

MINUTE ITEM
This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Land
Commission by a vote of 3
to 0 at its 7/19/93
meeting.

CALENDAR ITEM

C13

A 4

07/19/93

S 1

PRC 2859

J. Ludlow

REPLACEMENT OF GENERAL LEASE - RECREATIONAL USE

LESSEE:

Cedar Point Homeowners Association
ATTN: Glen M. Mueller
2200 Sand Hill Road, Suite 200
Menlo Park, California 94025

AREA, TYPE LAND AND LOCATION:

Two parcels of submerged land totaling 0.709 acres located
in Lake Tahoe near Sunnyside, Placer County.

LAND USE:

Continued use and maintenance of one multi-use pier and
catwalk, eighteen (18) mooring buoys and two (2) marker
buoys.

TERMS OF PROPOSED LEASE:

Initial period: Five years beginning August 1, 1993.

Public Liability Insurance:

Combined single limit coverage of \$1,000,000.

Special:

1. The buoys are owned by the Association and the
ownership of the buoys will remain in the Association.
2. The buoys are for the use of the Association members
and will not be rented out by the Association or any
member.
3. The Association shall provide for the use of the buoys
by all members of the Association in an equitable
manner.
4. The permit requires refuse containers for the disposal
of vessel-generated trash.

CONSIDERATION:

\$172.47 per annum effective August 1, 1993.

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BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003

APPLICANT STATUS:

Applicant is owner of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing and processing fees 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:

N/A

OTHER PERTINENT INFORMATION:

1. 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 CEQA 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.
2. 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 process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The lease area shall be increased from 0.651 acres to 0.709 acres to accommodate two existing field marker buoys.
4. Because 5.556 percent of the Lessee's ownership in the littoral upland is vested in a nonnatural person entity, Lessee does not fully meet the criteria of rent free status pursuant to Section 6503.5 of the P.R.C. Therefore, the annual rental is a result of a proration according to this percentage.

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5. The lease includes specific provisions by which the Lessee agrees to protect and replace or restore, if required, the habitat of *Rorippa subumbellata*, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.
6. The lease is conditioned on the public's right of access along the shorezone below the high water line (Elevation 6228.75 feet, Lake Tahoe Datum), pursuant to the holding in State v. Superior Court (Fogerty), 2 Cal. 3d 240 (1981), and provides that the Lessee must provide a reasonable means for public passage along the shorezone, including, but not limited to, the area occupied by the authorized improvements.
7. The subject property will be physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.
8. The lease is conditioned on Lessee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance. If any structure authorized by the Permit is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance, and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then this permit is automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof.

If the location, size, or number of any structure hereby authorized is to be altered, pursuant to order of the Tahoe Regional Planning Agency, Permittee shall request the consent of the State to make such alteration.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency, Placer County, United States Army Corps of Engineers, United States Coast Guard

FURTHER APPROVALS REQUIRED:

State Lands Commission

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CALENDAR ITEM NO. C13 (CONT'D)

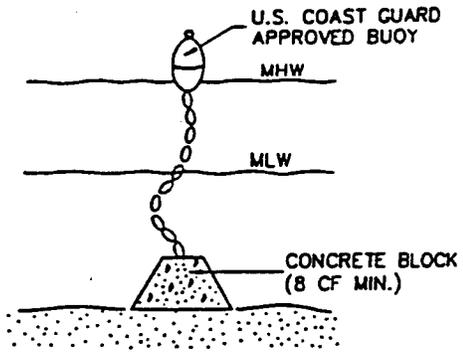
EXHIBITS:

- A. Site Map
- B. Location Map

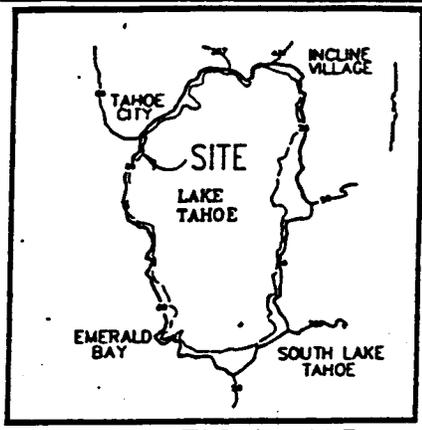
IT IS RECOMMENDED THAT THE COMMISSION:

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. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO CEDAR POINT HOMEOWNERS ASSOCIATION OF A FIVE-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING AUGUST 1, 1993; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$172.47, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE, AND WITH THE PROVISIONS OF LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING MULTI USE PIER WITH CATWALKS, 18 MOORING BUOYS AND TWO FIELD MARKER BUOYS, ALL UTILIZED FOR NONCOMMERCIAL RECREATIONAL BOATING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

