

**CALENDAR ITEM
C25**

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04/23/14
PRC 5489.1
J. Sampson

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Marilyn B. Winters, Trustee, Leo H. Winters and Marilyn B. Winters Revocable
1989 Trust.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3840 North Lake Boulevard, near
Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of a pier and one mooring buoy.

LEASE TERM:

10 years, beginning May 1, 2014.

CONSIDERATION:

\$786 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:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.

2. The proposed lease contains a provision which requires the Applicant 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 a FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the ordinances. TRPA is presently evaluating its response. At such time as additional information is available, Commission staff will advise the Commission on any suggested

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modifications to the process used by the Commission pending resolution of the TRPA EIS and ordinance issues.

3. 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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On October 6, 2004, the Commission authorized a Recreational Pier Lease to Leo H. Winters and Marilyn B. Winters, Trustees, Leo H. Winters and Marilyn B. Winters Revocable 1989 Trust. That lease expires on April 30, 2014. On November 7, 2012, Marilyn B. Winters became the sole Trustee. The Lessee is now applying for a new General Lease – Recreational Use.
3. 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).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

4. 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

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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 Marilyn B. Winters, Trustee, Leo H. Winters and Marilyn B. Winters Revocable 1989 Trust beginning May 1, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier and one mooring buoy 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 \$786, 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 5489.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 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 and stairs lying adjacent to that parcel as described in Exhibit A of that Quitclaim Deed recorded November 7, 2012, Document Number 2012-0105261 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCEL 2 – MOORING BUOY

One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing mooring buoy lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 29, 2014 by The California State Lands Commission Boundary Unit.



