

**CALENDAR ITEM  
C41**

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04/23/14  
PRC 4182.1  
B. Terry

**CONSIDER ACCEPTANCE OF A QUITCLAIM DEED AND ISSUANCE OF A  
GENERAL LEASE—RECREATIONAL USE**

**LESSEE:**

RC Horizon, LLC

**APPLICANT:**

W. Group Holding IV, LLC

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

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Number (APN) 092-190-010, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and boathouse with a boat lift previously authorized by the Commission; removal of an existing catwalk, ladder, and boat hoist; extension of a portion of the pier decking; and installation of a boat lift.

**LEASE TERM:**

10 years, beginning June 25, 2013.

**CONSIDERATION:**

\$976 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 lease contains a provision that the Applicant must obtain and maintain continuous authorization from the littoral property owner, Cedar Flat Improvement Association (Association), to maintain and access the pier, boathouse, and boat lifts on the littoral property adjacent to the Lease

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Premises. The lease shall terminate if the Association's consent lapses or is revoked.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the upland adjoining the lease premises, which is owned by the Association (APN 092-190-010). The right granted to the Applicant by the Association is limited to the use and maintenance of the Applicant's pier, boathouse, and boat lifts.
2. On April 6, 2011, the Commission authorized a General Lease – Recreational Use with RC Horizon, LLC (Lessee). That lease will expire on May 2, 2020. On June 25, 2013, the upland parcel was deeded to W. Group Holding IV, LLC. The Applicant is now applying for a General Lease – Recreational Use. The Lessee executed a quitclaim deed releasing its interest in the lease to the State. Staff is recommending acceptance of the quitclaim deed and issuance of a new lease.
3. The proposed project covers the removal of an existing catwalk, ladder, and boat hoist located on the north side of the pier; expansion of a portion of the pier; and installation of a boat lift. The catwalk is approximately three feet by 25 feet. The portion of the pier decking to be extended will cover over the area (at the level of the existing pier deck) where the catwalk is currently located. The proposed project will not change the footprint of the existing pier. The entire proposed project will be constructed from the lake via barge.
4. **Acceptance of a Quitclaim:** The staff recommends that the Commission find that the subject acceptance of a quitclaim does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

5. **Pier Reconstruction and Boat Lift Replacement:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; California Code of Regulations, Title 14, section 15302.

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Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300.

6. **Issuance of a Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of the 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.

7. 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:**

**Acceptance of a Quitclaim:** Find that the subject acceptance of a quitclaim is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**Pier Reconstruction and Boat Lift Replacement:** Find that this activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction, California Code of Regulations, Title 14, section 15302.

CALENDAR ITEM NO. **C41** (CONT'D)

**Issuance of a Lease:** 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 a lease quitclaim deed for Lease No. PRC 4182.1, a General Lease – Recreational Use, issued to RC Horizon, LLC, effective June 24, 2013.
  
2. Authorize issuance of a General Lease – Recreational Use to W. Group Holding IV, LLC beginning June 25, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier and boathouse with a boat lift previously authorized by the Commission; removal of an existing catwalk, ladder, and boat hoist; extension of a portion of the pier decking; and installation of a boat lift 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 \$976, 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 an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 4182.1**

**LAND DESCRIPTION**

One (1) parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 fractional Section 28, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 –PIER**

All those lands underlying an existing pier, boathouse, catwalk and two (2) boatlifts adjacent to those Parcels as described in that Grant Deed recorded June 25, 2013 as Document Number 2013-0063009 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

