

MINUTE ITEM

This Calendar Item No. C9.  
was approved as Minute Item  
by the State Lands  
Commission by a vote of 3  
to 0 at its 6-27-79  
meeting.

PRC 5682

CALENDAR ITEM

6/79  
W 8715  
Gordon

C9.

GENERAL LEASE  
COMMERCIAL USE

APPLICANT: John and Barbara Kearns  
P. O. Box 42  
Tahoe City, California 95730

AREA, TYPE LAND AND LOCATION: A 0.407 acre parcel of submerged lands  
in Lake Tahoe at Tahoe City, Placer County.

LAND USE: Maintenance of 1 existing pier for commercial  
recreational boating.

TERMS OF PROPOSED LEASE:  
Initial period: 15 years from November 1,  
1972.

Public liability insurance: \$900,000 per  
occurrence for bodily  
injury and \$100,000 for  
property damage, or combined  
single limit coverage  
of \$1,000,000.

Special:

1. The lease is conditioned  
on lessee's conformance  
with the Tahoe Regional  
Planning Agency's Shorezone  
Ordinance.

2. The lease is conditioned  
on the County of Placer's  
authorization and consent  
of any of the subject  
facilities found to be  
on or adjacent to County  
lands.

3. The lease is entered  
into by all parties without  
prejudice to their respective  
claims of boundary.

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CONSIDERATION: Pier: \$225 per annum, or, if greater,  
5% of "Gross Income", plus 1 cent per gallon  
of fuel sold on said lands annually to  
a maximum of 100,000 gallons and 1½ cents  
per gallon sold thereafter.

BASIS FOR CONSIDERATION:  
2 Cal. Adm. 3005.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is lessee of upland.  
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:  
A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. Applicant has utilized subject area since 1972, therefore the proposed lease settlement includes payment of negotiated back rents in the amount of \$2,295 covering the period from November 1, 1972 through October 31, 1979.
2. Applicant is lessee of Pacific Power Company and agrees in said upland lease to utilize the subject pier for boat rentals, the sale of petroleum products and a sales and service business. Drought conditions have completely restricted the commercial operation of this facility in recent years.
3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), 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 to adjacent property, shoreline erosion, or other types of environmental degradation.

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4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes 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.

APPROVALS REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and the County of Placer. The proposed permit is conditioned on the approval of all agencies having jurisdiction.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 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, OF THE P.R.C.
3. AUTHORIZE THE ACCEPTANCE OF BACK RENT IN THE AMOUNT OF \$2,295 AS SETTLEMENT FOR APPLICANTS PRIOR USE OF STATE LANDS WITHOUT BENEFIT OF LEASE.
4. AUTHORIZE ISSUANCE TO JOHN AND BARBARA KEARNS OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM NOVEMBER 1, 1972; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225 OR, IF GREATER, 5% OF "GROSS INCOME", PLUS 1 CENT PER GALLON OF FUEL SOLD ON SAID LANDS ANNUALLY

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TO A MAXIMUM OF 100,000 GALLONS AND 1½ CENTS PER GALLON  
SOLD THEREAFTER, WITH THE STATE RESERVING THE RIGHT  
TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY  
OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE  
IN AMOUNTS OF \$900,000 PER OCCURRENCE FOR BODILY INJURY  
AND \$100,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE  
LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF 1 EXISTING  
PIER UTILIZED FOR COMMERCIAL RECREATIONAL BOATING ON  
THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE  
MADE A PART HEREOF.

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## EXHIBIT "A"

## LAND DESCRIPTION

W 8715

A parcel of land lying within protracted Section 7, T15N, R17E, MDM, Placer County, State of California and more particularly described as follows:

COMMENCING at a point designated as "195" that has coordinates of  $X = 2,527,185$  and  $Y = 552,313$  conforming to the California Coordinate System, Zone II, as shown on map sheet 11 of 22 of the survey performed by the State of California, State Lands Commission, State Lands Division, filed in Book 2 of Surveys, page 71, records of said County, said point lying  $S 69^{\circ} 30' E$  854 feet, more or less, from the quarter corner common to said sections 6 and 7; thence  $S 30^{\circ} 52' 47'' W$  79.00 feet to the TRUE POINT OF BEGINNING; thence the following 11 courses:

1.  $S 70^{\circ} 10' 13'' E$  221.07 feet;
2.  $N 19^{\circ} 49' 47'' E$  2.00 feet;
3.  $S 70^{\circ} 10' 13'' E$  86.00 feet;
4.  $S 19^{\circ} 49' 47'' W$  55.00 feet;
5.  $N 70^{\circ} 10' 13'' W$  45.00 feet;
6.  $N 19^{\circ} 49' 47'' E$  21.00 feet;
7.  $N 70^{\circ} 10' 13'' W$  40.00 feet;
8.  $N 19^{\circ} 49' 47'' E$  2.00 feet;
9.  $N 70^{\circ} 10' 13'' W$  462.00 feet;
10.  $N 19^{\circ} 49' 47'' E$  30.00 feet;
11.  $S 70^{\circ} 10' 13'' E$  240.93 feet to the true point of beginning.

