

**CALENDAR ITEM
C58**

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S 1

04/26/13
PRC 4268.1
B. Terry

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Tahoe Meadows, a Corporation
DBA Tahoe Meadows Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number 029-090-01, city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of 22 existing mooring buoys, an enclosed swim area, one swim float, and two marker buoys previously authorized by the Commission and use and maintenance of 17 existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning April 11, 2012.

CONSIDERATION:

\$16,077 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. Buoy Allotment Program: The use of the buoy field will be made available to all members of Tahoe Meadows 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's members.
2. The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency

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(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 pending resolution of the TRPA FEIS and amended ordinance issues.

3. A chain link fence is located on the west side of the Applicant's littoral property. On July 19, 2011, the Commission's boundary staff conducted a survey to determine the location of the high water mark, elevation 6228.75 feet, Lake Tahoe Datum (LTD), and found that a portion of the chain link fence extends below the high water mark. That portion of the fence extending below high water creates an obstacle to the public's ability to access the Public Trust easement between the high water mark, elevation 6228.75 feet LTD and the low water mark, elevation 6223 feet LTD. The Applicant has agreed to remove the chain link fence to the surveyed marker of high water no later than June 1, 2013.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On February 21, 2003, the Commission authorized a 10-year General Lease – Recreational Use for 22 mooring buoys, two anchor blocks (which are actually marker buoys), swim area, and a swim float. That lease expired on April 10, 2012. The Applicant is now applying for a new General Lease – Recreational Use for the continued use and maintenance of the previously authorized improvements and the use and maintenance of 17 additional existing mooring buoys.
3. The additional 17 mooring buoys have been in Lake Tahoe for many years but have not been previously authorized by the Commission. Staff recommends bringing the existing 17 mooring buoys under lease, subject to the Applicant obtaining TRPA permit authorization. Two piers are located adjacent to the upland parcel; however, the piers do not extend beyond elevation 6223 feet, LTD, onto State-owned sovereign land. Therefore, they are not a part of the authorized facilities.

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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.

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 Tahoe Meadows, a Corporation beginning April 11, 2012, for a term of 10 years, for the continued use and maintenance of 22 existing mooring buoys, enclosed swim area, swim float, and two marker buoys previously authorized by the Commission and the use and maintenance of 17 existing mooring buoys not previously authorized by the Commission as

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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 \$16,077, with the State reserving the right to fix a different rent periodically during the lease term; as provided in the lease; and liability insurance with coverage of no less than \$2,000,000.

EXHIBIT A

PRC 4268.1

LAND DESCRIPTION

Forty three (43) parcels of submerged land in the bed of Lake Tahoe, adjacent to fractional Section 27, 28, and 33, T 13 N, R 18 E, MDM, as shown on Official Government Township Plat, approved July 8th 1875, County of El Dorado, State of California, being more particularly described as follows:

PARCELS 1 thru 39 (Mooring Buoys)

Thirty nine (39) circular parcels of land being 50 feet in diameter the centers of which are located at the following described points:

- 1) North(y)=2116147 feet, East(x)=7143148 feet;
- 2) North(y)=2115912 feet, East(x)=7142117 feet;
- 3) North(y)=2116626 feet, East(x)=7143473 feet;
- 4) North(y)=2115356 feet, East(x)=7142362 feet;
- 5) North(y)=2115461 feet, East(x)=7141904 feet;
- 6) North(y)=2116616 feet, East(x)=7143405 feet;
- 7) North(y)=2115791 feet, East(x)=7142479 feet;
- 8) North(y)=2115472 feet, East(x)=7142372 feet;
- 9) North(y)=2115201 feet, East(x)=7142271 feet;
- 10) North(y)=2116750 feet, East(x)=7143276 feet;
- 11) North(y)=2115665 feet, East(x)=7142601 feet;
- 12) North(y)=2115811 feet, East(x)=7142067 feet;
- 13) North(y)=2115583 feet, East(x)=7142261 feet;
- 14) North(y)=2114901 feet, East(x)=7142176 feet;
- 15) North(y)=2115210 feet, East(x)=7141820 feet;
- 16) North(y)=2115738 feet, East(x)=7141933 feet;
- 17) North(y)=2117040 feet, East(x)=7143581 feet;
- 18) North(y)=2115724 feet, East(x)=7142230 feet;
- 19) North(y)=2116588 feet, East(x)=7143125 feet;
- 20) North(y)=2115359 feet, East(x)=7142435 feet;
- 21) North(y)=2116237 feet, East(x)=7143237 feet;
- 22) North(y)=2116433 feet, East(x)=7143268 feet;
- 23) North(y)=2115269 feet, East(x)=7142478 feet;
- 24) North(y)=2114770 feet, East(x)=7142096 feet;
- 25) North(y)=2115940 feet, East(x)=7142997 feet;
- 26) North(y)=2115499 feet, East(x)=7142505 feet;
- 27) North(y)=2116668 feet, East(x)=7143238 feet;
- 28) North(y)=2116681 feet, East(x)=7143434 feet;
- 29) North(y)=2116842 feet, East(x)=7143372 feet;
- 30) North(y)=2115728 feet, East(x)=7142339 feet;
- 31) North(y)=2117265 feet, East(x)=7143675 feet;
- 32) North(y)=2116987 feet, East(x)=7143521 feet;
- 33) North(y)=2115973 feet, East(x)=7142542 feet;

34)North(y)=2115430 feet, East(x)=7142448 feet;
35)North(y)=2116809 feet, East(x)=7143596 feet;
36)North(y)=2116740 feet, East(x)=7143495 feet;
37)North(y)=2115618 feet, East(x)=7142079 feet;
38)North(y)=2116686 feet, East(x)=7143355 feet;
39)North(y)=2117131 feet, East(x)=7143629 feet;

PARCELS 40 thru 41 (Marker Buoys)

Two (2) circular parcels of land being 50 feet in diameter the centers of which are located at the following described points:

40)North(y)=2115387 feet, East(x)=7141806 feet; (SW)
41)North(y)=2116806 feet, East(x)=7143118 feet; (NE)

PARCEL 42 (Swim Float)

All those lands underlying an existing swim float in the bed of said lake, the center having the approximate coordinates of: North(y)=2116524 feet, East(x)=7143342 feet.

