MINUTE ITEM
This Calendar Item No. 14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
0 at its 9/27/89
meeting.

CALENDAR ITEM

14

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09/27/89
WP 5402
Gordon

PRC 5402

ASSIGNMENT AND AMENDMENT OF
GENERAL PERMIT - RECREATIONAL USE

APPLICANT: The Lanai, Inc.
830 Broadway
Belmont California 94002

ASSIGNEE: The Garwood Restaurant
P.O. Box 1133
Carnelian Bay California 95711

AREA, TYPE LAND AND LOCATION:
A 0.045-acre parcel and two (2) 0.029-acre circular parcels, that together total 0.103 acre of submerged lands located in Lake Tahoe at Carnelian Bay, Placer County.

LAND USE: Reconstruction and maintenance of an existing pier and two (2) existing mooring buoys, respectively, all utilized for noncommercial recreational purposes.

TERMS OF ORIGINAL PERMIT:

Initial period: 15 years beginning December 1, 1983.

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

Consideration: $526.20 per annum; five-year rent review.

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Special:

1. The permit is conditioned on permittee's conformance with the Shorezone Ordinances of California Tahoe Regional Planning Agency and Tahoe Regional Planning Agency.

2. The permit is conditioned on the County of Placer's authorization and consent of any of the subject facilities found to be on or adjacent to County lands.

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

TERMS OF PROPOSED AMENDMENT OF PERMIT:

Initial period: Six (6) years and nine (9) months beginning December 1, 1983; ending August 31, 1990.

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

Special:

1. The amendment authorizes reconstruction of the pier and ends the term of the permit on August 31, 1990.

2. Reconstruction limitation dates shall be:
Beginning: October 1, 1989
Completion: August 31, 1990

3. The amendment restricts any residential use of the facilities; requires refuse containers for the disposal of vessel-generated trash; and conditions the permit on permittee's retention of the public trust area and the Rorippa habitat area in its natural condition.

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

CONSIDERATION: 526.20 from December 1, 1988 through November 30, 1989, and $394.65 through August 31, 1990 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. Code Regs. 2003.

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. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 03/10/90.

OTHER PERTINENT INFORMATION:
1. This transaction is occasioned by the conveyance to the assignee of a leasehold interest in the assignor's restaurant located on the upland and the assignee's proposed reconstruction of the subject storm damaged pier. One of the provisions of the amendment shortens the Commission's present permit term to end coincident with the assignee's expiring upland lease. All reconstruction activity shall be completed from a barge in the lake. No portion of the project will be carried out on the upland. In addition to being an accommodation facility serving the assignee's upland business, the pier is also available to general public use without a charge.

2. As to the assignment of the permit, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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. Code Regs. 15378.

3. As to the pier reconstruction, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction, 2 Cal. Code Regs 2905(b).

   Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 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, as proposed, is consistent with its use classification.

5. In order to determine the other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: Tahoe Regional Planning Association, California Department of Fish and Game, County of Placer, and the Tahoe Conservancy. None of these agencies expressed a concern that the proposed project would have a significant effect on trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.

6. Permits issued at Lake Tahoe have had special language included that addresses the impact of the proposed project on Tahoe Yellow Cress (Rorippa subumbellata) a State-listed endangered species.

APPROVALS OBTAINED:
Tahoe Regional Planning Agency, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and County of Placer.

FURTHER APPROVALS REQUIRED:
United States Army Corps of Engineers.

EXHIBITS:
A. Land Description.
B. Location Map.
C. Local Government Comment.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE ASSIGNMENT OF THE PERMIT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. AS TO THE PIER RECONSTRUCTION, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION 2 CAL. CODE REGS. 2905(b).

3. APPROVE, EFFECTIVE SEPTEMBER 1, 1988, THE ASSIGNMENT OF GENERAL PERMIT - RECREATIONAL USE, PRC 5402, COVERING ONE PIER AND TWO MOORING BUOYS UTILIZED FOR NONCOMMERCIAL RECREATIONAL PURPOSES, FROM THE LANAI, INC. TO THE GARWOOD RESTAURANT.

