

**CALENDAR ITEM
C42**

A 4
S 1

08/14/12
PRC 3071.9
B. Terry

AMENDMENT OF LEASE

LESSEES:

Gerald V. Hansen and Kerri A. Hansen, as Co-Trustees of the Gerald and Kerri Hansen Family Trust created by that certain Trust Agreement made the 7th day of January, 1997

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5330 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and one mooring buoy.

LEASE TERM:

10 years, beginning April 1, 2007.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

PROPOSED AMENDMENT:

Amend the authorized improvements to include an after-the-fact installation of an existing Americans with Disabilities Act (ADA) lift and one existing mooring buoy not previously authorized by the Commission; include additional special lease provisions related to the ADA lift and mooring buoys; replace Exhibit A with the attached Exhibit A (Land Description); include the attached Exhibit B (Site and Location Map) and execute a Memorandum of Lease to be recorded in the Official Records of Placer County. All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR ITEM NO. **C42** (CONT'D)

SPECIFIC LEASE PROVISIONS:

The proposed lease amendment contains a provision requiring Lessee to:

1. Obtain a permit from the Tahoe Regional Planning Agency (TRPA) for the ADA lift, which will include a deed restriction to be recorded with the County of Placer stating that the ADA lift shall be removed upon sale or transfer of the upland parcel.
2. The proposed lease contains a provision requiring the Applicants to obtain authorization from the 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 Commission pending resolution of the TRPA FEIS and amended ordinance issues.
3. Lessor and Lessee shall execute, and Lessor shall record, a memorandum of this lease in the Official Records of Placer County.

OTHER PERTINENT INFORMATION:

1. Lessees own the upland adjoining the lease premises.
2. On June 28, 2007, the Commission authorized a Recreational Pier Lease with the Lessees for the continued use and maintenance of an existing pier, boat lift, and one mooring buoy. That lease will expire on March 31, 2017. Lessees submitted an application in 2010, and are now applying to amend the Recreational Pier Lease to include an after-the-fact installation of an existing ADA lift and an additional existing mooring buoy.
3. Since the issuance of the lease, an ADA lift was installed without prior authorization of the Commission. The lift is used by the Lessees to assist their handicapped child getting in and out of their boat. The Lessees' submitted an application to TRPA for an after-the-fact permit. Commission staff has confirmed with TRPA staff that a permit can be issued for the ADA lift; however, the Lessees will be required to remove the ADA lift upon the sale or transfer or transfer of the upland property. If TRPA authorization is not obtained within one year of the effective date of this amendment the lift must be removed. The additional mooring buoy

CALENDAR ITEM NO. **C42** (CONT'D)

has been in Lake Tahoe for many years but has not been previously authorized by the Commission. Staff recommends authorization of the existing ADA lift and the additional mooring buoy, subject to the Lessees obtaining TRPA permit authorization.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of 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.

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

APPROVALS REQUIRED:

Tahoe Regional Planning Agency

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.

CALENDAR ITEM NO. **C42** (CONT'D)

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 3071.9, a Recreational Pier Lease, effective August 14, 2012, to include an after-the-fact installation of an existing ADA lift and one existing mooring buoy; to include special lease provisions related to the ADA lift and mooring buoys; and to delete Exhibit A in its entirety and replace with Exhibit A and Exhibit B (for reference purposes only) attached and by this reference made a part thereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 3071.9

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 22, Township 16 North, Range 17 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 those lands underlying an existing pier, ADA lift, boat lift and catwalk lying adjacent to Parcel Two as described in that Grant Deed recorded February 07, 1997 in Document Number 97-0008329-00 in Official Records of said County.

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

TOGETHER WITH a ten (10) foot use area.

PARCEL 2 & 3 – BUOYS (2)

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Parcel as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 19, 2011 by the California State Lands Commission Boundary Unit.



