the buoys precipitated a sharp dispute between its members and those of Tahoe Cedar's Homeowners Association, the Sugar Pine Homeowners

Association, and four other individuals, who are permittees of the State Lands Commission as to who had rights for buoy placement. Each association and numerous individuals have easement rights to the same littoral upland. As a consequence, some nine-hundred (900) individuals who live in three subdivision areas near or adjacent to the littoral parcel do or could claim certain littoral rights.

The staff became involved when individuals complained about unauthorized buoy removal and the El Dorado Court District Attorney asked for staff's assistance in solving the problem as an alternative to possible criminal trespass actions. It was obvious to the staff that the area adjacent to the subject upland could not support 900± potential bouys, and that it would be administratively impractical to deal with each individual having an interest in the littoral upland. Since all of the individuals had or could have representacion through one of the three homeowners associations, it was decided that a single permit issued jointly to all three association for a limited number of buoys would be an equitable and administratively acceptable solution. Under the multiple-association permit, the associations would jointly administer, and control a limited buoy field adjacent to the uplands in accordance with all governmental bodies having jurisdiction (including the United States Army Corps of Engineers, Tahoe Regional Planning Agency, and California Tahoe Regional Planning Agency).

The associations, after months of bickering, agreed to the multiple association concept and signed an agreement pending State Lands Comission approval. The agreement included a pier and 54 buoys.

5. Standard permit form was modified to include the following:

   1. No subletting or renting of facilities.

   2. Improvement shall be placed within 120 days.

   3. Agreement is subject to amendment for additional facilities upon approval of all governmental agencies or entities having jurisdiction.

EXHIBIT: A. 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. 21084, 14 CAL. ADM. CODE 15100, ET SEQ., AND 2 CAL. ADM. CODE 2907.

2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO EFFECT ON THE SIGNIFICANT ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.

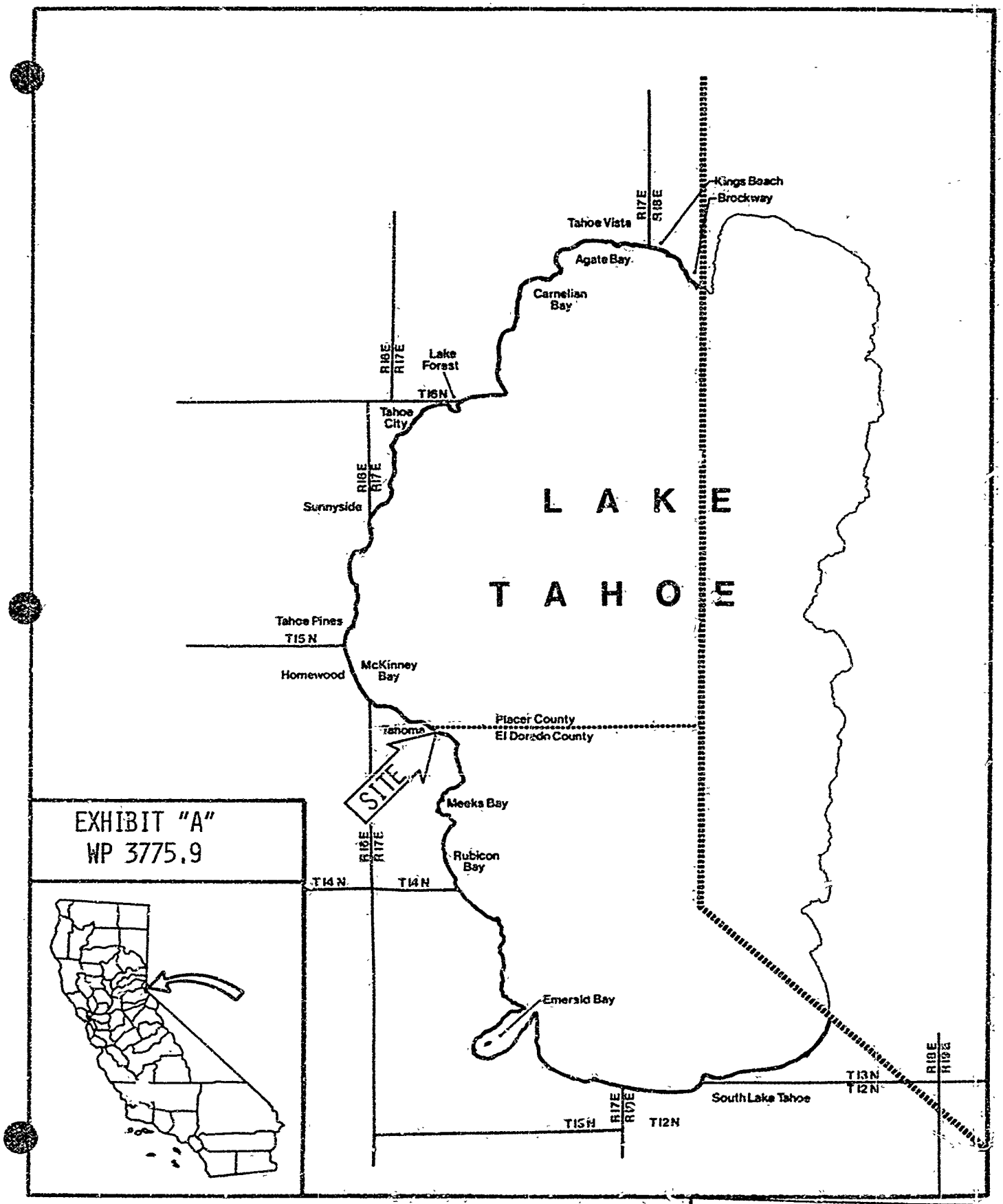
3. FIND THAT THE ISSUANCE OF MULTIPLE ASSOCIATION PERMITS IS CONSISTENT WITH THE REQUIREMENTS OF PRC 6503.5 AND APPLICABLE IN FUTURE TRANSACTIONS MEETING THE REQUIREMENTS OF PRC 6503.5.

4. AUTHORIZE THE ISSUANCE OF 10-YEAR RECREATIONAL PIER PERMITS SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE COMMISSION TO:

   a) WATER'S EDGE CONDOMINIUM ASSOCIATION.

   b) TAHOE CEDAR'S HOMEOWNERS ASSOCIATION.

   c) SUGAR PINE LAKESHORE HOMEOWNERS ASSOCIATION



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