

**CALENDAR ITEM
C27**

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09/20/13
PRC 5120.1
W. Hall

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Gerald E. Johnston and Cynthia M. Johnston, Trustees of the Gerald E. Johnston and Cynthia M. Johnston Trust, under the Declaration of Trust dated April 26, 2002; Cyrus A. Johnson, Successor Trustee Under Revocable Trust Dated January 10, 1989; Stephen N. Gray and Carole J. Gray, Co-Trustees of the Gray Family Revocable Trust dated August 7, 1999, and William E. Landis and Julie H. Landis, Co-Trustees of the Landis Family Revocable Trust of 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe adjacent to 5020 and 5040 West Lake Boulevard, Homewood, Placer County

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning November 23, 2013.

CONSIDERATION:

\$2,426 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 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 of 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

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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 ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland parcels adjoining the lease premises. The joint-use pier is located between the two upland parcels and each parcel has the use of two mooring buoys.
2. On August 17, 2004, the Commission authorized a Recreational Pier Lease with Gerald E. Johnston and Cynthia M. Johnston, Trustees of the Gerald E. Johnston and Cynthia M. Johnston Trust, under the Declaration of Trust dated April 26, 2002; Cyrus A. Johnson, Successor Trustee under Revocable Trust dated January 10, 1989; Stephen N. Gray and Carole J. Gray, Co-Trustees of the Gray Family Revocable Trust dated August 7, 1999, and William E. Landis and Julie H. Landis, Co-Trustees of the Landis Family Revocable Trust of 1999. That lease expires on November 22, 2013.
3. During the application processing, staff was informed that Charlotte H. Johnson is deceased. Cyrus A. Johnson is the successor trustee, under Revocable Trust dated January 10, 1989. Applicants are now applying for a new General Lease - Recreational Use.
4. 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.

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

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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 Gerald E. Johnston and Cynthia M. Johnston, Trustees of the Gerald E. Johnston and Cynthia M. Johnston Trust, under the Declaration of Trust dated April 26, 2002; Cyrus A. Johnson, Successor Trustee under Revocable Trust dated January 10, 1989; Stephen N. Gray and Carole J. Gray, Co-Trustees of the Gray Family Revocable Trust dated August 7, 1999; and William E. Landis and Julie H. Landis, Co-Trustees of the Landis Family Revocable Trust of 1999, beginning November 23, 2013, for a term of 10 years, for the continued use and maintenance of an existing joint-use pier and four mooring buoys 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 \$2,426, 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 the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5120.1

LAND DESCRIPTION

Five parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 1, Township 14 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing joint-use pier and two catwalks lying adjacent to those parcels described in Grant Deed recorded August 1, 2007 as Document Number 2007-0076108-00 and Quitclaim Deed recorded October 27, 2000 as Document Number 2000-0080979 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.

PARCEL 2 & 5 – BUOYS

Four circular parcels of land, each being 50 feet in diameter, underlying four existing buoys lying adjacent to those parcels described in Grant Deed recorded August 1, 2007 as Document Number 2007-0076108-00 and Quitclaim Deed recorded October 27, 2000 as Document Number 2000-0080979 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 07/01/2013 by the California State Lands Commission Boundary Unit.



