

MINUTE ITEM

This Calendar Item No. C11
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 3
to 0 at its 4/24/86
meeting.

CALENDAR ITEM

C11

04/24/86
WP 6454
Gordon

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AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Fleur Du Lac Estates
Association
P. O. Box 628
Homewood, California 95718

AREA, TYPE LAND AND LOCATION:
A 0.593-acre parcel of submerged land, located
in Lake Tahoe near Tahoe Pines, Placer County.

LAND USE: Maintenance of boating facilities utilized for
multiple-use noncommercial recreational
purposes.

TERMS OF ORIGINAL PERMIT:

Initial period: 15 years beginning July 27,
1983.

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

Consideration: \$2,324 per annum; five-year
rent review.

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

2. The permit conforms to
the Lyon/Fogerty decision.

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TERMS OF PROPOSED AMENDMENT:

Initial period: Ten years beginning July 27, 1983.

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

Special:

1. The amendment reduces the term and the annual rent to reflect the rent free status of some of the boat-docking facilities, pursuant to Cal. Adm. Code 2004(b)(3) and P.R.C. 6503.5; and restricts residential use of the facilities.

2. All other terms and conditions of the permit remain in full force and effect.

CONSIDERATION: P.R.C. 6503.5 for some of the boat docks, and \$1,557 per annum for the remainder of the improvements; 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 20C3.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have 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:

N/A.

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OTHER PERTINENT INFORMATION:

1. Permittee is a homeowners association. The upland is occupied by Fleur De Lac, a condominium development. The subject facilities are utilized by the condominium owners, their tenants and guests. Pursuant to P.R.C. 6503.5, the fixed facilities utilized for the docking or mooring of boats qualify for rent-free status, except as to the one corporate member of the association. All other structures, plus the corporate member interest in all structures, are subject to payment of rental.

2. 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 because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

3. 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 activity is consistent with its use classification.

APPROVALS OBTAINED:

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.

FURTHER APPROVALS REQUIRED:

None.

EXHIBIT:

A. Location Map.

CALENDAR ITEM NO. C11 (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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
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 THE AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE PRC 6454 TO CONVERT QUALIFYING BOAT DOCK STRUCTURES TO RENT-FREE STATUS AND REDUCE TO TEN YEARS THE TERM AND THE ANNUAL RENT, PURSUANT TO P.R.C. 6503.5 AND CAL. ADM. CODE 2004(b)(3), RESPECTIVELY, AND IN CONSIDERATION P.R.C. 6503.5 AND OF ANNUAL RENT IN THE AMOUNT OF \$1,557; 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 EXISTING BOATING FACILITIES UTILIZED FOR MULTIPLE-USE NONCOMMERCIAL RECREATIONAL PURPOSES ON THE LAND DESCRIBED IN SAID PERMIT AND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

