

MINUTE ITEM

This Calendar Item No. C10
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 3
to 0 at its 4-28-93
meeting.

CALENDAR ITEM

C10

A 4
S 1

04/28/93
WP 1691
G. Gordon

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Brockway Springs Partners,
dba Brockway Hot Springs
P.O. Box 6214
Tahoe City, CA 96145

AREA, TYPE LAND AND LOCATION:

A 0.182-acre parcel, a 0.036-acre parcel, a 0.347-acre
parcel, and 15 circular parcels, each 40 feet in diameter
that together total 0.433 acre, which compose an aggregate
of 0.998-acre of submerged lands in Agate Bay, Lake Tahoe at
Brockway, Placer County.

LAND USE:

Maintenance and operation of one pier with three floating
docks, a hot spring deck and breakwater, a swim area with a
swim line and swim float, and 15 mooring buoys,
respectively, all existing and previously authorized for
recreational purposes.

TERMS OF PROPOSED LEASE:

Initial period of 5 years beginning October 19, 1992.

SURETY BOND:

\$10,000.

PUBLIC LIABILITY INSURANCE:

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

SPECIAL:

1. The lease is conditioned on lessee's conformance with
the Tahoe Regional Planning Agency's Shorezone
Ordinance.
2. The lease prohibits any residential use of the
facilities.

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3. The lease limits the ownership of the mooring buoy facilities to the lessee and subjects their placement and maintenance to the rules and regulations of the lessor and other regulatory agencies.
4. The lease requires refuse containers for the disposal of vessel-generated trash.
5. The lease conforms to the Lyon-Fogerty decisions.
6. The lease is conditioned on the public's right of access along the shorezone up to the high water line at elevation 6,228.75 feet, Lake Tahoe Datum.
7. The lease is conditioned on lessee's retention of the public trust area and the Rorippa habitat area in its natural condition.

CONSIDERATION:

\$4,561.92 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and estimated processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. The lease facilities are utilized to benefit the owners, tenants, and guests of condominium complexes located on adjacent uplands. Applicant collects the payment of fees for utilization of the mooring buoys,

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but does not operate the site as a standard commercial facility providing a service to the general public.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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, 2 Cal. Code Regs. 2905(a)(2).
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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 activity is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Local Government Comment

IT IS RECOMMENDED THAT THE COMMISSION:

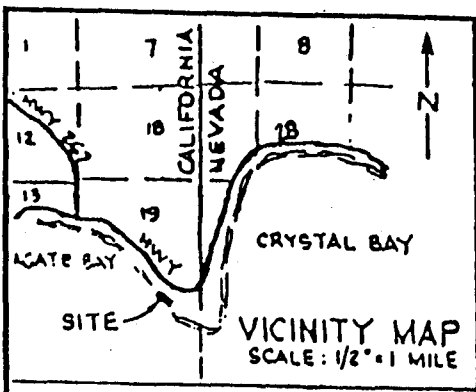
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(A)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO BROCKWAY SPRINGS PARTNERS, DBA BROCKWAY HOT SPRINGS, OF A 5-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING OCTOBER 19, 1992; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$4,561.92, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$10,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR MAINTENANCE AND OPERATION OF ONE PIER WITH THREE FLOATING DOCKS, A HOT SPRING DECK AND BREAKWATER, A SWIM AREA WITH A SWIM LINE AND SWIM FLOAT, AND 15

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MOORING BUOYS, ALL EXISTING AND UTILIZED FOR
RECREATIONAL PURPOSES ON THE LAND DELINEATED ON EXHIBIT
"A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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Scale: 1" = 100'

