

**CALENDAR ITEM
C18**

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04/23/14
PRC 8366.1
J. Sampson

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Ashley W. Abdo and Mary E. Abdo

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 9922 Lake Street, Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning August 16, 2013.

CONSIDERATION:

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

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 requiring the Applicants obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years of 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

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process used by the Commission pending resolution of the TRPA FEIS 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. Applicants own the upland adjoining the lease premises.
2. On January 30, 2002, the Commission authorized a 10-year Recreational Pier Lease, PRC 8366.9, to Marc P. Desautels, Trustee of the Desautels 2000 Trust, for four mooring buoys adjacent to two littoral parcels, Assessor's Parcel Numbers (APNs) 090-324-002 and 090-324-004. On July 3, 2007, Mr. Desautels transferred ownership in APN 090-324-002 to Heigh Ho, LLC. On October 22, 2009, the Commission authorized a new lease, PRC 8854.1, with Heigh Ho, LLC for the two buoys adjacent to APN 090-324-002 and an amendment of the existing lease, PRC 8366.9, to revise the authorized improvements to two buoys adjacent to APN 090-324-004. On December 24, 2012, Mr. Desautels sold APN 090-324-002 and 090-324-004 to Rajit Kumar Agrawal and Reena Modi Agrawal, Trustees of the Rajit and Reena Agrawal Living Trust. On August 16, 2013, Rajit and Reena Agrawal transferred ownership in APN 090-324-004 to Ashley W. Abdo and Mary E. Abdo. The Applicants are now applying for a new General Lease – Recreational Use for the two buoys adjacent to APN 090-324-004.
3. 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.

4. 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

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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:

Authorize issuance of a General Lease - Recreational Use to Ashley W. Abdo and Mary E. Abdobeginning August 16, 2013, 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 per year, 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 the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8366.1

LAND DESCRIPTION

Two parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 30, Township 16 North, Range 18 East, M.D.B.&M., as shown on Official Government Township Plat approved January 2, 1875, County of Placer, State of California, more particularly described as follows:

PARCELS 1 & 2 – BUOYS

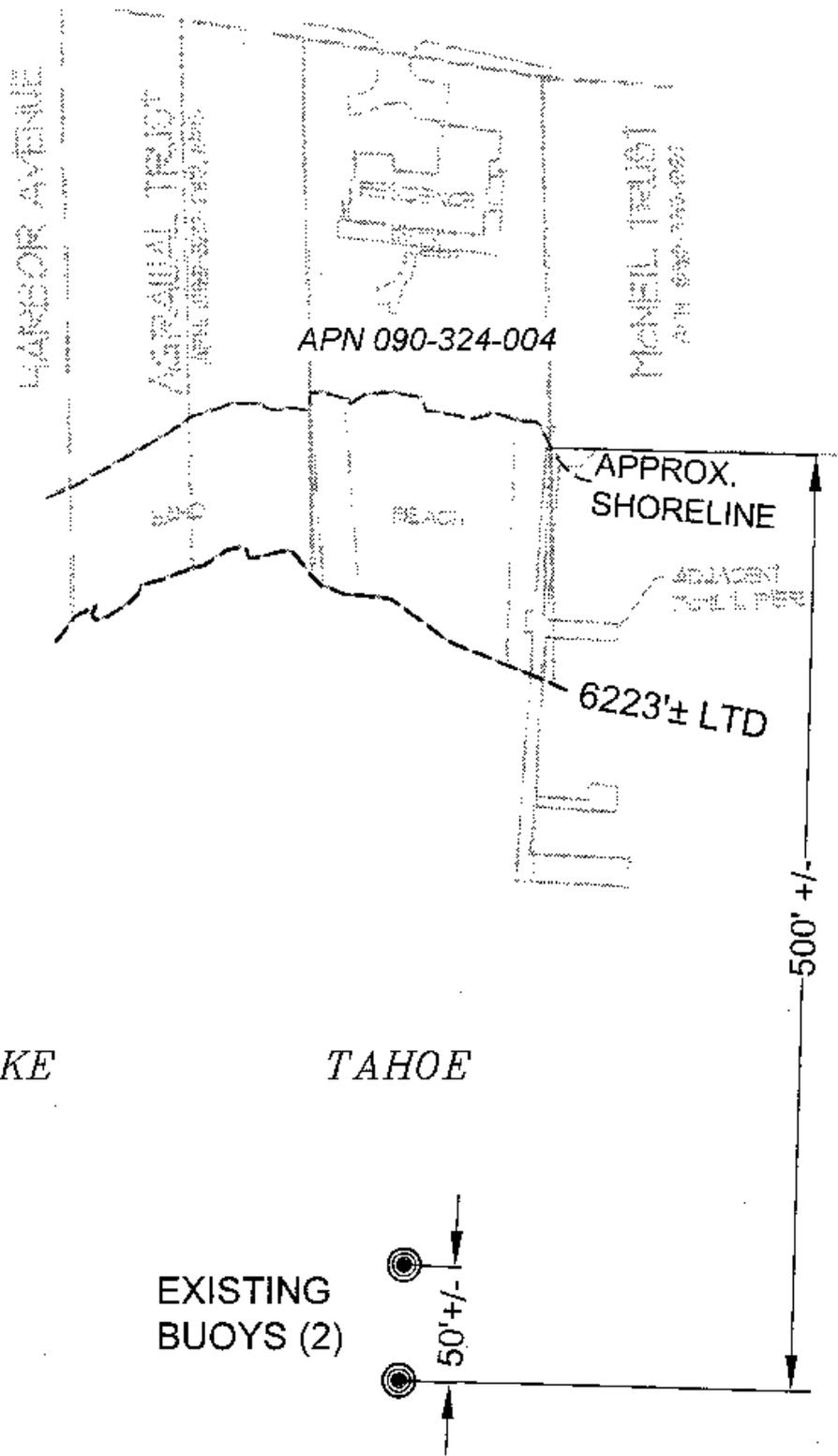
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Grant Deed recorded September 5, 2013 as Document Number 2013-0087499-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/12/2014 by the California State Lands Commission Boundary Unit.





