

**CALENDAR ITEM
C15**

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02/21/14
PRC 4226.1
W. Hall

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Lloyd A. Lundstrom, III; Nancy Gill; Margy Lundstrom; Geraldine M. Lundstrom, Trustee of the Geraldine M. Lundstrom Survivor’s Trust UDT Dated December 21, 1991 as amended and successor trustees thereunder; Geraldine M. Lundstrom, Trustee of the Lloyd A. Lundstrom, Jr. Bypass Trust UDT Dated December 21, 1991 as amended and successor trustees thereunder.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4920 North Lake Boulevard, Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse, boat hoist, existing sundeck with stairs, and one mooring buoy previously authorized by the Commission; and use and maintenance of one existing mooring buoy not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 21, 2014.

CONSIDERATION:

\$2,147 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 requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years of the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe

CALENDAR ITEM NO. C15 (CONT'D)

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 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.
3. The lease contains provisions stating that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded, 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 upland parcel adjoining the lease premises.
2. On June 19, 1998, the Commission authorized a 10-year Recreational Pier Lease with Lloyd A. Lundstrom, Jr. and Geraldine M. Lundstrom, Trustees under the Lundstrom Family Revocable Living Trust dated December 21, 1991. That lease expired on March 31, 2008. On September 26, 2007, the upland was deeded to Lloyd A. Lundstrom, III; Nancy Gill; Margy Lundstrom; Geraldine M. Lundstrom, Trustee of the Geraldine M. Lundstrom Survivor's Trust UDT Dated December 21, 1991 as amended and successor trustees thereunder; Geraldine M. Lundstrom, Trustee of the Lloyd A. Lundstrom, Jr. Bypass Trust UDT Dated December 21, 1991 as amended and successor trustees thereunder. Applicants are now applying for a General Lease - Recreational Use.
3. The Applicants' one additional mooring buoy has been in Lake Tahoe for many years, but has not been previously authorized by the Commission. Staff recommends including the one additional mooring buoy as an authorized improvement in the lease.

CALENDAR ITEM NO. **C15** (CONT'D)

4. 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, 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 Lloyd A. Lundstrom, III; Nancy Gill; Margy Lundstrom; Geraldine M. Lundstrom, Trustee of the Geraldine M. Lundstrom Survivor's Trust UDT Dated December 21, 1991 as amended and successor trustees thereunder;

CALENDAR ITEM NO. **C15** (CONT'D)

Geraldine M. Lundstrom, Trustee of the Lloyd A. Lundstrom, Jr. Bypass Trust UDT Dated December 21, 1991 as amended and successor trustees thereunder; beginning February 21, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier, boat house and boat hoist, sundeck with stairs and one mooring buoy previously authorized by the Commission, and use and maintenance of one existing mooring buoy not previously authorized by the Commission 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 \$2,147, 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 per occurrence.

EXHIBIT A

PRC 4226.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 22, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, boathouse with sundeck, stairs, boat hoist and catwalk lying adjacent to that parcel described in Grant Deed recorded September 26, 2007 as Document Number 2007-0093430-00 in Official Records of said County.

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

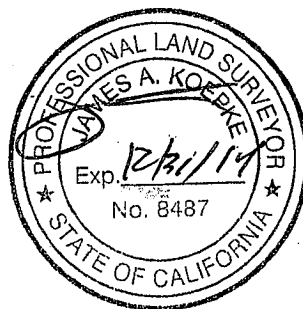
PARCELS 2 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded September 26, 2007 as Document Number 2007-0093430-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 12/10/2013 by the California State Lands Commission Boundary Unit.



