MINUTE ITEM
This Calendar Item No. C02
was approved as Minute Item
No. C02 by the State Lands
Commission by a vote of 3
to 0 at its 6/5/91
meeting.

CALENDAR ITEM

C 02

A 7

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06/05/91
PRC 5449
Gordon

GENERAL PERMIT - RECREATIONAL USE

APPLICANT:
Tahoe Swiss Village Homeowners
Association, Incorporated
c/o Mr. Edward G. Kitchen
1350 Commons Drive
Sacramento, California 95825

AREA, TYPE LAND AND LOCATION:
An aggregate area of 0.945 acre consisting of 0.070 acre, 0.007 acre, 0.002 acre, and 30 circular areas totalling 0.866 acre, all parcels of submerged lands in McKinney Bay, Lake Tahoe near Tahoe Pines, Placer County.

LAND USE:
Maintenance of one (1) pier, one (1) pier utilized as a sun deck, one swim float, and 30 mooring buoys, respectively, all existing and utilized for multiple-use recreational boating and sunbathing.

TERMS OF PROPOSED PERMIT:
Initial period:
Five (5) years beginning October 14, 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.

2. The permit restricts any residential use of the facilities.

3. The permit authorizes the intermittent attachment of a mooring buoy to the anchor securing the swim float when the swim float is not being utilized.

4. For purposes of fish habitat protection, the permit restricts the annual placement and use of the buoys and swim float to a time period beginning May 15th and ending September 15th, each year for the term of the permit. Prior to seasonal removal of these facilities, the permit requires the permittee to submit to the Commission, for review and written approval, a plan which specifies the method of removal of those portions of the facilities not embedded in or directly resting on the bed of Lake Tahoe. The permit allows Commission staff to monitor the removal, if necessary, to ensure compliance with the approved plan.

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

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

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

CONSIDERATION:
$139.80 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 3, 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

owners, their tenants and guests. Applicant certifies that all association members are natural persons. Therefore, the boat mooring facilities referenced herein qualify for rent-free status pursuant to P.R.C. 6503.5. This is an application to replace Applicant's permit for the subject facilities which expired October 13, 1990.

2. The annual rental value of the site is estimated to be $3,048.60 per annum.

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. 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, Placer 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.

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

6. 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.

APPROVALS OBTAINED:

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.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

A. Land Description and Site Map
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 TAHOE SWISS VILLAGE HOMEOWNERS ASSOCIATION, INCORPORATED, OF A FIVE-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING OCTOBER 14, 1990; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $139.80, 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 ONE (1) PIER, ONE (1) PIER UTILIZED AS A SUN DECK, ONE SWIM FLOAT, AND 30 MOORING BUOYS, ALL EXISTING AND UTILIZED FOR MULTIPLE-USE RECREATIONAL BOATING AND SUNBATHING ON THE LAND DESCRIBED AND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

PRC 5449.1

LAND DESCRIPTION

Thirty-three parcels of submerged land in the bed of Lake Tahoe, Placer County, California, situated adjacent to fractional Section 36, T15N, R16E, MDM, more particularly described as follows:

Parcel 1 - North Pier
That land lying immediately beneath an existing pier which is located approximately 160 feet south of the north line of that land described in the quitclaim deed recorded in Volume 1131, Page 103, Official Records of Placer County, TOGETHER WITH a necessary use area extending no more than 10 feet from said pier.

Parcel 2 - South Pier (Sun Deck)
That land lying immediately beneath an existing pier which is located approximately 285 feet south of the north line of that land described in the quitclaim deed recorded in Volume 1131, Page 103, Official Records of Placer County, TOGETHER WITH a necessary use area extending no more than 10 feet from said pier.

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

Parcel 3 - Swim Float
That land immediately beneath one swim float, said float located easterly of that land described in the quitclaim deed recorded in Volume 1131, Page 103, Official Records of Placer County.

Parcels 4 through 33 - Mooring Buoys
That land immediately beneath 30 mooring buoys, said buoys located easterly of that land described in the quitclaim deed recorded in Volume 1131, Page 103, Official Records of Placer County, as shown in that certain area delineated on the Corps of Engineers Notice No. 2874A, Sheet 1 of 2, dated April 29, 1980.

END OF DESCRIPTION

REVISED NOVEMBER, 1990 BY LLB.

