

**CALENDAR ITEM
C42**

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10/14/14
PRC 8682.1
J. Sampson

**ACCEPTANCE OF A QUITCLAIM AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Tahoe House, LLC

APPLICANT:

Banksia Investors, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8353 Meeks Bay Avenue, near Meeks Bay, El Dorado County

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat hoist, and one mooring buoy.

LEASE TERM:

10 years, beginning August 15, 2013.

CONSIDERATION:

\$642 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. The proposed lease contains a provision which requires 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

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a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. At such time as 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 EIS and ordinance issues.

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On April 4, 2009 the Commission authorized a 10-year General Lease-Recreational Use to Tahoe House, LLC. On August 15, 2013 Tahoe House, LLC deeded interest in the upland property to Banksia Investors, LLC. The Applicant is now applying for a General Lease – Recreational Use.
3. The lessee executed a quitclaim deed releasing its interest in the Lease to the State. Staff recommends acceptance of the quitclaim deed and issuance of a new lease.
4. **Acceptance of Lease Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a 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).
5. **New Lease:** 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.

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6. 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 Lease Quitclaim Deed: Find that the subject acceptance of a 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.

New 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.

AUTHORIZATION:

1. Authorize acceptance of a quitclaim deed for Lease No. PRC 8682.1 a General Lease – Recreational Use, issued to Tahoe House, LLC., effective August 15, 2013.
2. Authorize issuance of a General Lease – Recreational Use to Banksia Investors, LLC, beginning August 15, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boat hoist, and mooring buoy as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof: annual rent in the amount of \$642, with an annual Consumer

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Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8682.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, boat hoist, and one (1) catwalk lying adjacent to those parcels as described in Exhibit "A" of that Grant Deed recorded August 15, 2013 as Document Number 2013-0042927 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

PARCEL 2 – BUOY

One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared September 12, 2014 by the California State Lands Commission Boundary Unit.



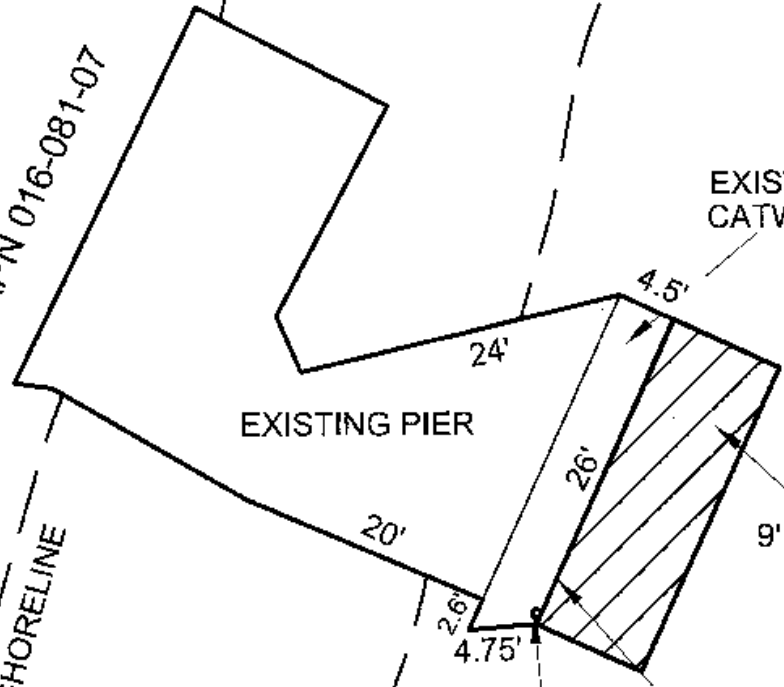


LAKE TAHOE

APN 016-081-07

APPROXIMATE SHORELINE

6223'± LTD



EXISTING PIER

EXISTING CATWALK

9' IMPACT AREA

EXISTING BOAT HOIST

EXISTING BUOY

89'

EXHIBIT A

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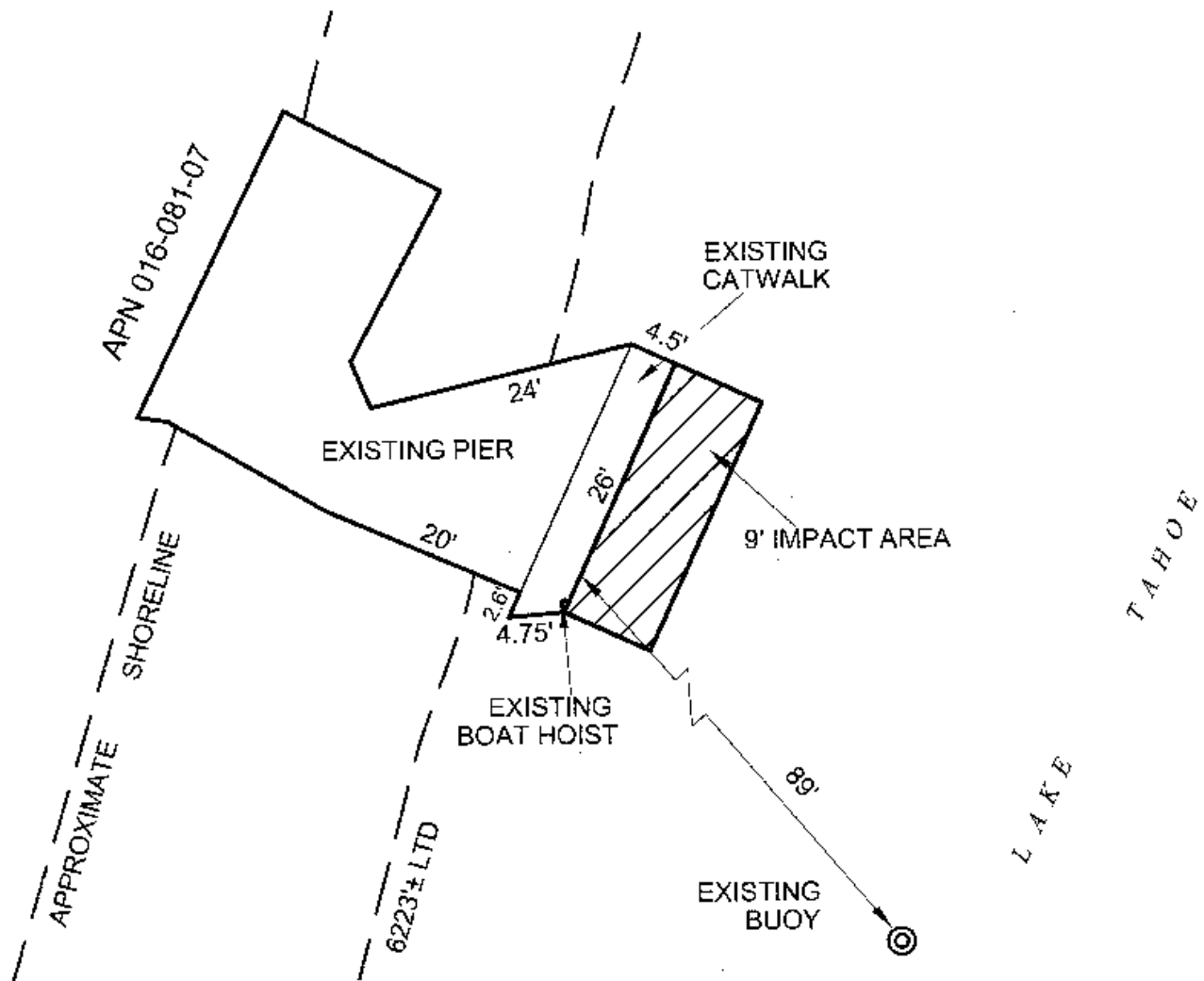
LAND DESCRIPTION PLAT
 PRC 8682.1, BANKSIA INVESTORS, LLC
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

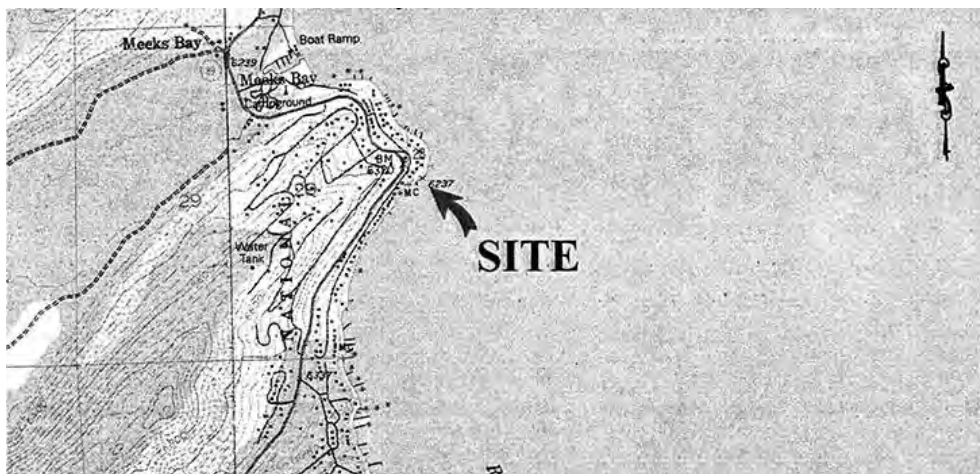
SITE



8353 MEEKS BAY AVENUE, NEAR MEEKS BAY

NO SCALE

LOCATION

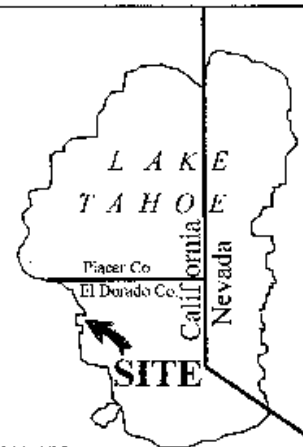


MAP SOURCE: USGS QUAD

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 8682.1
 BANKSIA INVESTORS, LLC
 APN 016-081-07
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



MJJ 09/16/2014