

# Staff Report 09

## LESSEE/APPLICANT:

Northshore Townhouse Association

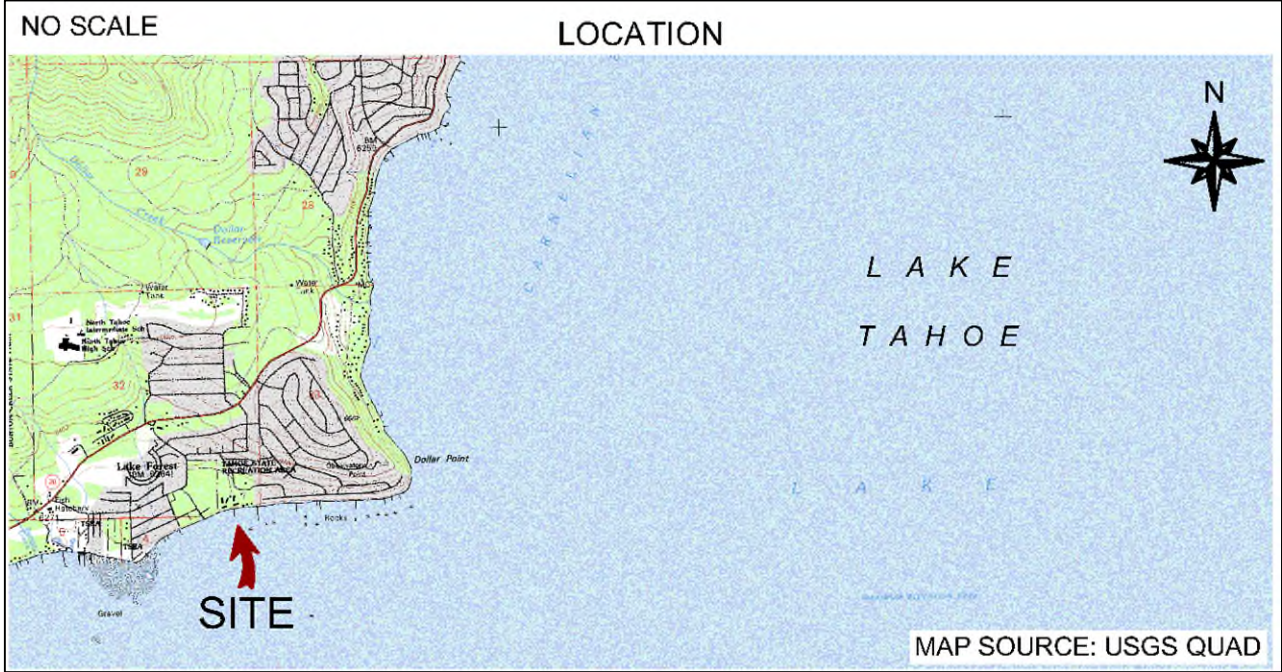
## PROPOSED ACTION:

Acceptance of a Lease Quitclaim Deed for Lease 5296; and Issuance of a General Lease – Recreational Use.

## AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 100 Lassen Drive, near Dollar Point, Placer County (as shown in Figure 1).

