CALENDAR ITEM

C47

A 4 04/06/11

WP 4322.1

S 1 B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Heratage Cove Homeowners Association, Inc.
P.O. Box 64
Tahoe Vista, CA 96148-0064

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7580 North Lake Boulevard, near Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 28 mooring buoys, and two marker buoys as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning November 3, 2010.

CONSIDERATION:

Marker Buoys: $50 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Pier and Mooring Buoys: No monetary consideration pursuant to Public Resources Code section 6305.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $2,000,000.

Other:

Buoy Allotment Program: The use of the buoy field will be made available to all members of the Heratage Cove Homeowners Association, Inc. (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 uplands adjoining the lease premises.

2. On April 13, 1999, the Commission authorized a 10-year General Lease – Recreational Use with Heratage Cove Homeowners Association. That lease expired on November 2, 2008. The Association is now applying for a new General Lease – Recreational Use.

3. The Association is a homeowners association and consists of 40 units. All members/owners qualify for rent-free status pursuant to section 6503.5 of the Public Resources Code because they are natural persons who own the littoral parcels that are improved with single-family dwellings. Therefore, there is no annual rent for the pier and mooring buoys; however, the marker buoys are subject to full rent because they are not used for the docking and mooring of boats.

4. The mooring buoys are made available to all members of the Association in a fair and equitable manner.

5. After the prior lease expired, the Association 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 hold over rent in the amount of $26 for the period beginning November 3, 2008 through November 2, 2010.

6. 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 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.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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. Site and Location Map
B. Land Description

RECOMMENDED ACTION:
It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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).

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.

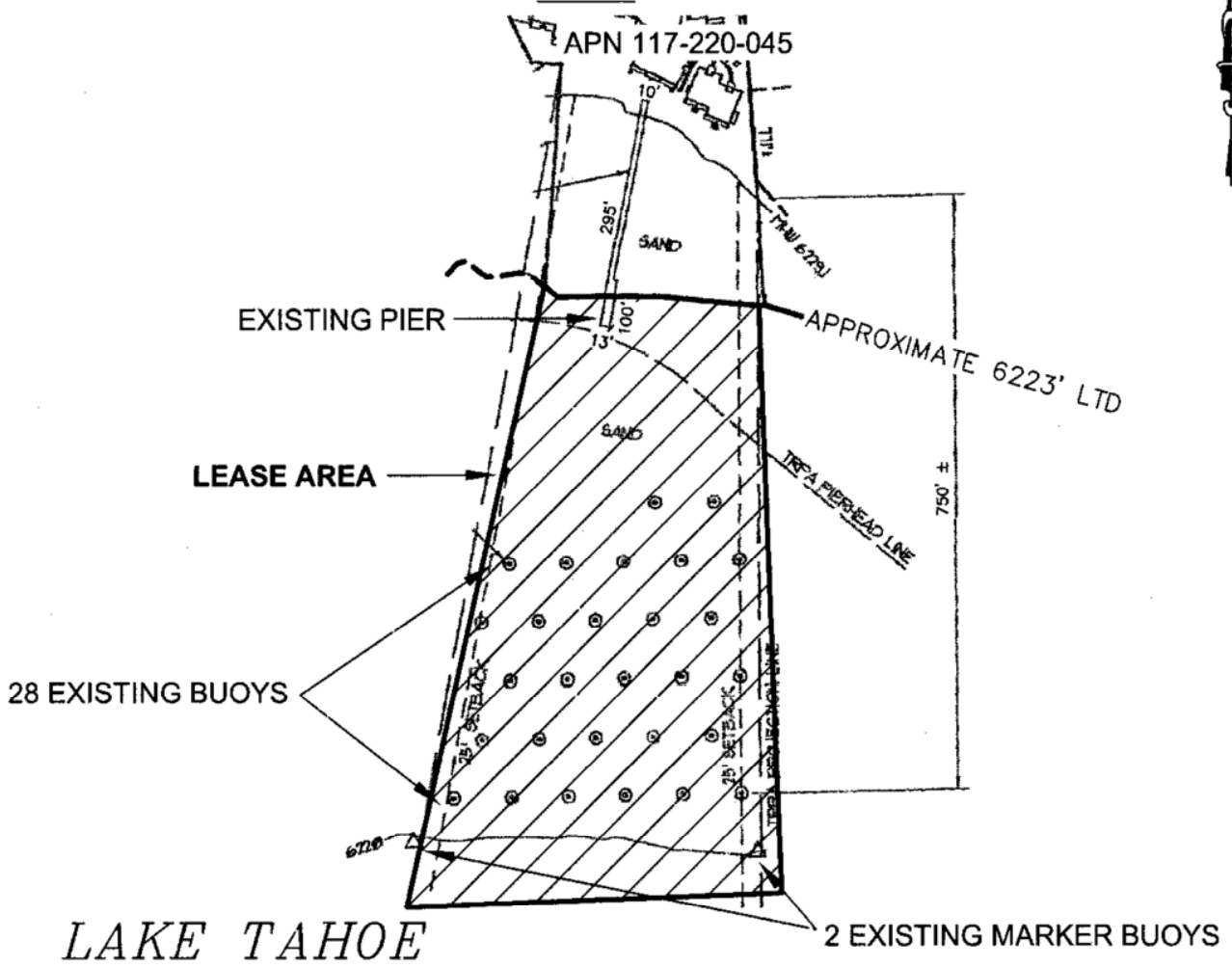
AUTHORIZATION:

1. Authorize acceptance of additional holdover rent in the amount of $26 for the period of November 3, 2008 through November 2, 2010.

2. Authorize issuance of a General Lease – Recreational Use to Heratage Cove Homeowners Association, Inc., beginning November 3, 2010, for a term of 10 years, for the continued use and maintenance of an existing pier, 28 mooring buoys, and two marker buoys as shown on Exhibit A (for reference purposes only) and described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of $50 for the two marker buoys and no monetary consideration for the pier and 28 mooring buoys pursuant to Public Resources Code section 3503.5, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than $2,000,000.

NO SCALE

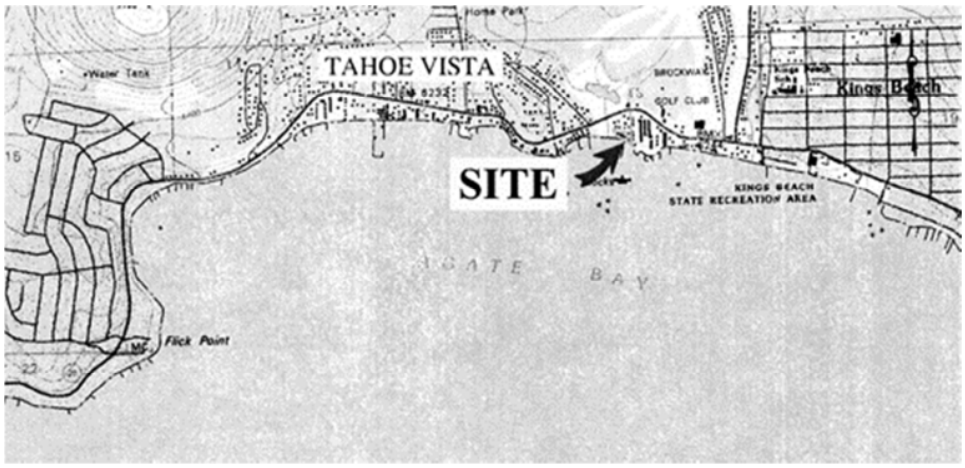
SITE



7580 NORTH LAKE BLVD., NEAR TAHOE VISTA

NO SCALE

LOCATION

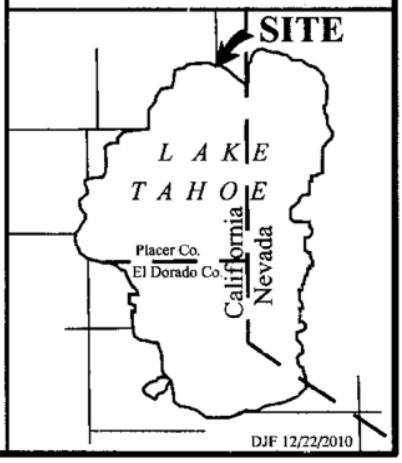


MAP SOURCE: USGS.QUAD

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 A

PRC 4322.1
HERATAGE COVE H.O.A.
APN 117-220-045
GENERAL LEASE - RECREATIONAL USE
PLACER COUNTY



DJF 12/22/2010

EXHIBIT B

PRC 4322.1

LAND DESCRIPTION

A parcel of submerged land lying in the State owned bed of Lake Tahoe, County of Placer, State of California, more particularly described as follows:

BEGINNING at the intersection of the southerly terminus of the course described as N 2°12' W of Parcel 2 in Grant Deed recorded in Volume 1892, Page 150, Official Records of Placer County, and a contour line 6223 feet, Lake Tahoe Datum; thence S 02°12'00" E 750.00 feet; thence S 87°48'00" W 482.00 feet to a point lying S 12°36'17 W from the intersection of the southerly terminus of the course described as S 6°07' W in said deed, and said contour line; thence N 12°36'17" E 811 feet, more or less, to said intersection; thence easterly along said contour line 274 feet , more or less, to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 12/27/2010 by the California State Lands Commission Boundary Unit.

LICENSED LAND SURVEYOR
STEVE C. LEHMAN
Exp. 12/31/11
No. 7377
STATE OF CALIFORNIA