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 12-12-90
meeting.

CALENDAR ITEM

C 11

A 7

S 1

12/12/90
PRC 5490 WP 5490
Gordon

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Lakeland Village Owners Association
P. O. Box 705002
South Lake Tahoe, California 95705-7502

AREA, TYPE LAND AND LOCATION:
A 0.241-acre parcel and three (3) 0.029-acre circular parcels, each 40 feet in diameter, composing 0.087 acre, together totalling 0.328 acre of submerged land located in Lake Tahoe at South Lake Tahoe, El Dorado County.

LAND USE: Maintenance of an existing pier and three (3) existing mooring buoys, respectively, all utilized for noncommercial multiple-use recreational boating.

TERMS OF PROPOSED PERMIT:
Initial period: Five (5) years beginning May 19, 1990.

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

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 restricts any residential use of the facilities.

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

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

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

CONSIDERATION: $249 per annum, plus P.R.C. 6503.5, 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 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 884: N/A.

OTHER PERTINENT INFORMATION:
1. Applicant is a nonprofit homeowners association. The subject facilities are utilized by the association's condominium owners, their tenants and guests. Because its membership currently includes ten percent (10%) of non-natural persons,

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Applicant does not fully meet the criteria of P.R.C. 6503.5 for rent-free status. The stated rental, therefore, is the result of a proration according to this percentage. This is an application to replace a permit for the subject facilities which expired May 18, 1990.

2. 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.

3. In order to determine the potential trust uses in the area of the activity, the staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, California Department of Fish and Game, El Dorado County, and the Tahoe Conservancy. None of these agencies expressed a concern that the activity 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.

4. Staff physically inspected the site for purposes of evaluating the impact of the activity on the Public Trust.

5. 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.

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APPROVALS OBTAINED (as to the pier):
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 El Dorado.

FURTHER APPROVALS REQUIRED (as to the pier):
None.

APPROVALS OBTAINED (as to the mooring buoys):
None.

FURTHER APPROVALS REQUIRED (as to the mooring buoys):
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 El Dorado.

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

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 LAKELAND VILLAGE OWNERS ASSOCIATION OF A FIVE-YEAR GENERAL PERMIT - RECREATIONAL USE, BEGINNING MAY 19, 1990; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $249, PLUS P.R.C. 6503.5; 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 THREE (3) MOORING BUOYS UTILIZED FOR NONCOMMERCIAL MULTIPLE-USE RECREATIONAL BOATING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

WP 5490

LAND DESCRIPTION

Four parcels of submerged land in the State owned bed of Lake Tahoe, El Dorado County, California, Situated adjacent to fractional section 33, T13N, R18E, MDM, more particularly described as follows:

PARCEL 1- PIER

That land lying immediately beneath and extending waterward 10 feet from the extremities of an existing pier which extends waterward from that parcel described in deed recorded in Book 926 at pages 266 and 267, El Dorado County Records.

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

PARCELS 2,3, & 4 - BUOYS

Three circular parcels of land, each having a diameter of 40 feet and each lying waterward of that parcel described in deed recorded in Book 926 at pages 266 and 267, El Dorado County Records.

END OF DESCRIPTION

REVIEWED JANUARY 5, 1989 BY BIU 1.

