

**MINUTE ITEM**  
This Calendar Item No. C11  
was approved as Minute Item  
No. 11 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/23/87  
meeting.

**CALENDAR ITEM**

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S 1

**C11**

05/28/87  
WP 5676 PRC 5676  
Gordon

**GENERAL PERMIT - RECREATIONAL USE**

**APPLICANT:** Rubicon Tahoe Owners, Inc.  
c/o Richard S. Kopf, Esq.  
50 Beale Street  
P. O. Box 3965  
San Francisco, California 94119

**AREA, TYPE LAND AND LOCATION:**  
An aggregate area of 3.402 acres of submerged  
lands, located in Rubicon Bay, Lake Tahoe,  
El Dorado County.

**LAND USE:** Maintenance of two existing piers with  
contiguous swim areas, two existing swim floats  
and 97 existing mooring buoys utilized for  
multiple-use recreational boating and swimming.

**TERMS OF PROPOSED PERMIT:**

Initial period: 15 years beginning April 23,  
1984.

Public liability insurance: Combined single  
limit coverage of \$1,000,000.

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

2. Permittee covenants to  
limit the use of swim lines  
on the permit premises for  
two months during each year  
of the term of the permit.

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beginning July 1st and ending August 31st each year. Said lines shall be removed from the permit premises during the remaining ten months of the year.

3. The permit prohibits the use of the facilities for residential purposes.

4. The permit is conditioned on the consent of a littoral owner as to any buoy located adjacent to a littoral owner's upland.

5. The permit conforms to the Lyon/Fogerty decision.

CONSIDERATION: \$386.86 from April 23, 1984 through April 22, 1985; \$401.34 from April 23, 1985 through April 22, 1986; and \$414.12 per annum, thereafter; plus P.R.C. 6503.5; 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. Adm. Code 2003.

APPLICANT STATUS:  
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:  
Filing fee has been received.

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: 06/01/87.

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OTHER PERTINENT INFORMATION:

1. Applicant is a homeowners association. The subject facilities are utilized by condominium owners, their tenants and guests. Because its membership currently includes 0.826 percent of non-natural persons as members, applicant does not fully meet the criteria of P.R.C. 6503.5 for rent free status. Therefore, a portion of the rental related to boat mooring required by the permit is the result of a proration according to this percentage. This is an application to replace applicant's permit which expired April 22, 1984.
2. 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.

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 activity is consistent with its use classification.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and County of El Dorado.

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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(1)(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 RUBICON TAHOE OWNERS, INC. OF A 15-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING APRIL 23, 1984; IN CONSIDERATION OF RENT IN THE AMOUNT OF \$386.86 FROM APRIL 23, 1984 THROUGH APRIL 22, 1985; \$401.34 FROM APRIL 23, 1985 THROUGH APRIL 22, 1986; AND \$414.12 PER ANNUM, THEREAFTER; PLUS P.R.C. 6503.5; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE OF TWO EXISTING PIERS WITH CONTIGUOUS SWIM AREAS, TWO EXISTING SWIM FLOATS AND 97 EXISTING MOORING BUOYS UTILIZED FOR MULTIPLE-USE RECREATIONAL BOATING AND SWIMMING ON THE LAND DESCRIBED ON EXHIBIT "9" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

**EXHIBIT "A"**

**LAND DESCRIPTION**

**WP-5676**

Four parcels of land in the bed of Lake Tahoe, El Dorado County, California, situated in fractional Sections 32 and 33, T14N, R17E, MDM, said parcels being more particularly described as follows:

**PARCEL 1 - Pier, Swimline, and Swim Area**

All that land immediately beneath an existing pier lying adjacent to Lot 11, Block G, as shown on the Map of Rubicon Properties, filed in Book A of Maps, page 52, El Dorado County Records, TOGETHER WITH a necessary use area extending no more than 10 feet from said pier, ALSO TOGETHER WITH all that land lying 2.5 feet on each side of a swimline 100 feet in length situated northerly of said pier, ALSO TOGETHER WITH all that land bounded on the northwest by the southeasterly edge of the above mentioned pier; bounded on the northeast by a swimline 153 feet in length extending from said pier to the pier of Hoyt S. Pardee, said pier lying northeasterly of Lot 13, Block G, Rubicon Properties; bounded on the southeast by the northwesterly edge of said pier of Hoyt S. Pardee; bounded on the southwest by the ordinary low water mark of Lake Tahoe, including that land lying 2.5 feet northeasterly and parallel with said 153 feet swimline.

**PARCEL 2 - Pier, Float, and Swimline**

All that land lying immediately beneath an existing pier and swim float lying adjacent to and easterly of Lot 12, Block A as shown on the above described map of Rubicon Properties TOGETHER WITH a necessary use area extending no more than 10 feet from said pier and swim float, ALSO TOGETHER WITH all that land lying 2.5 feet on each side of a swimline extending 60 feet northerly from said pier.

**PARCEL 3 - Buoys**

Seventy-seven (77) circular parcels of submerged land 40 feet in diameter lying within a parcel bounded on the southwest by the ordinary low water mark of Lake Tahoe; bounded on the northeast by a line parallel with and 630 feet northeasterly of said ordinary low water mark; bounded on the southeast by the northeasterly prolongation of the southeast line of Lot 15, Block G, as shown on said Rubicon Properties map; bounded on the northwest by the northeasterly prolongation of the northwest line of Lot 6, Block G, as shown on said Rubicon Properties map.

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PARCEL 4 - Buoys

Twenty (20) circular parcels of submerged land 40 feet in diameter lying within a parcel bounded on the west by the ordinary low water mark of Lake Tahoe; bounded on the east by a line parallel with and 560 feet easterly of said ordinary low water mark; bounded on the north by the easterly prolongation of the north line of Lot 9, Block A, as shown on said Rubicon Properties map; bounded on the south by the easterly prolongation of the south line of Lot 12, Block A, as shown on said Rubicon Properties map.

EXCEPTING THEREFROM any portion of Parcels 1 and 2 lying landward of the ordinary low water mark of Lake Tahoe.

END OF DESCRIPTION

REVISED NOVEMBER 14, 1966, BY BOUNDARY SERVICES UNIT, M. L. SHAFER SUPERVISOR.

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