

**CALENDAR ITEM  
C01**

A 4  
S 1

03/29/12  
WP 3222.1  
R. Barham

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

MacBride Tahoe Management, LLC

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

Sovereign land in Lake Tahoe, adjacent to 3785 Belleview Avenue, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and two mooring buoys.

**LEASE TERM:**

10 years, beginning March 29, 2012.

**CONSIDERATION:**

\$954 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 in the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy(s) 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 FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the

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Commission pending resolution of the TRPA FEIS and amended ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.
2. On April 20, 2000, the Commission authorized a 10-year Recreational Pier Lease with Martha MacBride, Trustee of the "Thomas and Martha MacBride Revocable Trust – 1992" Under a Trust Agreement dated March 5, 1992. That lease expired on March 31, 2010. On January 18, 2007, the upland property ownership was deeded to MacBride Tahoe Management, LLC, A California Limited Liability Company, which is now applying for a new General Lease - Recreational Use.
3. Staff is recommending that the Commission accept back rent in the amount of \$4,929 for the period beginning January 18, 2007, which is when the uplands were transferred to the Applicant, to March 28, 2012, the day before the beginning date of the new lease. The Applicant did not qualify for rent-free status pursuant to Public Resources Code section 6503.5 in effect during this period of time.
4. Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined 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.

**EXHIBITS:**

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

CALENDAR ITEM NO. **C01** (CONT'D)

**RECOMMENDED ACTION:**

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 (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 rent in the amount of \$4,929 for the period of January 18, 2007 through March 28, 2012.
2. Authorize issuance of a General Lease – Recreational Use to MacBride Tahoe Management, LLC, a California Limited Liability Company, beginning March 29, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier and two mooring buoys 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 \$954, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 3222.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to fractional Section 36, 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 that Lot as described in Exhibit B of that Grant Deed recorded January 18, 2007 as Document Number 2007-0005932-00 in Official Records of said County.

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

TOGETHER WITH a ten (10) foot use area.

