

**CALENDAR ITEM  
C26**

A 4  
S 1

05/24/12  
PRC 8913.1  
N. Lee

**AMENDMENT OF LEASE**

**LESSEE:**

Tahoe Lakeview, LLC

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 969 Lakeview Avenue, city of South Lake Tahoe, El Dorado County.

**AUTHORIZED USE:**

Expansion of an existing pier onto sovereign land and installation of a boat lift.

**LEASE TERM:**

10 years, beginning February 8, 2011.

**CONSIDERATION:**

\$733 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**PROPOSED AMENDMENT:**

Amend the authorized improvements to include four existing mooring buoys not previously authorized by the Commission; to revise the annual rent from \$733 per year to \$2,093 per year, effective February 8, 2012; to include additional special lease provisions related to the buoys; replace Exhibit A with the attached Exhibit A; and include the attached Exhibit B. All other terms and conditions of the lease shall remain in effect without amendment.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy(s) within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone

CALENDAR ITEM NO. **C26** (CONT'D)

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.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On February 8, 2011, the Commission authorized a General Lease – Recreational Use with Tahoe Lakeview, LLC for an expansion of an existing pier and installation of a boat lift. Lessee has obtained all necessary permits and will complete construction of the expanded pier this year. Lessee is now applying to amend the lease to include four existing mooring buoys not previously authorized by the Commission.
3. In 2011, the boundaries of the upland parcel were adjusted and a common area parcel, Assessor Parcel Number (APN) 026-300-01, was formed within which are five separate APNs for proposed condominium units. The Lessee has formed an owners association known as Pavati Lakefront Owners Association, Inc. (Association). Upon the first sale of a condominium unit, the common area parcel will transfer to the Association and the Lessee will be required to submit an application for consideration of an assignment of the lease. The buoys will be made available to all members of the Association.
4. The Lessee's four mooring buoys have been in Lake Tahoe for many years but have not been previously authorized by the Commission. Staff recommends bringing the placement of the Lessee's existing mooring buoys under lease, subject to the Lessee obtaining TRPA permit authorization.
5. **Four Existing Mooring Buoys:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity 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).

CALENDAR ITEM NO. **C26** (CONT'D)

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

6. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

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:**

**Four Existing Mooring Buoys:** 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).

**Revision of Rent:** Find that the subject Revision of Rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C26** (CONT'D)

**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 the amendment of Lease No. PRC 8913.1, a General Lease – Recreational Use, effective May 24, 2012, to include four existing mooring buoys; to revise the annual rent from \$733 per year to \$2,093 per year, effective February 8, 2012; to include special provisions related to the buoys; and to delete Exhibit A in its entirety and replace with Exhibit A and Exhibit B (for reference purposes only) attached and by this reference made a part thereof; all other terms and conditions of the lease will remain in effect without amendment.

**EXHIBIT A**

**PRC 8913.1**

**LAND DESCRIPTION**

Five (5) parcels of submerged land, situate in the bed of Lake Tahoe, lying adjacent to fractional Section 32, Township 13 North, Range 18 East, MDM, as shown on the Official Township Plat, approved April 11<sup>th</sup>, 1884, County of El Dorado, State of California, and more particularly described as follows:

**Parcel 1 - Pier**

All those lands underlying an existing pier, catwalk, and boatlift adjacent to that parcel as described in "Exhibit A" of that Grant Deed recorded February 04, 2008 as Document Number 2008-0005240-00 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the elevation of 6223 feet LTD along the shoreline of Lake Tahoe.

TOGETHER WITH a ten (10) foot use area.

**Parcel 2 - Buoys**

Four (4) circular parcels of land, being 50 feet in diameter, underlying four existing buoys, adjacent to that parcel as described in "Exhibit A" of that Grant Deed recorded February 04, 2008 as Document Number 2008-0005240-00 in Official Records of said County.