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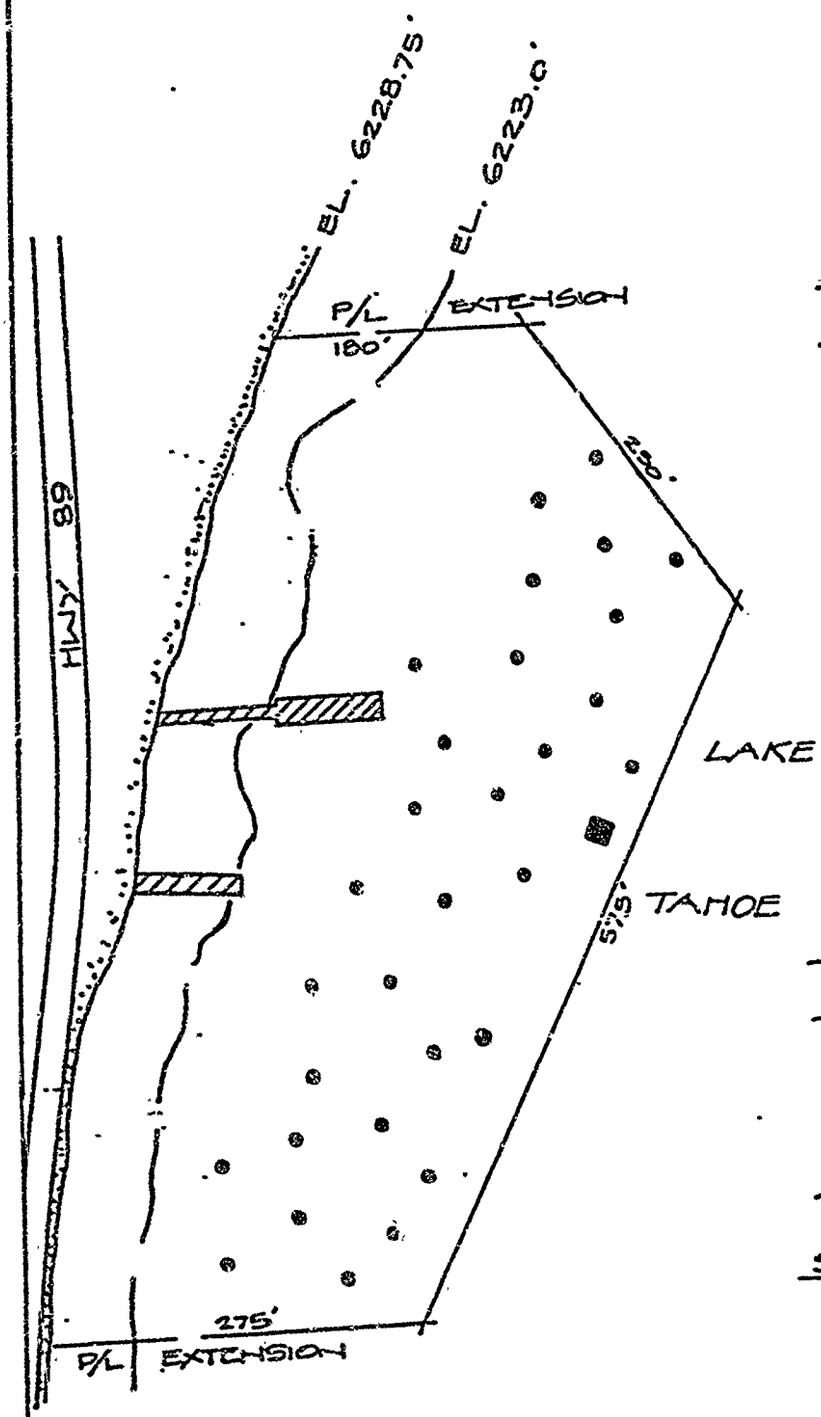
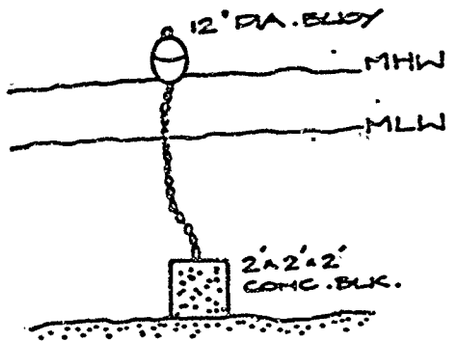
EXHIBIT "A"

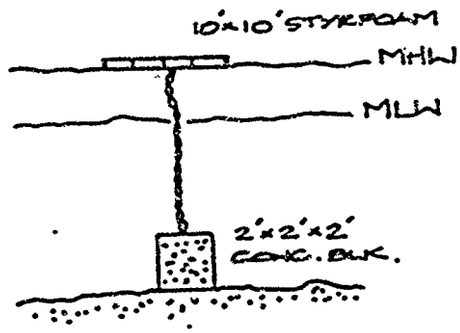
SITE MAP

PRC 5449.1





BUOY DETAIL
NOT TO SCALE



SWIM FLOAT DETAIL
NOT TO SCALE

TAHOE SWSS VILLAGE
HOMEOWNERS ASSN.
HOMEWOOD, CALIFORNIA
APN 085-020-80 & 085-020-48
PLACER COUNTY, CALIF.

