

**CALENDAR ITEM
C64**

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12/02/13
PRC 3955.1
B. Terry

**TERMINATION AND REISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEE/APPLICANT:

Rocky Ridge Properties Owners Association
180 Sierra Vista Road
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 180 Sierra Vista Road, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 19 mooring buoys, and two marker buoys previously authorized by the Commission and the use and maintenance of 12 existing mooring buoys and a boat hoist not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 23, 2013.

CONSIDERATION:

\$14,598 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 an amount no less than \$2,000,000 per occurrence.

Other:

1. The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of a Final environmental Impact Statement (FEIS) for the Lake Tahoe shorezone Ordinance Amendments and approval of the amended

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ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

2. Lessee expressly acknowledges and agrees that issuance of a Lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.
3. Buoy Allotment Program: The use of the buoy field will be made available to all members of the Rocky Ridge Properties Owners 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 upland adjoining the lease premises.
2. On December 14, 2006, the Commission approved a 10-year General Lease – Recreational Use with the Rocky Ridge Properties Owners Association covering a pier, swim float, 19 mooring buoys, and two marker buoys. That Lease will expire on August 20, 2016. Since the issuance of that lease, the swim float and anchor were removed. The Applicant is applying for termination of its existing lease and issuance of a General Lease – Recreational Use for the continued use and maintenance of the previously authorized pier, 19 mooring buoys, and two marker buoys and the use and maintenance of 12 additional existing mooring buoys and a boat hoist.
3. The additional 12 mooring buoys and boat hoist have been in Lake Tahoe for many years but have not been previously authorized by the Commission. Staff recommends including the additional mooring buoys and boat hoist as Authorized Improvements, subject to the Applicant obtaining TRPA permit authorization for the 31 mooring buoys.

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4. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

5. **Issuance of a New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C64** (CONT'D)

Issuance of a New Lease: 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).

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 section 6370 et seq.

AUTHORIZATION:

1. Authorize termination effective August 22, 2013, of Lease No. PRC 3955.1, a General Lease – Recreational Use, issued to Rocky Ridge Properties Owners Association.

2. Authorize issuance of a General Lease – Recreational Use to Rocky Ridge Properties Owners Association beginning August 23, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, 19 mooring buoys, and two marker buoys previously authorized by the Commission and use and maintenance of 12 existing mooring buoys and a boat hoist not previously authorized by the Commission 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 \$14,598 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$2,000,000 per occurrence.

EXHIBIT A

PRC 3955.1

LAND DESCRIPTION

Thirty four (34) parcels of submerged lands, situate in the bed of Lake Tahoe, lying adjacent to fractional Section 5, Township 15 North, Range 17 East, MDM, as shown on the Official Township Plat, approved November 9th, 1866, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER, CATWALKS & BOAT HOIST

All those lands underlying an existing pier, two catwalks and boat hoist adjacent to "Parcel One" as described in Exhibit A of that Corporation Grant Deed recorded February 13th, 1980 in Volume 2225 Page 156 in Official Records of said County.

TOGETHER WITH a ten (10) foot impact area.

EXCEPTING THEREFROM any portion lying landward of the elevation of 6223 feet LTD along the shoreline of Lake Tahoe.

PARCELS 2 thru 32 – MOORING BUOYS

Thirty one (31) circular parcels of land, being 50 feet in diameter, underlying existing buoys, adjacent to "Parcel One" as described in Exhibit A of that Corporation Grant Deed recorded February 13th, 1980 in Volume 2225 Page 156 in Official Records of said County.

