

**CALENDAR ITEM
C51**

A 1
S 1

09/20/13
PRC 3683.9
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Ray Dolby and Dagmar Dolby, Trustees of the Dolby Family Trust dated May 7, 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2540 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing rock crib pier and open-sided boat house previously authorized by the Commission; and the use and maintenance of two existing boat lifts, portion of a storage building, and two mooring buoys not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 23, 2013.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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

CALENDAR ITEM NO. **C51** (CONT'D)

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. Applicants own the upland adjoining the lease premises.
2. On January 19, 1956, the Commission authorized a 10-year Recreational Pier Permit for a pier and boat house to Mordica O. Johnston. That permit expired on January 2, 1966. Pursuant to the expiration of that permit, a new 10-year Recreational Pier Permit was issued to Mordica O. Johnston on January 3, 1966. That permit expired on January 2, 1976. In the ensuing years staff had no contact with the owners. Ownership of the littoral land has transferred through the years, and is now held by Ray Dolby and Dagmar Dolby, Trustees of the Dolby Family Trust dated May 7, 1999. The 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 on 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.

Because the application was submitted to the Commission on April 4, 2010, the lease meets the statutory requirements for an exception to the enacted changes to Section 6503.5 of the Public Resources Code for the term of this lease.

CALENDAR ITEM NO. **C51** (CONT'D)

4. The Applicants' existing storage building, two boat lifts, and two mooring buoys have been in Lake Tahoe for many years but have not been previously authorized by the Commission. Staff recommends including these improvements as Authorized Improvements in the proposed lease
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.

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.

CALENDAR ITEM NO. **C51** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Ray Dolby and Dagmar Dolby, Trustees of the Dolby Family Trust dated May 7, 1999, beginning August 23, 2013, for a term of 10 years, for the continued use and maintenance of an existing rock crib pier and open-sided boat house previously authorized by the Commission, and the use and maintenance of two existing boat lifts, portion of storage building, and two mooring buoys not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3683.9

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 24, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing rock-crib pier, pier/shed and open-sided boathouse with stairs and two boat lifts lying adjacent to that parcel described in Grant Deed recorded November 1, 2001 as Document Number 2001-0114472 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 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded November 1, 2001 as Document Number 2001-0114472 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 06/21/2013 by the California State Lands Commission Boundary Unit.



