

MINUTE ITEM

This Calendar Item No. C42 was approved as Minute Item No. 42 by the California State Lands Commission by a vote of 3 to 0 at its 12/9/04 meeting.

**CALENDAR ITEM
C42**

A 4
S 1

12/09/04
PRC 5739 WP 5739.1
B. Young

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Tahoe Vista Inn and Marina, LLC
7220 North Lake Blvd.
Tahoe Vista, Ca 96148

AREA, LAND TYPE, AND LOCATION:

1.05 acres, more or less, of sovereign lands in Lake Tahoe, Agate Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and berthing slips, boat launching ramp, bar/lounge facility, 18 existing mooring buoys, retention of 12 additional existing seasonal mooring buoys and two marker buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning August 14, 2004.

CONSIDERATION:

\$4,568 per annum for the pier and buoys, plus \$500 minimum annual rent or three percent of 75 percent of the gross annual income derived from the bar/lounge operation, whichever is greater, 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:

Combined single limit coverage of \$1,000,000.

Bond:

\$25,000

Other:

This lease is conditioned on Applicant's obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within

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two 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 upland property adjoining the lease premises.
2. On October 29, 1979, the Commission authorized a General Lease - Commercial Use, to Tahoe Vista Marina Ltd., for the maintenance of commercial facilities utilized for the operation of a commercial marina. On July 22, 1982, the Commission approved an assignment and amendment of the lease to Tahoe Vista Inn and Marina to include 18 mooring buoys. That lease expired on May 23, 1992. The lands were not leased during the period from 1992 to 1998.
3. Applicant purchased the property on August 14, 1998, and is now applying for a new General Lease – Commercial Use. Staff negotiated the settlement of back rent owed since 1998 in the amount of \$21,360.
4. **Pier, Berthing Slips, Boat Launching Ramp:** 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).
5. **18 Mooring Buoys and additional 12 Existing Seasonal Mooring Buoys and Two Marker 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(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.

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6. **Bar/Lounge Facility:** 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 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303(c).

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

7. 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.

APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency

EXHIBIT:

- A. Location and Site Maps

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER, BERTHING SLIPS, BOAT LAUNCHING RAMP: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

18 MOORING BUOYS AND AN ADDITIONAL 12 SEASONAL MOORING BUOYS AND TWO MARKER BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS,

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SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

BAR/LOUNGE FACILITY: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303(c).

SIGNIFICANT LANDS INVENTORY FINDING:

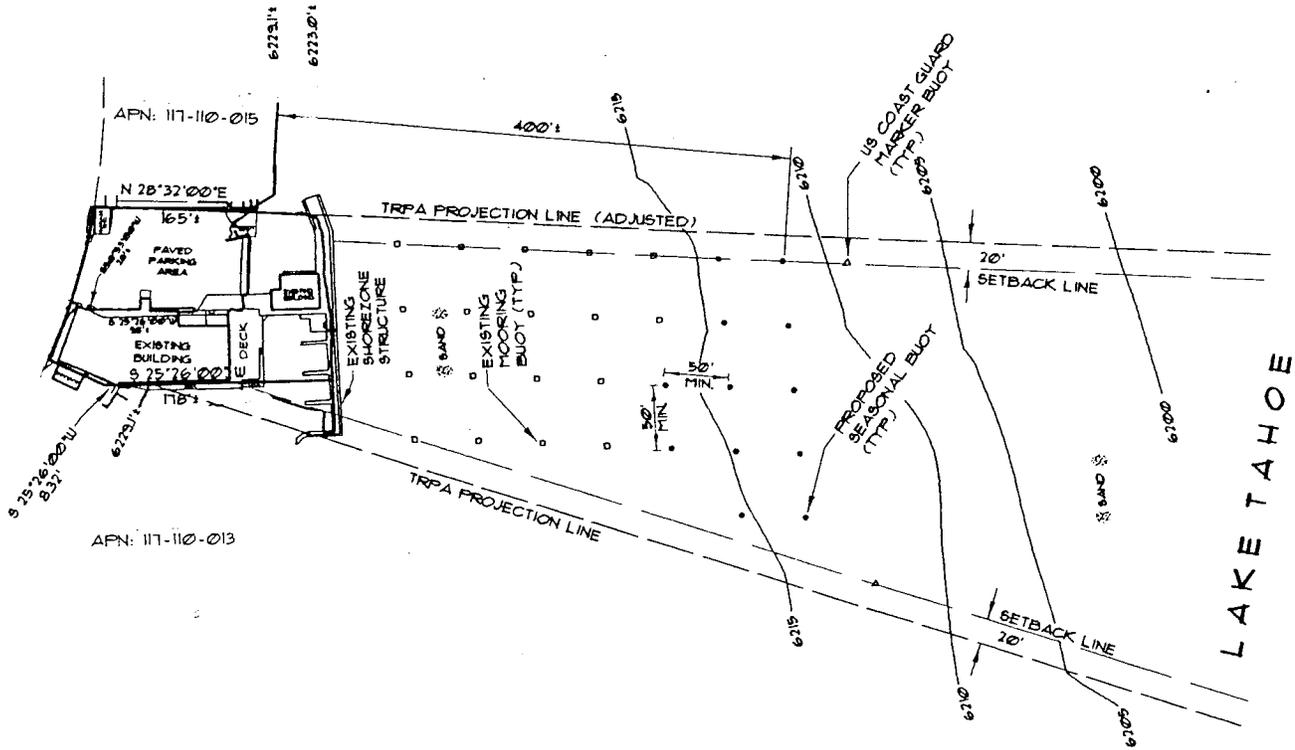
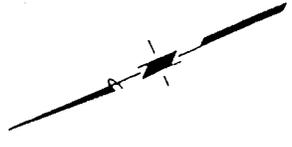
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TAHOE VISTA INN AND MARINA, LLC, OF A TEN-YEAR GENERAL LEASE - COMMERCIAL USE, BEGINNING AUGUST 14, 2004, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, BERTHING SLIPS, BOAT LAUNCHING RAMP, BAR/LOUNGE FACILITY, 18 EXISTING MOORING BUOYS, 12 SEASONAL MOORING BUOYS AND TWO MARKER BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AUTHORIZE THE SETTLEMENT OF \$21,360 FOR BACK RENT; CONSIDERATION BEING \$4,568 MINIMUM ANNUAL RENT, PLUS THREE PERCENT OF THE 75 PERCENT OF THE GROSS ANNUAL INCOME DERIVED FROM THE BAR/LOUNGE OPERATION, ANNUAL MINIMUM RENT IS TO BE PAID COMMENCING ON AUGUST 14, 2004, 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 WITH COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

