

MINUTE ITEM

This Calendar Item No. C15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 3
to 0 at its 12-12-90
meeting.

CALENDAR ITEM

A 7
S 1

C 15

12/12/90
PRC 2859
Gordon

REVISION OF MONETARY RENT IN
GENERAL PERMIT - RECREATIONAL USE

PERMITTEE: Cedar Point Homeowners Association
2200 Sand Hill Road, Suite 200
Menlo Park, California 94025

AREA, TYPE LAND AND LOCATION:
A 0.128-acre parcel and eighteen 0.029-acre
circular parcels that together total 0.647 acre
of submerged land located in Lake Tahoe near
Sunnyside, Placer County.

LAND USE: Construction, reconstruction, and maintenance
of a pier; and maintenance of 18 mooring buoys,
all utilized for noncommercial multiple-use
recreational boating.

TERMS OF ORIGINAL PERMIT:

Initial period: Five (5) years beginning
August 1, 1988.

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 the right of public access along the shorezone lakeward of the ordinary high water line.

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

NONMONETARY CONSIDERATION:

P.R.C. Section 6503.5

ORIGINAL MONETARY CONSIDERATION:

\$625.32 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

PROPOSED REVISION OF MONETARY CONSIDERATION:

\$208.44 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. At its meeting on September 27, 1990, Minute Item 4, the Commission authorized the issuance to Permittee of General Permit - Recreational Use PRC 2859, dated October 5, 1990, for the facilities and purposes stated herein. In the

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Commission's standard application process for that transaction, the annual rent was determined by staff to be \$208.44 per annum, pursuant to the effective fair rent benchmark appraisal for the Lake Tahoe area and the proration process set forth in Item 2 following. Correspondence on file in the office of the Commission, dated September 5, 1990, and by reference incorporated herein, required the applicant (now Permittee) to make payment of the first three years' rental in the amount of \$625.32 prior to the Commission's consideration of Permittee's application for said September 27, 1990 meeting. Permittee, as applicant, made the \$625.32 payment but, through the inadvertence of staff, the three-year sum of \$625.32 was inappropriately set forth as the annual rent in the staff recommendation to the Commission for said September 27, 1990 meeting. It is recommended that the Commission find that the annual rent for this permit is \$208.44 and upon such action, staff will so advise the Permittee by a copy of the minute item of this action of said revised rent.

2. Because 5.556 percent of Permittee's ownership in the littoral upland is vested in a nonnatural person entity, Permittee does not fully meet the criteria of P.R.C. 6503.5 for rent-free status. Therefore, a portion of the rental related to boat mooring purposes required by the permit is the result of a proration according to this percentage. This was an application to extend the Permittee's existing pier on to sovereign land and to bring the Permittee's existing, but unauthorized, mooring buoys under permit.
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

