

**STAFF REPORT
C21**

A 1
S 1

12/03/18
PRC 4967.1
S. Avila

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Ridgewood Pier Owners Association

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4520 North Lake Boulevard, near Carnelian Bay, Placer County

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 15 mooring buoys, and one swim float.

LEASE TERM:

10 years beginning September 29, 2018.

CONSIDERATION:

\$6,593 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$2,000,000 per occurrence.
- If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoys within 2 years after the certification of a Final Environmental Impact Statement for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they may be required to remove the buoys.
- Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

STAFF REPORT NO. C21 (CONT'D)

- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public uses of access, navigation, fishing and lake-related recreational uses.
- The lease contains provisions stating that the use of the buoy field will be made available to all members of the Ridgewood Pier Owners 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.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On October 22, 2009, the Commission authorized a 10-year General Lease – Recreational Use, Lease No. PRC 4967.1, to the Ridgewood Property Owners Association for an existing pier, 15 mooring buoys, and one swim float. ([Item C48, October 22, 2009](#)). That lease expired on September 28, 2018. On July 20, 2015, the name of the association was changed to the Ridgewood Pier Owners Association. The Applicant is applying for a General Lease – Recreational Use, for continued use and maintenance of the existing pier, 15 mooring buoys, and one swim float.

The Applicant owns the uplands adjoining the lease premises. The subject facilities are privately owned and maintained. The pier and 15 mooring buoys are used for the docking and mooring of boats and facilitate recreational boating, and the swim float facilitates recreational swimming. Recreational boating and swimming are water-dependent uses that are generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

All the improvements have been in Lake Tahoe for many years at this location. The pier is built on pilings with the immediate area of the pier being gently sloped with a pebbly shoreline. The topography and the location of upland structures provide access for the pier and allow the public to navigate under the pier within the Public Trust easement. The 15

STAFF REPORT NO. C21 (CONT'D)

buoys and swim float are located directly lakeward of the upland property and occupy a relatively small area of the lake.

The lease includes certain provisions protecting the public use of the proposed lease area, including a lease term limited to 10 years, a non-exclusive use provision, and a reservation to the people of the State of an easement for access to and across the lease area. The proposed facilities will not significantly alter the land, alienate the State's fee simple interest, or permanently impair public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition.

The lease requires the lessee to insure the lease premises and to indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. For all the reasons above, staff believes the issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to land along the State's inland and coastal waterways.
2. On October 24, 2018, the Tahoe Regional Planning Agency's Governing Board certified a new Final Environmental Impact Report and adopted Lake Tahoe Shorezone Ordinance Amendments. These Amendments are anticipated to take effect on December 23, 2018.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

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

STAFF REPORT NO. **C21** (CONT'D)

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities, California Code of Regulations, title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to the Applicant beginning September 29, 2018, for a term of 10 years, for the continued use and maintenance of an existing pier, 15 mooring buoys, and one swim float, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$6,593, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$2,000,000 per occurrence.

EXHIBIT A

PRC 4967.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 fractional Section 21, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, two (2) catwalks lying adjacent to that parcel as described in that Quit Claim Deed recorded July 9, 1964 in Volume 1024, Page 193 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2 – SWIM PLATFORM

One parcel of land, being 8 feet by 12 feet in area, underlying an existing swim platform lying adjacent to said parcel.

PARCEL 3 – BUOY FIELD (15 BUOYS)

Fifteen (15) circular parcels of land, being 50 feet in diameter, underlying fifteen (15) existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared May 26, 2014 by the California State Lands Commission Boundary Unit.