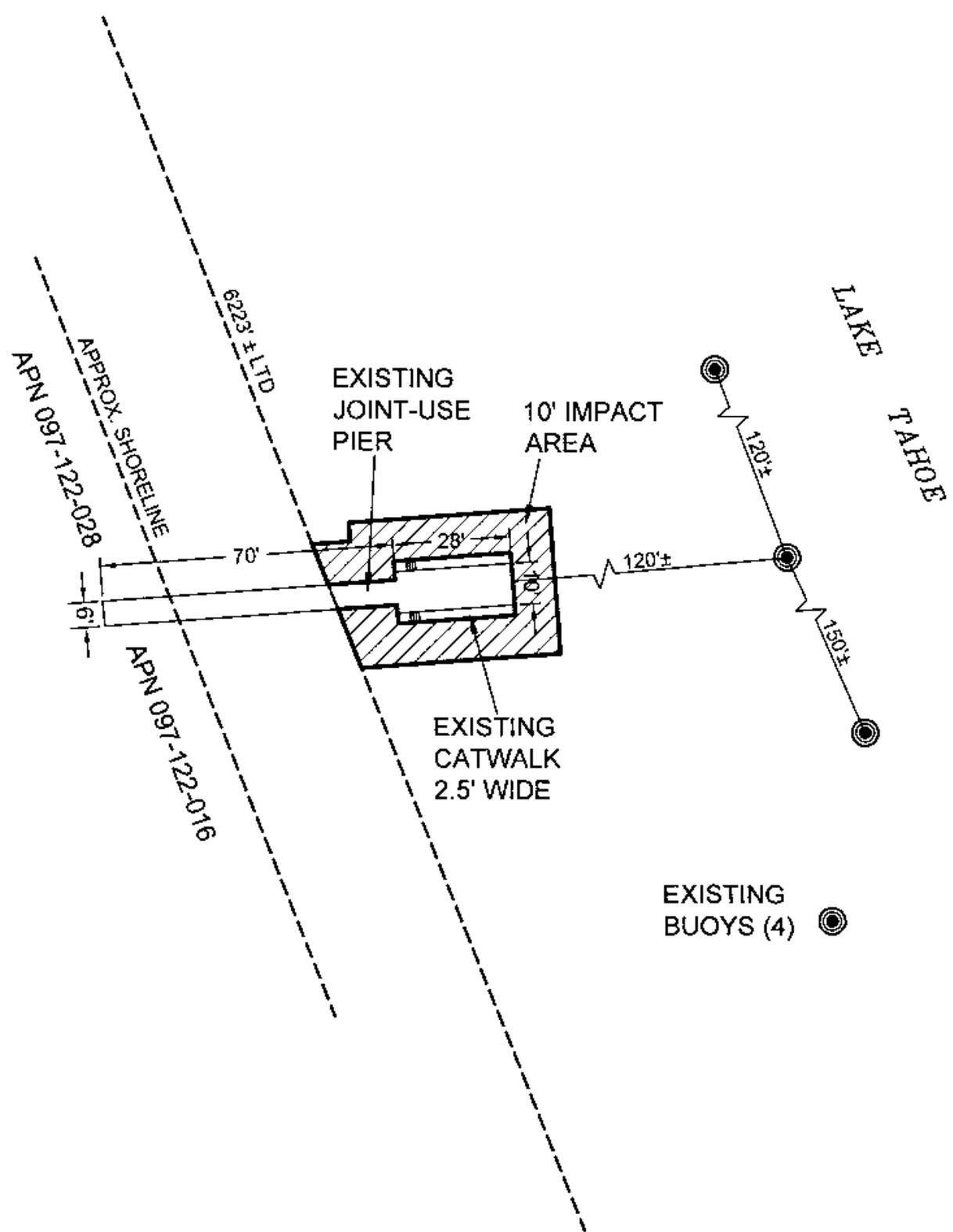


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 5120.1, JOHNSTON
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