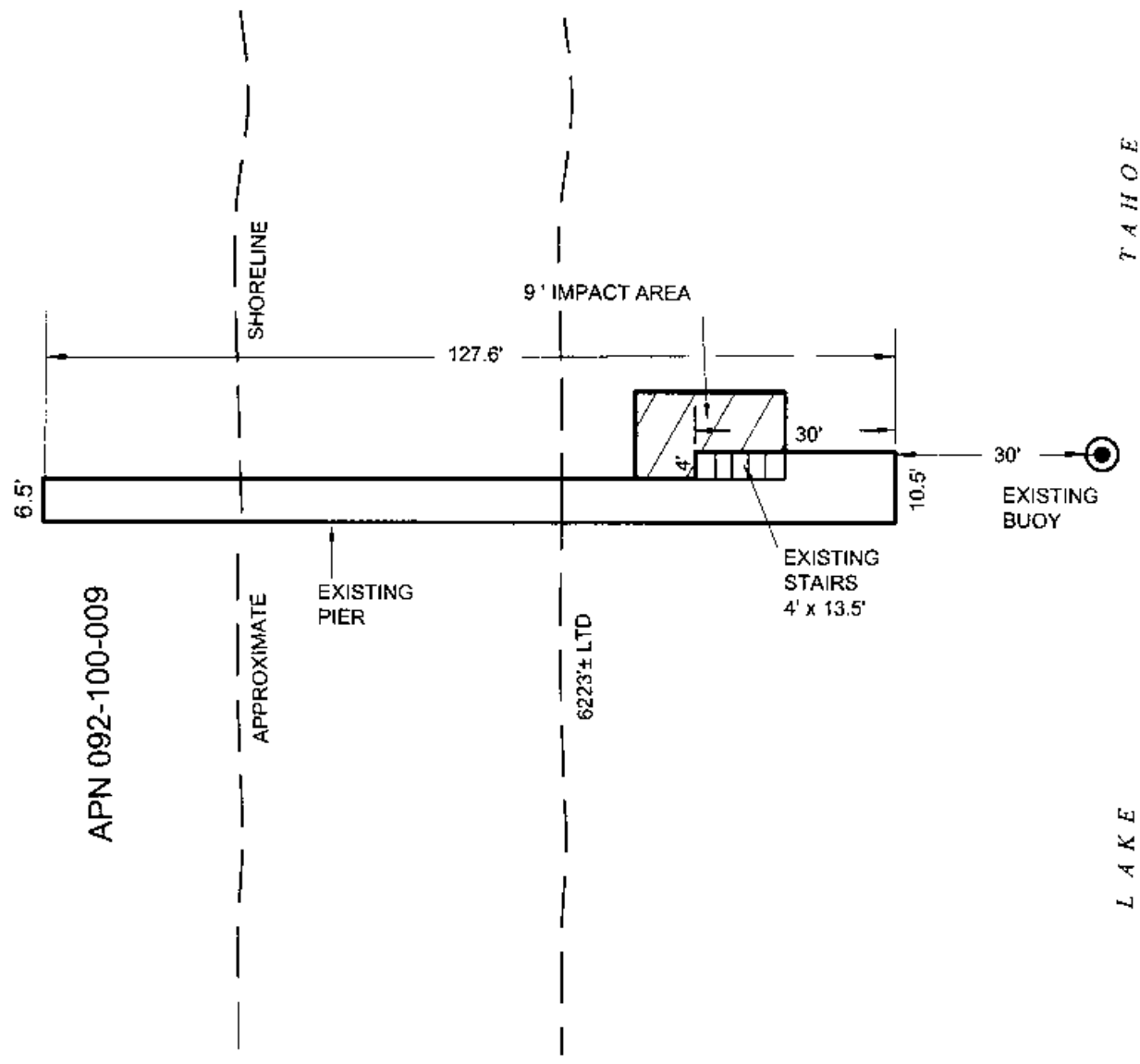


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 5489.1, WINTERS
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



