

Staff Report 16

LESSEE/ASSIGNOR:

Jonathan D. Ruggiero and Laurie L. Ruggiero, as Trustees of the Ruggiero Trust dated 4/1/2013

CO-LESSEE:

Gregory H. St. Claire and Anne L. St. Claire, Trustees of the St. Claire Family Trust

APPLICANT/ASSIGNEE:

Lake 120 LLC, a California limited liability company

PROPOSED ACTION:

Assignment of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 3135 and 3145 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and four mooring buoys.

TERM:

10 years, beginning June 28, 2020

CONSIDERATION:

\$2,282 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the Tahoe Regional Planning Agency (TRPA) or any other regulatory agency for the improvements authorized by the Commission.
- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public uses of access, navigation, fishing, and lake-related recreation.
- Lessee is bound by a recorded successor pier agreement dated August 15, 1979, identified as "Agreement Establishing Easements and Common Ownership of Pier". This agreement provides authorization to the owner of Assessor Parcel Number (APN) 085-280-046 to cross APN 085-280-045 in order to access the pier and share in the maintenance of said pier. This document must remain in force over the term of the lease. In the event the agreement is terminated, both lessees remain fully responsible for their mutual responsibilities under the lease. The Lessee shall notify Lessor in writing 30 calendar days prior to the termination of the successor pier agreement. Such notice must include a copy of new agreement granting the owner of APN 085-280-046 access to the pier or must be submitted concurrently with an application to amend the lease to accurately reflect the changed circumstances.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5; California Code of regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On August 20, 2020, the Commission authorized a General Lease – Recreational Use for the continued use and maintenance of an existing joint-use pier and four mooring buoys to Jonathan D. Ruggiero and Laurie L. Ruggiero, as Trustees of the Ruggiero Trust dated 4/1/2013; and Gregory H. St. Claire and Anne L. St. Claire, Trustees of the St. Claire Family Trust ([Item 11, August 20, 2020](#)). The lease authorized a joint-use pier between the two upland parcels adjoining the lease premises, APN 085-280-045 owned by Jonathan D. Ruggiero and Laurie L. Ruggiero, as Trustees of the Ruggiero Trust dated 4/1/2013; and APN 085-280-046 owned by Gregory H. St. Claire and Anne L. St. Claire, Trustees of the St. Claire Family Trust.

On November 24, 2020, the upland parcel owned by Jonathan D. Ruggiero and Laurie L. Ruggiero, as Trustees of the Ruggiero Trust dated 4/1/2013 (APN 085-280-045) was transferred to Lake 120 LLC, a California limited liability company. The Applicant is applying for assignment of a General Lease – Recreational Use, for the continued use and maintenance of the existing joint-use pier and four mooring buoys. In June and October 2019, the Applicant registered the mooring buoys with TRPA (Permit Numbers 10182 and 10831). The effective date of the assignment will be November 24, 2020, to coincide with the Applicant's acquisition of the upland property.

Approval of this lease assignment will not result in a change in the use of, or impacts to, Public Trust resources at this location, at this time, and for the foreseeable term of the lease. For these reasons, staff recommends finding that approval of this assignment is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. The Commission cannot unreasonably deny an assignment to a qualified party. The Assignee is qualified to hold the lease and no information has been discovered that would provide a basis for withholding the assignment. Upon expiration or prior termination of the lease, neither the lessee nor the assignee has any right to a new lease or to renewal of any previous lease. If no new lease is granted the lessee may be required to remove the joint-use pier and four mooring buoys and restore the premises to their original condition.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Assignment of the lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed assignment of the lease will not substantially interfere with Public Trust needs and values at this location, at this time, and for the remaining term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize the assignment of Lease 5529, a General lease – Recreational Use of sovereign land, as described in Exhibit A, Land Description, and as shown on Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof, from Jonathan D. Ruggiero and Laurie L. Ruggiero, as Trustees of the Ruggiero Trust dated 4/1/2013, to Lake 120 LLC, a California limited liability company, effective November 24, 2020.

EXHIBIT A

LEASE 5529

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 25, Township 15 North, Range 16 East, MDM., as shown on Official Government Township Plat approved April 11, 1884, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier lying adjacent to those parcels as described in that Grant Deed recorded November 24, 2020 in Document Number 2020-0136911-00 and that Grant Deed recorded June 8, 2015 in Document Number 2015-0048059-00 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 - 5 – 4 BUOYS

Four (4) circular parcels of land being 50 feet in diameter, underlying four (4) existing buoys adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 24, 2021 by the California State Lands Commission Boundary Unit.



