

This Calendar Item No. C22 was approved as Minute Item No. 22 by the California State Lands Commission by a vote of 3 to 0 at its 4-26-05 meeting.

CALENDAR ITEM
C22

A 4
S 1

04/26/05
W 21348
PRC 8601
M. Hays

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Martin A. Cohen and Barbara M. Cohen dba The Shore House at Lake Tahoe
P.O. Box 499
Tahoe Vista, CA 96148

AREA, LAND TYPE, AND LOCATION:

0.20 acres, more or less, of sovereign lands in Lake Tahoe, Agate Bay, Placer County.

AUTHORIZED USE:

Use and maintenance of an existing pier, boat lift, retention of six existing mooring buoys, and one marker buoy adjacent to two contiguous littoral parcels as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning December 1, 2004.

CONSIDERATION:

\$857 per annum; 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:

Combined single limit coverage of \$1,000,000.

Other:

This lease is conditioned on Applicant's obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

CALENDAR ITEM NO. C22 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants are the littoral owners of two contiguous littoral parcels; however, Applicants do not qualify for a rent-free lease pursuant to Public Resources Code section 6503.5 because the upland properties are used for commercial purposes, as a bed and breakfast lodge. Applicants are now applying for a new General Lease – Recreational Use.
2. In 1989, the previous upland owner reconstructed the pier and, based on staff's review of the plans provided, it was determined that a lease for the pier was not required. In 1994, the Applicants acquired an interest in the upland properties and began operating the upland improvements as a bed and breakfast lodge. Staff has subsequently determined that the existing pier and buoys do, in fact, extend onto lands under jurisdiction of the Commission and an application was submitted to bring the facilities under lease. Staff has negotiated back rent owed in the amount of \$2,421.
3. Based on the circumstances described above, and pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

EXHIBIT:

- A. Location and Site Map (2)

CALENDAR ITEM NO. C22 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

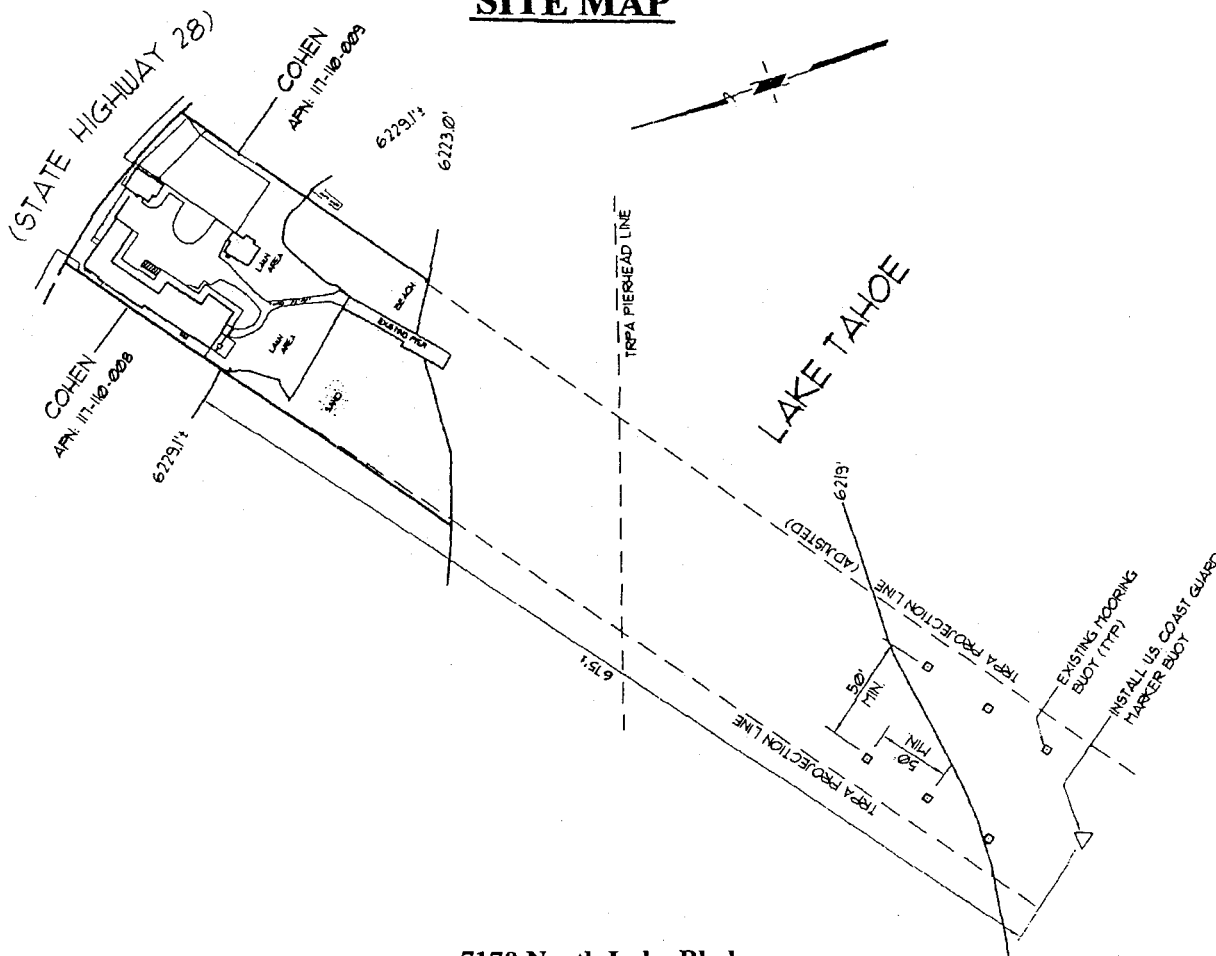
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO MARTIN A. COHEN AND BARBARA M. COHEN DBA THE SHORE HOUSE AT LAKE TAHOE, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING DECEMBER 1, 2004, FOR A TERM OF TEN YEARS FOR USE AND MAINTAINENCE OF AN EXISTING PIER, BOAT LIFT, RETENTION OF SIX EXISTING MOORING BUOYS AND ONE MARKER BUOY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AUTHORIZE THE SETTLEMENT OF \$2,421 FOR BACK RENT; CONSIDERATION BEING \$857 PER ANNUM; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000.

