

**CALENDAR ITEM  
C22**

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S 1

01/26/12  
WP 4170.1  
N. Lee

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANT:**

2280 Sunnyside Lane, LLC

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 2280 Sunnyside Lane, near Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and one mooring buoy previously authorized by the Commission; and use and maintenance of one existing mooring buoy not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning October 27, 2011.

**CONSIDERATION:**

\$2,765 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 in the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy(s) 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

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Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On February 8, 2000, the Commission authorized a Recreational Pier Lease with Launce E. Gamble and George F. Gamble as Trustees under the Mary S. Gamble Amended Trust dated April 14, 1988. On August 18, 2000, ownership of the littoral parcel was deeded to Aileen M. Gamble, also known as Aimee Gamble, Trustee of the Aileen Mary Gamble 1983 Trust dated June 8, 1983, and James A. Gamble, as Trustee of the James A. Gamble 1981 Trust dated January 29, 1981. On February 5, 2001, the Commission authorized an assignment of the lease to the new owners. That lease expired on November 29, 2008. On July 28, 2004, ownership of the littoral parcel was deeded to 2280 Sunnyside Lane, LLC. Applicant is now applying for a new General Lease – Recreational Use.
3. Staff is recommending that the Commission accept rent in the amount of \$12,893 for the period beginning July 28, 2004, which is when the upland property was transferred to the Applicant, to October 26, 2011. The Applicant did not qualify for rent-free status pursuant to the original definition of Public Resources Code section 6503.5 in effect during this period of time.
4. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. The new section 6503.5 provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The Applicant does not qualify for rent-free status under the new law.
5. The Applicant’s two existing mooring buoys have been in Lake Tahoe for many years but one mooring buoy was not previously authorized by the Commission. Staff recommends approval of the existing pier and two mooring buoys within the lease premises.
6. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a

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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.

7. 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 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. 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 \$12,893 for the period of July 28, 2004, through October 26, 2011.
2. Authorize issuance of a General Lease – Recreational Use to 2280 Sunnyside Lane, LLC beginning October 27, 2011, for a term of 10 years, for the continued use and maintenance of an existing pier and one mooring buoy previously authorized by the Commission, and the use and maintenance of one existing mooring buoy not previously authorized by the Commission as shown on

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Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$2,765, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 4170.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1, fractional Section 19, Township 15 North Range 17 East, MDM, as shown on the Official Township Plat, approved November 9<sup>th</sup>, 1866, County of Placer, State of California, and more particularly described as follows:

**Parcel 1 – Pier**

All those lands underlying an existing pier adjacent to that parcel as described in "Exhibit A" of that Grant Deed recorded June 30, 1988 in Book 3428, Page 639 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the elevation of 6223 feet LTD along the shoreline of Lake Tahoe.

TOGETHER WITH a ten (10) foot use area.

**Parcels 2 & 3 – Buoys**

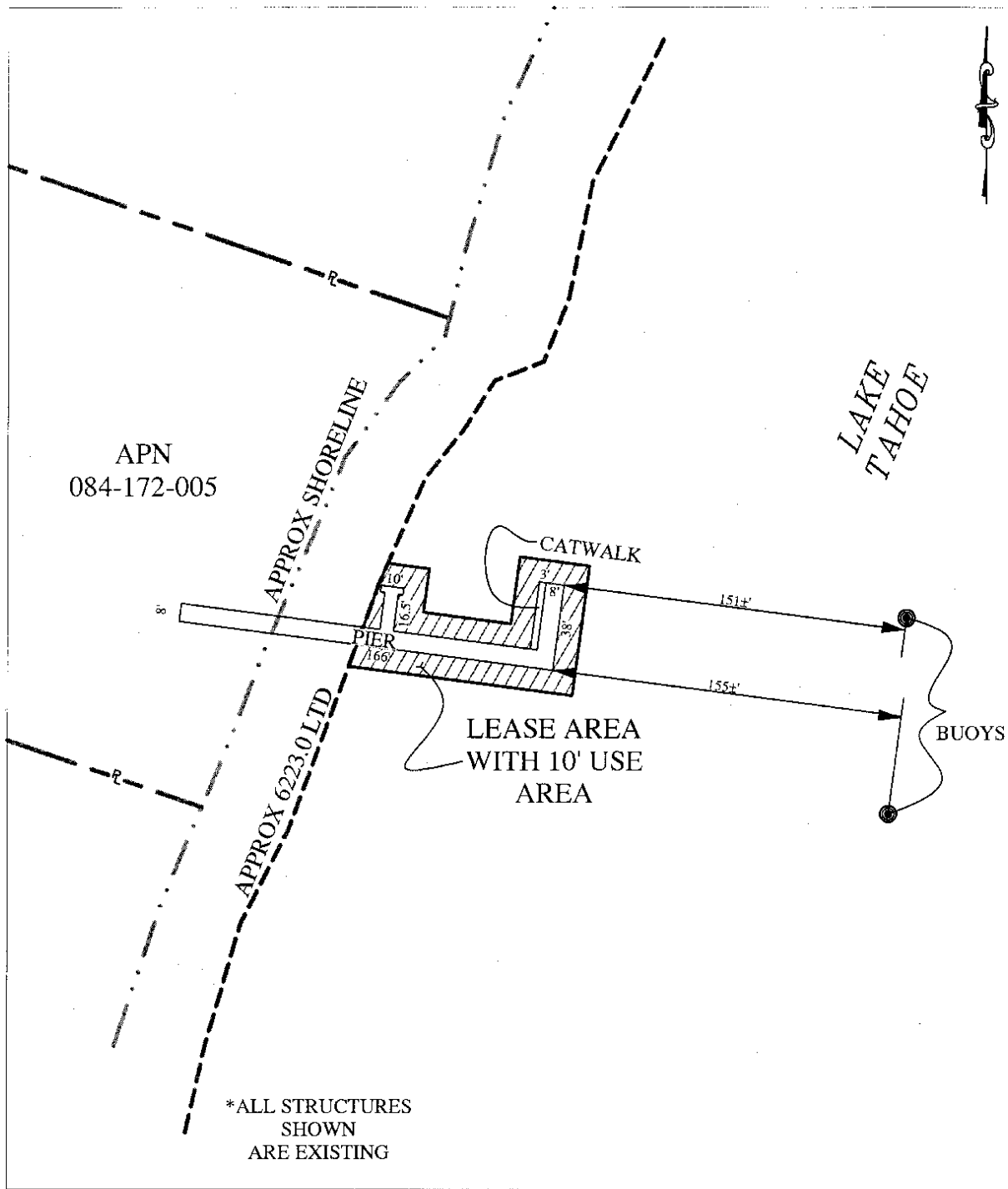
Two (2) circular parcels of land, being 50 feet in diameter, underlying existing buoys adjacent to that parcel as described in "Exhibit A" of that Grant Deed recorded June 30, 1988 in Book 3428, Page 639 in Official Records of said County.