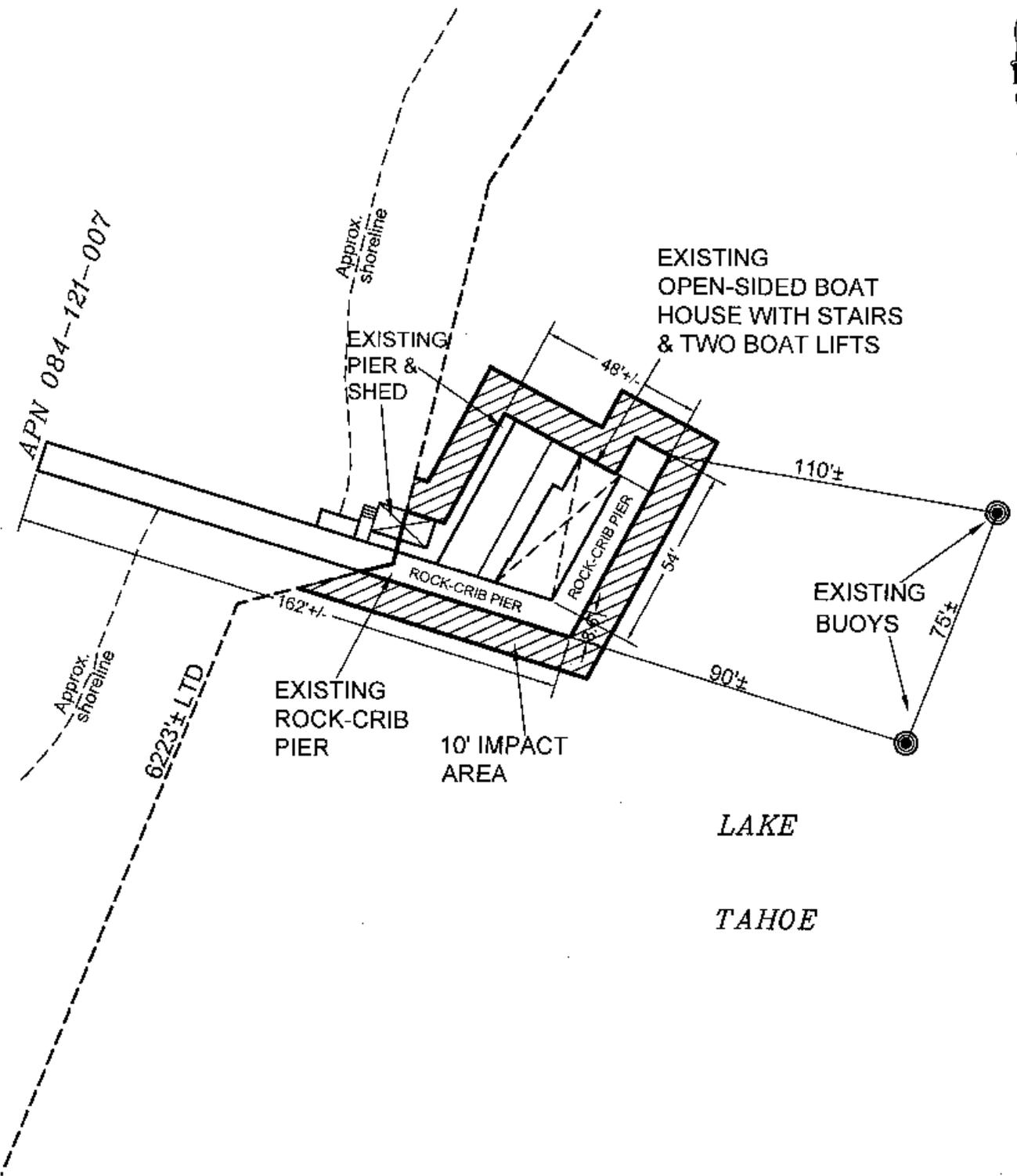


EXHIBIT A

Page 2 of 2

TS 06/21/13

LAND DESCRIPTION PLAT
 PRC 3683.9, DOLBY
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



