

**CALENDAR ITEM
C27**

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12/17/09
WP 4053.1
Terry, B.

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

McKinney Shores Property Owners Association
P.O. Box 418
Homewood, CA 94141-0418

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, adjacent to Assessor's Parcel Numbers 097-191-001, 098-021-001, and 098-041-006, Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing piers, 65 mooring buoys, and one swim float and the retention of one additional existing mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 22, 2008.

CONSIDERATION:

Two piers and 66 mooring buoys - \$1,618 per year; prorated pursuant to Public Resource Code section 6503.5; and

Swim Float - \$340 per year;

Total annual rent - \$1,958, 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 of no less than \$3,000,000.

Other:

Buoy Allotment Program: The use of the buoy field will be made available to all members of the McKinney Shores Property Owners Association

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(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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On April 13, 1999, the Commission authorized a ten year General Lease – Recreational Use with McKinney Shores Property Owners Association. That lease expired on November 21, 2008. The Applicant is now applying for a new General Lease – Recreational Use.
3. The Applicant is a property owners association consisting of 78 members. Of these 78 members, five do not qualify for rent-free status pursuant to section 6503.5 of the Public Resources Code. The rent for the two piers and mooring buoys has been prorated according to the number of members that qualify for rent-free status. The swim float is subject to full rent because it is not used for the mooring or docking of boats.
4. One mooring buoy has not been previously authorized by the Commission; however, it has existed for many years and was permitted by the Tahoe Regional Planning Agency, in 1981.
5. **Existing Two Piers, 65 Mooring Buoys and One Swim Float:** 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 One Additional Existing Mooring 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)(3).

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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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXISTING TWO PIERS, 65 MOORING BUOYS, AND ONE SWIM FLOAT: 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 ONE EXISTING MOORING 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)(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.

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AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO MCKINNEY SHORES PROPERTY OWNERS ASSOCIATION, BEGINNING NOVEMBER 22, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF TWO EXISTING PIERS, 65 MOORING BUOYS, AND ONE SWIM FLOAT AND THE RETENTION OF ONE ADDITIONAL MOORING BUOY AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE TWO PIERS AND 66 MOORING BUOYS: ANNUAL RENT IN THE AMOUNT OF \$1,618, PRORATED PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE SWIM FLOAT: ANNUAL RENT IN THE AMOUNT OF \$340, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY FOR ALL FACILITIES DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$3,000,000.