

**CALENDAR ITEM
C28**

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08/15/14
PRC 4924.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Patrick W. Higgins and Leah E.C. Higgins; and McKinney Shores, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 6160 West Lake Boulevard (Assessor's Parcel Number [APN] 098-031-005) and 6190 West Lake Boulevard (APN 098-031-006), near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning May 7, 2014.

CONSIDERATION:

\$1,217 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. The proposed lease contains a provision requiring the Applicants 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 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

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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 TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands, APNs 098-031-005 and 098-031-006, adjoining the lease premises
2. On April 17, 2006, the Commission authorized a 10-year Recreational Pier Lease to Kent Stephen Daft, Jeffrey M. Daft, Patrick W. Higgins, and Leah E.C. Higgins for an existing joint-use pier, boat lift, and two mooring buoys. That lease expired on May 6, 2014. Ownership of APN 098-031-006 was deeded to McKinney Shores, LLC, on October 20, 2010. The Applicants are now applying for a General Lease – Recreational Use for the continued use and maintenance of the existing joint-use pier, boat lift, and two mooring buoys.
3. Staff is recommending that the Commission accept rent in the amount of \$2,070 for the period beginning October 20, 2010, when McKinney Shores, LLC took ownership of APN 098-031-006, through May 6, 2014. McKinney Shores, LLC did not qualify for rent-free status pursuant to the definition of Public Resources Code section 6503.5 in effect at that time.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

5. 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

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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:

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 acceptance of rent in the amount of \$2,070 for the period of October 20, 2010 through May 6, 2014.
2. Authorize issuance of a General Lease – Recreational Use to Patrick W. Higgins and Leah E.C. Higgins; and McKinney Shores, LLC beginning May 7, 2014, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, boat lift, and two mooring buoys 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 \$1,217, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4924.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 fractional Section 7, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – JOINT-USE PIER

All those lands underlying an existing joint-use pier, one (1) catwalk, and one (1) boat lift lying adjacent to those parcels as described in that Grant Deed recorded January 31, 2002 in Document 2002-0011318 and Grant Deed recorded October 20, 2010 in Document 2010-0084939 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2, 3 – BUOYS (2)

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 2, 2014 by the California State Lands Commission Boundary Unit.