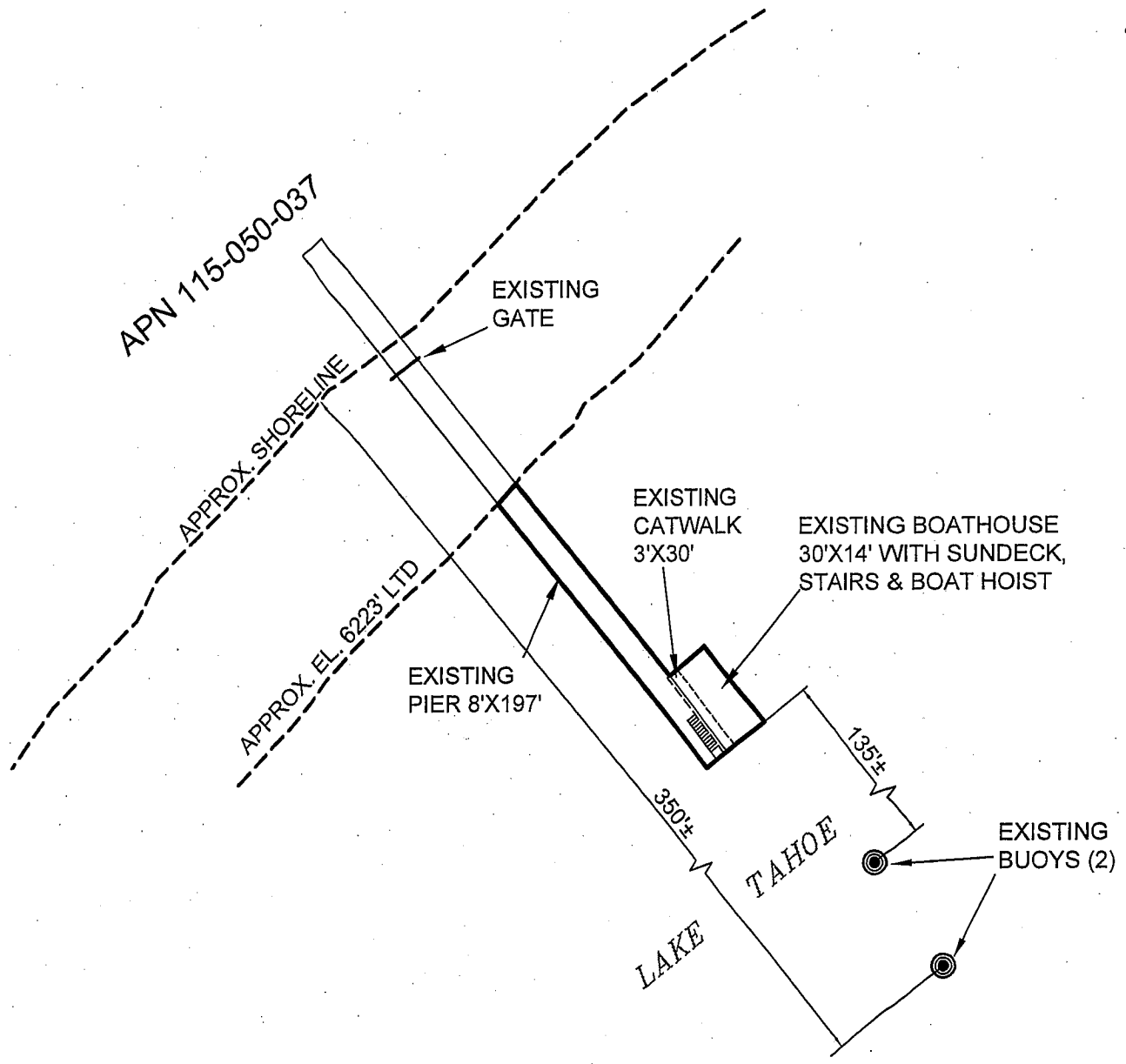


EXHIBIT A

Page 2 of 2

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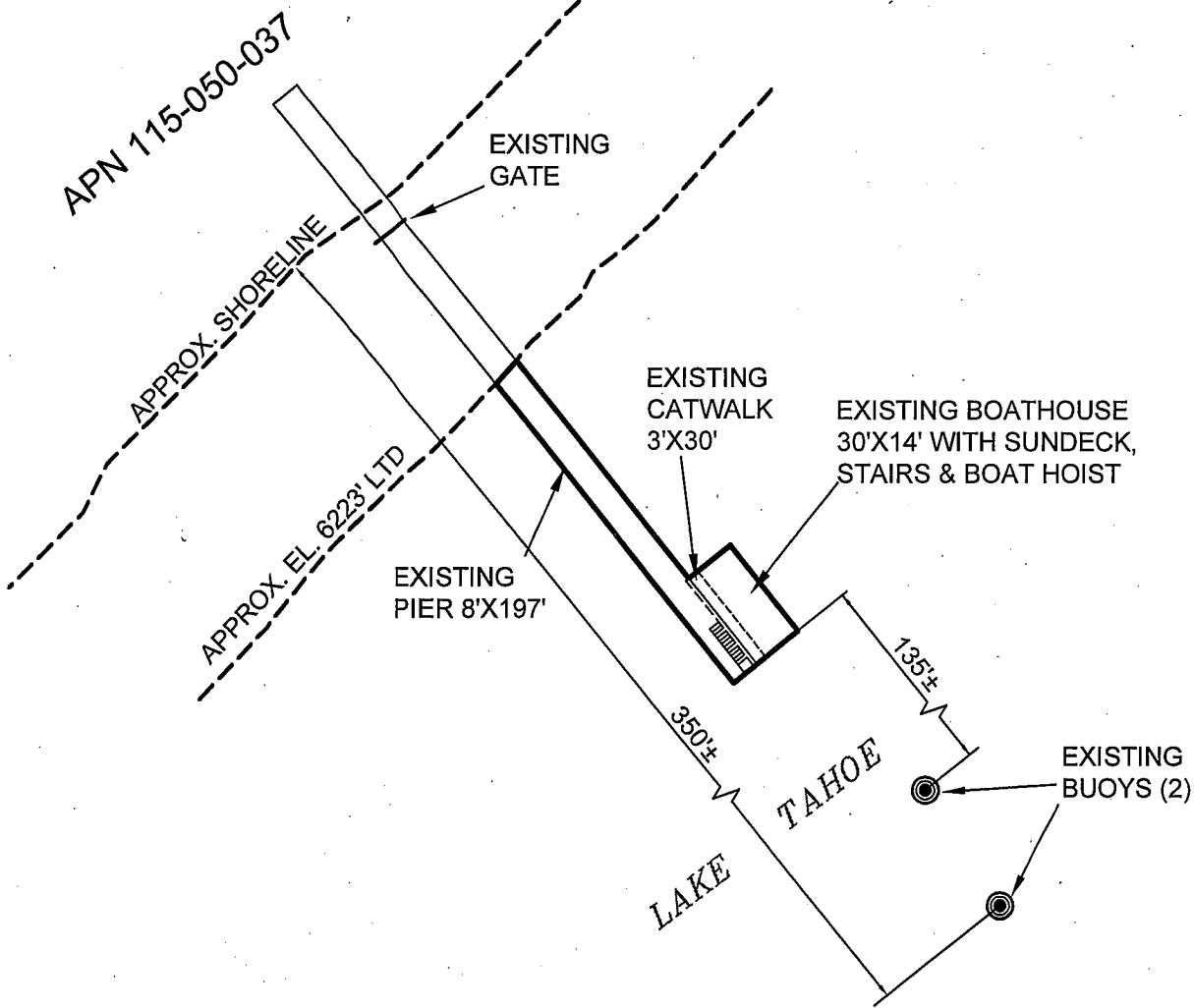
LAND DESCRIPTION PLAT
PRC 4226.1, LUNDSTROM TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

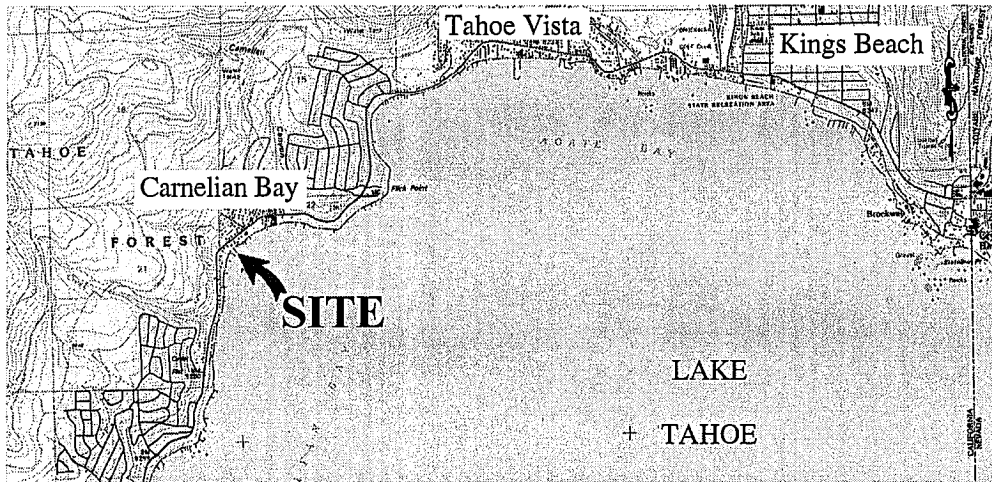
SITE



4920 NORTH LAKE BLVD., CARNELIAN BAY

NO SCALE

LOCATION

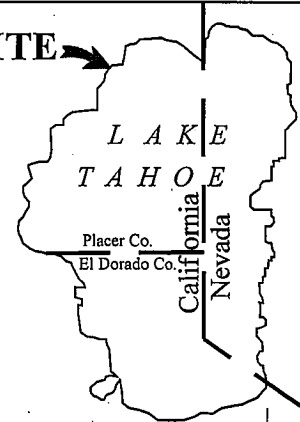


MAP SOURCE: USGS QUAD

Exhibit B

PRC 4226.1
 LUNDSTROM TRUST
 APN 115-050-037
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY

SITE



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.