APN 115-020-004

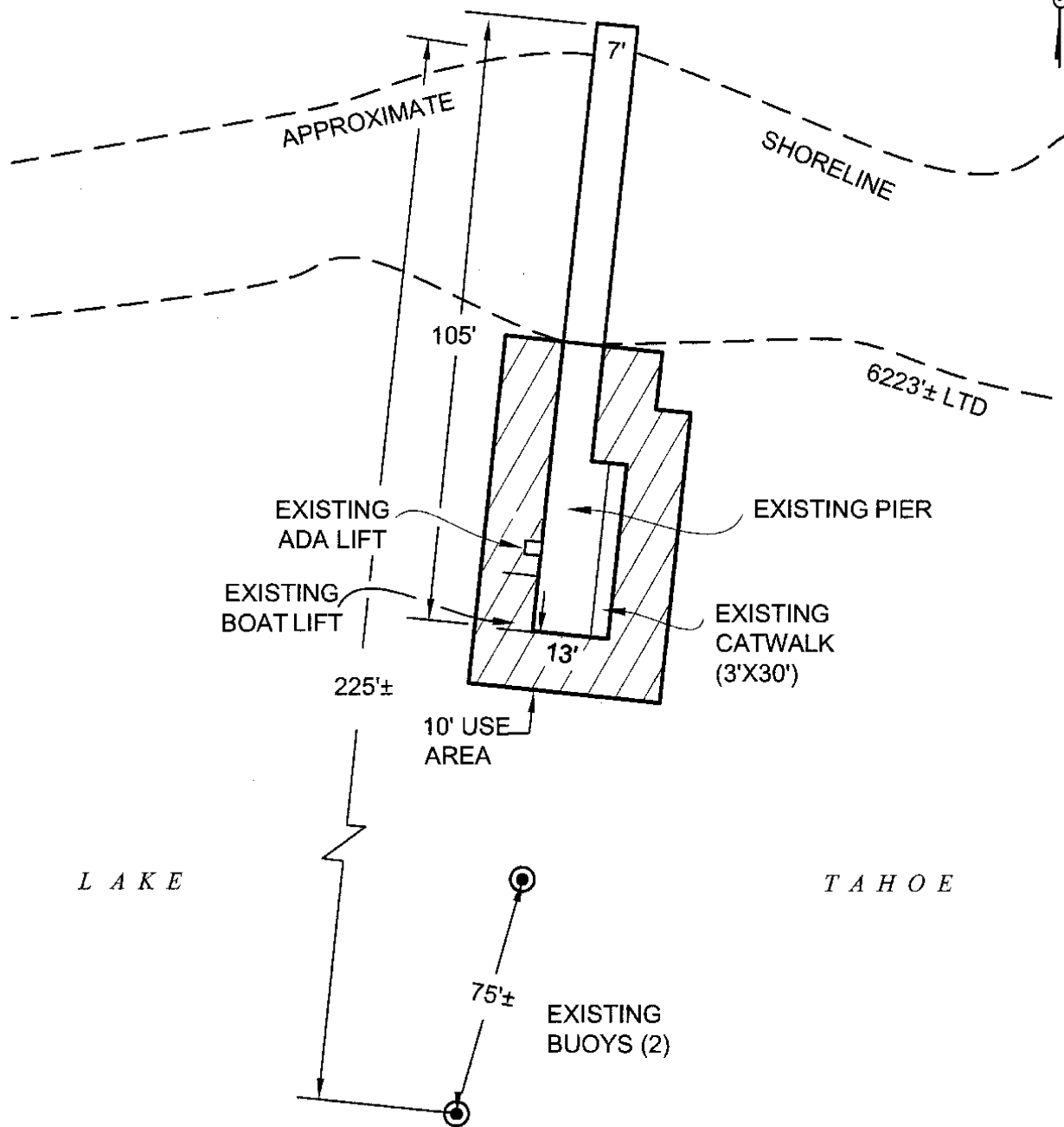


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 3071.9, HANSEN FAMILY TRUST
PLACER COUNTY

