

was approved by the  
 Commission at a meeting on 10/28/76  
*C4*

CALENDAR ITEM

10/76  
 W 20982  
 GDG  
 PRC 5196

C 4

NONCOMMERCIAL LEASE

**APPLICANT:**  
 Wells Fargo Bank  
 National Association, as trustee  
 Samuel P. Stevens  
 Trust Real Estate Department  
 P. O. Box 44002  
 San Francisco, California 94144

**AREA, TYPE LAND AND LOCATION:**  
 An 0.043 acre parcel of submerged land in  
 Carnelian Bay, Lake Tahoe near Cedar Flats,  
 Placer County.

**LAND USE:** Maintenance of an existing pier for recrea-  
 tional boating.

**TERMS OF PROPOSED LEASE:**  
 Initial period: 10 years, from April 26, 1972.  
 Surety bond: \$2,000.

**Special:** 1. It is an express condition sub-  
 sequent of this lease that if any structure  
 hereby authorized is found to be in noncon-  
 formance with the Tahoe Regional Planning  
 Agency's Shore Zone Ordinance and if any  
 alterations, repairs, or removal required  
 pursuant to said Ordinance is not accomplished  
 within the designated time period, then this  
 lease is automatically terminated, effective  
 upon notice by the State, and the site shall  
 be cleared pursuant to the terms thereof.

2. It is an express condition of this lease  
 that if any structure or appurtenances hereby  
 authorized are found to be situated upon or  
 adjacent to land of Forest Homes of Cedar  
 Flats, Inc., without their consent and approval,  
 then this permit is automatically terminated,  
 effective upon notice by the State, and the  
 site shall be cleared pursuant to the terms  
 herein.

3. As a supplement to Paragraph 6 of Section 5,  
 Lessee hereby agrees that when the State's  
 boundaries are established, the State has the  
 right to revise the rate and amount of the  
 annual rental in addition to the rights stated  
 in Paragraph 2 of Section 5 hereof; together  
 with the right to approve existing improvements

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and fills in place.

CONSIDERATION: \$150 per annum, prorated through June 29, 1975, and \$225 per annum, thereafter, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION: \$150 minimum annual rental through June 29, 1975, and \$225 minimum annual rental thereafter for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is not the owner of the upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code; Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury and adjacent property, shoreline erosion, or other types of environmental degradation.
2. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in significant use category, Class B: Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED

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UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE, AND SAMUEL P. STEVENS OF A 10-YEAR NONCOMMERCIAL LEASE; FROM APRIL 26, 1972; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$150 THROUGH JUNE 29, 1975; AND \$225 THEREAFTER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$2,000 SURETY BOND; FOR MAINTENANCE OF AN EXISTING PIER UTILIZED FOR RECREATIONAL BOATING, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20982

A parcel of submerged land in the State owned bed of Lake Tahoe, Placer County, State of California, situated adjacent to fractional Section 28, T 16 N, R 17 E, M.D.M., more particularly described as follows:

That land lying beneath and 10 feet from all sides of an existing pier situated westerly of Lot 8, Block 8 as designated on the Official Map of Cedar Flat Subdivision filed October 14, 1965 in Book H of Maps, Page 82, Placer County Records.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water mark of Lake Tahoe.

END OF DESCRIPTION

Prepared

M. L. Shaf

Checked

R. L. Blake

Reviewed

A. H. Kunnecke  
RJB

Date

6/25/76