

**CALENDAR ITEM
C34**

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S 1

02/05/07
WP 5449.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Tahoe Swiss Village Homeowners Association
P.O. Box 326
Homewood, CA 96141

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, pier/sundeck, 31 mooring buoys, two marker buoys and the retention of 39 existing mooring buoys as shown on Exhibit A.

LEASE TERM:

Ten years, beginning October 14, 2005.

CONSIDERATION:

\$534 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:

Liability insurance in the amount of no less than \$1,000,000.

Other:

This lease contains a provision which requires the Applicant to obtain authorization from the Tahoe Regional Planning Agency for the 39 mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the upland property adjacent to the lease premises.
2. On August 21, 1996, the Commission authorized a General Lease – Recreational Use with the Tahoe Swiss Village Homeowners Association. That lease expired on October 13, 2005. The Applicant is now applying for a new General Lease - Recreational Use.
3. The Applicant is a homeowners association consisting of 80 member lots and related recreation facilities, which include a previously authorized multiple use pier, pier/sundeck, two marker buoys, 31 mooring buoys and 39 unauthorized mooring buoys for use by the members and guests. Because the membership currently includes six percent of non-natural persons, it does not fully meet the qualifications of Public Resource Code section 6503.5 for a rent-free lease. Therefore, the annual rent is prorated accordingly for the multiple use pier and 70 mooring buoys. The marker buoys and the pier/sundeck do not qualify for rent free status and are subject to full rent.
4. The Applicant maintains a buoy allotment program which identifies how the buoys will be managed, maintained and distributed for use by homeowner association members in a fair and equitable manner.
5. **Existing Pier, Pier/Sundeck, 31 Mooring Buoys and Two Marker Buoys:** 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. **Additional 39 Mooring Buoys:** 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

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project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

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.

APPROVALS OBTAINED:

Pier, Pier/Sundeck, 31 Mooring Buoys and Two Marker Buoys:
Tahoe Regional Planning Association
U.S. Army Corps of Engineers

APPROVALS REQUIRED:

39 Mooring Buoys:
Tahoe Regional Planning Agency
U.S. Army Corps of Engineers

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXISTING PIER, PIER/SUNDECK, 31 MOORING BUOYS AND TWO MARKER BUOYS: 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).

ADDITIONAL 39 MOORING BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO

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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.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO TAHOE SWISS VILLAGE HOMEOWNERS ASSOCIATION OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING OCTOBER 14, 2005, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, PIER/SUNDECK, 31 MOORING BUOYS, TWO MARKER BUOYS AND THE RETENTION OF 39 MOORING BUOYS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$534 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.