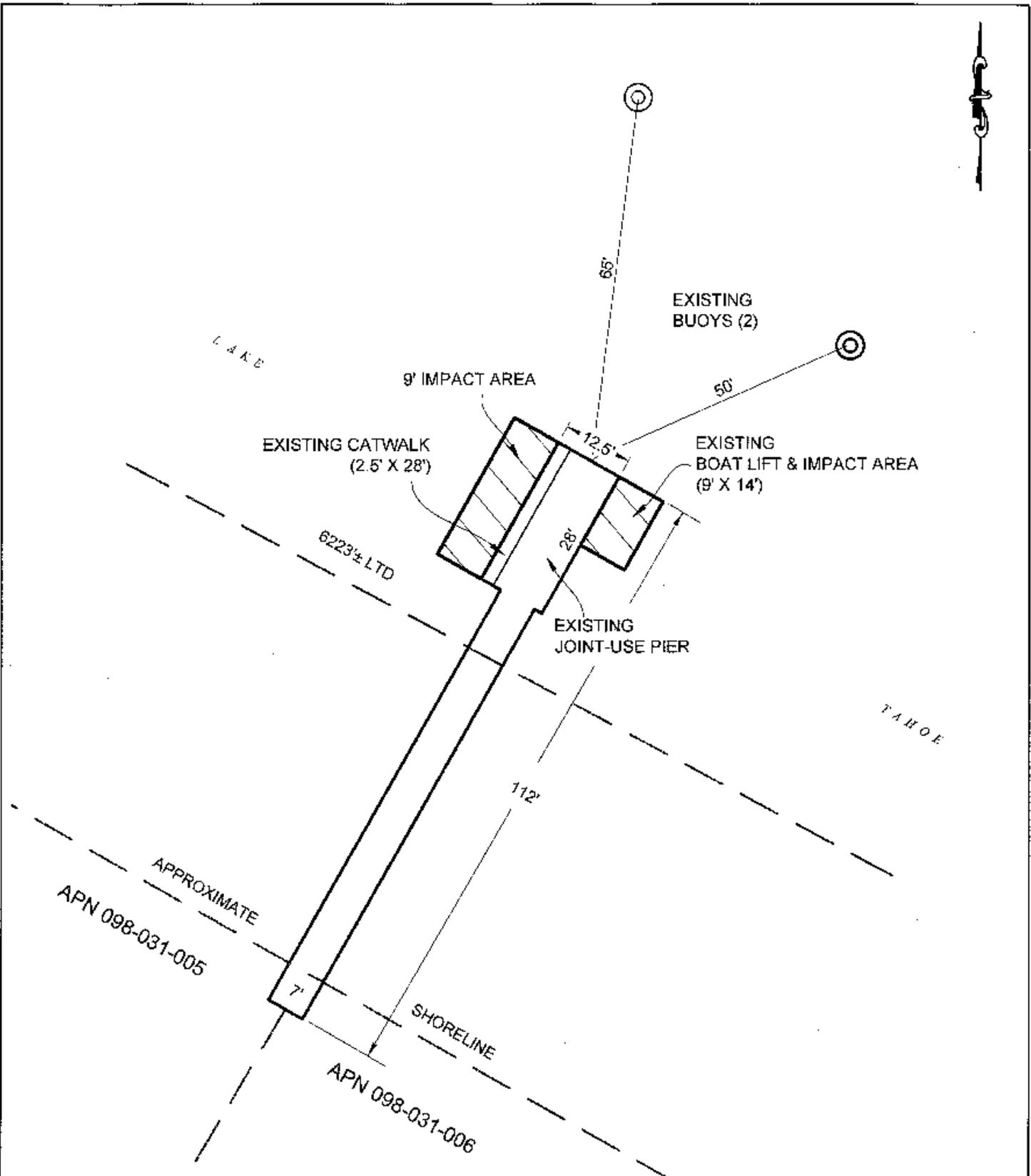


EXHIBIT A

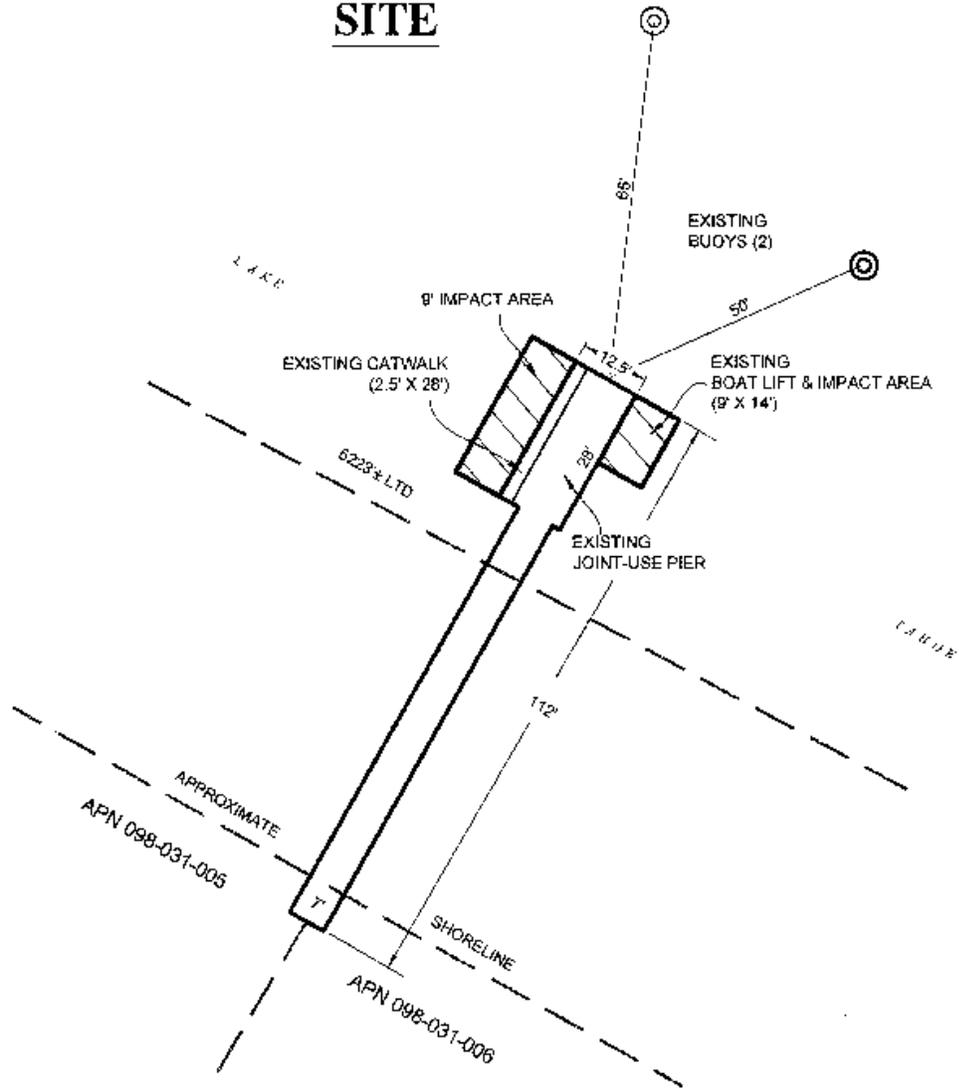
LAND DESCRIPTION PLAT
 PRC 4924.1, HIGGINS / MCKINNEY SHORES, LLC
 PLACER COUNTY

**CALIFORNIA STATE
 LANDS COMMISSION**



NO SCALE

SITE



6160 & 6190 WEST LAKE BLVD., NEAR TAHOMA

NO SCALE

LOCATION

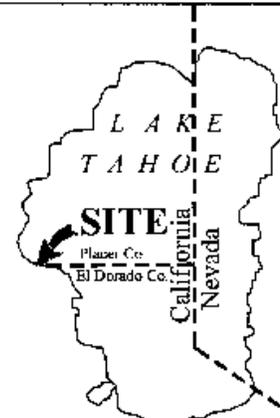


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 4924.1
 HIGGINS / MCKINNEY
 SHORES, LLC
 APN 098-031-005 & 006
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MLJ 6/06/14