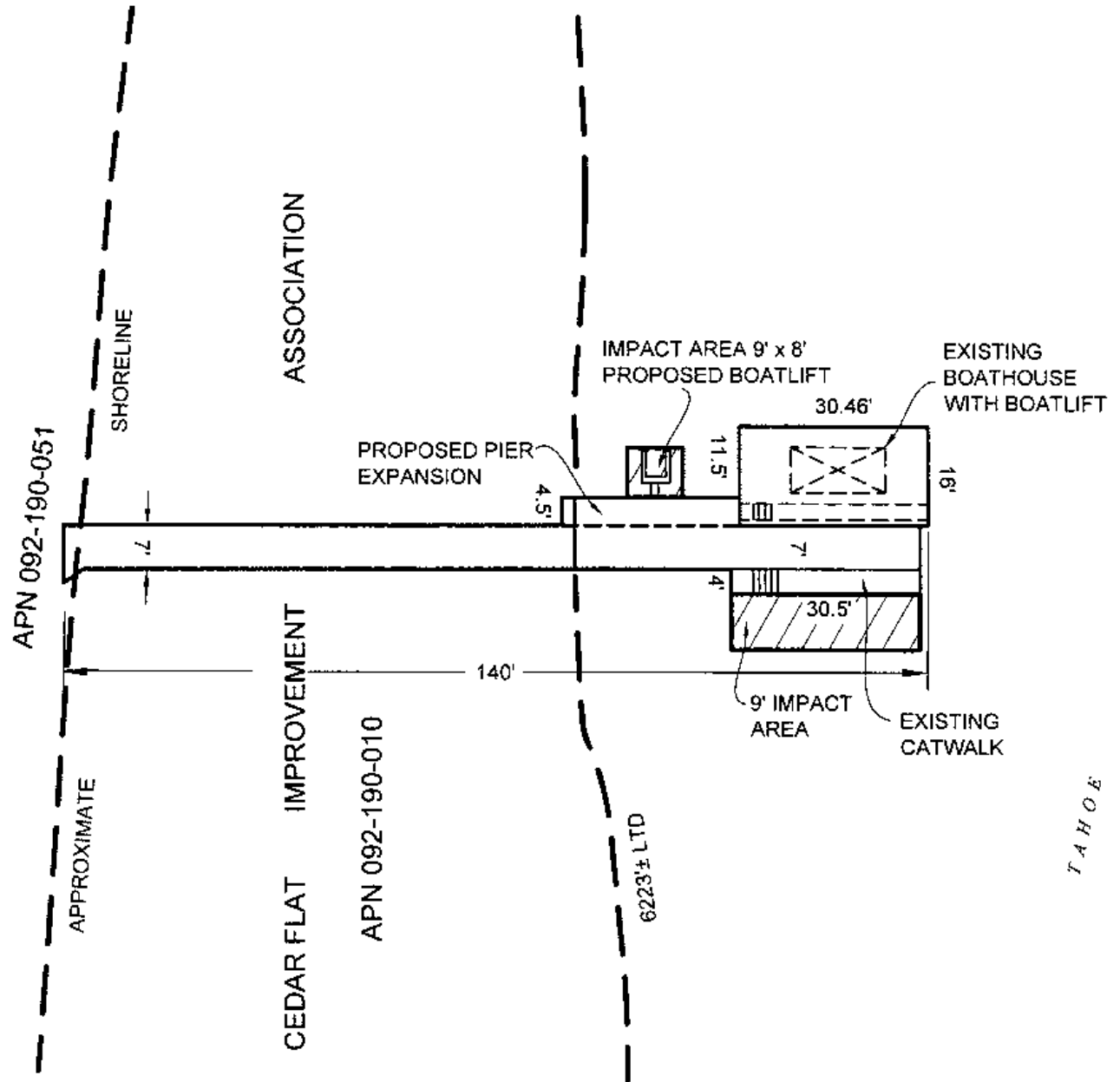
EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

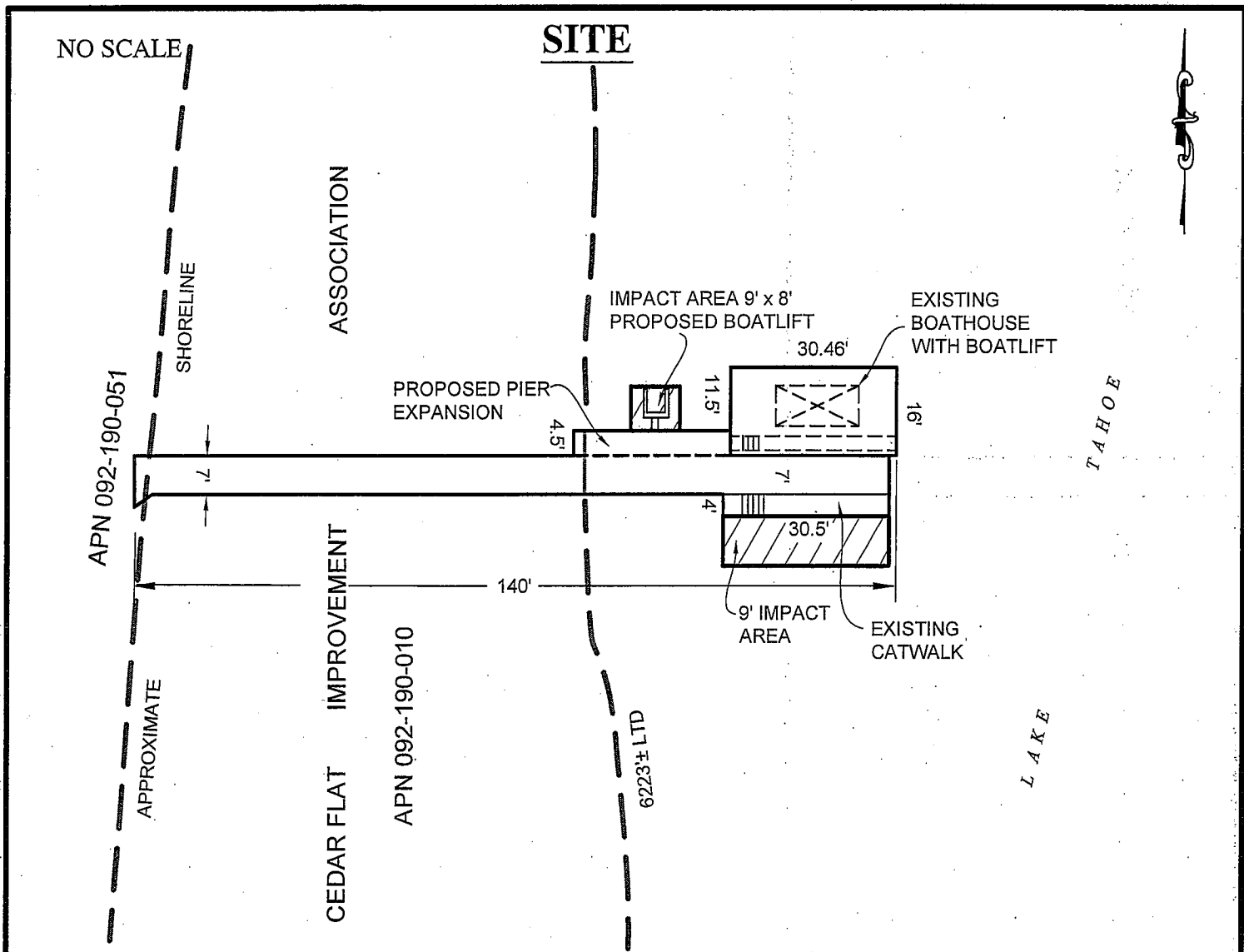
Prepared February 6, 2014 by the California State Lands Commission Boundary Unit.



