

**CALENDAR ITEM  
C20**

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S 1

01/2612  
WP 4871.1  
N. Lee

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANTS:**

Jason Lawrence Hill and Jonathan Martin Hill

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

Sovereign land in Lake Tahoe, adjacent to 5672 North Lake Boulevard, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boathouse, and two mooring buoys previously authorized by the Commission and use and maintenance of an existing sundeck with stairs and two boat lifts not previously authorized by the Commission as shown on Exhibit B.

**LEASE TERM:**

10 years, beginning January 1, 2012.

**CONSIDERATION:**

\$531 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 with coverage of no less than \$1,000,000.

Other:

1. This lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.
2. The lease contains provisions stating that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded,

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and if repairs to any portion of the existing sundeck cost more than 50 percent of the base value of the sundeck, then the sundeck with stairs must be removed from the lease premises.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On September 3, 1999, the Commission authorized a Recreational Pier Lease with Richard G. Hill, Trustee of the Living Trust of Richard G. Hill. That lease expired March 22, 2009. Mr. Hill passed away and, on August 3, 2011, the upland parcel was deeded to Jason Lawrence Hill and Jonathan Martin Hill. Applicants are now applying for a new General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
  - a. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
  - b. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.
4. The Applicants’ existing sundeck with stairs on the boathouse and two boat lifts in the boathouse have been in Lake Tahoe for many years, but were not previously authorized by the Commission. Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently-enacted changes to section 6503.5 of the Public Resources Code for the term of this lease. Therefore, only the sundeck with stairs is subject to rent. Staff recommends approval of the existing pier, boathouse with sundeck and stairs, two boat lifts, and two mooring buoys within the lease premises.
5. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15061), the staff has determined

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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.

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:**

Authorize issuance of a General Lease – Recreational Use to Jason Lawrence Hill and Jonathan Martin Hill, beginning January 1, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, boathouse, and two mooring buoys previously authorized by the Commission and the use and maintenance of an existing sundeck with stairs and two boat lifts not previously authorized by the Commission as described in Exhibit A and shown in Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the

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amount of \$531 for the sundeck with stairs, 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**

**WP 4871.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 and Lot 3 of fractional Section 15, 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, walkway, boat house with two boat lifts, and sundeck with stairs lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded August 3, 2011 as Document Number 2011-0059746-00 in Official Records of said County.

