

**CALENDAR ITEM  
C43**

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S 1

06/21/13  
PRC 8358.1  
M. Schroeder

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Robert L. Gotelli and Kelly J. Gotelli, Trustees of the Gotelli Family Trust U/A dated August 20, 2003

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 4800 West Lake Boulevard, near Homewood, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys.

**LEASE TERM:**

10 years, beginning June 21, 2013.

**CONSIDERATION:**

\$754 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:

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 Commission on any suggested modifications to the process used by the

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

Commission pending resolution of the TRPA FEIS and amended ordinance issues.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland parcel adjoining the lease premises.
2. On November 26, 2001, the Commission authorized a 10-year Recreational Pier Lease to Frederick S. Strain for four existing mooring buoys. The Lessee owned two neighboring parcels, Assessor's Parcel Numbers (APN) 097-084-012 and 097-084-013, each with two buoys offshore. The lease expired May 31, 2011.
3. On September 9, 2011, the upland ownership of APN 097-084-012 was deeded to Robert L. Gotelli and Kelly J. Gotelli, Trustees of the Gotelli Family Trust. The Applicants are now applying for a General Lease – Recreational Use for the continued use and maintenance of the two existing mooring buoys adjacent to APN 097-084-012.
4. On September 2, 2011, the upland ownership of APN 097-084-013 was deeded to Bullseye Farms. On the same date, Bullseye Farms also purchased adjacent APN 097-084-014 (owned by separate Strain Trusts) and then combined these two parcels through a boundary line adjustment into one parcel APN 097-084-025 on May 10, 2012. Bullseye Farms has also applied for a separate lease, PRC 4091.1, to include the two mooring buoys that were previously adjacent to APN 097-084-013. That application is also before the Commission at the June 21, 2013 meeting.
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, 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.

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

**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 Robert L. Gotelli and Kelly J. Gotelli, Trustees of the Gotelli Family Trust U/A dated August 20, 2003, beginning June 21, 2013, for a term of 10 years, for the continued use and maintenance of two existing 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 \$754 per year, 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 8358.1**

**LAND DESCRIPTION**

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 1, Township 14 North, Range 16 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 & 2- BUOYS**

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to those Parcels as described in Exhibit "A" of that Grant Deed recorded September 9, 2011 as Document Number 2011-0070339-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared March 25, 2013 by the California State Lands Commission Boundary Unit.





L A K E

EXISTING  
BUOYS (2)

J A H O E

6223± LTD

APPROXIMATE

APN 097-084-012

165'

223'

SHORELINE

# EXHIBIT A

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MJJ 03/25/13

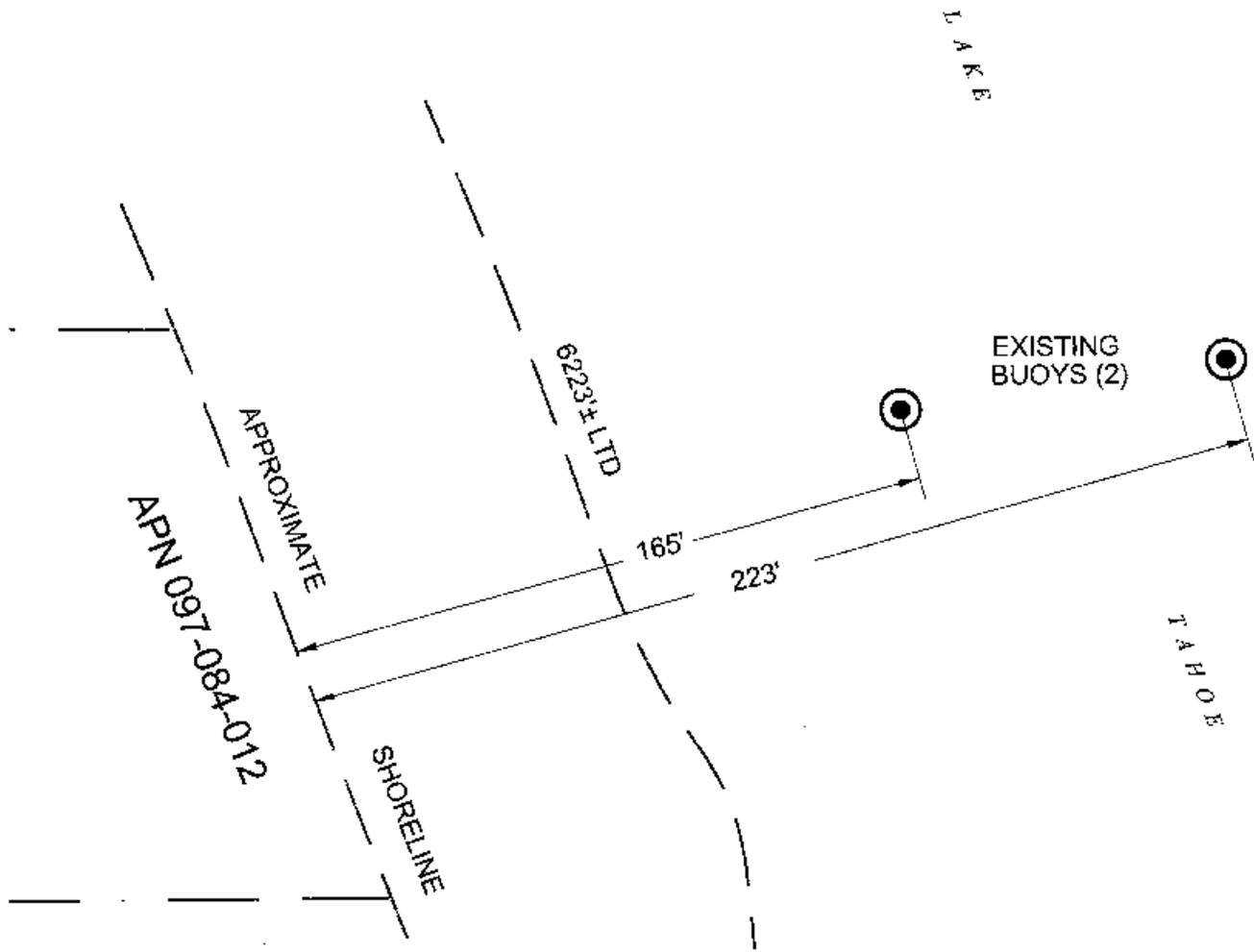
LAND DESCRIPTION PLAT  
PRC 8358.1, GOTELLI TRUST  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE



4800 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

# LOCATION

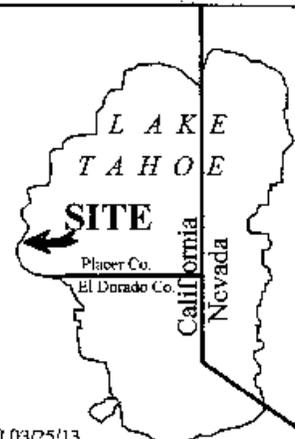


MAP SOURCE: USGS QUAD

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 8358.1  
 GOTELLI TRUST  
 APN 097-084-012  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



MDJ 03/25/13