PARCELS 33 & 34 – MARKER BOUYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying existing buoys, adjacent to "Parcel One" as described in Exhibit A of that Corporation Grant Deed recorded February 13th, 1980 in Volume 2225 Page 156 in Official Records of said County.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

PREPARED 7/10/13 BY THE
CALIFORNIA STATE LANDS COMMISSION
BOUNDARY UNIT



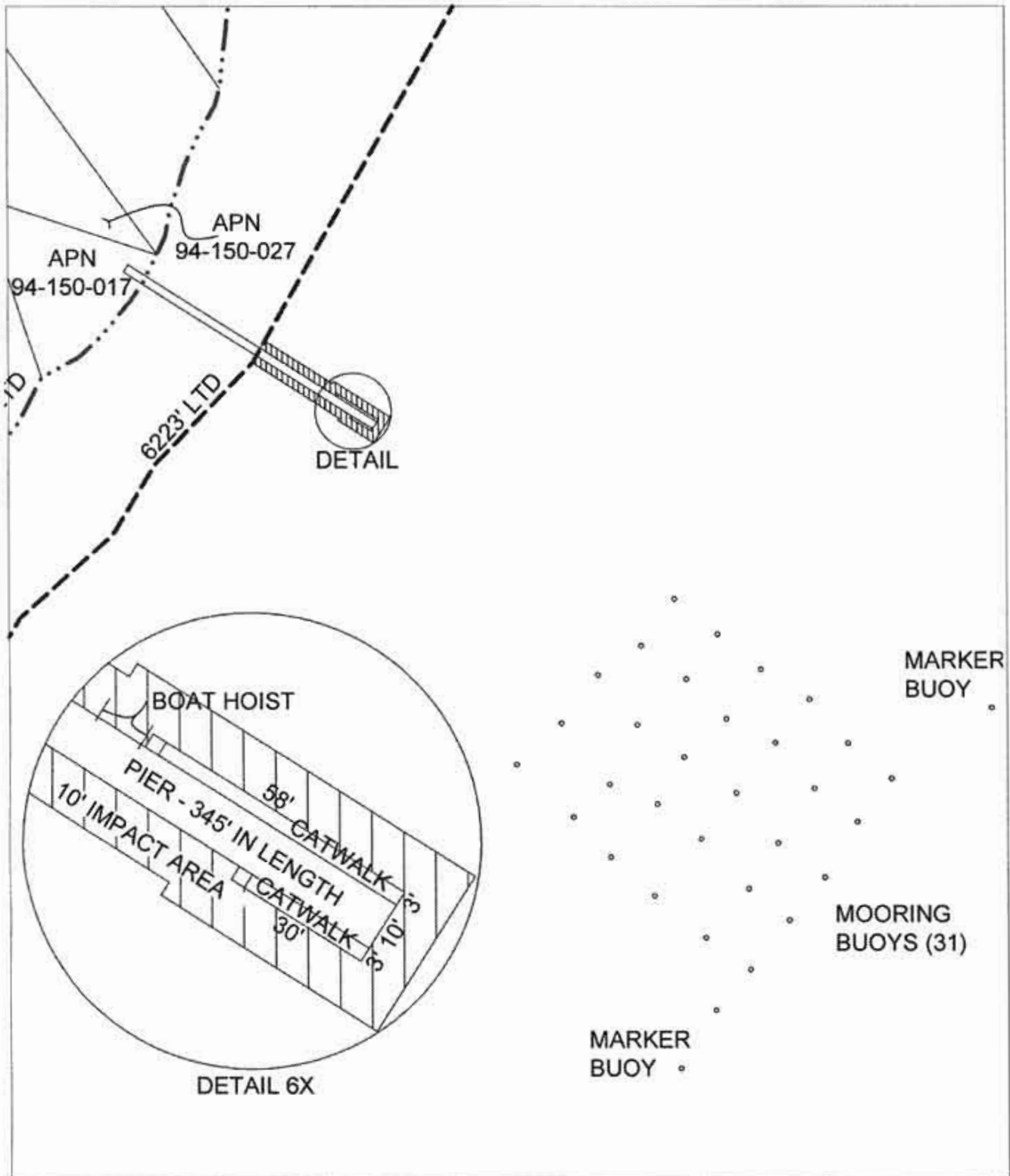


EXHIBIT A

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Date 7/10/13

LAND DESCRIPTION PLAT
 PRC 3955.1, ROCKY RIDGE POA
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



