

**CALENDAR ITEM
C09**

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12/17/14
PRC 8601.1
M. Schroeder

GENERAL LEASE – COMMERCIAL USE

APPLICANT:

Martin A. Cohen, Trustee of the Martin A. Cohen Revocable Living Trust, dba
The Shore House at Lake Tahoe

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7170 North Lake Boulevard, Tahoe
Vista, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, six mooring buoys,
and one marker buoy.

LEASE TERM:

10 years, beginning December 1, 2014.

CONSIDERATION:

\$2,653 per year, with an annual Consumer Price Index (CPI) adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 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

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

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns two upland parcels, Assessor's Parcel Numbers 117-110-008 and 117-110-009, adjoining the lease premises.
2. On April 26, 2005, the Commission authorized a 10-year General Lease – Recreational Use to Martin A. Cohen and Barbara M. Cohen dba The Shore House at Lake Tahoe, for an existing pier, boat lift, six mooring buoys, and one marker buoy. That lease expired on November 30, 2014. On February 14, 2014, ownership of the upland parcels was deeded to Martin A. Cohen, Trustee of the Martin A. Cohen Revocable Living Trust.
3. The upland parcels adjacent to the lease premises are improved with a motel/lodge known as the Shore House at Lake Tahoe. The pier, boat lift, six mooring buoys, and one marker buoy are for use by the guests of the lodge. The Applicant is now applying for a General Lease – Commercial 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. **C09** (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 – Commercial Use to Martin A. Cohen, Trustee of the Martin A. Cohen Revocable Living Trust dba The Shore House at Lake Tahoe, beginning December 1, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, six mooring buoys, and one marker buoy 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 \$2,653, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8601.1

LAND DESCRIPTION

Seven parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 13, 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, boat lift and catwalk lying adjacent to those parcels described in Grant Deed recorded February 14, 2014 as Document Number 2014-0009861-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCELS 2 through 7 – BUOYS

Six circular parcels of land, being 50 feet in diameter, underlying six existing buoys lying adjacent to those parcels described in Grant Deed recorded February 14, 2014 as Document Number 2014-0009861-00 in Official Records of said County.

TOGETHER WITH a U.S. COAST GUARD MARKER BUOY.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/07/2014 by the California State Lands Commission Boundary Unit.



