CALENDAR ITEM

C17

A 1 12/02/13

PRC 3346.1

S 1 M. J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANTS

John M. Kelly, as Trustee of the John M. Kelly Revocable Trust, dated March 31, 1997; John M. Kelly As Trustee of the John M. Kelly Exempt Generation-Skipping Trust under The Paul B. Kelly Revocable Trust, dated November 2, 1981; John M. Kelly, Jr.; Elizabeth K. D'Ambrosia, and Matthew F. Kelly

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3390 Edgewater Drive, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse with boat lift, and two existing mooring buoys.

LEASE TERM:

10 years, beginning October 1, 2013.

CONSIDERATION:

$2,351 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:

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

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

2. On October 20, 2003, the Commission authorized a 10-year Recreational Pier Lease with John M. Kelly, as Trustee of the John M. Kelly Revocable Trust, dated March 31, 1997; John M. Kelly As Trustee of the John M. Kelly Exempt Generation-Skipping Trust under The Paul B. Kelly Revocable Trust, dated November 2, 1981; John M. Kelly, Jr.; Elizabeth K. D'Ambrosia, and Matthew F. Kelly. That lease expired September 30, 2013. Applicants are now applying for a new General Lease – Recreational Use for the continued use and maintenance of an existing pier, boathouse with boat lift, and two mooring buoys.

3. 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.

4. 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 John M. Kelly, as Trustee of the John M. Kelly Revocable Trust, dated March 31, 1997; John M. Kelly As Trustee of the John M. Kelly Exempt Generation-Skipping Trust under The Paul B. Kelly Revocable Trust, dated November 2, 1981; John M. Kelly, Jr.; Elizabeth K. D'Ambrosia, and Matthew F. Kelly beginning October 1, 2013, for a term of 10 years, for the continued use and maintenance of an existing pier, boathouse with boat lift, and two 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 $2,351 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 in an amount no less than $1,000,000 per occurrence.

EXHIBIT A

PRC 3346.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 fractional Section 33, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, boathouse and boat lift lying adjacent to those parcels as described in Exhibit "A" of that Grant Deed recorded July 1, 2003 as Document Number 2003-0108598 in Official Records of said County.

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

TOGETHER WITH a ten foot impact area.

PARCEL 2 & 3 – BUOYS (2)

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared October 23, 2013 by the California State Lands Commission Boundary Unit.

