

**CALENDAR ITEM  
C37**

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08/11/09  
WP 3044.1  
B. Terry

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Chambers Landing No. II Homeowners Association  
P.O. Box 537  
Homewood, CA 96141

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Lake Tahoe, adjacent to 6400 West Lake Boulevard, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, 46 mooring buoys, two swim areas, two marker buoys, and the retention of one speed limit buoy as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning October 8, 2008.

**CONSIDERATION:**

\$15,036 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 \$3,000,000.

Other:

The use of the buoy field will be made available to all members of the Chambers Landing Homeowners Association (Association) in a fair and equitable manner. A buoy allotment program must be maintained during the lease term that will identify how the buoys will be managed, maintained and distributed for use by the Association's members.

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**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a ten year General Lease – Recreational Use with Chambers Landing Homeowners Association. That lease expired on October 7, 2008. Applicant is now applying for a new General Lease – Recreational Use.
3. The Applicant is a property owners association consisting of 43 members/lots. Of these 43 members/lots, five are not owned by natural persons and do not qualify for rent-free status pursuant to section 6503.5 of the Public Resources Code. The rent for the pier and mooring buoys has been prorated according to the number of members/lots qualifying for rent-free status. The two swim areas, two marker buoys, and one speed limit buoy are subject to full rent because they are not used for the mooring or docking of boats.
4. The mooring buoys will be installed seasonally from May 1<sup>st</sup> through October 1<sup>st</sup> and must be made available to all members of the Association in a fair and equitable manner.
5. **Existing Pier, Mooring Buoys, Swim Areas, and Marker 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 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.
6. **Retention of Speed Limit Buoy:** 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)(5).

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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.

**EXHIBITS:**

- A. Site and Location Map
- B. Land Description

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**EXISTING PIER, MOORING BUOYS, SWIM AREAS, AND MARKER 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

**RETENTION OF SPEED LIMIT BUOY:** 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)(5).

**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 OF A GENERAL LEASE – RECREATIONAL USE TO CHAMBERS LANDING NO. II HOMEOWNERS ASSOCIATION, BEGINNING OCTOBER 8, 2008, FOR A TERM OF TEN YEARS, FOR

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AN EXISTING PIER, 46 MOORING BUOYS, TWO SWIM AREAS, TWO MARKER BUOYS, AND RETENTION OF ONE SPEED LIMIT BUOY AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$15,036, 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 \$3,000,000.