

# Staff Report 07

## **APPLICANT:**

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Camp Sunnyside LLC, a California Limited Liability Company

## **PROPOSED ACTION:**

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Issuance of a General Lease – Recreational Use

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

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

## **AUTHORIZED USE:**

Use and maintenance of an existing pier and two mooring buoys.

## **TERM:**

10 years; beginning December 8, 2021.

## **CONSIDERATION:**

\$1,681 per year, with an annual Consumer Price Index adjustment, and \$201 to compensate for the unauthorized occupation of state sovereign land for the period of October 27, 2021 through December 7, 2021.

## **SPECIFIC LEASE PROVISIONS:**

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee expressly acknowledges that a permit from the Tahoe Regional Planning Agency (TRPA) is required for the Authorized Improvements and failure to obtain a permit from TRPA and maintain compliance with that permit may result in TRPA imposing civil penalties and will constitute a breach of the lease.
- 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 recreational uses.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **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 January 26, 2012, the Commission authorized a 10-year General Lease - Recreational Use to 2280 Sunnyside Lane LLC, for an existing pier and two mooring buoys ([Item C22, January 26, 2012](#)). That lease expired on October 26, 2021. On February 20, 2015, the Lessee applied for, and the Commission authorized, an amendment of lease to modify the square footage of the lease premises ([Item C16, February 20, 2015](#)). On July 1, 2021, the business entity's name was updated to Camp Sunnyside LLC, a California Limited Liability Company, in conjunction with modifying the Grant Deed. The Applicant has registered with the California Secretary of State's Office. The Applicant is applying for a General Lease – Recreational Use, for an existing pier and two mooring buoys in Lake Tahoe as previously authorized by the Commission and shown on prior lease exhibits. Based on the information provided and Commission records, the facilities have existed in this location for many years. The mooring buoys have been registered with TRPA under registration number 10392.

Staff recommends that the Commission accept compensation from the Applicant in the amount of \$201 for the unauthorized occupation of State land for the period of October 27, 2021 through December 7, 2021, the day preceding issuance of the proposed lease. Further, staff recommends that the starting date of the proposed new lease align with the authorization date, December 8, 2021. The proposed lease will require the Applicant to indemnify the State for the entire period of occupation, ensuring the State is protected.

The subject improvements are privately owned and maintained by the Applicant. The facilities are used for recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

The subject improvements are located directly lakeward of the upland property and occupy a relatively small area of the lake. The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust-consistent

uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

## **OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may be required to remove the pier and two mooring buoys and restore the premises to their original condition. Upon expiration or prior termination of a lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. 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.

## **EXHIBITS:**

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

## **RECOMMENDED ACTION:**

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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).

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

1. Accept compensation from the Applicant in the amount of \$201, for the unauthorized occupation of State land for the period of October 27, 2021 through December 7, 2021.
2. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning December 8, 2021, for a term of 10 years, for the use and maintenance of an existing pier 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 \$1,681, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

## EXHIBIT A

LEASE 4170

### LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 19, Township 15 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, more particularly described as follows:

#### PARCEL 1 – PIER

All those lands underlying an existing pier and two catwalks lying adjacent to that parcel described in Grant Deed recorded July 1, 2021 as Document Number 2021-0085123-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s)

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

#### PARCELS 2 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded July 1, 2021 as Document Number 2021-0085123-00 in Official Records of said County.

