

**CALENDAR ITEM
C39**

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06/19/14
PRC 6609.1
M. Schroeder

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Susan E. Baker, Trustee of the Susan E. Baker Trust dated May 30, 2003

APPLICANT:

Anne Crowley, and her successor(s), as the Trustee of the Reilly 2012 Irrevocable Trust, which is established under the Reilly 2012 Irrevocable Trust Agreement dated December 19, 2012

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5850 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, two unattached pilings, and two mooring buoys.

LEASE TERM:

10 years, beginning December 24, 2012.

CONSIDERATION:

\$1,602 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 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

CALENDAR ITEM NO. **C39** (CONT'D)

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. Applicant owns the upland parcel adjoining the lease premises.
2. On August 24, 2006, the Commission authorized a 10-year Recreational Pier Lease to Susan E. Baker, Trustee of the Susan E. Baker Trust dated May 30, 2003. That lease will expire on April 6, 2016. On December 24, 2012, the upland was deeded to Anne Crowley, and her successor(s), as the Trustee of the Reilly 2012 Irrevocable Trust, which is established under the Reilly 2012 Irrevocable Trust Agreement dated December 19, 2012. The Applicant is now applying for a new General Lease – Recreational Use. Staff recommends termination of the existing lease because the Lessee cannot be located for execution of a lease quitclaim deed.
3. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination 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.

4. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically

CALENDAR ITEM NO. **C39** (CONT'D)

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:

Lease Termination: Find that the subject lease termination 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 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.

CALENDAR ITEM NO. **C39** (CONT'D)

AUTHORIZATION:

1. Authorize termination, effective December 23, 2012, of Lease No. PRC 6609.9, a Recreational Pier Lease, issued to Susan E. Baker, Trustee of the Susan E. Baker Trust dated May 30, 2003.

2. Authorize issuance of a General Lease – Recreational Use to Anne Crowley, and her successor(s), as the Trustee of the Reilly 2012 Irrevocable Trust, which is established under the Reilly 2012 Irrevocable Trust Agreement dated December 19, 2012, beginning December 24, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, two unattached pilings, and two 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 \$1,602, 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 6609.1

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 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 – PIER

All those lands underlying an existing pier and two catwalks lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded December 24, 2012, Document Number 2012-0124092 in Official Records of said County.

PARCELS 2, 3 – UNATTACHED PILINGS (2)

All those lands underlying two existing unattached pilings lying adjacent to said parcel.

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.

PARCELS 4, 5 – BUOYS (2)

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared February 7, 2014 by
The California State Lands Commission Boundary Unit.





T A H O E

EXISTING BUOYS (2)