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

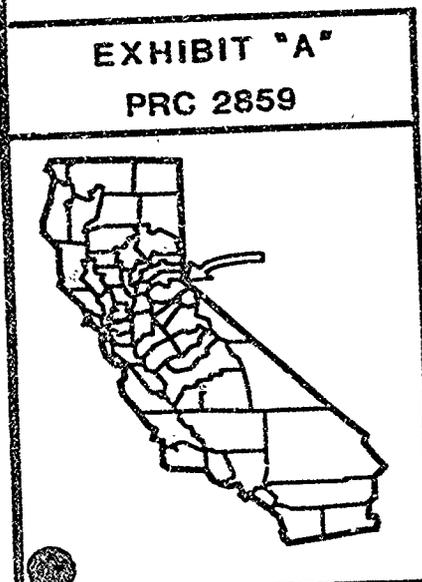
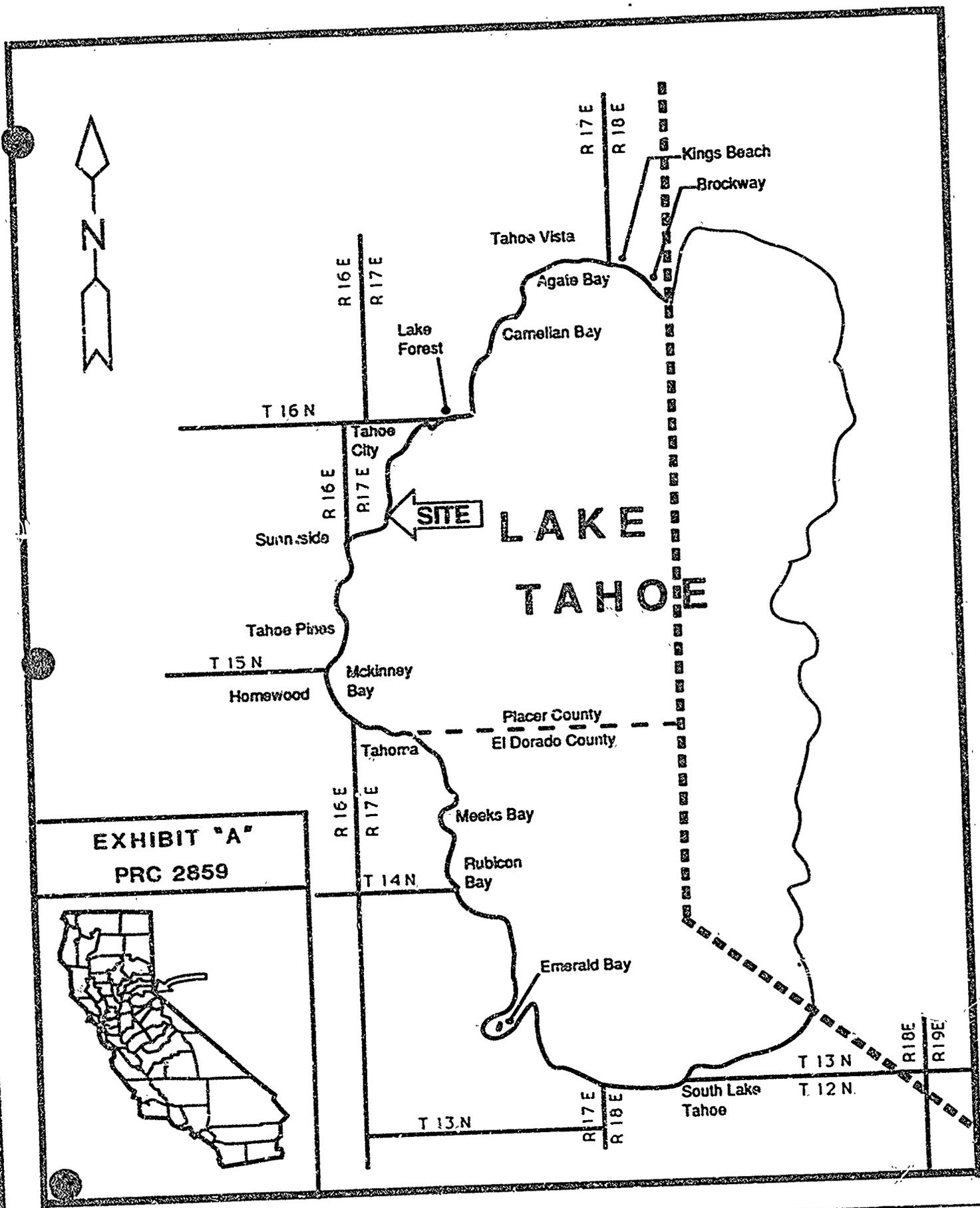
Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

EXHIBIT: A. 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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THE ANNUAL RENT FOR GENERAL PERMIT - RECREATIONAL USE PRC 2859, DATED OCTOBER 5, 1990, IS \$208.44.
3. FIND THAT ALL OTHER TERMS AND CONDITIONS OF THE PERMIT ARE TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.
4. DIRECT STAFF TO ADVISE CEDAR POINT HOMEOWNERS ASSOCIATION THE ANNUAL RENT IS REVISED TO \$208.44 BY A COPY OF THE MINUTE ITEM OF THIS ACTION.



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