

MINUTE ITEM 12

MINUTE ITEM  
This Calendar Item No. 12  
was approved as Minute Item  
No. 12 by the State Lands  
Commission by a vote of 3  
to 0 at its 9/23/92  
meeting.

PRC 2859

Judy Ludlow

AMENDMENT OF GENERAL PERMIT – RECREATIONAL  
USE PRC 2859

After considerable discussion, the construction portion was approved and the rent issue will be resolved at the next Commission Meeting.

A 7

S 1

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CALENDAR ITEM

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A 7  
S 1

09/23/92  
PRC 2859  
J. Ludlow

AMENDMENT OF GENERAL PERMIT - RECREATIONAL  
USE PRC 2859

**PERMITTEE:**

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 0.651 acre located in Lake Tahoe near Sunnyside, Placer County.

**LAND USE:**

Addition of catwalks on both sides of an existing multi-use pier, and for the continued use and maintenance of 18 mooring buoys.

**TERMS OF LEASE TO BE AMENDED:**

Permit period:

Five (5) years beginning August 1, 1988.

Public liability insurance:

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

Special:

1. The lease area shall be increased from 0.647 acre to 0.651 acre to accommodate the proposed catwalks.

2. The buoys are owned by the Association and the ownership of the buoys will remain in the Association.

3. The buoys are for the use of the Association members and will not be rented out by the Association or any member.

CALENDAR ITEM NO. C 1 2 (CONT'D)

4. The Association shall provide for the use of the buoys by all members of the Association in an equitable manner.

5. The annual rental will increase from \$208.44 to \$2,594.16, effective August 1, 1992.

**CONSIDERATION:**

\$2,594.16 per annum, effective August 1, 1992, 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, processing fee, and environmental 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 3, Div. 3; Title 14, Div. 6.

**AB 884:**

01/05/93

**OTHER PERTINENT INFORMATION:**

1. Regarding the existing pier and buoys, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that the continued use of the existing multi-use pier and buoys are exempt from the requirements of 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.

CALENDAR ITEM NO. 12 (CONT'D)

2. Regarding the proposed catwalks, 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 3, New Construction of Small Structures, 2 Cal. Code Regs. 2905(c)(2).
3. 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 project, as proposed, is consistent with its use classification.
4. The catwalks will be constructed with portable equipment located on the deck of the existing pier. No pile driving will be required and there will be no impacts to the existing pier above elevation 6,223, Lake Tahoe Datum.
5. The Permittee does not meet the criteria for rent-free status because some of Permittee's members are not "natural persons". P.R.C. Section 6503.5 requires that to be eligible for a rent-free recreational pier permit, an association or nonprofit corporation must "consist of natural persons".  
  
Permittee's prior rental (\$208.44) was prorated to reflect the ratio of natural to non-natural members of the association. Based on an opinion the staff counsel, proration is not allowed by the statute. The rental recommended herein (\$2,594.16) reflects the elimination of the proration and rent-free status and is based on a 1990 appraisal prepared by staff.
6. The subject property has been physically inspected by staff for purposes of evaluating the impact of the proposed activity on the public trust.

CALENDAR ITEM NO C 1 2 (CONT'D)

**APPROVALS OBTAINED:**

Tahoe Regional Planning Agency, Placer County, and United States Army Corps of Engineers.

**FURTHER APPROVALS REQUIRED:**

State Lands Commission and United States Army Corps of Engineers (GP-16).

**EXHIBITS:**

- A. Land Description
- A-1. Site Map, Location Map
- B. Placer County Letter of Approval

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. AS TO THE EXISTING PIER AND EIGHTEEN BUOYS, 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. AS TO THE PROPOSED CATWALKS, 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES, 2 CAL. CODE REGS. 2905(c)(2).
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. AUTHORIZE APPROVAL OF THE AMENDMENT TO LEASE PRC 2859, ISSUED TO CEDAR POINT HOMEOWNERS ASSOCIATION, EFFECTIVE AUGUST 30, 1992, FOR (1) THE CONTINUED USE AND MAINTENANCE OF A MULTI-USE PIER; (2) THE ADDITION OF CATWALKS TO THE PIER; (3) THE CONTINUED USE AND MAINTENANCE OF EIGHTEEN (18) MOORING BUOYS; (4) AN INCREASE IN THE ANNUAL RENTAL TO \$2,594.16, EFFECTIVE AUGUST 1, 1992; (5) FIND THAT THE BUOYS SHALL BE OWNED BY THE ASSOCIATION AND WILL NOT BE RENTED OUT BY THE ASSOCIATION OR ANY MEMBER; (6) FIND THAT THE BUOYS SHALL BE USED BY ALL MEMBERS OF THE ASSOCIATION IN AN EQUITABLE MANNER; AND (7) AUTHORIZE AN INCREASE IN THE LEASED AREA FROM 0.647 ACRE TO 0.651 ACRE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

CALENDAR ITEM NO. C 1 2 (CONT'D)

5. FIND THAT ALL OTHER TERMS AND CONDITIONS OF THE PERMIT ARE TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

**EXHIBIT "A"**

PRC 2859

**LAND DESCRIPTION**

Nineteen (19) parcels of submerged land in the bed of Lake Tahoe, Placer County, California, more particularly described as follows:

PARCEL 1

All that land lying immediately beneath an existing pier and the catwalk addition, TOGETHER WITH the necessary use area extending 10 feet from its extremities, said pier being adjacent to Lot "C" of Tract No. 294 (Cedar Point) as recorded November 9, 1976 in Book "K" of Maps, Page 82 in the Office of the County Recorder of said county.

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

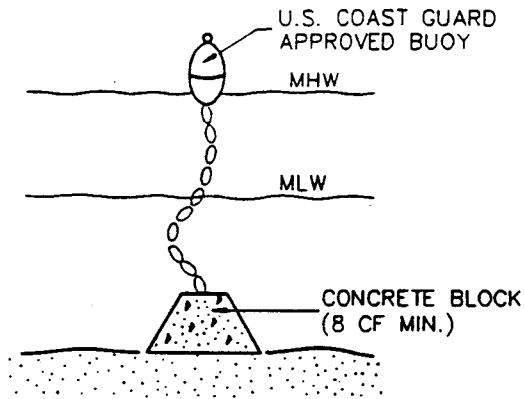
PARCEL 2 - 19

Eighteen (18) parcels of submerged land, each having a diameter of 40 feet, said parcels situated approximately 350 feet easterly of the end of the abovementioned pier and southerly along the approximate Lake Tahoe bottom contour of 6216 feet, said contour being east of said Tract 294.

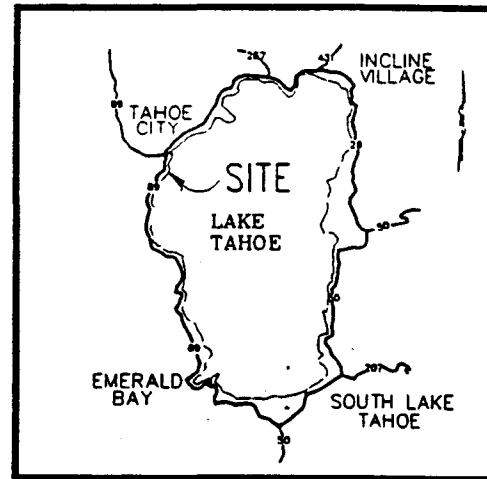
**END OF DESCRIPTION**

REVISED MAY, 1992 BY LLB.

