

MINUTE ITEM

This Calendar Item No. C17 was approved as Minute Item No. 17 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM
C17

A 4
S 1

04/17/06
PRC 3368 WP 3368.1
R. Barham

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Bruck-McLain Properties, a General Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and four mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 29, 2005.

CONSIDERATION:

\$743 per year; with the State reserving the right to fix a different rent periodically during the lease term as provided in the Lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$500,000.

Other:

This lease is conditioned on the Applicant 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.

OTHER PERTINENT INFORMATION:

1. On February 27, 1996, the Commission authorized a General Lease - Recreational Use, with Gary R. Sitzmann and Lindy L. Sitzmann. That lease expired on October 28, 2005. The upland property ownership has since transferred to Bruck-McLain Properties, a general partnership with

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Gary R. Sitzmann and Lindy L. Sitzmann as the managing partners. The Applicant owns two adjacent littoral parcels. One littoral parcel is unimproved and has two buoys located waterward while the second adjacent littoral parcel is improved with a single family dwelling and has two buoys and a pier located waterward. The Applicant does not qualify for a rent-free Recreational Pier Lease because the Applicant does not own the littoral property as a natural person(s) pursuant to Public Resource Code section 6503.5. Applicant is now applying for a new General Lease - Recreational Use for the pier, and four mooring buoys previously authorized by the Commission.

2. 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 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.

3. 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.

APPROVAL REQUIRED:

Buoys: Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. C17 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

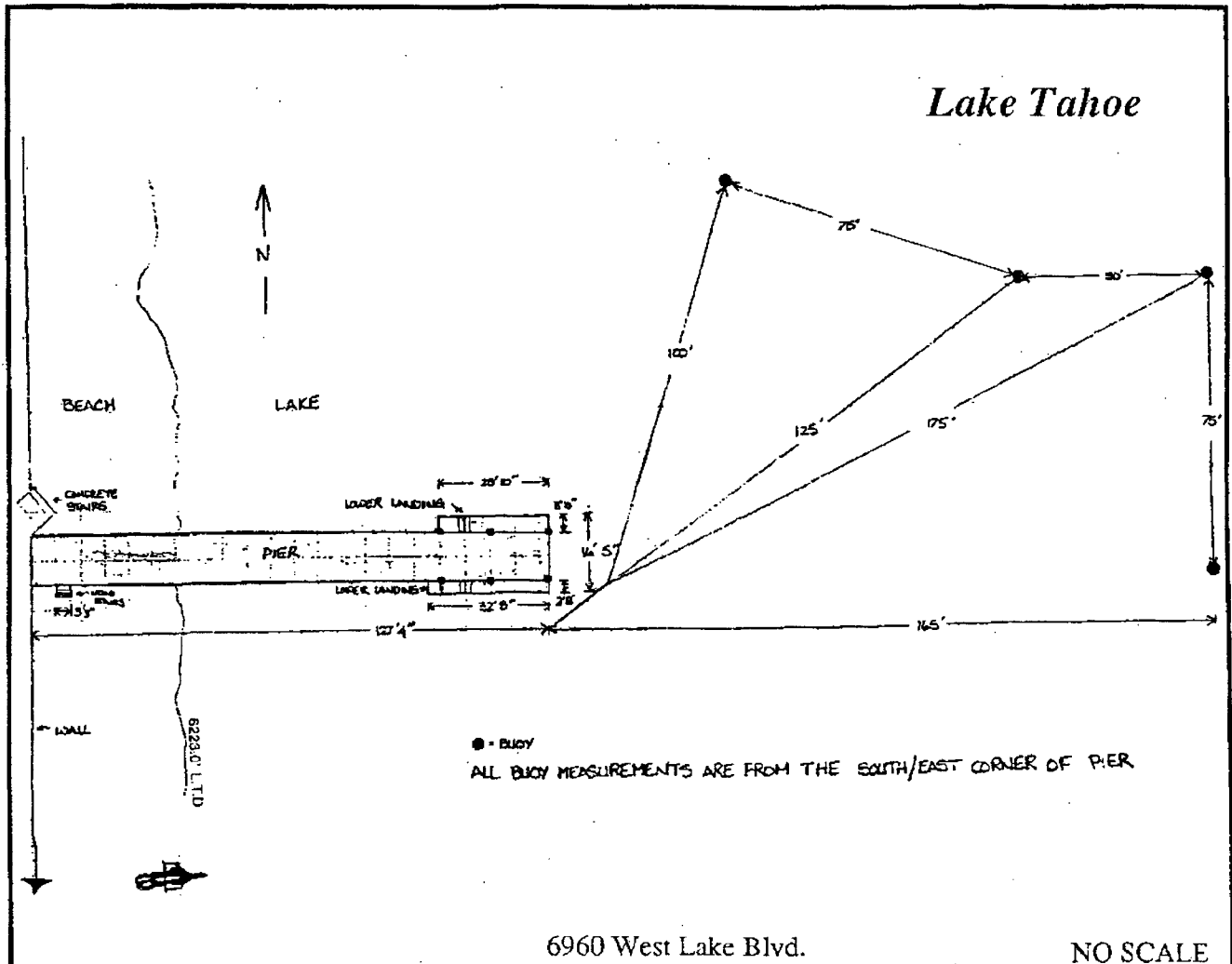
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2):