**PARCEL 2 & 3 – BUOYS (2)**

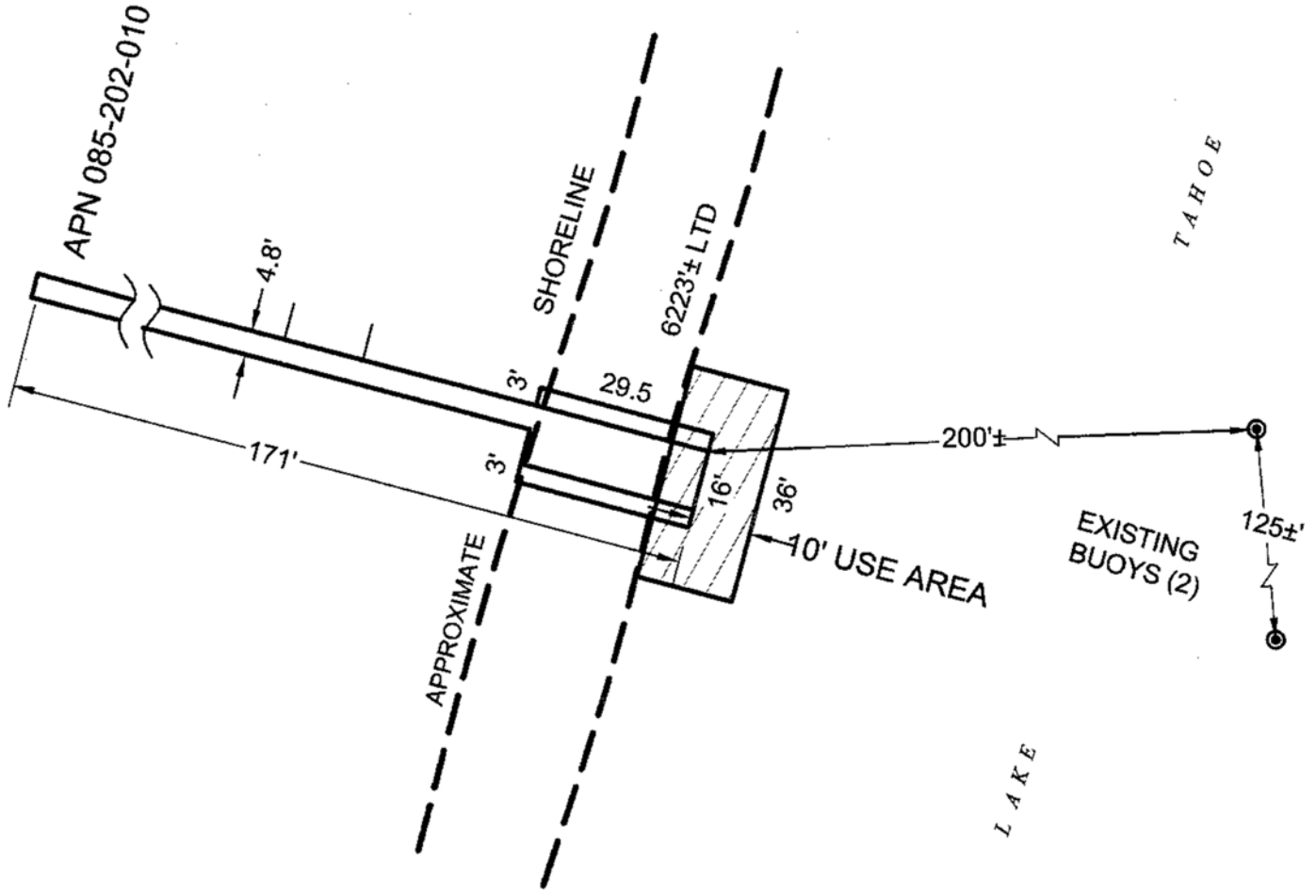
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that Lot as described in Exhibit B of that Grant Deed recorded January 18, 2007 as Document Number 2007-0005932-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared January 30, 2012 by the California State Lands Commission Boundary Unit.





# EXHIBIT A

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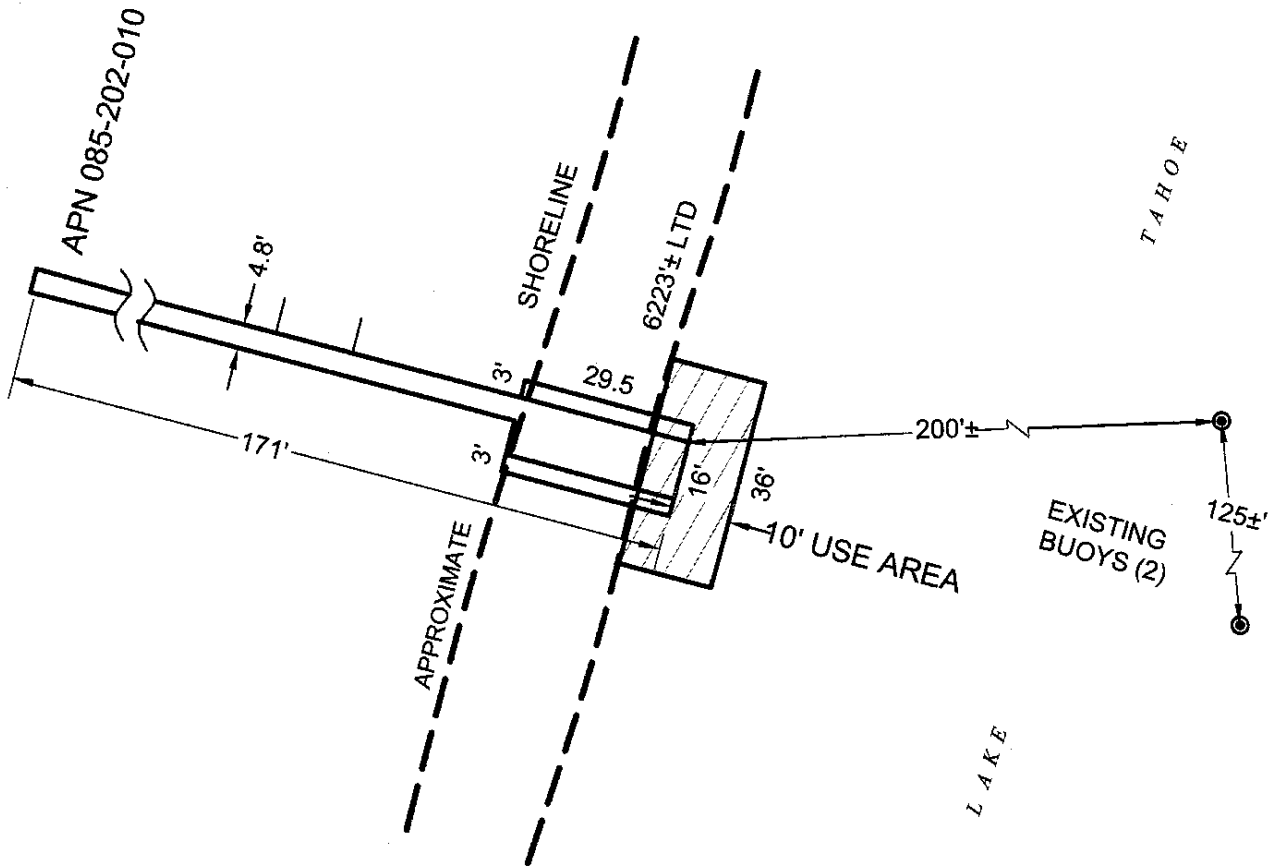
LAND DESCRIPTION PLAT  
 PRC 3222.1, MACBRIDE TAHOE MGT.  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