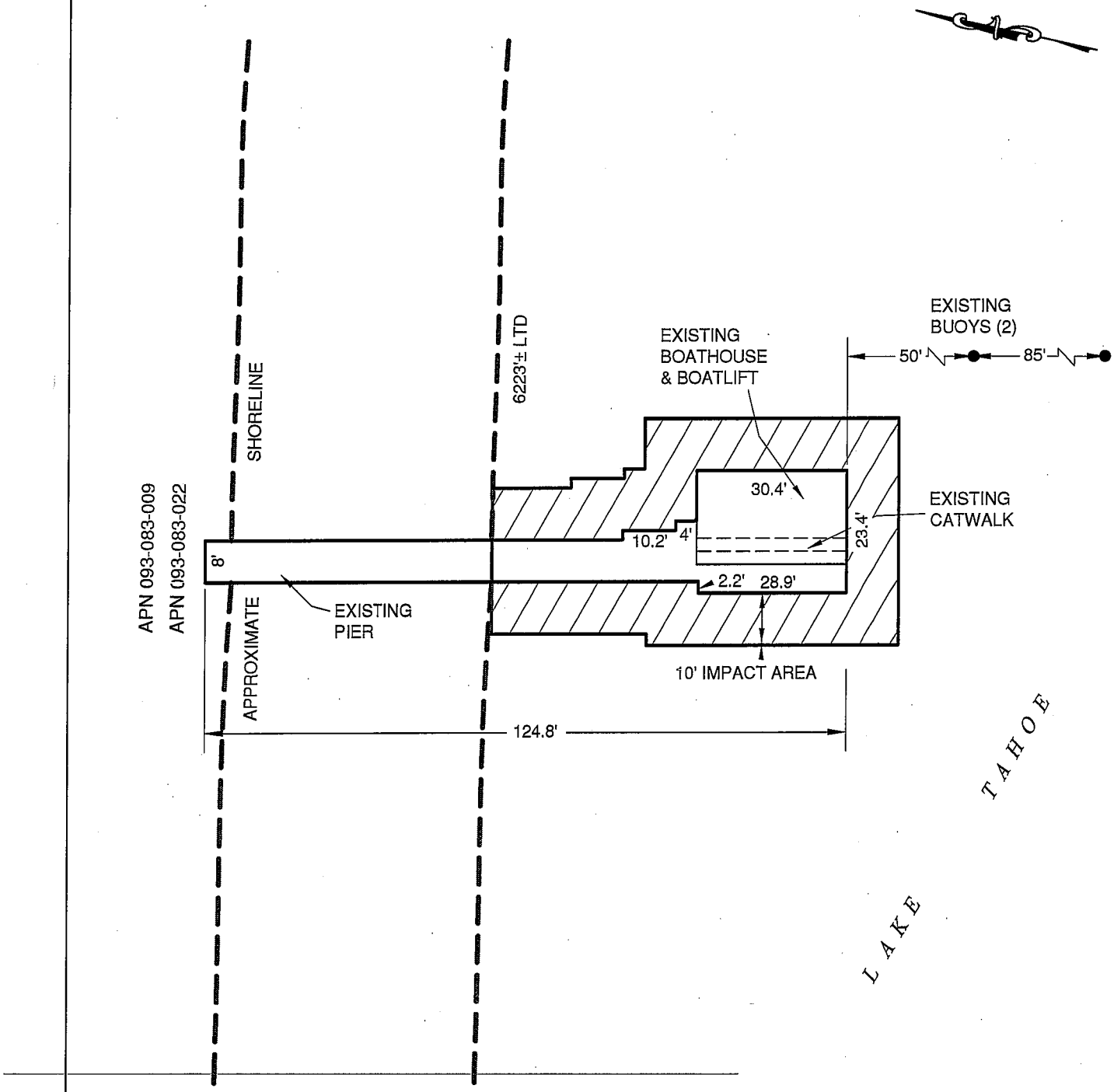

EXHIBIT A

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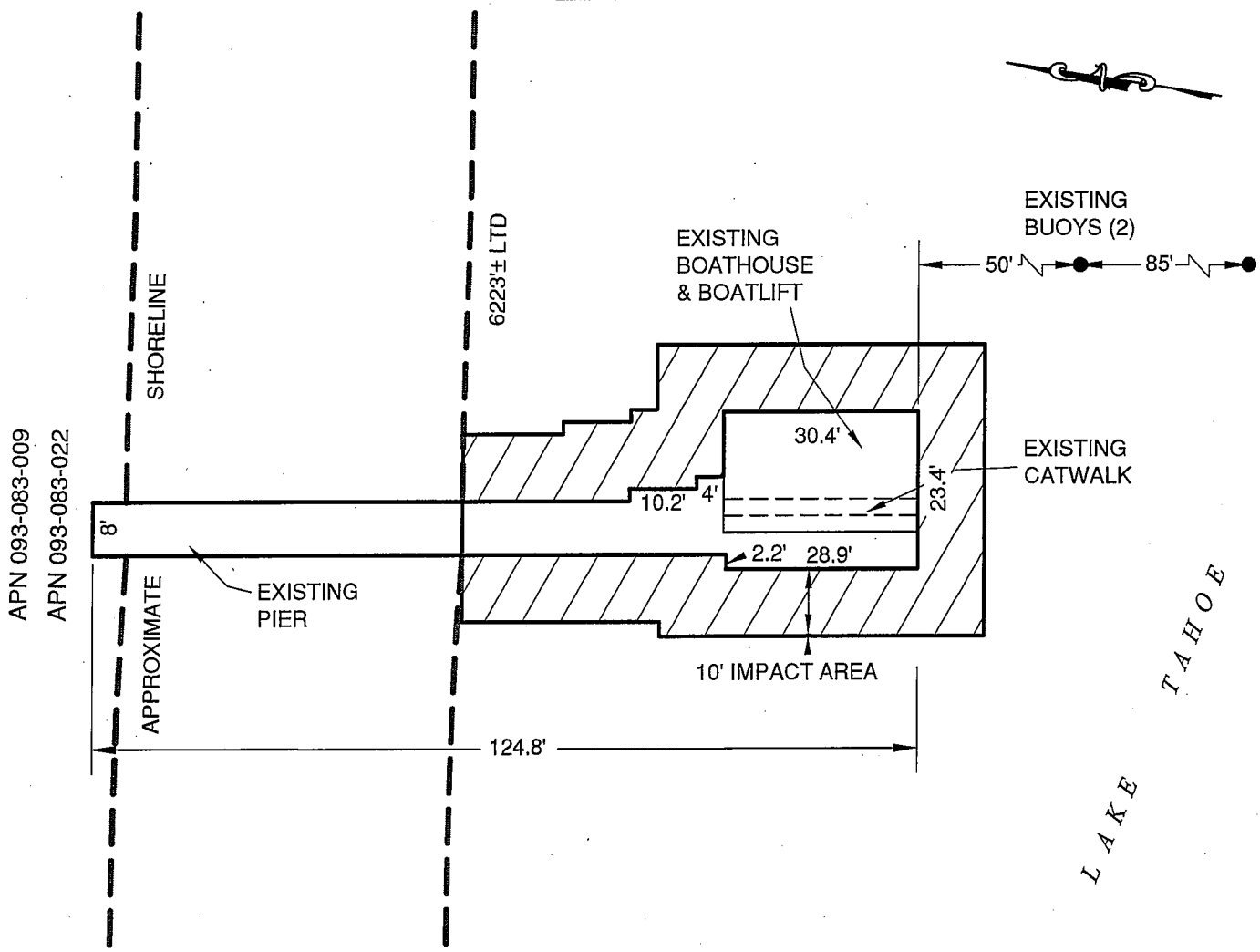
LAND DESCRIPTION PLAT PRC 3346.1, KELLY TRUSTEE PLACER COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