APN 90-250-92

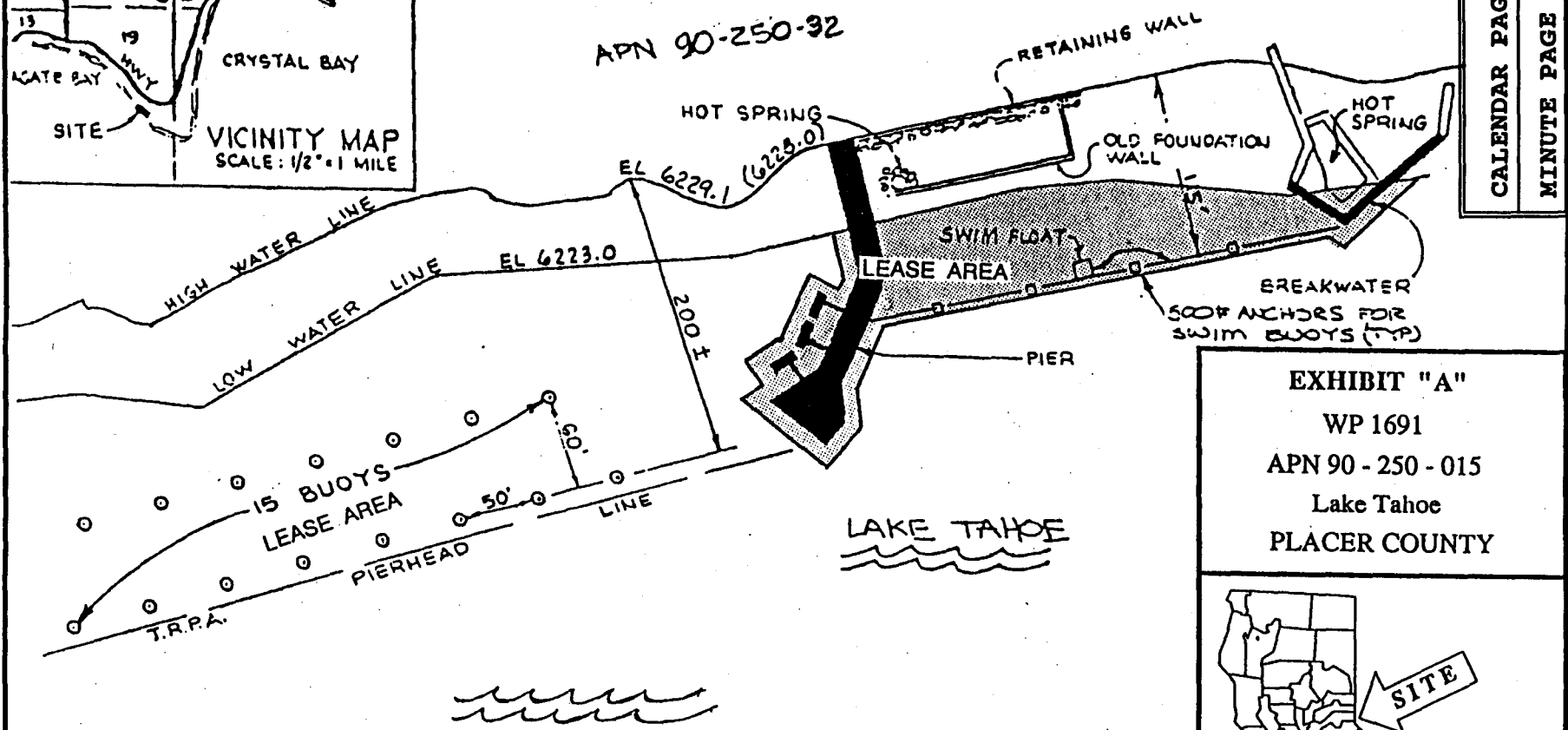


EXHIBIT "A"
WP 1691
APN 90 - 250 - 015
Lake Tahoe
PLACER COUNTY



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.

