

**CALENDAR ITEM
C46**

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03/29/12
WP 3495.1
N. Lee

**ACCEPTANCE OF A LEASE QUITCLAIM DEED;
AND ISSUANCE OF A
NEW GENERAL LEASE - COMMERCIAL USE**

LESSEE:

Judith K. Topol, dba The Lighthouse Shopping Center

APPLICANT:

SDC Tahoe City, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 950 North Lake Boulevard, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing commercial pier.

LEASE TERM:

20 years, beginning December 30, 2010.

CONSIDERATION:

\$4,383 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$3,000,000.

Surety:

Surety bond or other security in the amount of \$20,000.

Other:

Lessee agrees to the implementation of the Commission's "Best Management Practices for Marina Owners/Operators" and "Best Management Practices for Guest Dock Users and Boaters," including

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additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the “BMPs for Marina Owners/Operators” and “BMPs for Guest Dock Users and Boaters” in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On February 9, 2006, the Commission authorized a General Lease – Commercial Use with Judith K. Topol, dba The Lighthouse Shopping Center, for an existing commercial pier. That lease will expire on December 31, 2025. Under the lease, Ms. Topol maintained a ground lease with the upland property owner, Safeway, Inc., which authorized Ms. Topol to own and maintain the existing pier adjacent to the upland.
3. On December 30, 2010, Safeway, Inc. deeded the upland parcel to SDC Tahoe City, LLC (SDC). Prior to the sale, Ms. Topol returned her possession of the pier to Safeway, Inc. and on January 18, 2011, the ground lease was terminated. SDC now owns both the upland parcel and the pier and is applying for a new General Lease – Commercial Use. Ms. Topol has executed a lease quitclaim deed for the existing lease.
4. North Tahoe Cruises, Inc. operates the “Tahoe Gal” tour boat from the pier. Ms. Topol assigned her interest in the lease between herself and North Tahoe Cruises, Inc. to SDC. The operation of the “Tahoe Gal” is authorized under a separate General Lease – Commercial Use, Lease No. PRC 8663.1, issued to North Tahoe Cruises, Inc.
5. **Acceptance of Quitclaim:** The staff recommends that the Commission find that the subject lease quitclaim deed 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.

6. **Issuance of Lease:** 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

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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.

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:

Acceptance of Quitclaim: Find that the subject lease quitclaim deed 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.

Issuance of Lease: 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.

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AUTHORIZATION:

1. Authorize, effective December 29, 2010, the acceptance of a lease quitclaim deed for Lease No. PRC 3495.1, a General Lease – Commercial Use, issued to Judith K. Topol, dba The Lighthouse Shopping Center.

2. Authorize issuance of a General Lease – Commercial Use to SDC Tahoe City, LLC, beginning December 30, 2010, for a term of 20 years, for the continued use and maintenance of an existing commercial pier 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 \$4,383, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; surety in the amount of \$20,000; and liability insurance with coverage of no less than \$3,000,000.

EXHIBIT A

PRC 3495.1

LAND DESCRIPTION

All that portion of California State owned submerged land in the bed of Lake Tahoe lying waterward of elevation 6223.0 feet LTD (Lake Tahoe Datum) contiguous to and southeasterly of Lot 5, Lot 6, and East Street (abandoned) as shown on that certain Map entitled "Plat of Bittencourt Tract, Tahoe City"; filed October 16, 1874 in the County Recorder's Office for Placer County, California, in Book A of Field Notes, Pages 83 and 84, and is more particularly described as follows:

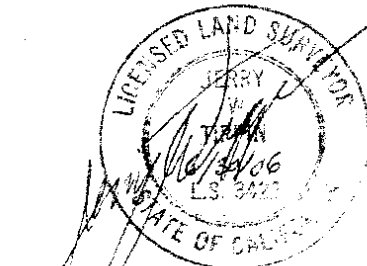
BEGINNING at a point on the northeasterly line of said Lot 6 of said Bittencourt Tract, from which the most southeasterly corner of Parcel One as recorded by deed on March 30, 2001 in the County Recorder's Office for said County, as Document No. 2001-0029057, bears N 44°46'50" W 176 feet more or less; thence S 44°46'50" E on a projection of the northeasterly line of said Lot 6 a distance of 114 feet more or less; thence S 41°36'24" W 475 feet more or less to a point on the southeasterly prolongation of the southwesterly line of said Lot 5 of said Bittencourt Tract; thence N 45°23'00" W on said prolongation a distance of 164 feet more or less to a point on the southwesterly boundary of said Lot 5 from which the most northwesterly corner of said Lot 5 bears N 45°23'00" W 278 feet more or less; thence northeasterly along elevation 6223.0 feet Lake Tahoe Datum the following four courses;

- 1 N 29°06'46" E 96 feet more or less
- 2 N 51°50'11" E 133 feet more or less
- 3 N 47°53'12" E 111 feet more or less
- 4 N 55°50'01" E 143 feet more or less

to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of elevation 6223.0 LTD.

