

**CALENDAR ITEM  
C05**

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02/20/15  
PRC 7828.1  
M.J. Columbus

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A  
GENERAL LEASE – RECREATIONAL USE**

**LESSEE:**

Pedro S. Arroyo and Karen G. Arroyo, Trustees U/T/A/ Dated September 27, 1996

**APPLICANT:**

Darrell Robert Spence and Sarah Ashley Spence, Trustees and their successors as Trustees, of the Spence Family Trust dated October 30, 2001

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

Sovereign land in Lake Tahoe, adjacent to 5344 North Lake Boulevard, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years beginning July 24, 2014.

**CONSIDERATION:**

\$1,274 per year, with an annual Consumer Price Index adjustment.

**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 Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for one of the two 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

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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.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On April 17, 2006, the Commission authorized a 10-year Recreational Pier Lease to Pedro S. Arroyo and Karen G. Arroyo, Trustees U/T/A/ Dated September 27, 1996. That lease will expire on May 2, 2015. On July 24, 2014, the upland was deeded to Darrell Robert Spence and Sarah Ashley Spence, Trustees and their successors as Trustees, of the Spence Family Trust Dated October 30, 2001. The Applicant is now applying for a General Lease – Recreational Use.
3. Staff recommends termination of the existing lease because the Lessee cannot be located for execution of a quitclaim deed.
4. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination 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.

5. **Issuance of a New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

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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:**

**Lease Termination:** Find that the subject lease termination 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.

**Issuance of a New Lease:** 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:**

1. Authorize termination, effective July 23, 2014, of Lease No. PRC 7828.9, a Recreational Pier Lease, issued to Pedro S. Arroyo and Karen G. Arroyo, Trustees U/T/A/ Dated September 27, 1996.
2. Authorize issuance of a General Lease – Recreational Use to Darrell Robert Spence and Sarah Ashley Spence, Trustees, and their successors as Trustees, of the Spence Family Trust dated October 30, 2001, beginning July 24, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and two mooring buoys as described in Exhibit A and shown on Exhibit B (for reference

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purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,274 with an annual Consumer Price Index adjustment; and liability insurance with coverage in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 7828.1**

**LAND DESCRIPTION**

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 22, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier and catwalk lying adjacent to that parcel described in Grant Deed recorded July 24, 2014 as Document Number 2014-0050275-00 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

