

**CALENDAR ITEM  
C27**

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S 1

02/22/13  
PRC 8357.1  
M.J. Columbus

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANT:**

Jeffrey Todd Stone, Trustee of the Ray Stone Tahoe Residential Trust, dated May 18, 1999, and Trustee of the Mary Lou Stone Tahoe Residential Trust dated May 18, 1999

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

Sovereign land in Lake Tahoe, adjacent to 4880 West Lake Boulevard, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning February 22, 2013.

**CONSIDERATION:**

\$754 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:

The proposed lease contains a provision requiring the Applicants 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 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

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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 November 26, 2001, the Commission authorized a 10-year Recreational Pier Lease with Ray Stone, Jr. and Mary Lou Stone, co-trustees under revocable trust dated September 4, 1984. That lease expired on May 31, 2011. Between 2001 and 2009, the Lessee's transferred the upland property into two new trusts, as Ray Stone, Jr., Trustee of the Ray Stone Tahoe Residential Trust dated May 18, 1999, and Mary Lou Stone, Trustee of the Mary Lou Stone Tahoe Residential Trust dated May 18, 1999. On July 2, 2009, the trustee of each trust as shown above was changed to Jeffrey Todd Stone. Applicant is now applying for a new General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became 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.

Because the application was submitted to the Commission on May 17, 2011, the lease does not meet the statutory requirements for an exception to recently enacted changes to Section 6503.5 of the Public Resources Code and is subject to rent.

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,

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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:**

Authorize issuance of a General Lease – Recreational Use to Jeffrey Todd Stone, Trustee of the Ray Stone Tahoe Residential Trust dated May 18, 1999, and Trustee of the Mary Lou Stone Tahoe Residential Trust dated May 18, 1999, beginning February 22, 2013, for a term of 10 years, for the continued use and maintenance of two existing mooring buoys described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made part hereof; annual rent in the amount of \$754, with the State reserving the right to fix a different rent periodically

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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 8357.1**

**LAND DESCRIPTION**

Two parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 1, Township 14 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, more particularly described as follows:

**PARCELS 1 & 2 – BUOYS**

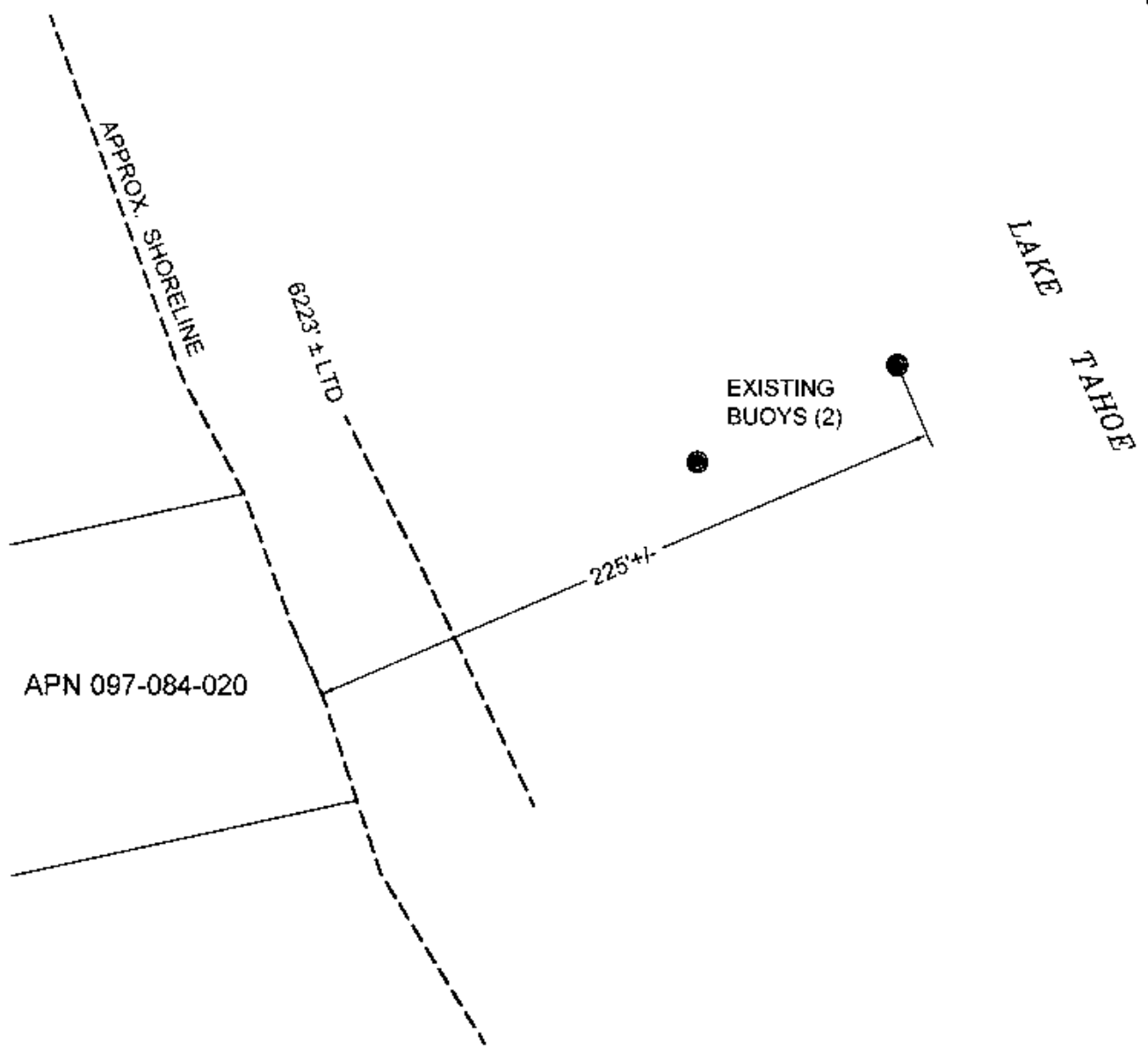
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Correctory Grant Deed recorded November 12, 2009 as Document Number 2009-0097610-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 01/03/2013 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