PARCEL 43 (Swim Area)

A parcel of land being bounded on the northeast by the northwesterly prolongation of the southwesterly side of an existing pier, the waterward end of said pier having the approximate coordinates of North(y)=2116456 feet, East(x)=7143506 feet; bounded on the southwest by a line parallel with and southwesterly 112 feet, measured at right angles, from said prolongation; bounded on the southeast by the line of low water having an elevation of 6223.0' LTD and bounded on the northwest by a line parallel with and northwesterly 37 feet, measured at right angles, from said line of low water.

Basis of bearing is CCS 83, Zone 2.

This description is based on Applicant provided design plans, by K.B. Foster Civil Engineering dated February 29, 2012, for proposed marker buoys, and swim area together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

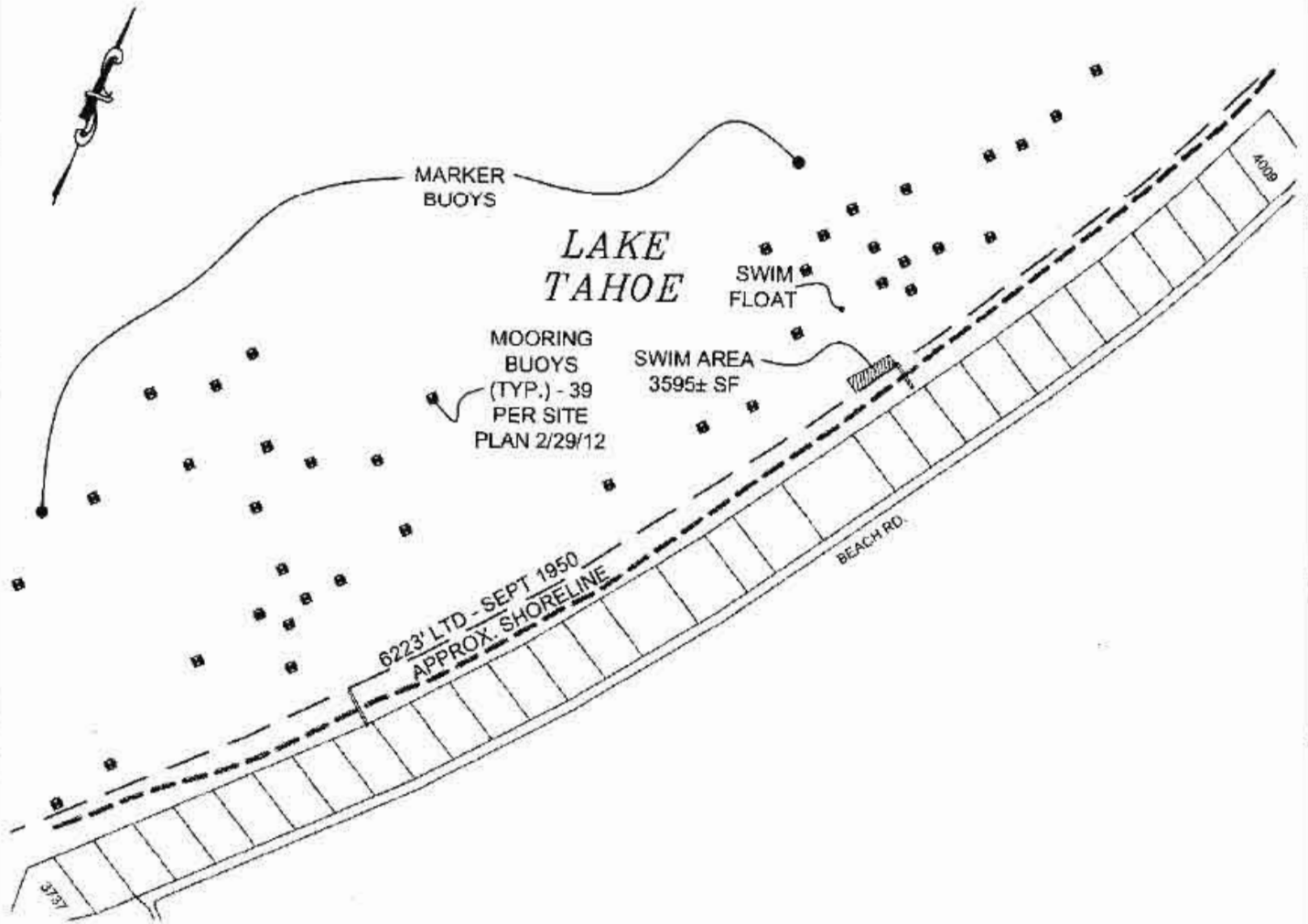
END OF DESCRIPTION

Prepared 3/14/13 by the
California State Lands Commission
Boundary Unit



NO SCALE

SITE



3737 thru 4009 Beach Rd., South Lake Tahoe

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 4268.1
TAHOE MEADOWS
ASSOCIATION
APN 029-090-01
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MJF 3/14/13