APN 091-165-005

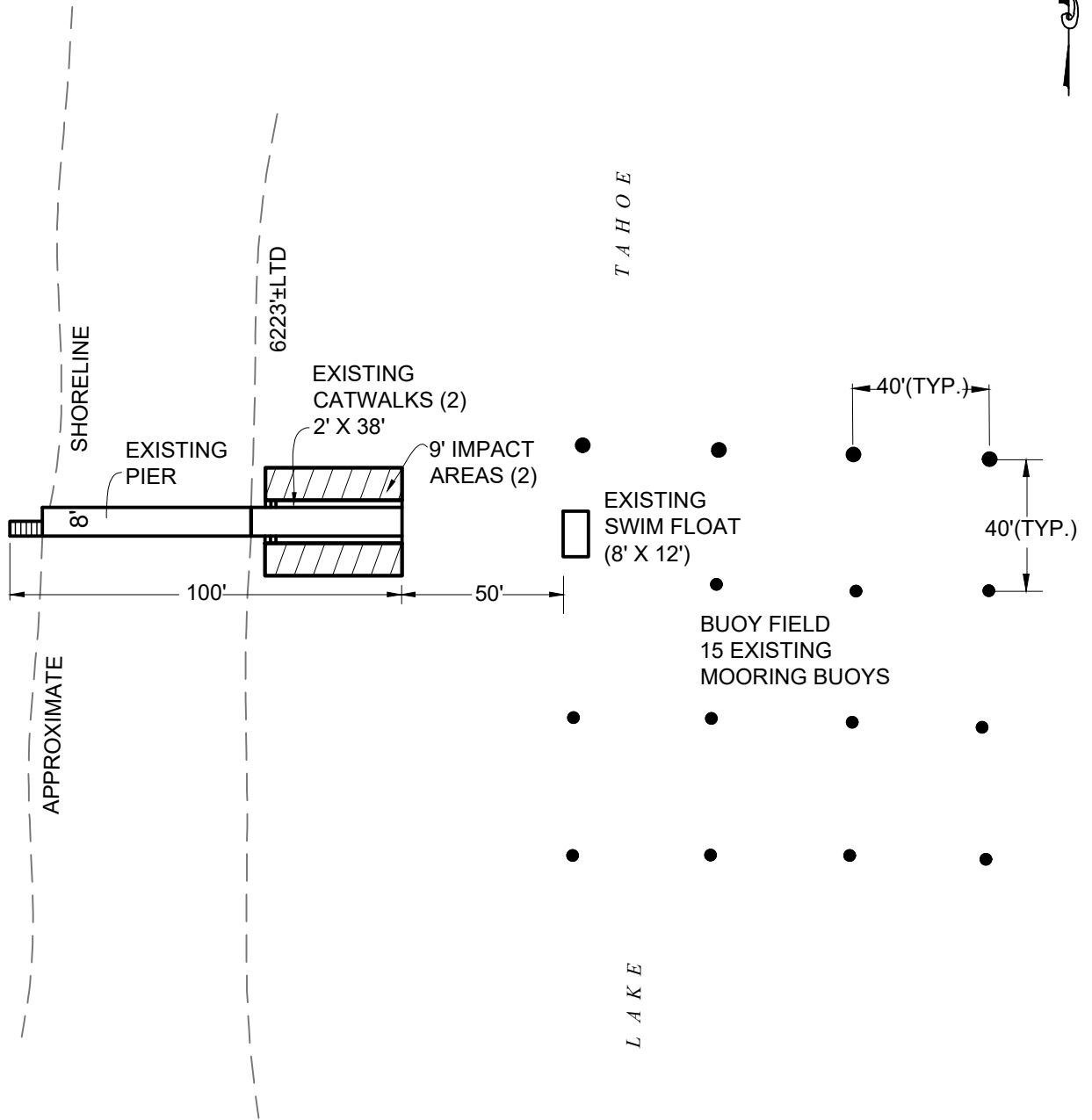


EXHIBIT A

Page 2 of 2

MJJ 07/30/2018

LAND DESCRIPTION PLAT
 PRC 4967.1, RIDGEWOOD PIER OWNERS ASSOC.
 PLACER COUNTY

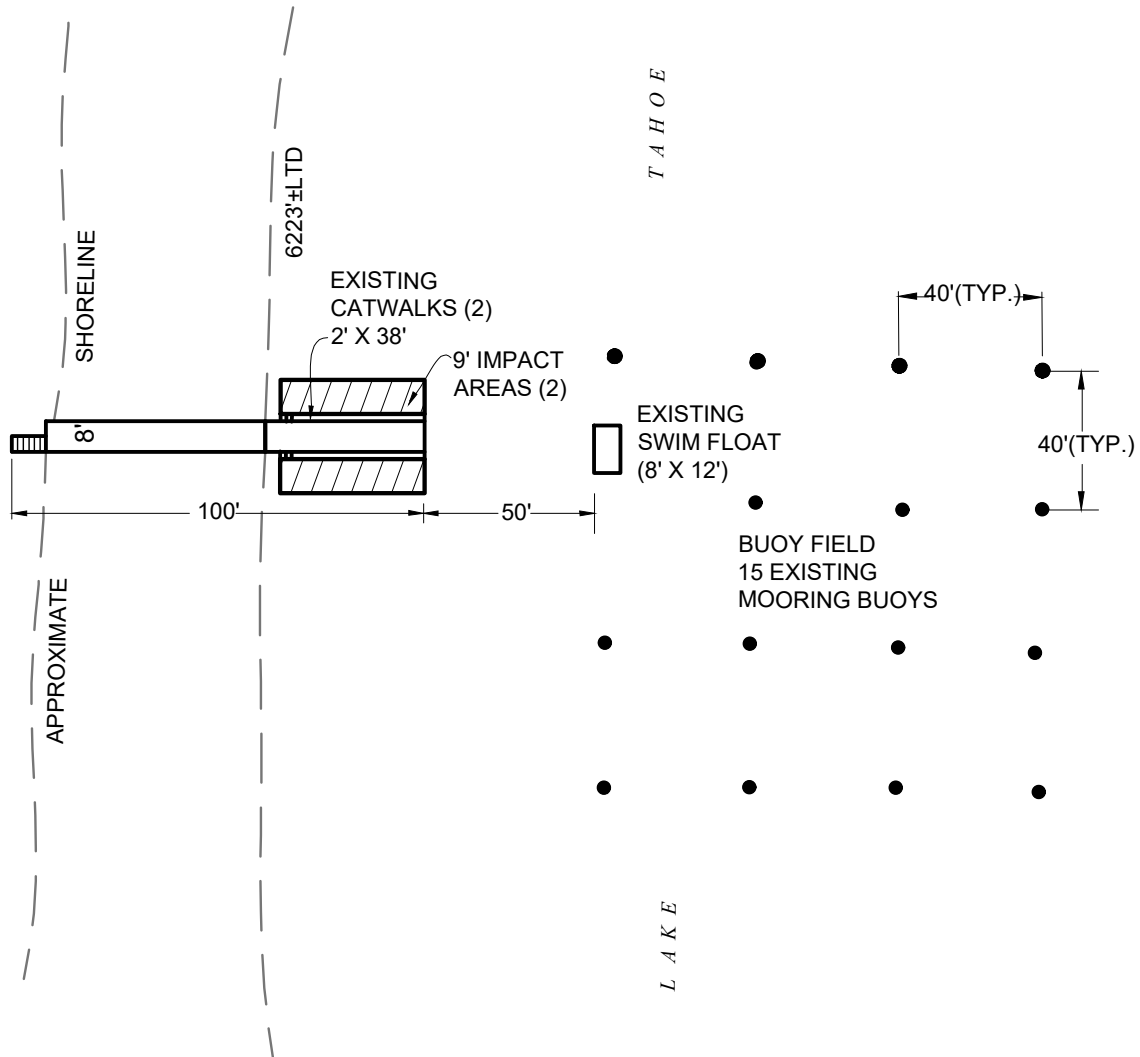
CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

APN 091-165-005



4520 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

LOCATION

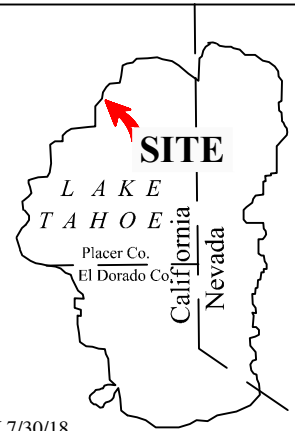


MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 4967.1
 RIDGEWOOD PIER
 OWNERS ASSOCIATION
 APN 091-165-005
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 7/30/18