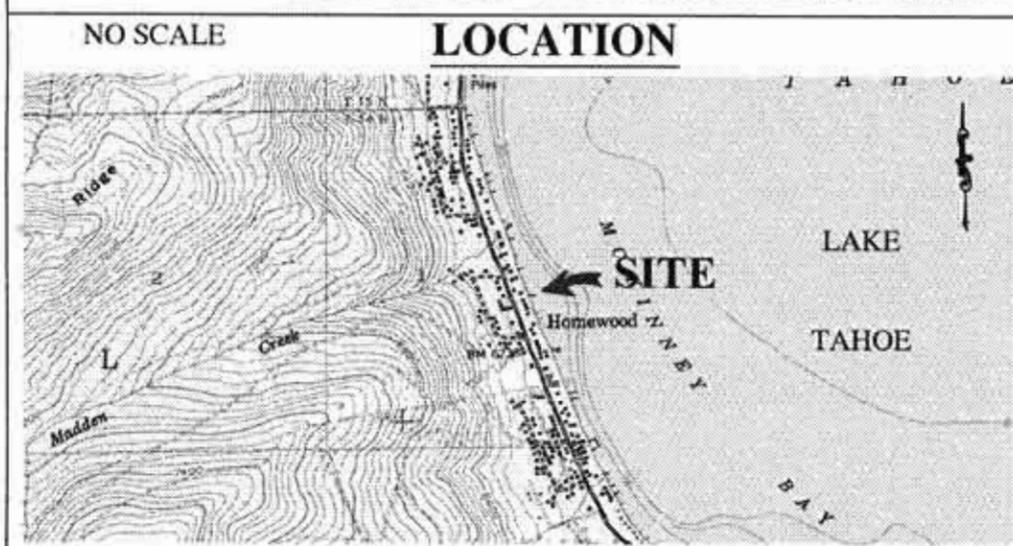
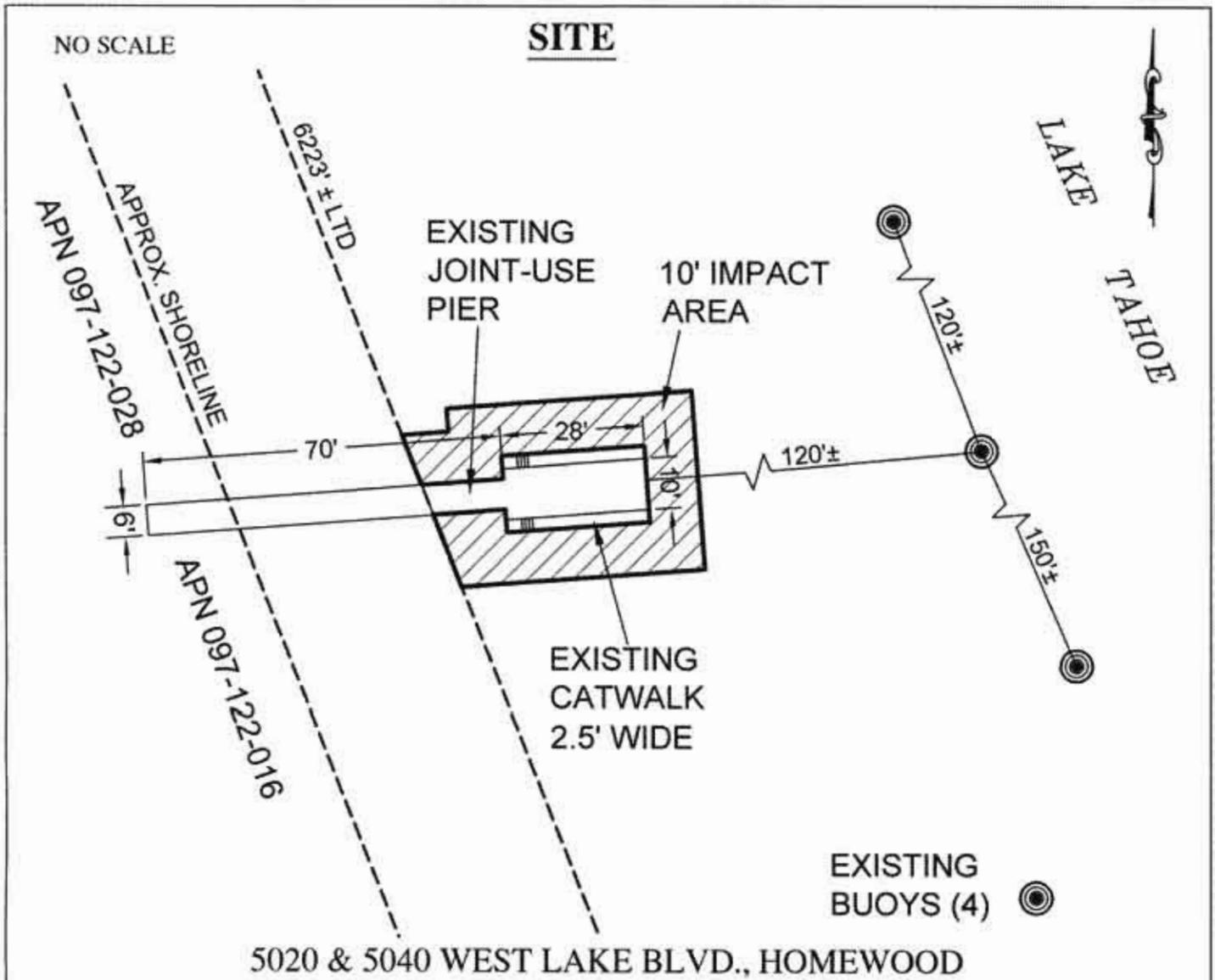
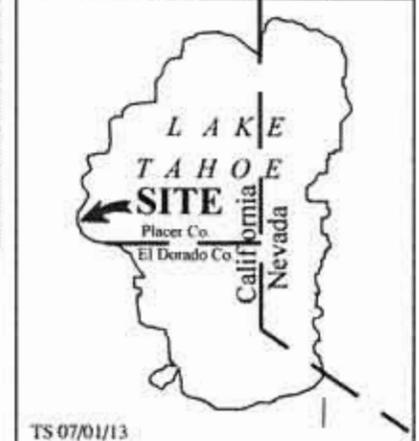


Exhibit B

PRC 5120.1
 JOHNSTON
 APN 097-122-016 & 028
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.