

**CALENDAR ITEM
C26**

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04/23/14
PRC 4850.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Richard L. Martucci and Carol T. Martucci; Margaret M. Dolan, Trustee of the Dolan Family Trust, Under Declaration of Trust dated November 2, 1995, for the Benefit of John P. Dolan and Margaret M. Dolan and Others; Maureen B. Booker, as Trustee of the Maureen B. Booker Trust, UDT dated August 25, 2009; Maureen B. Booker; Francis J. Dolan and Catherine Lisa Dolan, Trustees of the Frank and Lisa Dolan Revocable Trust dated April 9, 1999; Francis J. Dolan; Erin Dolan; Brenda Flegal; and Margaret R. McNamara.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5736 and 5744 North Lake Boulevard, near Agate Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and boathouse previously authorized by the Commission; and the use and maintenance of two existing boat lifts and two mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning April 23, 2014.

CONSIDERATION:

\$2,269 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 an amount 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 buoys within two years after the adoption of

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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 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. The Applicants own the uplands adjoining the lease premises.
2. On October 7, 1988, the Commission authorized a 10-year Recreational Pier Permit to William A. Shaw for an existing pier and boathouse adjacent to 5744 North Lake Boulevard. That permit expired on October 6, 1998. The upland ownership has since been deeded to Richard L. Martucci and Carol T. Martucci.
3. Although the pier and boathouse with two boat lifts extends from 5744 North Lake Boulevard, they are now shared with 5736 North Lake Boulevard, which is owned by Margaret M. Dolan, Trustee, et al. Applicants are now applying for a General Lease – Recreational Use.
4. The Applicants' two boat lifts and two mooring buoys have been in Lake Tahoe for many years but were not previously authorized by the Commission. Staff recommends bringing the two boat lifts and two mooring buoys under lease, subject to the Applicants obtaining TRPA permit authorization as required in the lease.
5. 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.

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:

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 Richard L. Martucci and Carol T. Martucci; Margaret M. Dolan, Trustee of the Dolan Family Trust, Under Declaration of Trust dated November 2, 1995, for the Benefit of John P. Dolan and Margaret M. Dolan and Others; Maureen B. Booker, as Trustee of the Maureen B. Booker Trust, UDT dated August 25, 2009; Maureen B. Booker; Francis J. Dolan and Catherine Lisa Dolan, Trustees of the Frank and Lisa Dolan Revocable Trust dated April 9, 1999; Francis J. Dolan; Erin Dolan; Brenda Flegal; and Margaret R. McNamara

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beginning April 23, 2014, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier and boathouse previously authorized by the Commission; and use and maintenance of two boat lifts and two mooring buoys 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 \$2,269, 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 4850.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 15, 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 – JOINT-USE PIER

All those lands underlying an existing pier, boathouse with 2 boat lifts and catwalks lying adjacent to that Lot as described in Exhibit A of that Grant Deed recorded July 12, 2010 as Document Number 2010-0052457 and Exhibit "A" of that Grant Deed recorded February 19, 1998 as Document Number 98-0010341 in Official Records of said County.

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

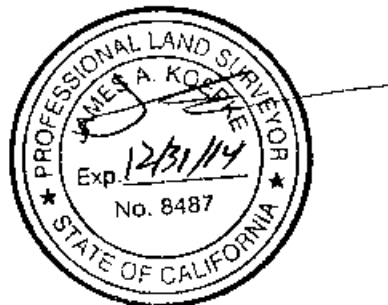
PARCELS 2 & 3 – BUOYS

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared January 28, 2014 by the California State Lands Commission Boundary Unit.



