

**MINUTE ITEM**

This Calendar Item No. ~~C38~~ was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 3 to ~~0~~ at its 08/21/96 meeting.

**CALENDAR ITEM**

**C38**

A 4  
S 1

08/21/96  
PRC 5449.1  
J. Ludlow

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANT:**

Tahoe Swiss Village Homeowner's Association, Inc.  
c/o Edward Kitchen  
1350 Commons Drive  
Sacramento, California 95825

**AREA, TYPE LAND AND LOCATION:**

A 1.106-acre parcel of submerged land located in the bed of Lake Tahoe at McKinney Bay near Tahoe Pines, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing homeowner's piers, the second pier utilized as a sundeck, swim area, swim float, thirty (30) mooring buoys and placement of two U.S. Coast Guard marker buoys, all utilized for non-commercial, recreational use.

**TERM OF PROPOSED LEASE:**

Ten years beginning October 14, 1995

**EXHIBITS:**

A. Site Map

**CONSIDERATION:**

\$897 per annum; with the State reserving the right to fix a different rent on the fifth anniversary of the lease.

**AB 884:**

N/A

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**CALENDAR ITEM NO. C38 (CONT'D)**

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project, Class 1, Existing Facilities, 2 Cal. Code Regs. 2905(a)(2) and class 3, Aids to Navigation, 2 cal. Code regs. 2905(c)(5).
  
2. The Applicant is a homeowner's association. The subject facilities are utilized by the association's owners and guests. Because its membership currently includes one percent (1%) of non-natural persons, the Applicant does not fully meet the criteria of section 6503.5 of the Public Resources Code for a rent-free lease for one of the piers and the buoys. Therefore, the stated rental for one pier and 30 buoys is a result of a proration to this percentage. The swim float, swim area and the second pier, which is utilized as a sundeck, do not qualify as rent free under section 6503.5 of the Public Resources Code and are subject to the full rent.
  
2. The lease area has been increased from 0.945 acres to 1.106 acres to include the swim area.
  
3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
  
4. Special conditions of the lease require that:
  - a) The lessee provide refuse containers for the disposal of vessel and pedestrian-generated trash.
  - b) The 30 mooring buoys are owned by the Association and the ownership of the buoys will remain in the Association.
  - c) The buoys are for the use of the members and guests of the Association and will not be rented out by the Association or by any member .

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- d) The Association shall provide for the use of the buoys by all members of the Association in an equitable manner.
- e) The lease is conditioned on lessee obtaining authorization from the Tahoe Regional Planning Agency for the existing buoys within two years of the effective date of the authorization of the buoys by the Commission.

**RECOMMENDED**

**ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA**

**FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS, AND CLASS 3, AIDS TO NAVIGATION, 2 CAL CODE REGS. 2905 (c)(5).

