

**CALENDAR ITEM
C19**

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10/19/12
PRC 5402.1
R. Boggiano

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

The Gar Wood Building, A California Limited Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4998 North Lake Boulevard,
Carnelian Bay, Placer County

AUTHORIZED USE:

Continued use and maintenance of an existing restaurant accommodation pier,
14 mooring buoys, and three marker buoys.

LEASE TERM:

10 years, beginning June 1, 2013.

CONSIDERATION:

\$4,171 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 \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years of 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. When additional information is available, Commission staff will advise the

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Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 14, 1999, the Commission authorized a General Lease – Recreational Use to The Gar Wood Building, A California Limited Partnership. That lease expired on May 31, 2009, and has been in holdover status. The Applicant has continued to pay annual rent through May 31, 2013. The Applicant is now applying for a new General Lease - Recreational Use.
3. The privately-owned accommodation pier and 14 mooring buoys are accessible to the public and are non-revenue generating. The Gar Wood's restaurant operates the pier with a free shuttle from the end of the pier to pick up the boating public from the mooring buoys. The public can then can dine at the restaurant or make their way to other businesses or beach areas nearby. The pier also includes side tie-up for limited hours of the day. Overnight mooring at the pier or on the mooring buoys is prohibited. The public can access the pier from the upland, from the restaurant, or the public parking lot which also serves the Lake Tahoe Conservancy parcel with additional beach access.
4. Staff is recommending acceptance of additional 25% holdover rent as required under the terms of the original lease in the amount of \$2,403.00 for the period June 1, 2009, through May 31, 2013.
5. The staff recommends that the Commission that this activity is exempt from the requirements of 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. 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.

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EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

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).

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 \$2,403.00 for the period June 1, 2009, through May 31, 2012.
2. Authorize issuance of a General Lease - Recreational Use to The Gar Wood Building, a California Limited Partnership, beginning June 1, 2012, for a term of 10 years for the continued use and maintenance of an existing restaurant accommodation pier, 14 mooring buoys, and marker buoys as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$4,171, 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 \$1,000,000.

EXHIBIT A

PRC 5402.1

LAND DESCRIPTION

Eighteen (18) parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 22, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier lying adjacent to that parcel described in Grant Deed recorded April 20, 1995 as Document Number 95-020161 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2 through 18– Buoys

Fourteen (14) circular parcels of land, each being 50 feet in diameter, underlying fourteen existing buoys lying adjacent to that parcel described in Grant Deed recorded April 20, 1995 as Document Number 95-020161 in Official Records of said County.

TOGETHER WITH three U.S. COAST GUARD MARKER BUOYS.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 07/13/2012 by the California State Lands Commission Boundary Unit.