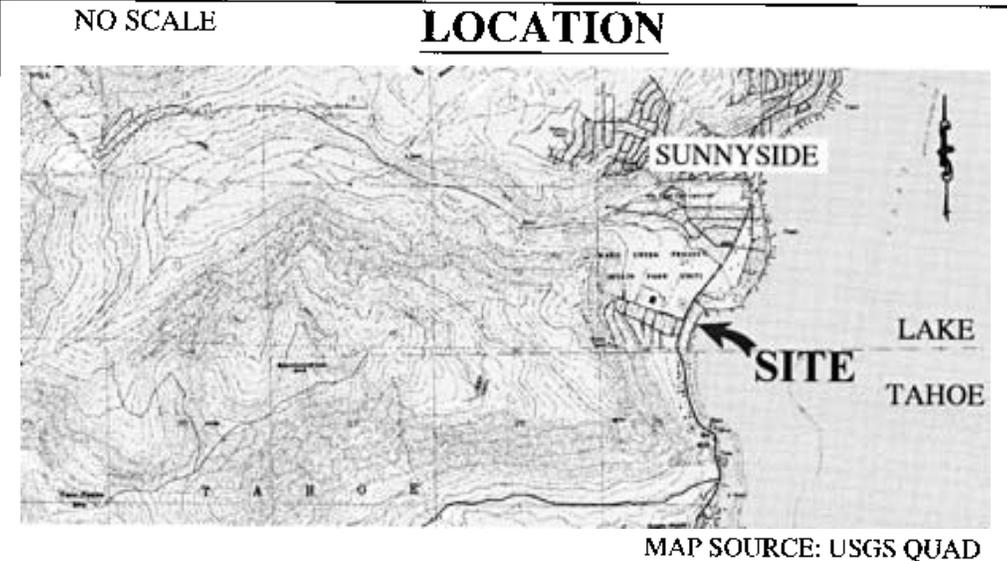
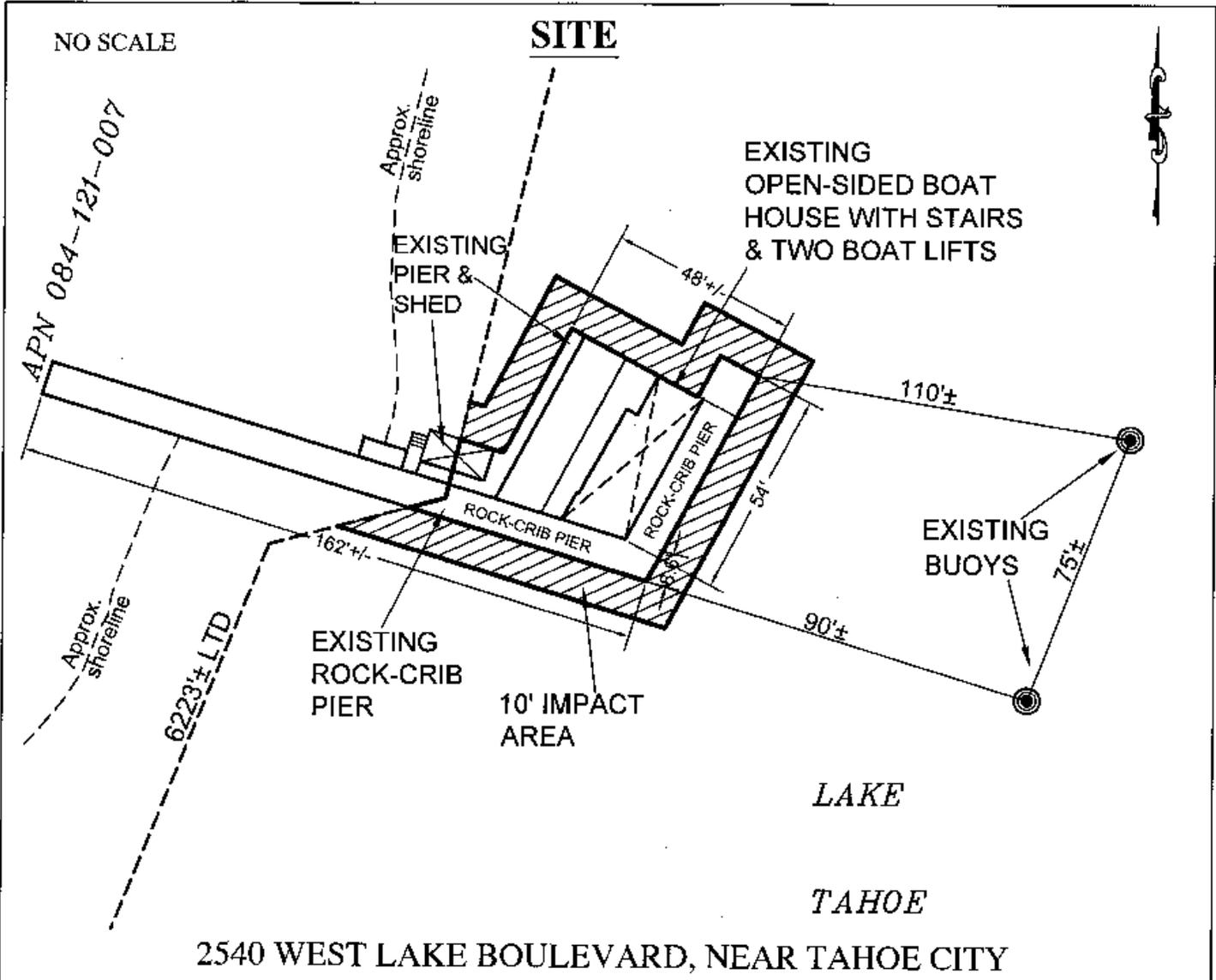
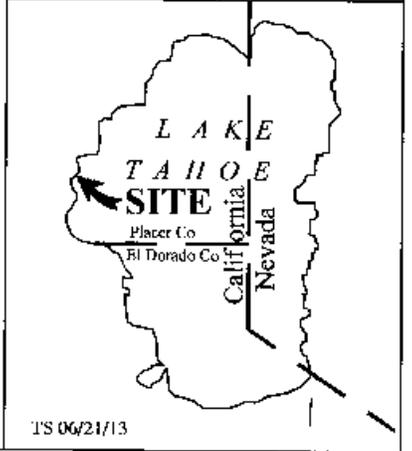


Exhibit B
 PRC 3683.9
 DOLBY
 APN 084-121-007
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



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.