

MINUTE ITEM

This Calendar Item No. 27
was approved as a Minute Item
No. 27 by the State Lands
Commission by a vote of 2
to 0 at its 12/19/85
meeting.

MINUTE ITEM

27

12/19/85
WP 3955
Gordon

Termination of Noncommercial Lease,
Acceptance of Quitclaim Deed and
Issuance of General Permit - Recreational Use

During consideration of Calendar Item 27, attached,
Recommendation 4 was amended to denial of permit to Rocky
Ridge Properties Owners Association.

With that amendment, the following Resolution was approved by a
vote of 2-0:

THE COMMISSION:

1. FINDS THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FINDS THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZES ACCEPTANCE OF A QUITCLAIM DEED TERMINATING R. T. NAHAS COMPANY'S INTEREST, EFFECTIVE JANUARY 25, 1984, RELATIVE TO LEASE NO. 3955, P.R.C. SERIES AUTHORIZED MAY 23, 1968.
4. AUTHORIZES DENIAL TO ROCKY RIDGE PROPERTIES OWNERS ASSOCIATION OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE.

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WP 3955

Gordon

TERMINATION OF NONCOMMERCIAL LEASE NO. 3955,
ACCEPTANCE OF QUITCLAIM DEED AND ISSUANCE OF
GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Rocky Ridge Properties Owners
Association
P. O. Box 432
Tahoe City, California 95730

AREA, TYPE LAND AND LOCATION:

A 0.137-acre area, a 0.017-acre area and
19 circular parcels, each 40-feet in diameter,
totalling 0.548 acre, composing an aggregate of
0.702 acre of submerged land located in Lake
Tahoe near Tahoe City, Placer County.

LAND USE:

Maintenance of a pier, swim float and
19 mooring buoys, all existing and utilized for
multiple-use recreational purposes.

TERMS OF ORIGINAL LEASE: (LESSEE: R. T. NAHAS COMPANY)

Initial period: 49 years beginning May 1,
1968.

Surety bond: \$3,000.

Consideration: \$540 per annum, as to the
pier only; Five-year rent
review.

TERMS OF PROPOSED PERMIT:

Initial period: 15 years beginning January 25,
1984.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

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Special: 1. The Permit prohibits the use of the facilities for residential purposes.
2. The permit is conditioned on permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.
3. The permit conforms to the Lyon/Fogerty decision.

CONSIDERATION: \$3,192 for the period of January 25, 1984 through January 24, 1986 and \$1,958 per annum, thereafter, 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.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

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: 12/31/85.

OTHER PERTINENT INFORMATION:
1. At its meeting on May 23, 1968, the State Lands Commission, in Minute Item 15, approved the issuance of Noncommercial Lease No. 3955, P.R.C. Series to R. T. Nahas Company for construction of the subject pier. Upland properties were developed with condominium projects by lessee. The lessee later conveyed the littoral upland to an entity other than applicant, without first receiving the Commission's approval of the assignment of

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said lease to a new littoral owner. The format of the subject lease is not consistent with the Commission's current rules and regulations. Termination of the original lease is recommended.

2. Applicant is a homeowners association. The subject facilities are utilized by condominium owners, their tenants and guests. The association does not qualify for rent-free status because it does not consist of natural persons as required by P.R.C. 6503.5.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project is consistent with its use classification.

APPROVALS OBTAINED:

None.

APPROVALS REQUIRED:

Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and County of Placer.

EXHIBITS:

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

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CALENDAR ITEM NO. 27 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ACCEPTANCE OF A QUITCLAIM DEED TERMINATING R. T. NAHAS COMPANY'S INTEREST, EFFECTIVE JANUARY 25, 1984, RELATIVE TO LEASE NO. 3955, P.R.C. SERIES AUTHORIZED MAY 23, 1968.
4. AUTHORIZE TERMINATION OF NONCOMMERCIAL LEASE NO. 3955, P.R.C. SERIES DATED MAY 1, 1968, EFFECTIVE JANUARY 25, 1984; AND THE ISSUANCE TO ROCKY RIDGE PROPERTIES OWNERS ASSOCIATION OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING JANUARY 25, 1984; IN CONSIDERATION OF \$3,192 FOR THE PERIOD OF JANUARY 25, 1984 THROUGH JANUARY 24, 1986 AND ANNUAL RENT IN THE AMOUNT OF \$1,958, THEREAFTER, 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 FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF A PIER, SWIM FLOAT AND 19 MOORING BUOYS, ALL EXISTING AND UTILIZED FOR MULTIPLE-USE RECREATIONAL PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

WP 3955

Those parcels of submerged land in the bed of Lake Tahoe, Placer County, California, described as follows:

