

**CALENDAR ITEM
C51**

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S 1

10/19/12
W 26481
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Chateau Chamonix Homeowners Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7600 North Lake Boulevard, Tahoe Vista, Placer County

AUTHORIZED USE:

Use and maintenance of 11 existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning October 19, 2012.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5, with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

1. The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (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

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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.

2. Buoy Allotment Program: The use of the buoy field will be made available to all members of the Association 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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The Applicant is a homeowner's association comprising of 38 members. All 38 members qualify for rent-free status pursuant to the original definition of Public Resources Code section 6503.5. The Applicant's 11 existing mooring buoys have been in Lake Tahoe for many years but were not previously authorized by the Commission. The U.S. Army Corps of Engineers issued a permit for the mooring buoys. Staff recommends bringing the placement of the Applicant's existing mooring buoys under lease, subject to the Applicant obtaining a TRPA permit authorization.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law took effect on January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently-enacted changes to Section 6503.5 of the Public Resources Code for the term of the lease.

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4. The staff recommends that the Commission find 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).

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 the Chateau Chamonix Homeowners Association, beginning October 19, 2012, for a term of 10 years, for the use and maintenance of 11 existing mooring buoys not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

W 26481

LAND DESCRIPTION

A parcel of submerged land lying in the bed of Lake Tahoe, adjacent to Chateau Chamonix as shown on Tract map No. 136, filed in Book I of Maps, Page 77, Official Records of Placer County, County of Placer, State of California, described as follows:

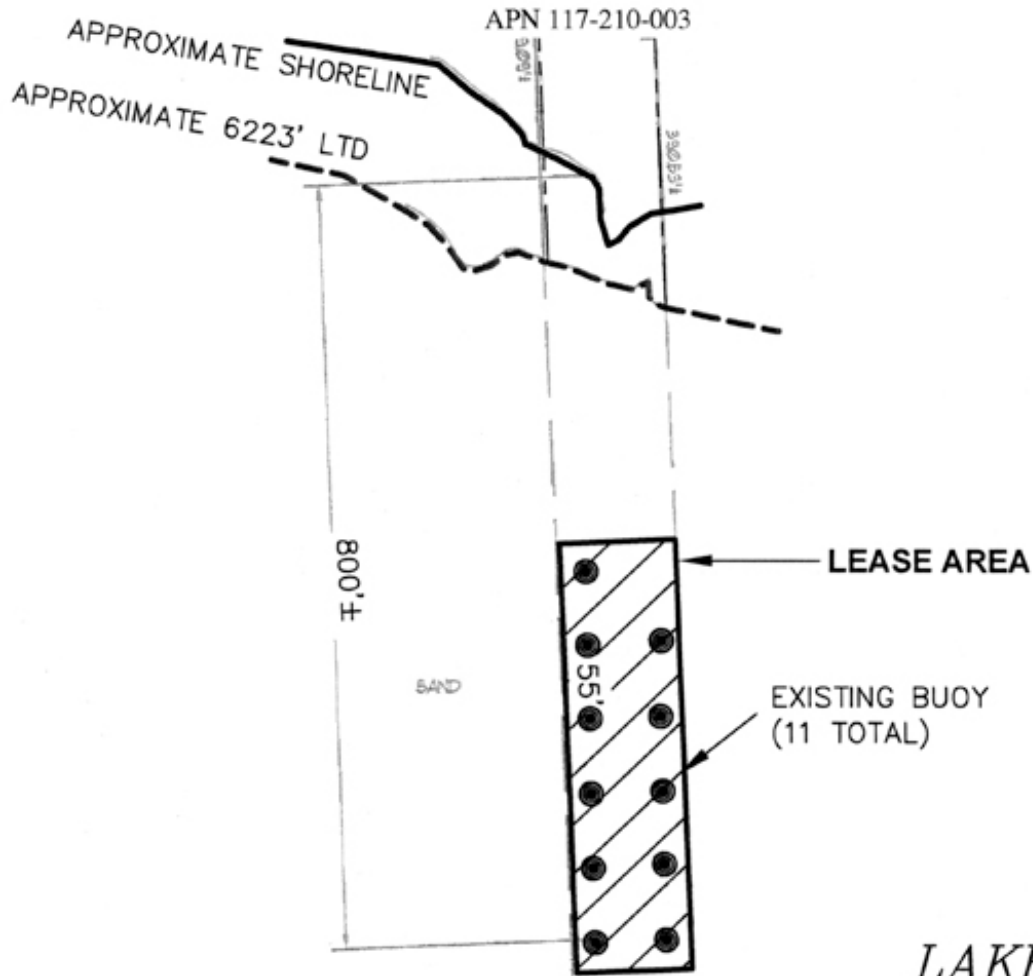
COMMENCING at a point on the westerly boundary of said Tract, said point also being the southerly terminus of the course labeled as N 2°12'00" W 6.50 feet on said Tract map; thence S 2°12'00" E along said westerly boundary, or the southerly prolongation thereof 445.00 feet to the POINT OF BEGINNING; thence continuing southerly along said southerly prolongation S 2°12'00" E 450.00 feet; thence leaving said southerly prolongation N 87°48'00" E 121.66 feet to a point on the southerly prolongation of the easterly boundary of said Tract; thence along said southerly prolongation N 2°12'00" W 450.00 feet; thence leaving said southerly prolongation S 87°48'00" W 121.66 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 04/23/2012 by the California State Lands Commission Boundary Unit.



NO SCALE



LAKE TAHOE

7600 NORTH LAKE BLVD., TAHOE VISTA

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

W26481

CHATEAU CHAMONIX HOA

APN 117-210-003

GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY

