

MINUTE ITEM

This Calendar Item No. C5
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 11/29/82
meeting.

CALENDAR ITEM

C 0 5

11/29/82
WP 4896
J. Ludlow
PRC 4896

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Dean F. and Margaret Z. Unger
700 Alhambra Boulevard
Sacramento, California 95816

AREA, TYPE LAND AND LOCATION:
A 0.025 acre parcel of submerged land in
Lake Tahoe, Placer County

LAND USE: Use and maintenance of existing recreational
pier.

TERMS OF PROPOSED PERMIT:
Public Liability insurance: Combined single
limit coverage of \$100,000.

CONSIDERATION: \$40 per annum with the State reserving
the right to fix a different rental on
each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is permittee of upland.

Filing fee and six years annual rent have
been received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. This project is exempt from CEQA because it is within the purview of 2 Cal. Adm. Code, Sec. 2905, Class 1, which exempts existing structures in an acceptable state of repair.
2. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in a use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.
3. Section 2 of the permit conforms to the Lyon/Fogerty decision.
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 application herein is for the continued use of an existing pier in the Lake, and therefore is not subject to the Commission's suspension of leasing activities for new construction.
5. The permit was prepared in accordance with regulations in effect prior to December 31, 1981, authorizing a set rent schedule. For this facility the schedule provides for an annual rental

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of \$40 per year, in that the permitted area is between 1,001 and 2,000 square feet. Although the permit was executed by the applicant after December 31, 1981, staff feels it would be in the best interest of the State to authorize the consideration based on the rent schedule in effect prior to December 31, 1981.

6. The applicant has paid six years rental of \$240, and rent is current to date. Staff feels that it would be in the best interest of the State to recommend that penalty and interest on back rent, if any, be waived.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2905; AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. AUTHORIZE ACCEPTANCE OF \$240, AS TOTAL CONSIDERATION FOR THE PERIOD OF MARCH 1, 1977, THROUGH FEBRUARY 28, 1983, AND WAIVE PENALTY AND INTEREST, IF ANY.
3. AUTHORIZE ISSUANCE TO DEAN F. AND MARGARET Z. UNGER OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE, FROM MARCH 1, 1977; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$40, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR THE USE AND MAINTENANCE OF AN EXISTING RECREATIONAL PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

WP 4896

A parcel of land in the bed of Lake Tahoe, Placer County, California, said parcel being directly beneath and extending 10 feet on all sides of an existing pier, said parcel is further described as being adjacent to the following described parcel:

Lot 5, Block 8, Cedar Flat Subdivision, as shown on the map recorded in Book H of Maps, Page 82 in the Office of the Recorder of said County.

EXCEPTING THEREFROM that portion lying above the ordinary low water mark of Lake Tahoe.

END OF DESCRIPTION

Prepared *M. L. [Signature]* Checked *M. H. [Signature]*
Reviewed *[Signature]* Date *9-22-76*
RJB

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