

**CALENDAR ITEM
C62**

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04/26/13
PRC 4198.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Lake Point Planned Unit Development Homeowners Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7650 North Lake Blvd Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, rock jetty, and two mooring buoys.

LEASE TERM:

10 years, beginning November 1, 2012.

CONSIDERATION:

\$2,673 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 an amount no less than \$2,000,000 per occurrence.

Other:

1. Buoy Allotment Program: The use of the two mooring buoys will be made available to all members of the Lake Point Planned Unit Development Homeowners Association (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.
2. 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 after the adoption of a Final

CALENDAR ITEM NO. C62 (CONT'D)

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 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. Applicant owns the upland adjoining the lease premises.
2. On December 16, 2002, the Commission authorized a General Lease – Recreational Use with Lake Point Beach Resort, LLC, a Nevada Limited Liability Company. That lease expired on October 31, 2012. On September 13, 2004, the upland parcel was transferred to Lake Point Planned Unit Development Homeowners Association.
3. The upland parcel was turned into a subdivision consisting of four residential lots and a common area lot. All four residential lots consist of single family residences and are owned by family members along with the common area lot, Assessor's Parcel Number 117-140-017 which is adjacent to the Lease Premises. Applicant is now applying for a new General Lease – Recreational Use.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

5. 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.

CALENDAR ITEM NO. **C62** (CONT'D)

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:

Authorize issuance of a General Lease – Recreational Use to Lake Point Beach Resort Owners Association, beginning November 1, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, rock jetty, and two mooring 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 \$2,673; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; and liability insurance no less than \$2,000,000 per occurrence.

EXHIBIT A

PRC 4198.1

LAND DESCRIPTION

Three Parcels of submerged lands lying in the bed of Lake Tahoe, adjacent to fractional 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 west line of that parcel of land described as Parcel 1 in Exhibit A of Quitclaim Deed recorded in document number 2000-0022110, 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 west line 95.00 feet; thence easterly and at a right angle from the aforementioned course 100.54 feet to the intersection of the southerly prolongation of the easterly line of land described in said Quitclaim Deed; thence northerly along said southerly prolongation 102.27 feet to said line of the historic Low Water Mark; thence westerly along said line of the historic Low Water Mark to the POINT OF BEGINNING.

PARCELS 2 & 3

Two circular parcels of land, each 50 feet in diameter, lying directly beneath two existing buoys and adjacent to that parcel of land described as Parcel 1 in Exhibit A of Quitclaim Deed recorded in document number 2000-0022110, Official Records of said County .

END OF DESCRIPTION

Prepared 03/22/2011 by the California State Lands Commission Boundary Unit.



