

**CALENDAR ITEM
C26**

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S 1

12/10/10
WP 5490.1
N. Lee

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Lakeland Village Owners Association
3535 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3535 Lake Tahoe Boulevard, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and three mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning May 19, 2010.

CONSIDERATION:

\$741 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 with coverage of no less than \$2,000,000.

Other:

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

CALENDAR ITEM NO. C26 (CONT'D)

FEIS and nullified the Amendments. TRPA is presently evaluating its response. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

2. The lease contains a provision acknowledging that two existing storm water treatment pipelines are located on the lease premises and that, if they become unserviceable or in disrepair at any time during the lease term, the Lessee must submit a work plan to the Lessor for removal of the pipelines.
3. Use of the buoy field will be made available to all members of the Lakeland Village Owners Association (Association) in a fair and equitable manner. A buoy allotment program must be maintained during the lease term that will identify how the buoys will be managed, maintained, and distributed for use by the Association's members.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a General Lease – Recreational Use with Lakeland Village Owners Association. That lease expired on May 18, 2005. The Applicant is now applying for a new General Lease – Recreational Use.
3. The Applicant is a property owners association consisting of 261 members. Of these members, 20 are not owned by natural persons and do not qualify for rent-free status pursuant to section 6503.5 of the Public Resources Code. The rent for the pier and three mooring buoys has been prorated according to the number of members qualifying for rent-free status.
4. After the prior lease expired, the Applicant continued to pay the annual rent in effect during the term of that lease. Pursuant to the expired lease, the annual rent in effect during any holding-over shall be increased by 25 percent. Staff is recommending that the Commission accept the additional 25 percent of holdover rent with penalty and interest in the amount of \$288.18 for the period beginning May 19, 2005 through May 18, 2010.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a

CALENDAR ITEM NO. **C26** (CONT'D)

categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. 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 Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (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 sections 6370, et seq.

AUTHORIZATION:

1. Authorize acceptance of additional holdover rent, with penalty and interest, in the amount of \$288.18 for the period of May 19, 2005 through May 18, 2010.
2. Authorize Issuance of a General Lease – Recreational Use to Lakeland Village Owners Association beginning May 19, 2010, for a term of 10 years, for the continued use and maintenance of an existing pier and three mooring buoys as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$741, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the

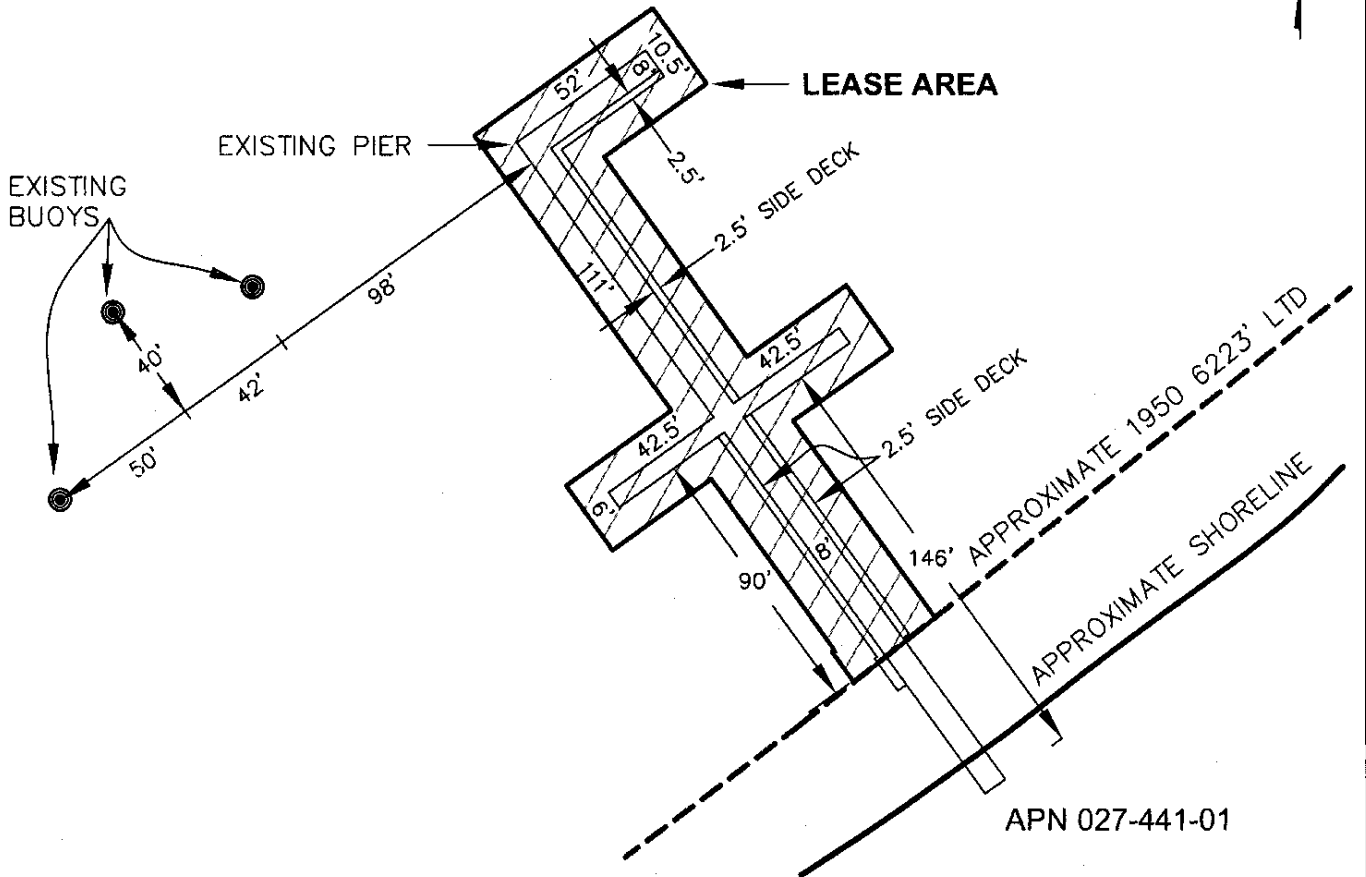
CALENDAR ITEM NO. **C26** (CONT'D)

Lease; and liability insurance with coverage of no less than \$2,000,000.

NO SCALE

SITE

Lake Tahoe



3535 LAKE TAHOE BLVD., SOUTH LAKE TAHOE

NO SCALE

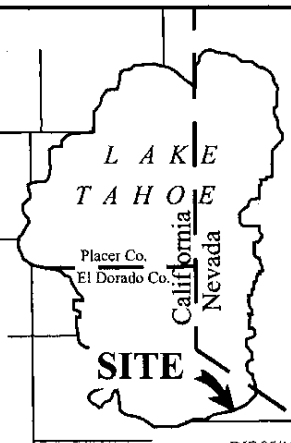
LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 5490.1
 LAKELAND VILLAGE HOA
 APN 027-441-01
 GENERAL LEASE
 RECREATIONAL USE
 EL DORADO COUNTY



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.