

# Staff Report 19

## APPLICANT:

---

Red Wolf Lakeside Lodge ~~Owners Association, Inc. - L.P., a California Limited Partnership;~~ and Tahoya Shores Condominium Association

## PROPOSED ACTION:

---

Issuance of a General Lease – Recreational and Protective Use

## AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7610 and 7630 North Lake Boulevard, Tahoe Vista, Placer County.

## AUTHORIZED USE:

Continued use and maintenance of a joint-use pier, a rock jetty, a portion of a second jetty adjacent to the east side of Assessor's Parcel Number 117-140-008, and four mooring buoys.

## TERM:

10 years, beginning April 1, 2021

## CONSIDERATION:

\$2,139 per year, with an annual Consumer Price Index adjustment.

## SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the Tahoe Regional Planning Agency (TRPA) or any other regulatory agency for the improvements authorized by the Commission.
- Lessee shall not store any personal items or construct any improvements in the Public Trust easement which may impair the public uses of access, navigation, fishing, and lake-related recreation.

## **STAFF ANALYSIS AND RECOMMENDATION:**

---

### **AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

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

On October 27, 2011, the Commission authorized a General Lease – Recreational and Protective Structure Use for a joint-use pier, a rock jetty, a portion of a second rock jetty to Red Wolf Lakeside Lodge L.P., a California Limited Partnership and Tahoya Shores Condominium Association ([Item C20, October 27, 2011](#)). The lease was amended October 16, 2015 ([Item C28, October 16, 2015](#)), then on April 4, 2016, the approval was rescinded and the lease further amended ([Item C24, April 05, 2016](#)). The lease expired on March 31, 2021. The Applicant is applying for a General Lease – Recreational and Protective Use for the continued use and maintenance of a joint-use pier, a rock jetty, a portion of a second jetty adjacent to the east side of Assessor's Parcel Number 117-140-008, and four mooring buoys. The Applicant's moorings are registered with TRPA (Registration No. 11417, dated March 2, 2021).

The Applicant owns the uplands adjoining the lease premises. The subject facilities are privately owned and maintained and facilitate recreational boating. 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 land (Pub. Resources Code, § 6503.5).

The pier has existed for many years at this location. The pier is built on pilings with the immediate area of the pier being flat and sandy. The topography is navigable, and public access for pedestrians and lake-related activities is available at varying water levels underneath the pier and by passing through the upland parcel within the Public Trust easement.

The buoys are located directly lakeward of the upland property and occupy a relatively small area of the lake. 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 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 and restore the lease premises to their original condition.

The proposed lease requires the lessee to ensure 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 occupation of the public land involved.

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

## **OTHER PERTINENT INFORMATION:**

---

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant (as prior lessee) may be required to remove the joint-use pier, two rock jetties, and four mooring buoys and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. 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.

## **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).

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

Find that the proposed lease will not substantially interfere with Public Trust needs and values at this location for the approved term and is consistent with the common law Public Trust Doctrine, and in the best interests of the state.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Use to the Applicant beginning April 1, 2021, for a term of 10 years, for the continued use and maintenance of a joint-use pier, a rock jetty, a portion of a second jetty adjacent to the east side of Assessor's Parcel Number 117-140-008, and four mooring 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 \$2,139, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

## EXHIBIT A

LEASE 7954

### LAND DESCRIPTION

Five parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to fractional Section 13, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

#### PARCEL 1

BEGINNING at the intersection of the east boundary of that parcel of land described in Exhibit A of Grant Deed recorded in Document Number 95-064510, Official Records of said County and the line of the historic Low Water Mark, as depicted on sheet 20 of those maps entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe", filed in Book 2 of Surveys at Page 71, Placer County Records; thence southerly along the southerly prolongation of said East line 74.00 feet; thence westerly and at a right angle from aforementioned course 127.75 feet to the intersection of the southerly prolongation of a line parallel with and 10 feet westerly, measured at a right angle, of an existing pier; thence northerly along said line 97.88 feet to said line of the historic Low Water Mark; thence easterly along said line of historic Low Water Mark to the POINT OF BEGINNING.

#### PARCEL 2 through 5 - Buoys

Four circular parcels of land, each being 50 feet in diameter, underlying four existing buoys lying adjacent to that parcel described in Exhibit A of Grant Deed recorded in Document Number 95-064510, Official Records of said County.

