

**CALENDAR ITEM  
C10**

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06/28/16  
PRC 4015.1  
B. Terry

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

The Tavern Shores Association, a California nonprofit mutual benefit corporation

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in Lake Tahoe, adjacent to 180 West Lake Boulevard, near Tahoe City, Placer County.

*AUTHORIZED USE:*

Continued use and maintenance of an existing pier, 44 mooring buoys, and two marker buoys.

*LEASE TERM:*

10 years, beginning June 1, 2016.

*CONSIDERATION:*

\$20,777 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

Insurance:

Liability insurance in an amount no less than \$2,000,000 per occurrence.

Other:

If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization 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. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

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Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

**Staff Analysis and Recommendation:**

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

**Public Trust and State's Best Interests Analysis:**

On March 25, 2008, the Commission authorized a General Lease – Recreational Use with Tavern Shores Association (Association), a non-profit California Corporation. That lease expired on May 31, 2016. The Applicant is now applying for a General Lease – Recreational Use.

The upland parcel, Assessor's Parcel Number (APN) 094-180-067, is owned by Lands of Sierra Inc. (LOS). The Association owns APN 094-350-037, the parcel directly behind the LOS parcel. LOS and the Association entered into an agreement that gives the Association the right to use the waterfront parcel. LOS has also consented through the agreement to the Association's maintenance of a buoy field within the projection lines of APN 094-180-067. That agreement expires on September 8, 2068.

The subject facilities have existed for many years at this location. The topography and upland pier structure provides sufficient space for both the pier and other trust activities. The location and structure of the pier allows the public to walk or navigate under or around the pier for continuous access within the public trust easement.

The Association is a property owners association consisting of 53 members. The mooring facilities have existed in the lake for many years and are for the use of the Association's members and invitees. The mooring buoys are kept within a grid pattern minimizing any impact.

Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code, § 6503.5).

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an

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easement to the public for public trust consistent uses. Upon termination of the lease, the Lessee may be required to remove all improvements from State land.

The proposed lease requires the Lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the use of public land. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine, will not substantially interfere with public trust needs at this location, at this time, and for the foreseeable term of the proposed lease, and is in the best interests of the state.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the upland adjoining the lease premises.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
3. 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.

4. 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

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**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).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the public trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**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 Tavern Shores Association, a California nonprofit mutual benefit corporation, beginning June 1, 2016, for a term of 10 years, for the continued use and maintenance of an existing pier, 44 mooring buoys, and two marker buoys as 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 \$20,777 with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$2,000,000 per occurrence.

**EXHIBIT A**

**PRC 4015.1**

**LAND DESCRIPTION**

Two (2) parcels of submerged lands situate in the bed of Lake Tahoe and lying adjacent to the North ½ of fractional Section 7, Township 15 North, Range 17 East, MDM, as shown on official U.S. Government Township Plat approved on November 9, 1866, Placer County, State of California, and more particularly described as follows:

**PARCEL 1 – Pier, catwalks & impact areas**

COMMENCING at a ¾" iron pin at the northeasterly corner of "Tavern Shores" a condominium subdivision filed for record in Book I of Maps at Page 22, Placer County Records, from which the North ¼ corner said Section 7 bears North 24°03'42" West, 1733.92 feet; thence North 21°35'30" East, 211.21 feet to a point on the shoreline of Lake Tahoe and the POINT OF BEGINNING; thence leaving said shoreline along the following seven (7) courses:

- 1) North 90°00'00" East, 294.48 feet;
- 2) South 0°00'00" East, 48.50 feet;
- 3) North 90°00'00" East, 36.00 feet;
- 4) North 0°00'00" East, 130.00 feet;
- 5) North 0°00'00" West, 36.00 feet;
- 6) South 0°00'00" East, 48.50 feet;
- 7) North 90°00'00" West, 294.28 feet to a point on said shoreline and hereafter referred to as "POINT A";

thence along said shoreline South 0°00'00" East, 33.00 feet to the POINT OF BEGINNING.

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

**PARCEL 2 – Buoy Field (44 buoys and 2 marker buoys)**

BEGINNING at a point which bears South 82°00'00" West, 900 feet from the above describe "POINT A"; thence South 80°15'00" East, 400 feet; thence South 09°45'00" West, 850 feet; thence North 80°15'00" West, 400 feet; thence North 09°45'00" East, 850 feet to the POINT OF BEGINNING.