NO SCALE

SITE MAP



7170 North Lake Blvd.

NO SCALE

LOCATION MAP

Lake Tahoe

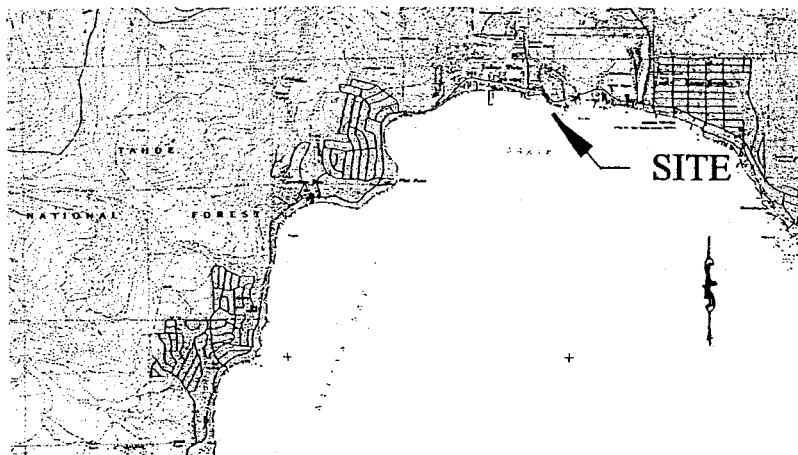
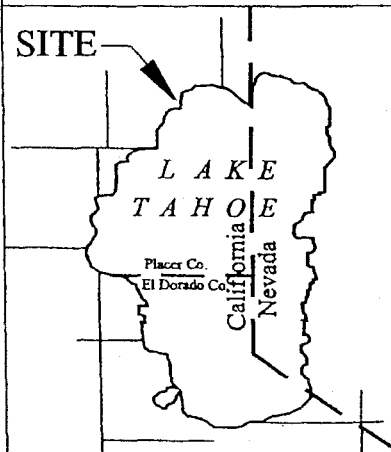


EXHIBIT A

W 21348
 APN 117-110-08 & 09
 Lake Tahoe
 PLACER COUNTY
 (Sheet 1 of 2)

SITE



This exhibit is solely for the purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, or construed as a waiver or limitation of any state interest in the subject or any other property.

