

**CALENDAR ITEM
C04**

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S 1

04/23/14
PRC 8251.1
M.J. Columbus

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

William R. Green and Michelle A. Green, as Trustees of the William and Michelle Green 1999 Revocable Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8801 One Ring Road, near the city of South Lake Tahoe, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and four mooring buoys.

LEASE TERM:

10 years, beginning February 1, 2014.

CONSIDERATION:

\$2,223 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 in an amount no less than \$1,000,000 per occurrence.

Other:

1. The lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (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

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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.

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On February 2, 2004, the Commission authorized a 10-year Recreational Pier Lease with William R. Green and Michelle A. Green for the construction of a floating pier, placement of two mooring buoys, and relocation of two existing mooring buoys. The Commission authorized an amendment on August 8, 2005, to approve a change to the construction of the pier from floating to fixed. That lease expired on January 31, 2014. On December 10, 1999, the Lessees transferred the upland property into a trust to William R. Green and Michelle A. Green, as Trustees of the William and Michelle Green 1999 Revocable Trust. The Applicants are now applying for a General Lease – Recreational Use.
3. The prior lease authorized a total of four mooring buoys, two adjacent to Assessor Parcel Number (APN) 017-041-17 and two adjacent to APN 017-041-18. Both parcels are owned by the Applicants. In 2006, TRPA issued a permit allowing the transfer of the two mooring buoys adjacent to APN 017-041-18 to 017-041-17. As a result, the four mooring buoys are now adjacent to APN 017-041-17, as is the pier. TRPA required the Applicants to record a deed restriction to prohibit any future buoys adjacent to APN 017-041-18. Staff recommends that the four mooring buoys be authorized at their current location.
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, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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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 William R. Green and Michelle A. Green, as Trustees of the William and Michelle Green 1999 Revocable Trust, beginning February 1, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier and four mooring buoys 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 \$2,223 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 an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8251.1

LAND DESCRIPTION

Five parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to fractional Section 4, Township 13 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1874, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk lying adjacent to that parcel described in Individual Grant Deed recorded December 10, 1999 as Document Number 99-0075506-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCELS 2 through 5 – BUOYS

Four circular parcels of land, each being 50 feet in diameter, underlying four existing buoys lying adjacent to that parcel described in Individual Grant Deed recorded December 10, 1999 as Document Number 99-0075506-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 03/04/2014 by the California State Lands Commission Boundary Unit.



