

CALENDAR ITEM

C34

A 5

02/21/14

PRC 4282.1

S 1

B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

J.W. Silveira, Trustee of the J.W. Silveira and Barbara O. Silveira Family Trust;
and, SFTA, LLC, a California Limited Liability Company and SACROS, LLC, a
California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2197 and 2201 Cascade Road, city of
South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, two boat lifts, and
four mooring buoys.

LEASE TERM:

10 years, beginning February 1, 2014.

CONSIDERATION:

\$2,308 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 per
occurrence.

Other:

1. The proposed lease contains a provision which requires 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 a FEIS and Ordinance Amendments

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supported by the FEIS. In September 2010, the US District Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. At such time as additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA EIS and ordinance issues.

2. Lessee expressly acknowledges and agrees that issuance of a Lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland parcels, Assessor's Parcel Numbers (APN) 018-191-14 and 018-191-16, adjoining the lease premises.
2. On September 17, 2001, the Commission authorized a Recreational Pier Lease with Daniel Weinberg and Gayle M. Weinberg, Co-Trustees of the Weinberg Community Property Trust, U/A/D/ 8-9-98, and J.W. Silveira and Barbara O. Silveira of the J.W. Silveira and Barbara O. Silveira Family Trust. That lease expired on June 30, 2011. On May 15, 2003, the ownership of APN 018-191-14 was deeded to SFTA, LLC, and to SACROS, LLC, ("LLCs"). On April 4, 2012, Barbara O. Silveira passed away; however, the ownership of APN 018-191-16 remains under the J.W. Silveira Family Trust. Applicants are now applying for a General Lease - Recreational Use.
3. When the LLCs obtained ownership of APN 018-191-14, they no longer qualified for rent-free status pursuant to the original definition of Public Resources Code section 6503.5 in effect at that time. Therefore, the LLCs are subject to back rent. Staff is recommending that the Commission accept rent based on the LLCs' 50 percent interest in the joint-use pier and boatlifts and ownership of two of the four mooring buoys for the period beginning February 1, 2011, through January 31, 2014. Total amount due for this period is \$2,982.
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,

CALENDAR ITEM NO. **C34** (CONT'D)

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 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 \$2,982 for the period of February 1, 2011, through January 31, 2014.
2. Authorize issuance of a General Lease – Recreational Use to J.W. Silveira, Trustee of the J.W. Silveira and Barbara O. Silveira Family Trust; and SFTA, LLC, a California Limited Liability Company and SACROS, LLC, a California Limited Liability Company, beginning February 1, 2014, for a term of 10 years, for

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the continued use and maintenance of an existing joint-use pier, two boat lifts, 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 \$2,308, 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 4282.1

LAND DESCRIPTION

Five parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 6 of fractional Section 26, Township 13 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1874, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing joint-use pier, two boat lifts and catwalk lying adjacent to those parcels described in Grant Deed recorded May 15, 2003 as Document Number 2003-0048680-00 and Trust Transfer Deed recorded October 20, 1992 as Document Number 1992-65735 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.

PARCELS 2 through 5 – BUOYS

Four circular parcels of land, each being 50 feet in diameter, underlying four existing buoys lying adjacent to those parcels described in Grant Deed recorded May 15, 2003 as Document Number 2003-0048680-00 and Trust Transfer Deed recorded October 20, 1992 as Document Number 1992-65735 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/28/2014 by the California State Lands Commission Boundary Unit.



