

**CALENDAR ITEM
C12**

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S 1

04/23/15
PRC 7877.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Carl Best, Trustee of the Whitney Best Trust created under the Shelby E. Best Revocable Trust dated August 25, 1998; Scott Best; Whitney Best; and Tracy Demetre

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 3580 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning January 1, 2016.

CONSIDERATION:

\$754 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. 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

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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 17, 2006, the Commission authorized a General Lease - Recreational Use to Shelby Best Family Partners, a California Limited Partnership. That lease expires on December 31, 2015. Interest in the littoral parcel has been conveyed to Carl Best, Trustee of the Whitney Best Trust created under the Shelby E. Best Revocable Trust dated August 25, 1998; Scott Best; Whitney Best; and Tracy Demetre. The Applicant is now applying for a General Lease – Recreational Use. Staff recommends the new lease take effect on January 1, 2016.
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 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

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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 Carl Best, Trustee of the Whitney Best Trust created under the Shelby E. Best Revocable Trust dated August 25, 1998; Scott Best; Whitney Best; and Tracy Demetre beginning January 1, 2016, 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 an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 7877.1

LAND DESCRIPTION

Two parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 36, 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:

Two (2) circular parcels of land being 50 feet in diameter, underlying two (2) existing buoys adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded March 6, 2012 in Document Number 2012-0019873 of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared February 20, 2015 by the California State Lands Commission Boundary Unit.