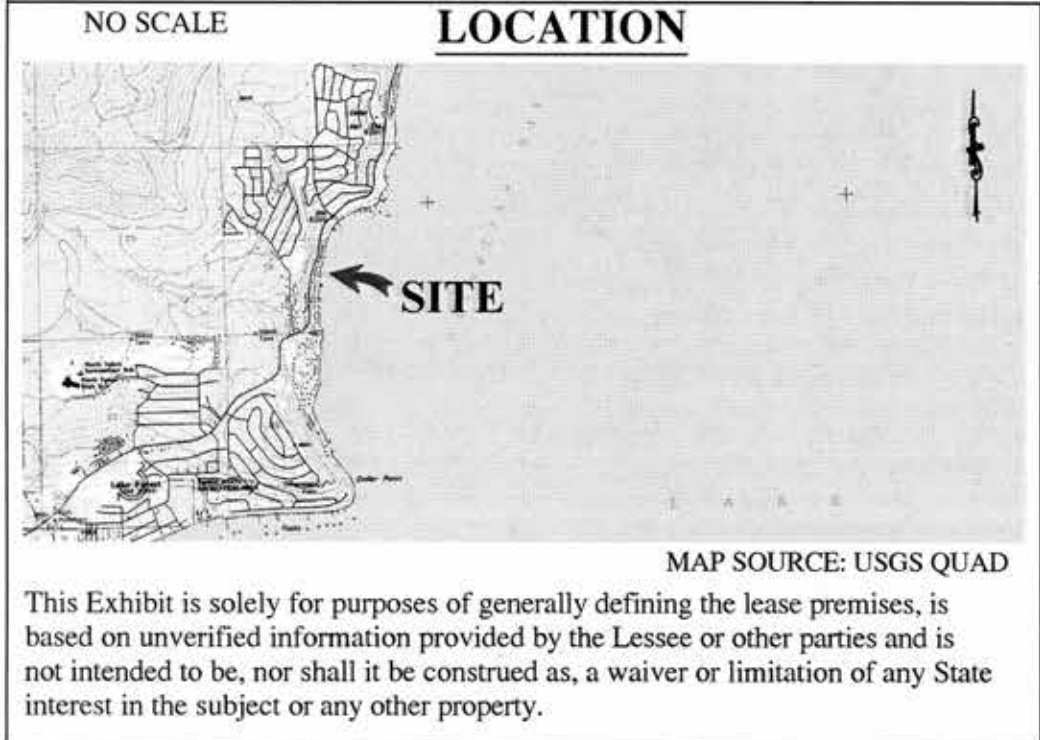
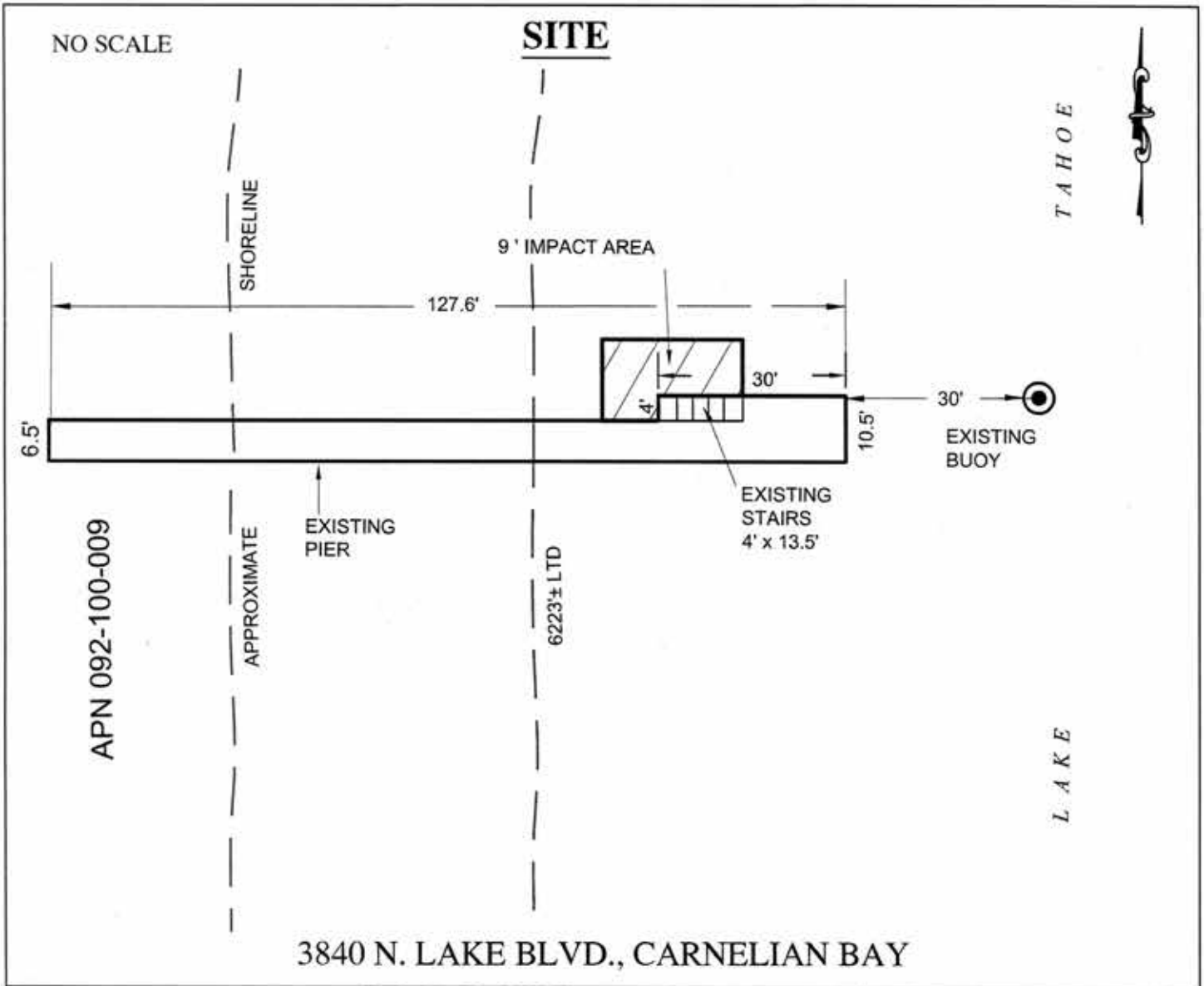


Exhibit B
 PRC 5489.1
 WINTERS
 APN 092-100-009
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY