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

**PARCELS 2 & 3 – BOUYS**

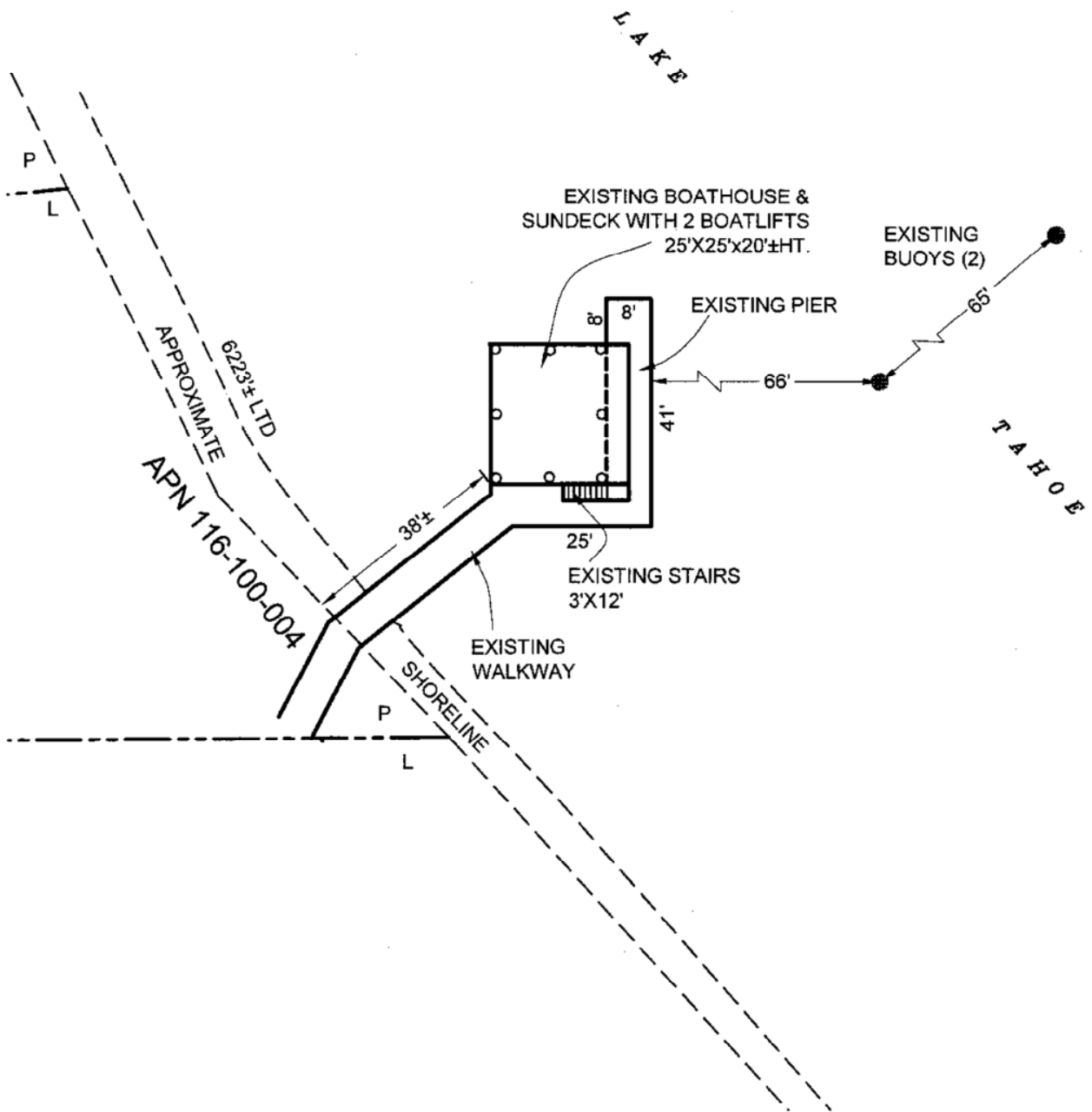
Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded August 3, 2011 as Document Number 2011-0059746-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared November 15, 2011 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

