MINUTE ITEM

This Calendar Item No. C12 was approved as Minute Item No. 12 by the State Lands Commission by a vote of 2 to 0 at its 5/22/86 meeting.

CALENDAR ITEM

C12

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05/22/86
WP 3955 PRC 3955
Gordon

TERMINATION OF NONCOMMERCIAL LEASE NO. 3955, P.R.C. SERIES; ACCEPTANCE OF QUITCLAIM DEED AND ISSUANCE OF GENERAL PERMIT - RECREATIONAL USE

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

AREA, TYPE LAND AND LOCATION:
A 0.137-acre area and a 0.017-acre area totaling 0.154 acre of submerged land located in Lake Tahoe near Tahoe City, Placer County.

LAND USE: Maintenance of a pier and swim float, each 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: 33 years beginning January 25, 1984.

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

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: As to the pier: $519 per annum, beginning January 25, 1984 through January 24, 1985; $654 per annum, from January 25, 1985 through January 24, 1986; and $898 per annum, thereafter. As to the swim float: $50 per annum, beginning January 25, 1984 through January 24, 1985; $51 per annum, from January 25, 1985 through January 24, 1986; and $53 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: 08/06/86.

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 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 and acceptance of the quitclaim deed is recommended.

2. Applicant is a homeowners association. The subject facilities are utilized by condominium owners, their tenants and guests. Because its membership currently includes 12.79 percent of non-natural person members, applicant does not fully meet the criteria of P.R.C. 6503.5 for rent-free status. The rental required by the permit has not been prorated according to this percentage because applicant has requested that the term exceed ten years. The Commission's standard rental is, therefore, applicable.

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.

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 PROPERTY OWNERS ASSOCIATION OF A 33-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING JANUARY 25, 1984; IN CONSIDERATION OF $519 PER ANNUM, BEGINNING JANUARY 25, 1984 THROUGH JANUARY 24, 1985; $654 PER ANNUM, FROM JANUARY 25, 1985 THROUGH JANUARY 24, 1986; AND $898 PER ANNUM, THEREAFTER, AS TO THE PIER; AND $50 PER ANNUM, BEGINNING JANUARY 25, 1984 THROUGH JANUARY 24, 1985; $51 PER ANNUM, FROM JANUARY 25, 1985 THROUGH JANUARY 24, 1986; AND $53 PER ANNUM, THEREAFTER, AS TO THE SWIM FLOAT; 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 AND SWIM FLOAT EACH EXISTING AND UTILIZED FOR MULTIPLE-USE RECREATIONAL PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION WP 3955

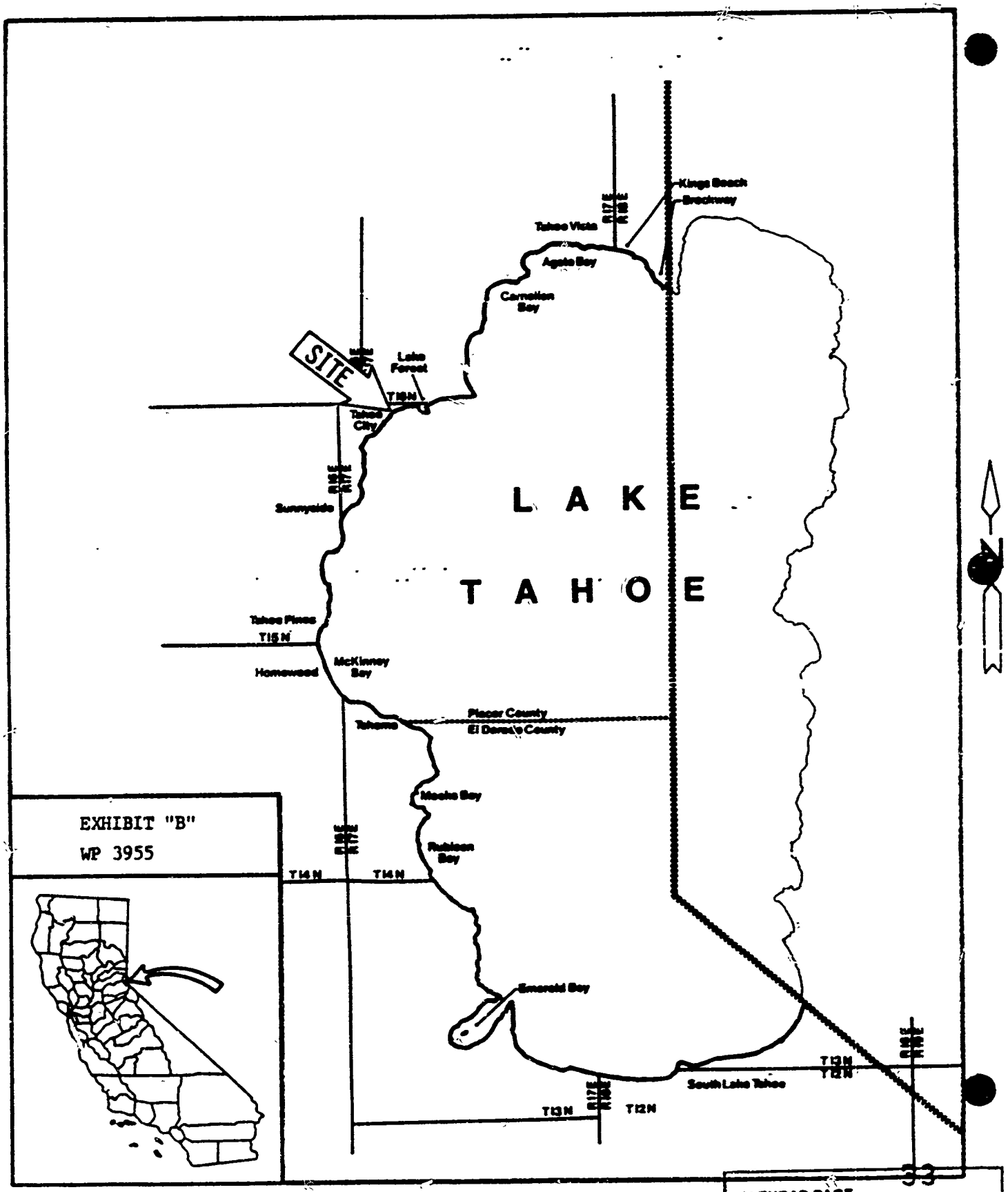
Those parcels of submerged land in the bed of Lake Tahoe, Placer County, California, described as follows:

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.

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

END OF DESCRIPTION

REVISED FEBRUARY 28, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.


SITE
Lake Forest
T16N
Tahoe City
Sunnyside
Tahoe Pines
T15N
Homewood
McKinney Bay
Tahoma
Placer County
El Dorado County
Meeks Bay
Rubicon Bay
T14N
T14N
Emerald Bay
T13N
T12N
South Lake Tahoe
T13N
T12N
Carnelian Bay
Agate Bay
Tahoe Vista
Kings Beach
Brockway
LAKE
TAHOE
EXHIBIT "B"
WP 3955