MINUTE ITEM

This Calendar Item No. C43 was approved as Minute Item No. 43 by the California State Lands Commission by a vote of 2 to 0 at its 06/07/04 meeting.

CALENDAR ITEM
C43

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06/07/04
PRC 7743 WP 7743.1
B. Young

TERMINATION OF GENERAL LEASE - RECREATIONAL USE AND ISSUANCE OF NEW GENERAL LEASE - RECREATIONAL USE

LESSEE:

San Marco Properties
1 Gardiner Court
Orinda, CA 94563

APPLICANT:

Lake Canyon Limited Partnership
769 Monterey Blvd.
San Francisco, CA 94127

AREA, LAND TYPE, AND LOCATION:

0.12 acres, more or less, of sovereign lands in Lake Tahoe, Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of four existing mooring buoys on two contiguous littoral parcels as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 15, 2004.

CONSIDERATION:

$372 per annum; 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:

Combined single limit coverage of $1,000,000.

Other:

This lease is conditioned on Applicant's 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 April 13, 1999, the Commission authorized a General Lease - Recreational Use to the Lessee for four existing mooring buoys. That lease will expire on October 14, 2008. Lessee changed the name to Lake Canyon Limited Partnership and expanded the partnership and is now applying for a new lease. Applicant is the littoral owner; however, Applicant does not qualify for a rent-free lease pursuant to the Public Resources Code section 6503.5 because the Applicant is not a natural person.

2. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

3. **Issuance of New Lease:** 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.

4. 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.

APPROVALS REQUIRED:
Tahoe Regional Planning Agency

EXHIBIT:
A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:
N/A

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060 (c)(3) AND 15378.

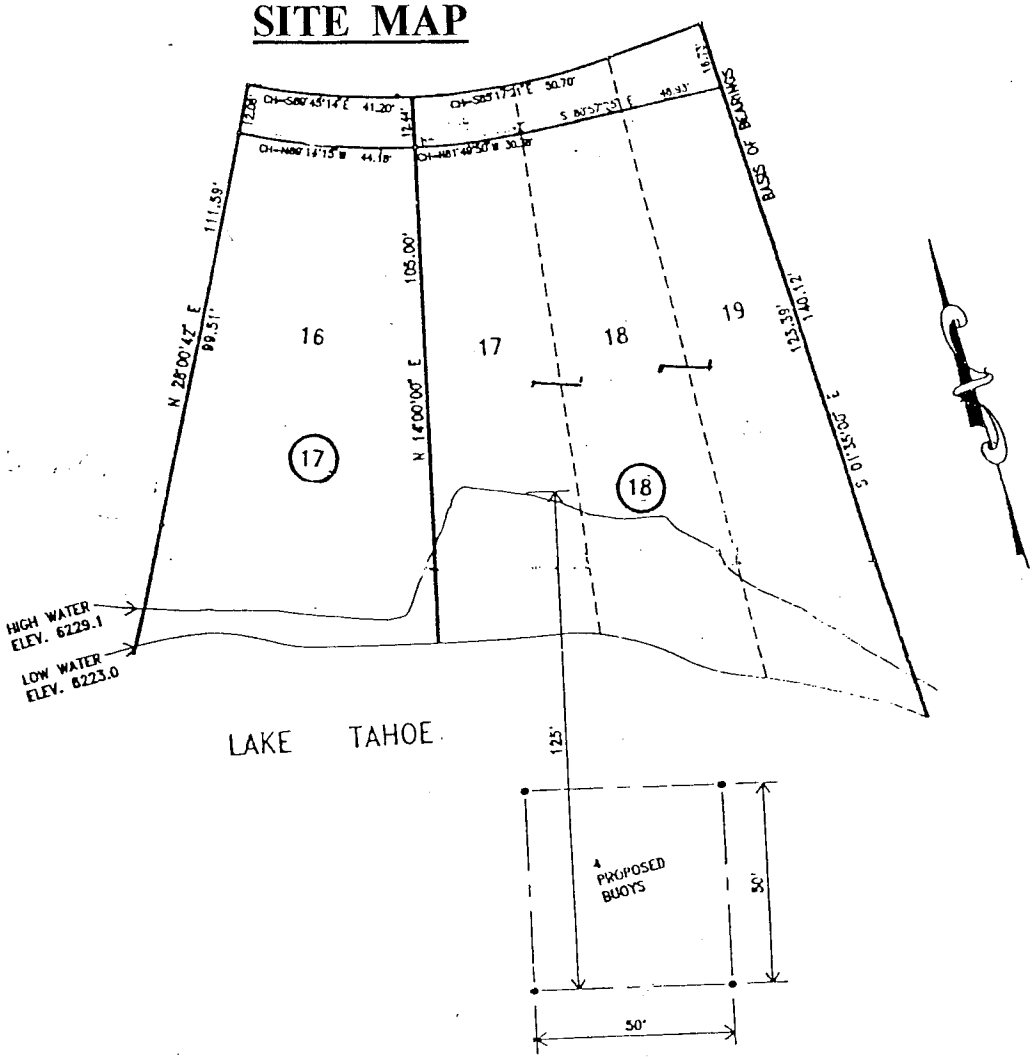
ISSUANCE OF NEW LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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 THE TERMINATION OF GENERAL LEASE - RECREATIONAL USE ISSUED TO SAN MARCO PROPERTIES, AND APPROVED BY THE COMMISSION ON APRIL 13, 1999.