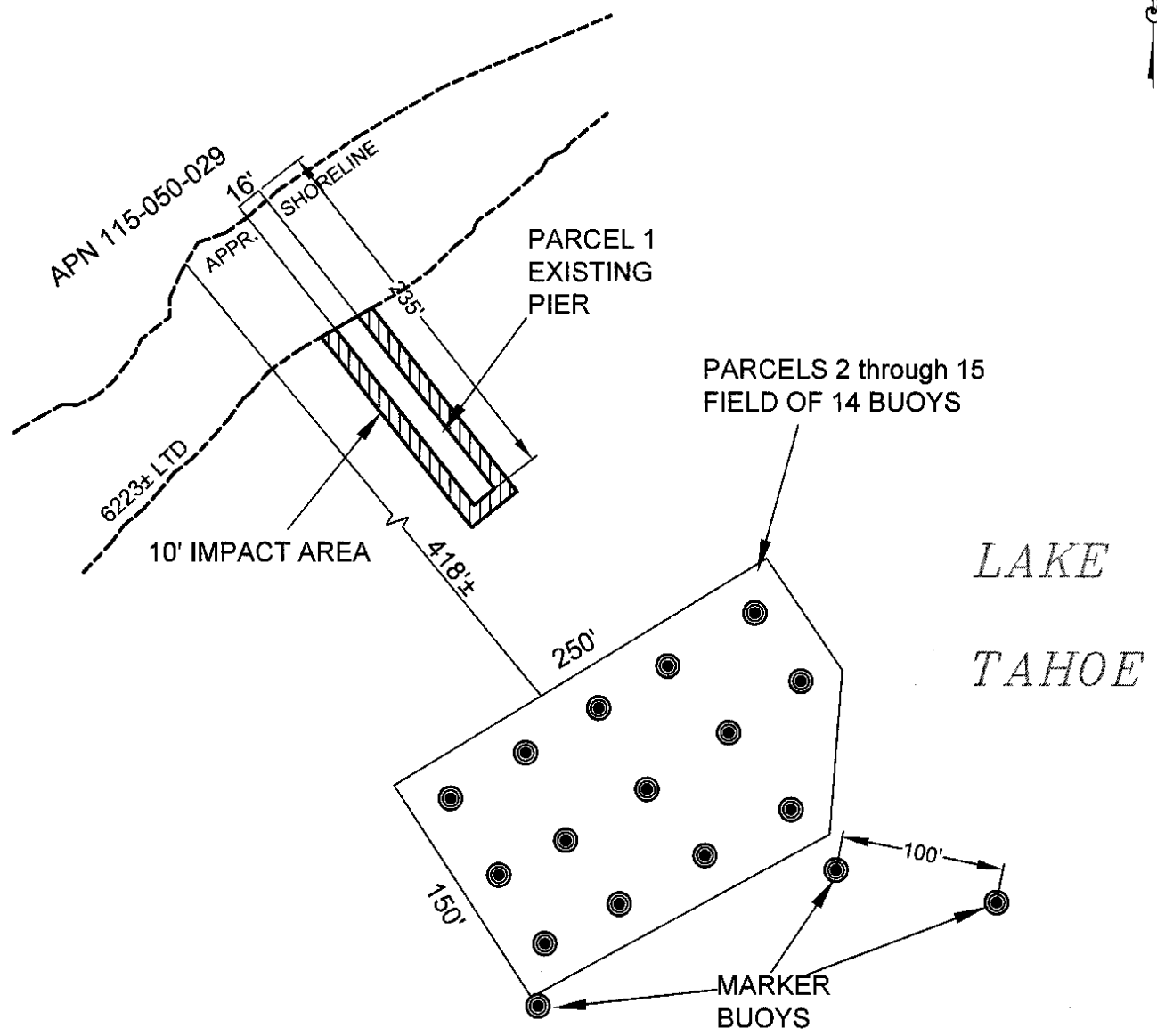
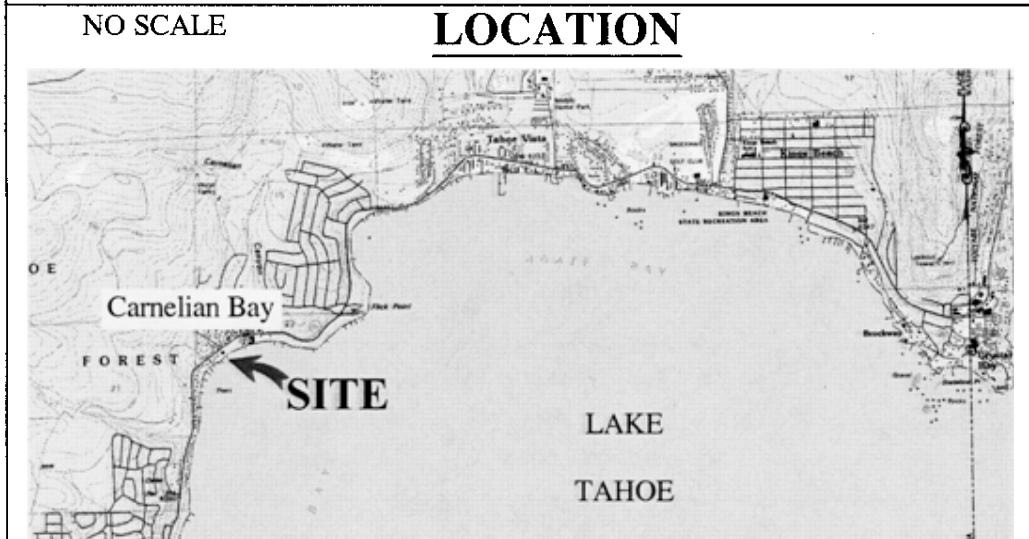
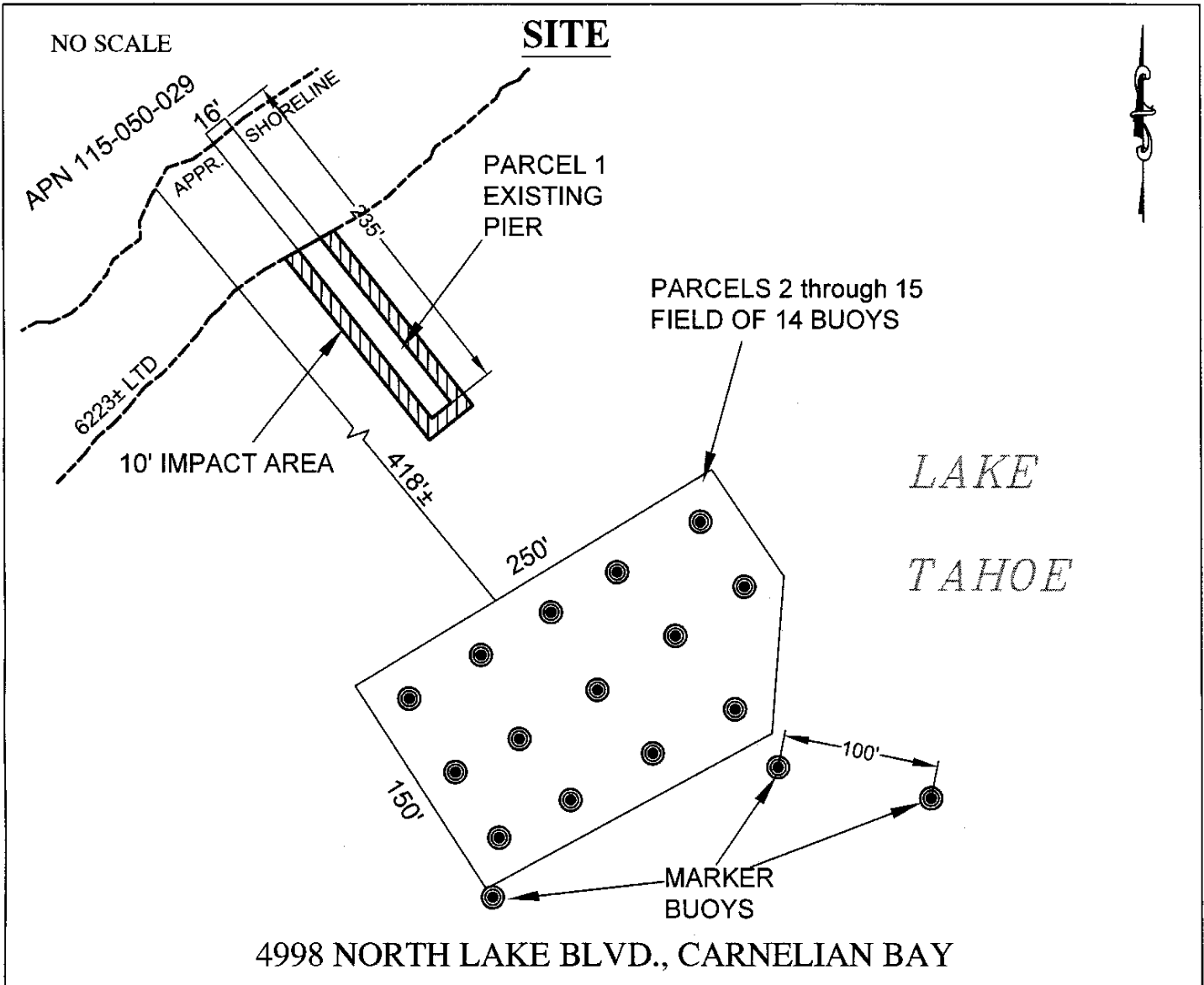


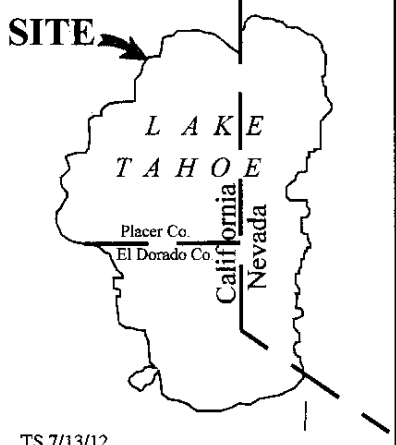
EXHIBIT A





MAP SOURCE: USGS QUAD

Exhibit B
 PRC 5402.1
 GAR WOOD BUILDING
 APN 115-050-029
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY



TS 7/13/12

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.