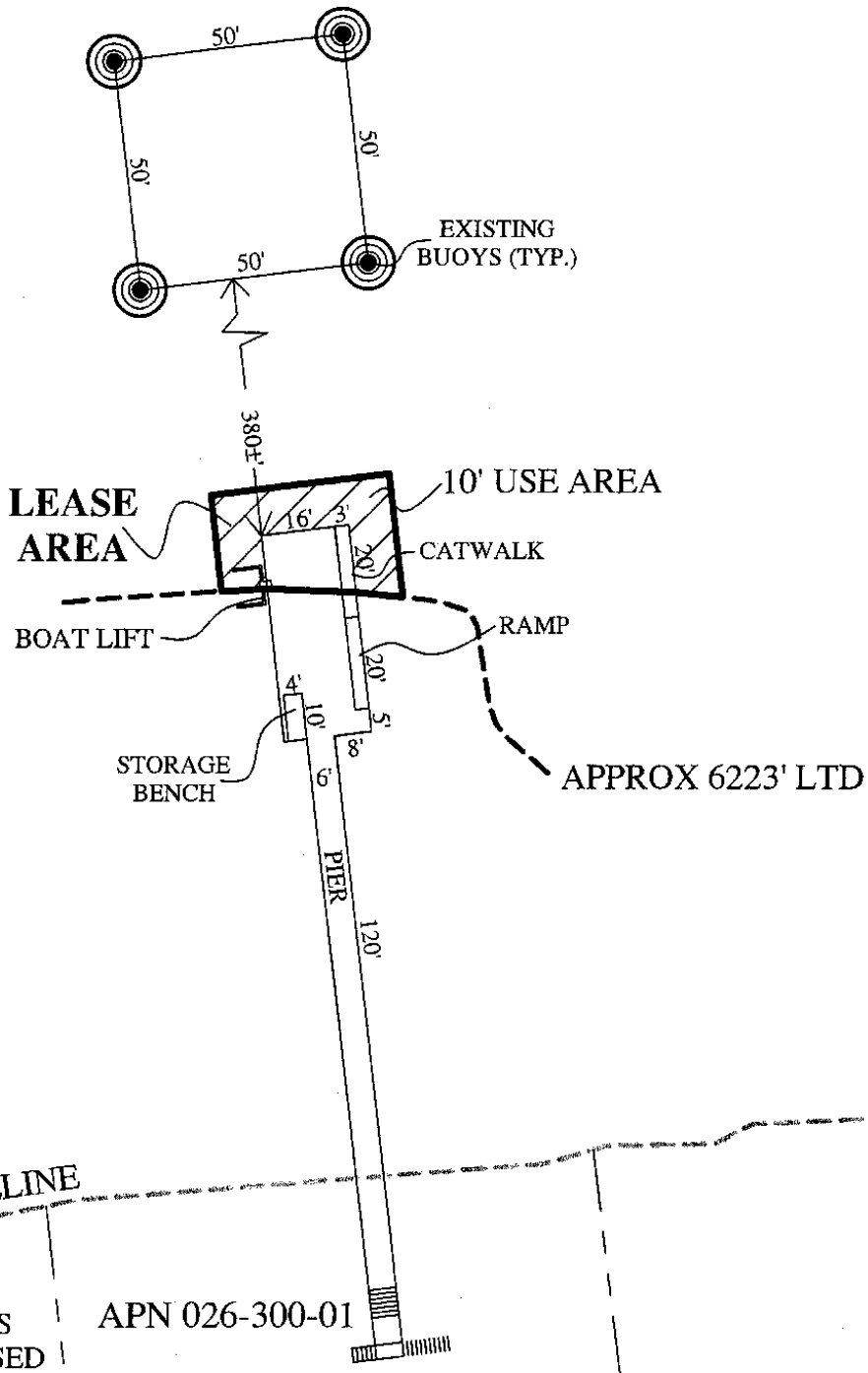
Accompanying plat is hereby made a part of this description

