

**CALENDAR ITEM  
C38**

A 1  
S 1

04/23/15  
PRC 8445.1  
B. Terry

**TERMINATION AND ISSUANCE OF A  
GENERAL LEASE – RECREATIONAL USE**

**LESSEE:**

Richard R. Tomlinson and Sandy L. Tomlinson, Trustees of the Tomlinson Family Trust dated March 7, 1995

**APPLICANT:**

Tahoe Alpine Partners, LLC

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

Sovereign land in Lake Tahoe, adjacent to 648 Olympic Drive, Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning October 31, 2014.

**CONSIDERATION:**

\$754 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. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization 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. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

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

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. Applicant owns the upland adjoining the lease premises.
2. On September 20, 2013, the Commission authorized a 10-year General Lease – Recreational Use with Richard R. Tomlinson and Sandy L. Tomlinson, Trustees of the Tomlinson Family Trust dated March 7, 1995. That lease will expire on May 4, 2023. On October 31, 2014, the upland parcel was deeded to Tahoe Alpine Partners, LLC. The Applicant is now applying for a General Lease – Recreational Use. Staff recommends termination of the existing lease because the Lessee abandoned the lease by selling the property and facilities without executing a quitclaim deed.
3. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

4. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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 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.

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

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

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

**Issuance of Lease:** 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 termination effective October 30, 2014, of Lease No. PRC 8445.1, a General Lease – Recreational Use, issued to Richard R. Tomlinson and Sandy L. Tomlinson, Trustees of the Tomlinson Family Trust dated March 7, 1995.
2. Authorize issuance of a General Lease – Recreational Use to Tahoe Alpine Partners, LLC beginning October 31, 2014, for a term of 10 years, for the continued use and maintenance of two existing 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 \$754 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 8445.1**

**LAND DESCRIPTION**

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 fractional Section 5, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

**PARCELS 1 & 2 – BUOYS**

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that Lot as described in Exhibit “A” of that Grant Deed recorded October 31, 2014 as Document 2014-0077713 of Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared March 2, 2015 by the California State Lands Commission Boundary Unit.



APN 094-263-001

APPROX. SHORELINE

350±

6223±LTD

TAHOE

EXISTING BUOYS (2)

L A K E



# EXHIBIT A

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LAND DESCRIPTION PLAT  
PRC 8445.1, TAHOE ALPINE PARTNERS, LLC  
PLACER COUNTY