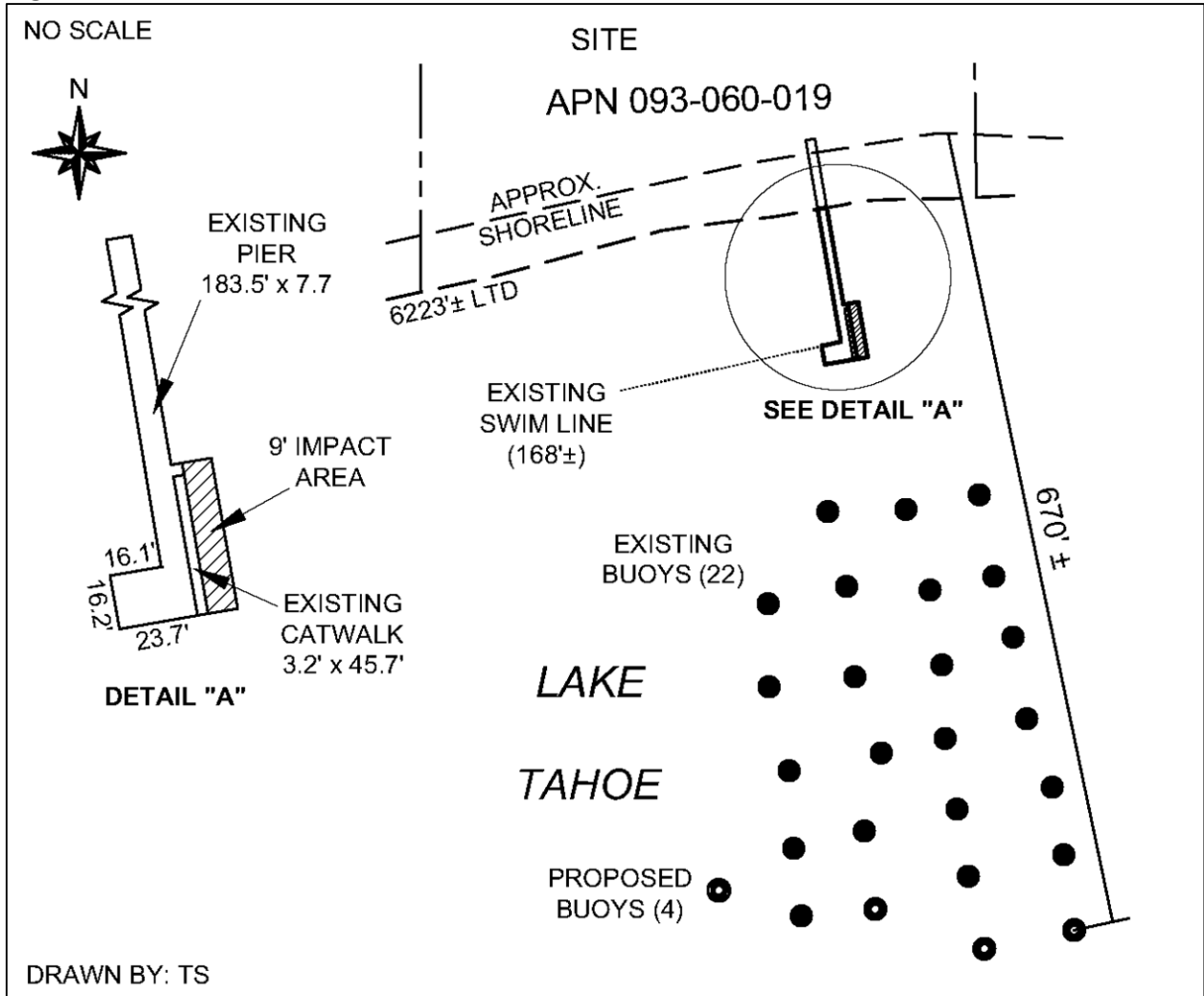
Figure 1. Location



**AUTHORIZED USE:**

Use of an existing pier, a seasonal swim line, and 22 mooring buoys; and installation and use of four additional mooring buoys (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

**TERM:**

10 years, beginning October 14, 2025.

**CONSIDERATION:**

\$8,486 per year, with an annual Consumer Price Index adjustment; and \$169 for unauthorized occupation of State land for the period prior to October 14, 2025.

**SPECIFIC LEASE PROVISIONS:**

- A permit or registration from the Tahoe Regional Planning Agency (TRPA) may be required for the Authorized Improvements and failure to obtain a permit or registration from TRPA and maintain compliance with that permit or registration may result in TRPA imposing civil penalties and will constitute a breach of this lease.
- Lessee shall not store any personal item or construct any improvements in the Public Trust easement, that may impair the public's right of access for navigation, fishing, and Public Trust consistent recreational uses.
- The lease provides that signs shall be posted on each side of the pier to indicate passage and to provide continuous shoreline access to the Public Trust Easement below elevation 6228.75 feet, Lake Tahoe Datum (LTD).
- Lessee to place a seasonal swim line in the lake for the swim area no earlier than June 15, with removal no later than September 15 annually. Lessee to provide date-stamped photo documentation each year showing installation and removal.
- Within 60 days of completing the construction of authorized improvements, Lessee will provide Lessor with photographs and a set of "as-built" plans that will show where the improvements have been placed. Lessor shall then replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, to the Lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by the Lessor's Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in the Lease at the time of Lease execution. The replaced Exhibits shall be incorporated in the Lease as though fully set forth therein.

**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, section 2000 and 2003.

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

On April 29, 2020, the Commission authorized issuance of a General Lease – Recreational Use to Northshore Townhouse Association (Lessee), for the use and maintenance of a pier and 16 mooring buoys ([Item 18, April 29, 2020](#)). This lease will expire on December 28, 2029.

On April 7, 2023, the Commission authorized amendment of the existing lease to install an additional six mooring buoys ([Item 19, April 7, 2023](#)).

The Lessee, now the Applicant, is applying for acceptance of a lease quitclaim deed and issuance of a General Lease – Recreational Use for the use of an existing pier, a seasonal swim line, and 22 mooring buoys, and installation of an additional four mooring buoys. Staff was recently made aware of a swim line that has been placed seasonally on the lease premises for many years. Staff recommends that the Commission accept compensation in the amount of \$169 for the unauthorized seasonal swim line for the period prior to October 14, 2025. Additionally, the proposed lease will extend the indemnity provisions of Section 3, Paragraph 11 to also cover the period from October 13, 2020 through October 13, 2025, ensuring the State is protected.

Since there are less than five years until the current lease expires, staff recommends acceptance of a lease quitclaim deed from the current Lessee and issuance of a new lease beginning October 14, 2025, the date of the Commission meeting. TRPA registration is current as of June 10, 2025 (Registration No. 10592).

On March 11, 2024, the Lessee obtained conditional permit No. MOOR2021-1823-01 from TRPA authorizing the placement of 10 new mooring buoys, modifying the previous approval of six from file number MOOR2021-1823. The total number of mooring buoys authorized for the Northshore Townhouse Association project area is 26.

Rent under Lease 5296 for the pier and the moorings was paid through September 28, 2026. Staff recommends that any rent paid for the existing lease beyond the October 14, 2025, start date for the proposed lease be prorated and applied to a portion of the rent due for the proposed lease.

The blocks for the four proposed mooring buoys will be installed by using a crane and dropping the anchor blocks over the side of the boat and gently placing them on the lake bottom. The steel chain and a U.S. Coast Guard-approved float, along with the TRPA registration tag, will be attached to the newly installed buoys.

The existing buoy field is located within Feed and Cover Fish Habitat. The Fish Habitat Mitigation for placing the four additional buoy blocks includes 32 square feet of washed and silt-free granite cobble to be placed near each of the four proposed buoy blocks.

As with the existing mooring buoys, the additional buoys will be located directly lakeward of the upland property. The Lessee owns the uplands adjoining the lease premises. The subject improvements are privately owned and maintained and facilitate 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 pier is built on pilings with the area immediately upland of the pier being flat with few pebbles and sandy shores. The immediate upland topography is easily traversable, and public access for pedestrians and lake-related activities is available by passing over the pier within the Public Trust easement. The proposed lease includes a provision requiring that the Lessee post signs on each side of the pier to identify the designated public passageway within the Public Trust Easement. These signs are required to be in place at all times and will ensure that the public is aware of the designated passageway.

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.

## **CLIMATE CHANGE:**

### ***INTRODUCTION:***

Climate change significantly affects inland non-tidal lakes such as Lake Tahoe, and its effects are increasing throughout the Sierra Nevada mountains. According to [California's Fourth Climate Change Assessment](#) (2018), the most significant impacts

of climate change in the Sierra Nevada Region are more intense heat, precipitation extremes, declining snowpacks, and changes in streamflow timing. These impacts create hazardous conditions like flooding, landslides, wildfire, drought, extreme heat, and severe storms. Structures along the shores of inland lakes are particularly vulnerable to the more frequent and extreme weather events, year-to-year changes in total precipitation, and shifts in seasonal characteristics.

### **DATA & PROJECTIONS:**

Temperatures in the Sierra Nevada are expected to increase six to ten degrees Fahrenheit on average by the end of the century, causing the snowline to shift upslope 1,500 to 3,000 feet in elevation (California's Fourth Climate Change Assessment, 2018). The long-term warming trend will lead to warmer and shorter winters and longer and drier summers. The warmer winters will reduce winter snowpacks by up to 60 percent across most of the Sierra Nevada and will result in increased winter streamflows and floods and decreased spring and summer runoff. Loss of snowpack is expected to dry soils 15 to 40 percent below their historical norms. Hotter, drier summer seasons and low water years will increase stress to vegetation, elevating wildfire risk and fire severity in the Tahoe Basin.

Dry winters will be punctuated with exceedingly wet years and higher temperatures will result in more rain-on-snow events ([Integrated Vulnerability Assessment of Climate Change in the Lake Tahoe Basin](#), 2020). Atmospheric river systems will become more common. These events produce both flash floods and higher than normal seasonal flooding which may shift earlier in the year. Higher soil moisture will increase erosion and elevate landslide risk, particularly following intense wildfire seasons.

### **ANALYSIS:**

The greatest vulnerability to recreational facilities is from flooding, landslides, and wildfire hazards (Integrated Vulnerability Assessment of Climate Change in the Lake Tahoe Basin, 2020). The Sierra Nevada is expected to experience year-to-year variability in precipitation and may shift between extreme wet and dry periods. High precipitation years or successive years will result in higher lake levels, causing beaches to narrow and reducing public access. Surface runoff may carry more sediment into the lake, adversely impacting water quality, clarity, and increasing risk of algal blooms ([UC Davis Tahoe Environmental Research Center](#), 2024). Conversely, low lake levels will become normal during periods of extended drought. Low lake level conditions can create more expansive beaches and

increased shoreline access in dry months. However, these conditions could make some shoreline areas too shallow for effective recreational use of piers, boat docks, and mooring buoys. During drought, structures will also be exposed to heat and wind that may accelerate deterioration or reduce the structural integrity of certain structures.

Additionally, atmospheric rivers and extreme weather events are expected to increase in the high Sierra. Storms may deviate from prevailing wind patterns for the region. Wind-driven waves can accelerate shoreline erosion in some areas or cause erosion in areas not typically subject to erosion. Winds can also increase wave damage on structures and boats along the lake.

**RECOMMENDATIONS:**

Improvements authorized under this lease may require more frequent inspection and maintenance to ensure they are not displaced during storm events. Watercraft moored to buoys, piers, or docks are also vulnerable to high wind events and damaging waves. Replacing older structural components with materials designed to better withstand extreme heat, wind events, and storms can reduce the likelihood of degradation and damage to structures. Any future construction or activities on State land would require a separate authorization from the Commission.

Regular maintenance, as required by the lease, may reduce the risks from extreme temperatures and rain. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland are located in an area that may be subject to the effects of climate change.

**CONCLUSION:**

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

**OTHER PERTINENT INFORMATION:**

---

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects the 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 existing improvements and will not be able to install the four additional buoys. The lessee has no right to a new lease or to renewal of any previous lease.

2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Acceptance of the quitclaim deed is not a project as defined by the California Environmental Quality Act (CEQA) 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, sections 15060, subdivision (c)(3), and 15378, subdivision (b)(5).

4. **Existing Pier and Buoys:** 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 14, section 15301.

**Installation of New Mooring Buoys:** 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 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(3).

**Seasonal Swim Buoy Line:** 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 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061, and California Code of Regulations, title 2, section 2905.

## **RECOMMENDED ACTION:**

---

It is recommended that the Commission:

### **CEQA FINDING:**

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project through the combination of the following exemptions: Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301; Class 3, New Construction of Small Structures; California Code of Regulations, title 2, section 2905, subdivision (c)(3); and Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

### **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 term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

1. Acceptance of a Lease Quitclaim Deed from the Lessee for Lease 5296, effective October 14, 2025.
2. Accept compensation from the Applicant for the unauthorized occupation of State land for a seasonal swim line in the amount of \$169 for the period prior to October 14, 2025.
3. Authorize issuance of a General Lease – Recreational Use to the Applicant beginning October 14, 2025, for a term of 10 years, for the use of an existing pier, seasonal swim line, and 22 mooring buoys and installation and use of four additional mooring buoys; annual rent in the amount of \$8,486, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$2,000,000 per occurrence.
4. Authorize the Executive Officer or their designee to replace Exhibits to the lease upon submission, review, and approval of coordinates detailing the final location of the improvements following installation.