

**CALENDAR ITEM
C02**

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09/20/13
PRC 7459.9
G. Asimakopoulos

ASSIGNMENT OF LEASE

LESSEES/ASSIGNORS:

Herbert L. Damner and Arville B. Damner, Trustees of the Herbert L. Damner and Arville B. Damner Revocable Trust U/D/T dated September 25, 1998

APPLICANTS/ASSIGNEES:

John R. Grigsby and Patricia A. Grigsby, Trustees of the John R. Grigsby and Patricia A. Grigsby Revocable Trust dated September 24, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 36 Moana Circle, near Homewood, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning September 6, 2006.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$300,000 per occurrence.

Other:

The 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

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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.

OTHER PERTINENT INFORMATION:

1. Assignees own the upland adjoining the lease premises.
2. On February 5, 2007, the Commission authorized a Recreational Pier Lease with Herbert L. Damner and Arville B. Damner, Trustees of the Herbert L. Damner and Arville B. Damner Revocable Trust U/D/T dated September 25, 1998, for an existing pier and two mooring buoys. That lease will expire on September 5, 2016. On October 31, 2012, the upland parcel was deeded to John R. Grigsby and Patricia A. Grigsby, Trustees of the John R. Grigsby and Patricia A. Grigsby Revocable Trust dated September 24, 2003. The Applicants are now applying for an assignment of the lease.
3. The staff recommends that the Commission find that the subject lease assignment 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease assignment 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.

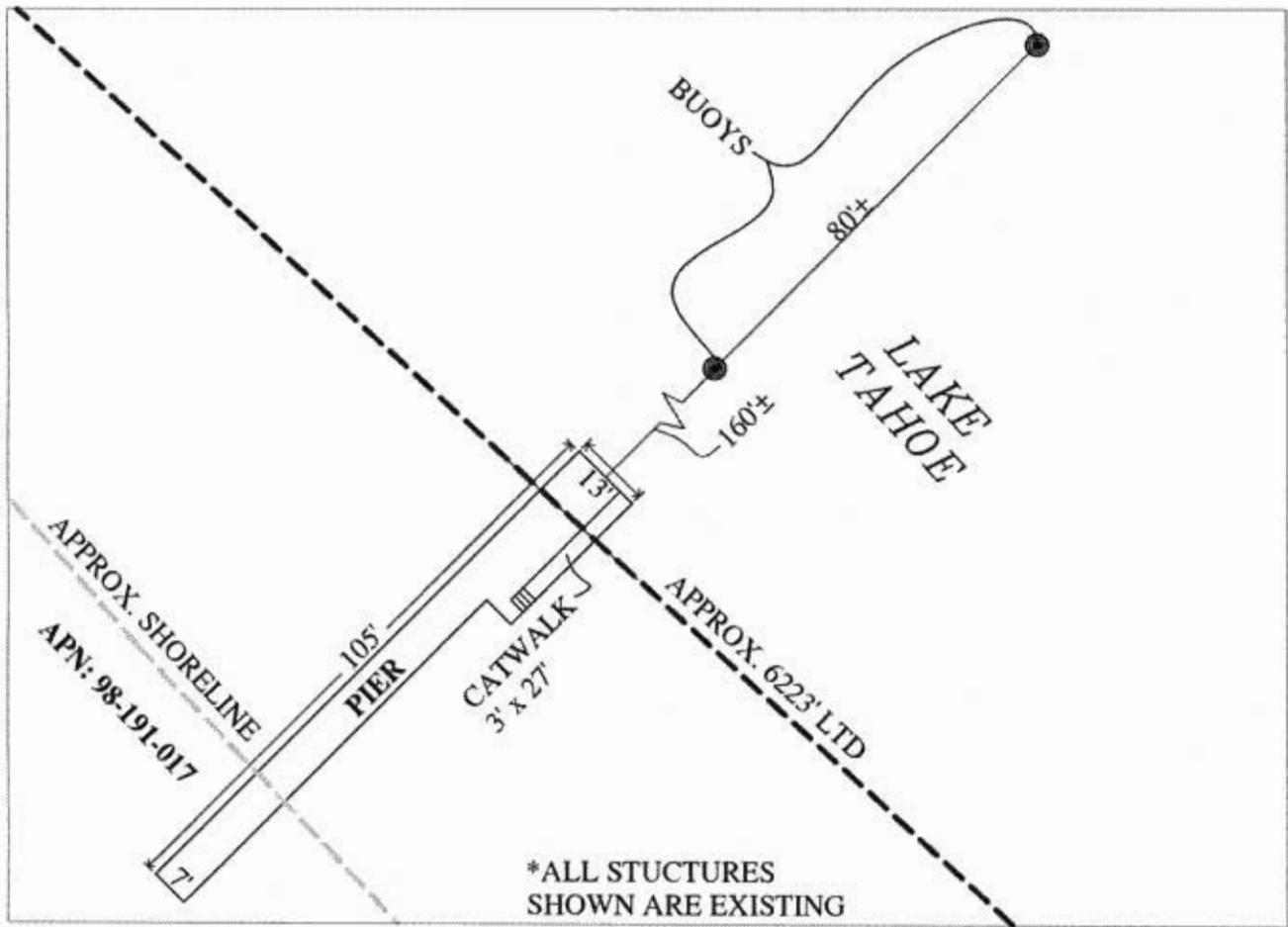
CALENDAR ITEM NO. **C02** (CONT'D)

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 7459.9, a Recreational Pier Lease, of sovereign land as shown on Exhibit A, from Herbert L. Damner and Arville B. Damner, Trustees of the Herbert L. Damner and Arville B. Damner Revocable Trust U/D/T dated September 25, 1998, to John R. Grigsby and Patricia A. Grigsby, Trustees of the John R. Grigsby and Patricia A. Grigsby Revocable Trust dated September 24, 2003, effective August 23, 2013.

NO SCALE

SITE



36 MOANA CIRCLE, 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 A

PRC 7459.9
GRIGSBY
APN: 98-191-017
RECREATIONAL PIER LEASE
PLACER COUNTY



MPF 5/22/13