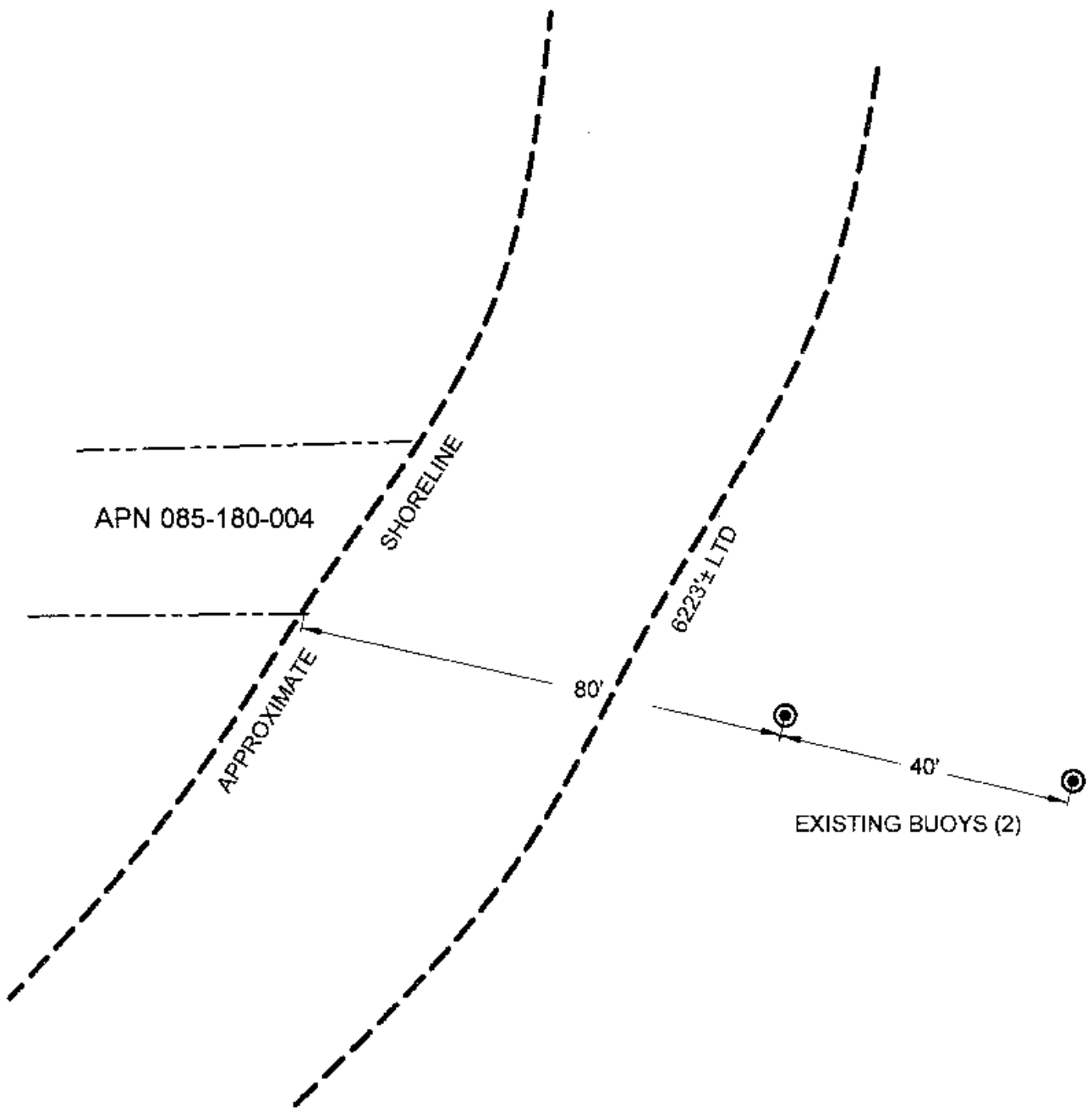


EXHIBIT A

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MJJ 02/20/2015

LAND DESCRIPTION PLAT
PRC 7877.1
BEST TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