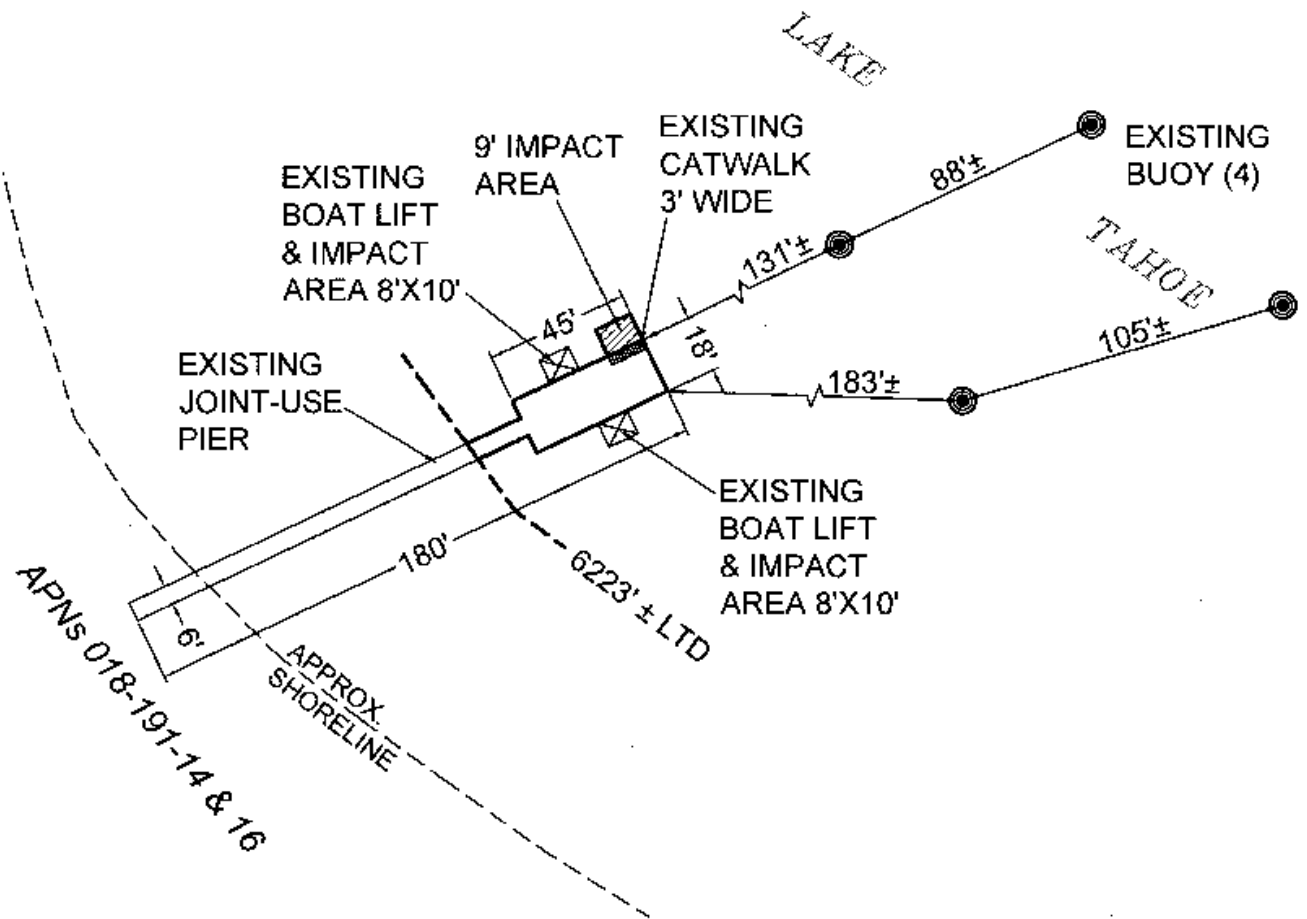


EXHIBIT A

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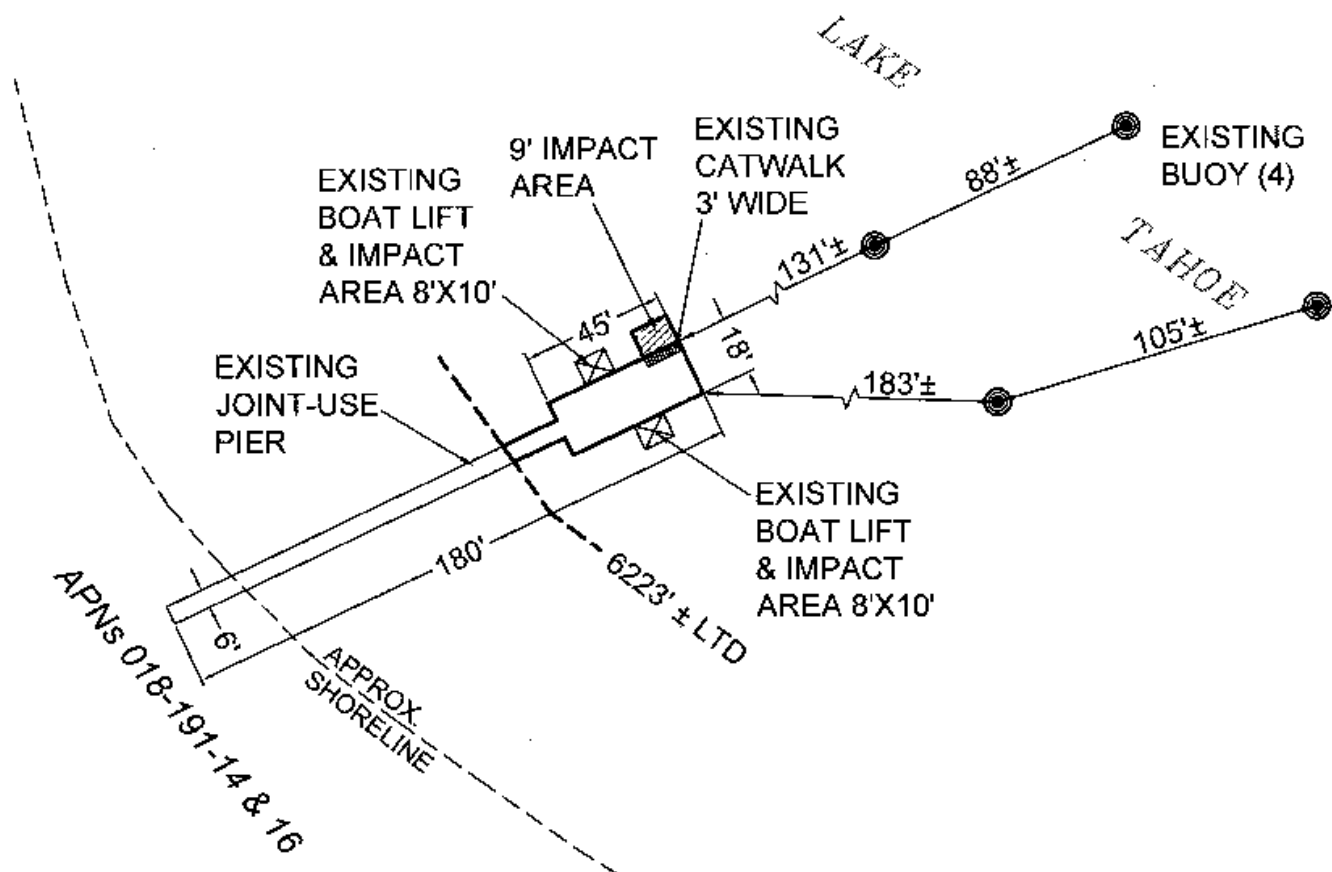
LAND DESCRIPTION PLAT
PRC 4282.1, SACROS LLC & SILVERA
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



2197 & 2201 CASCADE ROAD, NEAR SOUTH LAKE TAHOE

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 B

PRC 4282.1

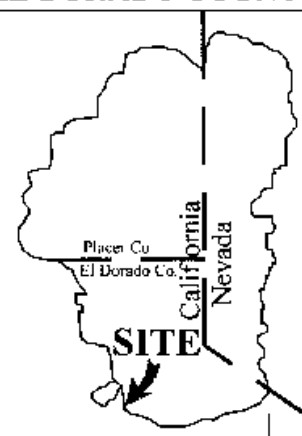
SACROS LLC & SILVERA

APNs 018-191-14 & 16

GENERAL LEASE -

RECREATIONAL USE

EL DORADO COUNTY



TS 01/28/14