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CALENDAR ITEM

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WP 5354 PRC 5354
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TERMINATION OF GENERAL PERMIT - RECREATIONAL USE PRC 5354;
ISSUANCE OF GENERAL LEASE - COMMERCIAL USE

APPLICANT: Fred Saber-Motamedi
Lakehouse Mall
P. O. Box 85
Tahoe City, California 95730

AREA, TYPE LAND AND LOCATION:
Eight circular parcels, each 40 feet in diameter, totalling 0.231-acre of submerged land, located in Lake Tahoe at Tahoe City, Placer County.

LAND USE: Maintenance of eight boat mooring buoys utilized for commercial recreational purposes.

TERMS OF ORIGINAL PERMIT: (Recreational Use)
Initial period: Ten years beginning March 1, 1977.

Public liability insurance: \$400,000 per occurrence for bodily injury and \$100,000 for property damage.

Consideration: \$400 per annum; five-year rent review.

Special: 1. The permit is conditioned on Permittee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.

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TERMS OF PROPOSED LEASE: (Commercial Use)

Initial period: Fifteen years beginning
March 1, 1985.

Public liability insurance: Combined single
limit coverage of \$500,000.

Special:

1. The lease agrees to terminate General Permit - Recreational Use, PRC 5354 effective March 1, 1985.
2. The lease restricts the utilization of the facilities for floating residence purposes.
3. The lease is conditioned on lessee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.
4. The lease consents to lessee's subletting the lease premises for berthing or mooring purposes for terms of one year or less.
5. The lease conforms to the Lyon/Fogerty decision.

CONSIDERATION: \$1,289 back rent from March 1, 1979 through February 28, 1985 and \$504 per annum thereafter; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

CALENDAR ITEM NO. C 0 9 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Applicant has advised staff the buoy facilities authorized in General Permit - Recreational Use PRC 5354 have been utilized by applicant in a commercial capacity since 1979. Because the permit expires in less than two years, it would be in the best interest of all parties to terminate the current permit and replace it with a new commercial lease. Termination of the permit is recommended.
2. Lessee did not know that renting the existing buoys for recreational use by others was a commercial use of the facilities which required a Commercial Lease. Therefore, staff recommends that penalty and interest, if any, on the back rent agreed to by Lessee be waived.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

4. 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.

CALENDAR ITEM NO. 009 (CONT'D)

APPROVALS OBTAINED:

Yahoe 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.
- 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. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 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 TERMINATION OF GENERAL PERMIT - RECREATIONAL USE PRC 5354 DATED JULY 26, 1977, TERMINATION TO BE EFFECTIVE MARCH 1, 1985.
4. WAIVE ALL PENALTY AND INTEREST, IF ANY, ON BACK RENT OWED.
5. AUTHORIZE ISSUANCE TO FRED SABER-MOTAMEDI OF A 10-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING MARCH 1, 1985; IN CONSIDERATION OF \$1,289 BACK RENT FOR THE PERIOD FROM MARCH 1, 1979 THROUGH FEBRUARY 28, 1985 AND ANNUAL RENT IN THE AMOUNT OF \$504, THEREAFTER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR MAINTENANCE OF EIGHT BOAT MOORING BUOYS UTILIZED FOR COMMERCIAL RECREATIONAL PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

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Eight circular parcels of land in the bed of Lake Tahoe, Placer County, California, each having a diameter of 40 feet, said parcels lying adjacent to and southeasterly of that land described in Parcel 2 in the Grant Deed recorded May 4, 1973 in Volume 1491, page 488, Official Records of Placer County.

END OF DESCRIPTION

REVIEWED JANUARY 29, 1985 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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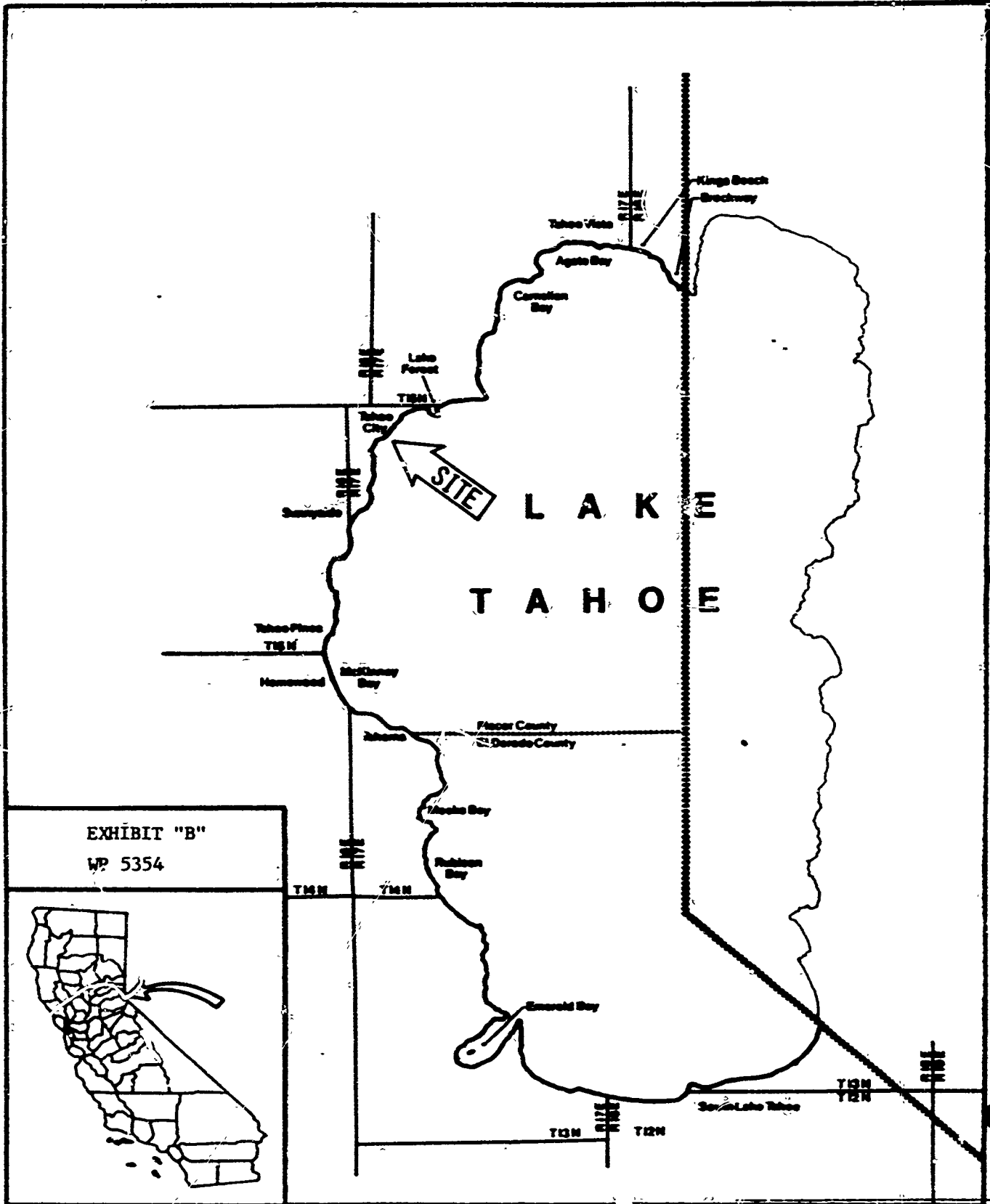


EXHIBIT "B"

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