

**CALENDAR ITEM
C49**

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06/21/13
PRC 3526.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Lake Tahoe Villa, LLC, a Delaware Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3077 Jameson Beach, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier previously authorized by the Commission; and use and maintenance of an existing mooring buoy not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 21, 2013.

CONSIDERATION:

\$1,483 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 of no less than \$1,000,000 per occurrence.

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy 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. When

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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 April 9, 2002, the Commission authorized a Recreational Pier Lease with John S. Frazee, M.D. and Mary Kay Frazee, Trustees of the John S. and Mary Kay Frazee Trust dated April 30, 1992. That lease expired on March 31, 2012. On September 23, 2009, the upland parcel was deeded to Lake Tahoe Villa, LLC, a Delaware Limited Liability Company. The Applicant is now applying for a General Lease – Recreational Use for an existing pier and one existing mooring buoy.
3. The existing mooring buoy has been in Lake Tahoe for many years, but has not been previously authorized by the Commission. Staff recommends bringing the mooring buoy under lease, subject to the Applicant obtaining TRPA permit authorization for the buoy.
4. On September 29, 2009, when the upland parcel was deeded to Lake Tahoe Villa, LLC, a Delaware Limited Liability Company, the Applicant did not qualify for rent-free status pursuant to the original definition of Public Resources Code section 6503.5 in effect at that time. Therefore, staff is recommending that the Commission accept rent in the amount of \$4,107 for the period beginning September 23, 2009, the date the upland parcel was transferred to the Applicant, through June 20, 2013, the day before the effective date of the new lease.
5. 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.

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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.

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 rent in the amount of \$4,107 for the period of September 23, 2009 through June 20, 2013.
2. Authorize issuance of a General Lease – Recreational Use to Lake Tahoe Villa, LLC, a Delaware Limited Liability Company, beginning June 21, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier previously authorized by the Commission and use and maintenance of an existing mooring buoy not previously authorized by the Commission, 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 \$1,483, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3526.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to fractional Section 6, Township 12 North, Range 18 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of El Dorado, State of California and more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing pier lying adjacent to those parcels as described in Exhibit A of that Grant Deed recorded September 23, 2009 as Document Number 2009-0048191-00 in Official Records of said County.

TOGETHER WITH a ten (10) foot impact area.

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

PARCEL 2 – BUOY

One circular parcel of land, being 50 feet in diameter underlying one (1) existing buoy lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 20, 2013, by the California State Lands Commission Boundary Unit.