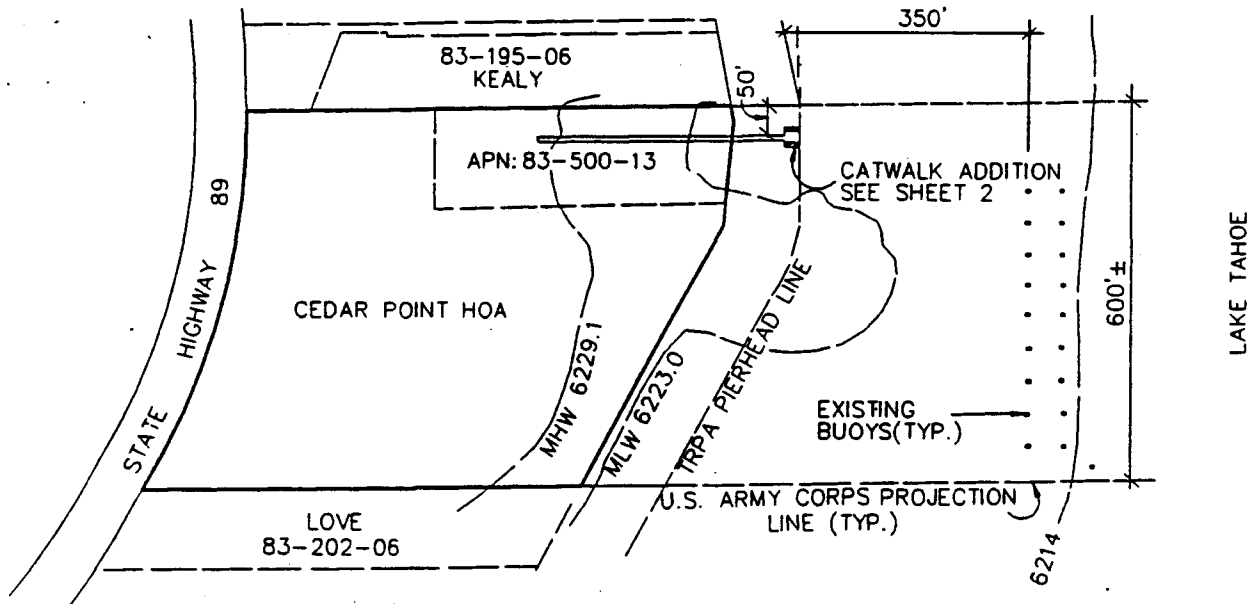
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**BUOY DETAIL**  
N.T.S.



**LOCATION MAP**



**PLAN 1"=300'**

**EXHIBIT "A-1"**  
Site map  
PRC 2859  
APN 83 - 500 - 13  
Lake Tahoe  
PLACER COUNTY

**NOTE:**  
THIS DRAWING IS FOR PERMITTING THE CATWALK ADDITION ONLY. THE EXISTING PIER AND BUOY FIELD HAVE EXISTING PERMITS WITH THE APPROPRIATE AGENCIES.

**CATWALK ADDITION**  
**CEDAR POINT HOA**  
1200 WEST LAKE BLVD.  
TAHOE CITY AREA  
PLACER COUNTY, CALIFORNIA  
APN: 83-500-13  
AUGUST 1991

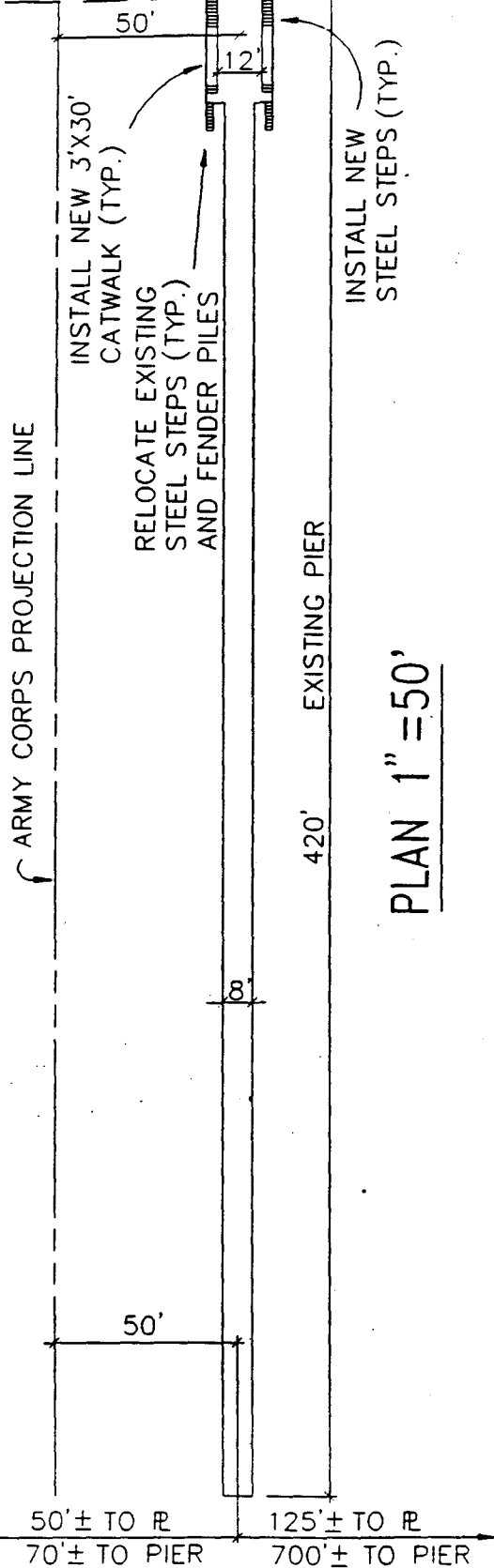
**VAIL ENGINEERING CORPORATION**  
TAHOE CITY, CALIFORNIA (916) 583-3417