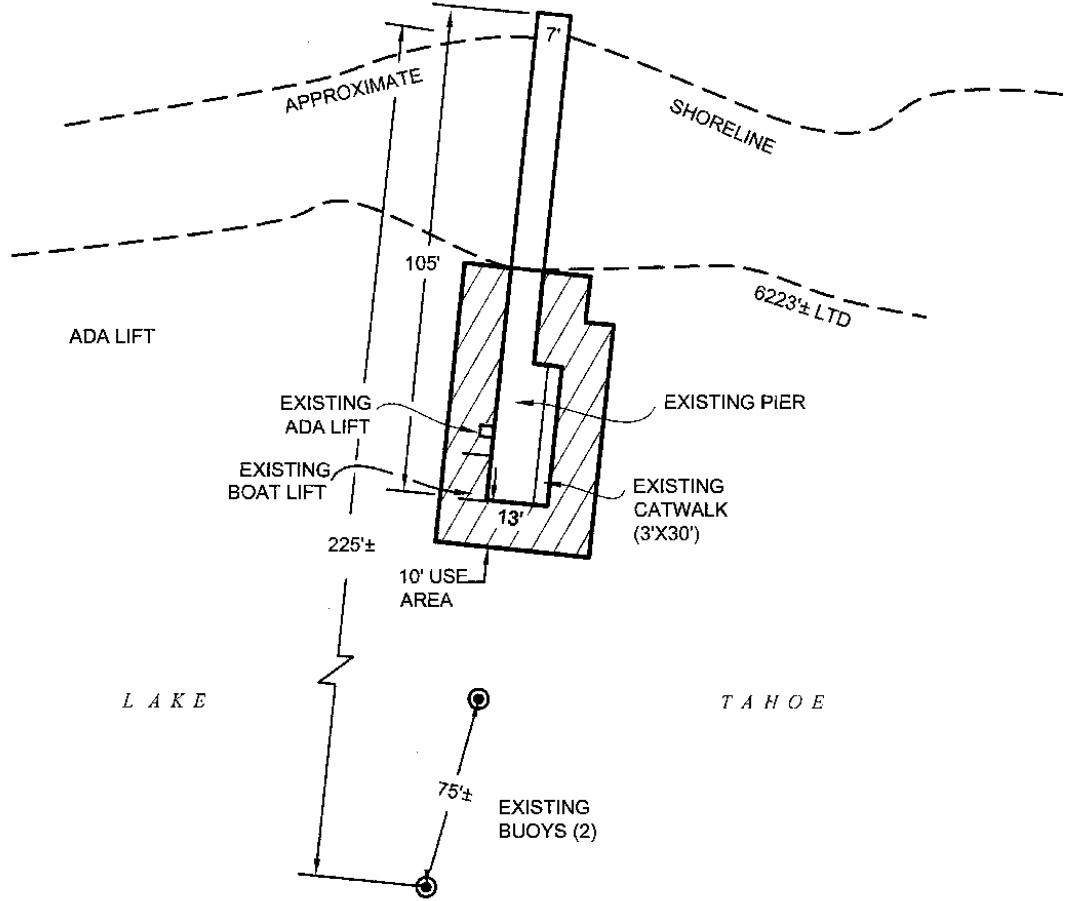
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 115-020-004



5330 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

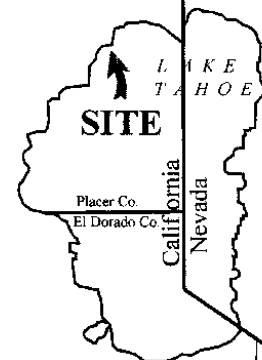
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3071.9
 HANSEN FAMILY TRUST
 APN 115-020-004
 RECREATIONAL
 PIER LEASE
 PLACER COUNTY



MJJ 02/22/12

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.