

**CALENDAR ITEM
C15**

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06/19/14
PRC 5560.1
M.J. Columbus

**RESCISSION OF APPROVAL AND ISSUANCE OF GENERAL LEASE –
RECREATIONAL USE**

APPLICANTS:

Joanne C. Taylor or her successor(s) as Trustee of the Joanne C. Taylor Trust certified under Agreement dated June 29, 1993; Joanne C. Taylor and Carrie Hughes Taylor, Co-Trustees of the Carrie Hughes Taylor Trust under the Will of Edward H. Taylor; Bruce C. Taylor and Linda R. Taylor, Trustees of the Bruce and Linda Taylor Family Trust dated November 27, 2002; Jeffrey Edward Taylor; Stephen Bruce Taylor

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2580 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier previously authorized by the Commission, and the use and maintenance of two existing mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 19, 2014.

CONSIDERATION:

\$1,293 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 a Final

CALENDAR ITEM NO. C15 (CONT'D)

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 the 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 December 16, 1998, the Commission authorized a 10-year Recreational Pier Lease with Joanne C. Taylor, Trustee of the Joanne C. Taylor Trust dated June 29, 1993. That lease expired on September 26, 2008. Joanne C. Taylor Trustee, deeded a portion of her interest in the upland to Joanne C. Taylor and Carrie Hughes Taylor, Co-Trustees of the Carrie Hughes Taylor Trust under the Will of Edward H. Taylor; Bruce C. Taylor and Linda R. Taylor, Trustees of the Bruce and Linda Taylor Family Trust Dated November 27, 2002; Jeffrey Edward Taylor; Stephen Bruce Taylor. Applicants are now applying for a General Lease – Recreational Use for the continued use and maintenance of an existing pier previously authorized by the Commission and two existing mooring buoys not previously authorized by the Commission.
3. The Applicants' two existing mooring buoys have been in Lake Tahoe for many years, but were not previously authorized by the Commission. Staff recommends including the existing mooring buoys in the lease.
4. On December 2, 2013, the Commission authorized a General Lease – Recreational Use to the Applicants. On January 23, 2014, the Commission adopted amendments to Sections 1900, 2002, and 2003 of the California Code of Regulations pertaining to its leasing regulations, which resulted in a change to the Commission's practice in terms of

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

assessing rent and the impact area surrounding piers. The Applicants did not execute the lease approved on December 2, 2013, and are now requesting that the lease be revised to change the rent and impact area. Therefore, staff recommends that the authorization for issuance of Lease No. PRC 5560.1 at the December 2, 2013 be rescinded.

5. **Rescind Approval of Lease:** The staff recommends that the Commission find that the subject rescission of lease approval does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

7. 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:

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

CEQA FINDING:

Rescind Approval of Lease: Find that the subject rescission of lease approval is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease: 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:

1. Authorize rescission of the Commission's approval of Lease No. PRC 5560.1, a General Lease – Recreational Use, at the December 2, 2013, meeting.

2. Authorize issuance of a General Lease – Recreational Use to Joanne C. Taylor or her successor(s) as Trustee of the Joanne C. Taylor Trust certified under agreement dated June 29, 1993; Joanne C. Taylor and Carrie Hughes Taylor, Co-Trustees of the Carrie Hughes Taylor Trust under the Will of Edward H. Taylor; Bruce C. Taylor and Linda R. Taylor, Trustees of the Bruce and Linda Taylor Family Trust dated November 27, 2002; Jeffrey Edward Taylor; Stephen Bruce Taylor beginning June 19, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier previously authorized by the Commission and use and maintenance of two existing 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 \$1,293 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 5560.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 24, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and two catwalks lying adjacent to that parcel described in Quitclaim Deed recorded May 16, 2003 as Document Number 2003-0076082 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.

PARCEL 2 & 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Quitclaim Deed recorded May 16, 2003 as Document Number 2003-0076082 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 04/30/2014 by the California State Lands Commission Boundary Unit.



