

**CALENDAR ITEM
C33**

A 4
S 1

12/05/12
PRC 3557.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Breuner Tahoe Partnership; and Grebitus Properties, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4920 and 4930 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and four mooring buoys.

LEASE TERM:

10 years, beginning December 5, 2012.

CONSIDERATION:

\$3,088 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicants 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

CALENDAR ITEM NO. **C33** (CONT'D)

Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland Assessor's Parcel Numbers (APN) 097-100-014, 094-100-022 and 094-100-021, adjoining the lease premises.
2. On April 24, 2001, the Commission authorized a 10-year Recreational Pier Lease with Bruener Tahoe Partnership; and Elizabeth B. Grebitus, Edwin A. Grebitus, Jr.; Edwin A. Grebitus, III; Thomas F. Grebitus, William Grebitus, Robert D. Grebitus, Katherine E. Grebitus, and Amy L. Grebitus. That lease expired on January 31, 2011. On November 3, 2004, the Grebitus party transferred ownership of APNs 094-100-021 and 022 to Grebitus Properties, LLC, a California Limited Liability Company (Grebitus). Applicants are now applying for a new General Lease – Recreational Use.
3. On November 3, 2004, when ownership of APN's 094-100-021 and 094-100-022 was transferred to Grebitus, the Lessee no longer qualified for rent-free status pursuant to the original definition of Public Resources Code section 6503.5 in effect at this time. Therefore, staff is recommending that the Commission accept back rent in the amount of \$9,682 which covers Grebitus' two mooring buoys and its 50 percent ownership in the pier for the period of November 3, 2004, the date ownership transferred through December 4, 2012, the day before the effective date of the new Lease.
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

CALENDAR ITEM NO. **C33** (CONT'D)

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 LAND 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 back rent in the amount of \$9,682 for the period of November 3, 2004 through December 4, 2012.

2. Authorize issuance of a General Lease – Recreational Use to Breuner Tahoe Partnership; and Grebitus Properties, LLC, a California Limited Liability Company, beginning December 5, 2012, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier and four 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 \$3,088, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

PRC 3557.1

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 1, Township 14 North, Range 16 East, MDM., approved January 17, 1866 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, and two catwalks lying adjacent to that Parcel as described in that Quitclaim Deed recorded October 5, 1987 in Book 3277, Page 309 and to that Parcel as described in that Grant Deed recorded November 3, 2004 in Document 2004-0146367 in Official Records of said County.

TOGETHER WITH a ten (10) foot impact area.

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

PARCELS 2, 3, 4 & 5 – BUOYS

Four (4) circular parcels of land, each being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to that parcel as described in that said Quitclaim Deed and to that parcel described in that said Grant Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared October 23, 2012 by the California State Lands Commission Boundary Unit.