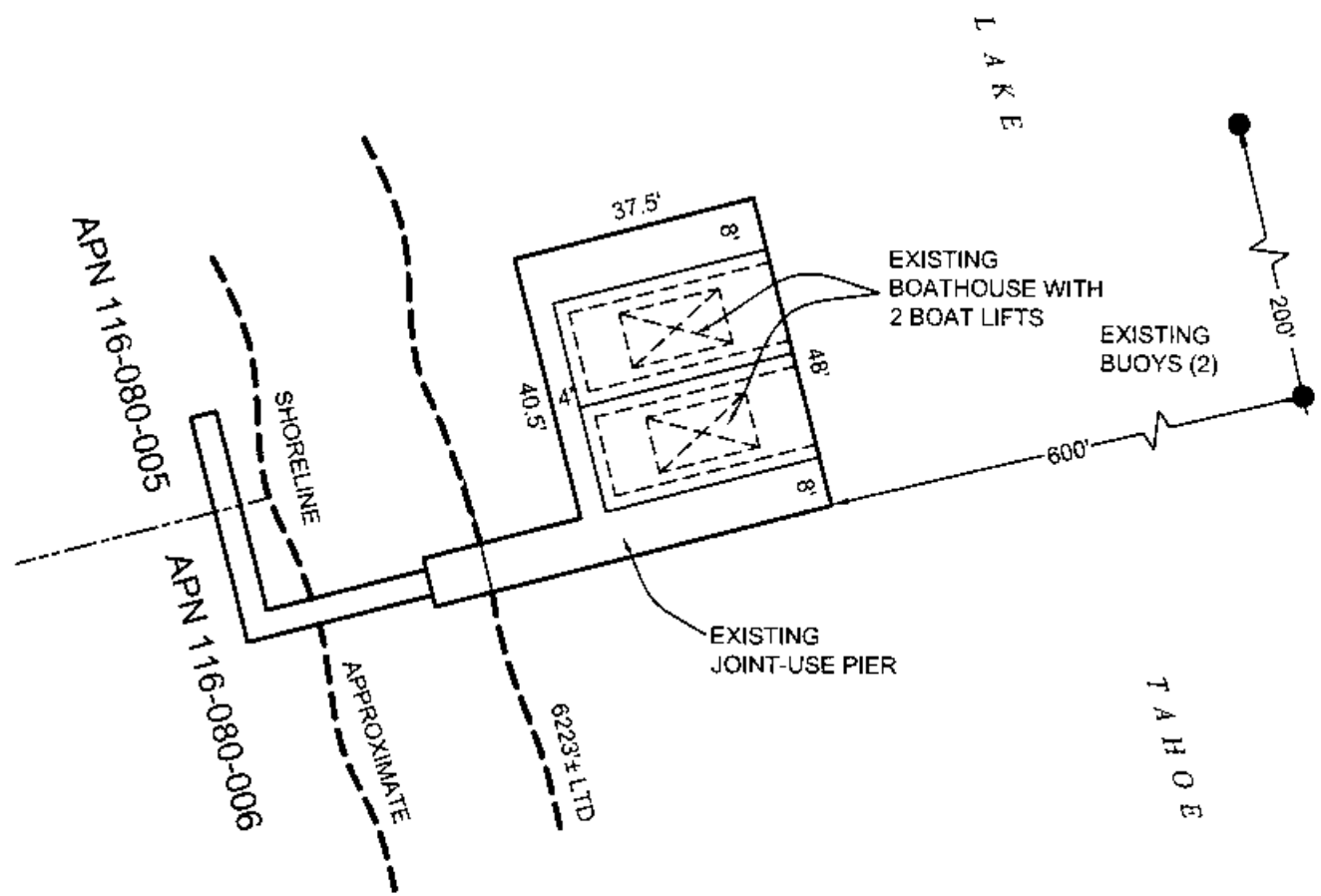


EXHIBIT A

MJJ 01/07/14

LAND DESCRIPTION PLAT
 PRC 4850.1, MARTUCCI / DOLAN TRUST, ET AL
 PLACER COUNTY

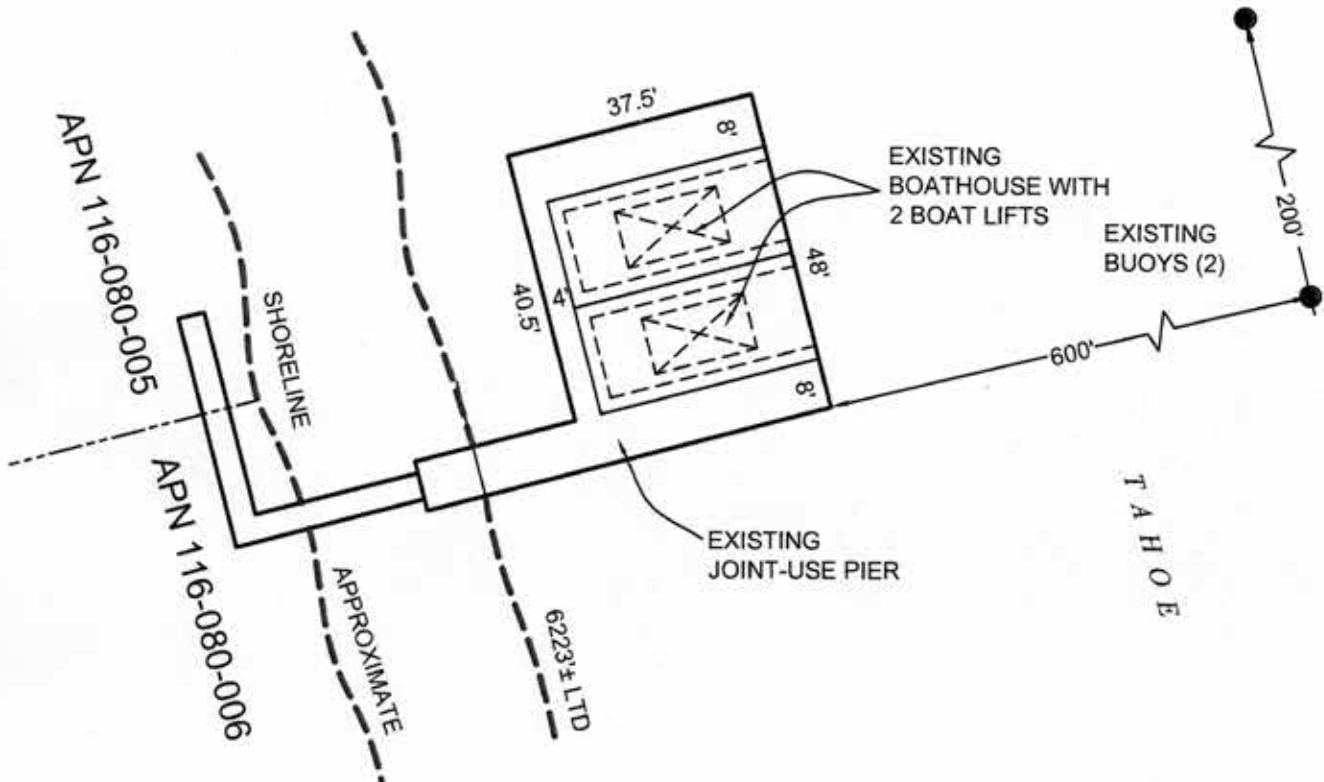
CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

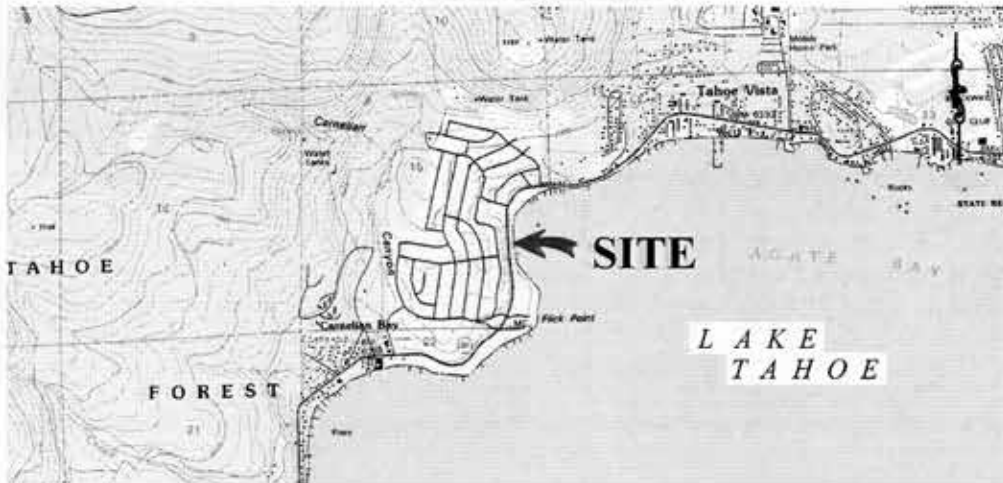
L A K E



5736 AND 5744 NORTH LAKE BLVD., NEAR AGATE BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4850.1

MARTUCCI / DOLAN TRUST, ET AL

APN 116-080-005 & 006

GENERAL LEASE -

RECREATIONAL USE

PLACER COUNTY



MJJ 03/14/14

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.