NO SCALE

SITE MAP



7220 North Lake Blvd.

NO SCALE

LOCATION MAP

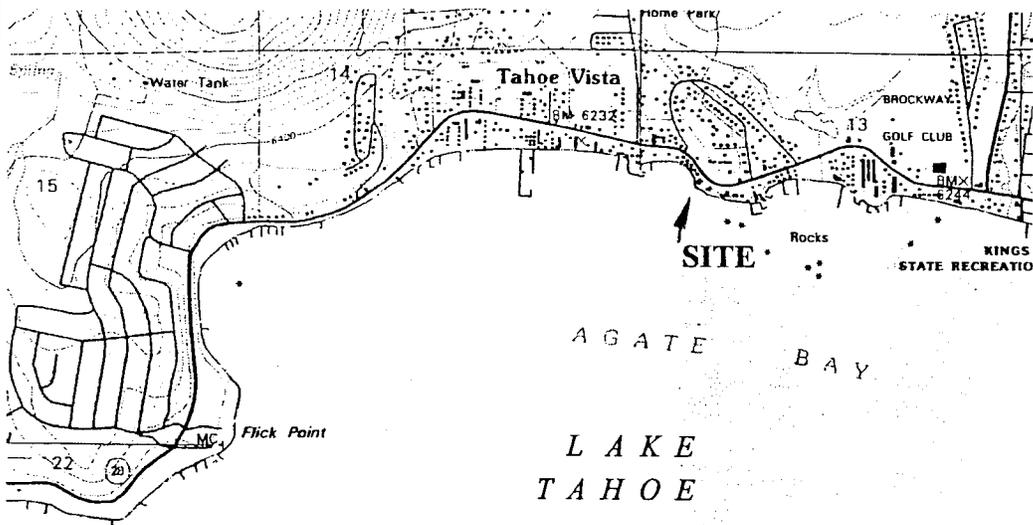
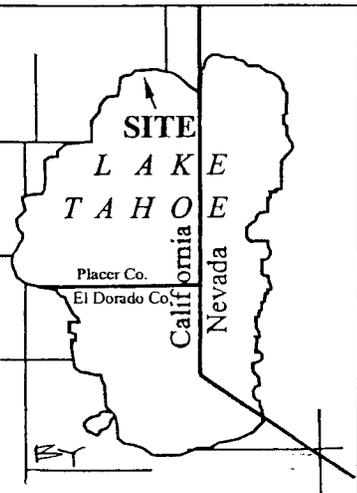


EXHIBIT A
PRC 5739.1
APN 117-110-014
Lake Tahoe
PLACER COUNTY
 (Sheet 1 of 2)



