

**CALENDAR ITEM
C65**

A 1
S 1

09/20/13
PRC 8439.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Tonopalo Private Residence Club Owners Association, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number 117-240-022, Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and 12 mooring buoys.

LEASE TERM:

10 years, beginning January 1, 2013.

CONSIDERATION:

\$4,955 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. 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 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

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pending resolution of the TRPA FEIS and amended ordinance issues.

2. Buoy Allotment Program: the use of the buoy field will be made available to all members of the Tonopalo Private Residence Club Owners 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.

OTHER PERTINENT INFORMATION:

1. Applicant operates, manages, and maintains the upland parcel which is owned by all members of the Association.
2. On December 16, 2002, the Commission authorized a 10-year General Lease - Recreational Use with Tonopalo, L.L.C., a Delaware Limited Liability Company. That lease expired on December 31, 2012. On March 19, 2002, the Tonopalo, LLC was dissolved and Tonopalo Private Residence Club Owners Association, Inc. was created to operate, manage, and maintain common areas and certain portions of the separate members' interest within the Association. On June 2, 2003, the Commission authorized encumbering the lease in favor of Capital Source Finance LLC. On October 20, 2003, the Commission authorized an amendment to add three additional mooring buoys as authorized improvements. Applicant is now applying for a General Lease – Recreational Use.
3. 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.

3. 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

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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:

Authorize issuance of a General Lease – Recreational Use to Tonopalo Private Residence Club Owners Association, Inc., beginning January 1, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier and 12 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 \$4,955 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 \$2,000,000 per occurrence.

EXHIBIT A

PRC 8439.1

LAND DESCRIPTION

Thirteen parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 14, 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 Second Amendment to Declaration of Covenants, Conditions and Restrictions for Tonopalo Private Residence Club recorded July 23, 2003 as Document Number 2003-0120310 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 13 – BUOYS

Twelve circular parcels of land, each being 50 feet in diameter, underlying twelve existing buoys lying adjacent to that parcel described in Second Amendment to Declaration of Covenants, Conditions and Restrictions for Tonopalo Private Residence Club recorded July 23, 2003 as Document Number 2003-0120310 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 12/28/2012 by the California State Lands Commission Boundary Unit.



