

**CALENDAR ITEM
C25**

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02/20/15
PRC 5739.1
B. Terry

**GENERAL LEASE – COMMERCIAL USE AND ENDORSEMENT OF TWO
SUBLEASES**

APPLICANT/SUBLESSOR:

Big Water View, LLC, a Nevada Limited Liability Company
P.O. Box 09180
Tahoe Vista, CA 96148

SUBLEESSEE:

Tahoe Vista Inn & Marina, LLC

SUBLEESSEE:

Captain Jon's, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 7220 North Lake Boulevard and Assessor's Parcel Number 117-110-069, Tahoe Vista, Placer County.

AUTHORIZED USE:

LEASE: Continued use and maintenance of an existing commercial bulkhead pier, boat ramp, 12 seasonal berthing slips, 18 mooring buoys, 12 seasonal mooring buoys, two marker buoys, and a bar/lounge facility, previously authorized by the Commission and maintenance dredging not previously authorized by the Commission.

SUBLEASE: Tahoe Vista Inn and Marina, LLC - Operation and management of a commercial marina.

SUBLEASE: Captain Jon's, LLC - Operation and maintenance of a bar/lounge.

TERM:

LEASE: 20 years, beginning August 14, 2014.

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SUBLEASE: 12 years and nine months, beginning August 14, 2014, and ending May 16, 2027, or until dissolved.

SUBLEASE: 12 years and nine months, beginning August 14, 2014, and ending May 16, 2027, or until dissolved.

CONSIDERATION:

\$5,980 per year, with an annual Consumer Price Index adjustment and the State reserving the right to adjust the rent at each 10-year anniversary as provided in the lease.

Maintenance Dredging: No royalty will be charged as the project will improve navigation and provide a safety benefit for the public and is, therefore, in the State's best interests. The dredged material may not be sold.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$2,000,000 per occurrence.

Surety:

Surety bond or other security in the amount of \$25,000.

Other:

Lessee agrees to the implementation of the Commission's "Best Management Practices for Marina Owners/Operators" and "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the BMPs in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the Lease Premises.
2. On December 9, 2004, the Commission authorized the issuance of a 10-year General Lease – Commercial Use with Tahoe Vista Inn and Marina, LLC. That lease expired on August 13, 2014. On June 25, 2007, the name of the LLC was changed to Big Water View, LLC. The Applicant is now applying for a new General Lease – Commercial Use and authorization of two subleases.

CALENDAR ITEM NO. C25 (CONT'D)

3. The marina facilities include a commercial bulkhead pier, boat ramp, 18 mooring buoys, 12 seasonal mooring buoys, 12 seasonal boat slips, and two marker buoys. The bar/lounge was constructed over the water and is located on State sovereign land within the jurisdiction of the State Lands Commission. All facilities have been authorized by the Tahoe Regional Planning Agency (TRPA). However, TRPA issued a requirement for a deed restriction to provide constructive notice that at no time can there be more than a total of 30 moorings. Therefore, if the 12 seasonal boat slips are in use, the 12 seasonal mooring buoys shall not be placed in the water. That deed was recorded on May 24, 2005.
4. The Applicant, as the owner of the marina and the bar/lounge, entered into two separate agreements for the management and operations of those facilities. The Tahoe Vista Inn and Marina LLC manages and operates the marina facilities, and Captain Jon's LLC operates and manages the bar/lounge. All terms of the agreements are consistent with the terms of the lease and staff recommends the Commission authorize the endorsement of the two sublease agreements between the parties.
5. In 1981, TRPA, the California Regional Water Quality Control Board (CRWQCB), and the U. S. Army Corps of Engineers issued permits to dredge up to 750 cubic yards of material within the marina to an elevation of 6,220 feet, Lake Tahoe Datum (LTD). However, the dredging project was not previously authorized by the Commission.

Due to the low Lake level, it has become critical to dredge areas within the marina for safe ingress and egress. The Applicant proposes to dredge material on an as needed basis, not to exceed 750 cubic yards of material per year from the Lease Premises. The dredging will be done using a vacor-jet truck with a hose and inlet handle. Access will be primarily from the existing boat ramp. A turbidity curtain(s) or other system will be installed to confine the dredging area during the proposed dredging activity. The installation of the turbidity curtain or other confinement systems will be removed only after sediments have settled and upon CRWQCB's approval. All dredged material will be disposed of at an offsite location approved by CRWQCB and will not be sold.

6. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as categorically exempt project. The project is

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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, sections 15300 and California Code of Regulations Title 2, section 2905.

7. **Approval of Subleases:** The staff recommends that the Commission find that the subject approval of subleases 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 CEQA.

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

8. **Dredging:** 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 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

Authority: Public Resources Code section 21084 and California code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

9. 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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Issuance of 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).

Approval of Subleases: Find that the subject approval of subleases 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.

Dredging: 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 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

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 issuance of a General Lease – Commercial Use, to Big Water View, LLC, A Nevada Limited Liability Company beginning August 14, 2014, for a term of 20 years, for the continued use and maintenance of an existing commercial bulkhead pier, boat ramp, 12 seasonal berthing slips, 18 mooring buoys, 12 seasonal mooring buoys, two marker buoys, and a bar/lounge facility previously authorized by the Commission, and maintenance dredging not previously authorized by the Commission, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$5,980, with an annual Consumer Price Index adjustment and with the State reserving the right to adjust the rent at each 10-year anniversary, as provided for in the lease; no monetary consideration for the maintenance dredging as the project will result in a public benefit;

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dredged material may not be sold; liability insurance in an amount no less than \$2,000,000 per occurrence; and surety in the amount of \$25,000.

2. Authorize endorsement of a sublease between Big Water View, LLC, and Tahoe Vista Inn and Marina, LLC, beginning August 14, 2014, and ending May 16, 2027, or until dissolved, for operation and management of a commercial marina.
3. Authorize endorsement of a sublease between Big Water View, LLC, and Captain Jon's, LLC, beginning August 14, 2014, and ending May 16, 2027, or until dissolved, for operation and management of a restaurant and bar.

EXHIBIT A

PRC 5739.1

LAND DESCRIPTION

A parcel of submerged land in the bed of Lake Tahoe, Placer County, California, situated adjacent to Lot 4 of fractional Section 13, T. 16 N., R. 17 E., M.D.M. as shown on the Official Government plat approved November 10, 1865, more particularly described as follows:

BEGINNING at a point on the line of the historic Low Water Mark, as depicted on sheet 20 of those maps entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe", filed in Book 2 of Surveys at Page 71, Placer County Records, said point lying distant N 49°57'30" W 41.00 feet from Station 459 as shown on said map; thence along said Low Water Mark S 49°57'30" E 41.00 feet to Station 459 as shown on said map; thence S 73°39'23" E 138.60 feet to Station 460 as shown on said map; thence S 53°28'15" E 34.00 feet; thence leaving said Low Water Mark S 26°27'53" W 469.02 feet; thence N 70°26'05" W 349.37 feet; thence N 41°43'51" E 520.57 feet to the POINT OF BEGINNING.

The BASIS OF BEARINGS of this description is the California Coordinate System of 1927, Zone 2. All distances are grid distances.

END OF DESCRIPTION

Prepared 11/08/2011 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

SEE EXHIBIT B2 & B3 FOR THIS AREA

EXISTING BUOYS
(18 TOTAL)

LEASE AREA

SEASONAL BUOYS
(12 TOTAL)

COAST GUARD MARKER BUOYS
(2 TOTAL)

APN 117-110-070

APN 117-110-069

APPROXIMATE CSLC
1950 6223' LTD LINE

LAKE TAHOE

7220 NORTH LAKE BLVD., TAHOE VISTA

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 B1

PRC 5739.1
BIG WATER VIEW, LLC
APN 117-110-069 &
117-110-070
GENERAL LEASE -
COMMERCIAL USE
PLACER COUNTY

SITE

LAKE

TAHOE

Placer Co.
El Dorado Co.

