

**CALENDAR ITEM  
C60**

A 5

10/14/14  
PRC 9286.9

S 1

K. Colson  
B. Terry

**CONSIDER REVISION TO PRIOR COMMISSION AUTHORIZATION TO CLARIFY  
THE LEASE COMMENCEMENT DATE AND TO ALLOW FOR FENCING OF A  
PARCEL OF LAND LOCATED AT 3339 LAKE TAHOE BOULEVARD, IN SOUTH  
LAKE TAHOE, ELK DORADO COUNTY, PREVIOUSLY AUTHORIZED TO BE  
ACQUIRED THROUGH USE OF KAPILOFF LAND BANK FUNDS**

**APPLICANT:**

California Tahoe Conservancy

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

A 0.44-acre portion of Assessor's Parcel Number 027-010-16, located at 3339 Lake Tahoe Boulevard, in South Lake Tahoe, El Dorado County.

**LAND USE OR PURPOSE:**

Pedestrian access, recreation, and open space.

**LEASE TERM:**

49 years, beginning on the close of escrow, but no later than October 31, 2014.

**PROPOSED LEASE REVISIONS:**

1. Clarify the commencement date of the lease to the close of escrow, but no later than December 31, 2014.
  
2. Revise the Land Use or Purpose section of the lease to include placement of a fence for safety purposes.

**BACKGROUND:**

The California State Lands Commission (Commission) has considered the proposed acquisition of the Alta Mira property at two prior meetings. At its April 23, 2014, meeting, the Commission, as Trustee of the Kapiloff Land Bank Fund, approved the acquisition of a 0.44-acre parcel of land and the lease of that property to the California Tahoe Conservancy (CTC) (Calendar Item C76, April 23, 2014). This acquisition was structured so that the CTC and the Commission would purchase the 0.86-acre parcel together from the property owner, Alta Mira,

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Ltd., and the parcel would be split into two parcels just prior to recordation. Title would be conveyed in two separate instruments to the State, one on behalf of the CTC and the other on behalf of the Commission. A General Lease – Public Agency Use to the CTC for 49 years, to begin upon close of escrow for the purpose of providing regional and statewide public access to Lake Tahoe for pedestrian access, recreation, and passive open space was also authorized at the April 23, 2014, Commission meeting. At its June 19, 2014, meeting, the Commission authorized a change in the pending transaction (Calendar Item C88, June 19, 2014). Now, CTC will purchase the entire 0.86-acre parcel from Alta Mira, Ltd. and the Commission will purchase the 0.44-acre parcel directly from CTC and lease it back to the CTC.

**PROPOSED LEASE:**

The Commission has previously authorized the issuance of a General Lease – Public Agency Use to the CTC for the management of the Commission’s parcel, for a term of 49 years to provide public pedestrian access, recreation, and passive open space, with the consideration being the benefit to provide regional and statewide public access to Lake Tahoe associated with such a lease. CTC staff has recently alerted Commission staff of the need for a fence for safety purposes because of the steep slope on the property. Because the lease is not yet in effect, Commission staff is recommending revision of the prior authorization to the lease to include placement of a fence for safety purposes.

**OTHER PERTINENT INFORMATION:**

1. On April 23, 2014, the Commission authorized the expenditure of \$500,000 from the Kapiloff Land Bank Fund for the purchase of a 0.44-acre parcel of land, and the issuance of a General Lease - Public Agency Use to the CTC for a term of 49 years, to begin upon the close of escrow, but no later than October 31, 2014, for the management of the 0.44-acre parcel for the purpose of providing regional and statewide public access to Lake Tahoe for pedestrian access, recreation, and passive open space.
2. On June 19, 2014, the Commission authorized the rescission of its April 23, 2014, authorization for the expenditure of \$500,000 from the Kapiloff Land Bank Fund to Alta Mira Ltd. for the purchase of a 0.44-acre parcel of land and authorized the \$500,000 expenditure from the Kapiloff Land Bank Fund to the CTC for the purchase of the same parcel. The previously authorized lease was not affected by the June 19, 2014, Commission action.
3. The CTC has now indicated the close of escrow may occur after October 31, 2014. Since the Commission cannot lease the 0.44-acre parcel to the CTC until after it has received title, staff is recommending that the lease

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commencement date be clarified to the close of escrow, but no later than December 31, 2014.

4. Because there is a moderately steep slope from the upland down to the Lake, CTC staff is requesting the placement of a four-foot high ornamental iron fence along the edge of the slope for safety purposes. The placement of the fence requires a revision to the Land Use or Purpose section in the previously authorized lease.
5. **Extend Lease Commencement Date:** 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.

6. **Fence Installation:** The 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 or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303, subdivision (e).

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

7. 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.

**EXHIBIT:**

- A. Site and Location Map

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**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Extend Lease Commencement Date:** 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).