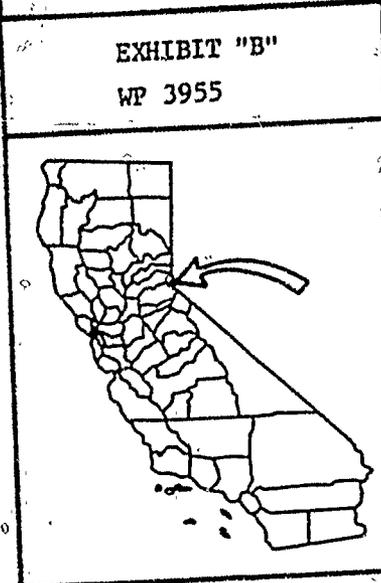
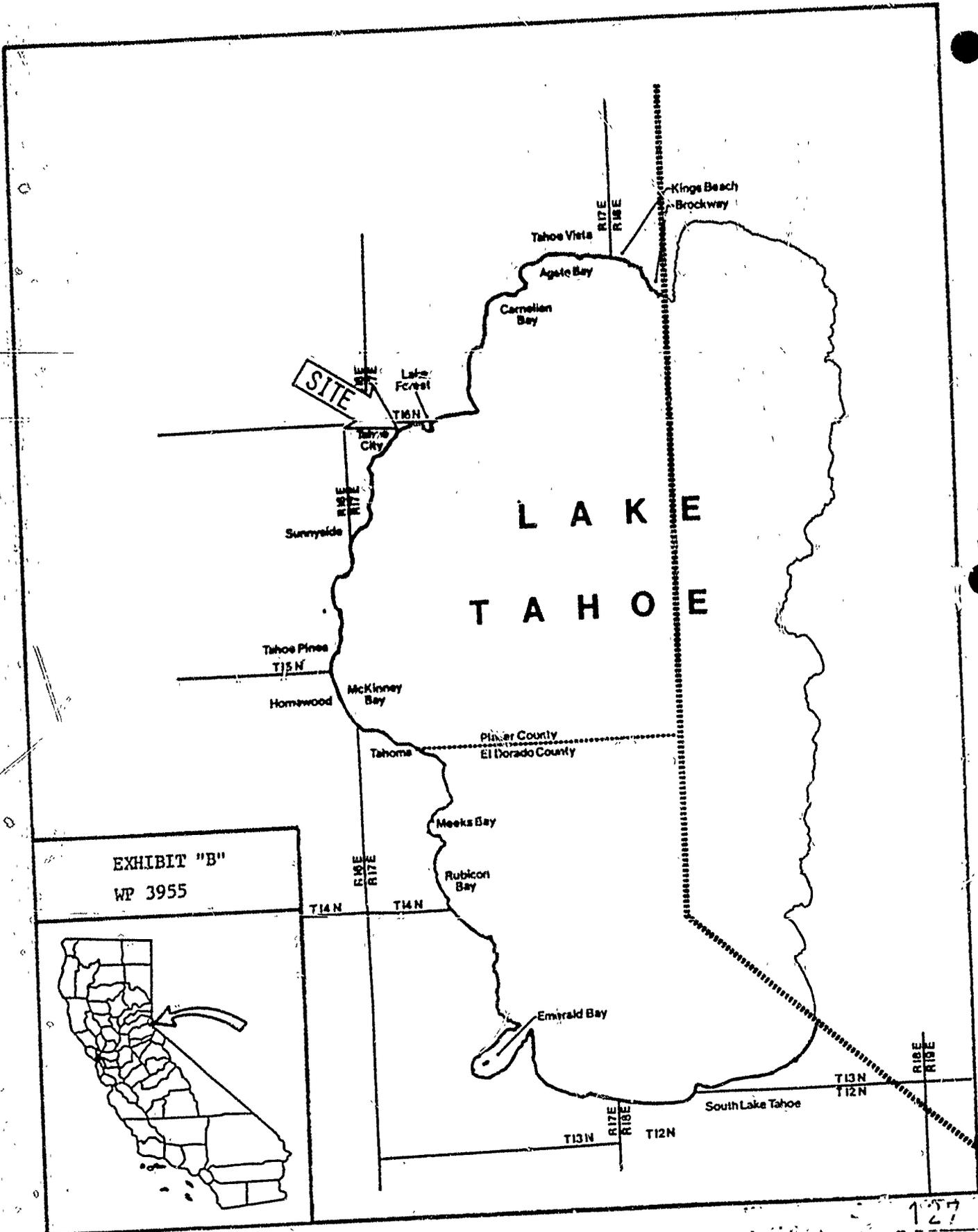
All that land lying immediately beneath a pier and swim float adjacent to and southeasterly of that land described in the Corporation Grant Deed recorded February 13, 1980 in Volume 2225, Page 156, Official Records of Placer County; TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier and swim float; ALSO TOGETHER WITH 19 circular parcels of submerged land 40 feet in diameter adjacent to and southeasterly of that land described in said Corporation Grant Deed.

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

END OF DESCRIPTION

PREPARED APRIL 18, 1985 BY BOUNDARY SERVICES UNIT, M.L. SHAFER, SUPERVISOR.

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