

**CALENDAR ITEM
C21**

A 5
S 1

12/18/15
PRC 8458.1
M. Schroeder

**RESCISSION OF APPROVAL, AUTHORIZE ACCEPTANCE OF PAYMENT, AND
ISSUANCE OF GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Dale A. Frost, Trustee of the SLT – 98 Lakehome Trust

APPLICANT:

SLT Family Home, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 939 Lakeview Avenue, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of one existing mooring buoy.

LEASE TERM:

10 years, beginning December 18, 2015.

CONSIDERATION:

\$377 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

1. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization 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. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoy.

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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 the upland adjoining the lease premises.
2. On June 2, 2003, the Commission authorized a 10-year Recreational Pier Lease to Dale A. Frost, Trustee of the SLT – 98 Lakehome Trust for two mooring buoys. That lease expired on April 30, 2013.
3. On April 26, 2013, the Commission authorized a General Lease – Recreational Use to Dale A. Frost, Trustee of the SLT – 98 Lakehome Trust for two mooring buoys. The Lessee never executed the lease. On January 22, 2014, the upland parcel was deeded to SLT Family Home, LLC. On September 21, 2015, one mooring buoy was permanently removed from state sovereign land. Therefore, staff recommends that the authorization made by the Commission at the April 26, 2013 meeting be rescinded. The Applicant is now applying for a new General Lease – Recreational Use.
4. Staff is recommending that the Commission accept the amount of \$1,414 for the period beginning January 22, 2014, and ending December 17, 2015, for the Applicant's unauthorized occupation of state land.
5. Rescission of the lease approval is not a project as defined by the California Environmental Quality Act (CEQA), because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

6. The staff recommends that the Commission find that issuance of the lease 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.

CALENDAR ITEM NO. **C21** (CONT'D)

7. 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 issuance of the lease 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 rescission of authorization to enter into Lease No. PRC 8458.1, a General Lease – Recreational Use, approved by the Commission on April 26, 2013, to Dale A. Frost, Trustee of the SLT – 98 Lakehome Trust.
2. Authorize acceptance of \$1,414 for unauthorized occupation of state land between January 22, 2014, and December 17, 2015.
3. Authorize issuance of a General Lease – Recreational Use to SLT Family Home, LLC beginning December 18, 2015, for a term of 10 years, for the continued use and maintenance of one existing mooring 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 \$377, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8458.1

LAND DESCRIPTION

A parcel of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 32, Township 13 North, Range 18 East, M.D.B.&M., as shown on Official Government Township Plat approved July 8, 1875, County of El Dorado, State of California, more particularly described as follows:

A circular parcel of land, being 50 feet in diameter, underlying an existing buoy lying adjacent to that parcel described in Grant Deed recorded January 22, 2014 as Document Number 2014-0002744-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/06/2015 by the California State Lands Commission Boundary Unit.





LAKE

TAHOE

EXISTING
BUOY



92'±

----- 6223'± LTD

APN 026-042-03

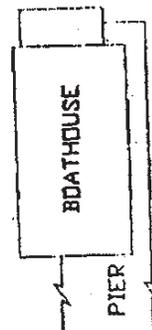


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 8458.1, SLT FAMILY HOME, LLC
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

LAKE

TAHOE



EXISTING BUOY



92'±

----- 6223'± LTD

APN 026-042-03



939 LAKEVIEW AVENUE, SOUTH LAKE TAHOE

NO SCALE

LOCATION

Exhibit B

PRC 8458.1
SLT FAMILY HOME, LLC
APN 026-042-03
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



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.

TS 10/06/15