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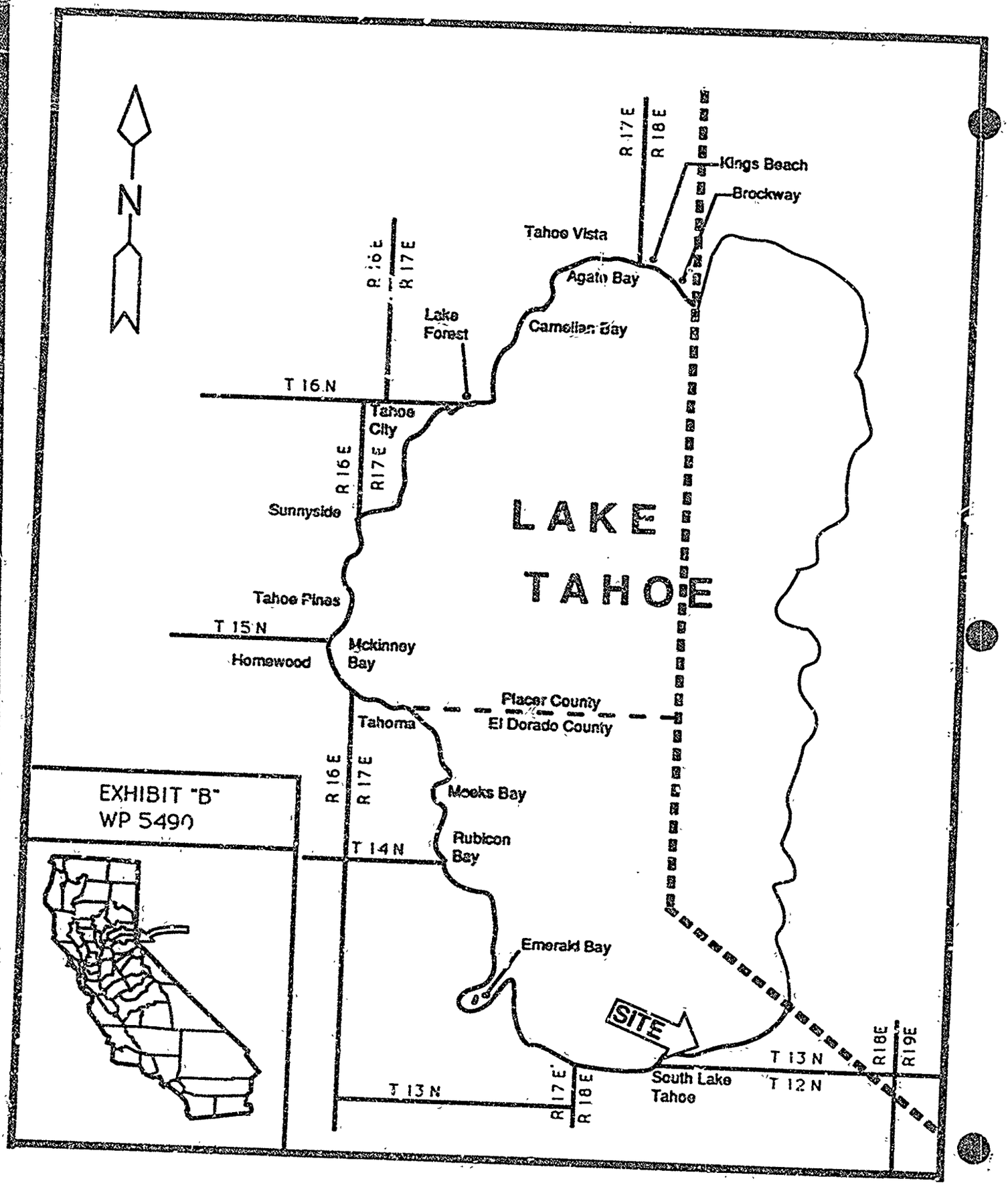

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EXHIBIT "C"

RECEIVED
OCT 0 1989
EL DORADO CO. COMMUNITY DEVELOPMENT DEPT.

Date: 10-4-89

File Ref: WP 5490

State Lands Commission
Attn: Gerald D. Gordon
1807 - 13th Street
Sacramento, California 95814

Greetings:

Subject: Maintenance of an Existing Pier and Three (3) Existing Mooring Buoys at South Lake Tahoe

Name: Lakeland Village Owners Association
Address: P. O. Box 705002
South Lake Tahoe, California 95705-7502
Assessor's Parcel No. 027-441-01

The County of El Dorado has received notice of the above-referenced activity in Lake Tahoe and has no objection to said facilities or to the issuance of a permit or lease by the State Lands Commission for such use of sovereign lands.

If you have any questions, you may reach me at (916) 573-3145.

El Dorado County
Community Development Department

John S. Walker

JOHN S. WALKER
Building Inspector III

83821

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