

**CALENDAR ITEM
C22**

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10/16/15
PRC 4204.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Verhoeven Family, LLC, a California Limited Liability Company; and Robert J. Whalen and Kirsten J. Whalen, Trustees of the Robert J. Whalen and Kirsten J. Whalen Family Trust dated February 10, 1987

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Numbers 090-282-018 and 019, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boat lifts, and two mooring buoys.

LEASE TERM:

10 years, beginning December 1, 2015.

CONSIDERATION:

\$1,863 per year, with an annual Consumer Price Index (CPI) adjustment.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 8, 2005, the Commission authorized a General Lease – Recreational Use to Alexander Court, L.L.C., a Ltd. Liability Co. That lease will expire on November 30, 2015. On February 9, 2006, the Commission authorized an assignment of the lease from the Lessee to Alexander Court, L.L.C., a Delaware Limited Liability Company, and Robert J. Whalen and Kirsten J. Whalen, Trustees of the Robert J. Whalen and Kirsten J. Whalen Family Trust dated February 10, 1987. On August 24, 2006, the Commission authorized another assignment of the

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lease from Alexander Court, L.L.C. to Paula Turtletaub, Trustee U/T/A dtd. June 13, 2001. Sometime after the transfer, two-thirds interest in the upland went through a foreclosure process. On September 30, 2014, the two-thirds interest was transferred to Verhoeven Family, LLC, a California Limited Liability Company. Full rent continued to be paid up through November 30, 2015. The Applicant is now applying for a General Lease – Recreational Use.

3. The Tahoe Regional Planning Agency approved the two mooring buoys on March 7, 1994.
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

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).

CALENDAR ITEM NO. **C22** (CONT'D)

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 Verhoeven Family, LLC, a California Limited Liability Company; and Robert J. Whalen and Kirsten J. Whalen, Trustees of the Robert J. Whalen and Kirsten J. Whalen Family Trust dated February 10, 1987, beginning December 1, 2015, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, two boat lifts, and two 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 \$1,863, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4204.1

LAND DESCRIPTION

Three (3) parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 30, Township 16 North, Range 18 East, M.D.B.&M., as shown on Official Government Township Plat approved January 24, 1875, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, catwalk, and two boat lifts lying adjacent to that parcel described in Grant Deed recorded September 30, 2014 as Document Number 2014-0068525 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCELS 2 & 3 – BUOYS

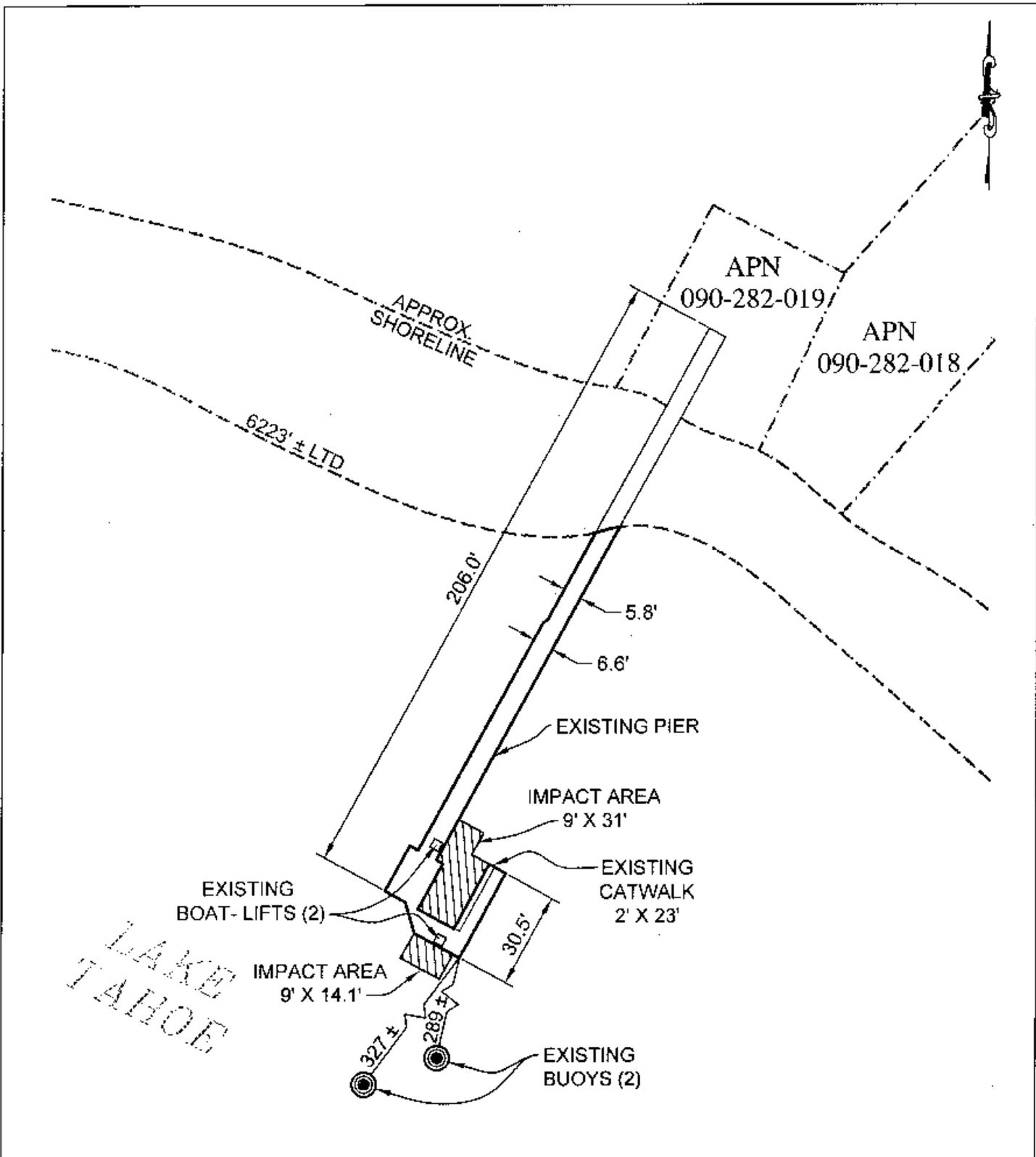
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded September 30, 2014 as Document Number 2014-0068525 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 07/20/2015 by the California State Lands Commission Boundary Unit.