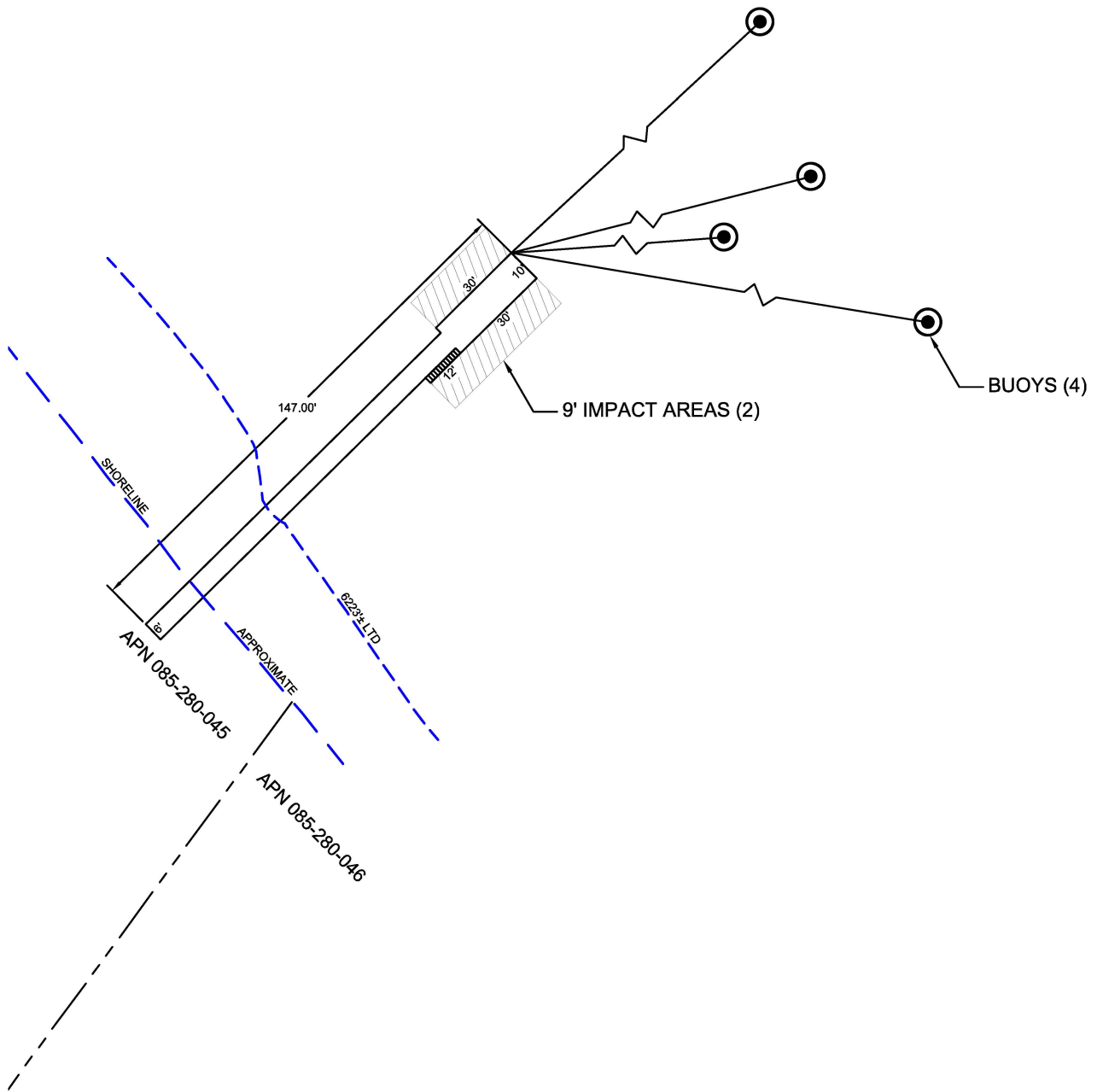


EXHIBIT A

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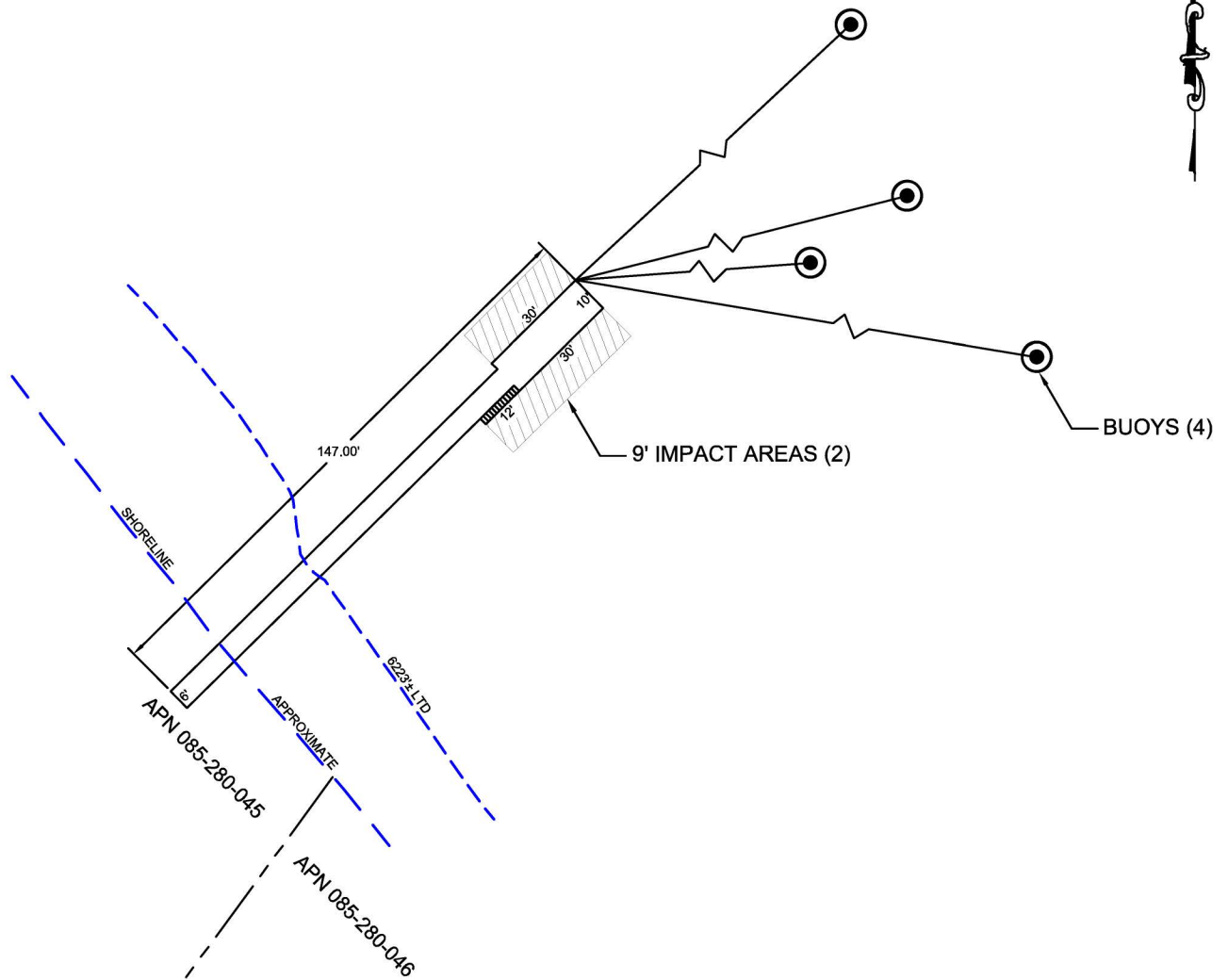
LAND DESCRIPTION PLAT
LEASE 5529, LAKE 120, LLC &
ST. CLAIRE TRUSTS, PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

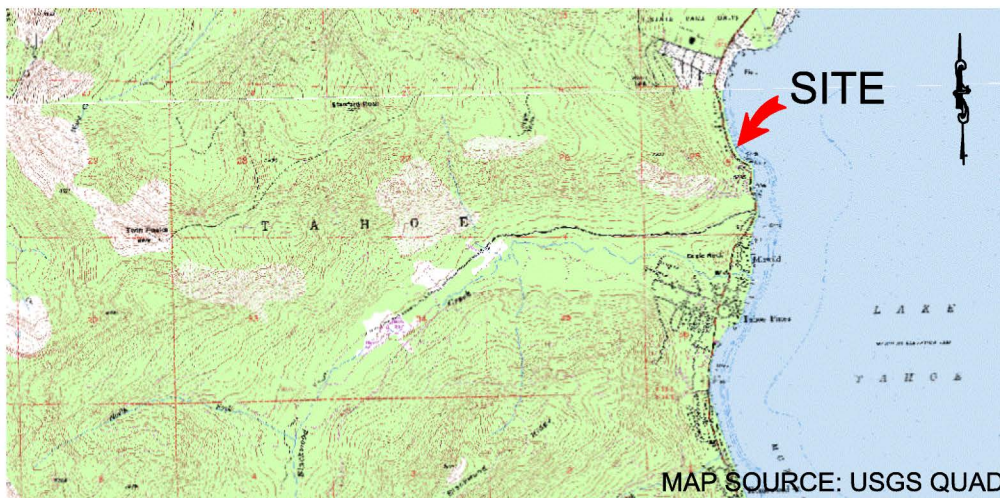
SITE



3135 & 3145 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

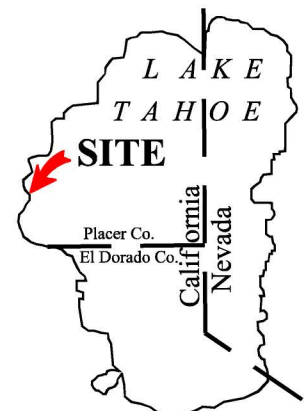
LOCATION



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

LEASE 5529
LAKE 120, LLC &
ST. CLAIRE TRUSTS
APN 085-280-045, 046
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



JAK 4/08/20