

**CALENDAR ITEM
C11**

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S 1

04/23/15
PRC 7557.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Bassetts Tahoe Tomato, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 2710 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing mooring buoy.

LEASE TERM:

10 years, beginning April 12, 2015.

CONSIDERATION:

\$377 per year, with an annual Consumer Price Index adjustment. Lessee may elect to pay rent for the entire 10-year term of the lease in the amount of \$3,770 at the time of the first annual payment.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, 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.
2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from

CALENDAR ITEM NO. **C11** (CONT'D)

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 26, 2005, the Commission authorized a Recreational Pier Lease to Barbara B. Benner, Trustee of The Benner Tahoe Trust Dated December 30, 1997. That lease expired on March 31, 2015. On April 12, 2011, interest in the littoral parcel was conveyed to Bassetts Tahoe Tomato, LLC, a California Limited Liability Company. The Applicant is now applying for a General Lease – Recreational Use.
3. Staff recommends that the Commission accept rent in the amount of \$1,437 for the period beginning April 12, 2011, when the Applicant took ownership, through April 11, 2015. The Applicant did not qualify for rent-free status pursuant to the definition of Public Resources Code section 6503.5 in effect at that time.
4. 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.

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

CALENDAR ITEM NO. **C11** (CONT'D)

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:

1. Authorize acceptance of rent in the amount of \$1,437 for the period of April 12, 2011 through April 11, 2015.
2. Authorize issuance of a General Lease – Recreational Use to Bassetts Tahoe Tomato, LLC, a California Limited Liability Company, beginning April 12, 2015, for a term of 10 years, for the continued use and maintenance of an existing mooring buoy, 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 \$377, with an annual Consumer Price Index adjustment, or rent for the entire 10-year term of the lease in the amount of \$3,770 at the time of the first annual payment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 7557.1

LAND DESCRIPTION

A parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 25, Township 15 North, Range 16 East, MDM., as shown on Official Government Township Plat approved April 11, 1884, County of Placer, State of California, and more particularly described as follows:

One circular parcel of land being 50 feet in diameter, underlying one existing buoy adjacent to that parcel as described in that Grant Deed recorded April 12, 2011 in Document Number 2011-0028671 of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 7, 2015 by the California State Lands Commission Boundary Unit.



APN 085-030-014

SHORELINE

APPROXIMATE

6223'± LTD

120'±

EXISTING
BUOY



EXHIBIT A

Page 2 of 2

MJJ 01/07/15

LAND DESCRIPTION PLAT
PRC 7557.1, BASSETTS TAHOE TOMATO
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 085-030-014



EXISTING BUOY

120±

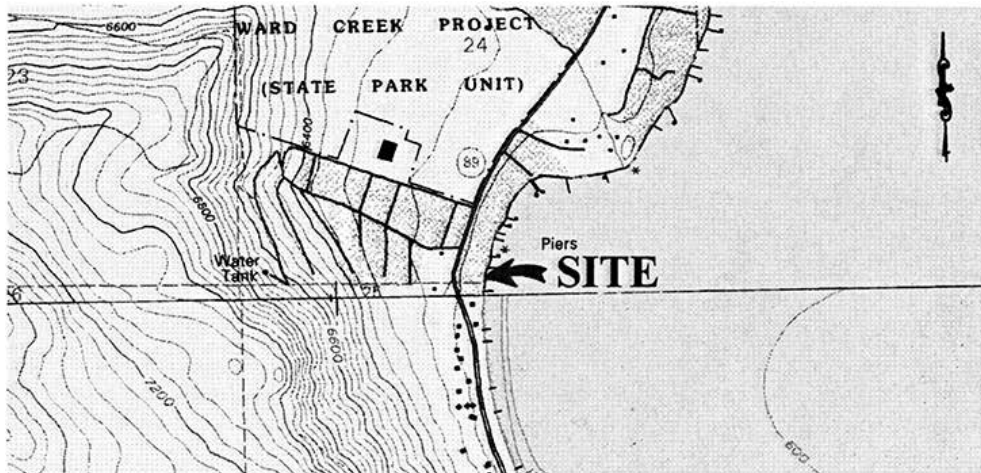
TAHOE

L A K E

2710 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

LOCATION

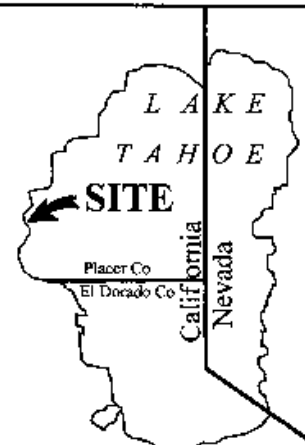


MAP SOURCE: USGS QUAD

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 7557.1
BASSETTS TAHOE TOMATO
APN 085-030-014
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MJJ 12/29/2014