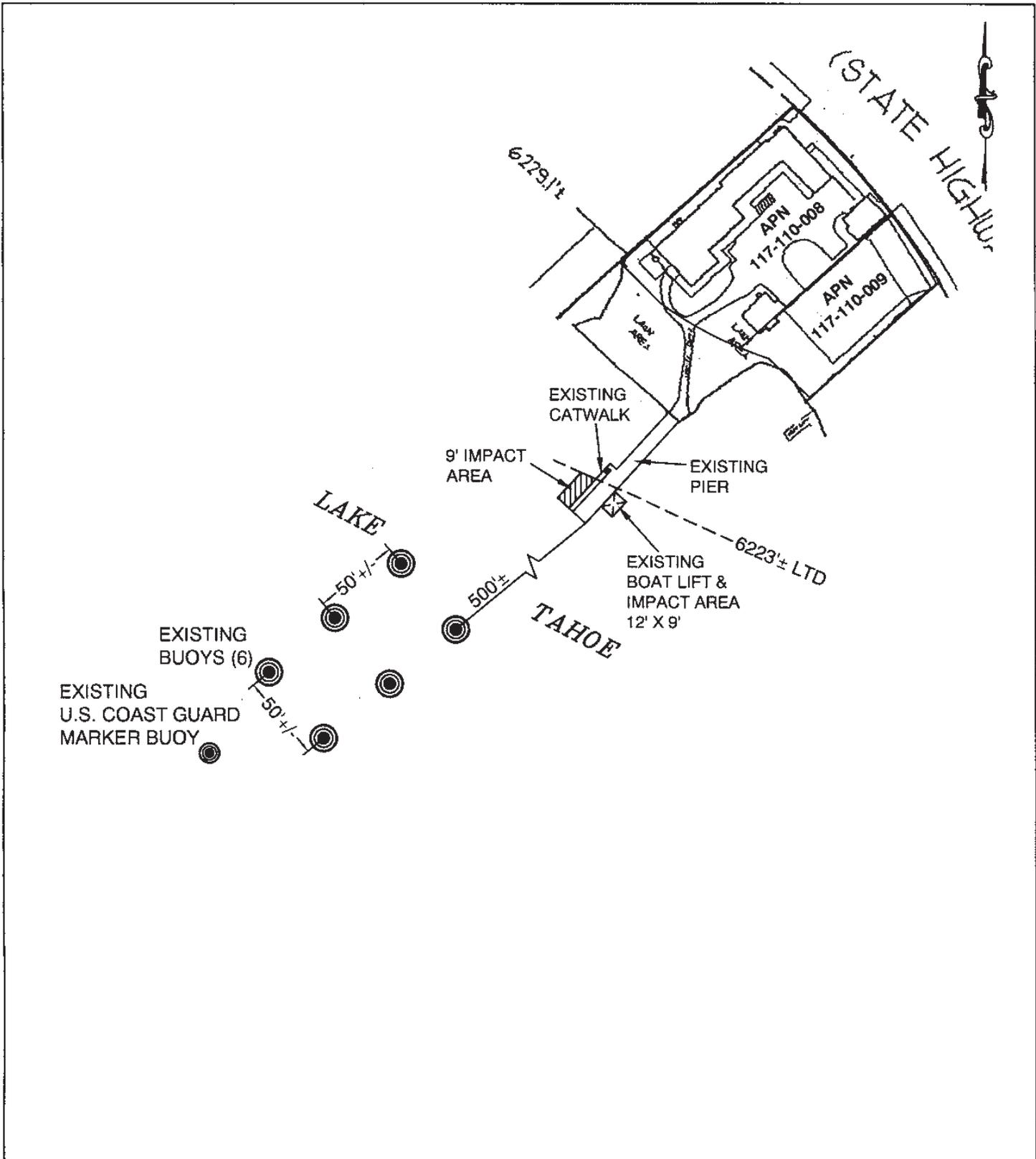


EXHIBIT A

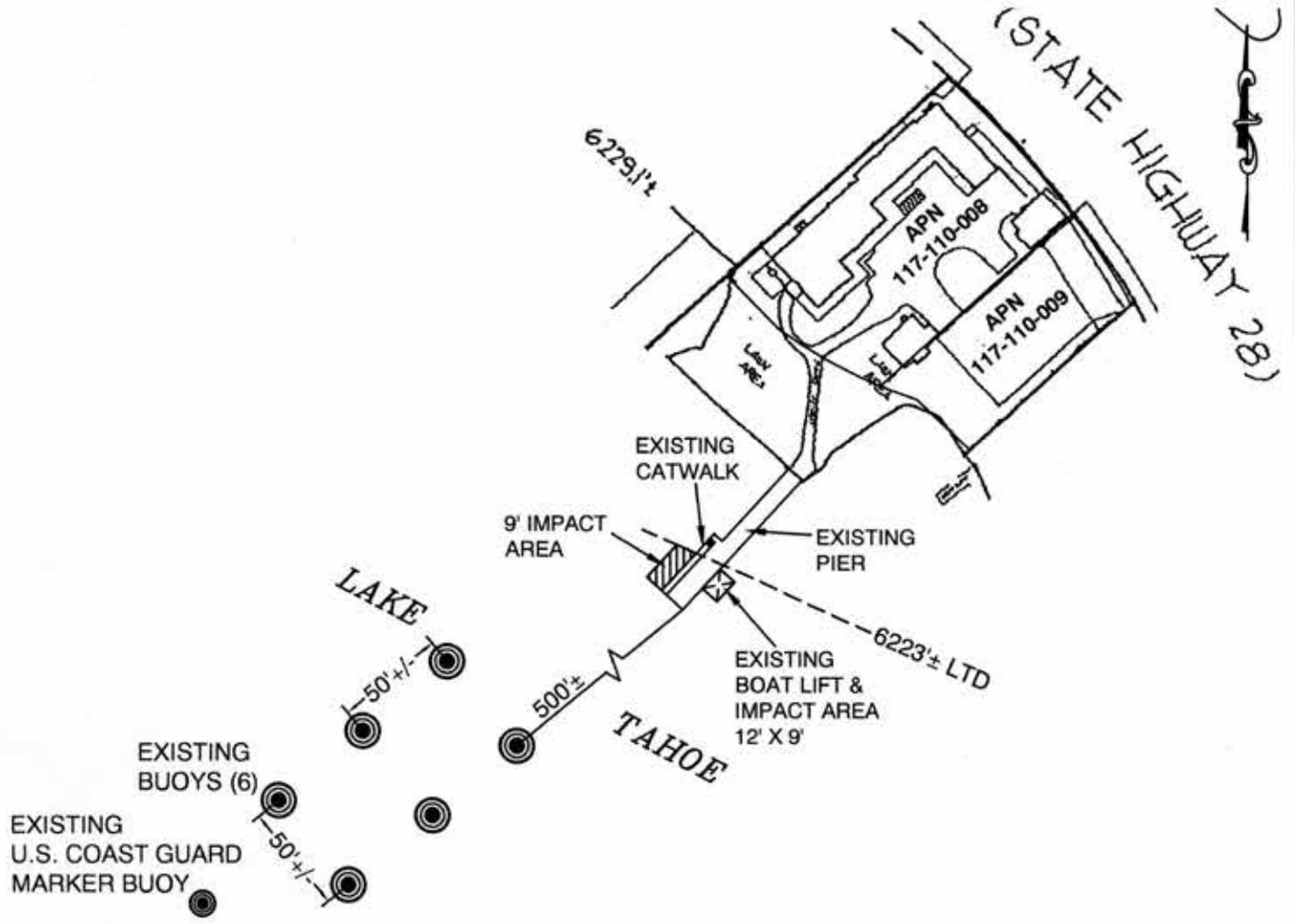
LAND DESCRIPTION PLAT
 PRC 8601.1, COHEN TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

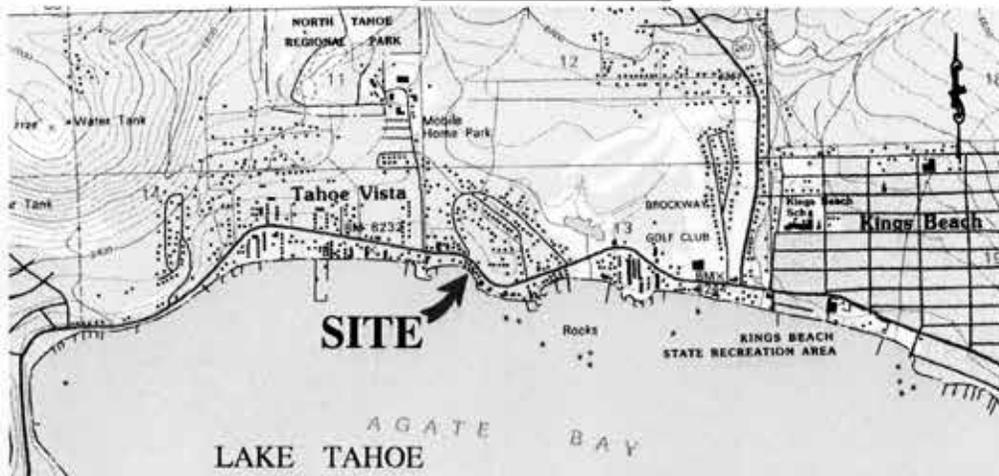
SITE



7170 NORTH LAKE BLVD., TAHOE VISTA

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 8601.1
 COHEN TRUST
 APNs 117-110-008 & 009
 GENERAL LEASE -
 COMMERCIAL USE
 PLACER COUNTY

SITE



TS 08/07/14