APN 117-240-022

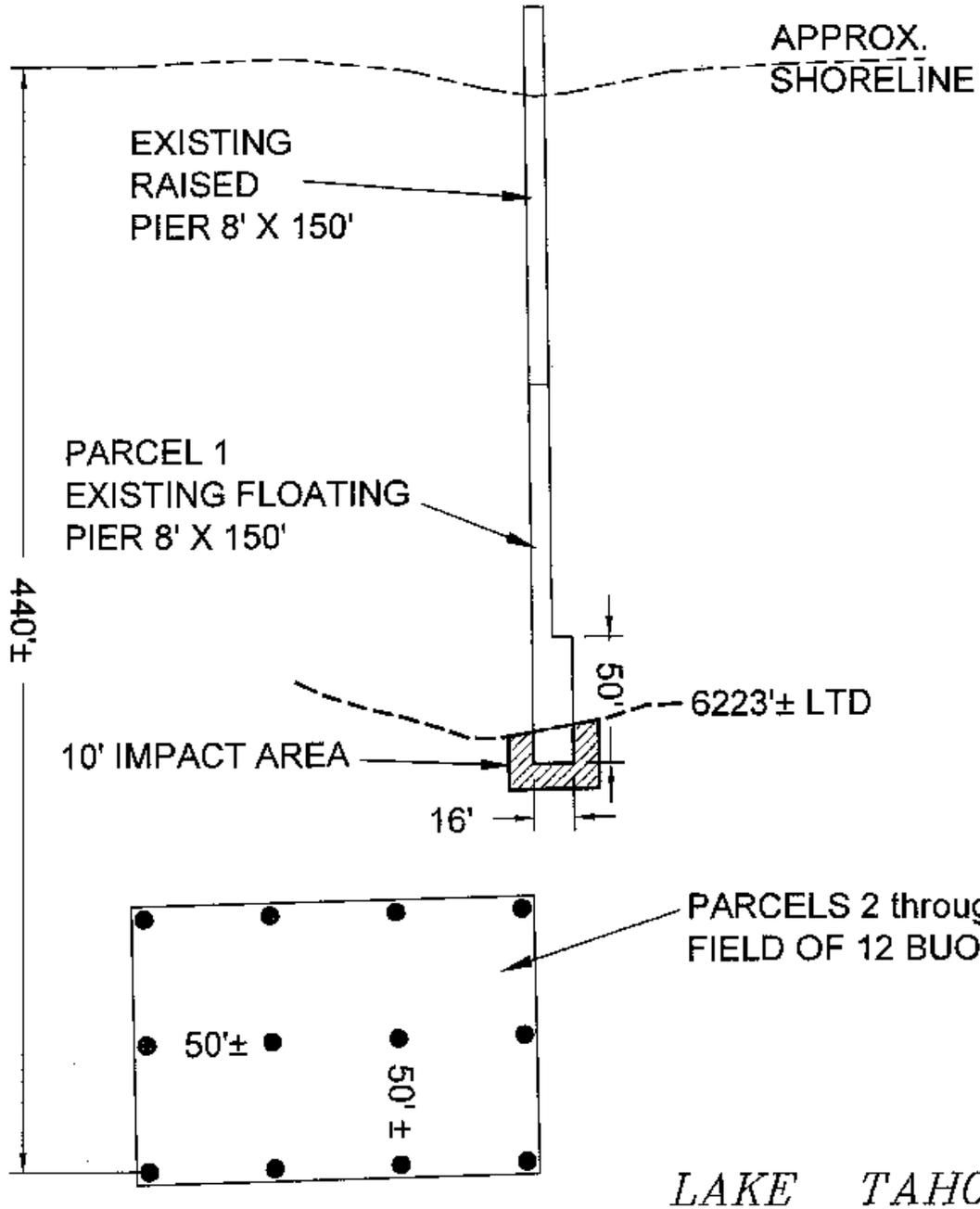


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 8439.1, TONOPALO PRIVATE
 RESIDENCE CLUB OWNERS ASSOC. INC.
 PLACER COUNTY

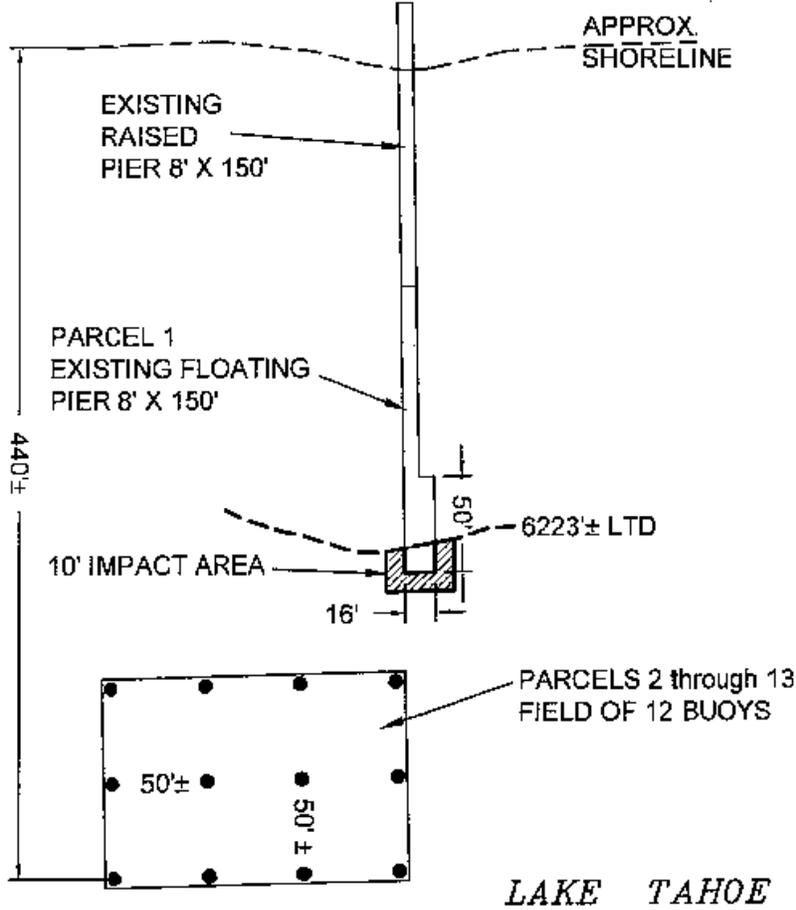
CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

APN 117-240-022



6750 NORTH LAKE BLVD., TAHOE VISTA

NO SCALE

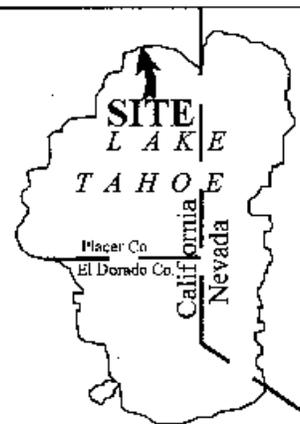
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8439.1
 TONOPALO PRIVATE RESIDENCE
 CLUB OWNERS ASSOC. INC.
 APN 117-240-022
 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.

TS 12/28/12