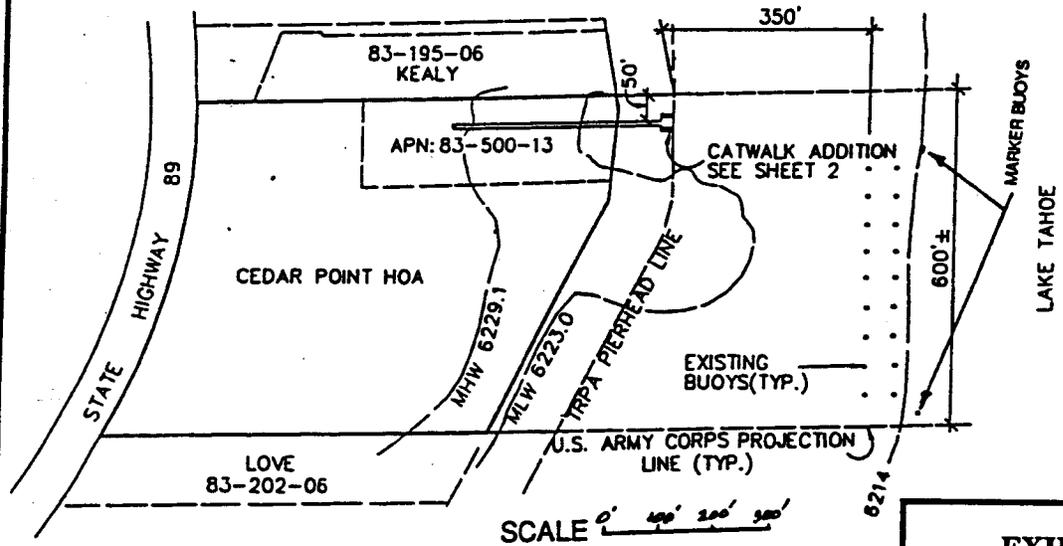
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BUOY DETAIL
N.T.S.



LOCATION MAP



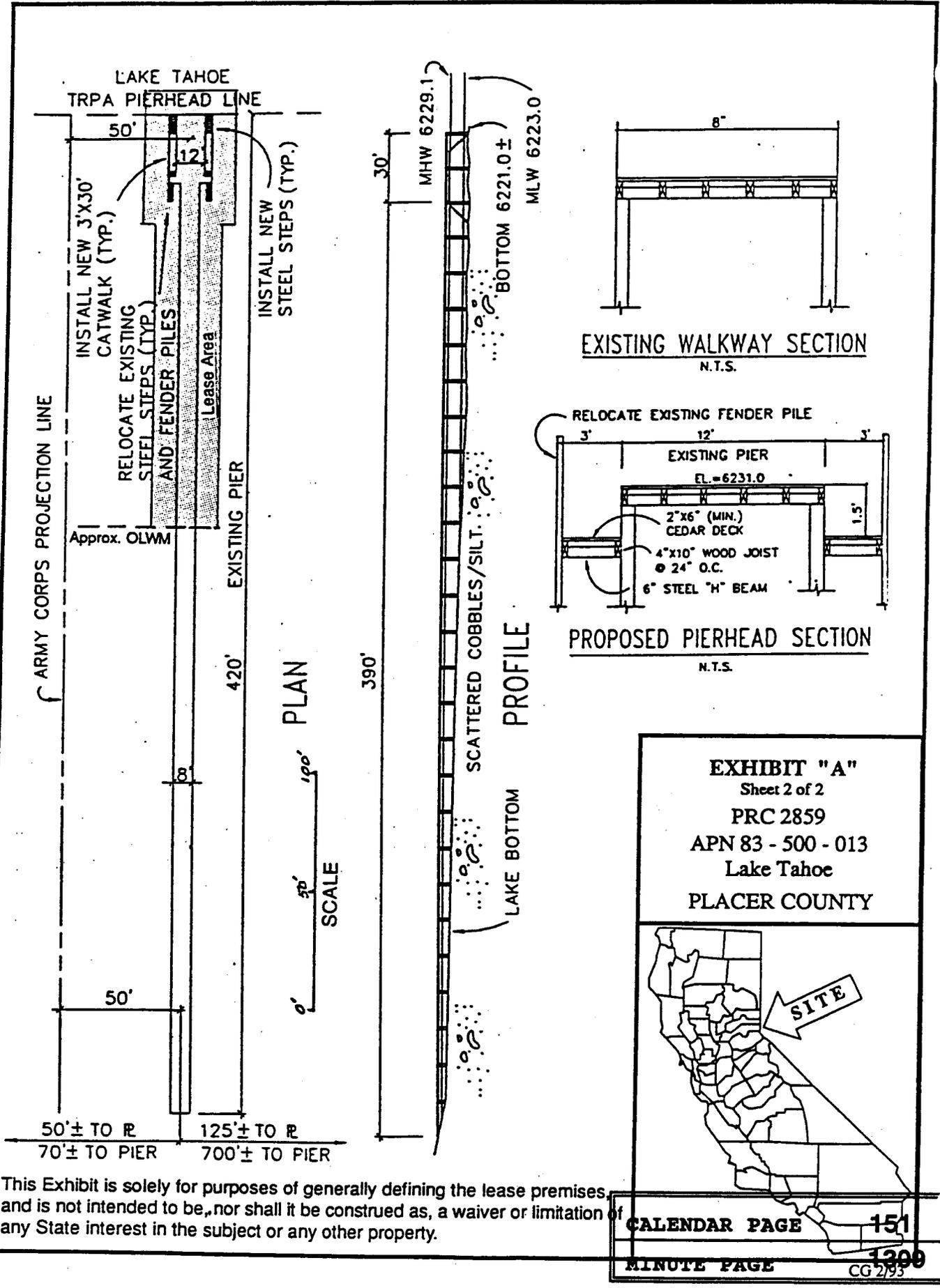
PLAN

EXHIBIT "A"
Sheet 1 of 2
PRC 2859
APN 83 - 500 - 013
Lake Tahoe
PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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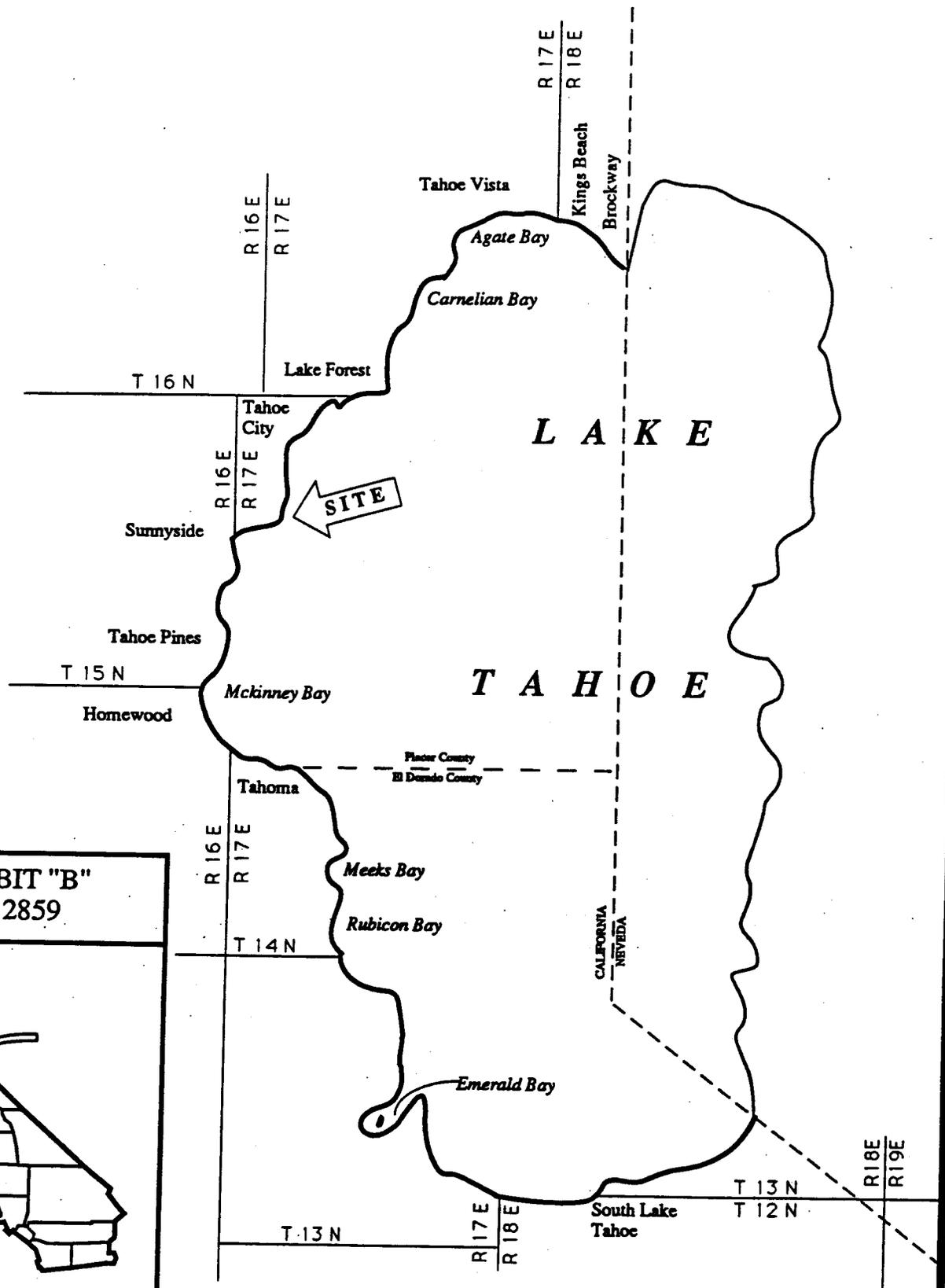


EXHIBIT "B"
PRC - 2859



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