

**CALENDAR ITEM  
C42**

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06/21/13  
PRC 4091.1  
M. Schroeder

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Bullseye Farms, A California General Partnership

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 4810 West Lake Boulevard (APN 097-084-025), near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

**LEASE TERM:**

10 years, beginning June 21, 2013.

**CONSIDERATION:**

\$1,363 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 an amount no less than \$1,000,000 per occurrence.

Other:

The proposed 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

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Commission pending resolution of the TRPA FEIS and amended ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On November 26, 2001, the Commission authorized a 10-year Recreational Pier Lease to Frederick J. Strain for an existing pier and boat lift adjacent to Assessor's Parcel Number (APN) 097-084-14. Between the issuance of the lease and 2007, when the Lessee passed away, the Lessee placed the upland property in several trusts. The lease expired on May 31, 2011. Frederick S. Strain became the Successor Trustee for the trusts which was confirmed by Affidavit recorded on September 2, 2011.

Also, on September 2, 2011, APN 097-084-014 and the adjacent parcel, APN 097-084-013 (owned separately by Frederick and Valerie Strain, Trustees), were deeded to Bullseye Farms. On May 10, 2012, Bullseye Farms merged the above APN -13 and -14 into one parcel, APN 097-084-025.

The Commission has previously authorized two existing mooring buoys associated with APN 097-084-013 under Lease No. PRC 8358.9. These two buoys are now associated with the proposed lease. Bullseye Farms is now applying for a new lease to include the continued use and maintenance of the existing pier, boat lift, and the two mooring buoys.

3. Lease No. PRC 8358.9, which also expired on May 31, 2011, also includes a second upland parcel, APN 097-084-012 (also owned by Frederick and Valerie Strain, Trustees) and authorized two existing mooring buoys. Ownership of APN 097-084-012 was deeded to Robert L. Gotelli and Kelly J. Gotelli, Trustees of the Gotelli Family Trust on September 9, 2011. An application submitted by the Gotelli Family Trust under Lease No. PRC 8358.1 is also before the Commission at the June 21, 2013 meeting for the two remaining buoys.
4. Staff is recommending that the Commission accept rent in the amount of \$2,451 for the period beginning September 2, 2011, when Bullseye Farms took ownership of the upland property, through June 20, 2013, for their occupation of State land without a lease.
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,

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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 \$2,451 for the period of September 2, 2011 through June 20, 2013.
2. Authorize issuance of a General Lease - Recreational Use to Bullseye Farms, a California General Partnership, beginning June 21, 2013, for a term of 10 years, for continued use and maintenance of an existing pier, boat lift, 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 \$1,363, with the State reserving the

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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 4091.1**

**LAND DESCRIPTION**

A parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 fractional Section 1, Township 14 North, Range 16 East, MDM., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All of the lands underlying an existing pier and boatlift lying adjacent to those Parcels as described in Exhibit "A" of that Grant Deed, recorded May 10, 2012 as Document Number 2012-0041660 of Official Records of said County.