L A K E

APN 116-060-006

SHORELINE

APPROXIMATE

6223± LTD

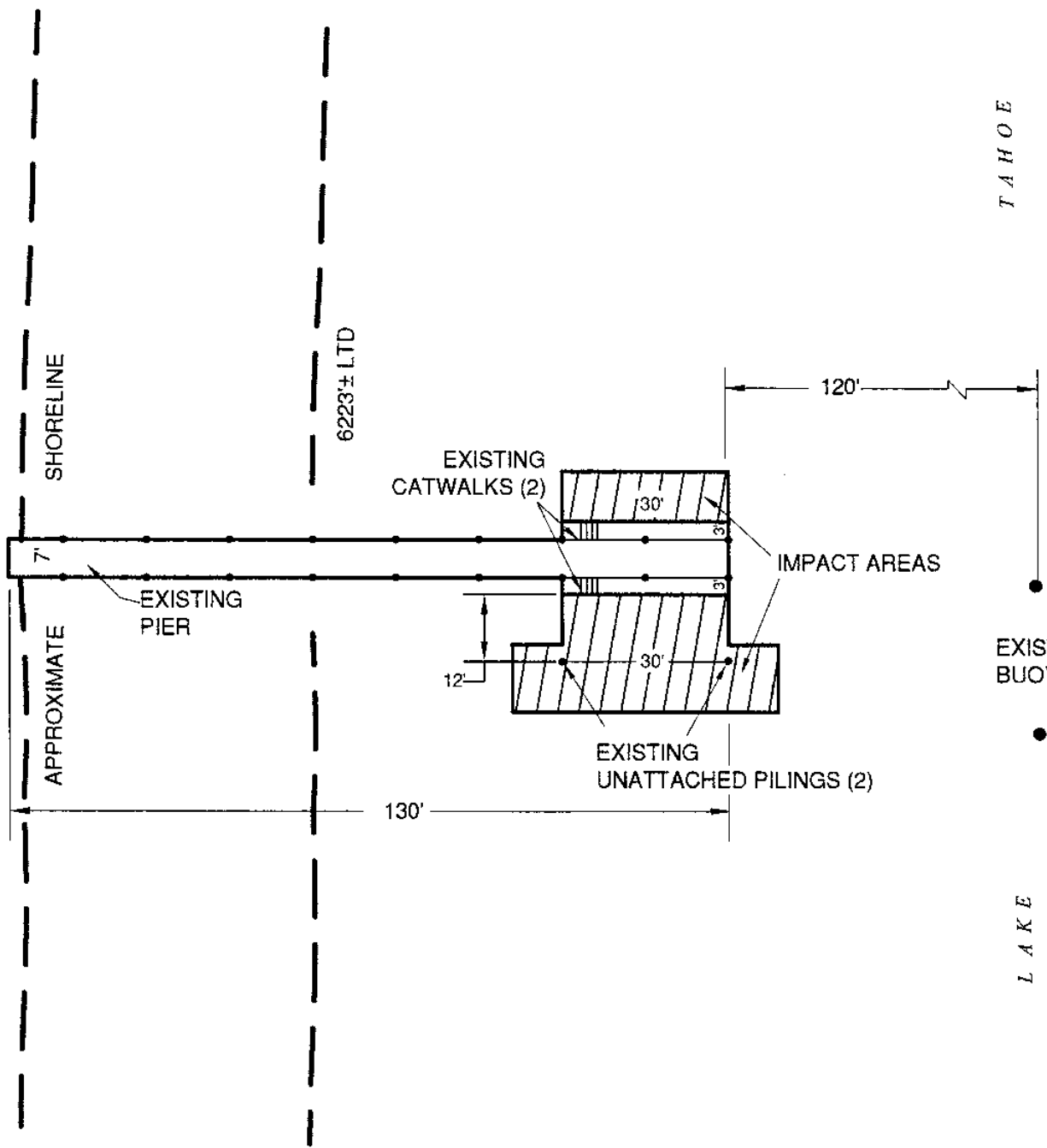


EXHIBIT A

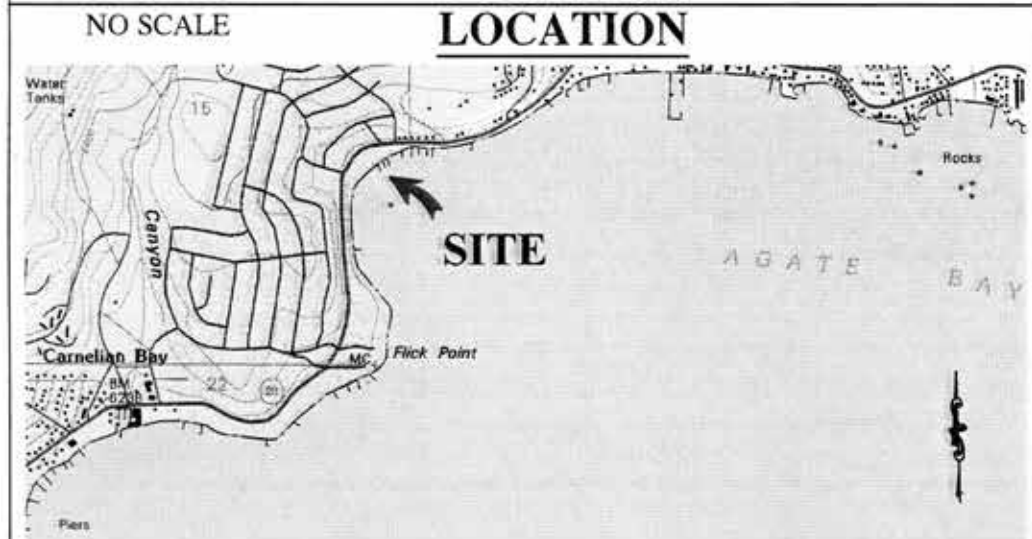
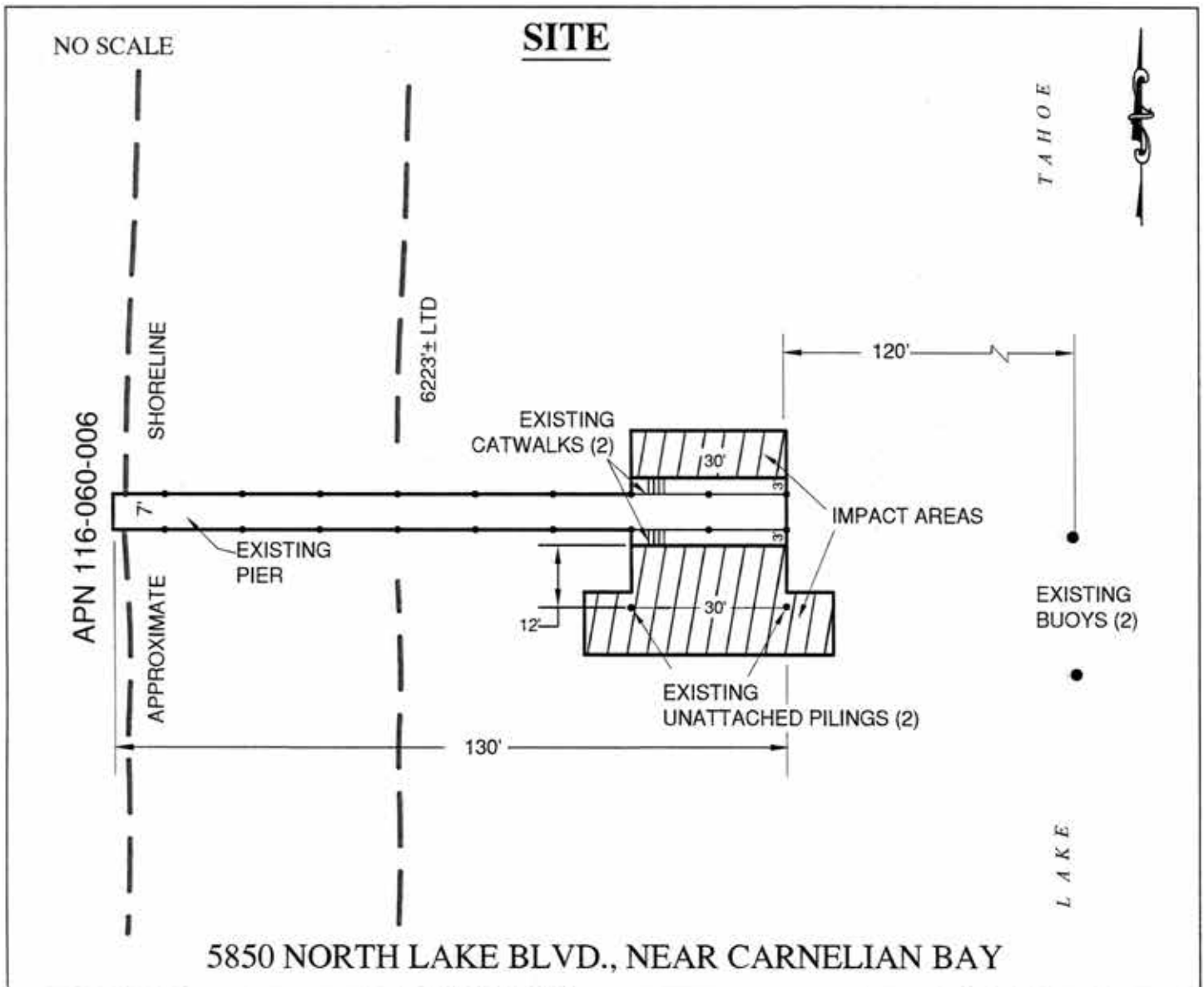
Page 2 of 2

MJJ 02/05/2014

LAND DESCRIPTION PLAT
PRC 6609.1, REILLY TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION





MAP SOURCE: USGS QUAD

Exhibit B
 PRC 6609.1
 REILLY TRUST
 APN 116-060-006
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 01/05/2014

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.