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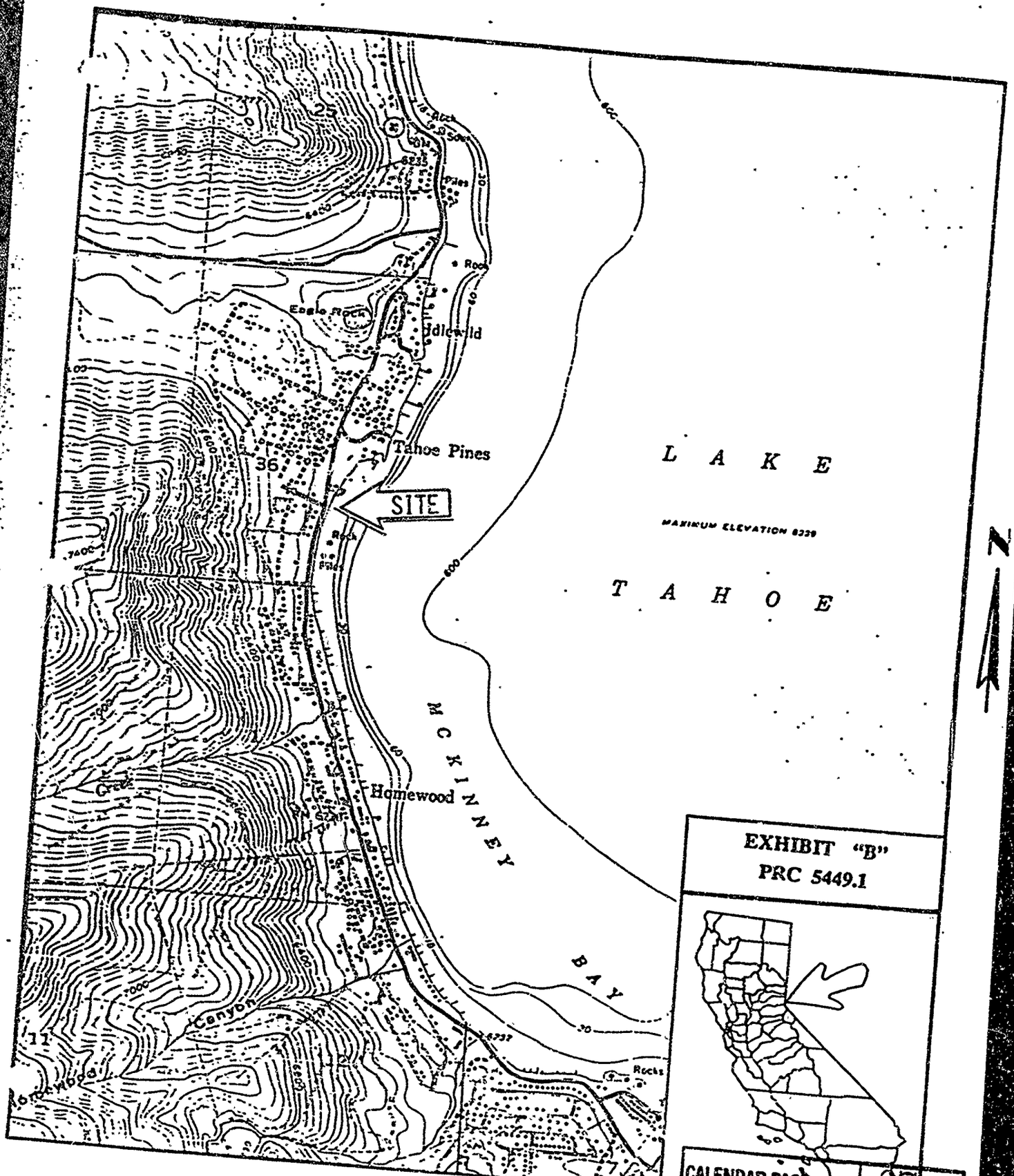
PREPARED NOVEMBER, 1990 BY LLB



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