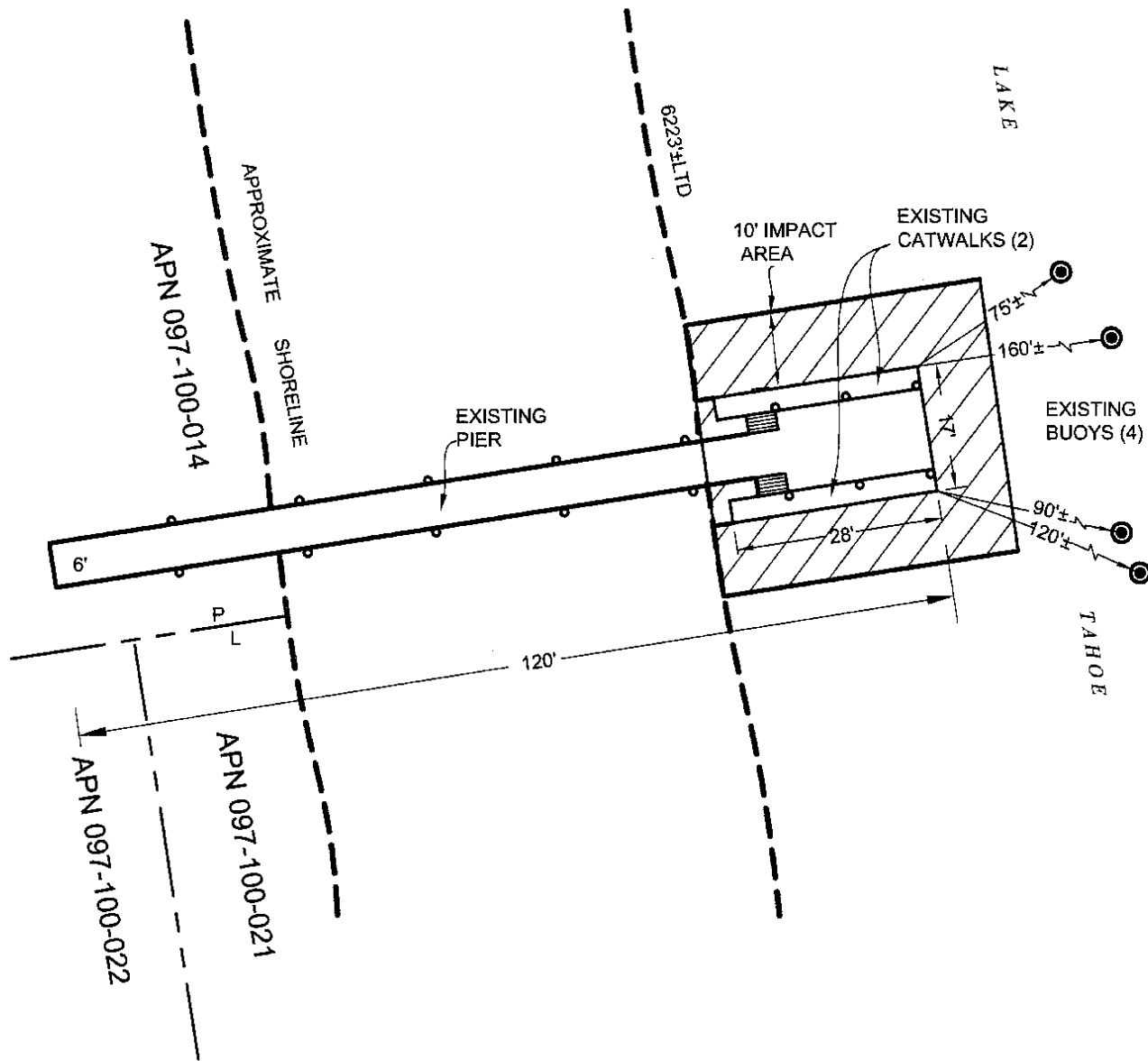


EXHIBIT A

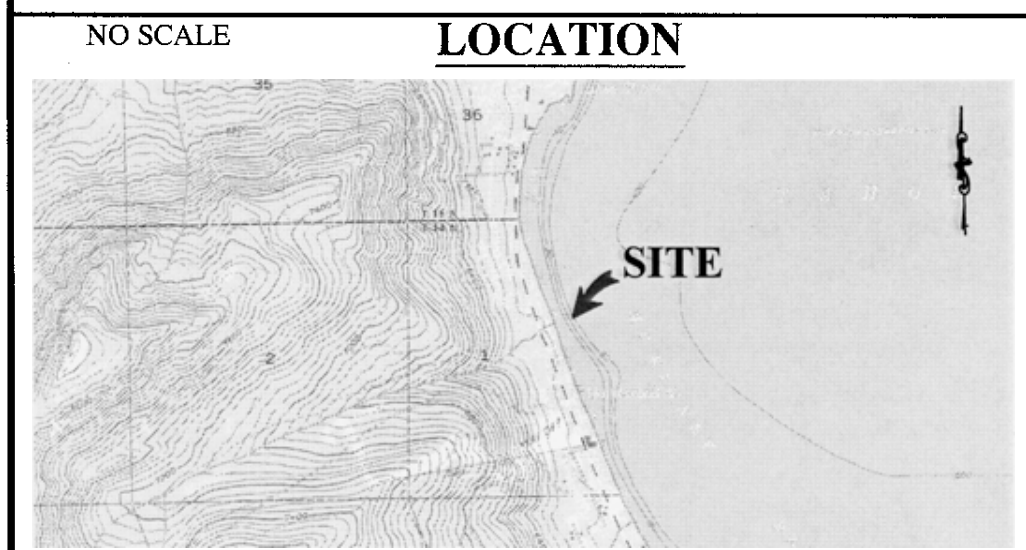
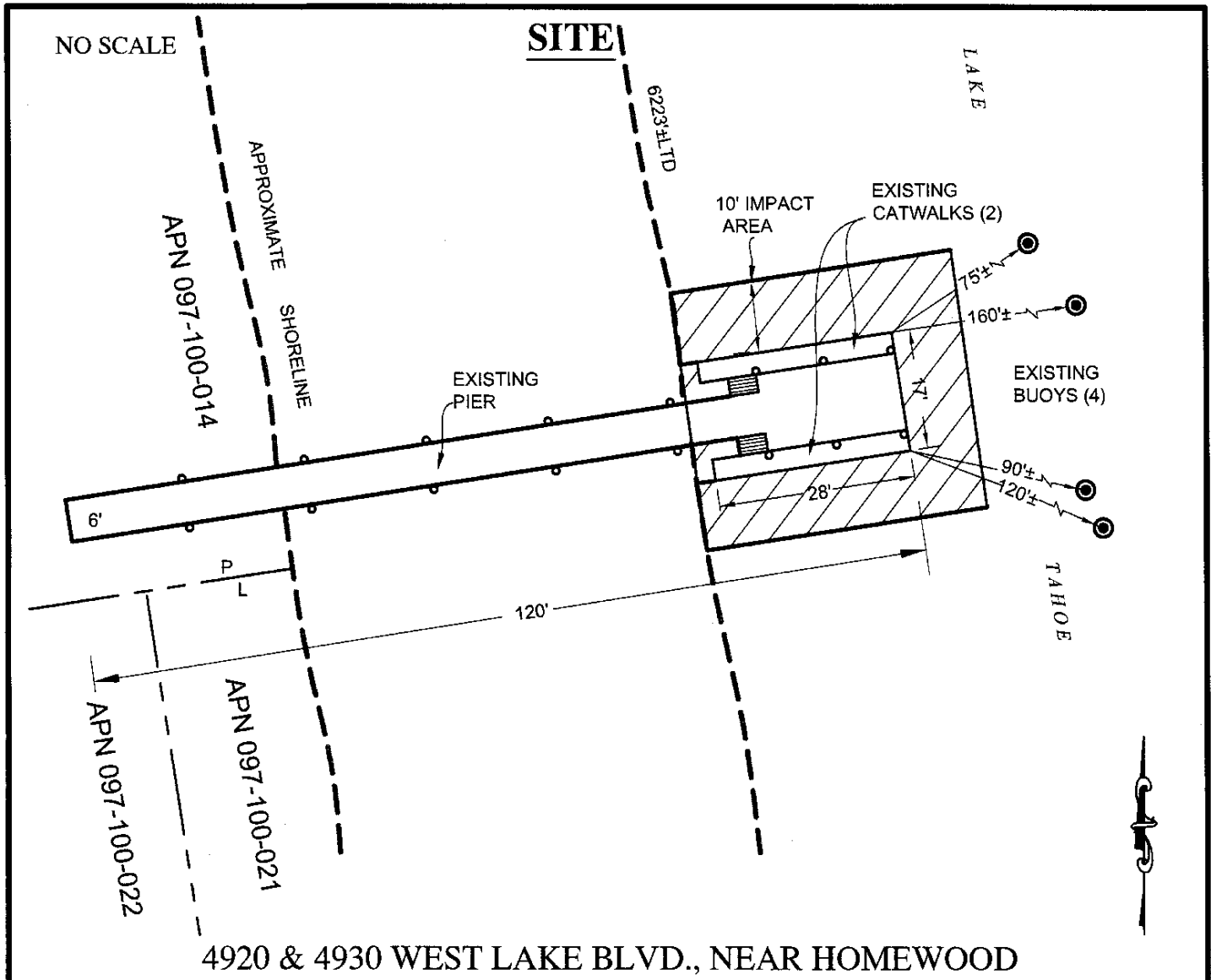
Page 2 of 2

MJJ 10/23/12

LAND DESCRIPTION PLAT
 PRC 3557.1, BREUNER & GREBITUS
 PLACER COUNTY

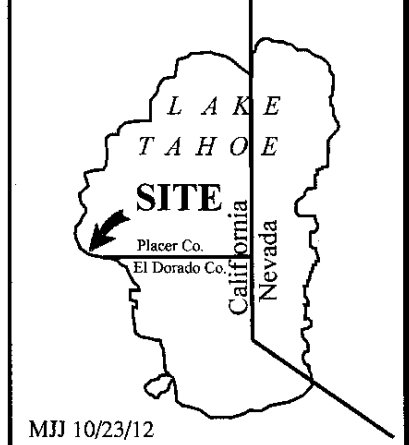
CALIFORNIA STATE
 LANDS COMMISSION





MAP SOURCE: USGS QUAD

Exhibit B
 PRC 3557.1
 BREUNER & GREBITUS
 APN 097-100-014, 021 & 22
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 10/23/12

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.