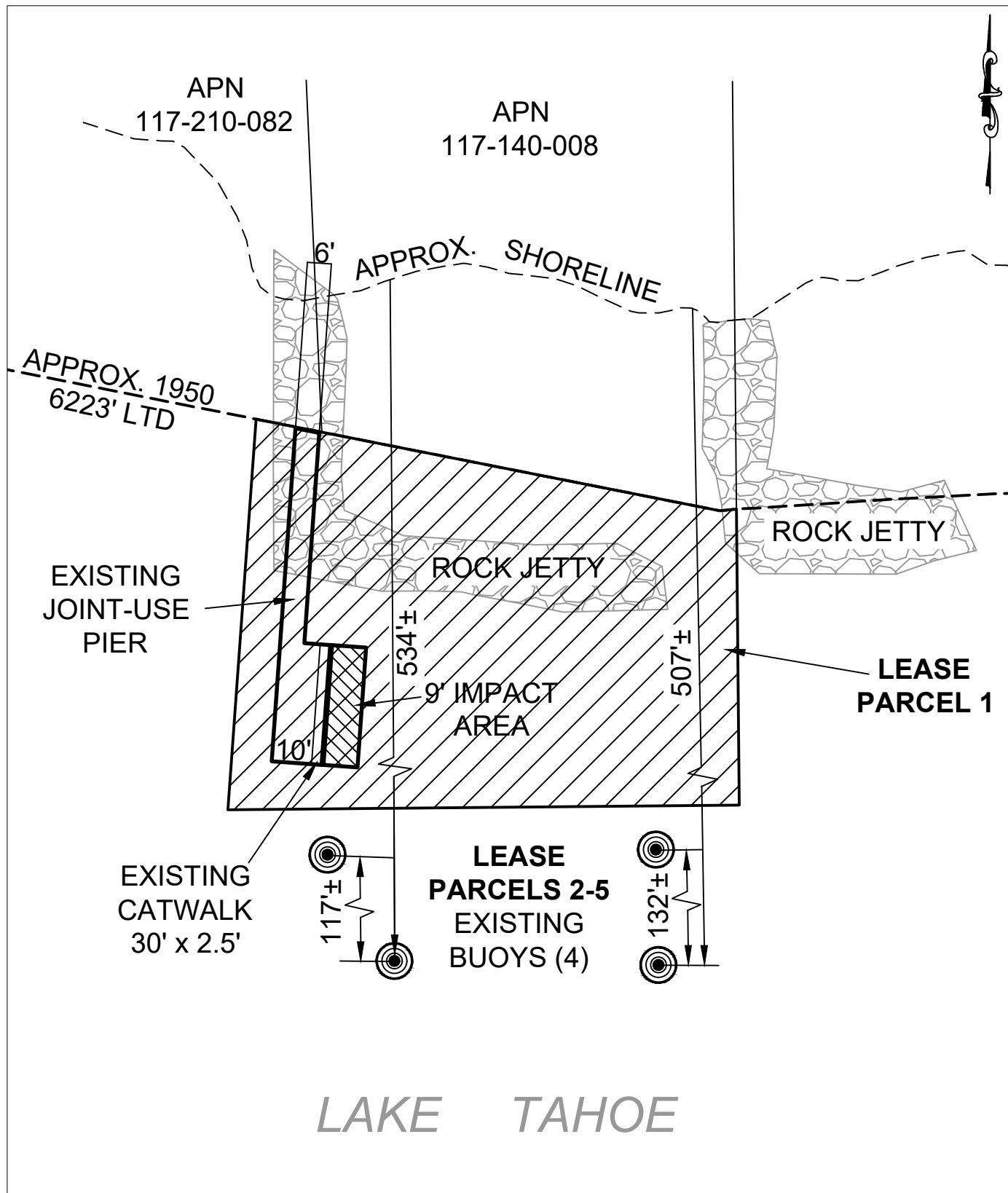
Accompanying plat is hereby made part of this description.

### END OF DESCRIPTION

Revised 02/19/2020 by the California State Lands Commission Boundary Unit.



NO SCALE



## EXHIBIT A

PAGE 2 OF 2

TS 02/19/2021

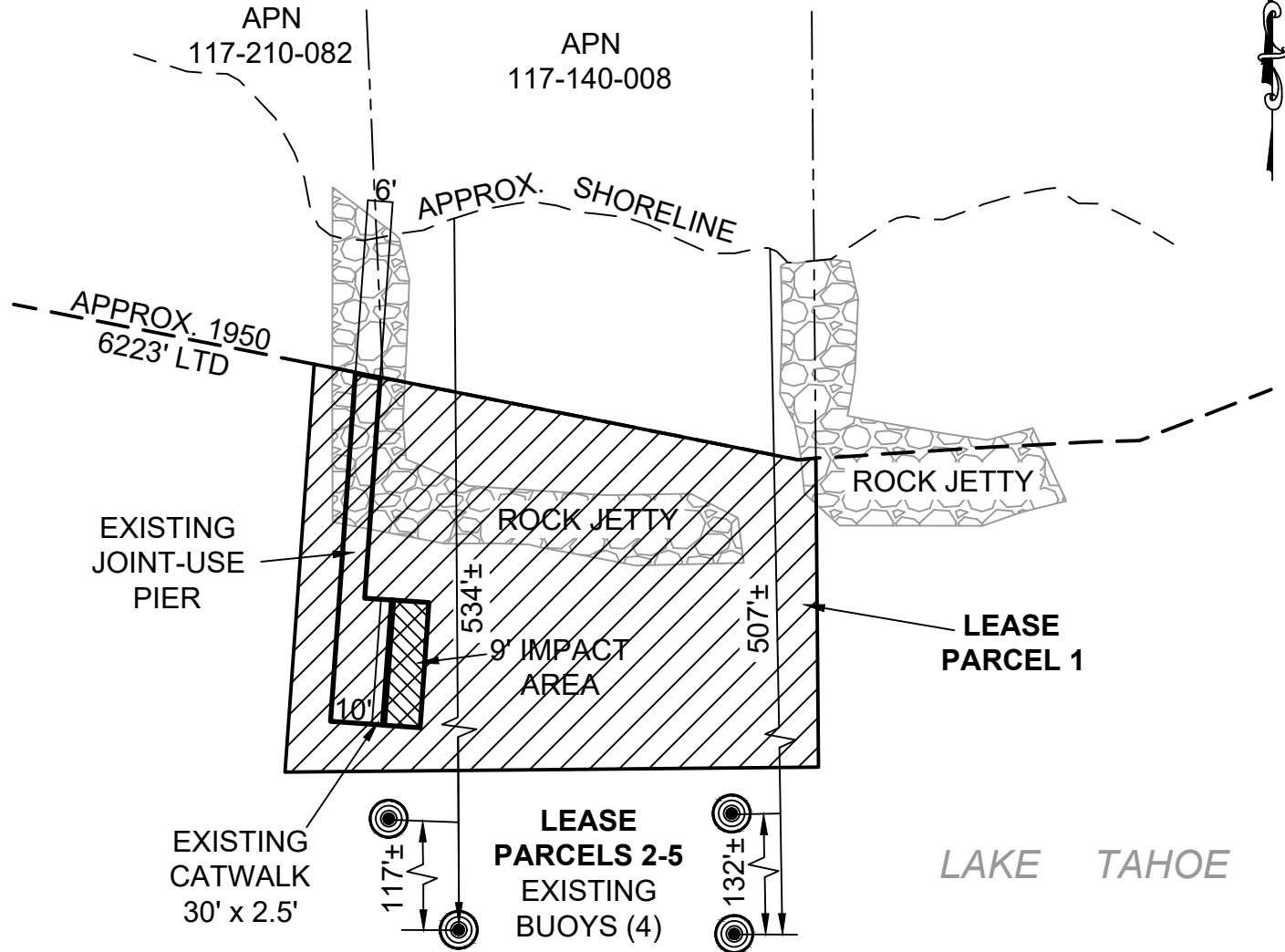
LAND DESCRIPTION PLAT  
LEASE 7954, REDWOLF LAKESIDE LODGE LP  
& TAHOYA SHORES  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

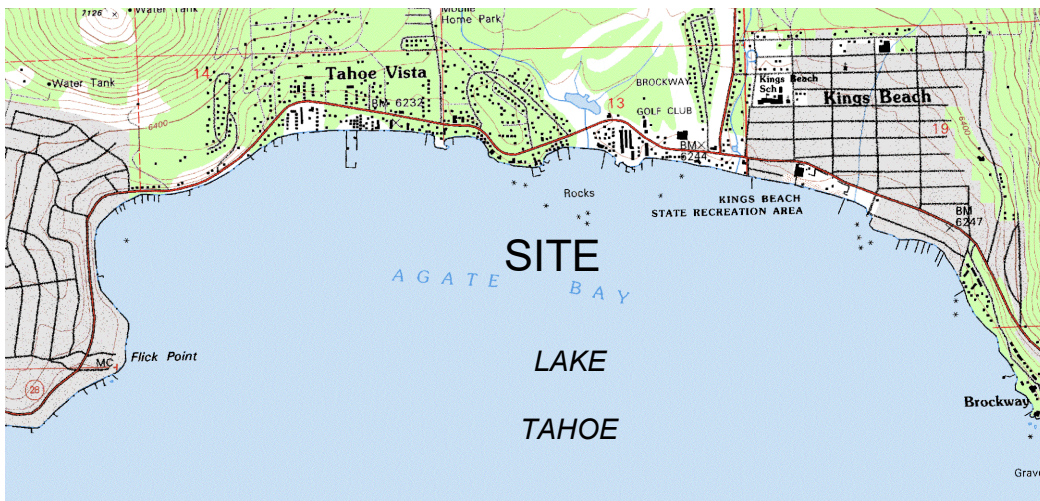
## SITE



7610 & 7630 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

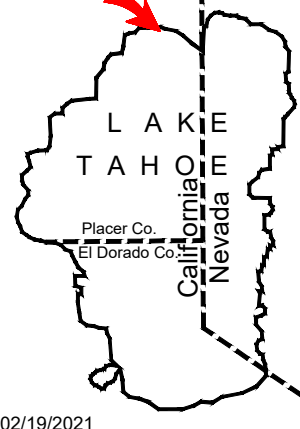
LEASE 7954

REDWOLF LAKESIDE LODGE LP  
& TAHOYA SHORES

APNs: 117-140-008 & 117-210-082

GENERAL LEASE -  
RECREATIONAL AND  
PROTECTIVE STRUCTURE USE  
PLACER COUNTY

## SITE



TS 02/19/2021