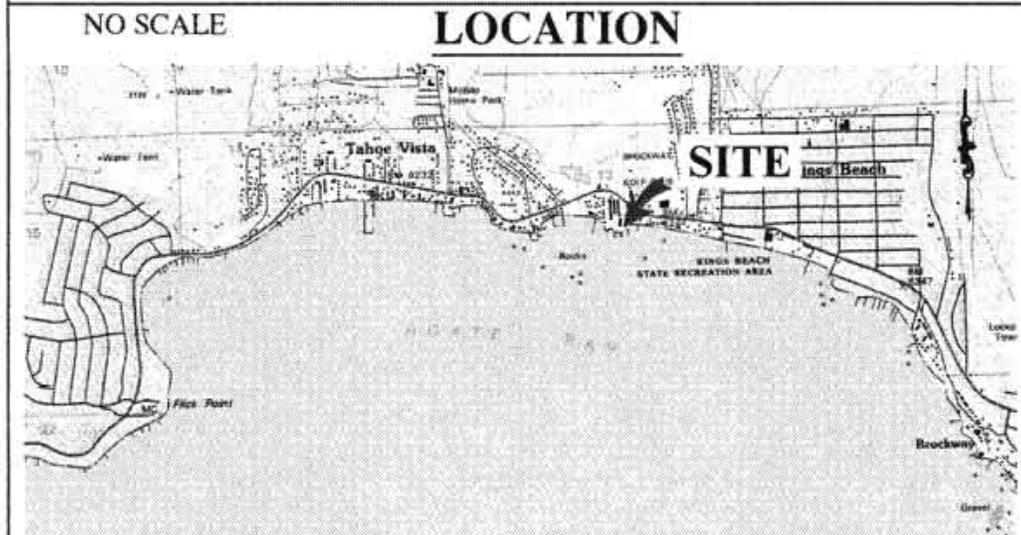
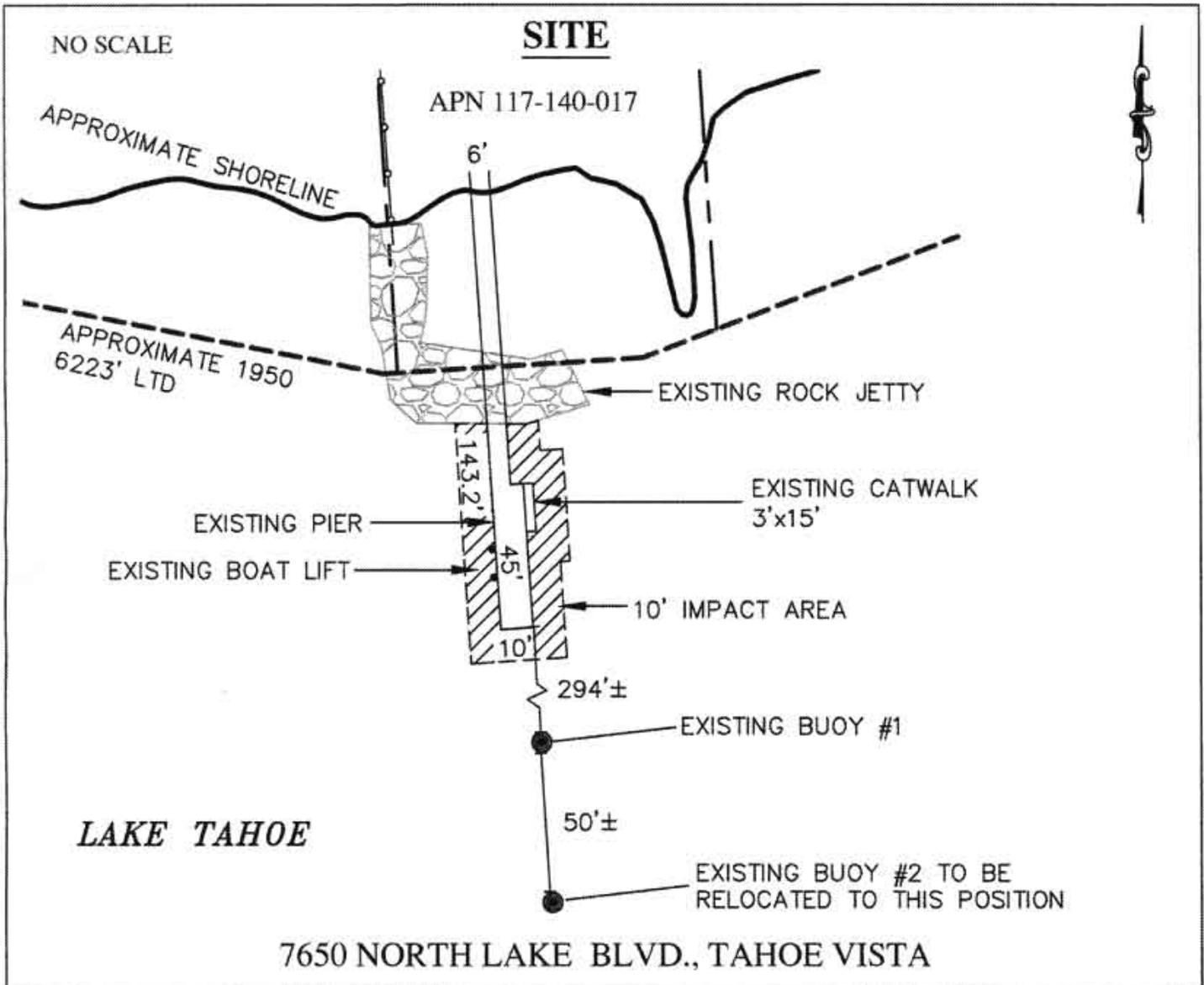
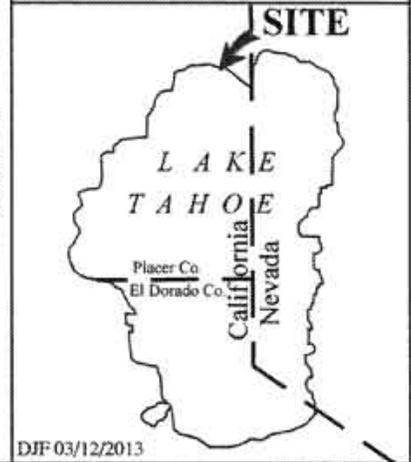


Exhibit B
 PRC 4198.1
 LAKE POINT BEACH HOA
 APN 117-140-017
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.