**END OF DESCRIPTION**

PREPARED 4/5/12 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



LAKE  
TAHOE



\*ALL STRUCTURES  
SHOWN ARE PROPOSED  
EXCEPT AS NOTED

APN 026-300-01

### EXHIBIT A

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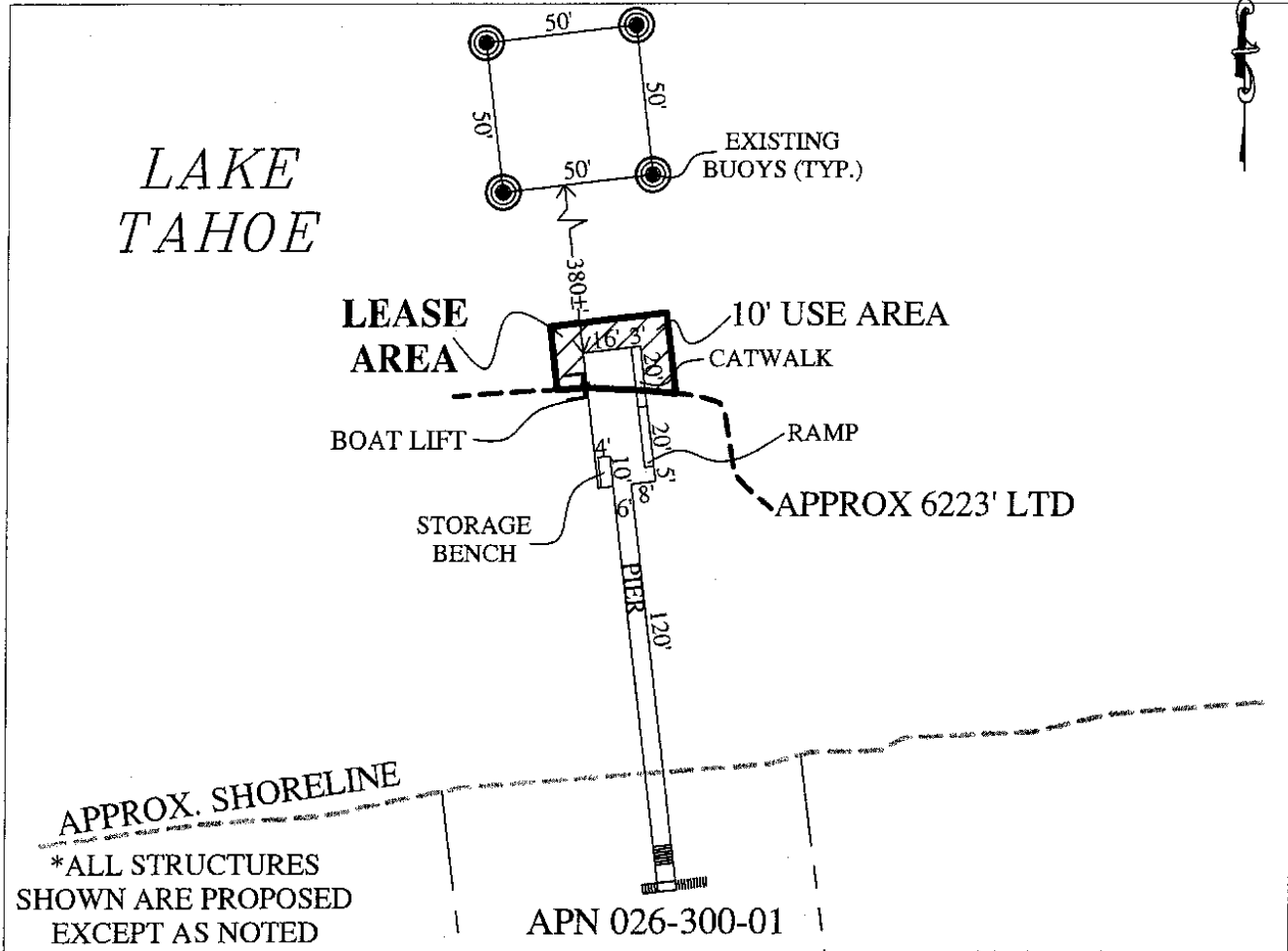
LAND DESCRIPTION PLAT  
PRC 8913.1, TAHOE LAKEVIEW LLC  
EL DORADO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

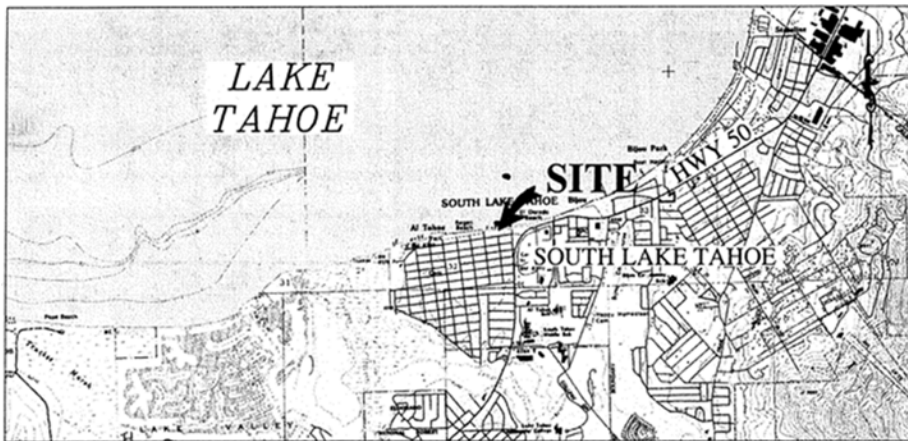
### SITE



969 Lakeview Avenue, South Lake Tahoe

NO SCALE

### LOCATION

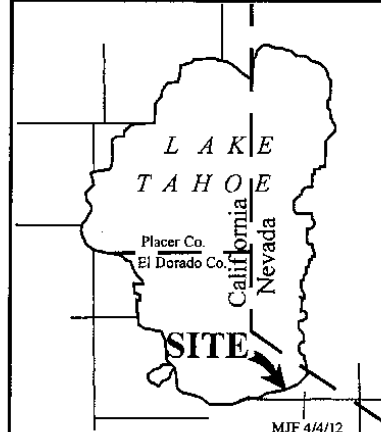


MAP SOURCE: USGS QUAD

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 8913.1  
 TAHOE LAKEVIEW LLC  
 APN 026-300-01  
 GENERAL LEASE -  
 RECREATIONAL USE  
 EL DORADO COUNTY



MIF 4/4/12