Accompanying plat is hereby made a part of this description

**END OF DESCRIPTION**

PREPARED BY 1/4/12 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





**EXHIBIT A**

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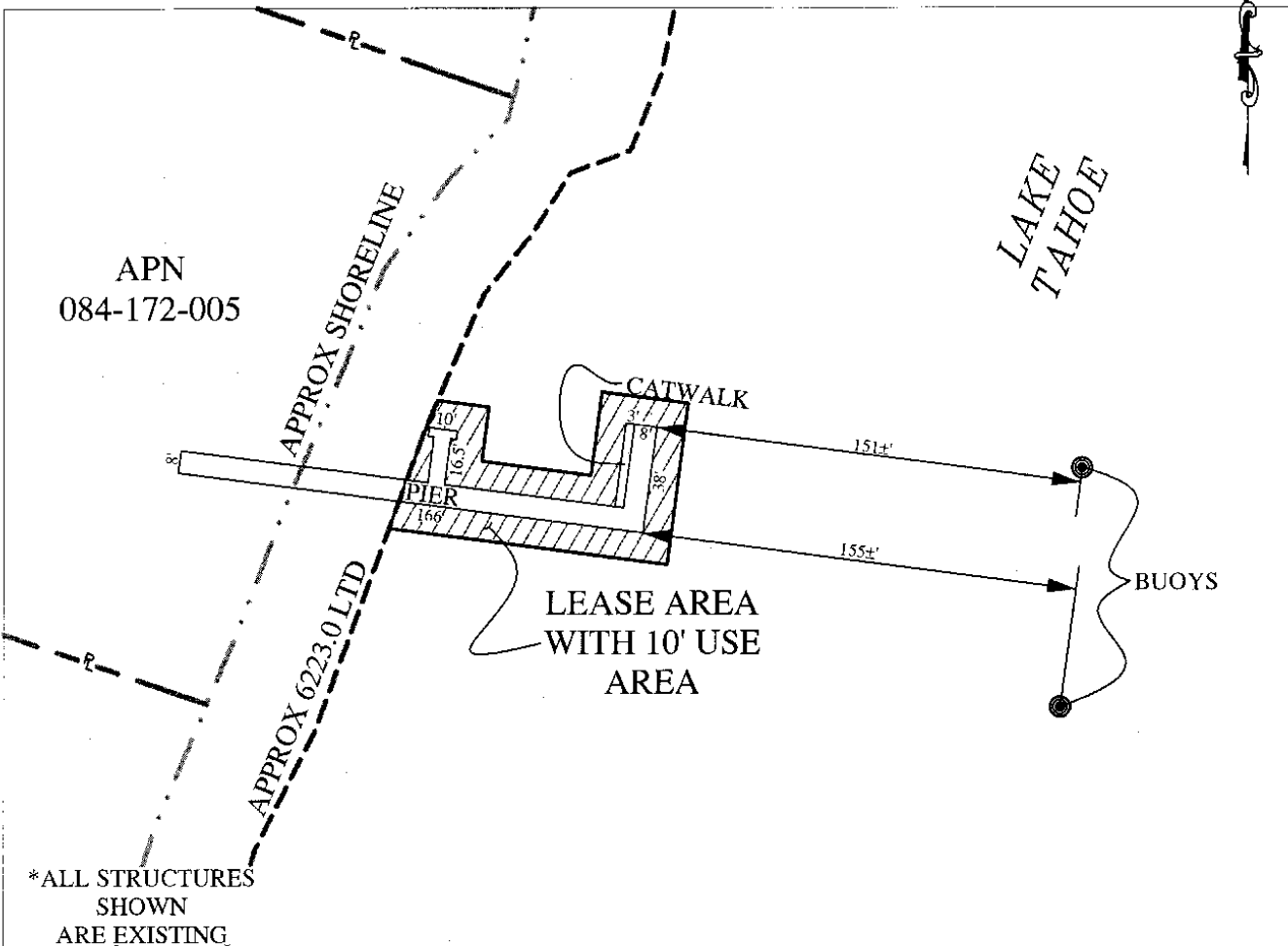
LAND DESCRIPTION PLAT  
 PRC 4170, 2280 SUNNYSIDE LANE LLC  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

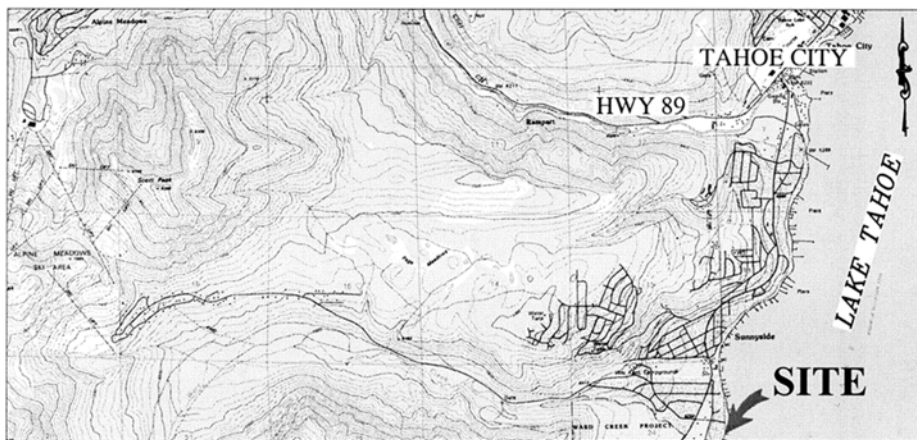
### SITE



2280 Sunnyside Lane, near Tahoe City

NO SCALE

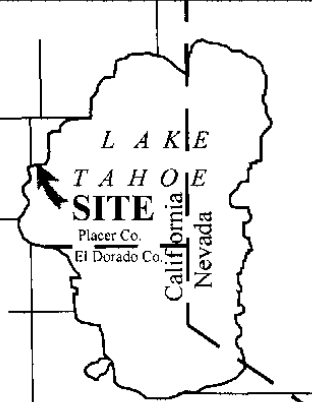
### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 4170.1  
 APN 084-172-005  
 2280 SUNNYSIDE LANE LLC  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MJF 1/4/12

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.