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:

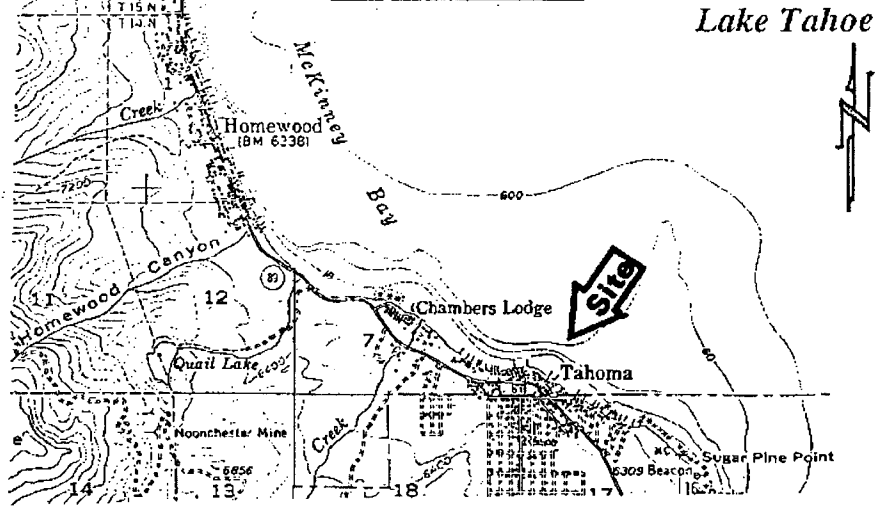
AUTHORIZE ISSUANCE TO BRUCK-MCLAIN PROPERTIES, A GENERAL PARTNERSHIP, OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING OCTOBER 29, 2005, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND FOUR MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$743, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.



6960 West Lake Blvd.

NO SCALE

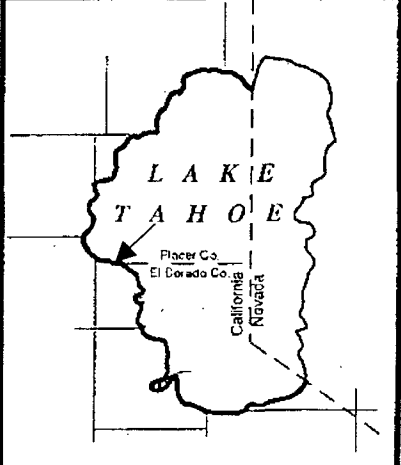
LOCATION MAP



NO SCALE

This Exhibit is solely for purposes of generally defining the lease premises, 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.

EXHIBIT "A"
 PRC 3368
 APNs 98 - 210 - 026, 027
 Lake Tahoe
 PLACER COUNTY



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