

**CALENDAR ITEM
C20**

A 4
S 1

10/27/11
WP 7954.1
B. Terry

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Red Wolf Lakeside Lodge L.P., a California Limited Partnership
P.O. Box 384
Tahoe Vista, CA 96148

Tahoya Shores Condominium Association
P.O. Box 11
Tahoe Vista, CA 96148

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7610 and 7630 Lakeside Boulevard,
Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, a rock jetty, a
portion of a second rock jetty adjacent to the east side of Assessor's Parcel
Number 117-140-008 (7630 Lakeside Boulevard), and four mooring buoys as
shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning April 1, 2011.

CONSIDERATION:

Pier and Mooring Buoys: \$2,097 per year; prorated pursuant to Public
Resources Code section 6503.5; and

Rock Jetties: \$1,482 per year.

Total Rent: \$3,579, per year 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 in the amount of no less than \$2,000,000.

CALENDAR ITEM NO. **C20** (CONT'D)

Other:

The proposed lease contains a provision requiring the Applicants 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. TRPA is presently evaluating its response. When additional information is available, Commission 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.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On May 12, 1997, the Commission authorized a General Lease – Recreational Use with Red Wolf Lakeside Lodge L.P., a California Limited Partnership, and Tahoya Shores Condominium Association. That lease expired on March 31, 2007. Applicants are now applying for a new General Lease – Recreational Use.
3. Red Wolf Lakeside Lodge (Red Wolf) owns the littoral parcel at 7630 North Lake Boulevard, Assessor's Parcel Number (APN) 117-140-008. Red Wolf operates as a timeshare organization and, therefore, does not qualify for rent-free status pursuant to Public Resources Code Section 6503.5 and is subject to full rent. Tahoya Shores Condominium Association (Tahoya) owns the neighboring littoral parcel at 7610 North Lake Boulevard, APN 117-210-082 and is a property owners association consisting of 41 members/lots. Of these member/lots, one is not owned by a natural person, and is subject to prorated rent pursuant to Section 6503.5 of the Public Resource Code.
4. Red Wolf and Tahoya share equal ownership in the pier. The four mooring buoys are for the exclusive use of Red Wolf's members and guests. Therefore, the rent for Tahoya's portion of the pier has been prorated according to the number of members/lots qualifying for rent-free status. The existing rock jetties that are adjacent to both parcels are subject to full rent because they are not used for the docking and mooring of boats.

CALENDAR ITEM NO. **C20** (CONT'D)

5. Over time the mooring buoys have migrated beyond the property projection lines. Staff has recommended the buoys be relocated according to TRPA guidelines and regulations.
6. Staff recommends the Commission accept additional holdover rent in the amount of \$588 for the period beginning April 1, 2007, the day after the lease expired, through March 31, 2011, the day before the effective date of the new Lease.
7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §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.

8. 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. 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).

CALENDAR ITEM NO. **C20** (CONT'D)

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 acceptance of additional holdover rent in the amount of \$588 for the period of April 1, 2007 through March 31, 2011.

2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Red Wolf Lakeside Lodge L.P., a California Limited Partnership, and Tahoya Shores Condominium Association, beginning April 1, 2011, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, rock jetty, a portion of the rock jetty on the east side of APN 117-140-008, and four mooring buoys as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; consideration for the joint-use pier and mooring buoys: annual rent in the amount of \$2,097, prorated pursuant to Public Resources Code section 6503.5; consideration for the rock jetties: annual rent in the amount of \$1,482; with the State reserving the right to fix a different rent periodically for all facilities during the lease term, as provided in the Lease; and liability insurance with coverage of no less than \$2,000,000.