**SIGNIFICANT LANDS**

**INVENTORY FINDING:**

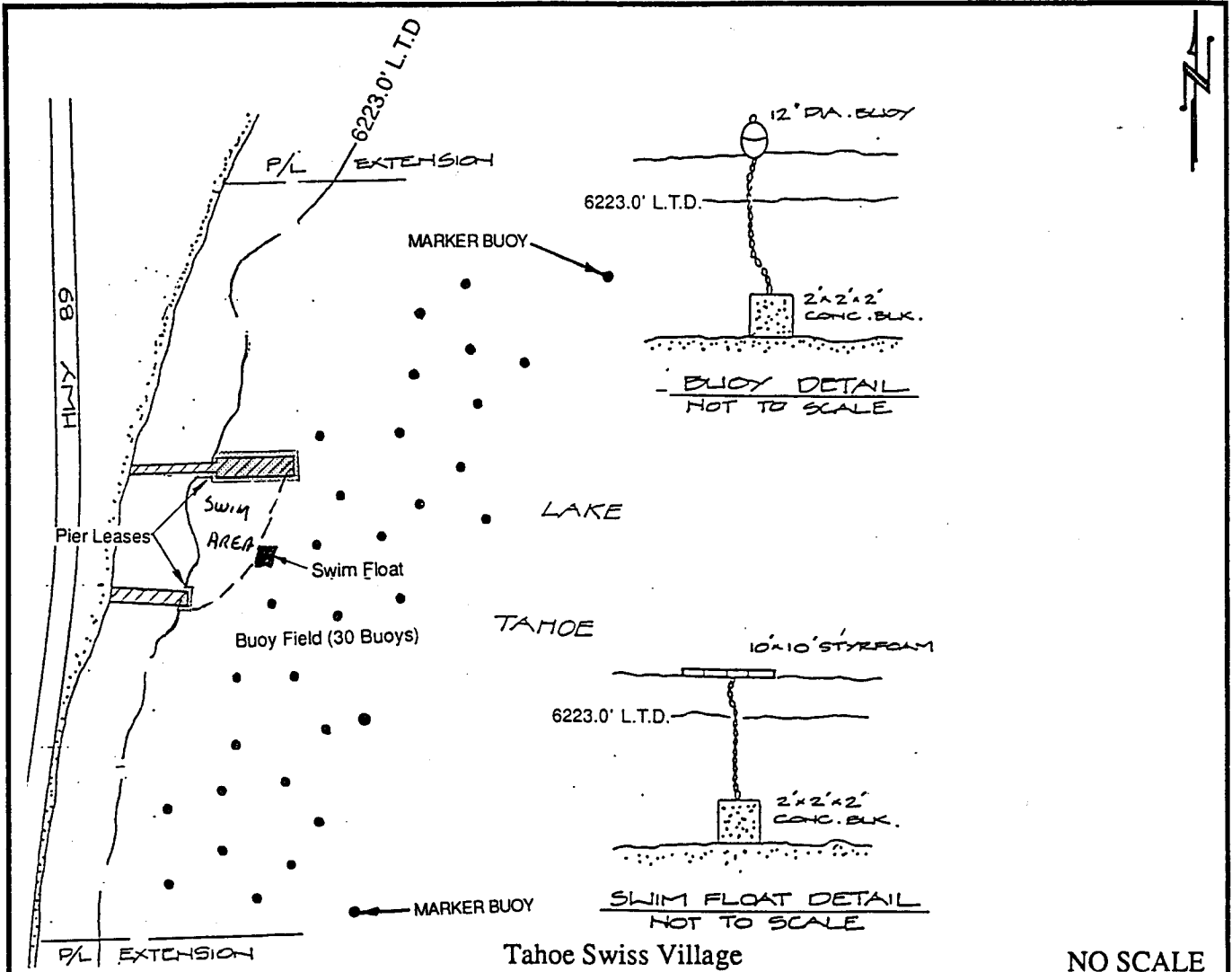
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

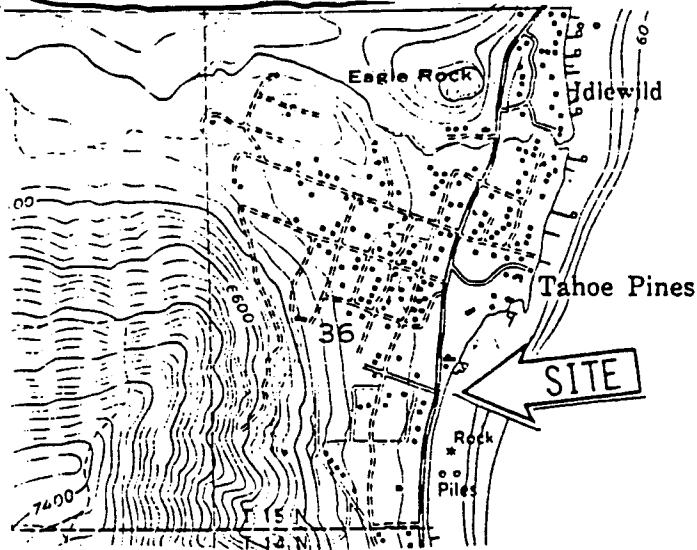
AUTHORIZE ISSUANCE TO TAHOE SWISS VILLAGE HOMEOWNERS' ASSOCIATION, INC.. OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING OCTOBER 14, 1995 ; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$897, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT ON THE FIFTH ANNIVERSARY OF THE LEASE; AND WITH THE PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000 FOR THE CONTINUED USE AND MAINTENANCE OF TWO HOMEOWNERS PIERS, SWIM AREA, SWIM FLOAT, 30 MOORING BUOYS AND PLACEMENT OF TWO U.S. COAST GUARD MARKER BUOYS TO BE UTILIZED FOR NONCOMMERCIAL RECREATIONAL BOATING AND SUNBATHING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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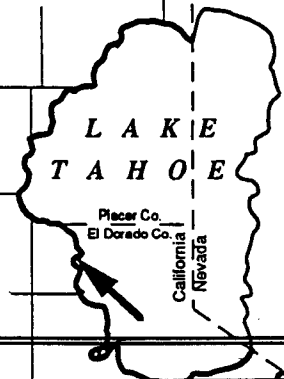
**EXHIBIT "A"**



**LOCATION MAP**



**SECTION 3**  
 PRC 5449  
 APNs 085 - 020 - 80 & 48  
 Lake Tahoe  
 PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, 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.

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CG 096