

**CALENDAR ITEM
C09**

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12/14/06
PRC 5856 WP 5856.1
M. Hays

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Walsh Family LLC
dba North Tahoe Marina
P. O. Box 189
Tahoe Vista, CA 96148

LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, Tahoe Vista, Placer County.

AUTHORIZED USE:

Continued use, operation and maintenance of a fixed sheetpile commercial marina facility with 30 boatslips, fueling facility, a boat ramp; 48 mooring buoys, two marker buoys; and the retention of an existing pump out station within the marina, as shown on Exhibit A.

LEASE TERM:

25 years, beginning June 5, 2005.

CONSIDERATION:

Five percent of annual gross income from the rental of 30 boatslips, boat rentals, pump out station and 48 mooring buoys; \$.015 per gallon up to 100,000 gallons of fuel sales and \$.02 per gallon in excess of 100,000 gallons of fuel sales; and ten percent of all other gross income generated on the Lease Premises; with a minimum annual rent in the amount of \$11,900; with the State reserving the right to fix a different rent for all consideration due periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$3,000,000

Bond:

\$25,000

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Other:

The Applicant is required to implement the Commission's Best Management Practices (BMPs) for Marina Owners/Operators.

OTHER PERTINENT INFORMATION:

1. On December 19, 1985, the Commission authorized a General Lease – Commercial Use with James R. Walsh and Virginia A. Walsh, Trustees, dba North Tahoe Marina. That lease expired on June 4, 2005. The ownership in the upland property was transferred to the Walsh Family, LLC on July 29, 1999. The Applicant is now applying for a new lease.
2. The Applicant owns the uplands adjoining the Lease Premises which is improved with the North Tahoe Marina facilities including boat storage, boat sales and repair facilities, and a restaurant building with parking lot. The portion of the marina on the Lease Premises includes a fixed sheetpile marina with 30 boatslips, fueling facility with three pumps, boat ramp, 48 mooring buoys, and two marker buoys previously authorized by the Commission and an existing pump out station, not previously authorized by the Commission. The lease contains provisions that the Applicant must implement the Commission's "Best Management Practices for Marina Owners/Operators."

3. **MARINA WITH 30 BOATSLIPS, FUELING FACILITY, BOAT RAMP, 48 MOORING BUOYS, AND TWO MARKER BUOYS:**

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 2905.

4. **PUMP OUT STATION:**

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

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Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

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

5. 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. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

MARINA WITH 30 BOATSLIPS, FUELING FACILITY, BOAT RAMP, 48 MOORING BUOYS AND TWO MARKER BUOYS:

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 (a)(2).

PUMP OUT STATION:

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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

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.

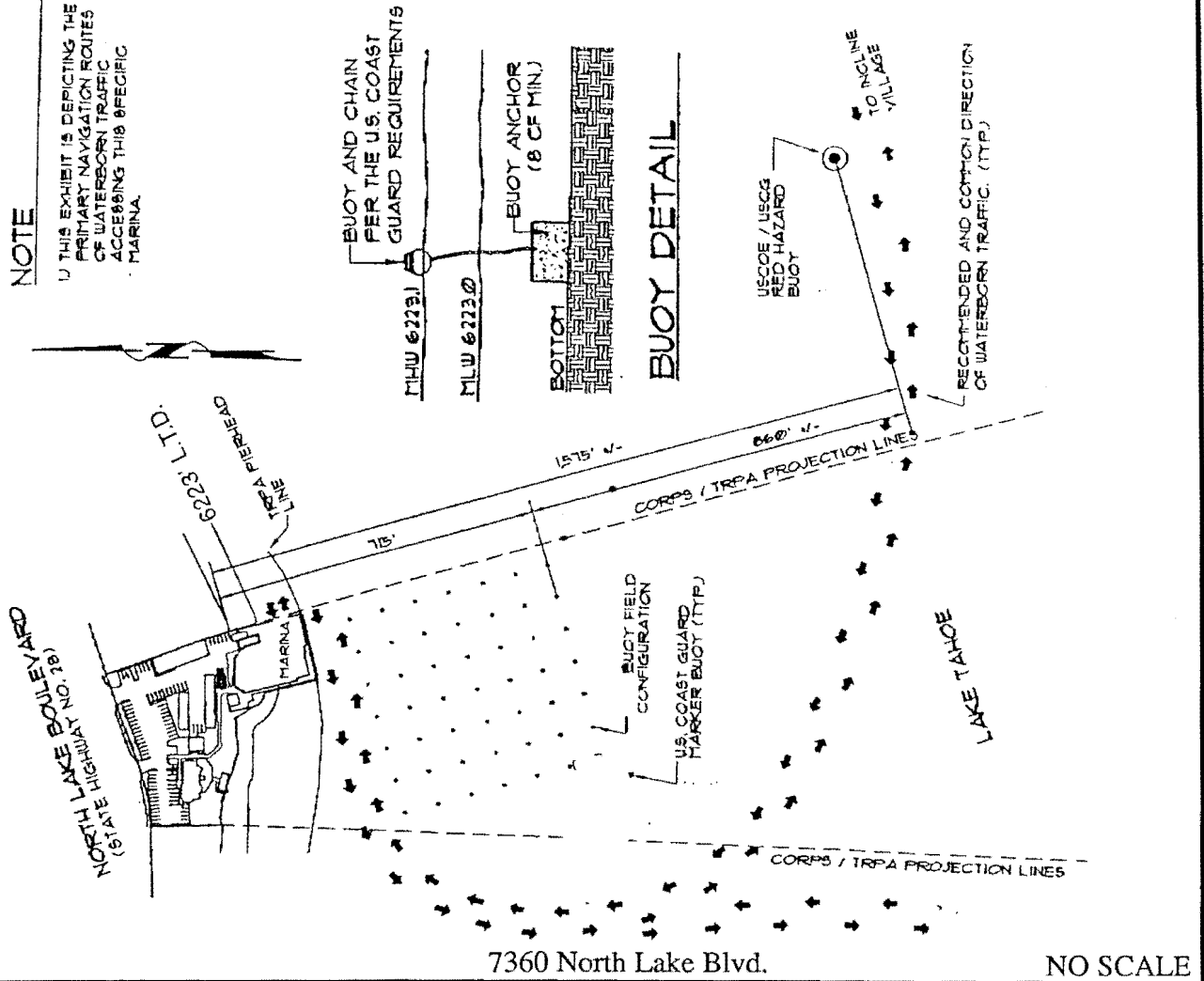
CALENDAR ITEM NO. C09 (CONT'D)

