

This Calendar Item No. C17 was approved as Minute Item No. 17 by the California State Lands Commission by a vote of 3 to 0 at its 4-26-05 meeting.

**CALENDAR ITEM
C17**

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04/26/05
PRC 7354 WP 7354.1
R. Barham

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Moana Beach Property Owners Association, Inc.
Attn: Carol Mollertt, President

AREA, LAND TYPE, AND LOCATION:

0.07 acres, more or less, of sovereign lands in Lake Tahoe, at Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning October 26, 2004.

CONSIDERATION:

\$50 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 with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On May 12, 1997, the Commission authorized a General Lease – Recreational Use to Moana Beach Property Owners Association, Inc. That lease expired on October 25, 2004. Applicant is now applying for a new General Lease-Recreational Use. Applicant does not qualify for a rent-free Recreational Pier Lease because a portion of the association

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members are non-natural persons.

3. The proposed annual rental for this lease has been prorated based on the number of lots/members qualifying for "rent-free" status. 94% of the parcels are owned by natural persons and qualify for the rent-free status while the remaining six % do not qualify for the "rent-free" status under section 6503.5 of the Public Resources Code.
4. 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.

5. 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

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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

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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 ISSUANCE TO MOANA BEACH PROPERTY OWNERS
ASSOCIATION, INC. OF A TEN-YEAR GENERAL LEASE –
RECREATIONAL USE, BEGINNING OCTOBER 26, 2004, FOR THE
CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER ON
THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS
REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE
AMOUNT OF \$50, 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 \$1,000,000.