**PARCELS 2 & 3 – BUOYS**

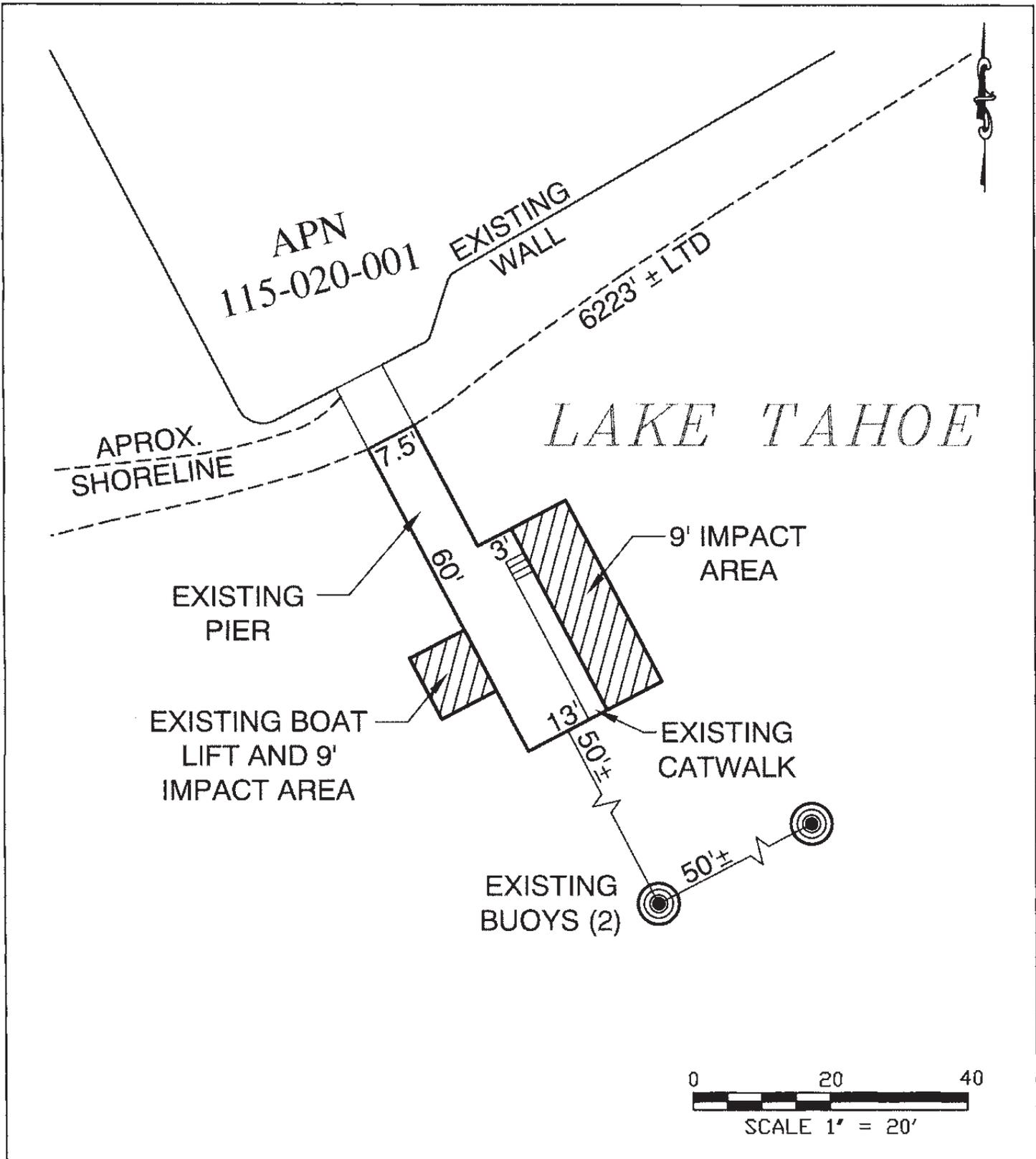
Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded July 24, 2014 as Document Number 2014-0050275-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 01/08/2015 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