California
Nevada

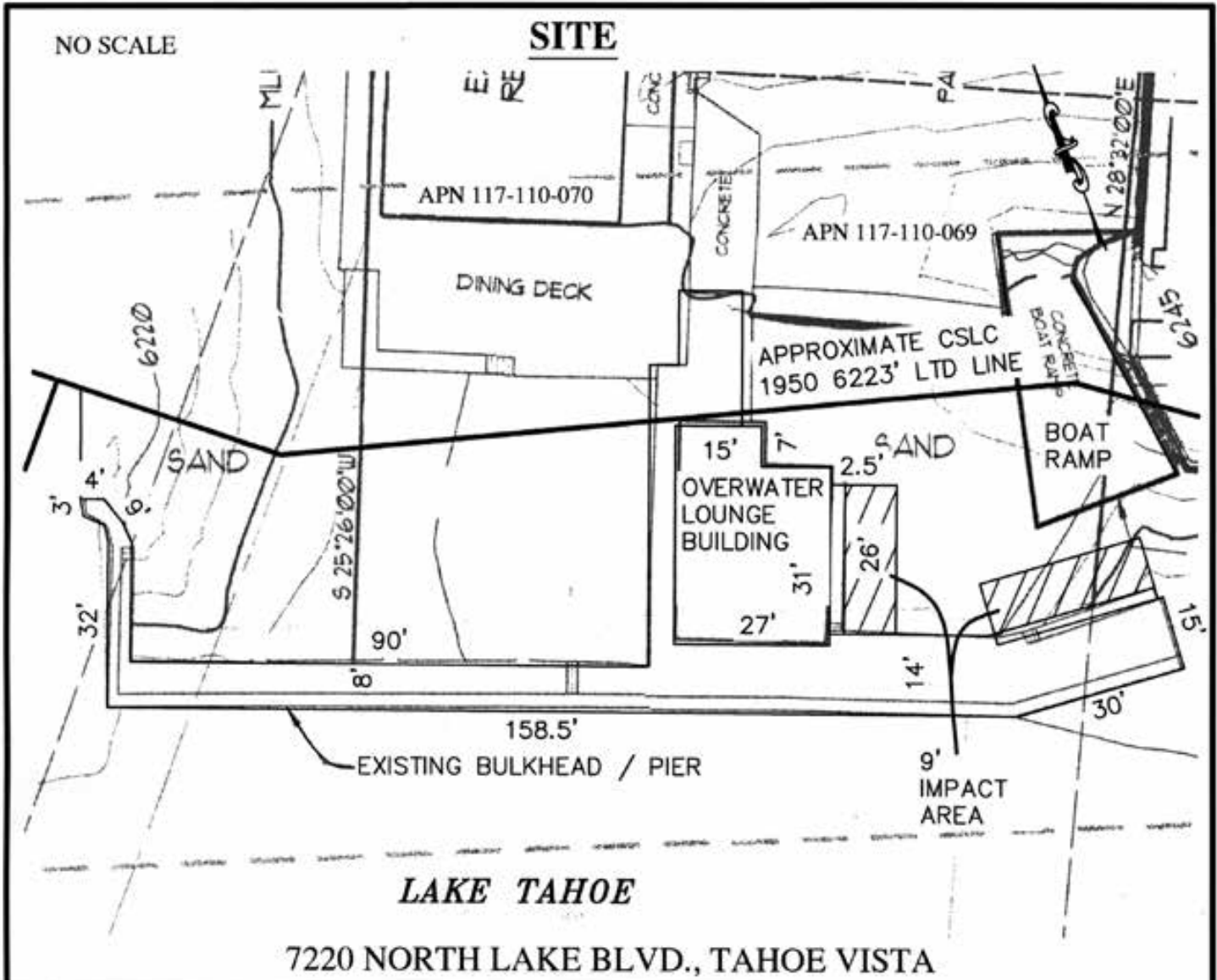


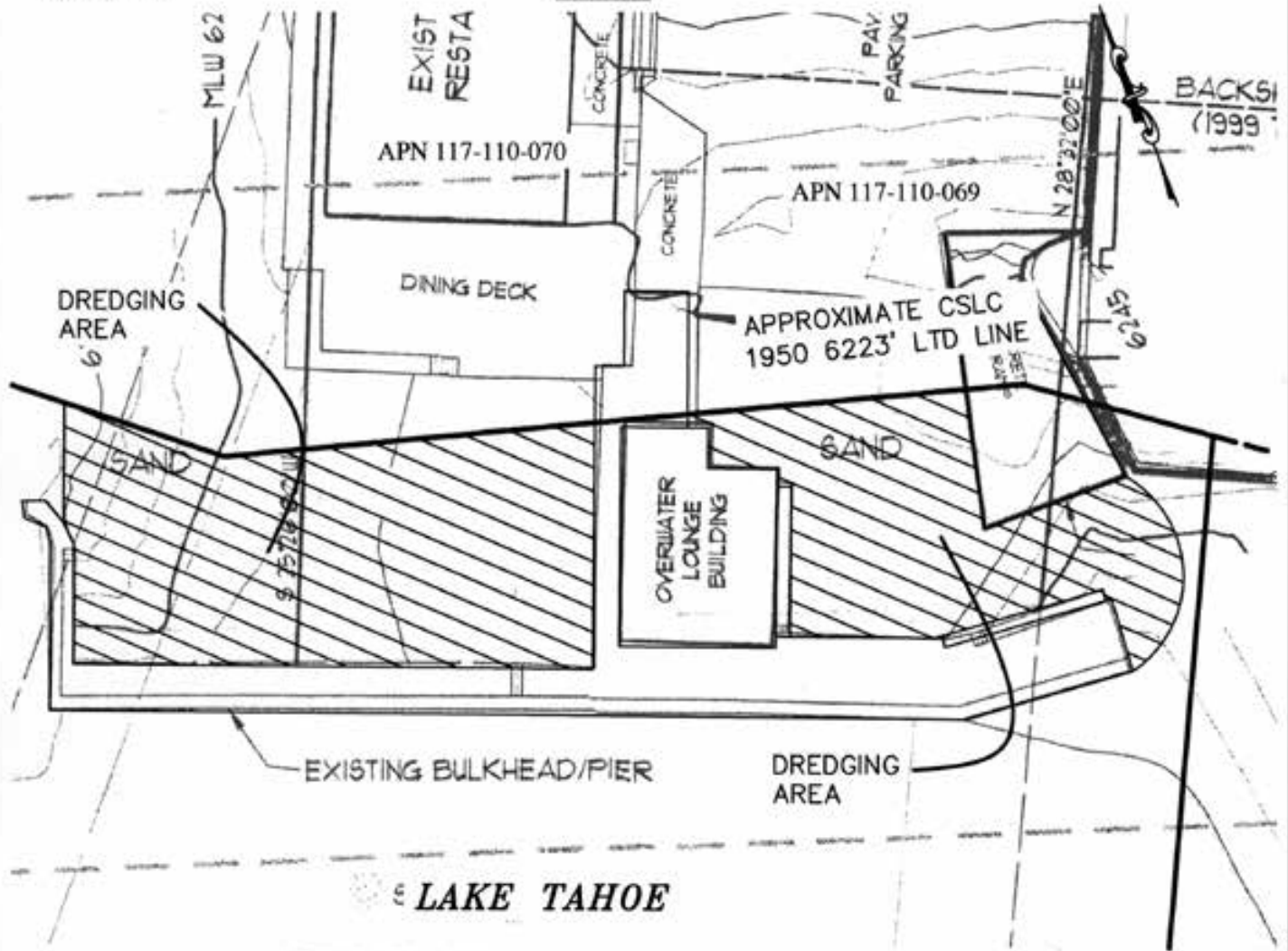
Exhibit B2
 PRC 5739.1
 BIG WATER VIEW, LLC
 APN 117-110-069 &
 117-110-070
 GENERAL LEASE -
 COMMERCIAL USE
 PLACER COUNTY



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NO SCALE

SITE



7220 NORTH LAKE BLVD., TAHOE VISTA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B3

PRC 5739.1
 BIG WATER VIEW, LLC
 APN 117-110-069 &
 117-110-070
 GENERAL LEASE -
 COMMERCIAL USE
 PLACER COUNTY

SITE

LAKE TAHOE

Placer Co.
 El Dorado Co.
 California
 Nevada

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