TOGETHER WITH a 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 – BUOYS**

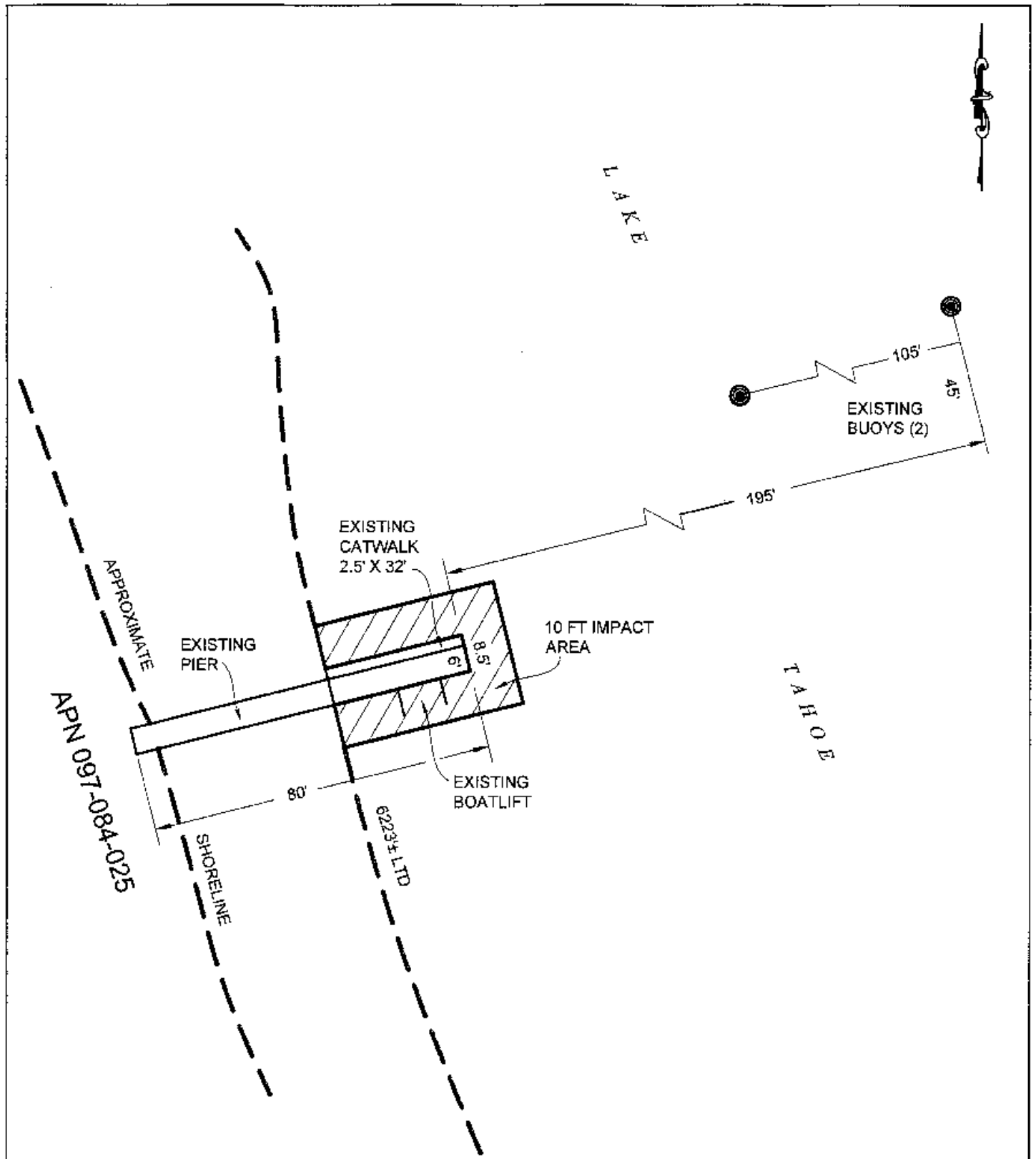
Two (2) circular parcels of land, each being 50 feet in diameter underlying two (2) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

