

**CALENDAR ITEM
C53**

A 1
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10/14/14
PRC 4499.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Lake Forest Pierowner's Association, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, located adjacent to a small parcel between Assessor's Parcel Numbers 092-142-008 and 092-142-021, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and 13 mooring buoys previously authorized by the Commission and use and maintenance of an existing boat hoist not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 21, 2014.

CONSIDERATION:

\$5,967 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. The proposed lease contains a provision requiring the Applicant 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 FEIS and nullified the Amendments. When additional information is available, Commission

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staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.
3. Buoy Allotment Program: The use of the buoy field will be made available to all members of Lake Forest Pierowner's 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.

OTHER PERTINENT INFORMATION:

1. The Applicant has authorization to use the upland adjoining the lease premises.
2. On August 17, 2004, the Commission authorized a 10-year Recreational Pier Lease to Lake Forest Pierowner's Association, Inc. That lease expired on June 20, 2014. The Applicant is now applying for a General Lease – Recreational Use.
3. The Applicant is an association with approximately 48 owners/members. The Association provides for its members the use and maintenance of the pier, boat hoist, and 13 mooring buoys.
4. The Applicant's boat hoist has existed for many years but was not previously authorized by the Commission. Staff recommends including the boat hoist as an authorized improvement in the lease.
5. 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

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6. 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

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:

Authorize issuance of a General Lease – Recreational Use to Lake Forest Pierowner's Association, Inc., beginning June 21, 2014, for a term of 10 years, for continued use and maintenance of an existing pier and 13 mooring buoys previously authorized by the Commission, and use and maintenance of an existing boat hoist not previously authorized by the Commission 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 \$5,967 with an annual Consumer Price Index adjustment, as provided in the lease; and liability insurance in an amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4499.1

LAND DESCRIPTION

Fourteen (14) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 fractional Section 28, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 –PIER

All those lands underlying an existing multi-use pier, one (1) boat hoist and two (2) catwalks lying adjacent to those lots as described in that Grant Deed recorded November 29, 2006 in Document 2006-0128283 and in that Grant, Bargain, Sale Deed recorded October 22, 1997 in Document 97-0065653 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

PARCELS 2-14, – BUOY FIELD (13 BUOYS)

Thirteen (13) circular parcels of land, being 50 feet in diameter, underlying thirteen (13) existing buoys lying adjacent to said lots.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared September 2, 2014 by the California State Lands Commission Boundary Unit.