000107

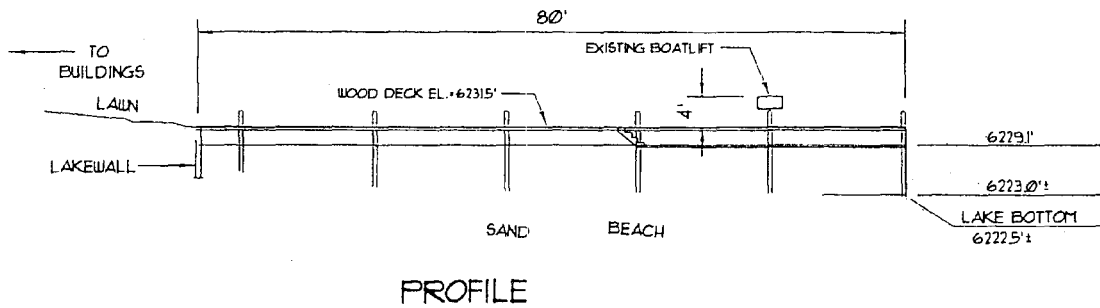
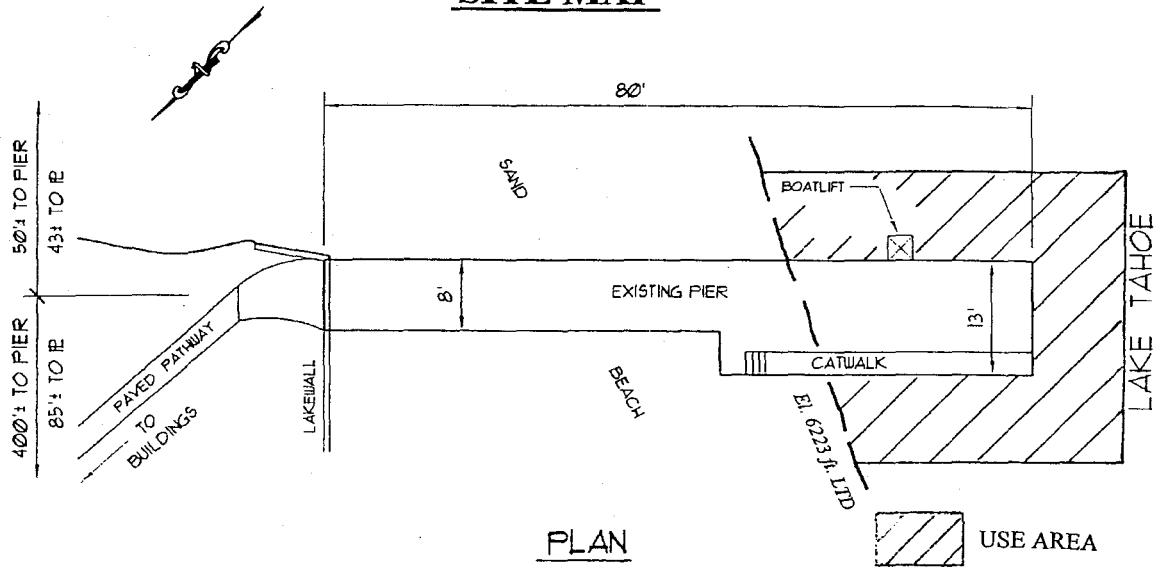
CALENDAR PAGE

000643

MINUTE PAGE

NO SCALE

SITE MAP



NO SCALE

LOCATION MAP

Lake
Tahoe

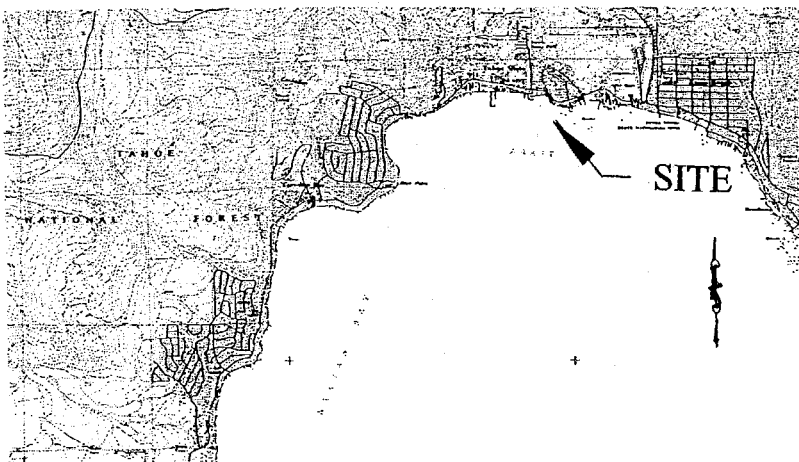
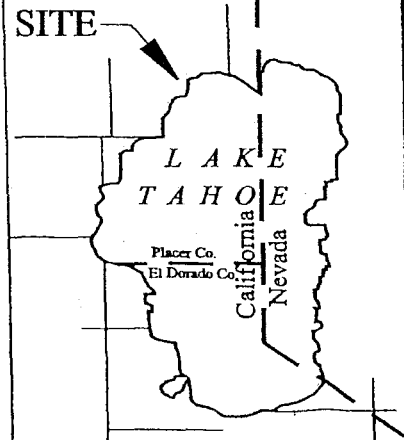


EXHIBIT A
W 21348
APN 117-110-08 & 09
Lake Tahoe
PLACER COUNTY
 (Sheet 2 of 2)



This exhibit is solely for the purposes of generally defining the lease premises, is based on unverified information provided by lessee or other parties, and is not intended to be, or construed as a waiver or limitation of any state interest in the subject or any other property.

000108

CALENDAR PAGE

000109

MINUTE PAGE