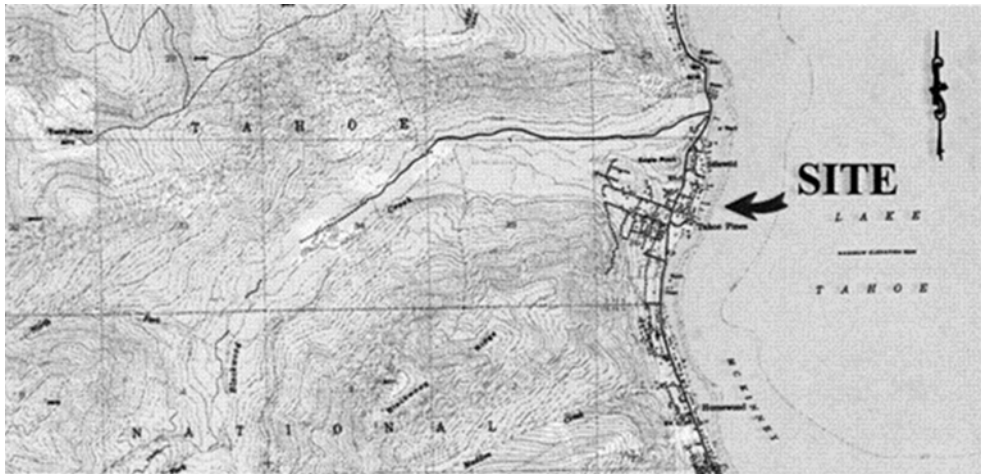
# SITE



3785 BELLEVIEW AVE., HOMEWOOD

NO SCALE

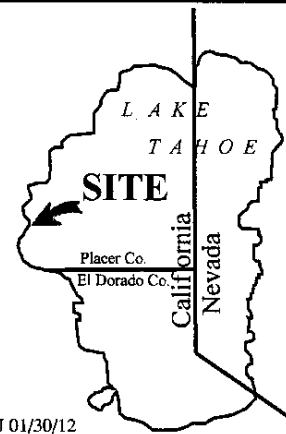
# LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

PRC 3222.1  
 MACBRIDE TAHOE  
 MANAGEMENT  
 APN 085-202-010  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MJJ 01/30/12

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.