

**CALENDAR ITEM
C09**

A 1
S 1

04/23/14
PRC 2859.1
W. Hall

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Cedar Point Homeowners Association
P.O. Box 837
Tahoe City, CA 96145

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 1200 West Lake Boulevard, near Sunnyside, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 18 mooring buoys, and six marker buoys.

LEASE TERM:

10 years, beginning August 1, 2014.

CONSIDERATION:

\$8,343 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 an amount no less than \$2,000,000 per occurrence.

Other:

Buoy Allotment Program: The use of the buoy field will be made available to all members of Cedar Point Homeowners 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 upland adjoining the lease premises.

CALENDAR ITEM NO. C09 (CONT'D)

2. On June 18, 2002, the Commission authorized a General Lease – Recreational Use with Cedar Point Homeowners Association (Association) for a pier, 18 mooring buoys, and two marker buoys. An amendment to the lease was authorized on February 21, 2003, to include an additional four marker buoys. The Association’s mooring buoys qualified for rent-free status under the pre-2012 version of Public Resources Code 6503.5. However, the marker buoys were subject to annual rent of \$50. That lease expired on July 31, 2012. The Applicant is now applying for a new General Lease – Recreational Use.
3. 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 in the amount of \$25 for the period beginning August 1, 2012, through July 31, 2014.
4. The 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.

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. **C09** (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, subdivision (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 section 6370 et seq.

AUTHORIZATION:

1. Authorize acceptance of additional holdover rent in the amount of \$25 for the period of August 1, 2012, through July 31, 2014.
2. Authorize issuance of a General Lease – Recreational Use to Cedar Point Homeowners Association beginning August 1, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier, 18 mooring buoys, and six marker 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 \$8,343, with the State reserving the right to fix a different rent periodically during the least term; as provided in the lease; and liability insurance with coverage no less than \$2,000,000 per occurrence.

EXHIBIT A

PRC 2859.1

LAND DESCRIPTION

Nineteen parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 18, 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 lying adjacent to Lot "C" of Tract No. 294 CEDAR POINT as recorded November 9, 1976 in Book "K" of Maps, Page 82 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 through 19 – BUOYS

Eighteen parcels of land, each being 50 feet in diameter, underlying eighteen buoys lying adjacent to Tract No. 294 CEDAR POINT as recorded November 9, 1976 in Book "K" of Maps, Page 82 in Official Records of said County.

TOGETHER WITH six U.S. COAST GUARD MARKER BUOYS.

Accompanying plat is hereby made part of this description.