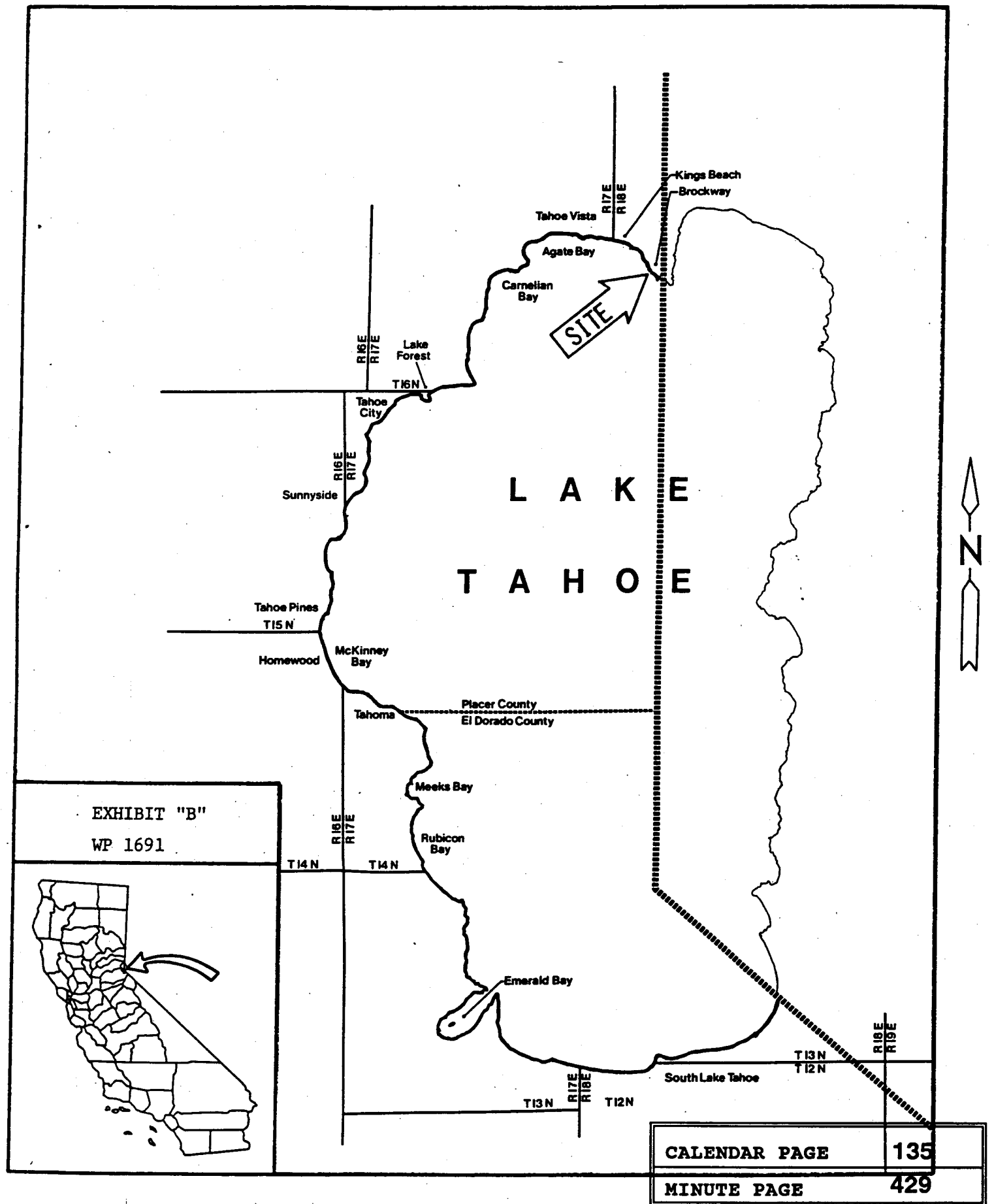


EXHIBIT "B"

WP 1691



Date: Jan 13, 1992

File Ref: WP 1691

State Lands Commission
Attn: Gerald D. Gordon
1807 - 13th Street
Sacramento, California 95814

Greetings:

Subject: A Pier with Three (3) Floating Docks, a Hot Spring Deck and Breakwater, a Swim Area with a Swim Line and Swim Float, and Fifteen (15) Mooring Buoys, all Existing in Agate Bay, Lake Tahoe at Brockway

Name: Brockway Springs Partners
dba Brockway Hot Springs

Address: P.O. Box 6214
Tahoe City, California 96145

Assessor's Parcel No. 90-250-32

The County of Placer has received notice of the above-referenced activity in Lake Tahoe and has no objection to said project or to the issuance of a permit or lease by the State Lands Commission for such use of sovereign lands.

