MINUTE ITEM
This Calendar Item No. C48 was approved as Minute Item No. 48 by the California State Lands Commission by a vote of 3 to 0 at its 12-16-02 meeting.

CALENDAR ITEM
C48

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PRC 5354

12/16/02
WP 5354.1
B. Young

GENERAL LEASE – COMMERICAL USE

APPLICANT:

Lakehouse Mall Property Management, Inc., a California Corporation
P.O. Box 1194 Sloughhouse
Sacramento, California 95683

AREA, LAND TYPE, AND LOCATION:

0.73 acres, more or less, of sovereign lands in Lake Tahoe, Tahoe City, Placer County.

AUTHORIZED USE:

Eight existing mooring buoys previously authorized by the Commission and construction, use and maintenance of a new 400-foot pier.

PROPOSED LEASE TERM:

Ten years, beginning March 1, 2003.

CONSIDERATION:

$2,744 minimum annual rent, plus five percent of the gross annual income derived from the eight mooring buoys and any activities that are conducted waterward of elevation 6223 feet, Lake Tahoe Datum; 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 $1,000,000.

Bond:

$25,000

Other:

This lease is conditioned on Lessees obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two (2) years after the adoption of the Lake Tahoe Shorezone

Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. On January 23, 1986, the Commission issued a General Lease – Commercial Use, Lease No. PRC 5354.1, to Fred Saber-Motamedi for the installation, use and maintenance of eight mooring buoys that are utilized for commercial and recreational purposes. Mr. Saber-Motamedi subsequently transferred his interest in the upland property to the Applicant. Lease PRC 5354 expired February 29, 2000, and is currently in holdover.

3. The Applicant has maintained a pier that is associated with the uplands, but the existing pier does not extend onto the Commission's leasing jurisdiction so a lease for the pier was not required. The Applicant proposes to demolish the existing pier and replace it with a new pier that will extend waterward from the upland property approximately 400 feet, which will require a lease from the Commission. The Applicant has submitted an application to replace the expired lease for the eight mooring buoys and includes, in addition to the existing eight mooring buoys, the construction, use and maintenance of the new pier.

4. The Applicant has a concessionaire that operates a watercraft rental business on the lake frontage area adjacent to the Applicant's upland property. The concession includes 16 personal watercraft, the above mentioned eight mooring buoys and one canoe. The Applicant has historically operated the watercraft rental concession above the Commission's area of jurisdiction. In the event any of the rental activities are conducted waterward of elevation 6223 feet, Lake Tahoe Datum, the Applicant will pay five percent of the gross income derived from these activities.

5. **Existing Mooring Buoys:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a 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.

Pier: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061(b)(3).

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 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.

APPROVAL OBTAINED: (PIER)
Tahoe Regional Planning Agency

FURTHER APPROVALS REQUIRED:
California Department of Fish and Game
U.S. Army Corps of Engineers
Lahontan Regional Water Control Board
Tahoe Regional Planning Agency (Buoys)

EXHIBIT:
A. Location and Site Map

PERMIT STREAMLINING ACT DEADLINE:
February 6, 2003

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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).

PIER: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

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.

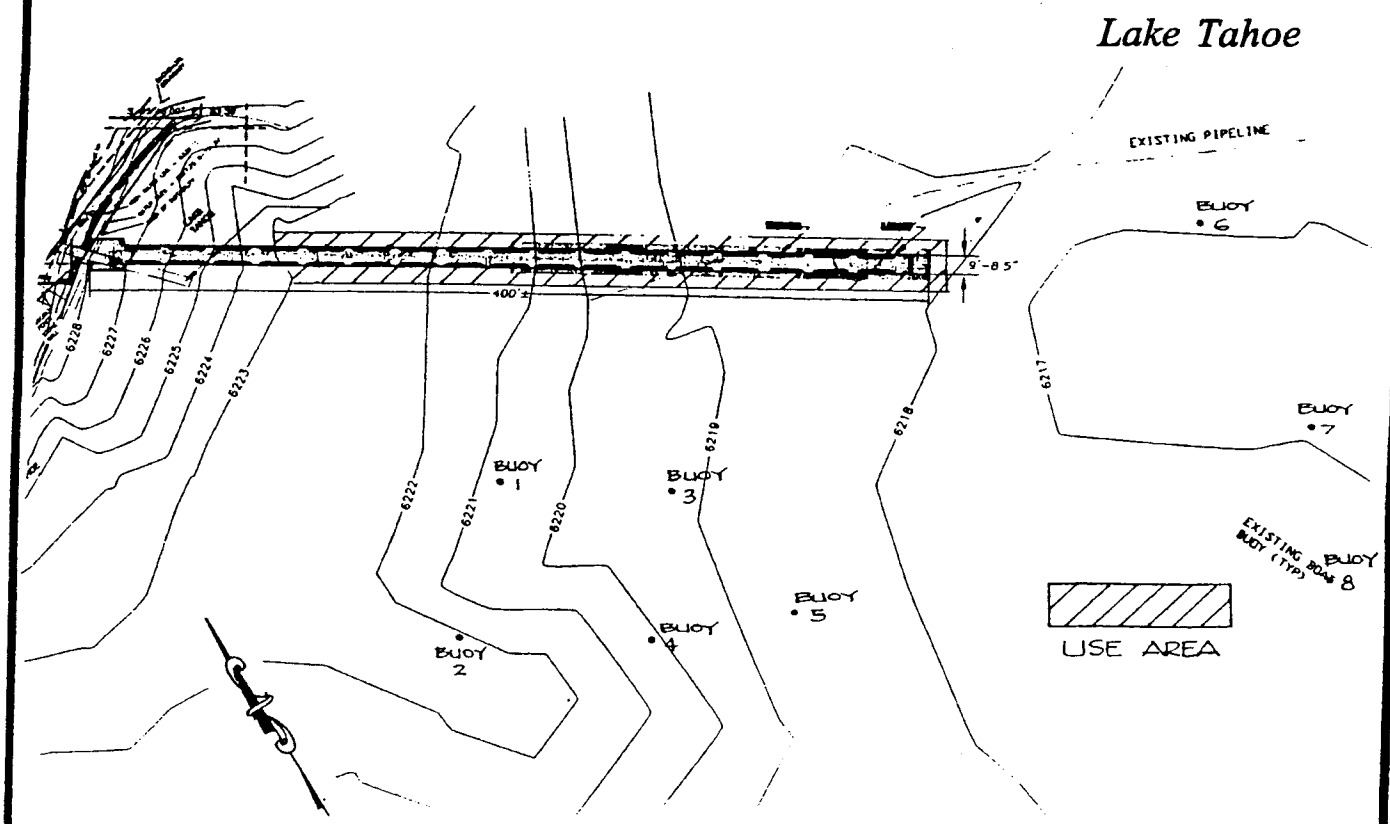
AUTHORIZATION:

AUTHORIZE ISSUANCE TO LAKEHOUSE MALL PROPERTY MANAGEMENT, INC., A CALIFORNIA CORPORTION, OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING MARCH 1, 2003, FOR A TERM OF TEN YEARS, FOR EIGHT EXISTING MOORING BUOYS PREVIOUSLY APPROVED BY THE COMMISSSION AND CONSTRUCTION, USE AND MAINTENANCE OF A NEW PIER ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION OF $2,744 MINIMUM ANNUAL RENT, PLUS FIVE PERCENT OF THE GROSS ANNUAL INCOME DERIVED FROM THE MOORING BUOYS AND ANY OTHER ACTIVITIES THAT ARE CONDUCTED WATERWARD OF ELEVATION 6223 FEET, LAKE TAHOE DATUM, ANNUAL MINUMUM IS TO BE PAID COMMENCING ON MARCH 1, 2003, AND ON THE ANNIVERSARY DATE EVERY YEAR THEREAFTER FOR THE REMAINDER OF THE TERM OF THIS LEASE; WITH THE STATE RESERVING THE RIGHT TO

FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE OF COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $1,000,000; SURETY IN THE AMOUNT OF $25,000.

NO SCALE

SITE MAP



Lakehouse Mall, 120 Grove Street

LOCATION MAP

NO SCALE

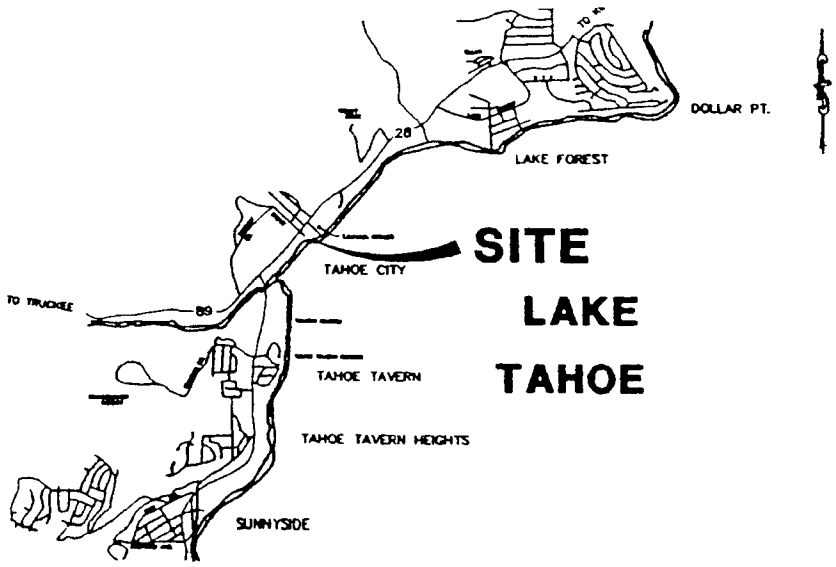
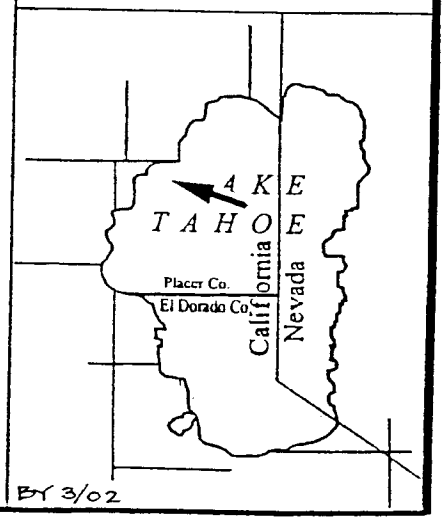


EXHIBIT A

PRC 5354.1
APNs 94-090-09&10
Lake Tahoe
Placer County



BY 3/02

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.