The Basis of Bearings for this description is identical to the Grant Deed for Property Development Associates, Inc. recorded in Document No. 2001-0029057 of Official Records, County of Placer, California.

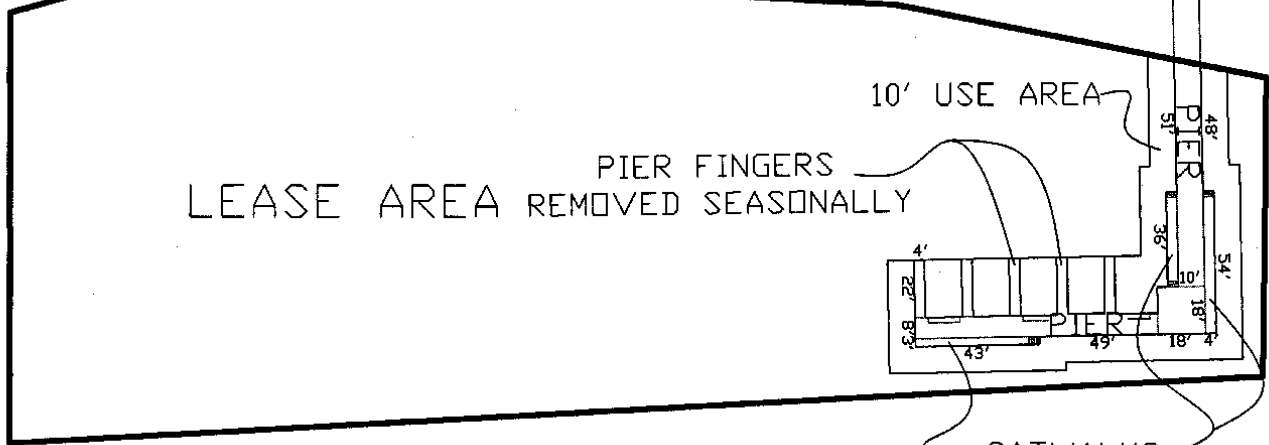


NO SCALE

SITE

APN 094-110-019

6223.0' LTD

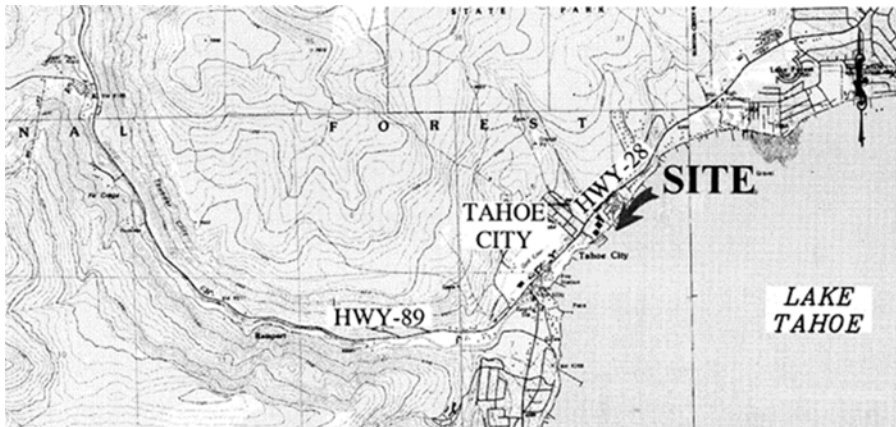


LAKE TAHOE

950 North Lake Blvd., Tahoe City

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 3495.1

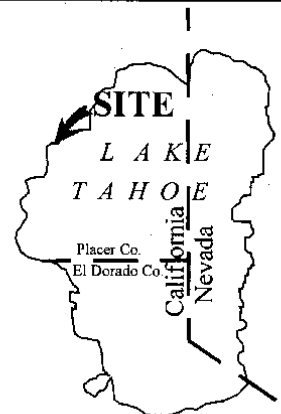
SDC TAHOE CITY, LLC

APN 094-110-019

GENERAL LEASE -

COMMERCIAL USE

PLACER COUNTY



MJF 2/16/12