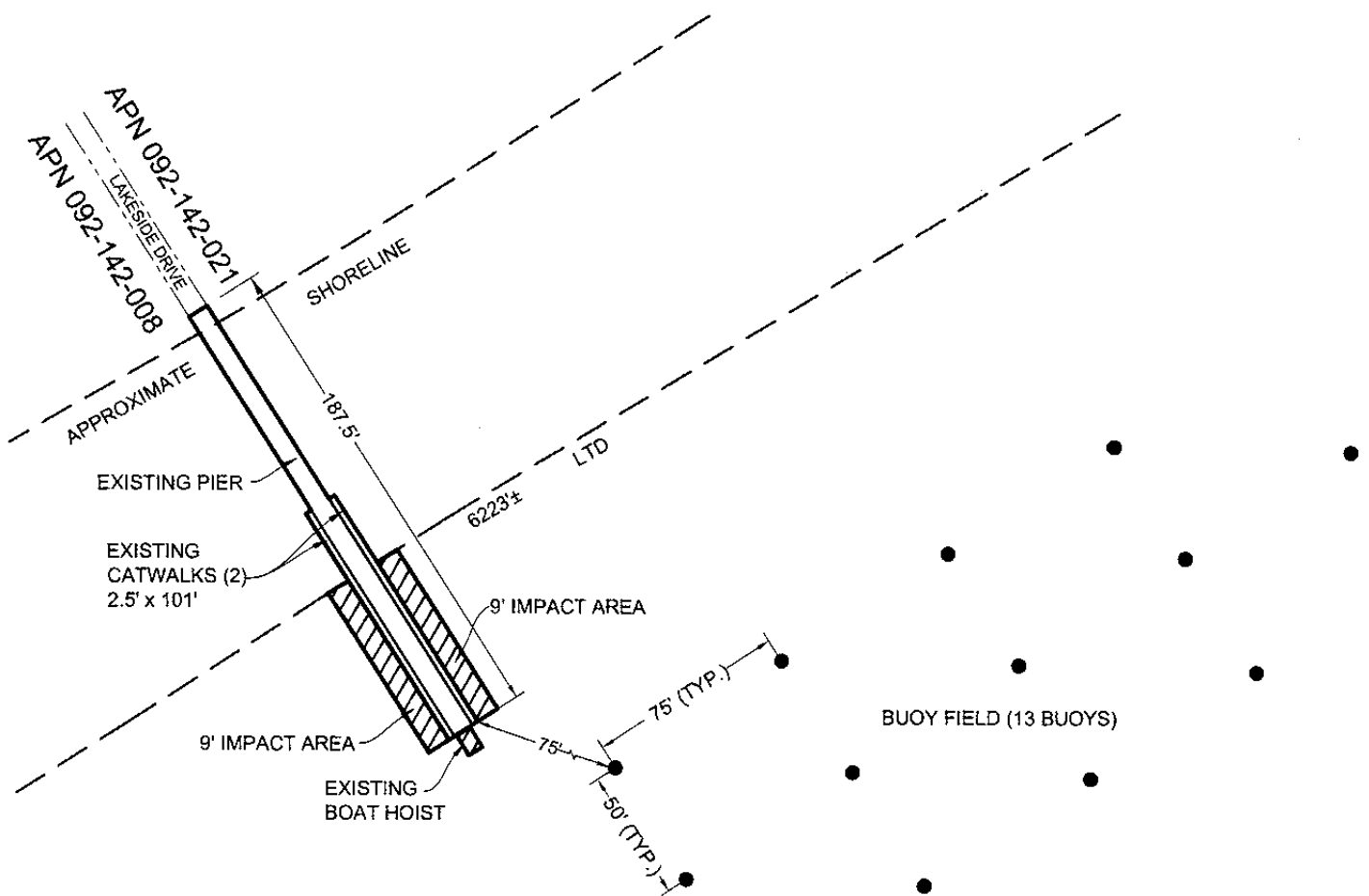


EXHIBIT A

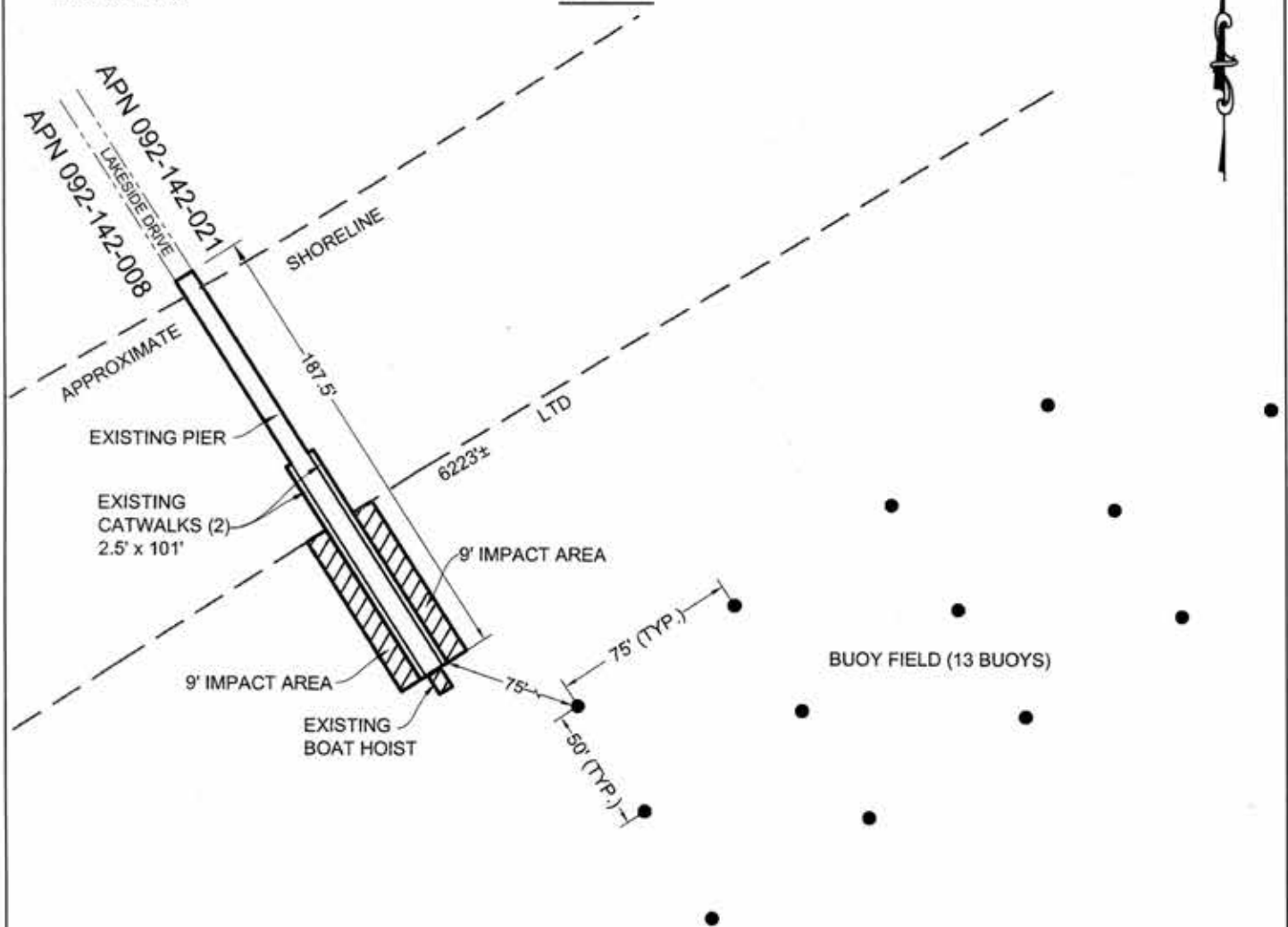
LAND DESCRIPTION PLAT
 PRC 4499.1
 LAKE FOREST PIEROWNERS ASSOC., INC.
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



BETWEEN APNs 092-142-008 & 092-142 -021, TAHOE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4499.1
 LAKE FOREST ASSOC., INC.
 APN 092-142-008 & 021
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 7/28/2014

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.