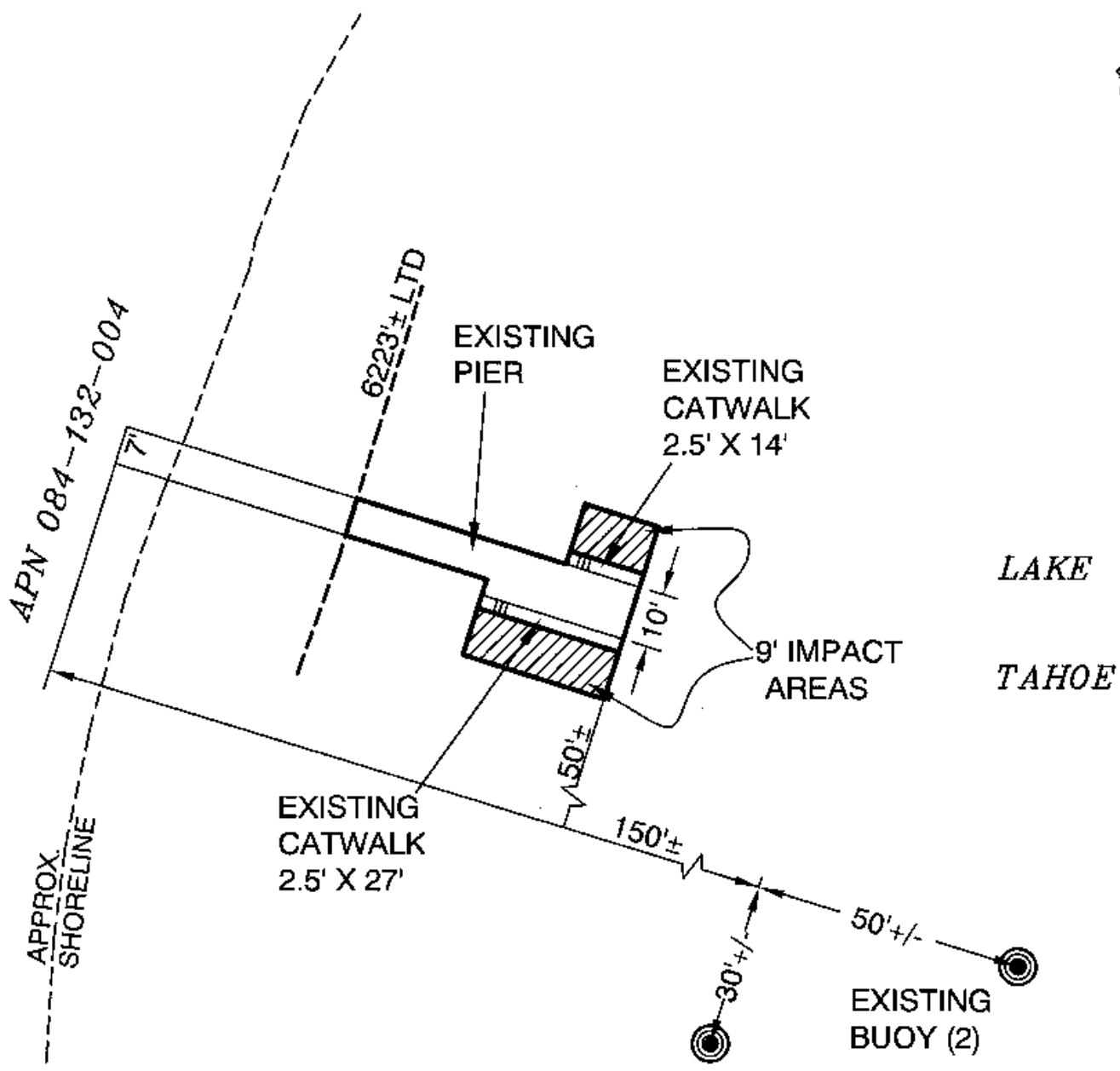


EXHIBIT A

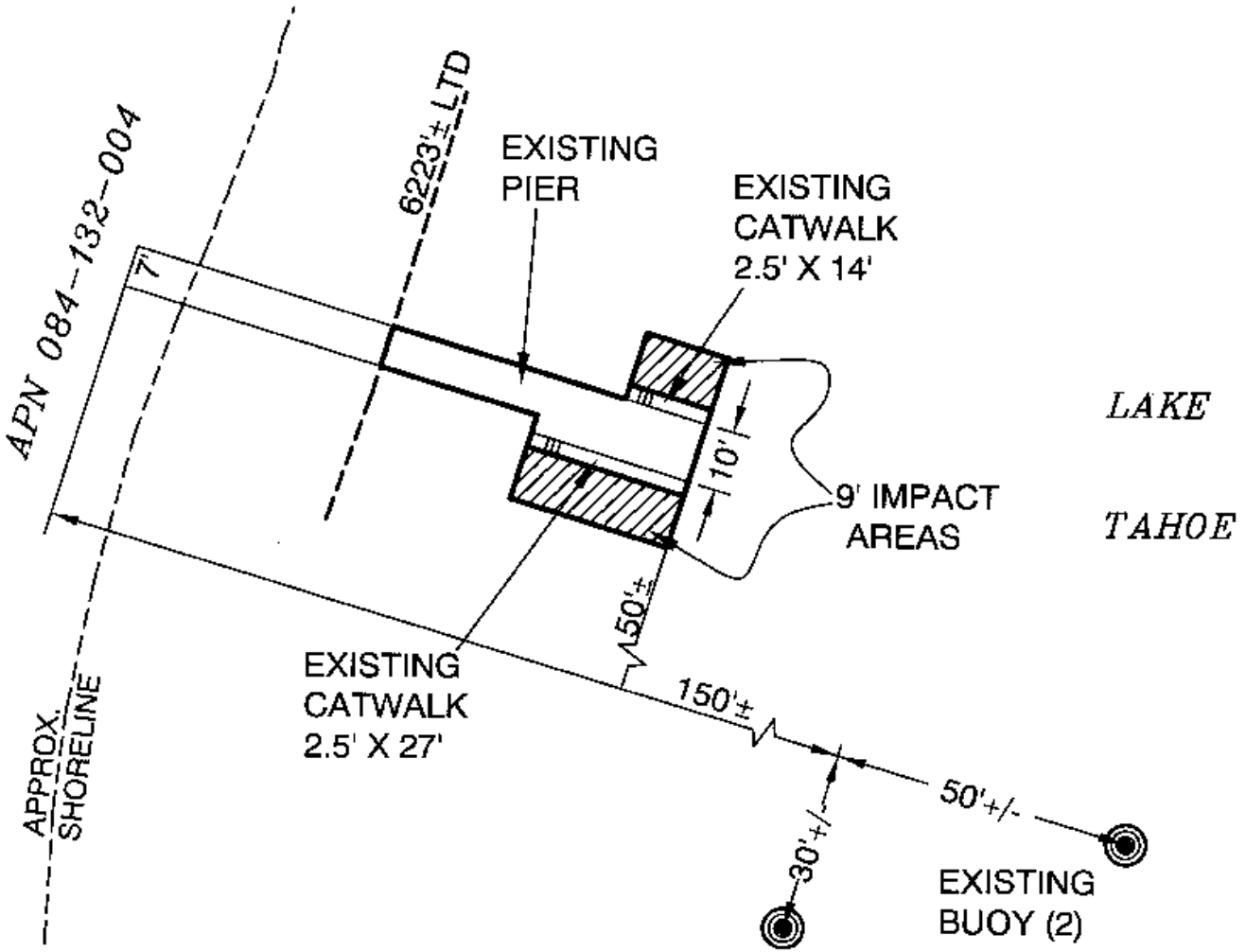
LAND DESCRIPTION PLAT
PRC 5560.1, TAYLOR
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



2580 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

LOCATION

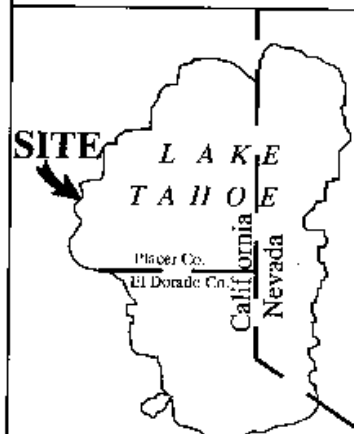


MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 5560.1
 TAYLOR
 APN 084-132-004
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY



T'S 04/30/14