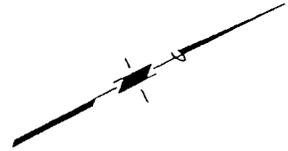
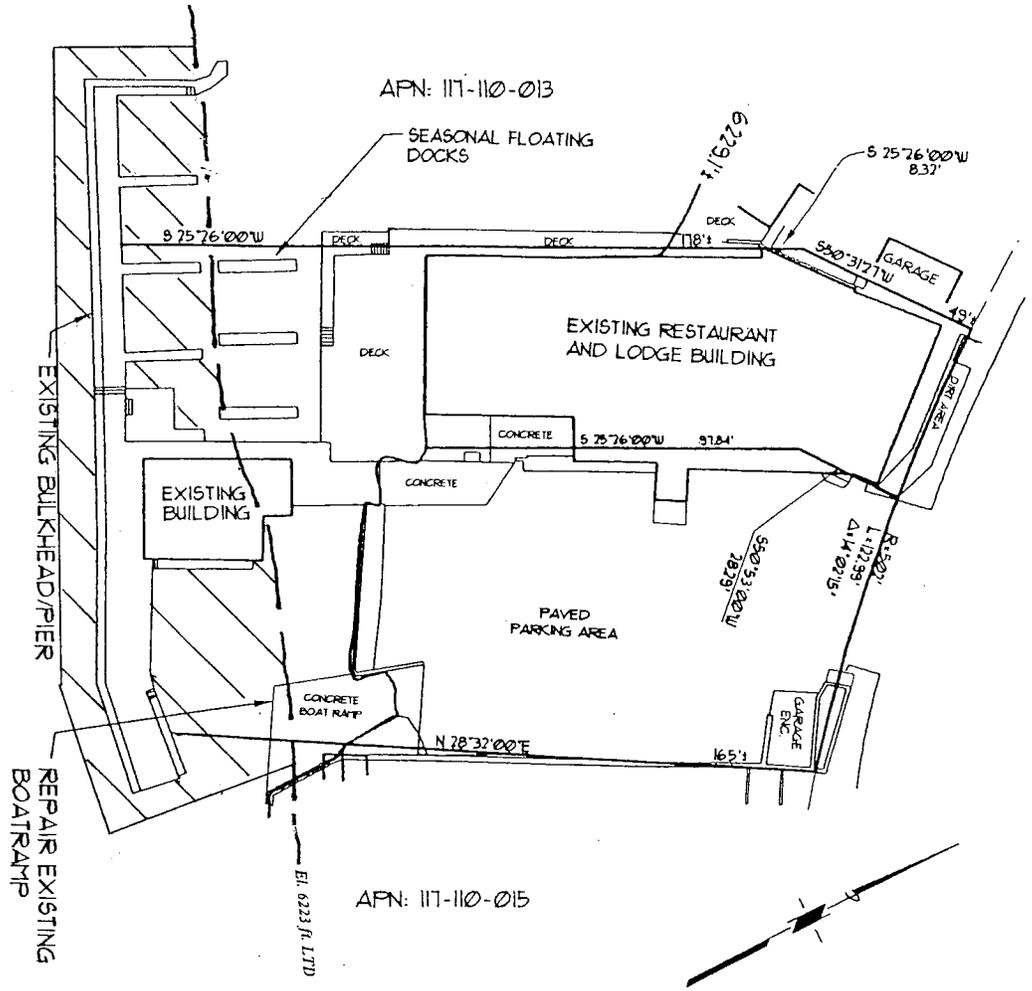
This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.

NO SCALE

SITE MAP



LAKE TAHOE



NO SCALE

LOCATION MAP

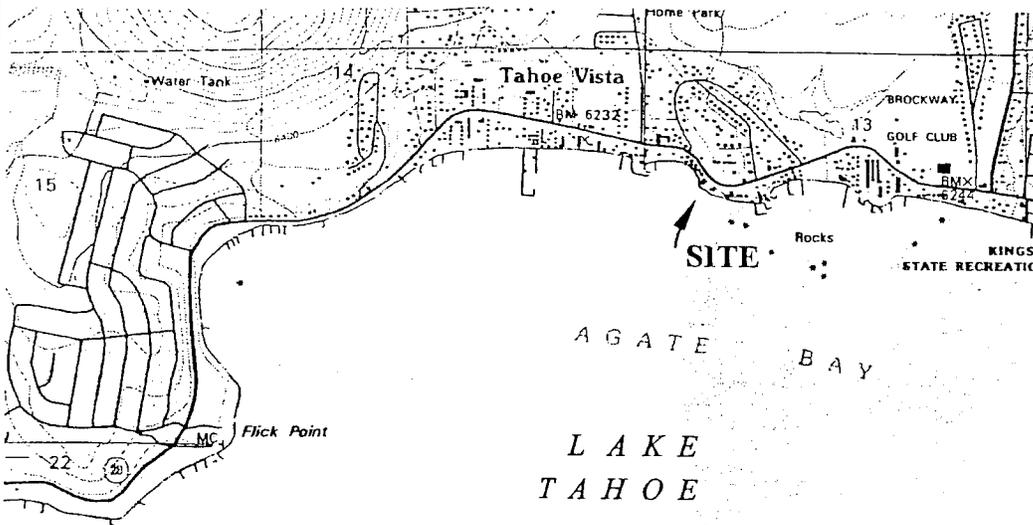
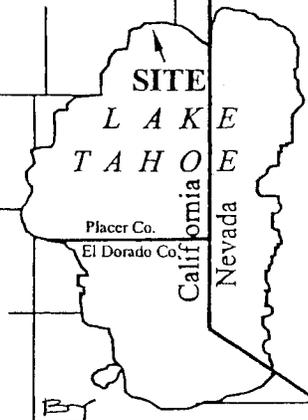


EXHIBIT A
PRC 5739.1
APN 117-110-014
Lake Tahoe
PLACER COUNTY
 (Sheet 2 of 2)



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Leasee 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.

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