LAKE
TAHOE

EXHIBIT A

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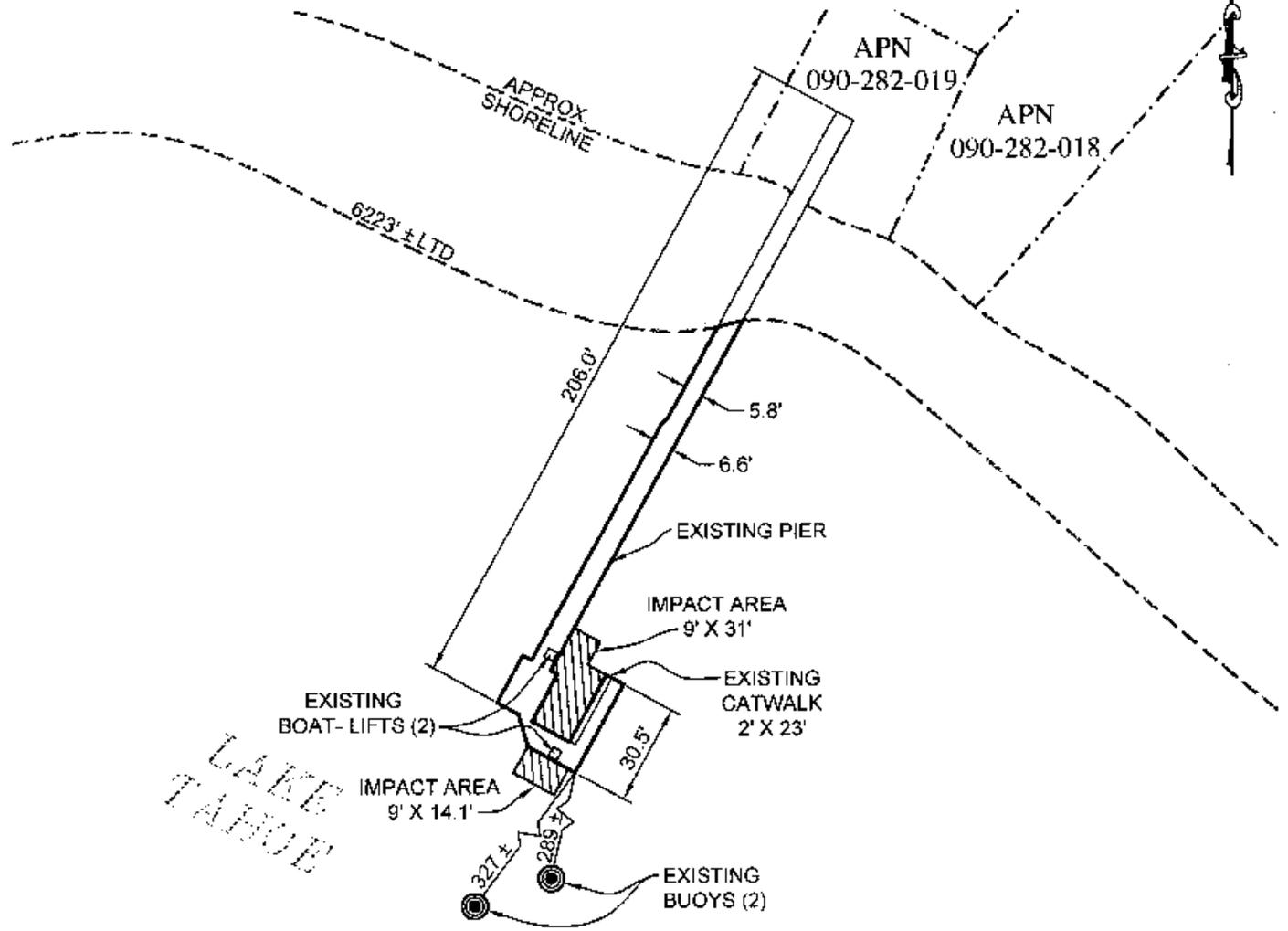
LAND DESCRIPTION PLAT
 PRC 4204.1, VERHOEVEN FAMILY, LLC/
 WHALEN TRUST
 PLACER COUNTY

CALIFORNIA STATE LANDS
 COMMISSION



NO SCALE

SITE



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 4204.1

VERHOEVEN FAMILY, LLC/
 WHALEN TRUST
 APN 090-282-018 & 090-282-019
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



RCB 07/20/15