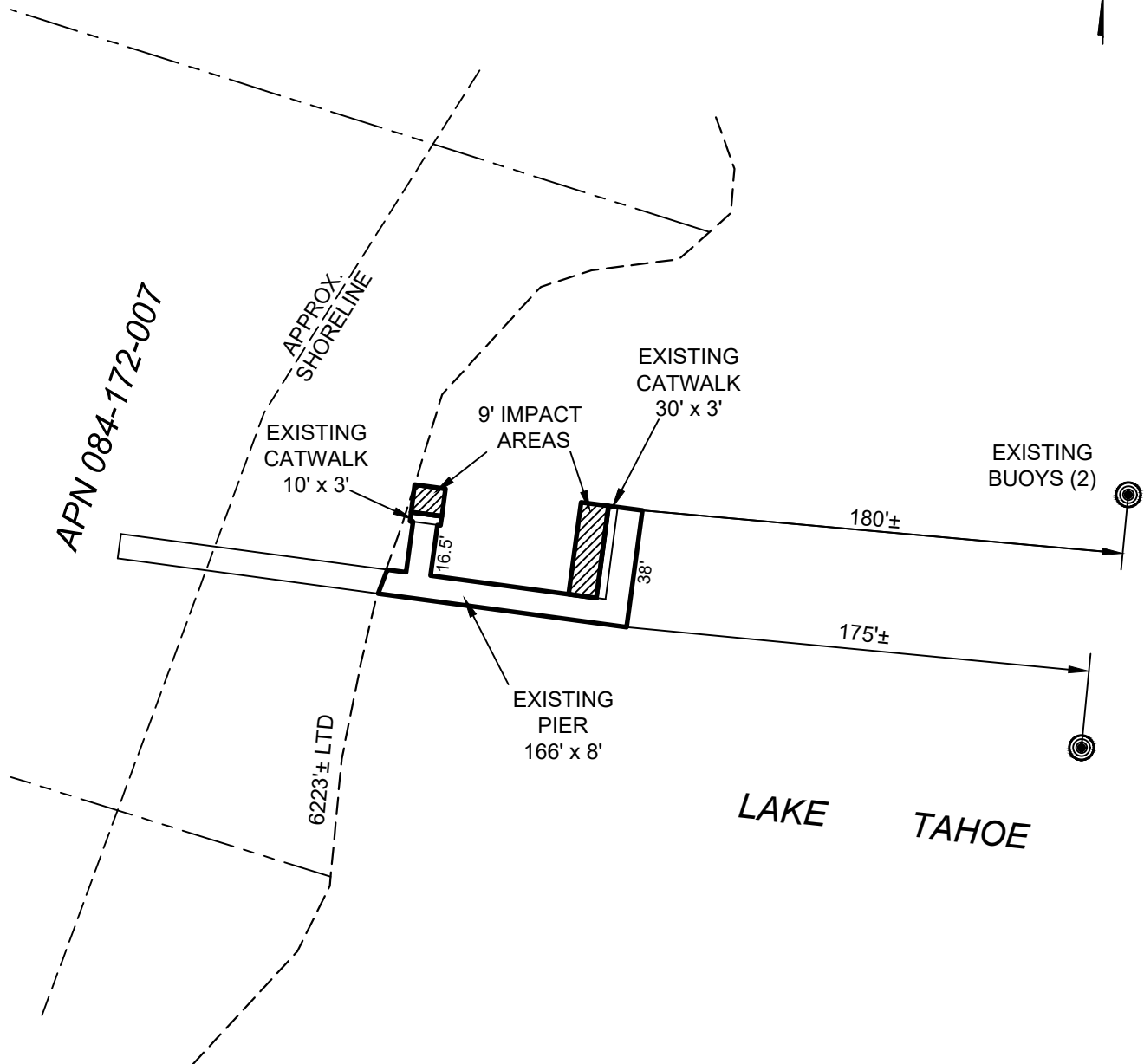
Accompanying plat is hereby made part of this description.

### END OF DESCRIPTION

Prepared 07/08/2021 by the California State Lands Commission Boundary Unit.