4. AUTHORIZE THE AMENDMENT OF GENERAL PERMIT - RECREATIONAL USE PRC 5402, EFFECTIVE SEPTEMBER 1, 1988, TO RECONSTRUCT AN EXISTING PIER, ADD NEW STANDARD PROVISIONS TO THE PERMIT AND END THE PERMIT TERM ON AUGUST 31, 1990; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $526.20, 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 RECONSTRUCTION AND MAINTENANCE

OF AN EXISTING PIER AND FOR TWO (2) EXISTING MOORING BUOYS. ALL CONSTRUCTION TO BE CONDUCTED FROM A BARGE WITH NO USE OF THE LAKESHORE ABOVE LOW WATER MARK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

WP 5402

LAND DESCRIPTION

Three parcels of submerged land in the bed of Lake Tahoe, Placer County, California, lying southeasterly of fractional Section 22, T16N, R17E, MDM, more particularly described as follows:

PARCEL 1 - Pier

That parcel of submerged land lying immediately beneath and extending 10 feet from all sides of a 126 feet long pier located southeasterly of and adjacent to Lot 1 of Block C as said lot and block are shown on plat of Carnelian Bay on Lake Tahoe filed for record in Book C of Maps, page 14, Placer County Records.

PARCEL 2 and 3 - Buoys

Two circular parcels of submerged land each being 40 feet in diameter, the center of Parcel 2 bears S 07° 33' 10" E, 227 feet and the center of Parcel 3 bears S 48° 24' 40" E, 198 feet, respectively from the intersection of the northwesterly line of Bay Street with the southwesterly line of Center Street as said streets are shown on Record of Survey filed in Book 5 of Surveys, page 131, Placer County Records.

EXCEPTING THEREFROM any portion of Parcels 1, 2, and 3 lying landward of the ordinary low water mark of the Lake Tahoe.

END OF DESCRIPTION

REVIEWED MAY 10, 1989 BY BIU 1.