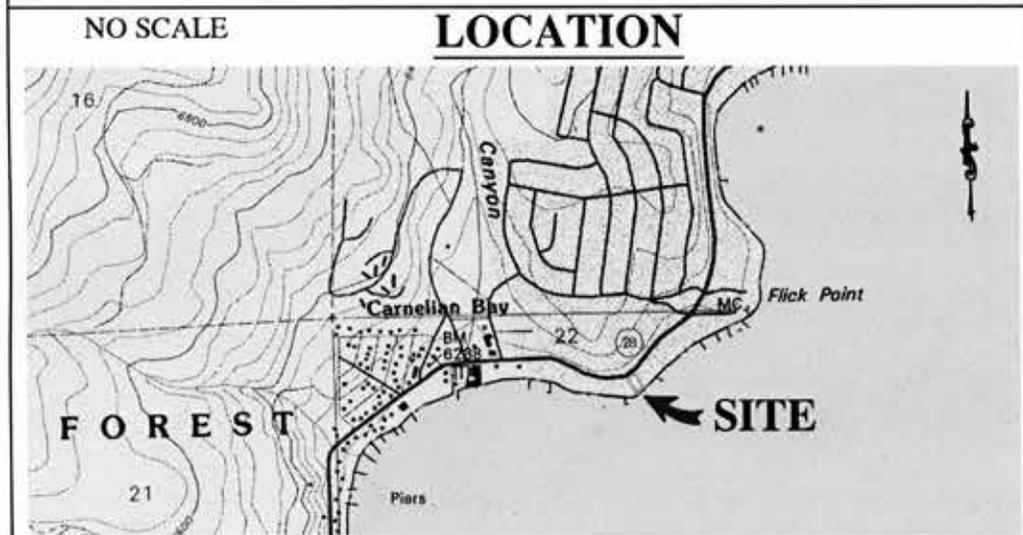
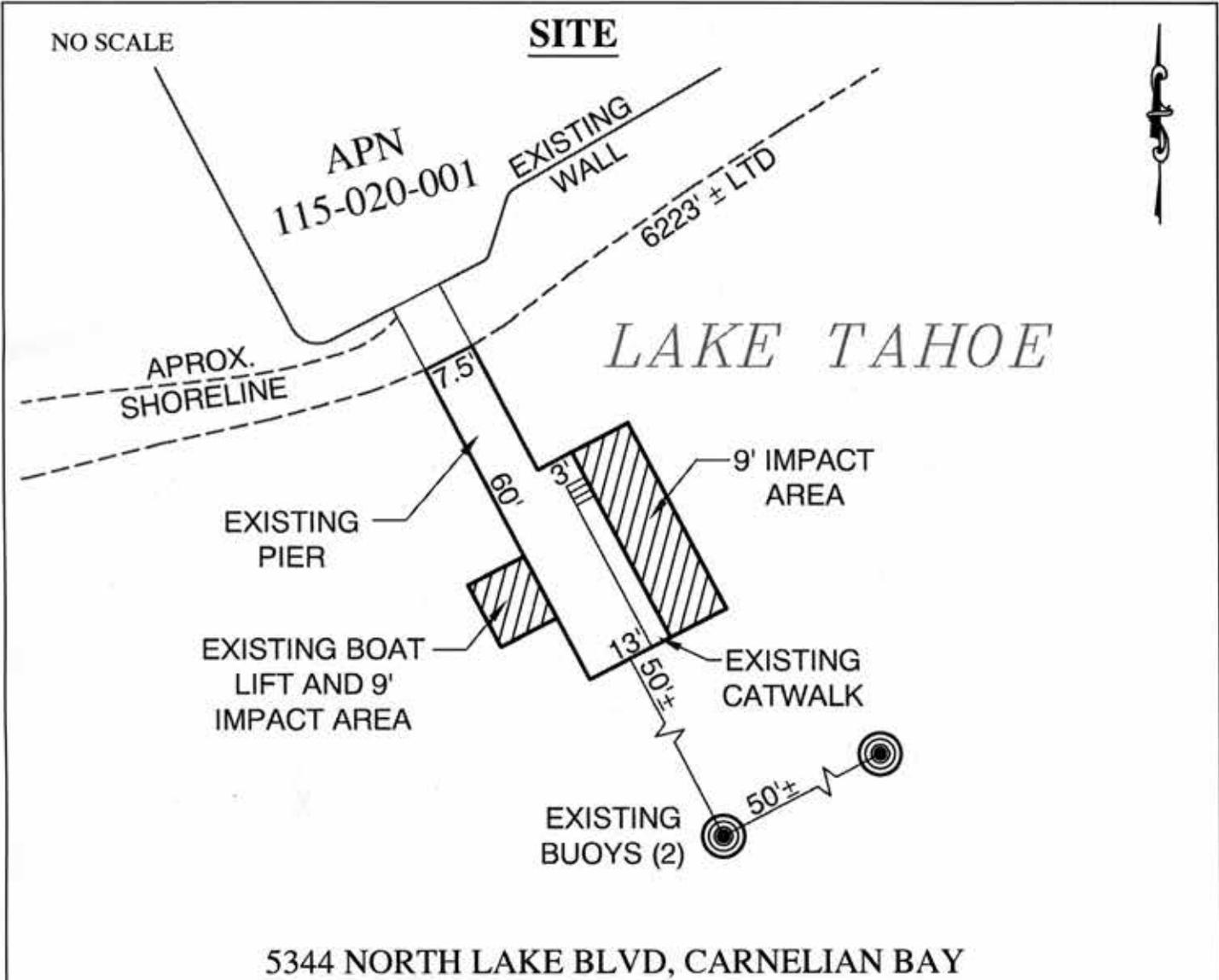
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LAND DESCRIPTION PLAT  
 PRC 7828.1, SPENCE  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION





**Exhibit B**

PRC 7828.1  
 SPENCE  
 APN 115-020-001  
 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.