AUTHORIZE ISSUANCE TO LAKE CANYON LIMITED PARTNERSHIP, OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING OCTOBER 15, 2004, FOR THE CONTINUED USE AND MAINTENANCE OF FOUR EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING $372 PER ANNUM; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COMBINED SINGLE LIMIT COVERAGE OF $1,000,000.

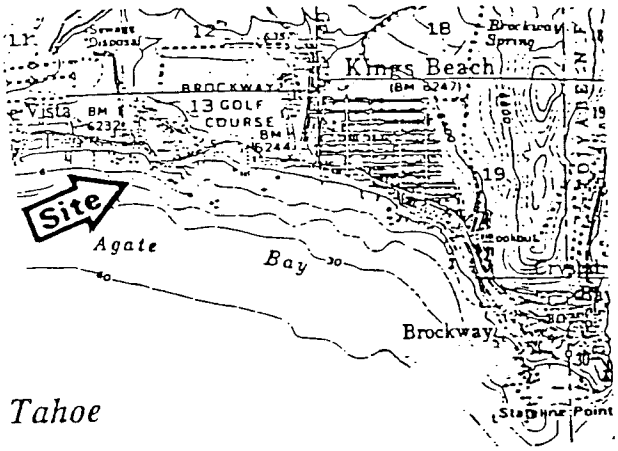
SITE MAP



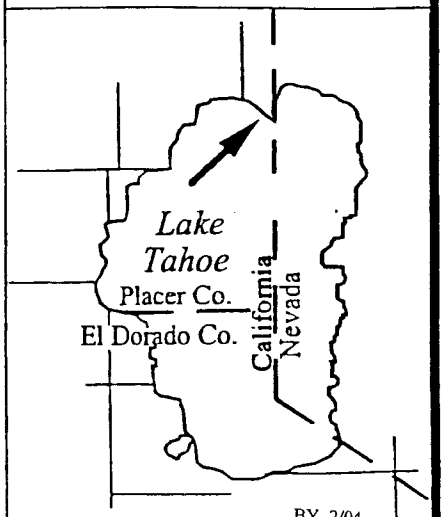
7252 & 7260 North Lake Blvd.

NO SCALE

LOCATION MAP



SECTION 3
PRC 7743.1
APN 117-110-017 & 018
Lake Tahoe
PLACER COUNTY



This exhibit is solely for the purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, or construed as a waiver or limitation of any state interest in the subject or any other property.

BY 2/04