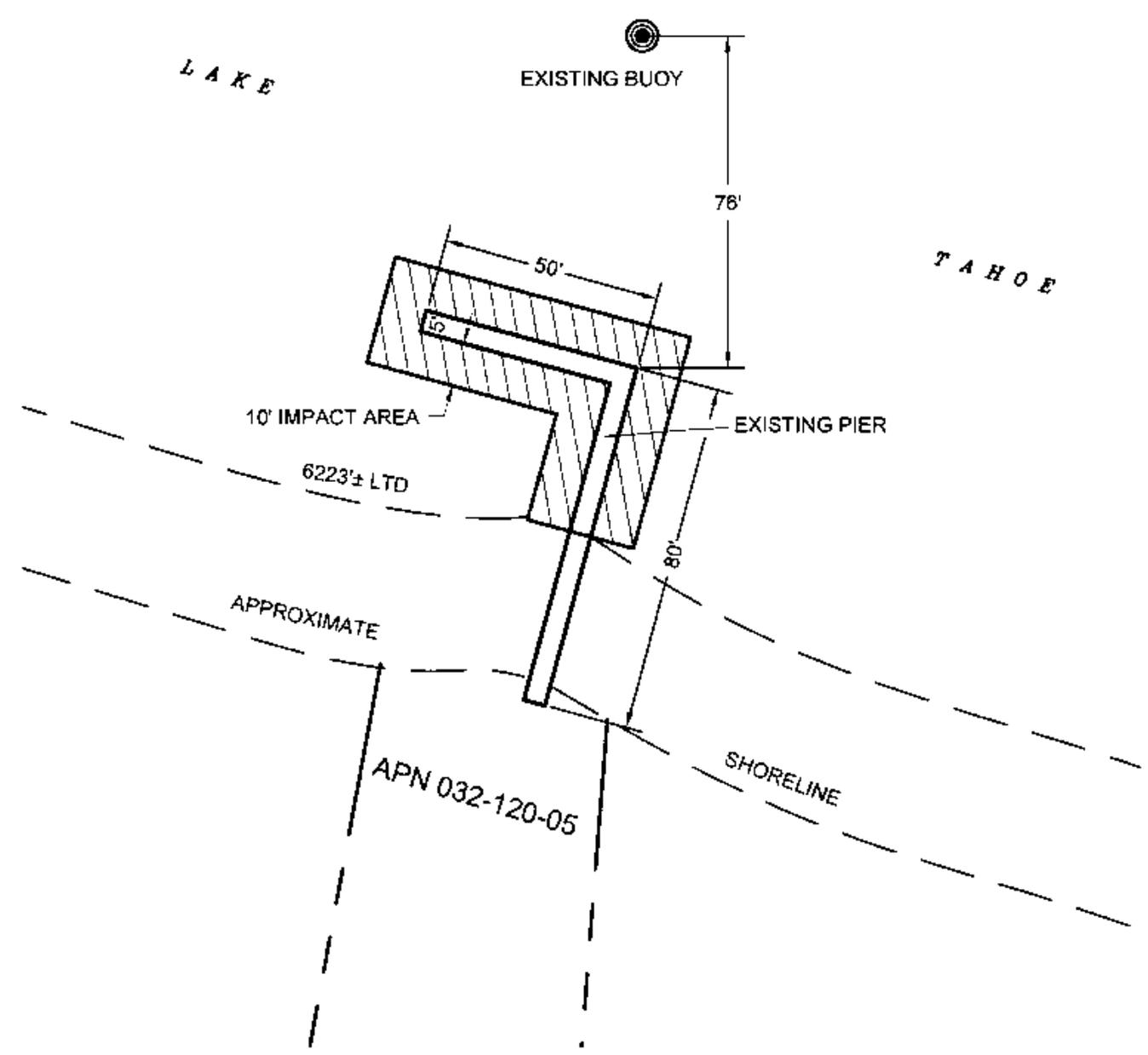


EXHIBIT A

MJJ 03/20/13

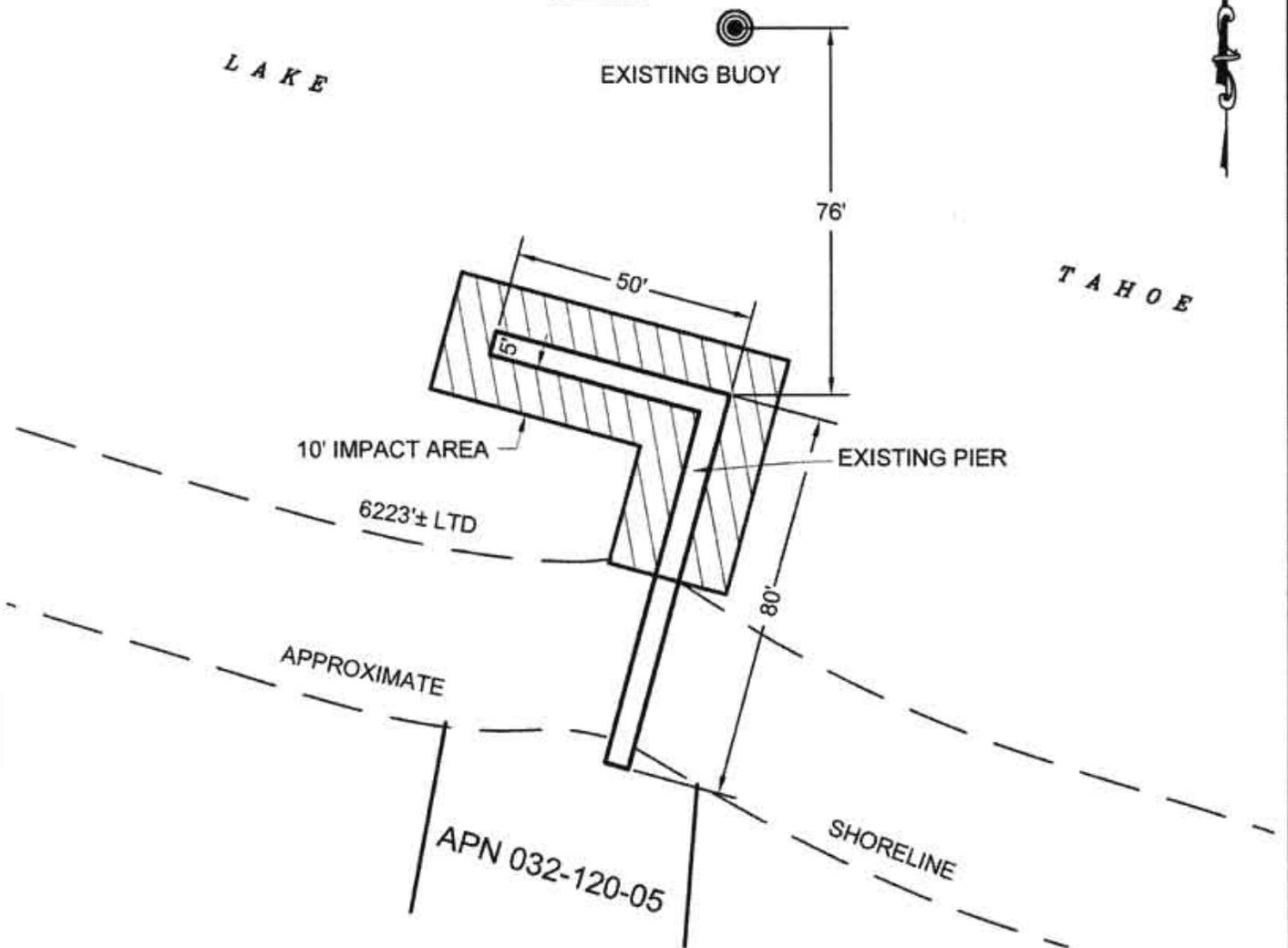
LAND DESCRIPTION PLAT
 PRC 3526.1, LAKE TAHOE VILLA LLC
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

