

**CALENDAR ITEM
C32**

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02/08/11
WP 3044.1
B. Terry

AMENDMENT OF LEASE

APPLICANT/LESSEE:

Chambers Landing No. II Homeowners Association
P.O. Box 537
Homewood, CA 96141

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6400 and 6500 West Lake Boulevard,
near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 46 mooring buoys, two swim
areas, two marker buoys, and one speed limit buoy.

LEASE TERM:

10 years, beginning October 8, 2008.

CONSIDERATION:

\$15,036 per year; with the State reserving the right to fix a different rent
periodically during the lease term as provided in the Lease.

PROPOSED AMENDMENT:

Amend the Lease to:

1. Include in the Authorized Improvements the retention of two
existing swim floats;
2. Revise the annual rent from \$15,036 to \$18,448, effective
October 8, 2010;
3. Replace Section 3 (Land Description) of the lease with the attached
Exhibit B; and
4. Replace Exhibit A (Site and Location Map) of the lease with the
attached Exhibit A.

All other terms and conditions of the lease shall remain in effect without
amendment.

CALENDAR ITEM NO. **C32** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On August 11, 2009, the Commission approved a 10-year General Lease – Recreational Use with Chambers Landing No. II Homeowners Association (Association), for the continued use and maintenance of an existing pier, 46 mooring buoys, two swim areas, and two marker buoys, and the retention of one speed limit buoy. That lease will expire October 7, 2018.
3. In mid 2010, the Association had a survey of the lease lands and the location of their facilities. After staff's review of the survey, it was found that the pier occupies a larger area of State sovereign land and the size and location of the two swim areas were different configurations and located more waterward than what was previously approved by the Commission. The Lessee is now applying to amend its lease to correct the size and locations of its facilities and to retain two existing swim floats located inside the larger swim area.
4. Based on the amended lease area, staff recommends amending the lease to correct the size and location of the Lease Premises. As a result, the annual rent has been increased to \$18,488, effective October 8, 2011.
5. **Amendment of 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 this activity is not subject to the provisions of CEQA because it is not a "project" as defined by 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.

6. **Retention of Two Swim Floats:** 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 this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(4).

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

CALENDAR ITEM NO. **C32** (CONT'D)

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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

Retention of Two Swim Floats: Find that the activity is exempt from the requirements of CEQA pursuant to 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)(4).

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 Amendment of Lease No. PRC 3044.1, a General Lease - Recreational Use, effective October 8, 2010, to retain two existing swim floats; revise the annual rent from \$15,036 to \$18,448; to replace Section 3 (Land Description) with the attached Exhibit B; and replace Exhibit A (Site and Location Map) with the attached Exhibit A; all other terms and conditions of the lease will remain in effect without amendment.