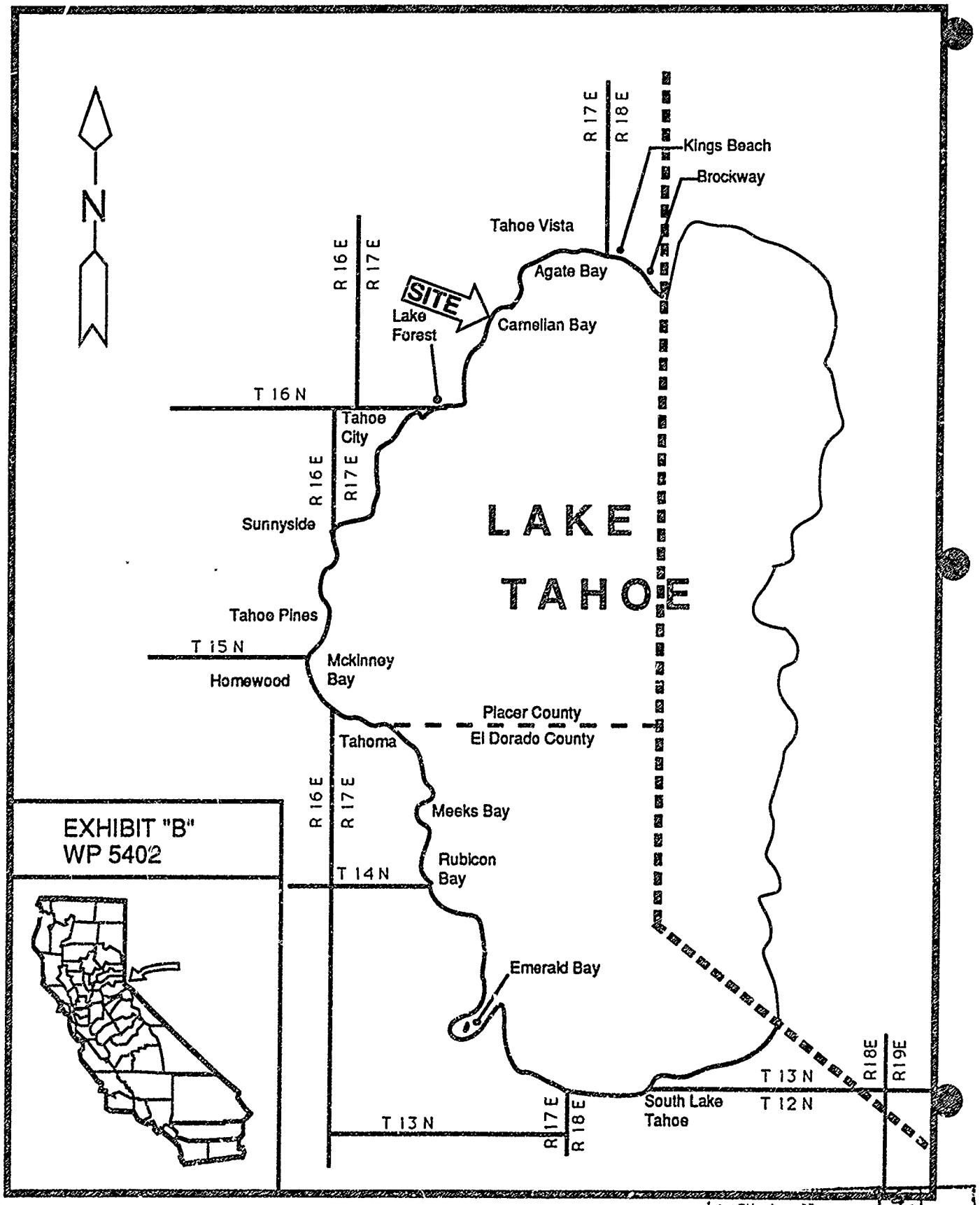
N
R 17 E
R 18 E
Kings Beach
Brockway
Tahoe Vista
Agate Bay
R 16 E
R 17 E
SITE
Lake Forest
Carnelian Bay
T 16 N
Tahoe City
R 16 E
R17 E
Sunnyside
LAKE TAHOE
Tahoe Pines
T 15 N
Mckinney Bay
Homewood
Placer County
El Dorado County
Tahoma
R 16 E
R 17 E
Meeks Bay
Rubicon Bay
T 14 N
Emerald Bay
R18E
R19E
T 13 N
T 12 N
South Lake Tahoe
T 13 N
R17 E
R 18 E
EXHIBIT "B"
WP 5402

EXHIBIT "C"

PLACER COUNTY

DEPARTMENT OF PUBLIC WORKS

JACK WARREN, Director
JAN WITTER, Assistant Director
LARRY ODDO, Deputy Director
ALAN ROY, Deputy Director

OPERATING DIVISION
Administration
Engineering
Equipment Maintenance
Road Maintenance
Special Districts
Surveying
Transportation

August 2, 1989

California State Land Commission
1807 13th Street
Sacramento, CA 95814

Attention: Gerald S. Gordon

Re: **PIER RECONSTRUCTION - GAR WOOD RESTAURANT**

The County of Placer has reviewed the request by Tom Turner for pier reconstruction at the Gar Wood Restaurant in Carnelian Bay. Please be advised, we have no objection to issuance of a permit by your office for reconstruction of the pier.

If you have any questions please no not hesitate to call.

Very truly yours,

COUNTY OF PLACER
DEPARTMENT OF PUBLIC WORKS
JACK WARREN, DIRECTOR

ALAN ROY
COUNTY SURVEYOR/DEPUTY DIRECTOR

JW:AR:mk

cc: Gar Wood Restaurant

11444 B Avenue / DeWitt Center / Auburn, California 95603 / (916) 823-4511

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