AUTHORIZATION:

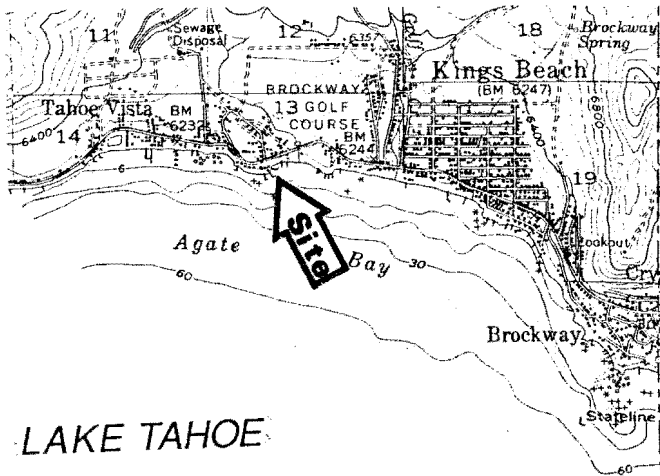
AUTHORIZE ISSUANCE TO WALSH FAMILY LLC, DBA NORTH TAHOE MARINA, OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING JUNE 5, 2005, FOR A TERM OF 25 YEARS, FOR THE CONTINUED, USE, OPERATION AND MAINTENANCE OF A FIXED SHEETPILE COMMERCIAL MARINA WITH 30 BOATSLIPS, FUELING FACILITY, BOAT RAMP, 48 MOORING BUOYS, AND TWO MARKER BUOYS AND AN EXISTING PUMP OUT STATION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; WITH CONSIDERATION BEING FIVE PERCENT OF GROSS INCOME FROM 30 BOATSLIPS, BOAT RENTALS, PUMP OUT STATION AND 48 MOORING BUOYS; \$.015 PER GALLON UP TO 100,000 GALLONS OF FUEL SALES AND \$.02 PER GALLON IN EXCESS OF 100,000 GALLONS OF FUEL SALES; AND TEN PERCENT FROM OTHER GROSS INCOME; WITH A MINIMUM ANNUAL RENT IN THE AMOUNT OF \$11,900; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT FOR ALL THE CONSIDERATION PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; WITH LIABILITY INSURANCE COVERAGE OF NO LESS THAN \$3,000,000; AND A SURETY BOND OF \$25,000.

NOTE

1) THIS EXHIBIT IS DEPICTING THE PRIMARY NAVIGATION ROUTES OF WATERBORNE TRAFFIC ACCESSING THIS SPECIFIC MARINA.



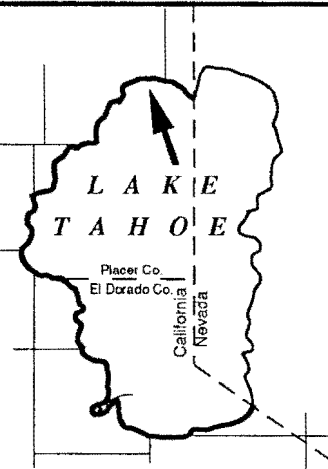
LOCATION MAP



NO SCALE

This Exhibit is solely for purposes of generally defining the lease premises, 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 A
 PRC 5856.1
 APN 117 - 130 - 053
 Lake Tahoe
 PLACER COUNTY



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CG 7/97