CALENDAR ITEM

C06

A 1 04/23/14

PRC 8476.1

S 1 M.J. Columbus

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Silver Blue Lodge, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4784 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning April 23, 2014.

CONSIDERATION:

$754 per year, with the State reserving the right to fix a different rent periodically during lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

1. The lease contains a provision requiring 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 an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When 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 FEIS and amended ordinance issues.

2. 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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

2. On August 19, 2003, the Commission authorized a 10-year Recreational Pier Lease with Elizabeth S. Williams, as trustee of the Elizabeth S. Williams Trust Dated December 1, 1993, for two existing mooring buoys. That lease expired on July 31, 2013. On February 4, 2008, ownership of the upland parcel transferred to Silver Blue Lodge, LLC (LLC), a California Limited Liability Company. The Applicant is now applying for a General Lease – Recreational Use.

3. On February 4, 2008, when ownership transferred to the LLC the lessee no longer qualified for rent-free status pursuant to the original definition of Public Resources Code section 6503.5 in effect at that time. Therefore, the Applicant is subject to back-rent. Staff is recommending that the Commission accept rent in the amount of $4,335 for the period beginning February 4, 2008, through April 22, 2014.

4. A pier is located adjacent to the upland parcel; however, the pier does not extend beyond elevation 6223 feet, Lake Tahoe Datum, and therefore does not require a lease as the pier does not encroach onto State sovereign land.

5. 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.

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:

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 $4,335 for the period of February 4, 2008 through April 22, 2014.

2. Authorize issuance of a General Lease – Recreational Use to Silver Blue Lodge, LLC, a California Limited Liability Company beginning April 23, 2014, for a term of 10 years, for the continued use and maintenance of two existing 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 $754 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount no less than $1,000,000 per occurrence.

EXHIBIT A

PRC 8476.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 6 fractional Section 22, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of El Dorado, State of California, and more particularly described as follows:

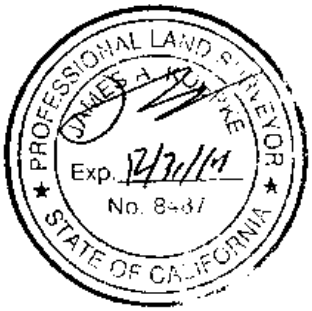
PARCELS 1 & 2 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in that Grant Deed (Individual) recorded February 4, 2008 as Document 2008-0007677 of Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 27, 2014 by the California State Lands Commission Boundary Unit.