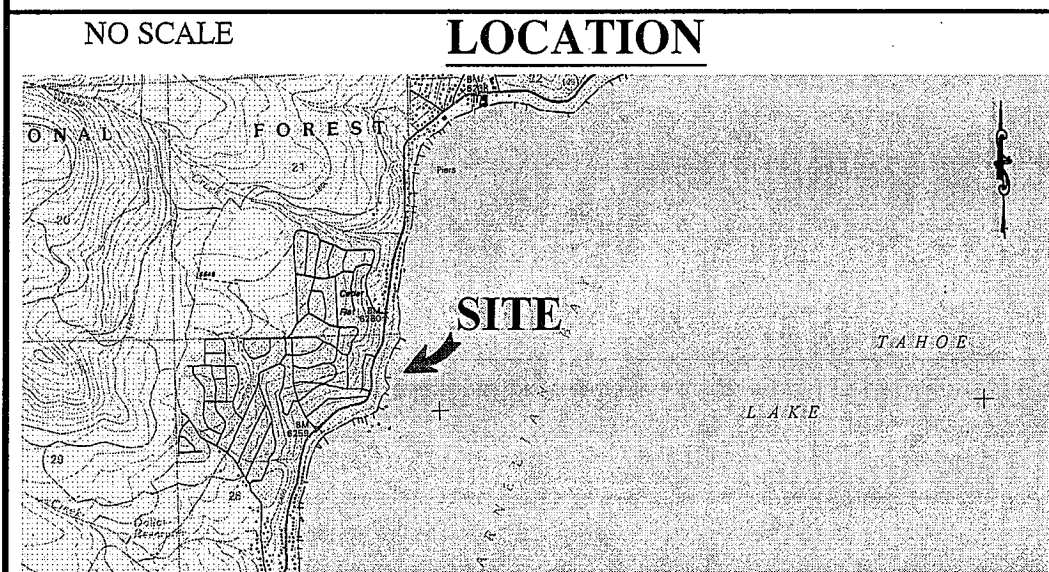


# EXHIBIT A





4260 NORTH LAKE BLVD., CARNELIAN BAY



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**

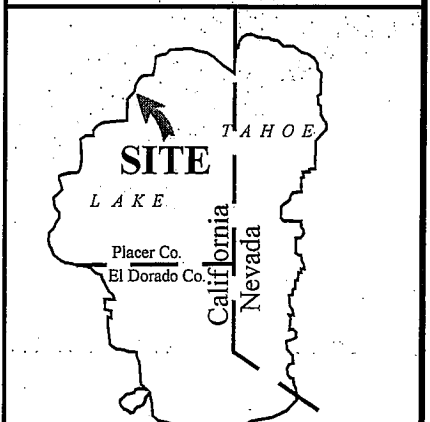
PRC 4182.1

W GROUP HOLDING IV LLC

GENERAL LEASE -

RECREATIONAL USE

PLACER COUNTY



MJJ 01/17/14