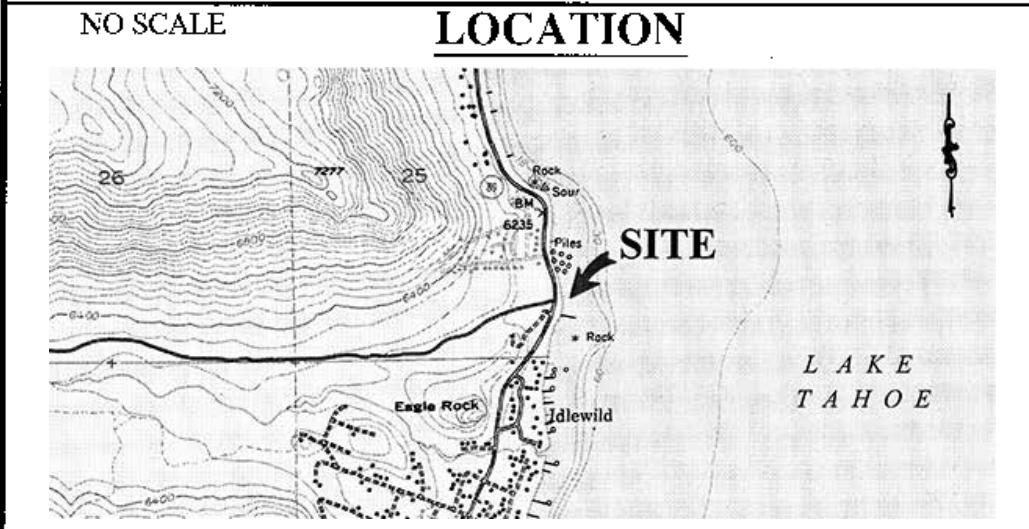
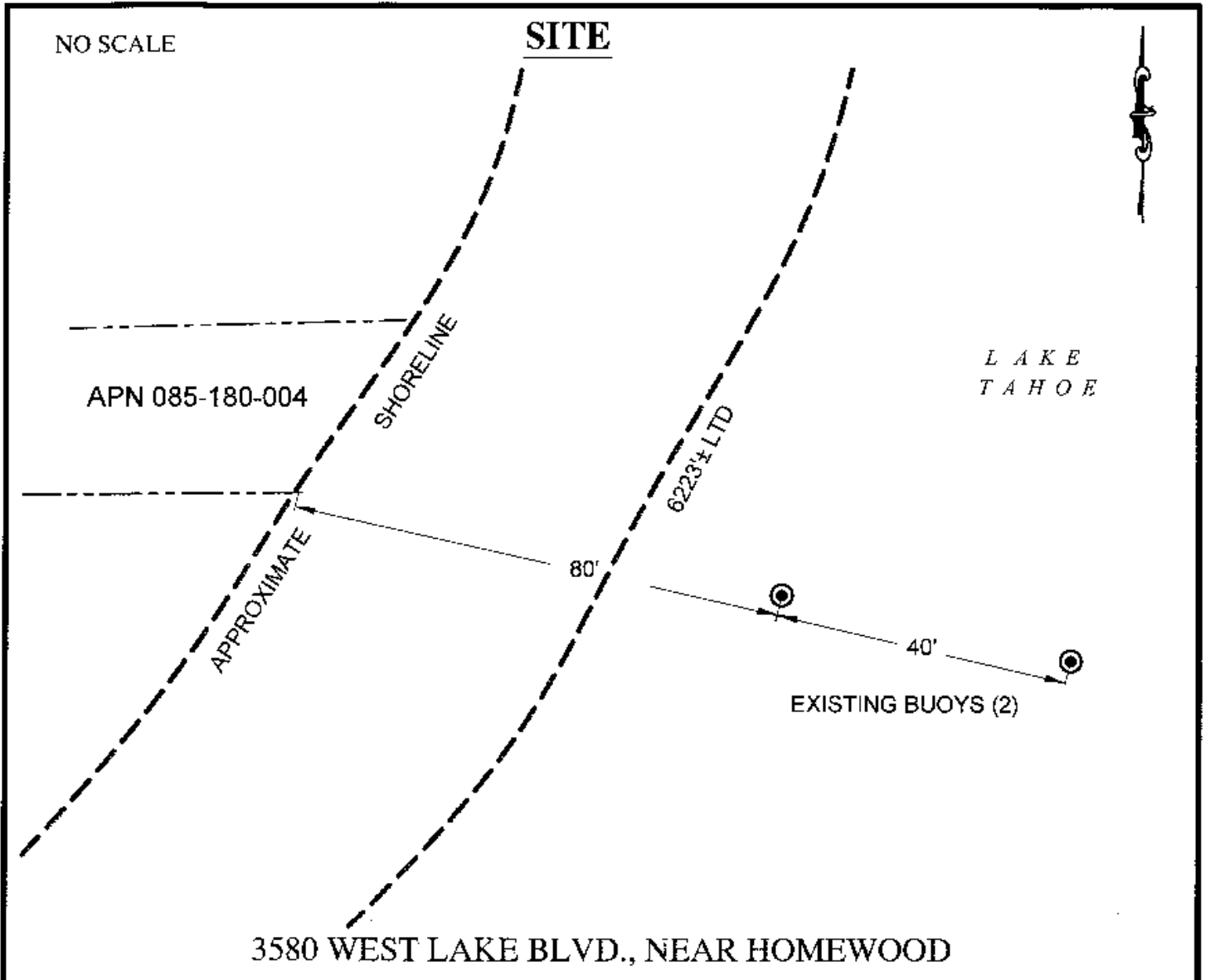
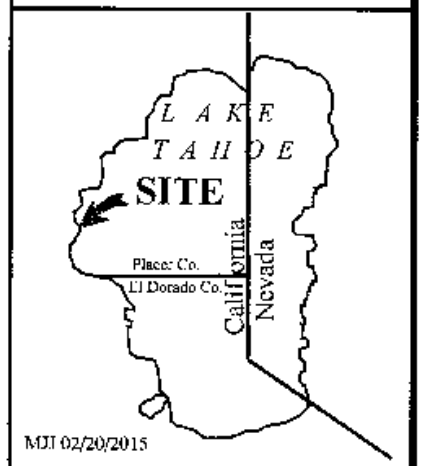


Exhibit B

PRC 7877.1
BEST TRUST
APN 085-180-004
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



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.