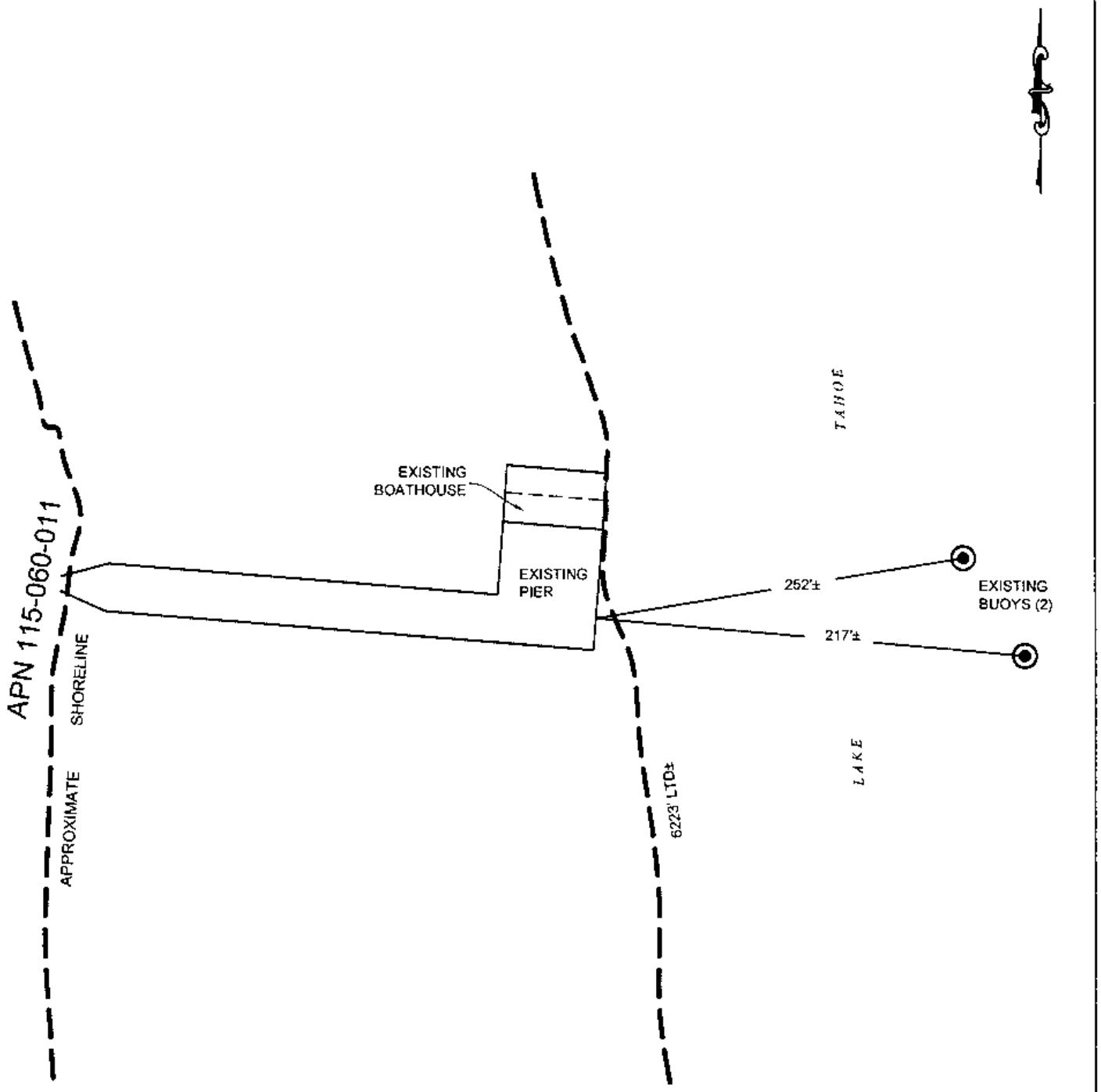


EXHIBIT A

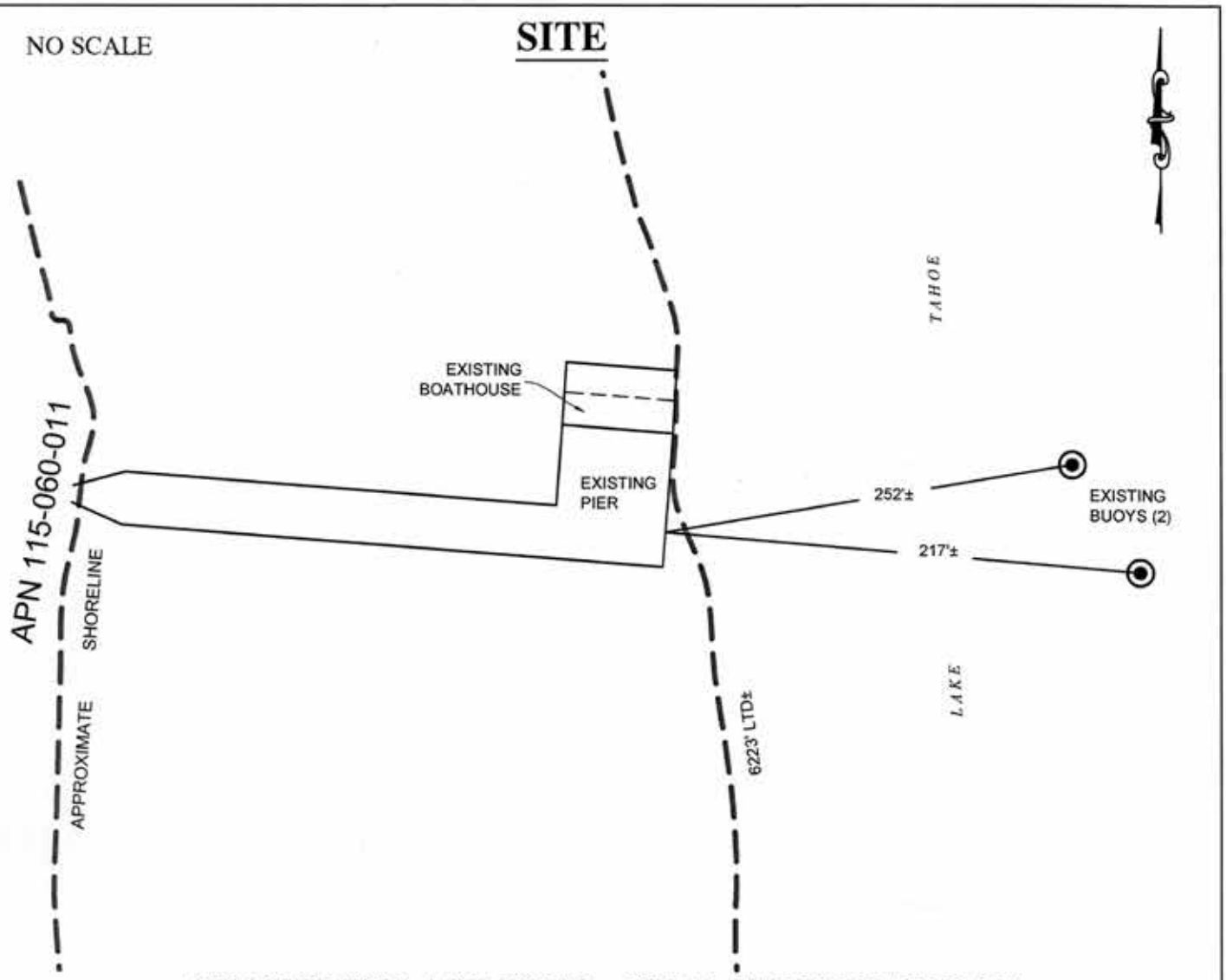
Page 2 of 2

MJJ 01/21/14

LAND DESCRIPTION PLAT PRC 8476.1, SILVER BLUE LODGE LLC PLACER COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

