

MINUTE ITEM

This Calendar Item No. C08 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 3 to 0 at its 10/06/04 meeting.

**CALENDAR ITEM
C08**

A 4
S 1

PRC 8559

10/06/04
W 25857
M. Hays

GENERAL LEASE-RECREATIONAL USE

APPLICANT:

Tahoe Marina Owners' Association,
A California Non-profit Mutual Benefit Corporation
P.O. Box 7705
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of a previously authorized existing multi-use pier, and retention of ten mooring buoys and one marker buoy as shown on Exhibit A.

LEASE TERM:

Ten years, beginning October 6, 2004.

CONSIDERATION:

\$318 annually, with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance with coverage of not less than \$2,000,000.
2. This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

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OTHER PERTINENT INFORMATION:

1. The Applicant is a condominium homeowners' association that consists of 48 condominium units and related recreation facilities built in the early 1970s on land that the developer, Sierra Pacific Power Company, retained ownership. The pier was constructed in the 1950s, repaired in the 1970s and has been historically used as a commercial boat rental and fueling facility. On June 26, 1980, the Commission authorized PRC 5860.1, a General Lease-Commercial Use, to John and Barbara Kearns, sublessees of Sierra Pacific Power Company, for the continued use of the existing pier for the historic commercial use. PRC 5860.1 expired on June 30, 2000, and was in holdover until November 20, 2001, when the Kearns's lease with Sierra Pacific Power Company expired. Sierra Pacific Power Company did not renew the sublease for the pier and a portion of the upland in anticipation of a sale of their holdings in this location. Consequently, Lease PRC 5860.1 was terminated. It is staff's understanding that the fuel pump has been removed from the pier and the fuel lines located attached and under the pier deck have been cut and capped.
2. On June 15, 2004, Sierra Pacific Power Company deeded the littoral land and pier to the Applicant. The Applicant is now applying for a lease for the previously authorized pier, retention of ten mooring buoys and one marker buoy, not previously authorized by the Commission. The authorized improvements are for recreational use purposes by the Applicant.
3. Under the Placer County Land Development Permit (LDP653), approved on September 25, 1970, the littoral owner is required to guarantee the public access to the pier via a public ingress and egress easement.
4. The Applicant is a California non-profit mutual benefit corporation doing business as a homeowners' association. Six percent of the 48 homeowners' association members do not qualify for a rent-free lease. Therefore, the rent is prorated accordingly for the pier and ten mooring buoys only. The marker buoy does not qualify for rent-free status.
5. **Pier:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 1, Existing Facilities; Title 2, California Code of

CALENDAR ITEM NO. C08 (CONT'D)

Regulations, section 2905(a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. **Buoys:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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; Title 2, California Code of Regulations, section 2905(c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

EXHIBIT:

- A. Site and Location Map

APPROVALS NEEDED:

Buoys: Tahoe Regional Planning Agency
U.S. Army Corps of Engineers

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

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BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

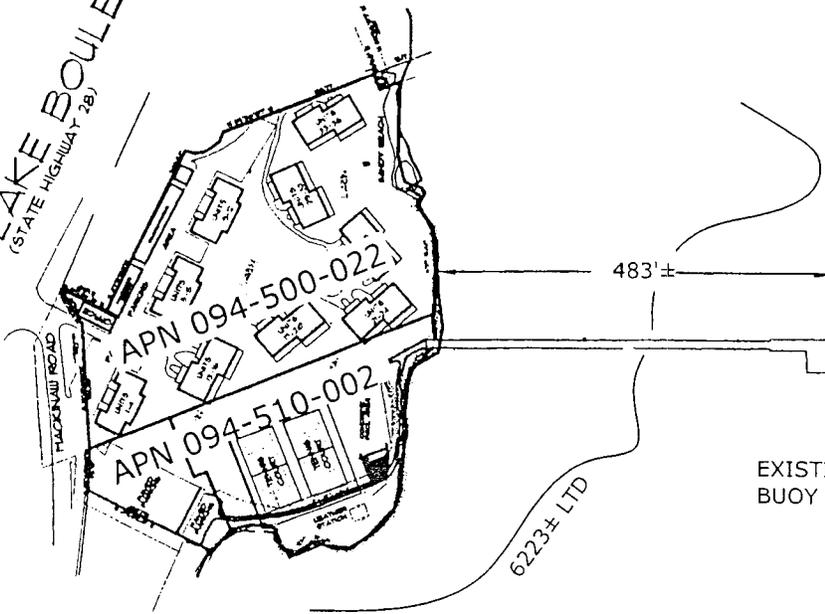
AUTHORIZATION:

