

**CALENDAR ITEM
C43**

A 4
S 1

10/19/12
PRC 8356.1
B. Terry

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Stephen J. Gordon, Trustee of the Stephen J. Gordon Revocable Trust; and
Jeffrey P. Lanini and Krista D. Lanini

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8770 and 8774 Brockway Vista
Avenue, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, boat lift, and four
mooring buoys.

LEASE TERM:

10 years, beginning October 19, 2012.

CONSIDERATION:

\$2,877 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 the amount of no less than \$1,000,000.

Other:

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
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

CALENDAR ITEM NO. **C43** (CONT'D)

Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland parcels, Assessor's Parcel Numbers (APN) 090-231-030 and 090-231-031, adjoining the lease premises.
2. On November 26, 2001, the Commission authorized a Recreational Pier Lease with Stephen Gordon and Christine Gordon and Jeffrey Lanini and Krista Lanini. That lease expired on November 30, 2011. On March 24, 2006, the ownership of APN 090-231-030 was deeded to Stephen J. Gordon, Trustee of the Stephen J. Gordon Revocable Trust. Applicants are now applying for a new General Lease – Recreational Use.
3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands". The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The Applicants do not qualify for an exception and the lease is subject to rent because the application and fees were received after March 31, 2011.

4. 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.

CALENDAR ITEM NO. **C43** (CONT'D)

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 Stephen J. Gordon, Trustee of the Stephen J. Gordon Revocable Trust; and Jeffrey P. Lanini and Krista D. Lanini, beginning October 19, 2012, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier, boat lift, 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 \$2,877, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

PRC 8356.1

LAND DESCRIPTION

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 19, Township 16 North, Range 18 East, MDM., as shown on Official Government Township Plat approved January 29, 1875, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and boatlift lying adjacent to that parcel as described in that Interspousal Transfer Grant Deed recorded February 13, 2004 as Document Number 2004-0015187 and those lots as described in that Grant Deed recorded August 18, 2008 as Document Number 2008-0066695-00 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

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

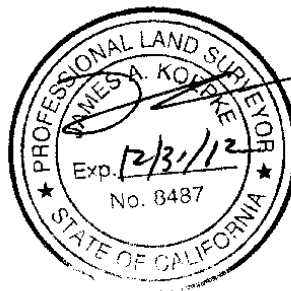
PARCELS 2, 3, 4 & 5 – BUOYS

Four (4) circular parcels of land, each being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to said parcels and lots as described in said Interspousal Transfer Deed and Grant Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared September 19, 2012 by the California State Lands Commission Boundary Unit.



