

**CALENDAR ITEM
C26**

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02/22/13
PRC 5751.1
M.J. Columbus

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Judith A. Wright, Trustee of the Wright Trust, dated November 22, 1983, as amended and restated on June 10, 1998.

APPLICANTS:

3790 NLB, LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3790 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning February 1, 2013.

CONSIDERATION:

\$1,196 per year, with the State reserving the right to fix a different rent periodically during lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Other:

The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years of 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

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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 ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 1, 2009, the Commission authorized a Recreational Pier Lease with Judith A. Wright, Trustee of the Wright Trust, dated November 22, 1983, as amended and restated on June 10, 1998. That lease will expire on August 21, 2018. On October 25, 2010, the upland parcel was deeded to the Applicant, 3790 NLB, LLC, a California Limited Liability Company. The Applicant is now applying for a new General Lease – Recreational Use. Staff recommends terminating the existing lease.
3. Staff is recommending that the Commission accept rent in the amount of \$2,392 for the period beginning October 25, 2010 to January 31, 2013, for the Applicant's occupation without a lease. The Applicant did not qualify for rent-free status pursuant to the original definition of Public Resources Code Section 6303.5 in effect at this time.
4. **Lease Termination:** The staff recommends that the Commission find that the subject termination of lease 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. **Issuance of Lease:** 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 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.

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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:

Termination of Lease: Find that the subject termination of lease 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.

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).

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 \$2,392 for the period of October 25, 2010 through January 31, 2013.
2. Authorize termination, effective January 31, 2013, of Lease No. PRC 5751.9, a Recreational Pier Lease, issued to Judith A. Wright, Trustee of the Wright Trust, dated November 22, 1983, as amended and restated on June 10, 1998.

CALENDAR ITEM NO. **C26** (CONT'D)

3. Authorize issuance of a General Lease – Recreational Use to 3790 NLB, LLC, a California Limited Liability Company, beginning February 1, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and two mooring buoys 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 \$1,196, 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 the amount of no less than \$1,000,000.

EXHIBIT A

PRC 5751.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of 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, one catwalk, stairs and a boatlift adjacent to those Parcels described in Exhibit “A” of that Trust Transfer Deed recorded October 25, 2010 as Document Number 2010-0086054-00 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

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

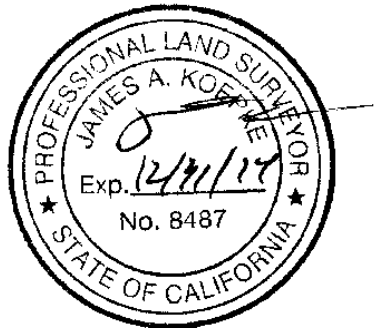
PARCEL 2 & 3 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 3, 2013 by the California State Lands Commission Boundary Unit.



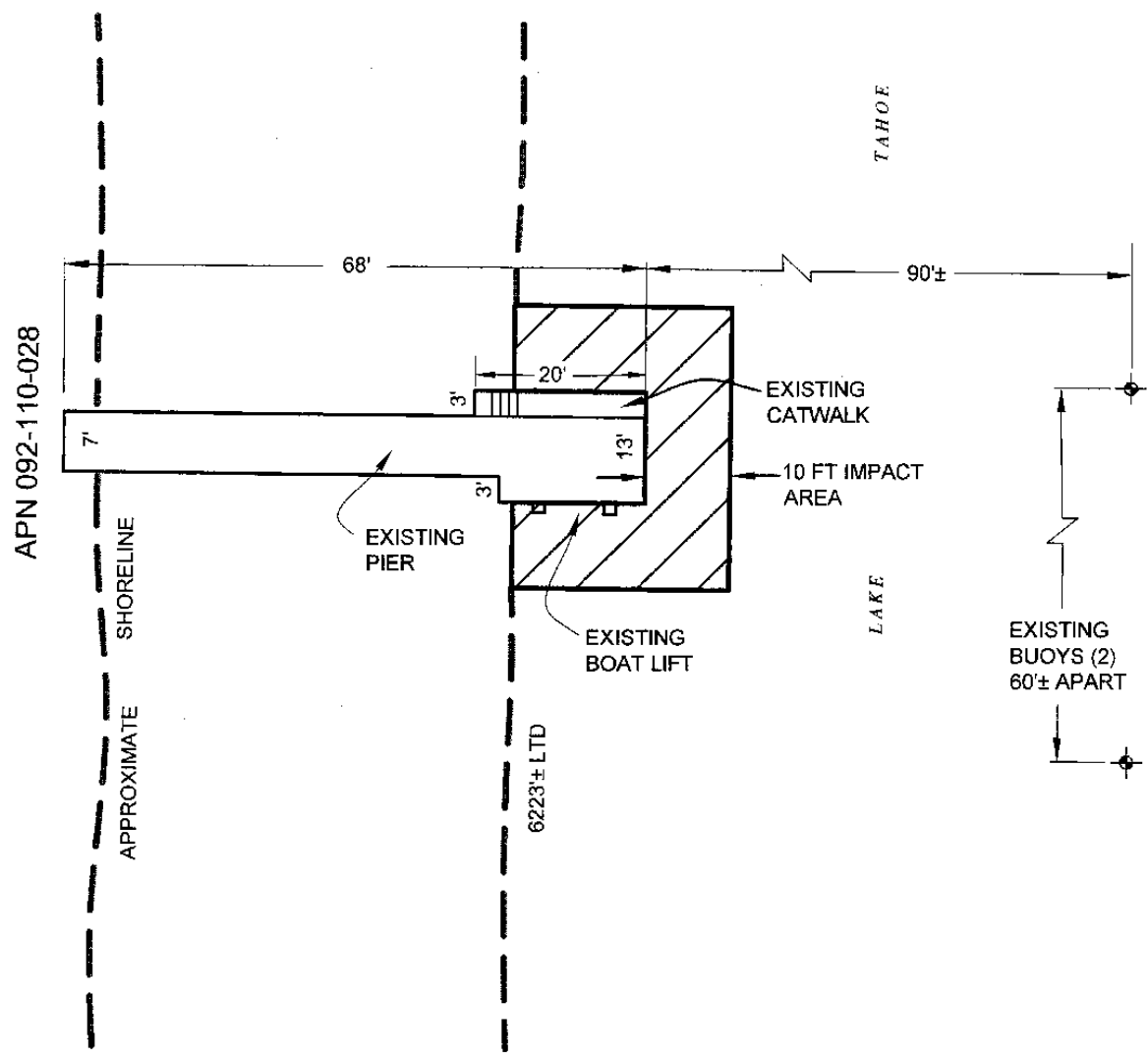
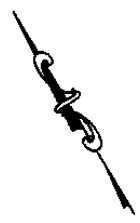