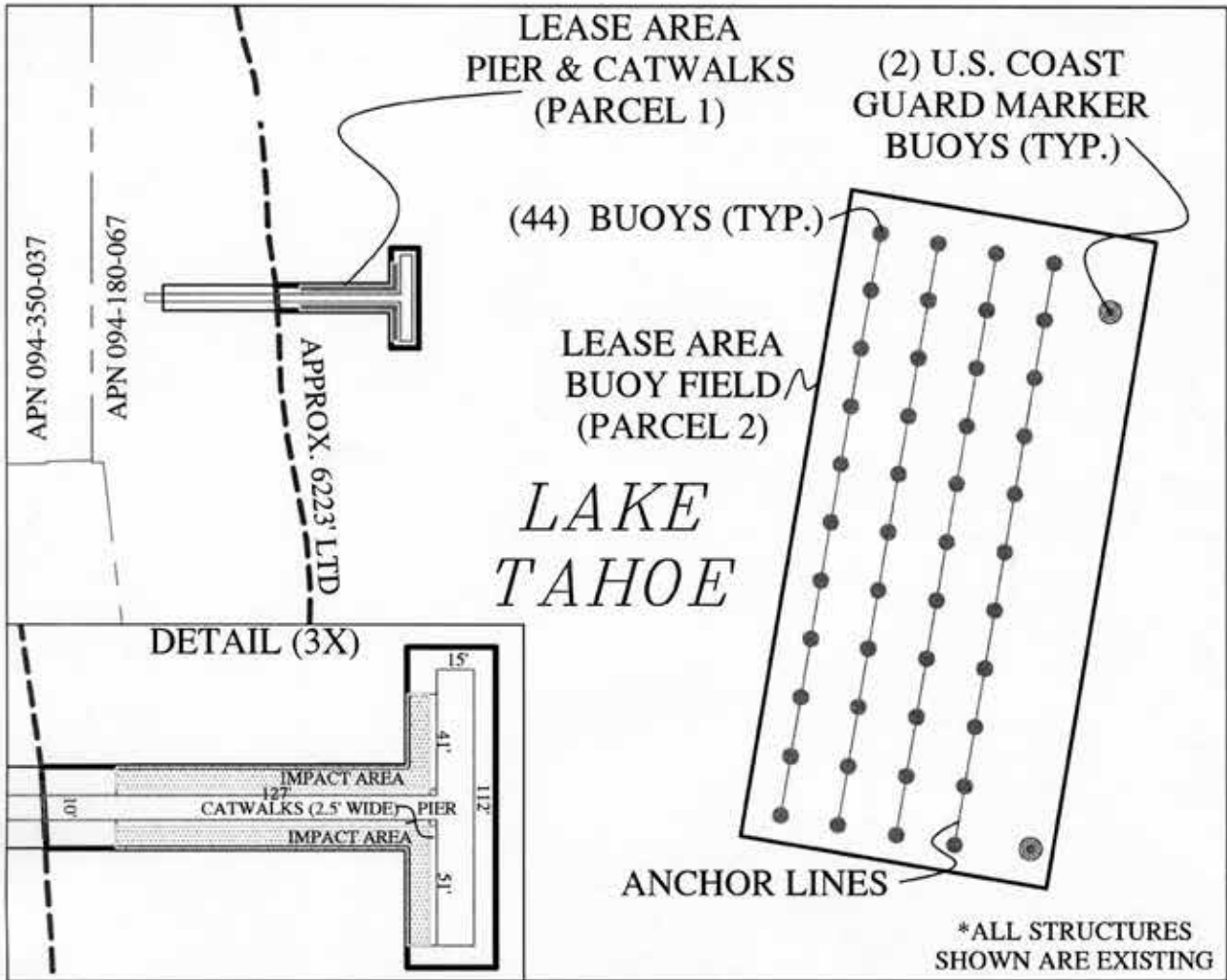
**END OF DESCRIPTION**

PREPARED 4/11/16  
BY THE CALIFORNIA  
STATE LANDS COMMISSION  
BOUNDARY UNIT



NO SCALE

### SITE



180 West Lake Blvd, Tahoe City

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 4015.1  
 TAVERN SHORES ASSOC.  
 APN 094-350-037  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MJE 5/02/16

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.