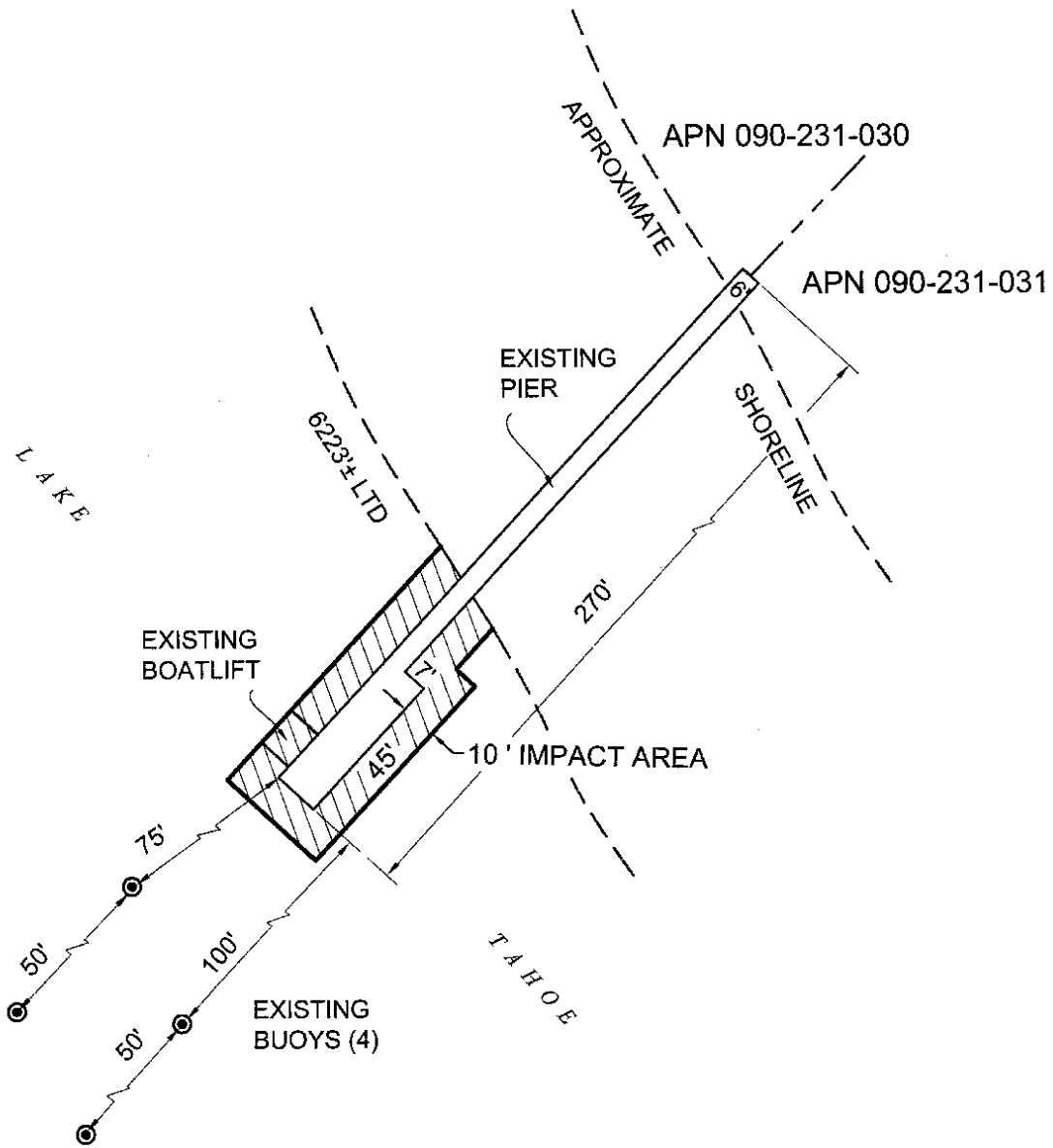


EXHIBIT A

Page 2 of 2

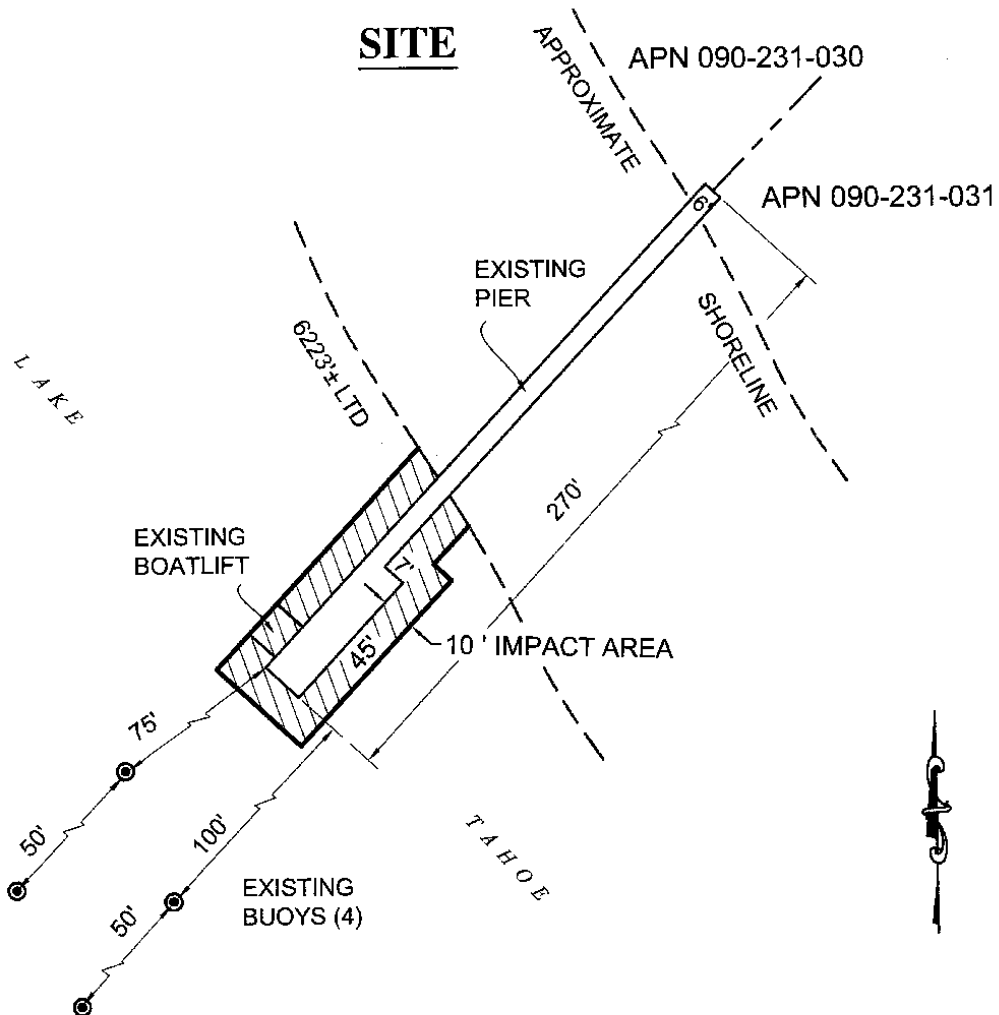
MJJ 09/18/12

LAND DESCRIPTION PLAT
PRC 8356.1, LANINI/GORDON
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION

NO SCALE

SITE



8770 & 8774 BROCKWAY VISTA AVE., NEAR KINGS BEACH

NO SCALE

LOCATION

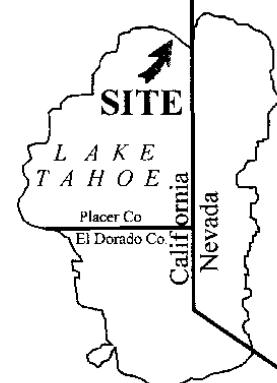


MAP SOURCE: USGS QUAD

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 8356.1
LANINI/GORDON
APN 090-231-030 & 031
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MJJ 09/18/12