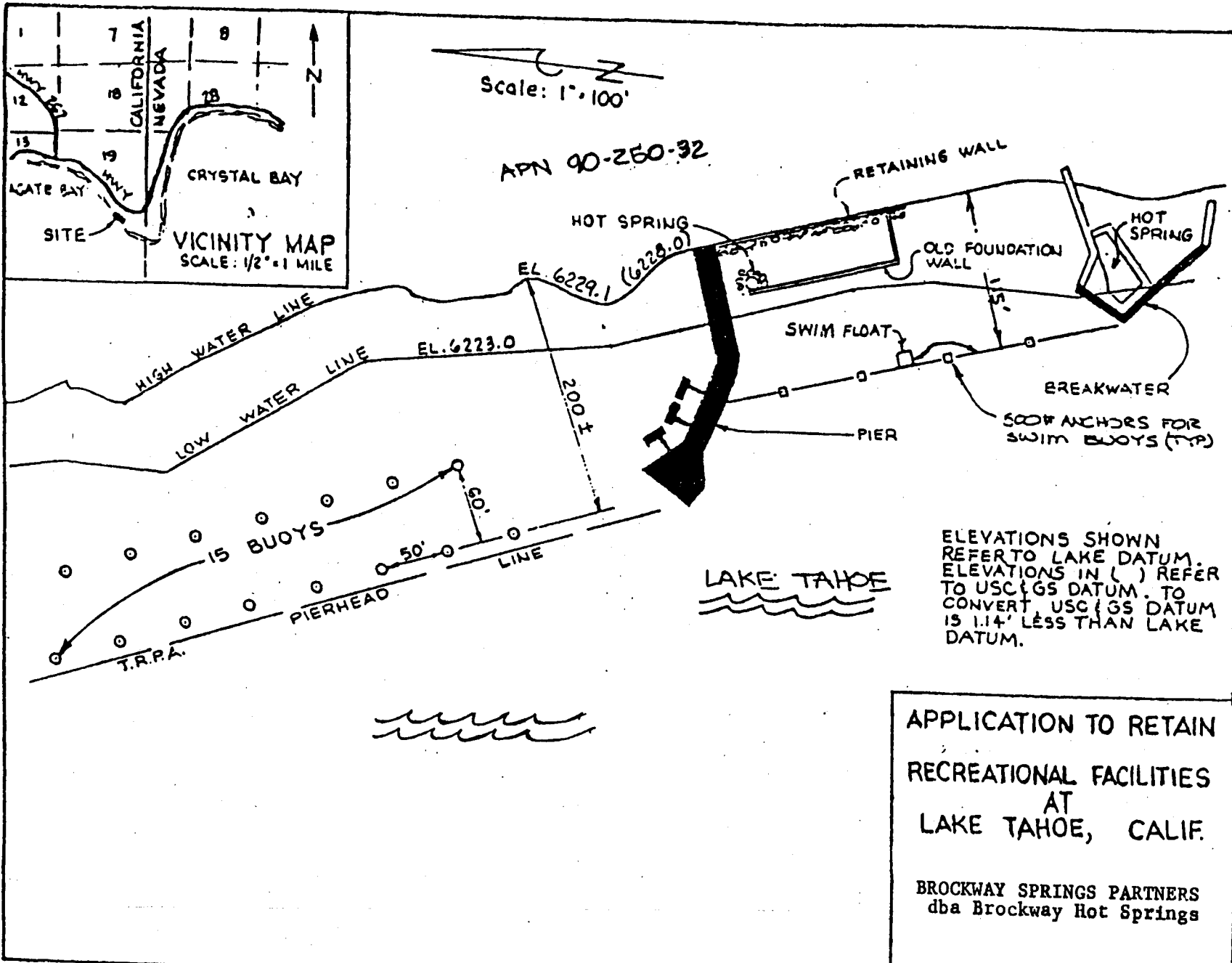
If you have any questions, you may reach me at (916) 889-7485.

County of Placer
Department of Public Works
Jack Warren, Director


Jan Christian
Associate Civil Engineer

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EXHIBIT "C"



ELEVATIONS SHOWN
 REFERTO LAKE DATUM.
 ELEVATIONS IN () REFER
 TO USC&GS DATUM. TO
 CONVERT, USC&GS DATUM
 IS 1.14' LESS THAN LAKE
 DATUM.

APPLICATION TO RETAIN
 RECREATIONAL FACILITIES
 AT
 LAKE TAHOE, CALIF.
 BROCKWAY SPRINGS PARTNERS
 dba Brockway Hot Springs

APN 90-260-32

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