AUTHORIZE ISSUANCE TO TAHOE MARINA OWNER'S ASSOCIATION, A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION, OF A GENERAL LEASE-RECREATIONAL USE, BEGINNING OCTOBER 6, 2004, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING, PREVIOUSLY AUTHORIZED MULTI-USE PIER, RETENTION OF TEN MOORING BUOYS AND ONE MARKER BUOY, NOT PREVIOUSLY AUTHORIZED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION OF \$318, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE TERM OF THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$2,000,000.

NO SCALE

SITE

NORTH LAKE BOULEVARD
(STATE HIGHWAY 28)



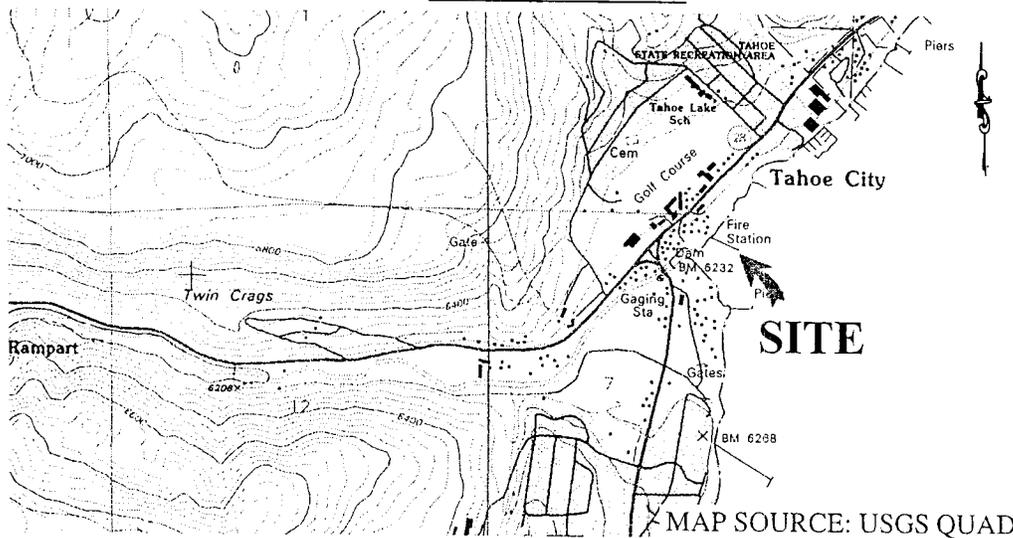
EXISTING MOORING BUOY (TYPICAL)

EXISTING USCOE MARKER BUOY

270 NORTH LAKE BLVD., TAHOE CITY

NO SCALE

LOCATION



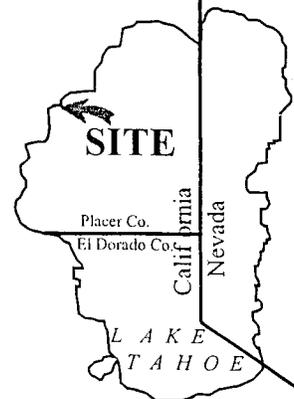
SITE

Exhibit A

W25857

Tahoe Marina
Owners Association
APN 094-510-002,
APN 094-500-022

General Lease-Recreational Use
PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.