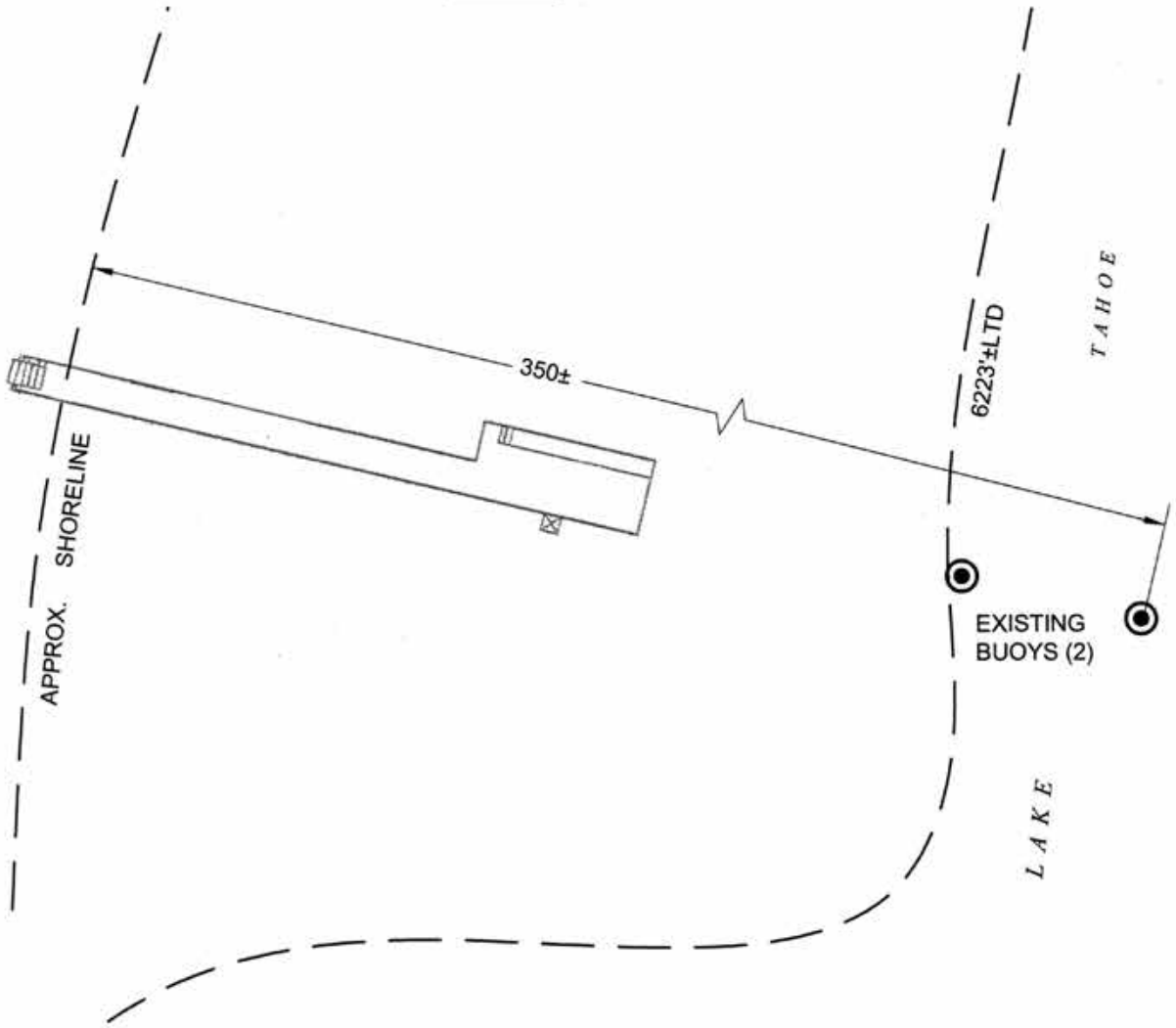
CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE

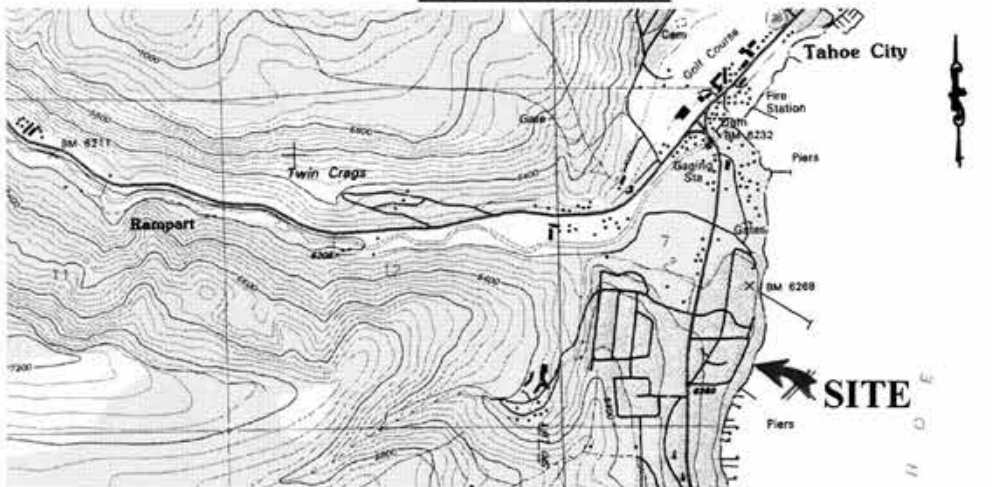
APN 094-263-001



648 OLYMPIC DRIVE, NEAR TAHOE CITY

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 8445.1  
 TAHOE ALPINE  
 PARTNERS, LLC  
 APN 094-263-001  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MJJ 03/02/15