LAKE TAHOE

EXHIBIT A

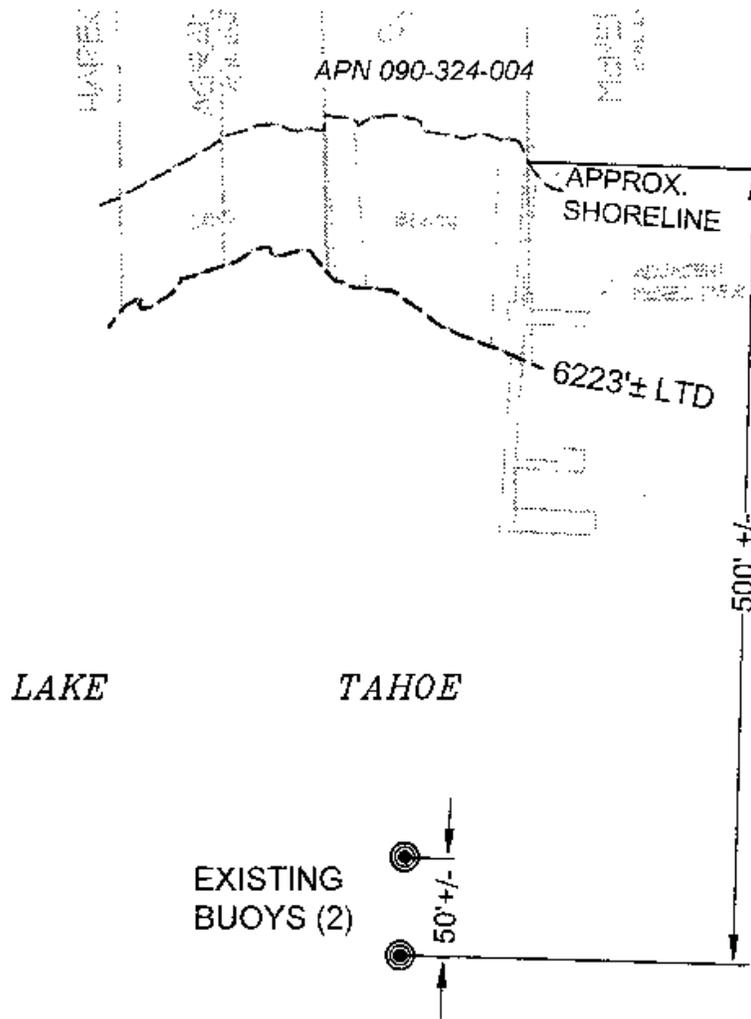
LAND DESCRIPTION PLAT
 PRC 8366.1, ABDO
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

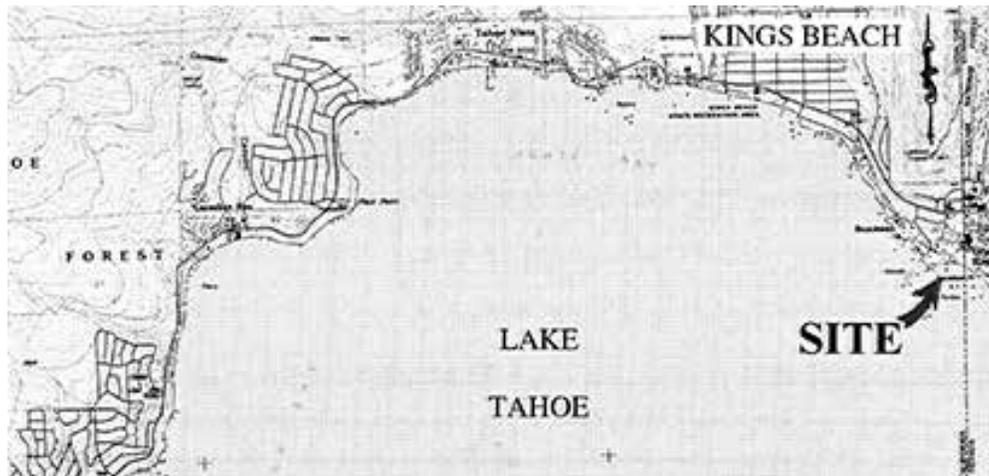
SITE



9922 LAKE STREET, NEAR KINGS BEACH

NO SCALE

LOCATION

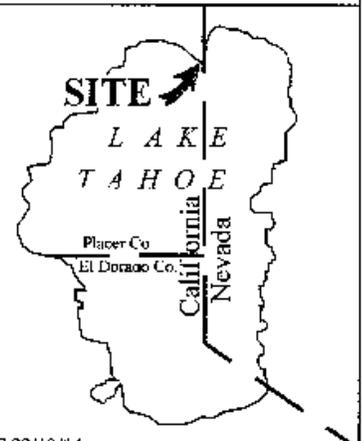


MAP SOURCE: USGS QUAD

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 8366.1
 ABDO
 APN 090-324-004
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



TS 02/12/14