ADJOINING PROPERTIES  
NORTH 83-195-06 SOUTH 83-500-14

REVISED  
3/92

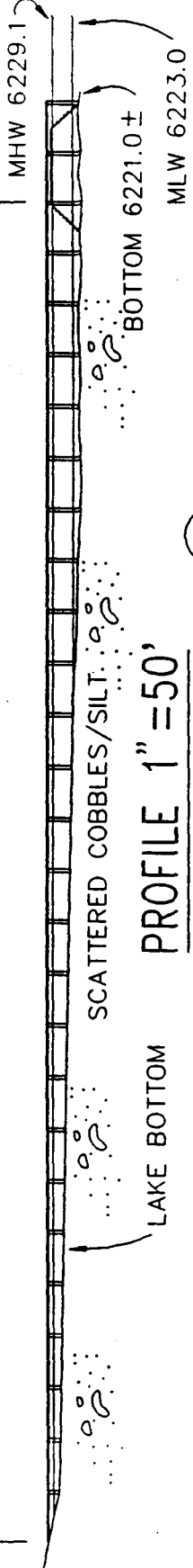


LAKE TAHOE  
TRPA PIERHEAD LINE



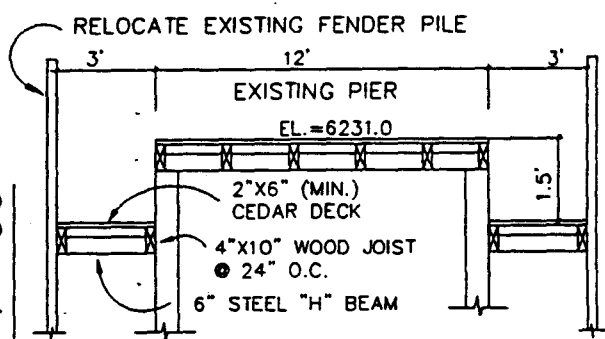
PLAN 1"=50'

390'



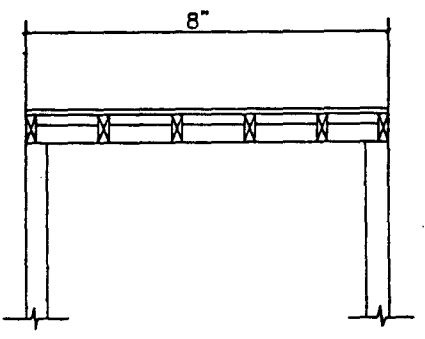
PROFILE 1"=50'

**NOTE:**  
THIS DRAWING IS FOR  
PERMITTING THE CATWALK  
ADDITION ONLY.



PROPOSED PIERHEAD SECTION

N.T.S.



EXISTING WALKWAY SECTION

N.T.S.

**CATWALK ADDITION  
CEDAR POINT HOA**

1200 WEST LAKE BLVD.  
TAHOE CITY AREA

PLACER COUNTY, CA

APN: 83-500-13

AUGUST 1991

207

2821

**VAIL ENGINEERING CORPORATION**  
TAHOE CITY, CALIFORNIA (916) 583-3417

ADJOINING PROPERTIES	
NORTH	SOUTH
83-195-06	83-500-14

REVISED  
3/92

Date May 7, 1992File Ref: PRC 2859

Ms. Judy Ludlow  
California State Lands Commission  
1807 13th Street  
Sacramento, California 95814

Subject: Building Permit for Pier (New catwalk on existing pier)Name: Cedar Point Homeowners AssociationAddress Attn: Glen Mueller  
2200 Sand Hill Road, Suite 200  
Menlo Park, CA 96145Placer County Assessor's Parcel No. 83-500-13Upland Address: 1200 West Lake Blvd.

Dear Ms. Ludlow:

The County of Placer has received notice of the above-referenced project in Lake Tahoe and has no objection to the pier repair/construction or to the issuance of the State Lands Commission's permit.

If you have any questions, you may reach me at (916) 889-7584

Sincerely,

*Thomas M. Christian*  
JAN CHRISTIAN  
Associate Civil Engineer

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