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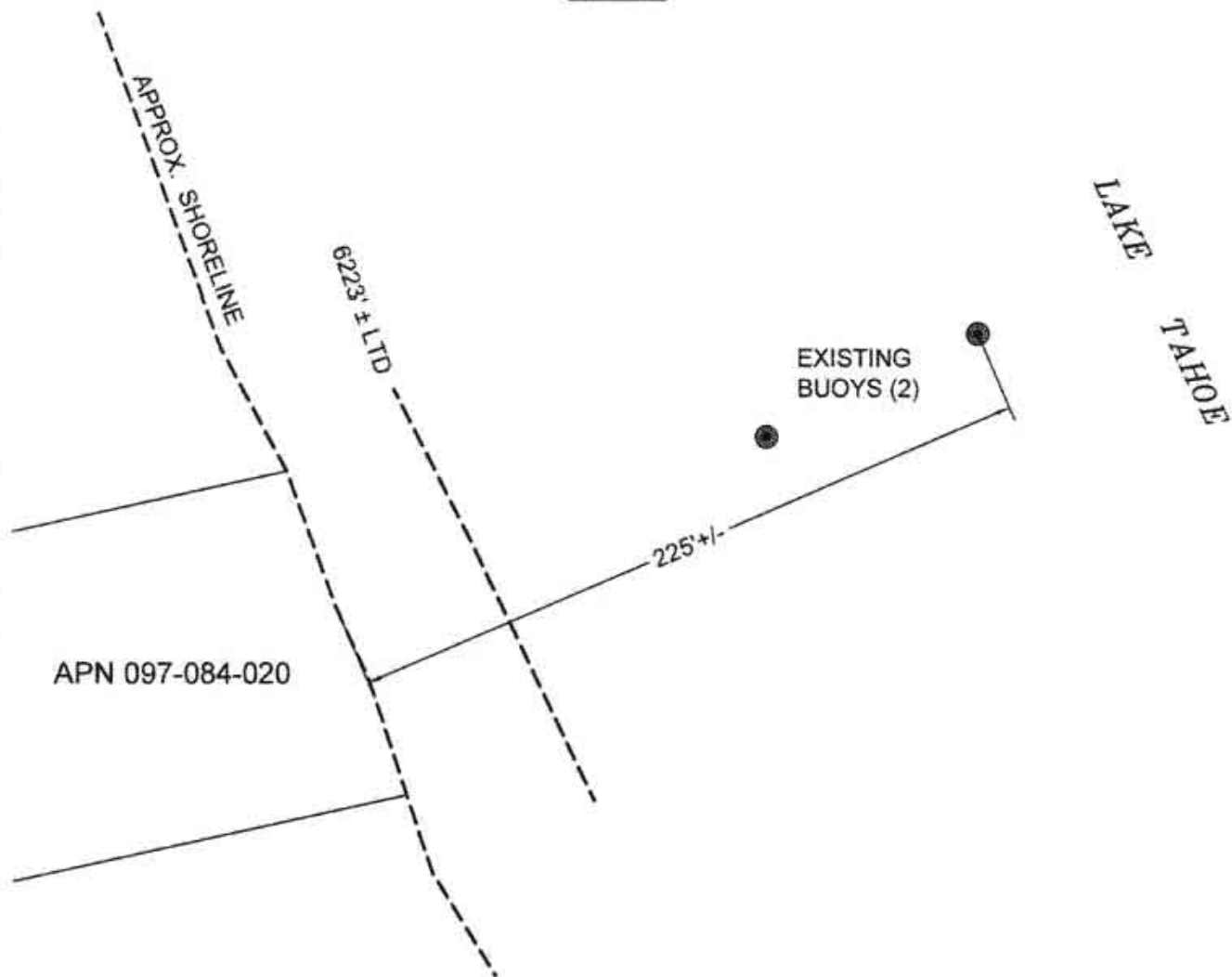
LAND DESCRIPTION PLAT  
 PRC 8357.1, STONE TRUSTEES  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



# SITE

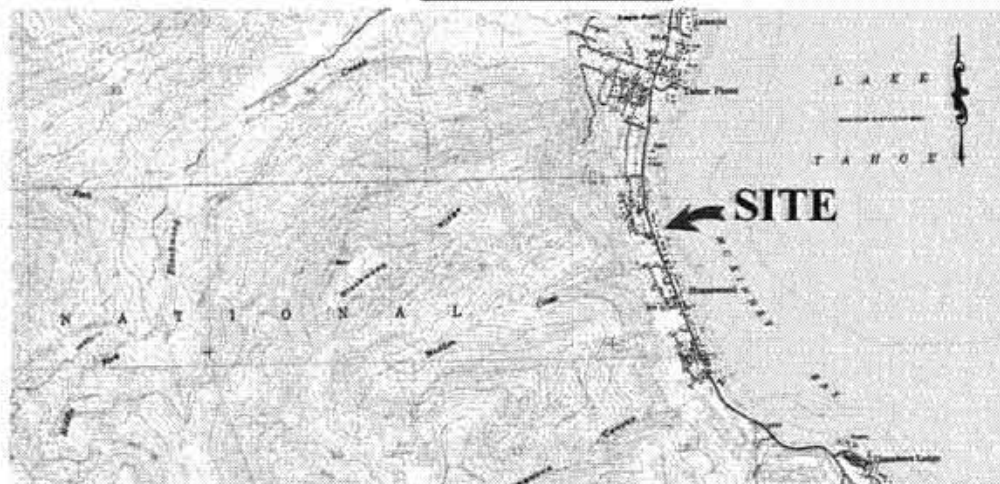
NO SCALE



4880 WEST LAKE BLVD., HOMEWOOD

# LOCATION

NO SCALE



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 8357.1  
 STONE TRUSTEES  
 APN 097-084-020  
 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.