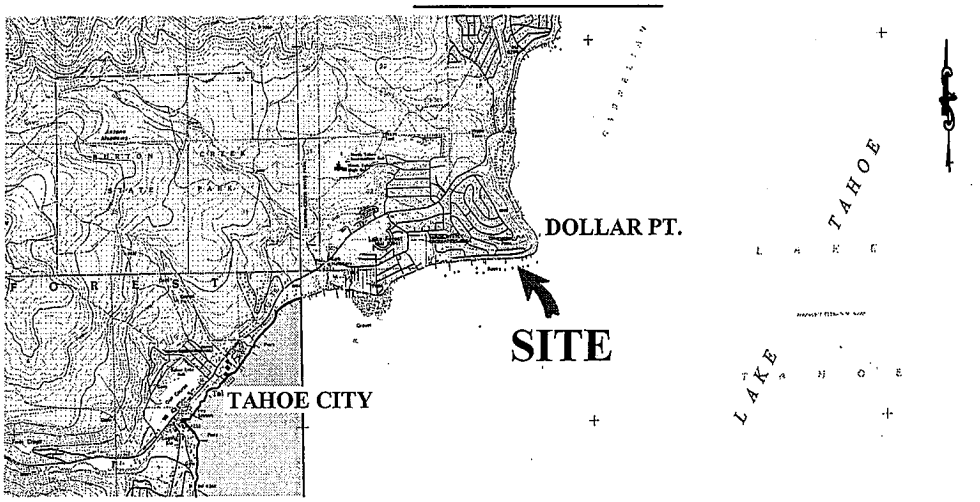
SITE



390 EDGEWATER DRIVE, NEAR TAHOE CITY

NO SCALE

LOCATION

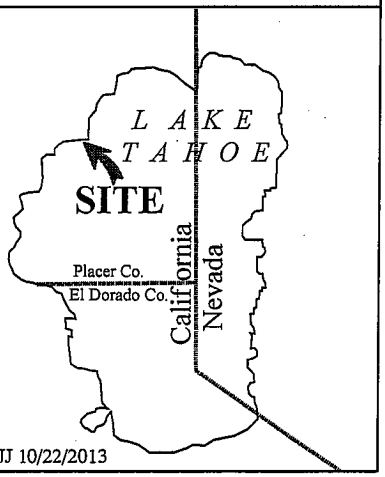


MAP SOURCE: USGS QUAD

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 3346.1
KELLY TRUSTEE
APN 093-083-009 & 022
GENERAL LEASE - RECREATIONAL USE
PLACER COUNTY



MJJ 10/22/2013