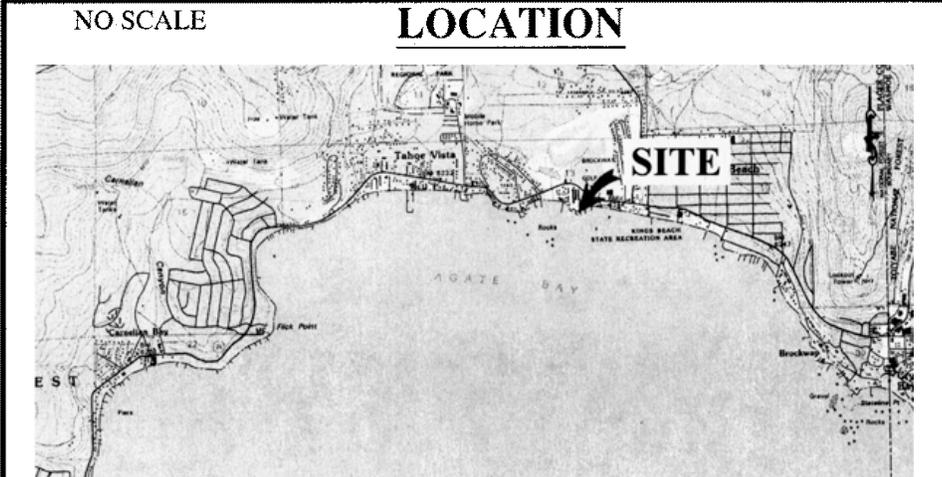
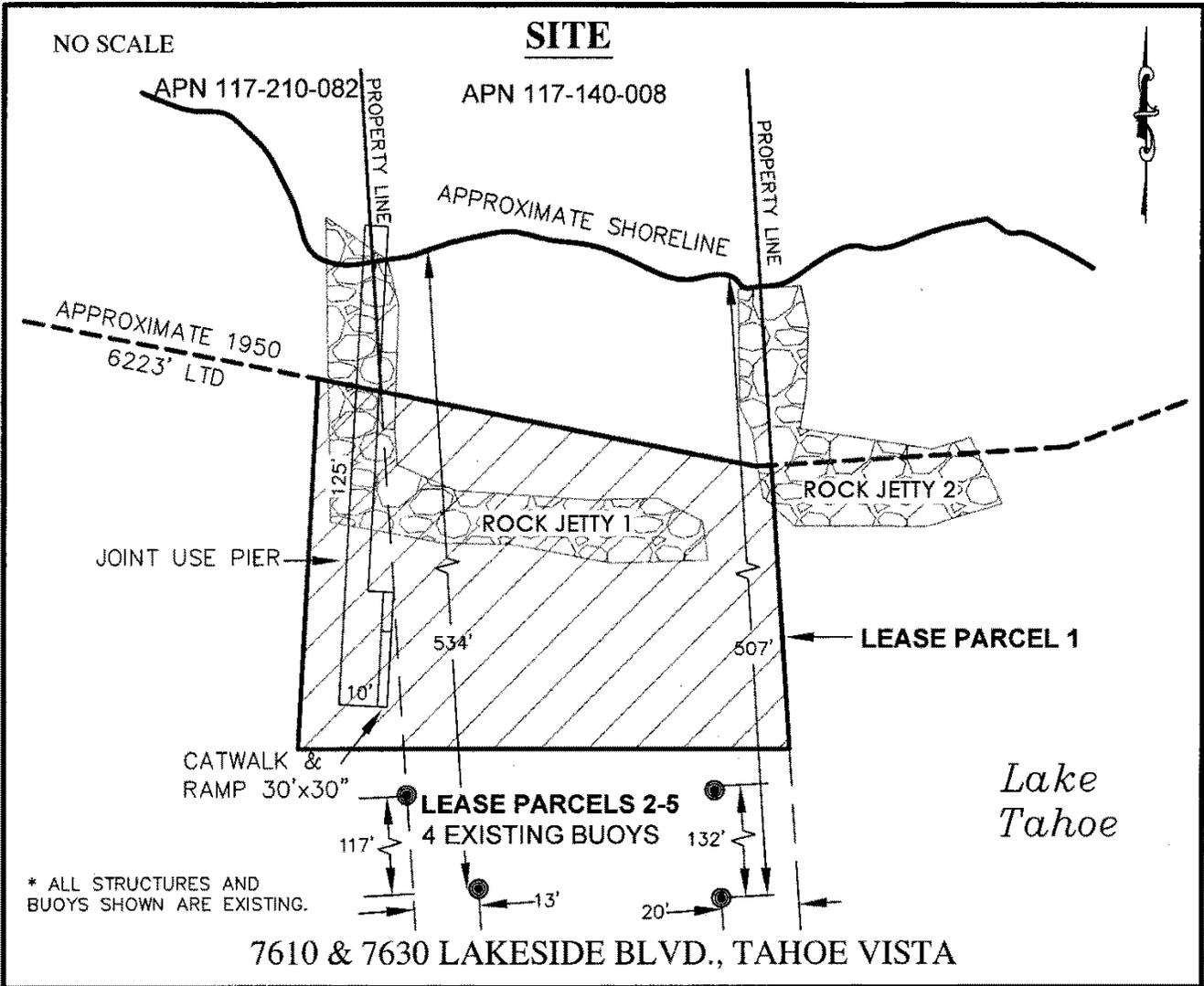
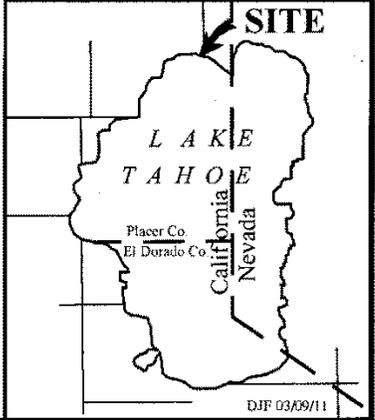


Exhibit A
 PRC 7954.1
 REDWOLF LAKESIDE LODGE
 & TOHOYA SHORES
 APN 117-140-008 & 117-210-082
 GENERAL LEASE
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 PLACER COUNTY



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 B

PRC 7954.1

LAND DESCRIPTION

Five Parcels of submerged lands lying in the bed of Lake Tahoe, adjacent to Section 13, Township 16 North, Range 17 East, M.D.M., as shown on Official Government Township Plat approved on November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1

BEGINNING at the intersection of the east boundary of that parcel of land described in Exhibit A of Grant Deed recorded in document number 95-064510, Official Records of said County and the line of the historic Low Water Mark, as depicted on sheet 20 of those maps entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe", filed in Book 2 of Surveys at Page 71, Placer County Records; thence Southerly along the Southerly prolongation of said East line 74.00 feet; thence Westerly and at a right angle from the aforementioned course 127.75 feet to the intersection of the southerly prolongation of a line parallel with and 10 feet westerly, measured at a right angle, of an existing pier; thence northerly along said line 96.28 feet to said line of the historic Low Water Mark; thence Easterly along said line of the historic Low Water Mark to the POINT OF BEGINNING.

PARCELS 2-5

Four circular parcels of land, each 20 feet in diameter, lying directly beneath four existing buoys and adjacent to that parcel of land described in Exhibit A of Grant Deed recorded in document number 95-064510, Official Records of said County .

END OF DESCRIPTION

Prepared 03/02/2011 by the California State Lands Commission Boundary Unit.