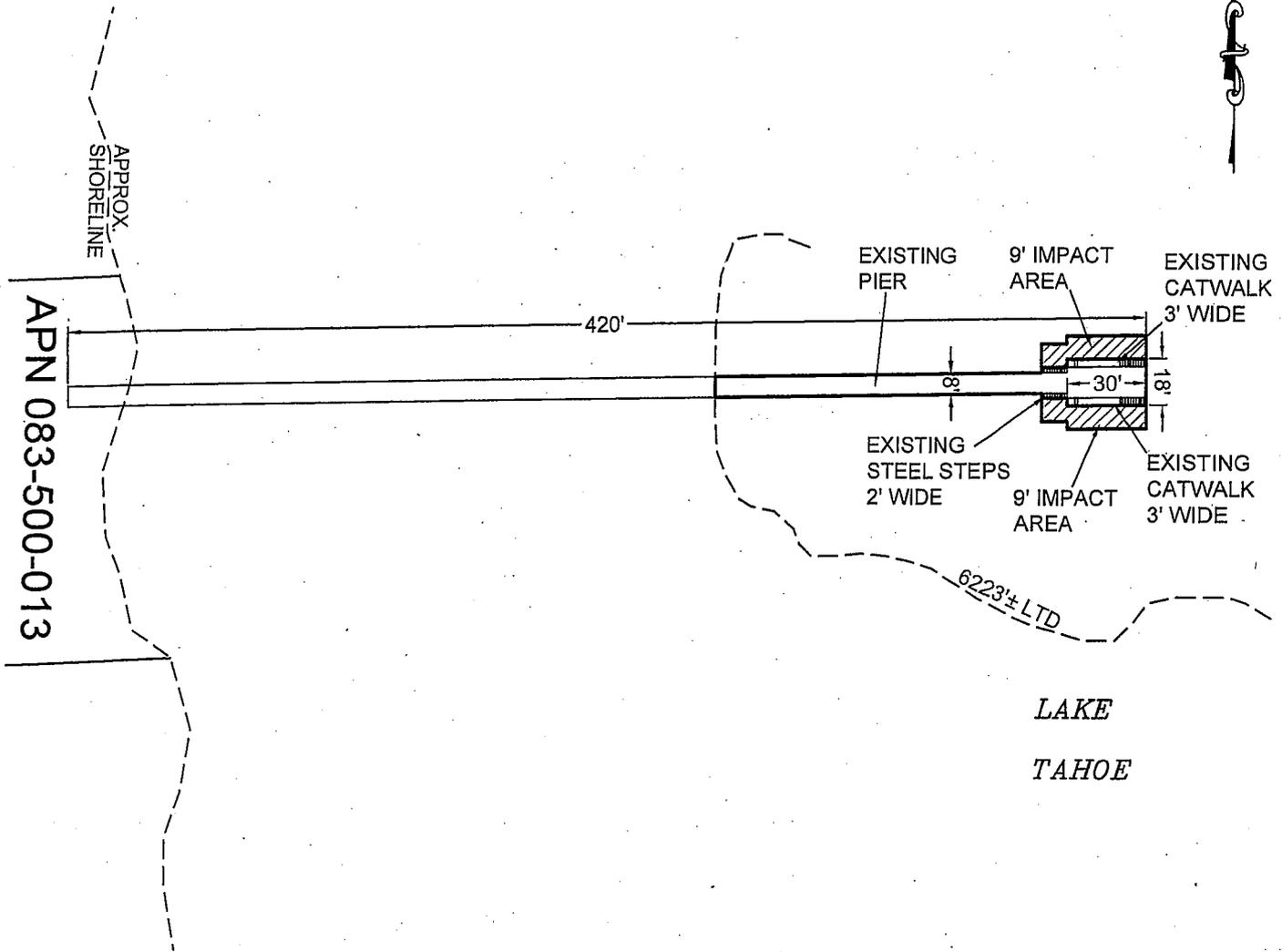
END OF DESCRIPTION

Prepared 03/11/2014 by the California State Lands Commission Boundary Unit.



NO SCALE

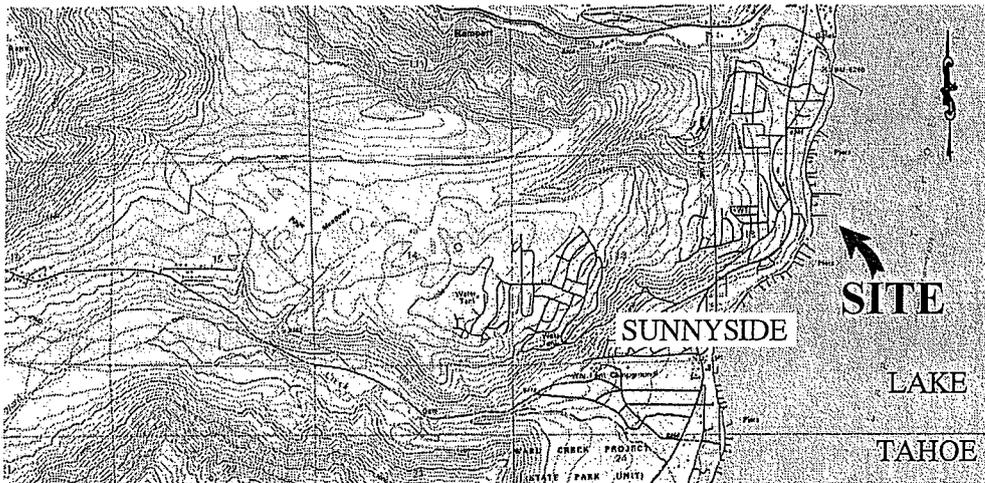
SITE



1200 WEST LAKE BLVD., NEAR SUNNYSIDE

NO SCALE

LOCATION

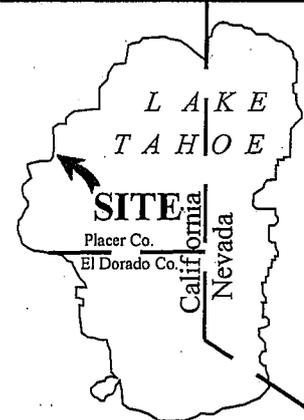


MAP SOURCE: USGS QUAD

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-1

PRC 2859.1
 CEDAR POINT HOMEOWNERS
 ASSOCIATION
 APN 083-500-013
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



TS 02/10/14

SITE

NO SCALE



PARCEL 1
EXISTING PIER

500' ±

MARKER BUOY

MARKER BUOY

6223' ± LTD

PARCELS 2 through 19
FIELD OF 18 BUOYS

55' ±

55' ±

MARKER BUOY

LAKE TAHOE

MARKER BUOY

MARKER BUOY

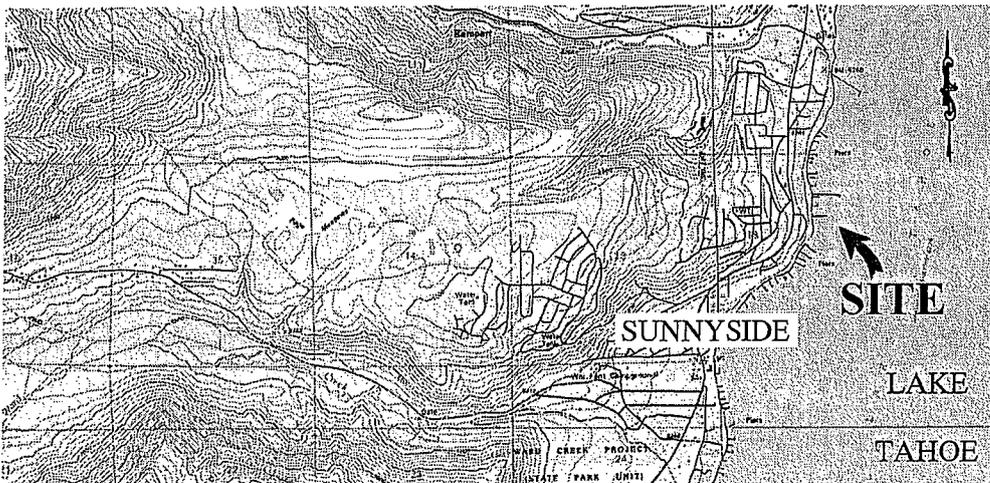
MARKER BUOY

LAKE

1200 WEST LAKE BLVD., NEAR SUNNYSIDE

NO SCALE

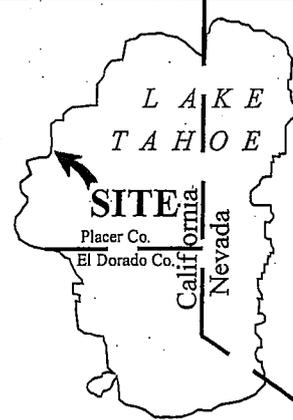
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B-2

PRC 2859.1
CEDAR POINT HOMEOWNERS
ASSOCIATION
APN 083-500-013
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



TS 02/10/14

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