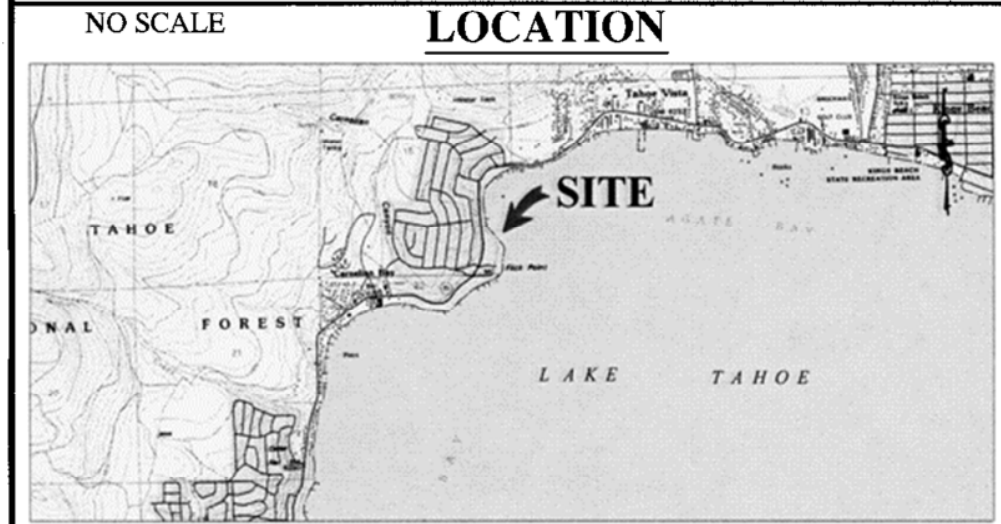
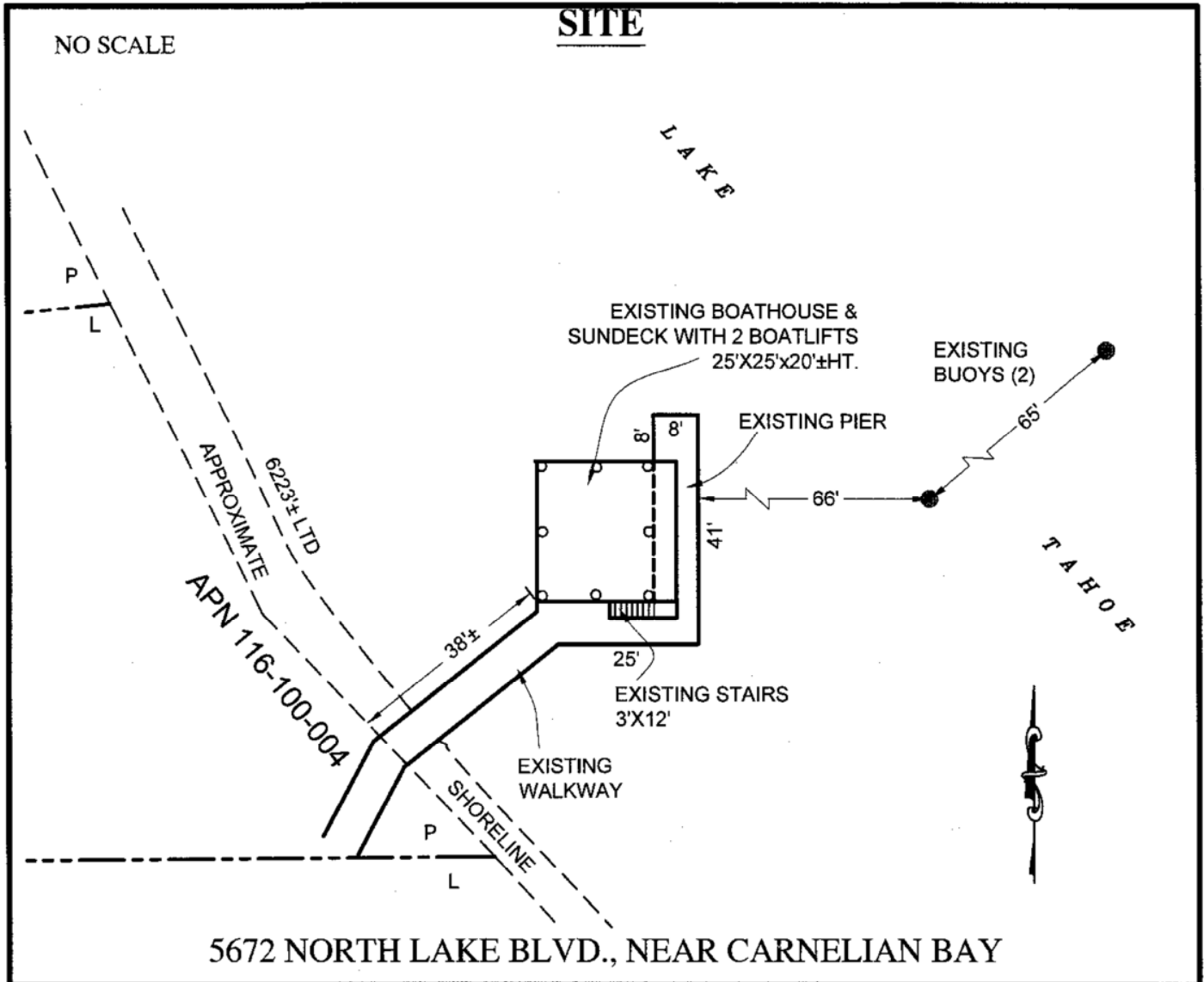
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LAND DESCRIPTION PLAT  
 WP 4871.1, HILL  
 PLACER COUNTY

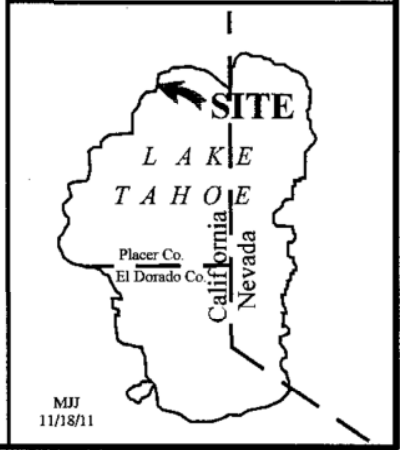
CALIFORNIA STATE  
 LANDS COMMISSION





MAP SOURCE: USGS QUAD

**Exhibit B**  
 WP 4871.1  
 HILL  
 APN 116-100-004  
 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.