EXHIBIT A

MJJ 12/27/12

LAND DESCRIPTION PLAT
PRC 5751.1, 3790 NLB LLC
PLACER COUNTY

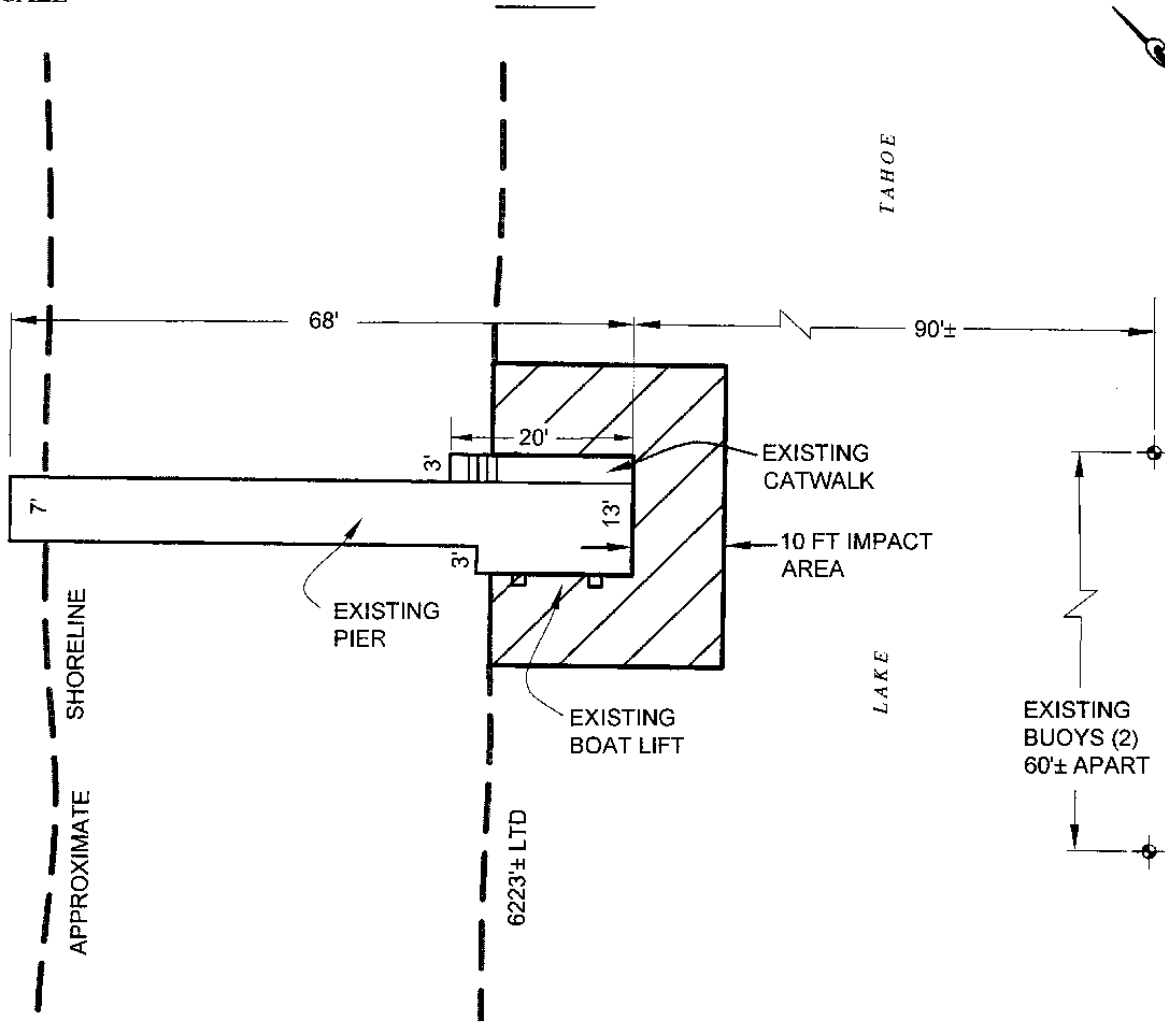
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 092-110-028



3790 NORTH LAKE BLVD., NEAR CARNELIAN BAY

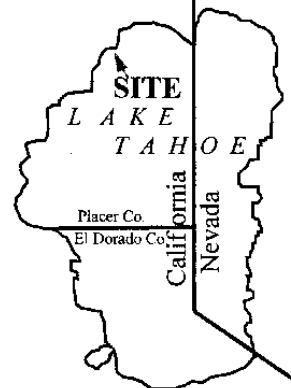
NO SCALE

LOCATION



Exhibit B

PRC 5751.1
 3790 NLB LLC
 APN 092-110-028
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MMJ 1/03/13

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.