

MINUTE ITEM
This Calendar Item No. C10
was approved as Minute Item
No. C10 by the State Lands
Commission by a vote of 3
to 0 at its 8-22-90
meeting.

CALENDAR ITEM

A 7

C 1 0

08/22/90

S 1

PRC 5402

Gordon

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: The Gar Wood 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 PROPOSED PERMIT:

Initial period: Four years beginning
September 1, 1990.

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

Consideration: \$575 per annum.

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

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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 restricts any residential use of the facilities.

4. The permit requires refuse containers for the disposal of vessel-generated trash.

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

6. The permit is conditioned on the right of public access along the shorezone lakeward of the ordinary high water line.

7. The permit is conditioned on permittee's retention of the public trust area and the Rorippa habitat area in its natural condition.

CONSIDERATION: \$575 per annum.

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

APPLICANT STATUS:
Applicant is lessee 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. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 084: N/A.

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OTHER PERTINENT INFORMATION:

1. At its meeting on September 27, 1989 the Commission authorized the reconstruction of the storm damaged portion of the existing pier. Reconstruction has not yet been completed. The reconstruction must be completed by August 31, 1990 under the terms of the existing reconstruction permit.
2. This is an application to replace Applicant's permit which expires September 1, 1990. In addition to being accommodation facilities serving Applicant's upland business, the pier is also available to general public use without a charge. The term of the proposed permit is limited to the term of Applicant's upland lease.
3. 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 1, Existing Facilities, 2 Cal. Code Regs 2905(a)(2).

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 activity is consistent with its use classification.
5. Prior to the issuance of the permit, staff physically inspects the site for purposes of evaluating the impact of the activity on the public trust.

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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.

IT IS RECOMMENDED THAT THE COMMISSION:

1. 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 1, EXISTING FACILITIES; 2 CAL. CODE REGS. 2905(a)(2).
2. AUTHORIZE ISSUANCE TO THE GAR WOOD RESTAURANT OF A FOUR-YEAR GENERAL PERMIT - RECREATIONAL USE, BEGINNING SEPTEMBER 1, 1990; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$575; WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF AN EXISTING PIER AND FOR TWO (2) EXISTING MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

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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.

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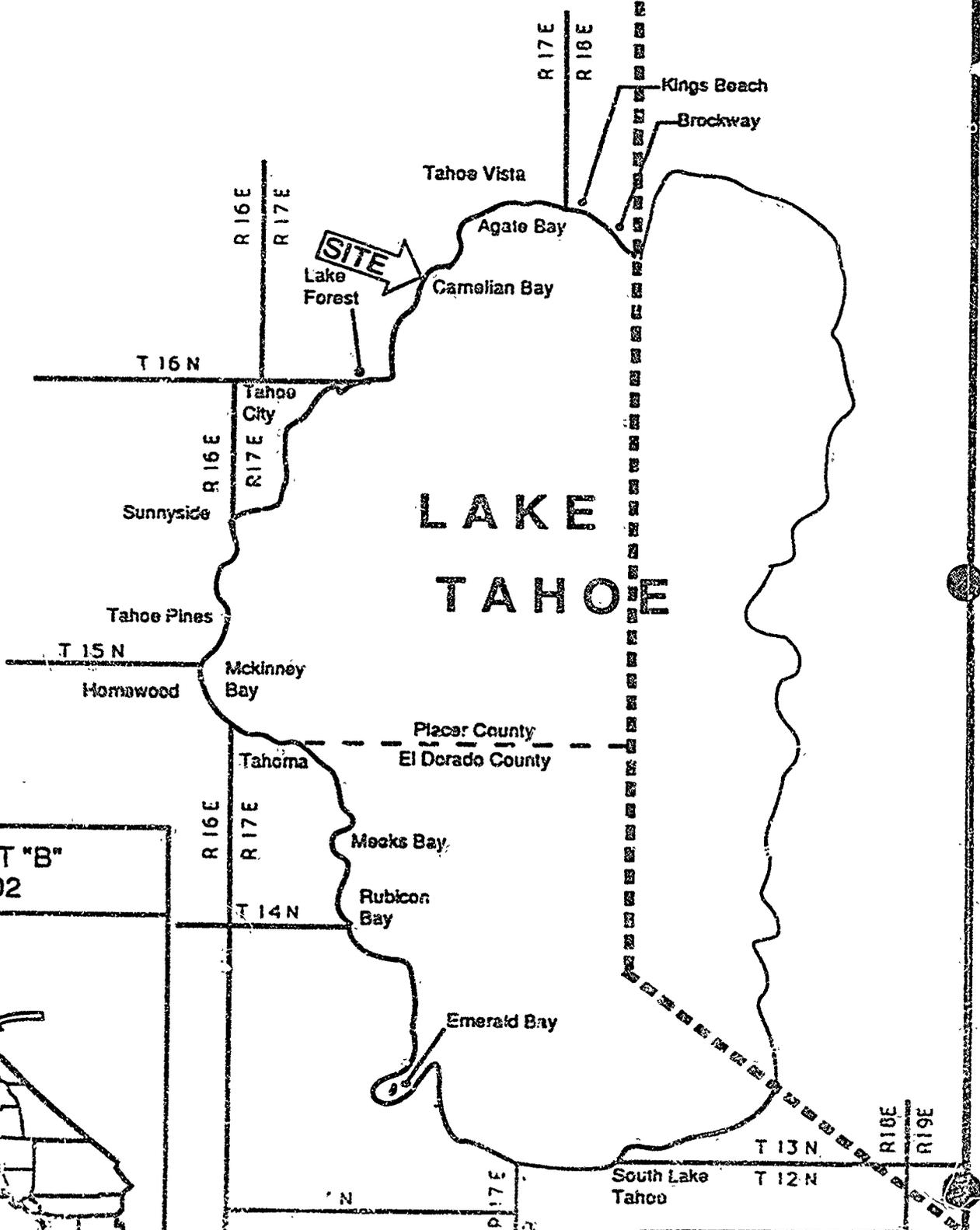


EXHIBIT "B"
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