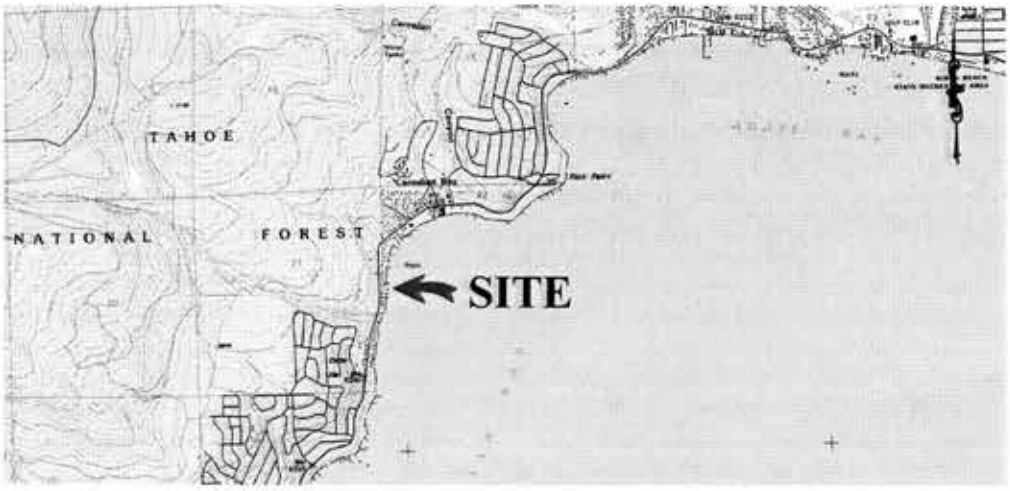
SITE



4784 NORTH LAKE BLVD., NEAR CARNELIAN 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 8476.1
SILVER BLUE LODGE LLC
APN 115-060-011
GENERAL LEASE - RECREATIONAL USE
PLACER COUNTY

MJJ 01/21/14