**Fence Installation:** 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 3, New Construction or Conversion of Small Structures; California Code of Regulations, Title 14, section 15303, subdivision (e).

**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 the revision of the Commission's April 23, 2014, authorization to clarify the lease commencement date to the close of escrow, but no later than December 31, 2014.
2. Authorize the revision of the Commission's April 23, 2014, authorization to include the placement of a fence for safety purposes in the lease's Land Use or Purpose section.

**EXHIBIT A**

**W 26723**

**LAND DESCRIPTION  
RESULTANT STATE PARCEL**

A portion of that certain parcel of land as described in that certain Grant Deed recorded October 12, 1979 in Book 1811 at Page 393, Official Records of El Dorado County, being a portion of Lot 4, Section 33, Township 13 North, Range 18 East, M.D.M., and being more particularly described as follows:

COMMENCING at the southwest corner of said parcel; thence from said point of commencement, along the westerly line of said parcel, North  $00^{\circ}46'27''$  East 95.23 feet to a point on the high watermark of Lake Tahoe, said point being the POINT OF BEGINNING; thence from said point of beginning along the westerly line of said parcel, North  $00^{\circ}46'27''$  East 118.57 feet to the low watermark of Lake Tahoe; thence leaving said easterly line and along said low watermark the following four (4) courses:

- 1) North  $82^{\circ}06'19''$  East 48.35 feet,
- 2) South  $86^{\circ}31'16''$  East 64.76 feet,
- 3) North  $68^{\circ}35'19''$  East 56.65 feet, and
- 4) North  $71^{\circ}11'55''$  East 2.98 feet to a point on the easterly line of said parcel;

thence leaving said low watermark and along the easterly and southeasterly lines of said parcel the following four (4) courses:

- 1) South  $07^{\circ}25'48''$  East 142.00 feet,
- 2) South  $74^{\circ}34'12''$  West 39.58 feet,
- 3) South  $07^{\circ}13'43''$  East 68.28 feet, and
- 4) To the right along the arc of a non-tangent 20.00 foot radius curve, having a radial bearing of North  $81^{\circ}24'14''$  East, a central angle of  $104^{\circ}16'26''$ , and an arc length of 36.40 feet to a point on the northerly Right of Way line of State Highway No. 50;

thence along said Right of Way and southerly line of said parcel to the left along the arc of a non-tangent 1540.00 foot radius curve, having a radial bearing of North  $04^{\circ}09'45''$  East, a central angle of  $00^{\circ}08'29''$ , and an arc length of 3.80 feet; thence leaving said Right of Way and southerly line, North  $32^{\circ}52'00''$  East 25.13 feet to a point on a line that is parallel with the easterly and southeasterly lines of said parcel, and lying 12.00 feet westerly and northwesterly at right angles therefrom; thence along said parallel line the following three (3) courses:

- 1) North  $07^{\circ}13'43''$  West 78.68 feet,
- 2) North  $74^{\circ}34'12''$  East 39.54 feet, and
- 3) North  $07^{\circ}25'48''$  West 48.33 feet to a point on said high watermark;

thence leaving said parallel line and along said high watermark the following four (4) courses:

- 1) South 71°36'27" West 44.10 feet,
- 2) South 71°23'11" West 49.25 feet,
- 3) South 71°03'25" West 51.76 feet, and
- 4) South 68°16'54" West 33.46 feet to the point of beginning.

The BASIS OF BEARINGS of this description is a tie line between found monuments at the southwest corner of said parcel and the northwest corner of that parcel as described in that certain Quitclaim Deed recorded in Volume 407 at Page 129, Official Records of said county, and shown on an unrecorded survey prepared by LS 2725 and dated May 1959, the bearing of which is calculated to be North 60°08'32" East.

Accompanying plat is hereby made part of this description.

#### END OF DESCRIPTION

Prepared 03/19/2014 by the California State Lands Commission Boundary Unit.



LAKE TAHOE

LOW WATERMARK  
AS SURVEYED  
NOV. 20, 2013

HIGH WATERMARK  
AS SURVEYED  
NOV. 20, 2013

**RESULTANT  
STATE PARCEL**

O.R. 1811-393

CITY OF  
SOUTH LAKE  
TAHOE  
O.R.  
1195-556

MCCALL  
O.R. 2012-  
0069244

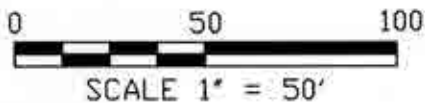
**RESULTANT CA TAHOE  
CONSERVANCY PARCEL**

O.R. 1811-393

STATE HIGHWAY NO. 50

COUNTY OF EL DORADO  
O.R. 407-129

NOTE:  
(R) - RADIAL BEARING



**EXHIBIT A**

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JWP 03/19/14

LAND DESCRIPTION PLAT  
W 26723 3339 LAKE TAHOE BLVD.,  
SOUTH LAKE TAHOE, EL DORADO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION