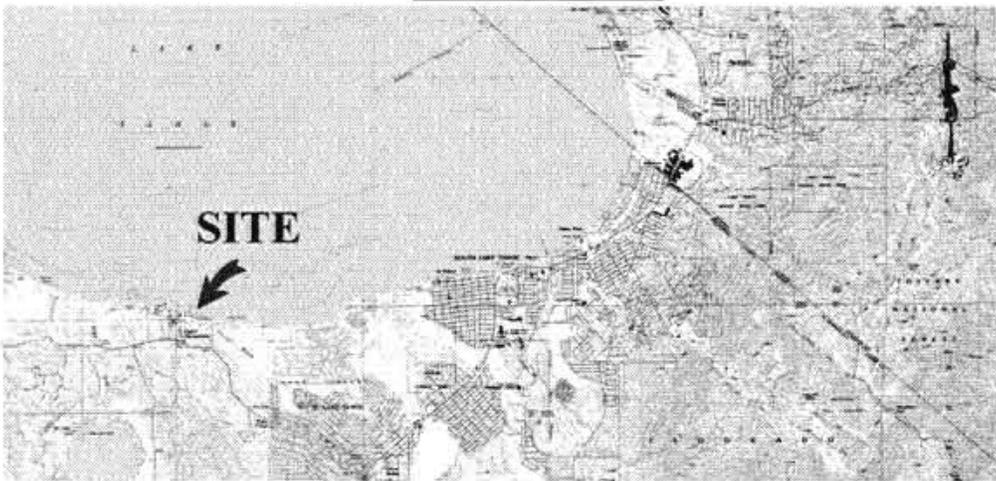
SITE



3077 JAMESON BEACH ROAD, SOUTH LAKE TAHOE

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 B

PRC 3526.1
 LAKE TAHOE VILLA LLC
 APN 032-120-05
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY