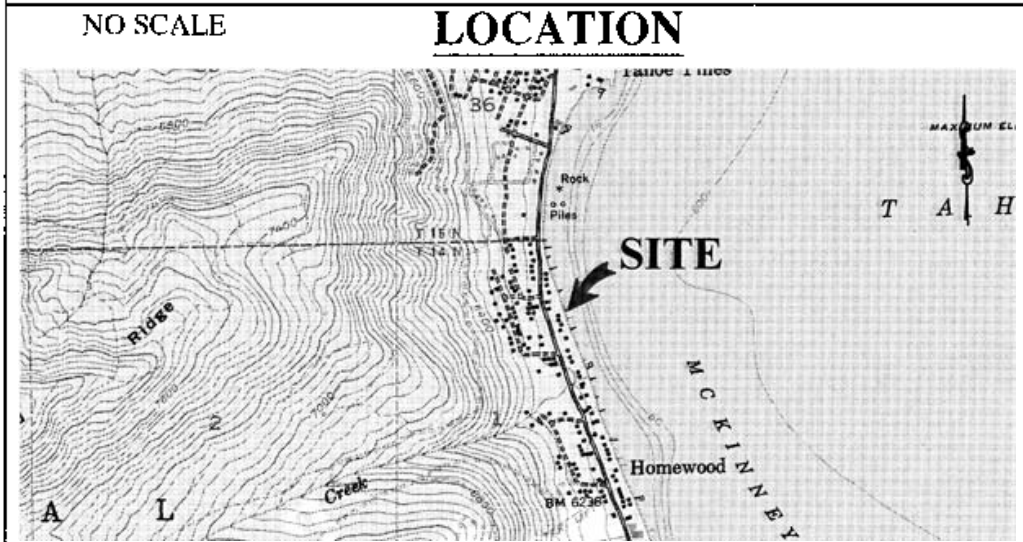
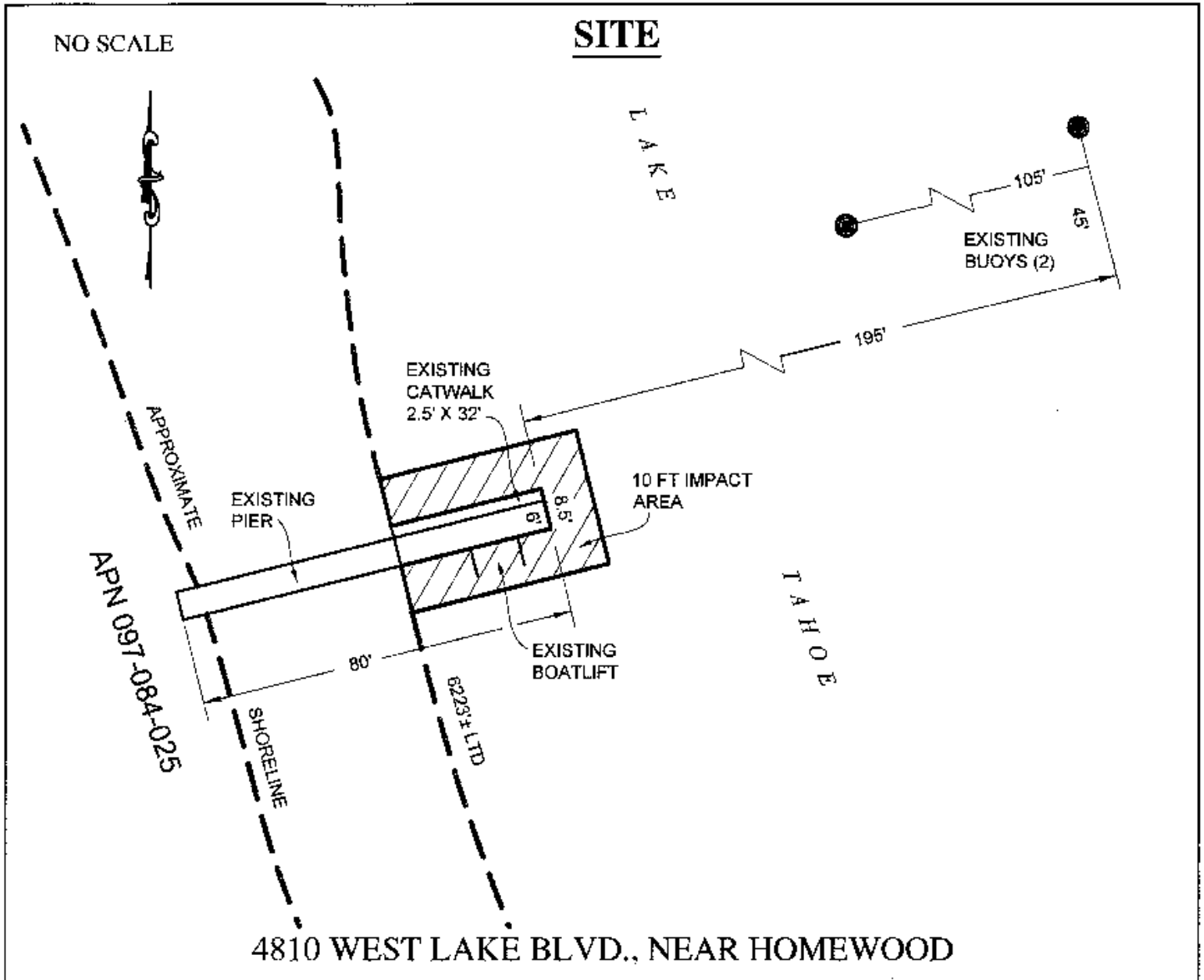
Prepared April 2, 2013 by the California State Lands Commission Boundary Unit.





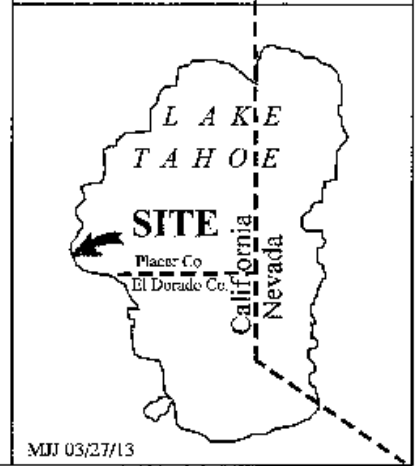
**EXHIBIT A**





**Exhibit B**

PRC 4091.1  
 BULLSEYE FARMS  
 APN 097-084-025  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



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.

MJJ 03/27/13