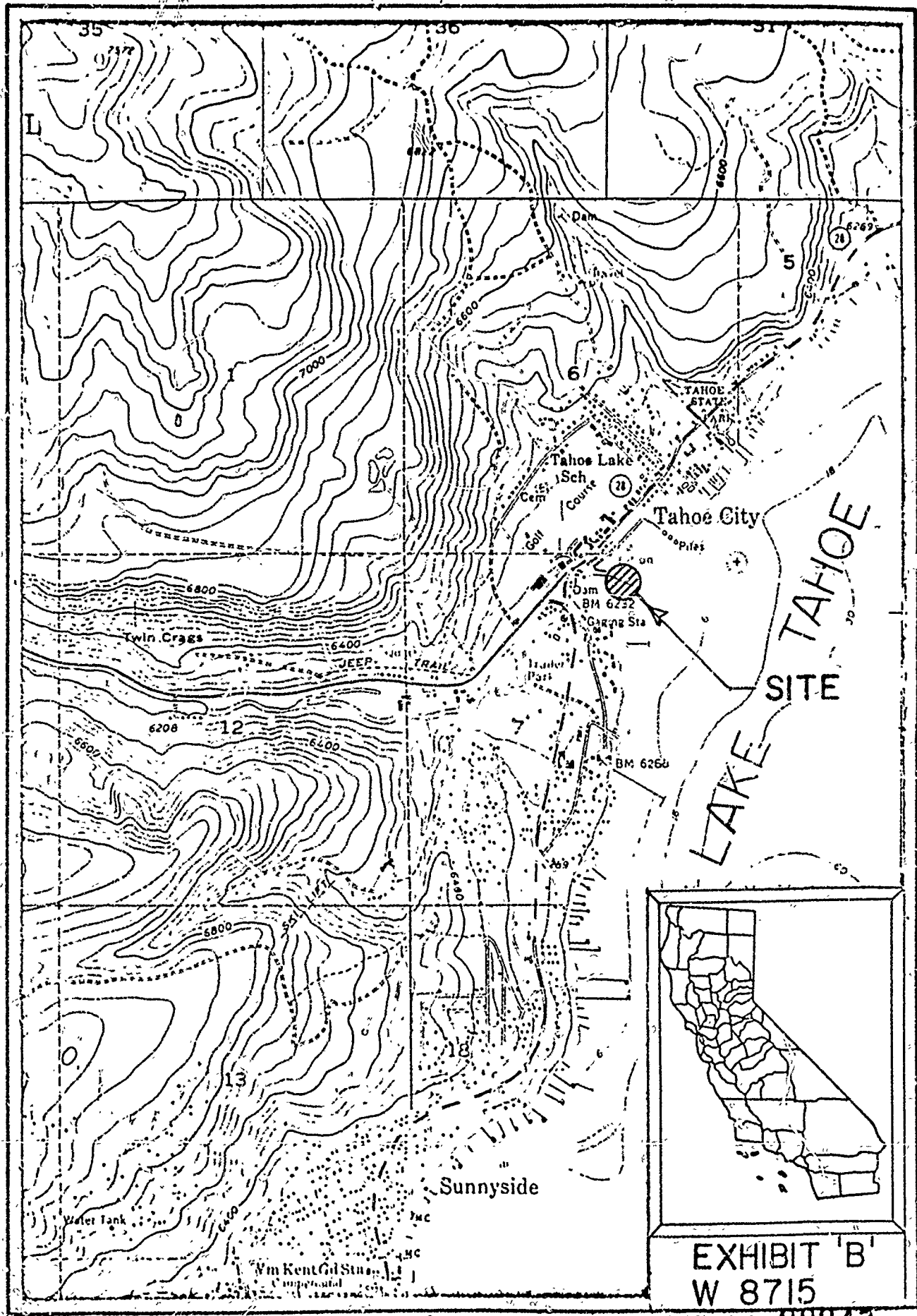
EXCEPTING THEREFROM any portion lying landward of the ordinary high water line.

END OF DESCRIPTION

Prepared G. Weldon Checked F. Lopez

Reviewed [Signature] Date June 6/79

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LAKE TAHOE  
SITE



EXHIBIT 'B'  
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