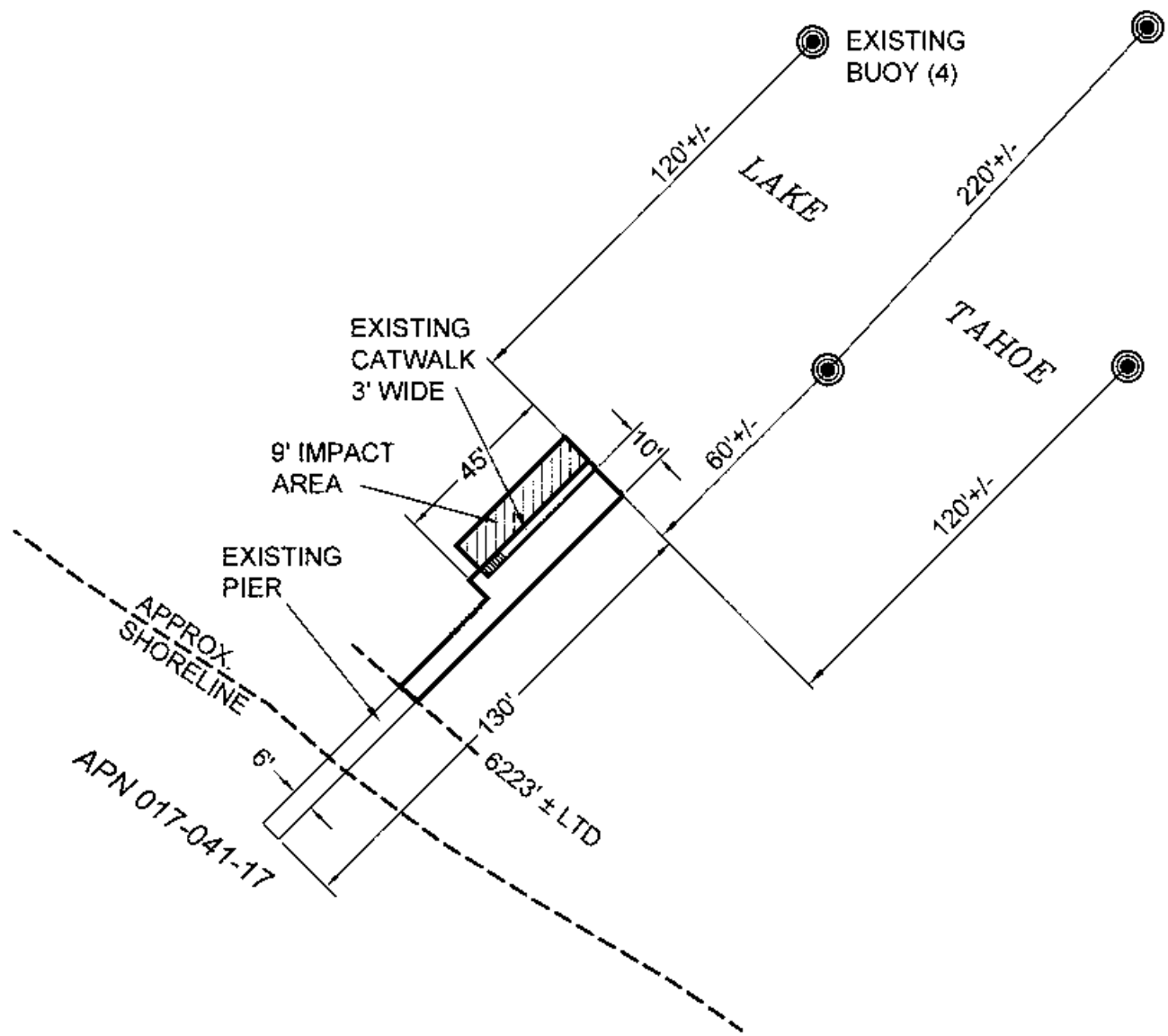


EXHIBIT A

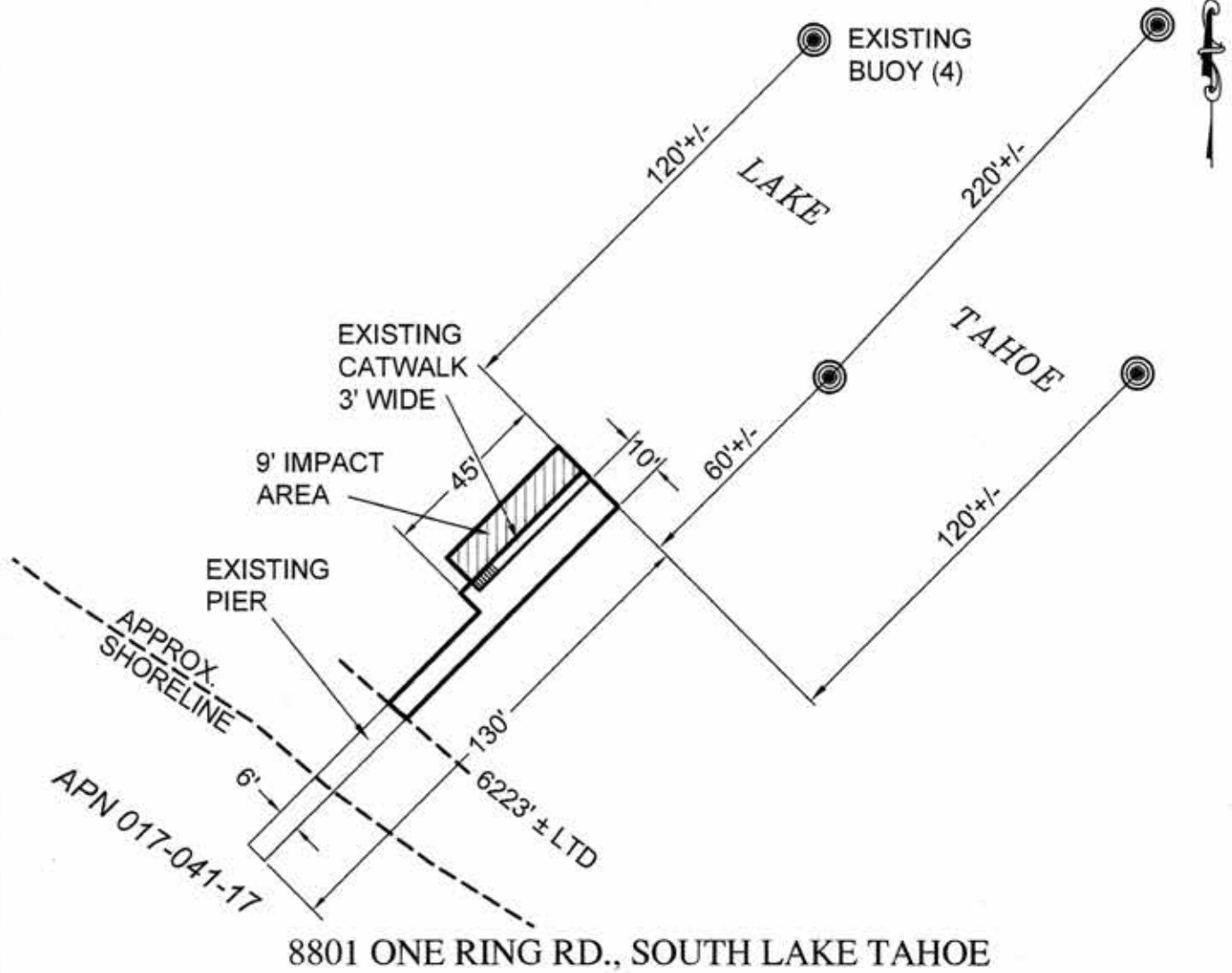
LAND DESCRIPTION PLAT
PRC 8251.1, GREEN
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

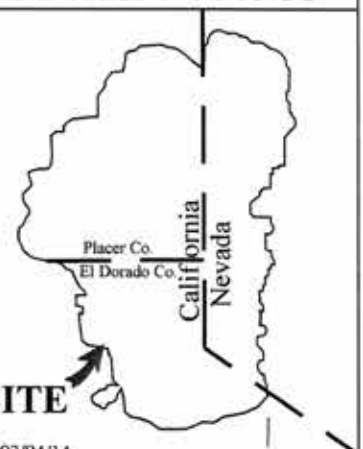
Exhibit B

PRC 8251.1

GREEN

APN 017-041-17

GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



TS 03/04/14

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.