NO SCALE



## EXHIBIT A

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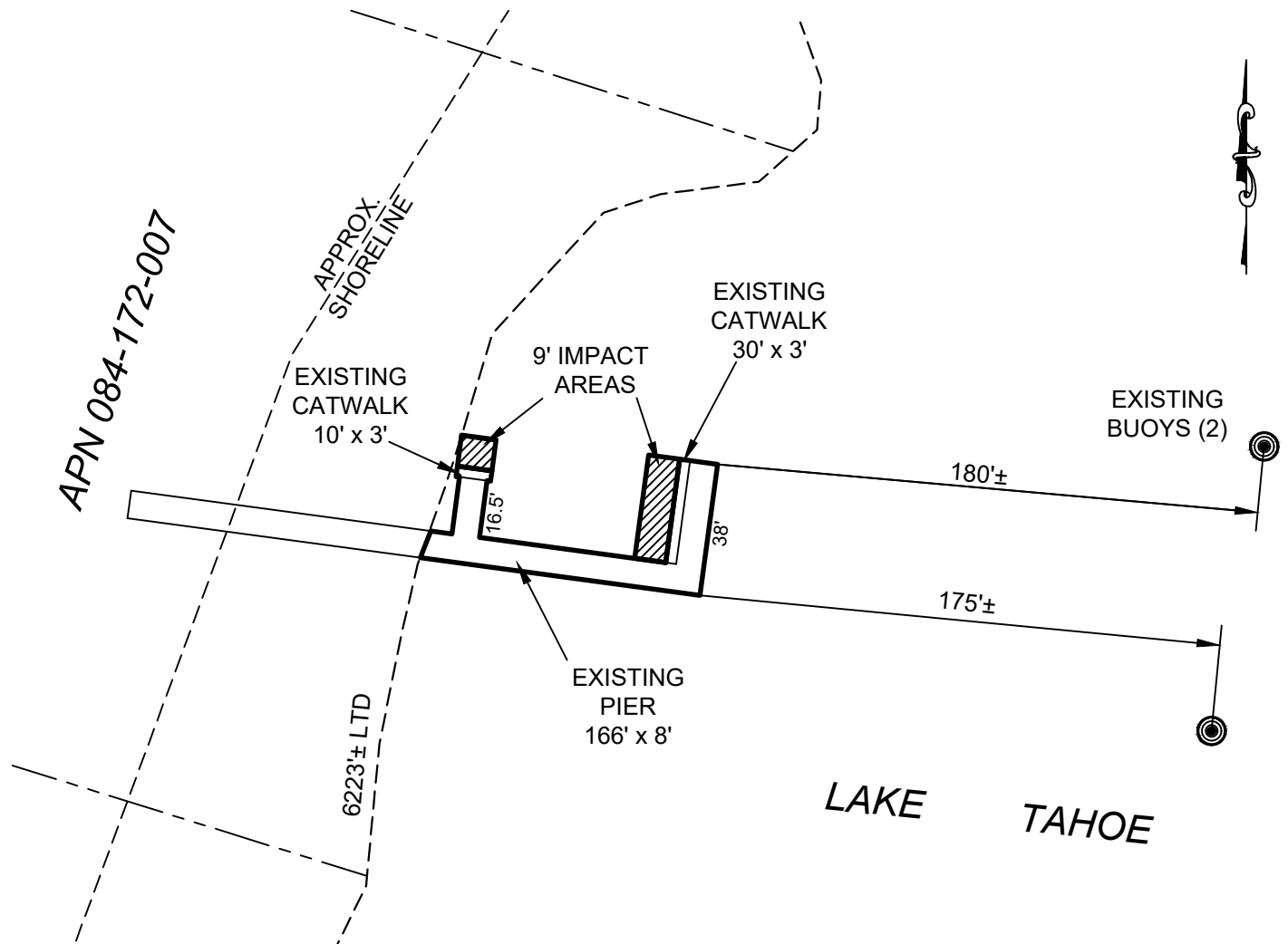
LAND DESCRIPTION PLAT  
LEASE 4170, CAMP SUNNYSIDE, LLC  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

## SITE



2280 SUNNYSIDE LANE, NEAR TAHOE CITY

NO SCALE

## LOCATION

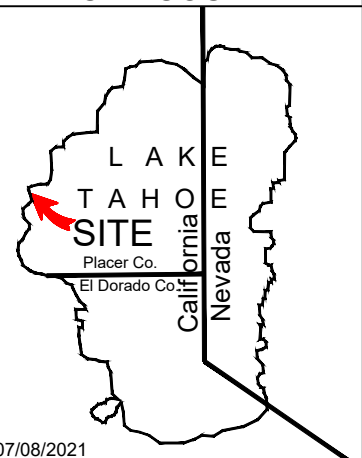


MAP SOURCE: USGS QUAD

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**

LEASE 4170  
CAMP SUNNYSIDE, LLC  
APN 084-172-007  
GENERAL LEASE-  
RECREATIONAL USE  
PLACER COUNTY



TS 07/08/2021